

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

**Application No.:** ZV/DOA-2020-01452  
**Application Name:** The Farms Market Place MUPD  
**Control No./Name:** 1980-00234 (Stephen Watson)  
**Applicant:** Jupiter Burrito Bros LLC  
**Owners:** Jupiter Burrito Bros LLC  
**Agent:** Gentile Glas Holloway O'Mahoney & Associates Inc.  
Pat Lentini & Troy Holloway  
**Telephone No.:** (561) 575-9557  
**Project Manager:** Timothy Haynes, Senior Site Planner

**TITLE:** a Type 2 Variance **REQUEST:** to allow the reduction in width of a compatibility landscape buffer and a landscape island; and, to allow an accessory structure within a front yard. **TITLE:** a Development Order Amendment **REQUEST:** to amend a previously approved Planned Commercial Development to modify the Site Plan; and, add building square footage.

**APPLICATION SUMMARY:** Proposed is a Development Order Amendment (DOA) and three Type 2 Variances for the Farms Marketplace MUPD. The site is currently approved for one building with Restaurant, Office and Retail uses.

The Applicant is requesting to modify the Site Plan to add square footage to the existing building. The Preliminary Site Plan (PSP) indicates the addition of a 1,677 square foot (sq. ft.) covered outdoor dining area and a 105 sq. ft. restroom. The PSP also identifies two proposed accessory structures; a 117 sq. ft. cooler, and a 576 sq. ft. covered pavilion. Overall, the proposed development will be a total of 7,269.95 sq. ft. (+2,635 sq. ft.). Additional on-site modifications includes 12 proposed parking spaces (31 spaces provided overall). No changes are proposed to the existing single access point from Jupiter Farms Road.

Lastly, the Applicant is seeking Type 2 Variances to reduce the width of one required terminal landscape island adjacent to the existing office building to 8.8 ft. where the Code requires 12 ft. (-3.2 ft.), and to reduce the existing Compatibility Buffer along a portion of the southern property line from 8 ft. to 0 ft. The Applicant is also seeking a Type 2 Variance to allow one accessory structure (covered pavilion) to be located within a front yard.

No changes are proposed to the existing single access point from Jupiter Farms Road.

**SITE DATA:**

Location:	West side of Jupiter Farms Road, approximately 1.2 miles south of West Indiantown Road.
Property Control Number(s):	00-41-41-12-00-000-1070
Existing Future Land Use Designation:	Commercial Low, with an underlying Rural Residential-10 (CL/RR-10)
Proposed Future Land Use Designation:	No proposed change
Existing Zoning District:	Multiple Use Planned Development (MUPD) District
Proposed Zoning District:	No proposed change
Total Acreage:	1.83 acres
Affected Acreage:	1.83 acres
Tier:	Rural
Overlay District:	N/A
Neighborhood Plan:	Jupiter Farms Neighborhood Plan
CCRT Area:	N/A
Municipalities within 1 Mile:	Jupiter
Future Annexation Area:	N/A

**RECOMMENDATION:** Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff had received 0 contacts from the public regarding this application.

**PROJECT HISTORY:**

Application No.	Request	Resolution	Approval Date
Z-1976-190	Rezoning from Agricultural (AR) District to Neighborhood Commercial (CN).	R-1977-39	December 30, 1976
SE-1980-00232	Special Exception to allow a Commercial Sales and Service Enterprise and Commercial Stable	R-1981-205	January 29, 1981
SE-1980-00234	Rezoning from Neighborhood Commercial (CN) District to General Commercial (CG).	R-1981-206	January 29, 1981
SE-1980-00234	Further a Special Exception to amend the previously approved Site Plan	R-1981-207	January 29, 1981
SE-1980-00232	Revocation of Resolution R-1981-0205 Administrative Abandonment of Special Exception to allow a Commercial Sales and Service Enterprise and Commercial Stable	R-2004-1631	July 22, 2004

**SURROUNDING LAND USES:**

**NORTH:**

FLU Designation: Rural Residential (RR-10)  
Zoning District: Public Ownership (PO)  
Supporting: Institutional, Public, and Civic (Jupiter Farms Community Park Expansion, Control No. 2004-00016)

**SOUTH:**

FLU Designation: Rural Residential (RR-10)  
Zoning District: Public Ownership (PO)  
Supporting: Institutional, Public, and Civic (Jupiter Farms Community Park Expansion, Control No. 2004-00016)

**WEST:**

FLU Designation: Rural Residential (RR-10)  
Zoning District: Public Ownership (PO)  
Supporting: Institutional, Public, and Civic (Jupiter Farms Community Park Expansion, Control No. 2004-00016)

**EAST (Across Jupiter Farms Road):**

FLU Designation: Rural Residential (RR-10)  
Zoning District: Agricultural (AR)  
Supporting: Right of Way (Control Name and No. N/A)

**TYPE. 2 VARIANCE SUMMARY:**

	ULDC Article	REQUIRED	PROPOSED	VARIANCE
V.1	Table 7.C.2.B Compatibility Buffer	8 foot Compatibility Buffer	0 feet existing buffer	- 8 feet (100% for 130 feet)
V.2	Table 7.C.4.A. – Landscape Island and Divider Median – Rural	12 feet landscape island	8.8 feet landscape island	-3.2 feet

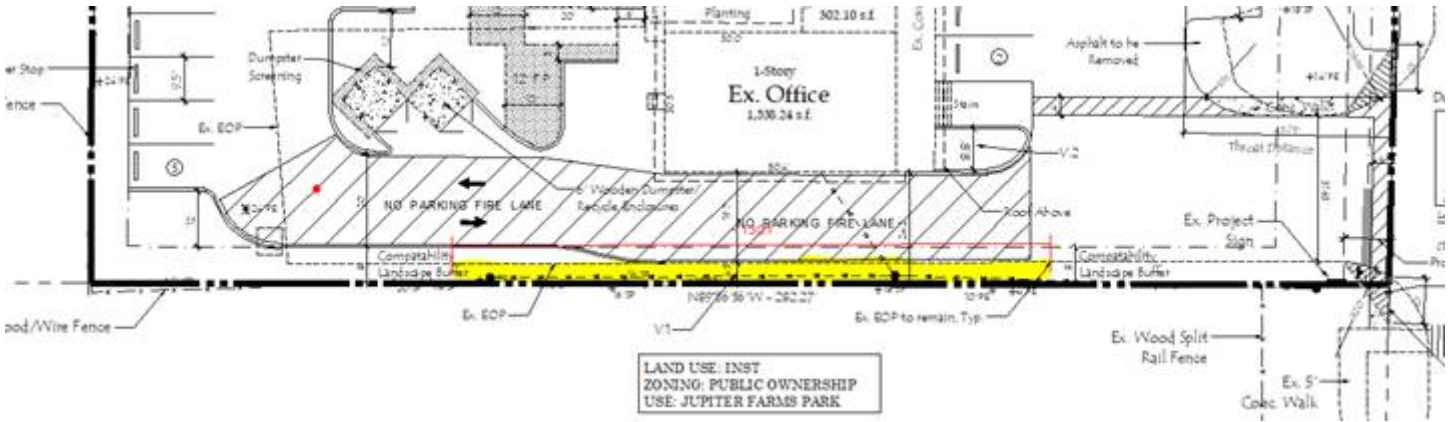
	Tier			
V.3	Article 5.B.1.A.1.b - location	No accessory structure shall be located in the front or side street yard	One 576 s.f. accessory structure located in the front yard	no structures shall be located within the front yard

FINDINGS:

Type 2 Variance Standards: When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards a through g listed under Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 2 Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. ***Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district:***

**V.1 YES.** The Applicant is requesting the elimination of the Code-required 8 ft. Compatibility buffer for a distance of 130 ft. along the south property line. The Applicant is required to make modifications to the drive aisle between the access to the subject site and the proposed parking at the rear of the building. With the changes that are required to the drive aisle (stripping), the Applicant is required to meet code requirements for the south buffer. While the Applicant can provide code-compliant buffers for the south property line on the east and west side of the property, there is a 130 ft. section (see detail below) where there are overhead power-lines. Further, based on the required width of the drive aisle between the existing structure and the south buffer, the Applicant was not able to shift or expand the south buffer in any way. As such, through discussions with County Staff and based on the overhead power-lines, it was recommended to seek the variance to eliminate the Compatibility buffer requirements for this area. The property to the south is the existing park, and the variance for the elimination of buffering for this area will have no effect on the park, as existing conditions will continue to apply. As can be seen in the Tree Disposition Plan (Figure 5) there is some existing vegetation that will remain to provide continued buffering. Should the variance not be supported, significant modifications to this area would be required that could be a major financial hardship to the current owner.



