

RESOLUTION NO. ZR-2023-018

RESOLUTION APPROVING ZONING APPLICATION ZV/Z-2022-00534
(CONTROL NO. 1973-00079)
TYPE II VARIANCE (*CONCURRENT*)
APPLICATION OF Four Seasons Military LLC
BY Schmidt Nichols, AGENT
(FOUR SEASONS RETAIL)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application ZV/Z-2022-00534 the Application of Four Seasons Retail, by Schmidt Nichols for a Type 2 Variance to reduce the number of parking spaces and an Official Zoning Map Amendment to allow a rezoning from the Neighborhood Commercial (CN) Zoning District to the Community Commercial (CC) Zoning District on 1.19 acres was presented to the Zoning Commission at a public hearing conducted on July 6, 2023;

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

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Type 2 Variance;

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 action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/Z-2022-00534, the Application of Four Seasons Military LLC, by Schmidt Nichols, Agent, for a a Type 2 Variance to reduce the number of parking spaces on 1.19 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 July 6, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof, and variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Kern moved for the approval of the Resolution.

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

Jess Sowards, Chair	- Aye
Cheri Pavlik, Vice Chair	- Aye
John Kern	- Aye
Michael Kelley	- Aye
Glen Gromann	- Absent
Sheri Scarborough	- Aye
Lisa Reves	- Aye
Alex Brumfield III	- Absent
Mark Beatty	- Aye

The Chair thereupon declared the resolution was duly passed and adopted on July 6, 2023.

This resolution shall only become effective upon the adoption of a resolution approving Zoning Application ZV/Z-2022-00534 by the Board of County Commissioners.

This resolution was filed with the Palm Beach County Zoning Division on July 6, 2023.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

LOT 33, LESS THE EASTERLY 10 FEET FOR MILITARY TRAIL AS RECORDED IN O.R. BOOK 2651, PAGE 1905, SQUARE LAKE, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 141, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 1.19 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

