

RESOLUTION APPROVING ZONING APPLICATION ZV/Z-2022-00534  
(CONTROL NO. 1973-00079)  
an Official Zoning Map Amendment  
APPLICATION OF Four Seasons Military LLC  
BY Schmidt Nichols, AGENT  
(Four Seasons Retail)

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 Z/ZV-2023-00534 submitted on behalf of Four Seasons Military LLC by Schmidt Nichols, Agent, for 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, with a Conditional Overlay Zone; was presented to the Board of County Commissioners at a public hearing conducted on July 19, 2023;

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 an Official Zoning Map Amendment and Article 3.B.3 for a Conditional Overlay Zone;

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 Zoning Application ZV/Z-2022-00534, the Application of Four Seasons Military LLC, by Schmidt Nichols, Agent, for an Official Zoning Map Amendment with a Conditional Overlay Zone (COZ) to allow a rezoning from the Neighborhood Commercial (CN) Zoning District to the Community Commercial (CC) Zoning District 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 19, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	- Aye
Commissioner Maria Sachs, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Michael A. Barnett	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 19, 2023.

Filed with the Clerk of the Board of County Commissioners on July 19, 2023.

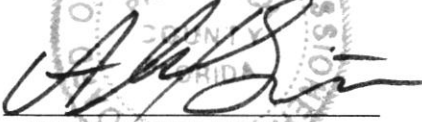
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