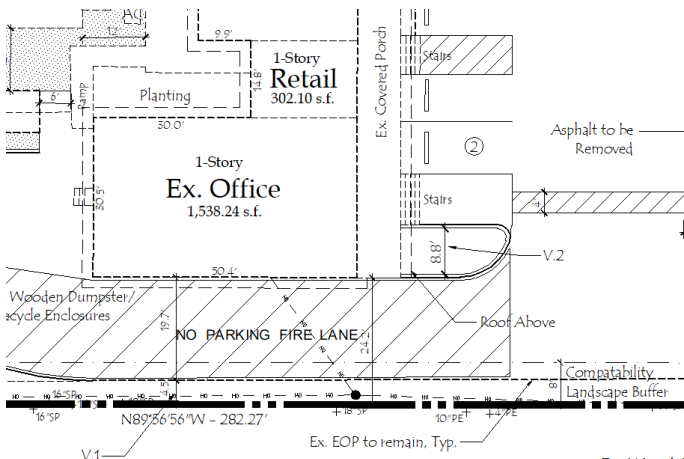
**V.2 YES.** The PSP indicates a new landscape island to be installed in place of an existing parking space on the east side of the office building along the drive aisle. The requested change serves as a requirement for safe vehicular circulation throughout the site. The existing parking space does not provide sufficient area to incorporate the required 12 ft. landscape island. Further, the existing stairs abutting the north side further limit available space to install the required landscape island. The current site design constraints prevent the incorporation of a Code compliant landscape island width and as such serves as a unique condition that validates the variance. Though a 12 ft. island is not installed, and 8 ft. is proposed which reduces the non-conformity of no island.

**V.3. YES.** The Applicant is seeking to allow an accessory structure within a front yard, where accessory structures are not permitted per Art. 5.B.1.A.1.b, Location. As shown on the PSP, the existing principal structure location is significantly setback off the property line (approximately 105 ft.). The Applicant desires to place the proposed pavilion in close proximity to the existing building to best serve the primary use of the site while also protecting the native trees throughout the site. The location of the proposed outdoor pavilion will give patrons of the restaurant the ability to walk a short distance from the proposed patio to the pavilion. While accessory structures are not permitted within the front yard, the uniqueness of the site being a standalone commercially zoned parcel with no existing development to the north, south or east will completely limit any visual impacts an accessory structure may have from Jupiter Farms Road and neighboring development. As such, special conditions exist that are unique to this property.

**b. Special circumstances and conditions do not result from the actions of the Applicant:**

**V.1 and V.2. YES.** With the additional parking that is required due to the expansion to the principal structure, the Applicant is required to provide parking per Art. 6.B.1.B, Minimum Parking and Loading Requirements. As such, the Applicant is providing parking at the rear of the structure, where it will least effect native vegetation. With the expansion to the parking at the rear of the building, the drive aisle is required to provide pavement markings, which triggers the south property line buffer to be in compliance with code. As the rear drive-aisle is required to maintain the existing width for safety purposes, the Applicant is unable to widen the existing buffer beyond the 4.5 feet that currently exists. Further, through review of the application, Staff noted overhead power-lines that have an impact on planting requirements for buffers. As such, through conversation with County Staff and the Applicant, it was recommended to eliminate the buffer requirements for this area, so that the buffer had the necessary approvals moving forward. With the park being the existing use to the south, there are no visual impacts effecting the property to the south, thus creating special conditions that constitute the variance request.

Similarly, for safety purposes County Staff requested a landscape island be provided at the south-west corner of the building to better facility traffic to the rear of the property. As there is an existing set of stairs to the north of the proposed landscape island (see inset picture), Staff suggested the variance to meet the safety requirements for the landscape island, while receiving the approvals necessary for the reduced island. If the Applicant was required to provide the Code required 12 ft. island, this would modify the existing stairs which would be an unnecessary financial hardship. As such, special circumstances exist that are not a result of the Applicant.



**V.3. YES.** As it stands, the lot in its current configuration containing the existing primary structure and surrounding native vegetation in the form of Slash Pines, Cabbage Palms, and Live Oaks, significantly limit available space for the installment of new structures (see Figure 5, Preliminary Regulating Plan (PRP)). As previously stated, the existing building is setback a distance over 100 ft. from the front property line. The proposed pavilion is setback 71.1 ft. Although neither structure is near the 30 ft. required front setback, the pavilion is to be located in front of the primary structure in order to preserve native species on site and to serve as an added amenity to be utilized by the patrons. As the existing landscaping and primary building structure placement offer limited available space to install an accessory structure in an area that is in compliance with the Code, special circumstances exist that are not a result of the Applicant.

**c. Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district:**



**V.1 and V.2. YES.** As previously stated, with the addition of parking to the rear of the building, the Applicant was required to provide minor alterations to the rear drive aisle. These minor alterations triggered the need for the south buffer to meet compliance, which would not be possible without major modifications to both the drive aisle and the existing structure. Similarly, the required landscape island was requested for safety purposes, but existing conditions (the aforementioned existing stairs) limit the area available to provide a code-compliant island for a parcel of land within the rural tier. The island is required to protect parking areas from drive aisles, to provide a break between parking areas, and to provide landscaping, which the necessary planting for a landscape island can fit for the proposal. Based on existing site conditions, the Applicant is attempting to meet code compliance to the greatest extent possible, and the approval of these variances will not grant any special privilege to the owner of the site.

**V.3 YES.** With the primary structure location being setback a significant distance from Jupiter Farms Road, and the on-site native vegetation to be preserved within the side and rear property, the accessory pavilion has limited location opportunities. The Code does allow for variances that meet the extenuating circumstances such as presented and the requested variance is therefore, appropriate.

**d.     *Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship:***

**V.1 and V.2 YES.** Literal interpretation of the Code would require the existing drive aisle that serves the site to be significantly altered to install a landscape buffer meeting the 8 ft. width requirement and remove the exiting stairs adjacent to the new landscape island to provide sufficient width as well. As previously stated, based on the existing site elements, there are constraints that prevent the applicant for providing the necessary landscape buffer and terminal island that is generally required by Code.

**V.3 YES.** Article 5.B.1.A.1.b – Location states that no accessory structure shall be located in the front or side street yard. Although the proposed pavilion is within the front of the primary structure, it does not encroach into the building setbacks. Literal interpretation of the Code would not allow the structure to be placed anywhere along the front of the primary structure, even while not only maintaining, but exceeding the primary structure setback requirement. The lot, being located within the Rural Tier, consists of a typically larger parcel with additional land area available for the placement of structures. The proposed pavilion has been positioned in proximity to the existing building and new additions. The enforcement of the terms and provisions of the Code would not allow the Applicant to utilize an accessory structure in its location that best serves the site.