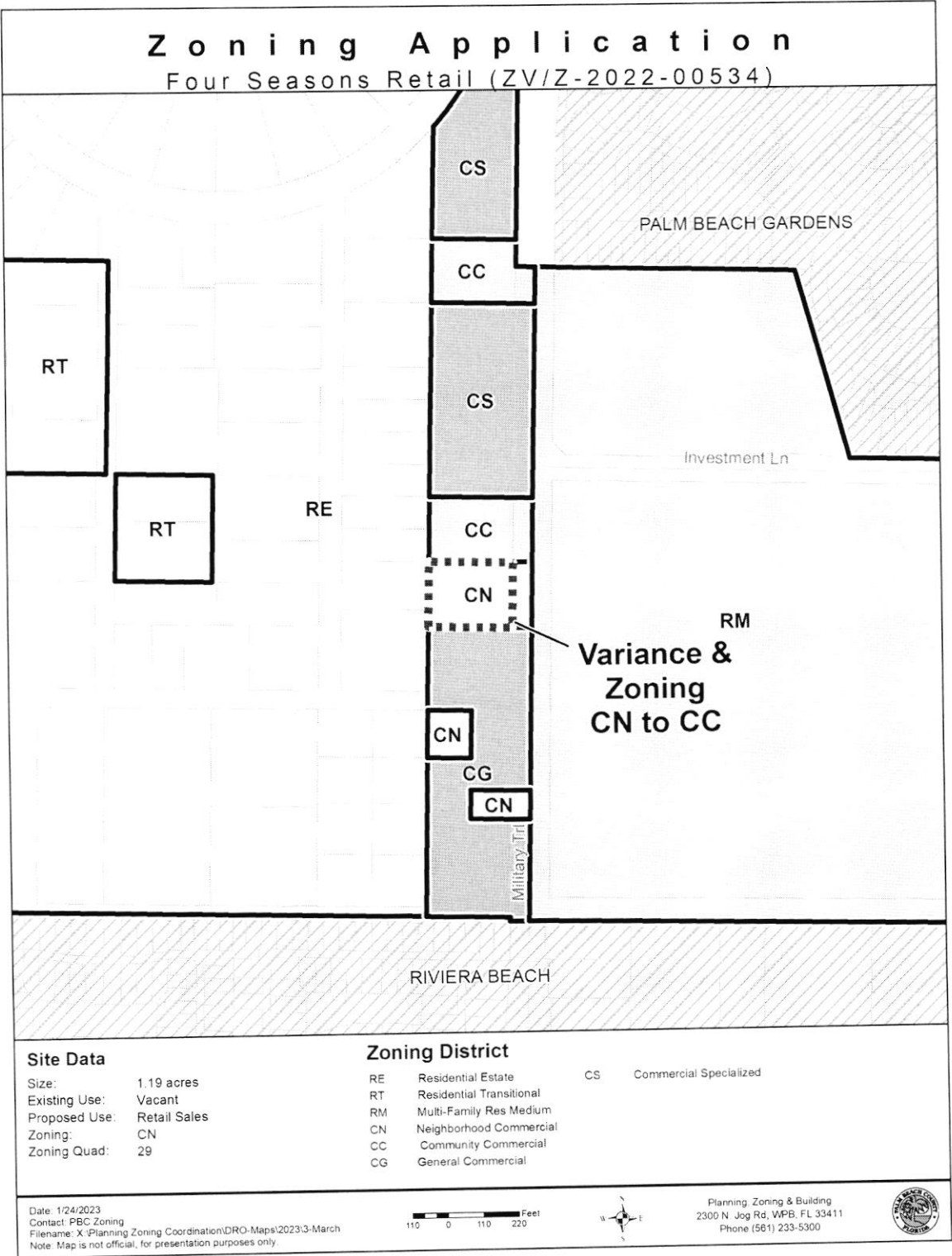


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

ALL PETITIONS

1. The Preliminary Site Plan is dated May 11, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, to site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code or changes to the use (Variety Store) as indicated on the provided Parking Statement analysis, must be approved by the Zoning Commission. (ONGOING: ZONING - Zoning)
2. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Final Site Plan. (DRO: ZONING - Zoning)
3. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPMPT: ZONING - Zoning)
4. The Development Order for this Variance shall be valid till July 5 2024, a period of one year from the date of the Zoning Hearing. The Property Owner must secure a Building Permit or Commencement of Development to vest this Variance. (DATE: ZONING - Zoning)

USE LIMITATIONS

1. Use of the site is limited to a Variety type retail store, as defined by Institute of Transportation Engineers (ITE) Trip Generation Manual, or a use that has the same or fewer required parking spaces or vehicular trips. (BLDGPMPT/DRO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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 Zoning Commission 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; 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.

EXHIBIT D
REQUEST

	ULDC Article	Required	Proposed	Variance
V1	6.B.1.B – Minimum Parking and Loading Requirements	Retail Sales – 1 space/200 sq.ft. = 48 Storage 1 space/1000 sq.ft. = 1 Total Sq.ft =10,640 sq.ft = 49	35 parking spaces	14 space reduction

SITUS ADDRESS:	Vacant		
OWNER NAME & ADDRESS:	Four Seasons Military Llc 2267 NW 30th Rd Boca Raton, FL 33431-6370		
PCN:	00-42-42-24-01-000-0330		
ZONING DISTRICT:	Neighborhood Commercial (CN)		
PROPOSED ZONING:	Community Commercial (CC)		
BCC DISTRICT:	1		
PROJECT MANAGER:	Jordan Jafar, Senior Site Planner		
LAND USE:	CL/1	S/T/R: 24-42-42	
CONTROL #:	1973-00079		
LOT AREA:	1.19 acres +/-		
APPLICANT REQUEST:	to reduce the number of parking spaces on 1.19 acres		