

RESOLUTION NO. ZR-2021-017

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2020-01452
(CONTROL NO. 1980-00234)
TYPE 2 VARIANCE (*CONCURRENT*)
APPLICATION OF Jupiter Burrito Bros LLC
BY Gentile Glas Holloway O'Mahoney & Associates Inc., AGENT
(THE FARMS MARKET PLACE MUPD)

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

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

WHEREAS, Zoning Application ZV/DOA-2020-01452 was presented to the Zoning Commission at a public hearing conducted on July 1, 2021;

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

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

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

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

WHEREAS, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ZV/DOA-2020-01452 by the Board of County Commissioners;

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/DOA-2020-01452, the Application of Jupiter Burrito Bros LLC, by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent, for a Type 2 Variance 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, 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 1, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Scarborough moved for the approval of the Resolution.

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

John Kern, Chair	- Yes
Marcelle Griffith Burke, Vice Chair	- Yes
Cheri Pavlik	- Yes
Sheri Scarborough	- Yes
Michael Kelley	- Yes
Sam Caliendo	- Absent
Alex Brumfield III	- Yes
Mark Beatty	- Yes
Jess Sowards	- Yes

This resolution shall only become effective upon the adoption of a resolution approving Zoning Application ZV/DOA-2020-01452 by the Board of County Commissioners.

This resolution is effective when filed with the Palm Beach County Zoning Division on July 1, 2021.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
CHAIR

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

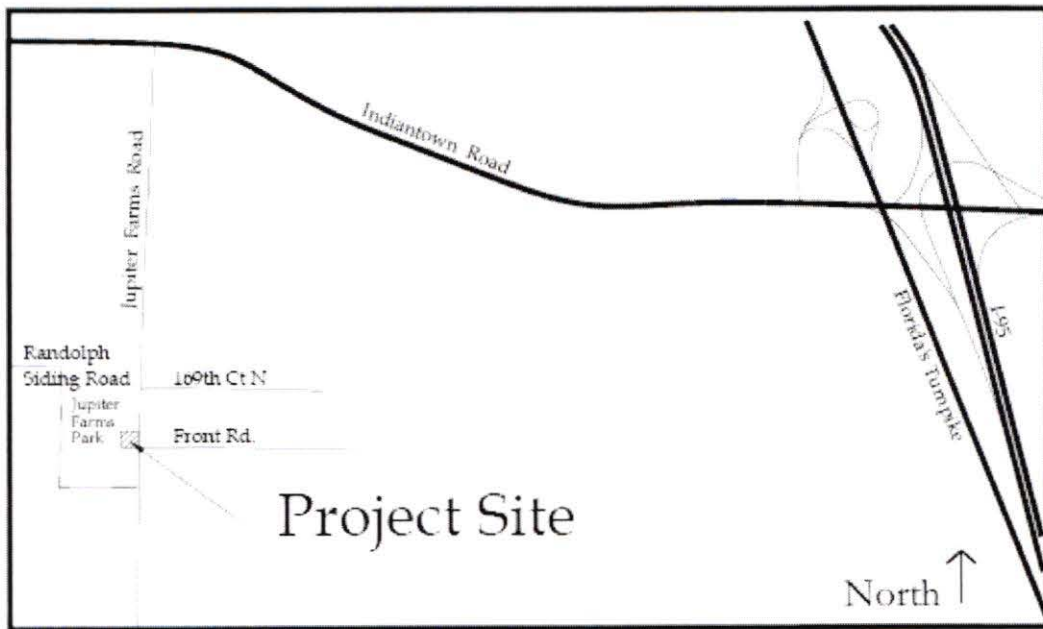


EXHIBIT C

CONDITIONS OF APPROVAL

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.

EXHIBIT D

REQUEST

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 Tier	12 feet landscape island	8.8 feet landscape island	-3.2 feet
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