**e.     *Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure:***

**V.1 – V.3 YES.** The Applicant seeks the minimum variance possible to retain the existing conditions of the site as they currently exist. This includes reducing the south buffer width where there are overhead power-lines for only the 130 feet where there is overlap. By approving the variance for the reduced buffer within this area, the Applicant will not be required to make significant modifications to the drive-aisle and shift the buffer to the north, creating a cascade effect that could require significant modifications to the overall development.

With the proposed landscape island (V.2), the Applicant seeks to promote safe vehicle circulation for the subject property and the minimal variance request will allow this to be accomplished while adhering to the development constraints the site presents. For the accessory structure, the majority of the front yard of the property will continue to be unobstructed from any other accessory uses with the exception of the pavilion. The Applicant only seeks the minimum variance to allow the structure in the location to serve the primary use and protect native species.

**f.     *Grant the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:***

**V.1 – V.3 YES.** As proposed, the overall development request will remain consistent with the purposes, goals, objectives, polies, and intent of the Code and the Plan. The site will still maintain the

perimeter landscape which consists of the 8 foot width requirement for a compatibility buffer with the exception of the section on the southern property line. It should be noted that the drive aisle that is providing access to the rear of the property is being shown as 19.7 feet in width, with minor canopy overlap. County Fire generally requires a 20 ft. access for fire truck safety and movement purposes, but has reviewed this application and are satisfied the drive-aisle can function correctly. With the constraints of the existing building location and the overhead power-lines along the south perimeter, the site has limited opportunity for the buffer within this area, and the Applicant has best addressed the goals and objectives of the Code for the buffer.

The proposed landscape island still meets the intent of a terminal island but simply cannot meet the required width requirements for the Rural Tier because of the aforementioned stairs that exist just to the north of the proposed island. The provided landscape island eliminates a potential conflict point between a drive aisle and a parking space, and will better promote safe vehicular movement within the development.

The intent of the Code regarding accessory structures not being permitted within the front yard is to have the primary focus from the roadway to be on the primary structure, while not have a disorderly feel to a site by having accessory structures (that do not have architectural requirements) from the R-O-W. In this specific case, the primary structure is a standalone restaurant with a rural area. The restaurant itself has a rural-type architectural façade, and the proposed pavilion will fit in with the development of the site and not take away from the look or feel of the commercial use. As such, the approval of this variance and the allowance of the pavilion with the front yard will continue to meet the intent of the Code.

**g.     *Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare:***

**V.1 – V.3 YES.** The requested variances to allow the reduction in a portion of the compatibility buffer to the south, reduction in the landscape island, and to allow the primary structure in the front yard are all interior site elements which will have no impact on the intensity on the surrounding uses. All proposed variances are for existing conditions that currently serve the site and/or will improve the site’s functionality. The proposed landscape island is the only real modification involved in the variance requests as the compatibility buffer is pre-existing, as the pavilion has been previously installed. Such internal existing elements and minor modifications will not prove injurious or detrimental to welfare of the site or surrounding area.

**FINDINGS:**

Development Order Amendment Standards: When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

**a.     *Consistency with the Plan – The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.***

**PLANNING DIVISION COMMENTS:** Consistency with the Comprehensive Plan: The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

○     *Relevant Comprehensive Plan Policy:* The site is located within the Rural Tier and contains the Commercial Low with an underlying Rural Residential 1 unit per 10 acres Future Land Use Designation (CL/RR-10). The site has served the residents in the area since the 1980s as a neighborhood-serving commercial use. The subject request to add 382 sq. ft. to the existing 4,634.95 square-foot structure complies with FLUE Policy 1.4-h, which requires the County to promote the

development of central community places, considering the existing development pattern, by clustering and collocating neighborhood commercial uses within the Rural Tier.

- *Intensity:* The request to add 382 sq. ft. to the existing 4,634.95 sq. ft. on site, which equates to a FAR of approximately 0.06 (5,016.95/ 79,609.44 sq. ft. or 1.83 acres = 0.063). This does not take into account the outdoor dining square footage as it is not enclosed by walls. The maximum Floor Area Ratio (FAR) of .10 is allowed for the Commercial Low future land use designation in the Rural Tier (79,609.44 sq. ft. or 1.83 acres x .10 maximum FAR = 7,960.94 sq. ft. maximum).
- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The property is located within the Jupiter Farms Neighborhood Plan (JFNP). The request is not inconsistent with the JFNP policies per FLUE Policy 4.1-c. The Applicant met with the Jupiter Farms Neighborhood group, which provided a letter of support dated February 26, 2021.

**b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.***

- *Nonconformities:* The existing conditions for the site was vested under application number ZAR-2017-1599 as approved on August 23, 2021 (see Figure 6). The lot as it exists, has a nonconforming lot size of 1.83 acres, not meeting the minimum 3 acre requirement. Other non-conforming site elements include no required foundation planting along the existing building structure, the southern property line does not maintain an 8 foot required compatibility buffer, a 19.7 ft. drive aisle provided along the southern property line, and a wooden fence surrounding the water filtration system encroaches the 8 foot compatibility buffer.

As a part of the application, the Applicant has submitted 3 Type 2 variance requests for the nonconforming site elements not vested. As stated, the variance request include reducing the width of one required terminal landscape island adjacent to the existing office building, reducing the existing Compatibility Buffer along a portion of the southern property line to allow one accessory structure (covered pavilion) to be located within a front yard. These request will be further examined in the Variance Staff analysis section of the report.

- *Property Development Regulations:* The proposed restaurant addition and site modifications meet all minimum setback requirements per ULDC Table 3.E.3.D, MUPD Property Development Regulations (PDR). The site has frontage and access on Jupiter Farms Road and meets the minimum access required for the Multiple Use Planned Development zoning district. The lot contains 280 ft. of frontage along Jupiter Farms Road, which meets the minimum Planned Development District minimum frontage requirement of 200 linear feet along an Arterial or Collector Street per Art.3.E.1.C.2.A.1. Minimum Frontage, and the MUPD Property Development Regulations per Table 3.E.3.D – MUPD Property Development Regulations. Although the lot does not meet the minimum acreage as previously stated, the property does meet Code requirements for minimum 200 ft. of width and depth, as the site has 280 ft. of width and is 282.27 ft. in depth.

The requested restaurant expansion and site modifications exceed the thresholds of Table 2.C.5.C – Administrative Modifications to Prior DOs, which subject the application to a Public Hearing approval. The existing Type 2 Restaurant was permitted on site as part of the existing Special Exception approved under Resolution R- 1981-205.

- *Architectural Review:* This use will be required to comply with the Architectural Guidelines specified in Article 5.C, Design Standards. No Architectural elevations have been provided at this time. The Applicant has indicated they intend to obtain Architectural review approval at time of application for Building Permits for the proposed structure.

- *Parking:* The MUPD requires a minimum of 4/1000 and a maximum of 6/1000 parking spaces per Art. 3. E.1.C.2.h.2.a. Minimum/Maximum Parking Standards. The PSP indicates compliance by providing a total of 31 parking spaces on the east and west side of the building which includes two handicap spaces. Further there are total of 12 additional parking spaces being added to the site which will be accessed through a 24 ft. wide drive aisle within the parking area on the east side of the building, and 25 ft. drive aisle within the parking area to the west.

○ **Landscape/Buffering:** A 20 ft. Right-of-Way (R-O-W) buffer is provided along the property frontage facing Jupiter Farms Road. An 8 ft. compatibility buffer surrounds the site with the exception of a portion along the southern property line, which the variance request for the buffer reduction is applied. The PSP also provides 8 ft. foundation planting around the proposed restaurant expansion and the storage shed container.

○ **Signs:** No signage has been proposed as part of the request and therefore no further analysis is required.

**c. Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The subject site is compatible with the surrounding land uses. The MUPD zoning district is non-residential, and therefore compatible with the adjacent non-resident district, and the request to add more square footage to the existing development does not create an incompatibility issue.. The subject parcel is surrounded by the existing Jupiter Farms Community Park on the north, west, and south side of the property and the Jupiter Farms Road R-O-W on the east.

