

RESOLUTION NO. R-2021- 0953

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2020-01452
(CONTROL NO. 1980-00234)
a Development Order Amendment
APPLICATION OF Jupiter Burrito Bros LLC
BY Gentile Glas Holloway O'Mahoney & Associates Inc., AGENT
(The Farms Market Place MUPD)

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 (ULDC), Ordinance 2003-067 as amended, have been satisfied;

WHEREAS, Zoning Application ZV/DOA-2020-01452 was presented to the Board of County Commissioners at a public hearing conducted on July 22, 2021;

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 Development Order Amendment;

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/DOA-2020-01452, the Application of Jupiter Burrito Bros LLC, by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent, for a Development Order Amendment to amend a previously approved Planned Commercial Development to modify the Site Plan; and, add building square footage, 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 22, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

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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;

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Commissioner Weinroth 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 Dave Kerner, Mayor	-	Aye
Commissioner Robert S. Weinroth, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Maria Sachs	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 22, 2021.

Filed with the Clerk of the Board of County Commissioners on July 27th, 2021.

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

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.

CONTAINING 79,609 SQUARE FEET OR 1.828 ACRES.

EXHIBIT B

VICINITY SKETCH

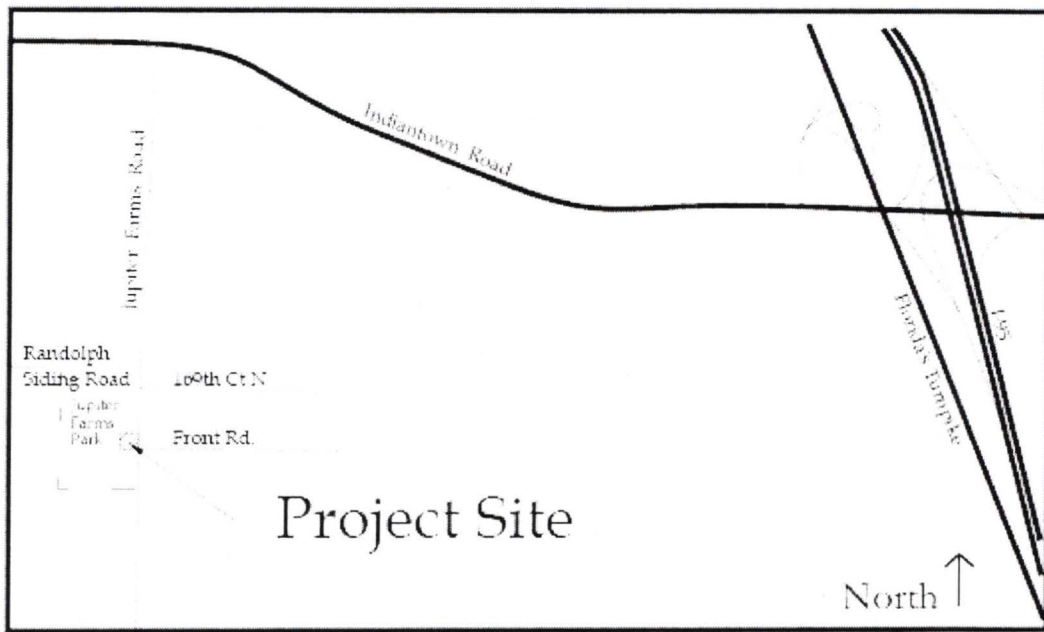


EXHIBIT C

CONDITIONS OF APPROVAL

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 7,270 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.