

RESOLUTION NO. R-2025- 1583

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2024-01790  
(CONTROL NO. 2007-00018)  
a Class A Conditional Use  
APPLICATION OF Shoppes At Southern Palms LLC  
BY Dunay, Miskel and Backman, LLP, AGENT  
(Shoppes at Southern Palms)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA/CA-2024-01790 was presented to the Board of County Commissioners at a public hearing conducted on October 23, 2025;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Class A Conditional Use;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application DOA/CA-2024-01790, the Application of Shoppes At Southern Palms LLC, by Dunay, Miskel and Backman, LLP, Agent, for a Class A Conditional Use to allow a Type 1 Restaurant with drive-through on 24.35 acres, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 23, 2025, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

The motion was seconded by Commissioner Sachs and, upon being put to a vote, the vote was as follows:

|                                      |          |
|--------------------------------------|----------|
| Commissioner Maria G. Marino, Mayor  | - Aye    |
| Commissioner Sara Baxter, Vice Mayor | - Aye    |
| Commissioner Gregg K. Weiss          | - Aye    |
| Commissioner Joel G. Flores          | - Aye    |
| Commissioner Marci Woodward          | - Absent |
| Commissioner Maria Sachs             | - Aye    |
| Commissioner Bobby Powell, Jr.       | - Aye    |

The Mayor thereupon declared that the resolution was duly passed and adopted on October 23, 2025.

Filed with the Clerk of the Board of County Commissioners on October 23, 2025.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

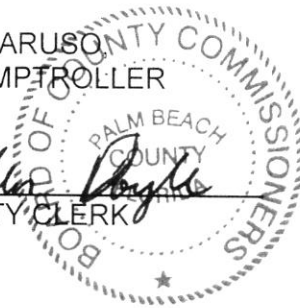
BY: \_\_\_\_\_

COUNTY ATTORNEY

MICHAEL A. CARUSO  
CLERK & COMPTROLLER

BY: \_\_\_\_\_

DEPUTY CLERK



**EXHIBIT A**

**LEGAL DESCRIPTION**

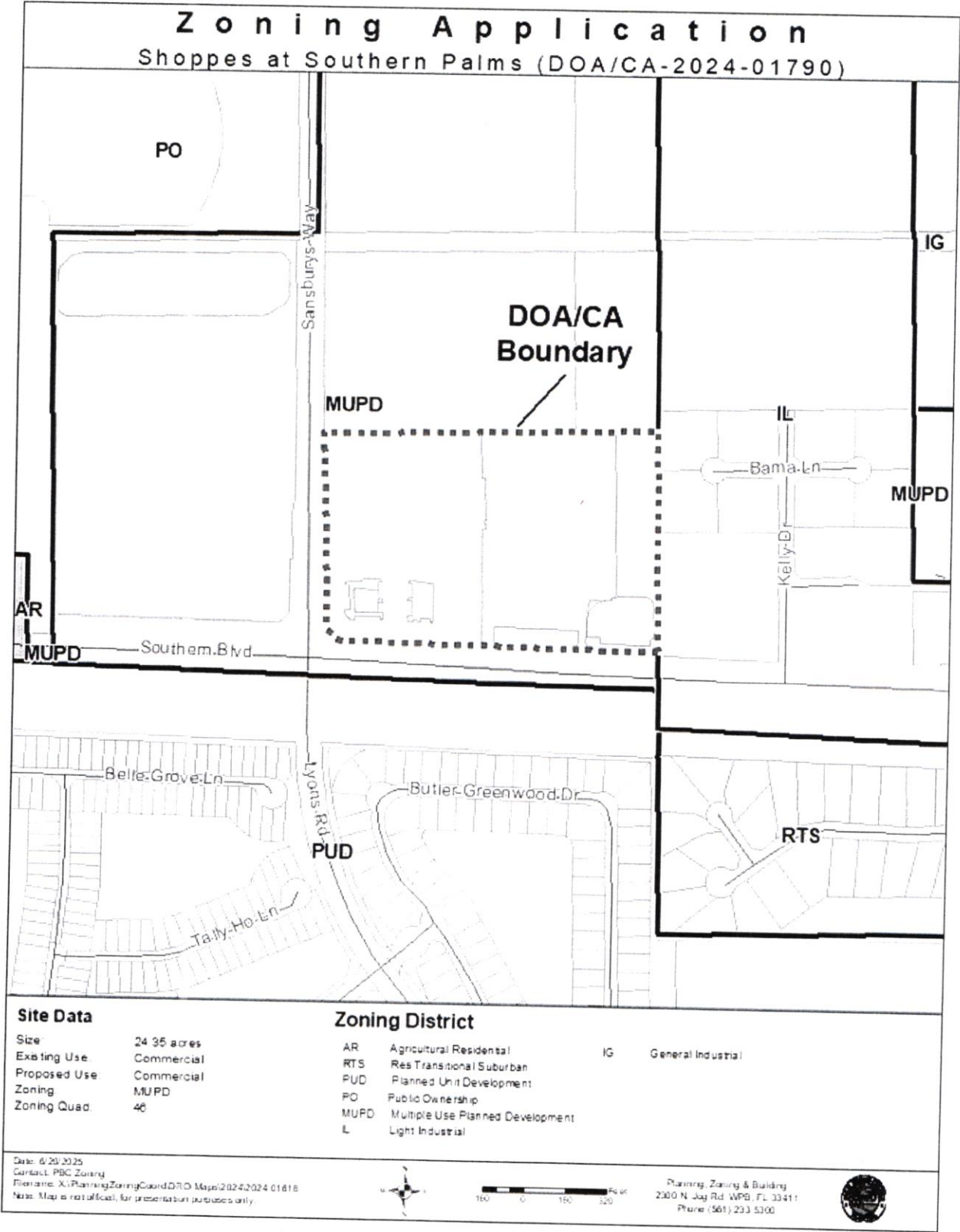
SOUTHERN/SANSBURY'S MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 111, PAGES 66 AND 67 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 24.354 ACRES, MORE OR LESS

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Class A Conditional Use – Type 1 Restaurant (Building H)**

##### **ALL PETITIONS**

1. The approved Preliminary Site Plan is dated September 15, 2025. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

##### **ARCHITECTURAL REVIEW-BUILDING H**

1. Buildings H shall be designed to be generally consistent with the elevations dated September 15, 2025. Modifications to the Elevations inconsistent with the Conditions of Approval, or changes beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (BLDGPMPT/DRO: ZONING - Zoning)

2. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for Building H shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated September 15, 2025. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

3. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed 21 feet. Heights shall be measured from finished grade to highest point of the structure. (BLDGPMPT/DRO: ZONING - Zoning)

4. The Type 1 Restaurant (Building H) shall be limited to the colors (tan and smalls orange) and materials as indicated on the Preliminary Elevations Plan dated September 15, 2025. (BLDGPMPT/DRO/ONGOING: ZONING - Zoning)

##### **SITE DESIGN**

1. At time of submittal for final approval by the Development Review Officer (DRO), the Applicant shall revise the Plan to indicate pedestrian connections from the proposed Building H to Building F. (DRO: ZONING - Zoning)

##### **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation

and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.