**d. Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The restaurant expansion and site modifications are designed to minimize adverse impacts on the adjacent lands. The PSP does not indicate any modifications or increases in the height of the structure. The proposed development expansion will remain consistent with the existing 1 story building and will not exceed the max 35 ft. height requirement.

Additionally, the subject sites existing landscape screening provides a visual buffer for the adjacent sites. The residential units further east are screened by the existing R-O-W vegetation abutting Jupiter Farms Road as well as the 20 ft. R-O-W buffer along the frontage of the development parcel.

**e. Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

**ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

**VEGETATION PROTECTION:** The site supports some upland native vegetation (e.g. Slash Pines, Sabal Palms). The proposed parking configuration will impact a small percentage of the native vegetation, consisting of 2 Slash Pines and 5 Sabal Palms. None of the aforementioned native vegetation are viable candidates for relocation and will be mitigated on-site in accordance with the ULDC, Table 7.E.3.C.

**WELLFIELD PROTECTION ZONE:** The property is not located within a Wellfield Protection Zone.

**IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER:** All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

**ENVIRONMENTAL IMPACTS:** There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

**f. Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposed request will remain consistent with the development patter of area. The Applicant proposes to provide additional restaurant square footage and parking to further accommodate the approved multi-use development, without exceeding maximum parking calculations. The subsequent

request proposes minor increases to building square footage relocation of a shed container. The Applicant’s request to allow such modifications will remain a logical and orderly development pattern.

**g. Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

Proposed minor change in the development is expected to generate minimal additional traffic. No roadway improvements are required since the project will have deminimus impact.

The Property Owner shall record a drainage easement over the roadside ditch on Jupiter Farms Road prior to the issuance of the next Certificate of Occupancy.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health.

FIRE PROTECTION:

Staff has reviewed this application and have no comment.

SCHOOL IMPACTS:

Staff has reviewed this application and have no comment.

PARKS AND RECREATION:

This is a non-residential project, therefore the Parks and Recreation ULDC provisions do not apply.

**h. Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

The site is currently seeking to expand the restaurant area to meet the growing demands of the community. The proposed modification to the site will remain consistent with the impact and intensity of the surrounding uses.

**CONCLUSION:** Staff have evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the request, subject to the Conditions of Approval in Exhibits C-1 and C-2.



## CONDITIONS OF APPROVAL

### EXHIBIT C-1: Type 2 Variance - Concurrent

#### ALL PETITIONS

1. The approved Preliminary Site Plan is dated June 7, 2021. 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 or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### VARIANCE

1. The Development Order for this concurrent Variance shall be tied to the Time Limitations of the Development Order for ZV/DOA-2020-1452. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - 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 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.

## CONDITIONS OF APPROVAL

### EXHIBIT C-2: Development Order Amendment

#### ALL PETITIONS

1. The approved Preliminary Site Plan is dated June 7, 2021. 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 or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1981-0207 (Control No. 1980-0234), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

#### ENGINEERING

1. Prior to the issuance of building permits that exceed 6,694 square feet of gross floor area, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

2. Prior to the approval of the Final Site Plan by the Development Review Officer, the Property Owner shall show a drainage easement over the existing roadside ditch on the site plan. (DRO: ENGINEERING - Engineering)

3. The Property Owner shall convey a drainage easement to the County over the existing roadside ditch in Jupiter Farms Road along the property frontage, or as approved by the County Engineer.

a. The drainage easement shall be submitted prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. The drainage easement shall be recorded prior to the issuance of the first certificate of occupancy/completion. (BLDGPM/CO: MONITORING - Engineering)

#### SIGNS

1. Prior to final approval by the Development Review Officer, the Applicant shall provide a Preliminary Master Sign Plan, or provide the necessary signage details per Art. 8 and the Technical Manual requirements on the Approved Site Plan, for all existing signage on site, including but not limited to the existing freestanding sign along Jupiter Farms Road and any existing wall signage for the existing and proposed development. (DRO: ZONING – Zoning)

#### SITE DESIGN

1. Prior to final approval by the Development Review Officer, the final site plan shall be revised to indicate a four foot wide side walk adjacent to the newly installed handicap parking space located on the east side of the proposed raised deck area per Art. 6.B.3.A.d.3, Pedestrian Circulation. (DRO: ZONING - Zoning)

2. Prior to Building Permit application approval, the Applicant shall submit plans and documentation for all proposed structures to meet the architectural design standards pursuant to Article 5.C. Design Standards. (BUILDING 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 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.