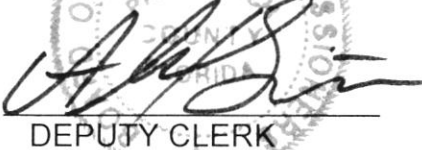


EXHIBIT A

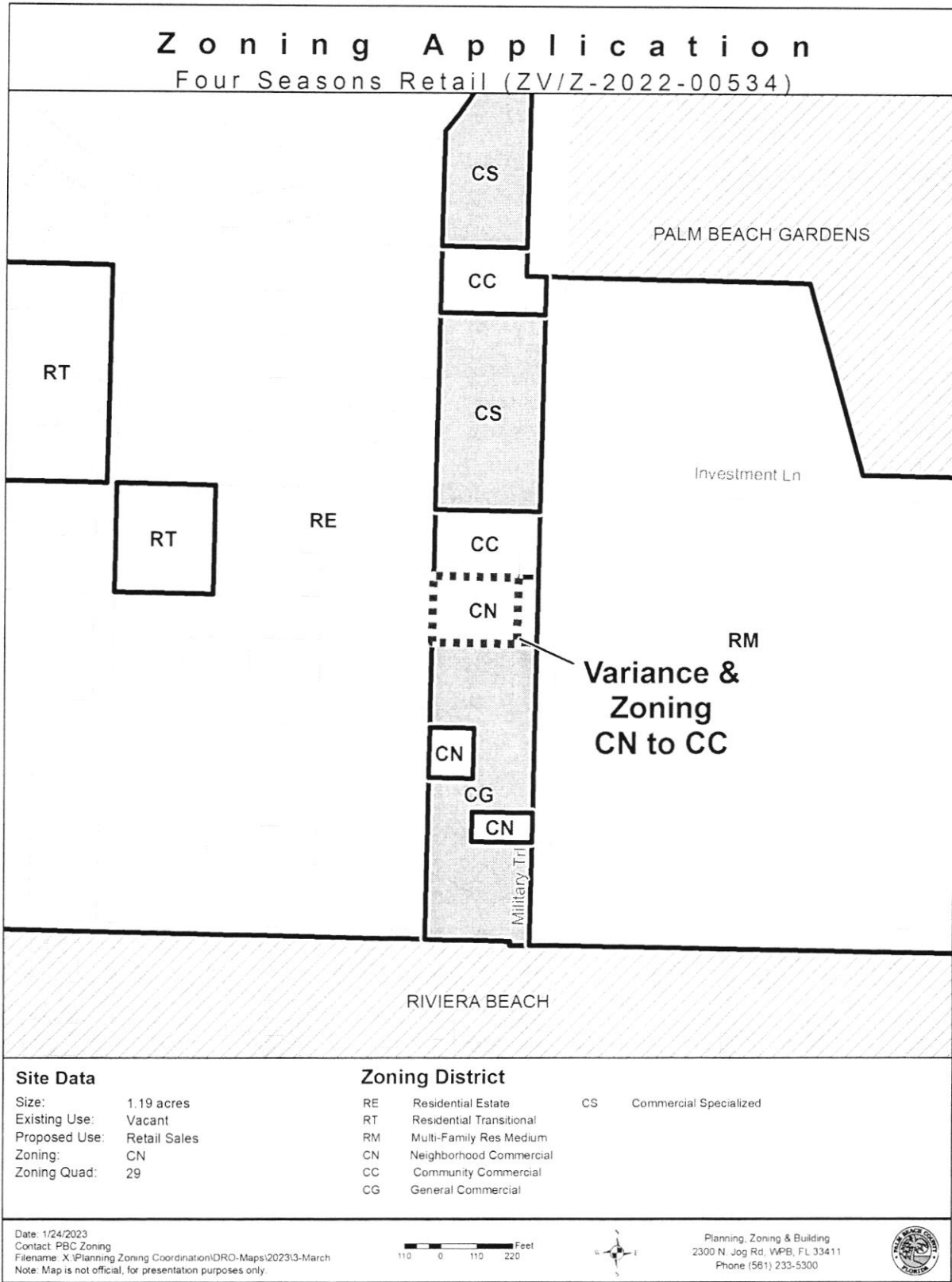
LEGAL DESCRIPTION

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

#### Official Zoning Map Amendment With a Conditional Overlay Zone Acreage– 1.19 acres

##### 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 Board of County Commissioners. (ONGOING: ZONING - Zoning)

##### ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2025, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall construct left turn lane south approach on Military Trail at the existing full median opening at the proposed project entrance. The length of the storage and taper will be as required by the FDOT. The Property Owner shall also meet all the conditions of approval in the Variance Committee approval letter for the driveway, dated November 12, 2021.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from FDOT for this construction shall be obtained prior to the issuance of the first building permit. (BLDG/PMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG/PMT/CO: MONITORING - Engineering)

3. Upon the construction and paving of the cross access to the property line as required by Planning Condition Number 3, the Property owner shall install a fence (or other temporary barricade acceptable to the County Engineer) along the south property line at the cross access location. Said barricade shall remain until the property to the south records a reciprocal easement, paves to Four Seasons' cross access easement, and relocates or eliminates the eastern-most Lillian Avenue connection. (ONGOING: ENGINEERING - Engineering)

##### PLANNING

1. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded cross access easement agreement, for the location depicted on the variance exhibit. (DRO: PLANNING - Planning)

2. Prior to final approval by the Development Review Officer (DRO), the Property Owner shall add the Official records book and page number for the recorded cross access easement to the final site plan. (DRO: PLANNING - Planning)

3. Prior to the release of the Certificate of Occupancy, the Property Owner shall construct, and pave to the property line, the cross access as shown on the final site plan.  
(CO: MONITORING - Planning)

##### LANDSCAPING

1. In addition to the requirements for Right of Way and Incompatibility buffers for the East and West property lines, the Property Owner shall use/plant pines in place of palms. The quantity shall be one pine for each 20 linear feet. (DRO/BLDG PERMIT: ZONING – Zoning)

##### SITE DESIGN

1. The minimum rear setback for shall 30 feet (DRO/BLDG PERMIT: ZONING–Zoning)

2. The loading space shall be a minimum of 60 feet from the west property line. (DRO/BLDG PERMIT: ZONING –Zoning)

3. The dumpster/recycling area shall be a minimum of 150 feet from the west property line. (DRO/BLDG PERMIT: ZONING–Zoning)

#### **USE LIMITATION**

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. (DRO/BLDG PERMIT: 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; 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.