### Figure 1 - Land Use Map

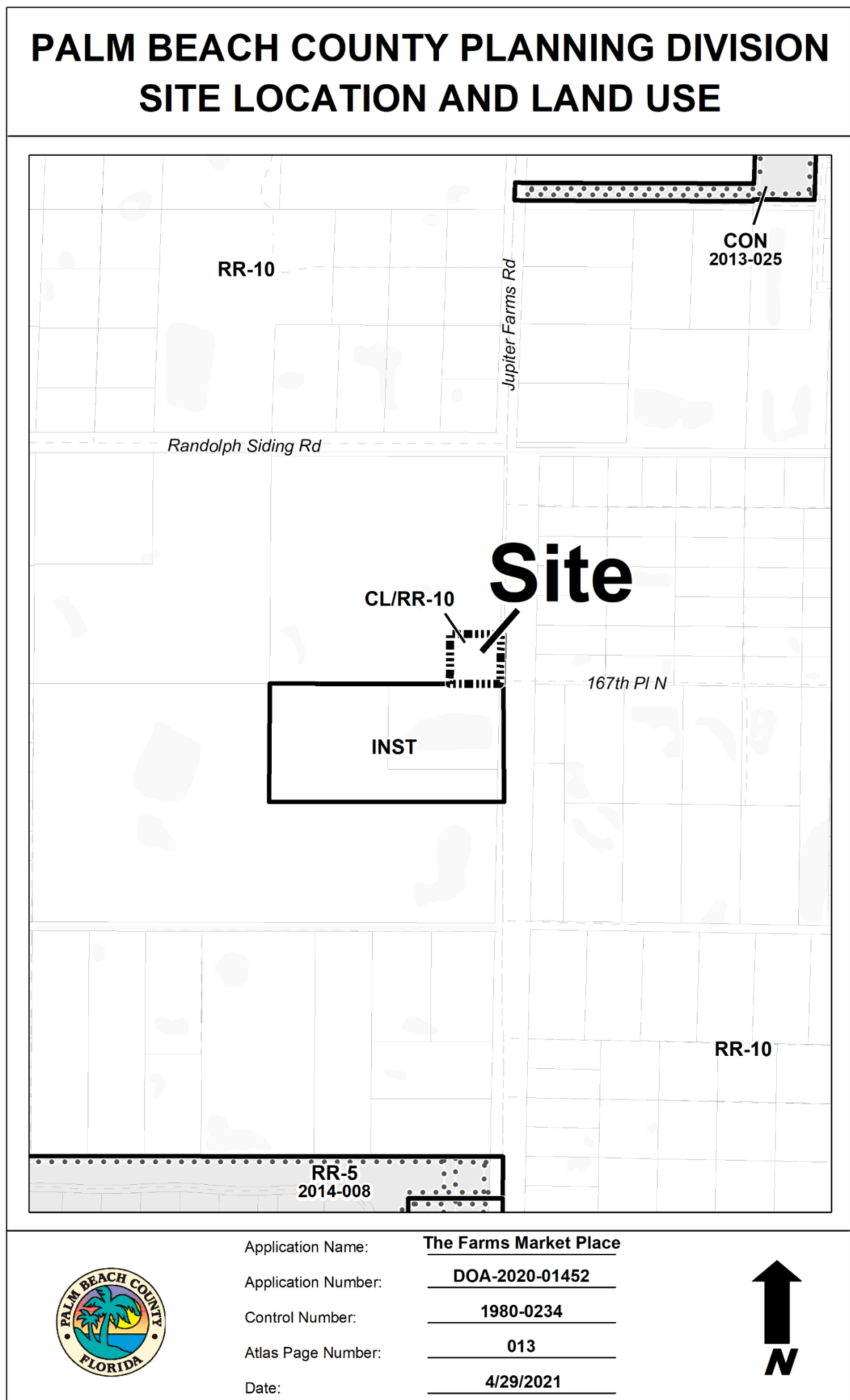
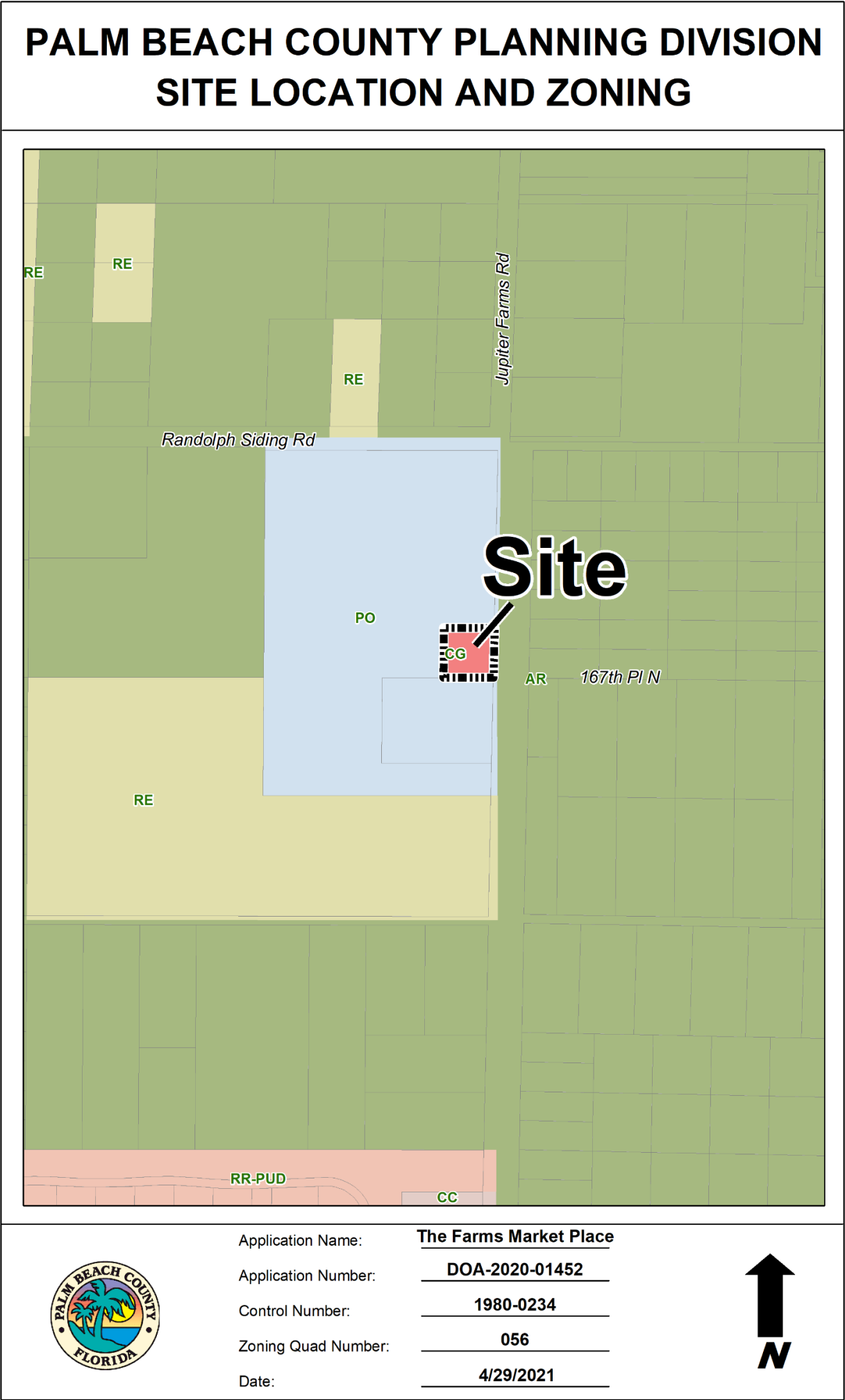


Figure 2 - Zoning Map





### Figure 3 - Aerial

# PALM BEACH COUNTY PLANNING DIVISION

## SITE LOCATION



Application Name:	<u>The Farms Market Place</u>
Application Number:	<u>DOA-2020-01452</u>
Control Number:	<u>1980-0234</u>
Atlas Page Number:	<u>013</u>
Date:	<u>4/29/2021</u>





### PERMIT HISTORY

- Application Date: 10/14/27
- Application Status: Pending
- Date Issued: 10/17/27
- Project Name: Farms Market Place MUPD
- Project Address: 10000 N. US Highway 1, Jupiter, FL 33458
- Project Owner: Farms Market Place MUPD
- Project Manager: [Name]
- Project Phone: [Phone]
- Project Email: [Email]
- Project Website: [Website]
- Project Status: [Status]
- Project Notes: [Notes]

### Property Development Regulations

Property	Min. Lot Dimensions	Density	FAR	Bldg. Coverage	Front Setback	Side Setback	Min. Setback
Required	100' x 200'	1.0	1.0	30%	30'	30'	30'
Provided	100' x 200'	1.0	1.0	30%	30'	30'	30'

### Type 2 Variance Requests

Section	Requested	Proposed	Variance
V1	100' x 200'	100' x 200'	100% for 100'
V2	100' x 200'	100' x 200'	100% for 100'
V3	100' x 200'	100' x 200'	100% for 100'

### PERMIT HISTORY

- Application Date: 10/14/27
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Property	Min. Lot Dimensions	Density	FAR	Bldg. Coverage	Front Setback	Side Setback	Min. Setback
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### Type 2 Variance Requests

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V2	100' x 200'	100' x 200'	100% for 100'
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### Property Development Regulations

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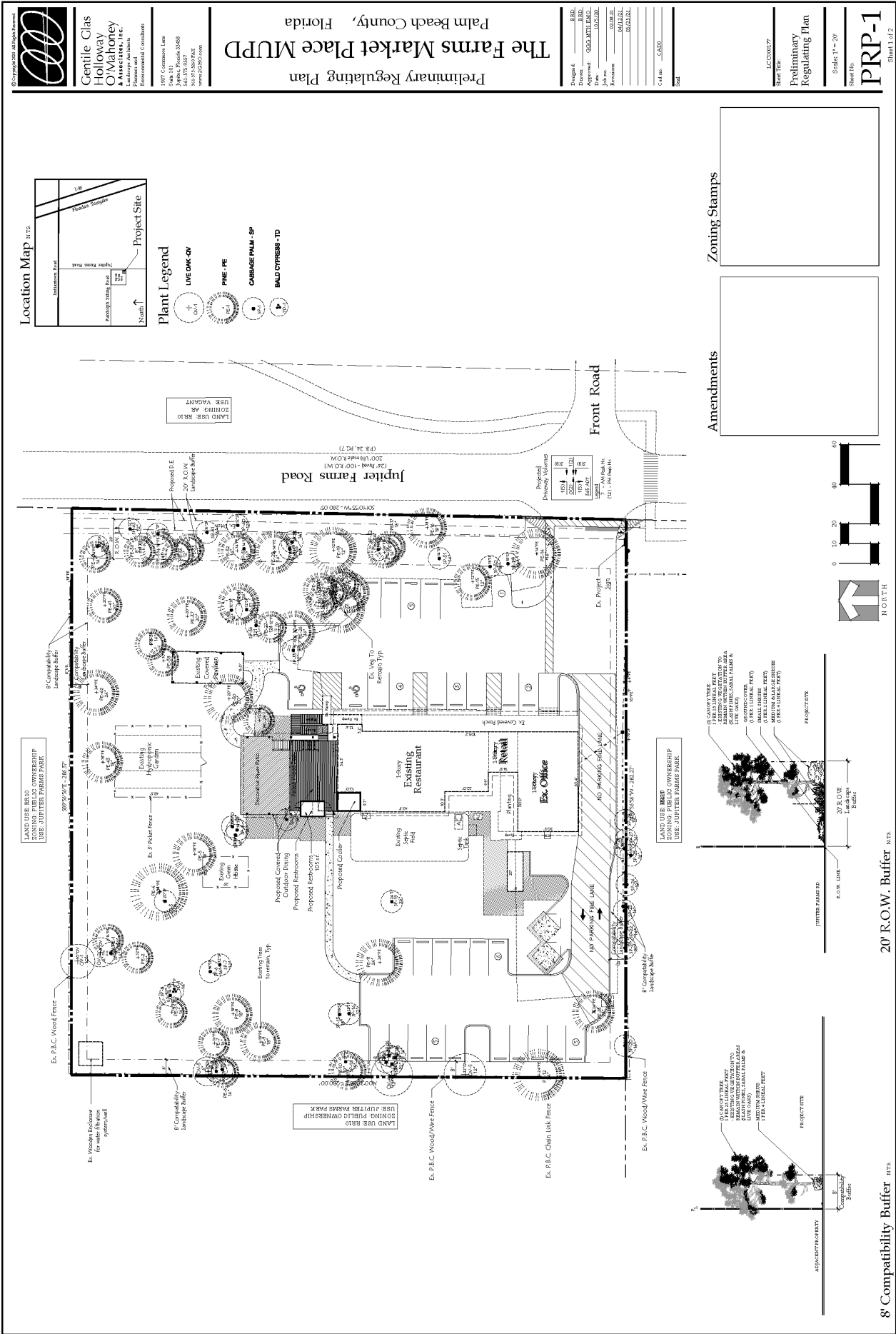
### Type 2 Variance Requests

Section	Requested	Proposed	Variance
V1	100' x 200'	100' x 200'	100% for 100'
V2	100' x 200'	100' x 200'	100% for 100'
V3	100' x 200'	100' x 200'	100% for 100'

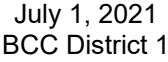
### PERMIT HISTORY

- Application Date: 10/14/27
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- Project Address: 10000 N. US Highway 1, Jupiter, FL 33458
- Project Owner: Farms Market Place MUPD
- Project Manager: [Name]
- Project Phone: [Phone]
- Project Email: [Email]</

**Figure 5 – Preliminary Regulating Plan dated May 24, 2021**



Zoning Commission  
Application No. DOA-2020-01452  
The Farms Market Place MUPD



Zoning Commission  
Application No. DOA-2020-01452  
The Farms Market Place MUPD





Exhibit D – Disclosure of Ownership

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

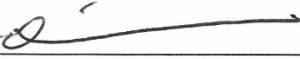
STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Christopher Taylor, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [ ] individual or [x] Manager of Jupiter Burrito Bros, LLC. [position - e.g., president, partner, trustee] of [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 114 Fairview West Tequesta, FL 33469
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

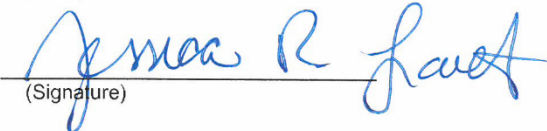
FURTHER AFFIANT SAYETH NAUGHT.

  
Christopher Taylor, Manager, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION: STATE OF FLORIDA  
COUNTY OF PALM BEACH

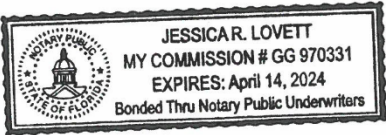
The foregoing instrument was acknowledged before me by means of [ ☒ ] physical presence or [ ☐ ] online notarization, this 29<sup>th</sup> day of Christopher Taylor Sept, 20 20 by Christopher Taylor (name of person acknowledging). He/she is personally known to me or has produced Drivers License exp 8-29-27 (type of identification) as identification and did/did not take an oath (circle correct response).

Jessica R Lovett  
(Name - type, stamp or print clearly)

  
(Signature)

My Commission Expires on: 4-14-24

NOTARY'S SEAL OR STAMP



**EXHIBIT "A"**

**PROPERTY**

THE SOUTH 280.00 FEET OF THE EAST 314.92 FEET OF THE NORTHEAST QUARTER (NE 1/4),  
OF THE NORTHEAST QUARTER (NE 1/4), OF SECTION 12, TOWNSHIP 41 SOUTH, RANGE 41  
EAST, PALM BEACH COUNTY, FLORIDA

LESS, HOWEVER, RIGHTS OF WAY FOR JUPITER FARMS ROAD (S.R.7 EXTENDED),  
ACCORDING TO THE PLAT OF JUPITER FARMS AND GROVES, AS RECORDED IN PLAT BOOK  
24, PAGE 7, PALM BEACH COUNTY, PUBLIC RECORDS.

PARCEL IDENTIFICATION NUMBER: 00-41-41-12-00-000-1070

**EXHIBIT "B"**

## DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name

### Address

Christopher Taylor, Manager - 116 Fairview West, Tequesta

*Disclosure of Beneficial Interest – Property form  
Form # 9*

Page 4 of 4

Revised 12/27/2019  
Web Format 2011

Exhibit E – Justification Statement, dated May 24, 2021

FARMS MARKETPLACE MUPD  
Development Order Amendment  
Justification Statement  
Control No. 1980-234  
Application No.: ZV/DOA-2020-1452  
PCN: 00-41-41-12-00-000-1070  
Original Submittal: November 2, 2020  
1<sup>st</sup> Resubmittal: February 8, 2021  
2<sup>nd</sup> Resubmittal: March 8, 2021  
3<sup>rd</sup> Resubmittal: May 24, 2021

Introduction

On behalf of the Owner, Jupiter Burrito Bros., LLC, Gentile Glas Holloway O’Mahoney, & Associates, Inc. (2GHO), acting as agent, respectfully request approval of the following requests:

- a. Development Order Amendment (DOA) to allow additional square footage that includes:
  - a. Proposed Covered Outdoor Dining – 1,677 s.f.;
  - b. Proposed roof over dining areas;
  - c. Proposed Restrooms – 105 s.f.;
  - d. Proposed cooler addition – 117 s.f.;
  - e. Relocation of the storage shed/container;
  - f. Covered Pavilion – 576 s.f.
  - g. Addition of 16 parking spaces at the rear of the site and 1 new handicap space at the front of the existing building;
- b. Type 2 Variances to include:
  - a. Table 7.C.2.B – Compatibility Buffer requirement;
  - b. Table 7.C.4.A – Landscape Island – Rural Tier; and
  - c. Article 5.1.A.1.b – Location of accessory structures.

The property is located on the west side of Jupiter Farms Road in the Jupiter Farms Neighborhood (16891 Jupiter Farms Road). The subject site is 1.81 acres of land with a Future Land Use designation of CL/RR10 and a Zoning District of MUPD. The subject site is located within Palm Beach County’s Rural Tier.

DEVELOPMENT HISTORY

A summary of the development approvals for the subject site.

Control Number	Application Number	Request	Date	Resolution
1973-2	N/A	Rezoning from AG to CN	12/30/1976	R1977-39
1980-232	N/A	SE – to allow a commercial sales and service enterprise and a commercial stable	01/29/1981	R1981-205



The Farms Marketplace MUPD  
 November 2, 2020  
 1<sup>st</sup> Resubmittal – February 8, 2021  
 2<sup>nd</sup> Resubmittal – March 8, 2021  
 3<sup>rd</sup> Resubmittal – May 24, 2021  
 4<sup>th</sup> Resubmittal – June 7, 2021  
 Page 2

Control Number	Application Number	Request	Date	Resolution
1980-234	N/A	Rezoning from CN to CG	01/29/1981	R1981-206
1980-234	N/A	SE – to amend previously approved site plan	01/29/1981	R1981-207
1980-232	N/A	To revoke the SE for a commercial sales and service enterprise and a commercial stable	07/22/2004	R2004-1631
1980-234	ZAR2017-1599	FSP to memorialize the historical permitting for site plan	08/23/1982	

**Surrounding Properties:**

The subject site is surrounded by Palm Beach County Parks on the north, south and west property lines and the Jupiter Farms Road Right of Way on the east. The following summarizes the nature of the surrounding properties adjacent to the subject site.

	EXISTING FLU	EXISTING ZONING	PCN	EXISTING USE	CONTROL NUMBER
Subject Site	CL/RR10	MUPD	00-41-41-12-00-000-1070	The Farms Market Place MUPD	1980-232 2004-00016
North	RR10	PO	00-41-41-12-00-000-1020	PBC PARK	1980-232 2004-00016
South	INST	PO	00-41-41-12-00-000-1050	PBC PARK	N/A
East	RR10	AR	JUPITER FARMS ROAD	RIGHT OF WAY	
West	RR10	PO	00-41-41-12-00-000-1020	PBC PARK	1980-232 2004-00016

**Development Program:**

The current proposal set forth is for a DOA to allow for additional square footage which includes restaurant space for covered outdoor dining, restroom building; cooler addition and 16 additional parking spaces and 1 handicap space.

**Site Visit with ERM and Zoning:**

A site visit took place on Friday, October 2, 2020 with Mark Godwin, ERM to walk the site and review existing vegetation throughout the site. It was discussed that minor tweaks were to be adjusted to accommodate comments. An additional site visit took place in January 2021.

**Multiple Use Planned Development Design**

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The Farms Marketplace MUPD  
November 2, 2020  
1<sup>st</sup> Resubmittal – February 8, 2021  
2<sup>nd</sup> Resubmittal – March 8, 2021  
3<sup>rd</sup> Resubmittal – May 24, 2021  
4<sup>th</sup> Resubmittal – June 7, 2021  
Page 3

### **Objectives and Performance Standards – Article 3.B.1 and 2**

In addition to the Development Order Amendment, the project must continue to meet the Objectives and Performance Standards.

**Design Objectives:** The proposed project meets the design objectives of the ULDC for MUPD's as follows:

- a. **The MUPD is a non-residential development with restaurant, outdoor dining, office and retail that fits in the Jupiter Farms Neighborhood and provides for the residents.**
- b. **Provide innovative building location and orientation;** the design of the additional square footage is added to the existing structures and provides for the same architecture as existing. Additional parking has been provided at the rear of the subject site which will provide additional parking to minimize parking on other adjacent sites.
- c. **Protect adjacent residential uses from potential adverse impacts;** the proposed additional square footage is not adjacent to any residential uses consequently there will be no adverse impact.
- d. **Provide interconnection between uses in and adjacent to the project;** the subject site has a sidewalk connection along Jupiter Farms Road.
- e. **Allow for landscape design that enhances the appearance of the project;** the project landscape design enhances the appearance of the project including the additional square footage and meets or exceed the landscape requirements for the affected area of development.
- f. **An MUPD with an EDC FLU designation shall be primarily utilized by office and research parks, which may also include manufacturing and processing, research and development, wholesale distribution and storage of products.**  
This MUPD has a Commercial Low with underlying RR-10 land use designation, this standard does not apply.

**Performance Standards:** The Performance Standards for MUPD's are addressed below:

- a. **Freestanding Buildings:** The additional square footage includes outdoor seating, restroom and cooler which is added to the existing building.

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- b. **Non-Vehicular Circulation** – A MUPD shall be designed to provide for pedestrian and bicycle oriented circulation system throughout the development. As mentioned above, there is existing pedestrian interconnectivity on site; within the affected area of the site, sidewalks will be added as needed.
- c. **Landscape Buffers** – The landscape buffers are compatibility buffers along the north and south for the project is compatible with the surrounding properties. The west property line compatibility buffer planting will conform to Article 7.C.5.A.2.
- d. **Cross Access** – No cross access is proposed with the surrounding park. There is an existing sidewalk which the project is connected to.
- e. **Parking and Loading** - The proposed Site Plan complies with all Parking Area and Loading Area Screening requirements.

**Development Order Amendment:**

Based on Article 2.B.7.C.2 for a Development Order Amendment (DOA) refers the Applicant to address the Standards under Article 2.B.7.B.2 of the Palm Beach County Unified Land Development Code (ULDC) establishes standards by which these requests shall be considered.

**a. Consistency with the Comprehensive Plan:**

*Response: The proposed DOA are consistent with the purposes, goals, objectives and policies of the Plan. The subject site has a Future Land Use Designation of CL/RR10. Additionally, the subject property is located within the Rural Tier. The Rural Tier supports subdivisions created prior to 1970s. Historically, these areas have been considered rural due to sparse development patterns, heavily treed lots. The proposed intensity for the MUPD parcel is consistent with Table III.C.2 of the FLUE, which specifies a maximum Floor Area Ratio (FAR) of .10 for Commercial Low/RR-10. The proposed project has a FAR of .06 (6,693 s.f.).*

*The Applicant/Agent has reached out to the Neighborhood by a conference call on January 26, 2021 and again on the end of February, 2021 and should receive the letter of support prior to the public hearings.*

**b. Consistency with the Code:**

*Response: The proposed DOA complies with all applicable standards and provisions of this Code for use, layout, function and general development characteristics.*

*Article 3 – Property Development Regulations: - property meets the requirement of an MUPD:*

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The Farms Marketplace MUPD  
November 2, 2020  
1<sup>st</sup> Resubmittal – February 8, 2021  
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4<sup>th</sup> Resubmittal – June 7, 2021  
Page 5

- *Maximum building coverage – 30% / Proposed building coverage – 11.5%*
- *Maximum FAR - .10 / Proposed –*
- *Setbacks: Proposed Front – 71.1 feet to Jupiter Farms Road; Side – 24.2 feet / 50.6 feet; Rear – 94 feet.*

*Article 6 - Parking – for an MUPD – minimum parking – 27 parking spaces; maximum parking 40 spaces – Proposed are 29 parking spaces.*

*Article 7 – Landscape – the property is surrounded on 3 sides by a PBC Park, an 8 foot compatibility buffer is existing/proposed; the south compatibility buffer will conform to Article 7.C.5.A.2 with regard to overhead utilities; there is an existing ROW Buffer of 20 feet along Jupiter Farms Road.*

**c. Compatibility with Surrounding Uses:**

*Response: The subject site is surrounded on three (3) sides by Palm Beach County Parks and on the east side by Jupiter Farms Road right-of-way, which are in context with the overall surrounding character. The subject site has been existing for a number of years and is a staple in the community providing for dining and some retail for Jupiter Farms Neighborhood.*

**d. Design Minimizes Adverse Impact:**

*Response: The design of the proposed use minimizes adverse impacts, including visual and intensity of the proposed use on adjacent lands. The additional parking proposed is located to the rear of the site and 1 additional handicap space has been added to the front of the building to provide for additional ADA compliance. The additional restrooms and cooler are located at the rear of the building which minimizes any adverse impact to the project and surrounding area.*

**e. Design Minimizes Environmental Impact:**

*Response: The proposed amendment and design minimizes environmental impacts, including, but not limited to water, air stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment. Careful consideration was given to the placement of the structures and walkways in order to preserve the existing scattered large pine trees on site. Only four pines were impacted with the additional parking and outdoor dining. With the proposed increase in square footage there is an increase of 69 daily trips.*

**f. Development Patterns:**

*Response: The proposed amendment will result in a logical, orderly and timely development pattern. The proposed additions to the buildings do no impact existing configuration of the site or existing driveway curb cuts and do not affect the surrounding properties. As the use is established and operating, this amendment will continue to result in a logical, orderly and timely development pattern.*

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**g. Adequate Public Facilities:**

*Response: The proposed amendment complies with Article 2.F, Concurrency. The property currently has an existing building with services for public facilities. With the proposed development the existing services will be reviewed upgraded as necessary. Currently the site has a septic tank and well for water and sewer services and will be adjusted with the new square footage.*

- a. **Drainage:** Please see Drainage Statement prepared by MacKenzie Engineering in which the details of legal positive outfall and the proposed drainage system are provided.
- b. **Traffic:** Please see Traffic Statement prepared by MacKenzie Engineering included with this request confirms that the proposed change will have no significant impact on public facilities.
- c. **Water/Wastewater:** the subject site has an existing well and septic tank which provides for water and sewer to the site.

**h. Changed Conditions or Circumstances:**

*Response: There are demonstrated changed conditions or circumstances. This project has been a staple of the community for quite a long time and adding additional square footage will facilitate a continued service to the area. This change is creating opportunities that will affect the sustainability of the business.*

**Type 2 Variance Request:**

This application requests a Type 2 Variance for a reduction in the setbacks within a Commercial POD of a PUD.

#	ULDC CODE SECTION	REQUIRED	PROPOSED	VARIANCE
V.1	Table 7.C.2.B – Compatibility Buffer – south property line	8 feet	0 feet	-8 feet (100% for 130 feet)
V.2	Table 7.C.4.A. – Landscape Island and Divider Median – Rural Tier	12 feet	8.8 feet	3.2 feet
V.3	Article 5.1.A.1.b – location of accessory structures	No structures shall be located with the front yard	1-accessory structure (576 s.f.) located in the front yard	1-accessory structure (576 s.f.) located in the front yard

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The Farms Marketplace MUPD  
November 2, 2020  
1<sup>st</sup> Resubmittal – February 8, 2021  
2<sup>nd</sup> Resubmittal – March 8, 2021  
3<sup>rd</sup> Resubmittal – May 24, 2021  
4<sup>th</sup> Resubmittal – June 7, 2021  
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The variance requests will allow the site to remain as previously approved.

- V.1 - a portion of the compatibility buffer along the south property from the east property line to the proposed 8' compatibility buffer will remain as existing today for a distance of 185 feet.
- V.2 – the purpose of this variance is to allow what was previously an approved parking space to be changed to a landscape island. The approved 10 foot parking space is being changed to a landscape island which needs to be 12 feet in the Rural Tier. The existing conditions do not permit the 12 feet required.
- V-3 – A variance to allow an existing accessory structure to remain in the front yard area of the site. The pavilion is an open air structure that provides shade while they are waiting for their tables.

Pursuant to ULDC Section 2.B.7.E, the following criteria must be satisfied for the granting of variances. Below is an analysis of the variance standards which demonstrates compatibility.

- a) Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same zoning district:

*Response: There are special conditions and circumstances that existing with the subject site. The three (3) variances being requested are to allow the existing conditions to remain; the 4.5-foot compatibility buffer along the south property line is existing and was part of the previous approval Exhibit No. 11 along with the existing overhead powerlines. The variance request will be for a portion of the compatibility buffer at a distance of 185 feet it will be zero (0). This area will be from the east property line to the proposed 8 foot compatibility buffer at the western portion of the south property line.*

*The requested variance for the landscape island will allow the previously approved parking space to be changed to a landscape island. Since the property is within the Rural Tier the landscape island needs to be 12 feet. If the property was located within Urban/Suburban Tier this variance would not be needed. Also, with location of the existing stairs, the landscape island cannot be increased to meet the Rural Tier requirement.*

*The pavilion was constructed 75' +/- from the east property line along Jupiter Farms Road. It is clearly out of the 30 front yard setback and meets the character of other properties along this roadway including several nurseries. It truly adds to the rural character of the area.*

- b) Special circumstances and conditions do not result from the actions of the Applicant.

*Response: There are special conditions and circumstances that existing with the subject site that do not result from the actions of the Applicant. Granting of this variance will not*

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*grant any special circumstances or conditions. As stated above, the compatibility buffer variance is for existing condition on site that was previously approved. The variance for the landscape island is being requested as the applicant was required by Land Development to remove the existing parking space for safety reasons. This parking space existed at 10 feet and with the landscape island inside curb dimension is 8.8 feet and we asking for a variance of 3.2 feet. As noted above, if this property was in the Urban/Suburban Tier, the variance would not be required.*

*The accessory structure, while constructed by the owner, was located far outside the front setback. They did not realize the code provision and their observation of other structures similar in nature throughout the Jupiter Farms area gave them the direction in locating it where it sits.*

- c) Granting the variance shall not confer upon the applicant any special privilege denied by the comprehensive plan and this code to other parcels of land, buildings or structures in the same zoning district:

*Response: Granting of this variance does not confer any special privilege denied by the Comprehensive Plan and the ULDC. As noted above, the site is zoned MUPD with an underlying CG Zoning District and a Commercial Low Land Use designation. The ULDC provides the opportunity for sites to request variances from Article 5 and 7 of the Code if the requirements cannot be met. This request resolves a previously approved non-conformity on the site.*

- d) Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship:

*Response: A literal enforcement would deprive the applicant of rights commonly enjoyed by other parcels. The request is to allow the addition or expansion of existing use for the existing business. The Farms Marketplace is a stable for the community and provides for gathering of its residents to enjoy a local dining experience.*

*There are also many open-air pole pavilions or other accessory structures throughout the Jupiter Farms area that are located in side or front yards. The structure of this application meets the rural character of the overall farm area.*

- e) Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:

*Response: The requested variances are the minimum variance to allow reasonable use of the property that will not create any adverse impacts on surrounding uses. The requested DOA application allows for the outdoor seating for users enjoyment is common and often*

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*requested at restaurants. This has become particularly important as restaurants are rebounding from the COVID-19 pandemic.*

*The location of the front yard accessory structure is located 30+/- feet beyond the front setback of the site and is the minimum variance needed to allow it to remain.*

- f) Grant of the variance will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and this code:

*Response: The requested variance is the minimum variance to allow reasonable use of the property that will not create any adverse impacts on surrounding uses. This request resolves a previously approved non-conformity on the site. The accessory structure does not adversely impact adjacent properties or roadways and meets the rural character of the Jupiter Farms Neighborhood.*

- g) The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

*Response: The granting of this variance will not be injurious or detrimental to the public welfare. As stated above, the requests allows the addition or expansion of existing use for the existing business. The Farms Marketplace is a stable for the community and provide for gathering of its residents and a local dining experience that has been on this site for several years.*

*The accessory structure does not adversely impact adjacent properties or roadways and meets the rural character of the Jupiter Farms Neighborhood. The accessory structure provides safety and shade to patrons waiting for tables to dine at the restaurant.*

**Conclusion:**

The Development Order Amendment will provide the loyal Taylor Farmhouse Café patrons additional opportunities to continually enjoy the fantastic food & entertainment and create an even better place to socialize with friends & neighbors, while keeping that hometown Jupiter Farms feel. With that, 2GHO, Inc. respectfully request approval of the presented request. The project managers at Gentile Glas Holloway O'Mahoney & Associates, Inc. are Troy Holloway and Patricia Lentini.