

RESOLUTION NO. R-2024- 0592

RESOLUTION APPROVING ZONING APPLICATION ABN/ZV/Z/CA-2023-00669
(CONTROL NO. 1989-00051)
a Class A Conditional Use
APPLICATION OF Union Congregational Church of West Palm Beach FL
BY JMorton Planning & Landscape Architecture, AGENT
(Peace Village)

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 ZV/ABN/Z/CA-2023-00669 the Application of Union Congregational Church of West Palm Beach FL, by JMorton Planning & Landscape Architecture, Agent, for a Type 2 Variance to allow a reduction in the number of parking spaces on 6.48 acres; a Development Order Abandonment to abandon a Special Exception for a Church and Accessory Buildings and Structures on 6.48 acres; a Development Order Abandonment to abandon a Special Exception for a Planned Unit Development on 6.48 acres; an Official Zoning Map Amendment to allow a rezoning from the Residential Single Family (RS) Zoning District to the Residential Multifamily (RM) Zoning District on 6.48 acres; and a Class A Conditional Use to allow Affordable Housing Density increase greater than 50% (52 additional units) on 6.48 acres was presented to the Board of County Commissioners at a public hearing on May 23, 2024;

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 Class A Conditional Use;

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:

1. The foregoing recitals are true and correct and are incorporated herein
2. Zoning Application ZV/ABN/Z/CA-2023-00669, the Application of Union Congregational Church of West Palm Beach FL, by JMorton Planning & Landscape Architecture, Agent, for a Class A Conditional Use to allow Affordable Housing Density increase greater than 50% (52 additional units) on 6.48 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 May 23, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

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

Commissioner Maria Sachs, Mayor	-	Aye
Commissioner Maria G. Marino, Vice Mayor	-	Aye
Commissioner Gregg K. Weiss	-	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 May 23, 2024.

Filed with the Clerk of the Board of County Commissioners on May 23, 2024.

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

BY: 
COUNTY ATTORNEY

JOSEPH ABRUZZO
CLERK & COMPTROLLER
BY: 
DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

THE EAST 1/2 OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 142 FEET AS MEASURED ON THE NORTH LINE OF SAID SECTION 11 OF THE NORTH 562.9 FEET AS MEASURED ALONG THE EAST LINE OF SAID SECTION 11, OF THE EAST 1/2 OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 44 SOUTH, RANGE 42 EAST.

LESS, HOWEVER, THE EAST 40 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 11 FOR RIGHT-OF-WAY FOR HAVERHILL ROAD.

FURTHER LESS AND EXCEPT THOSE LANDS MORE PARTICULARLY DESCRIBED IN THE RIGHT-OF-WAY DEED TO PALM BEACH COUNTY, RECORDED IN OFFICIAL RECORDS BOOK 7245, PAGE 1315 AND CORRECTED IN OFFICIAL RECORDS BOOK 7273, PAGE 1277, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 282,216 SQUARE FEET OR 6.478 ACRES, MORE OR LESS

EXHIBIT B
VICINITY SKETCH

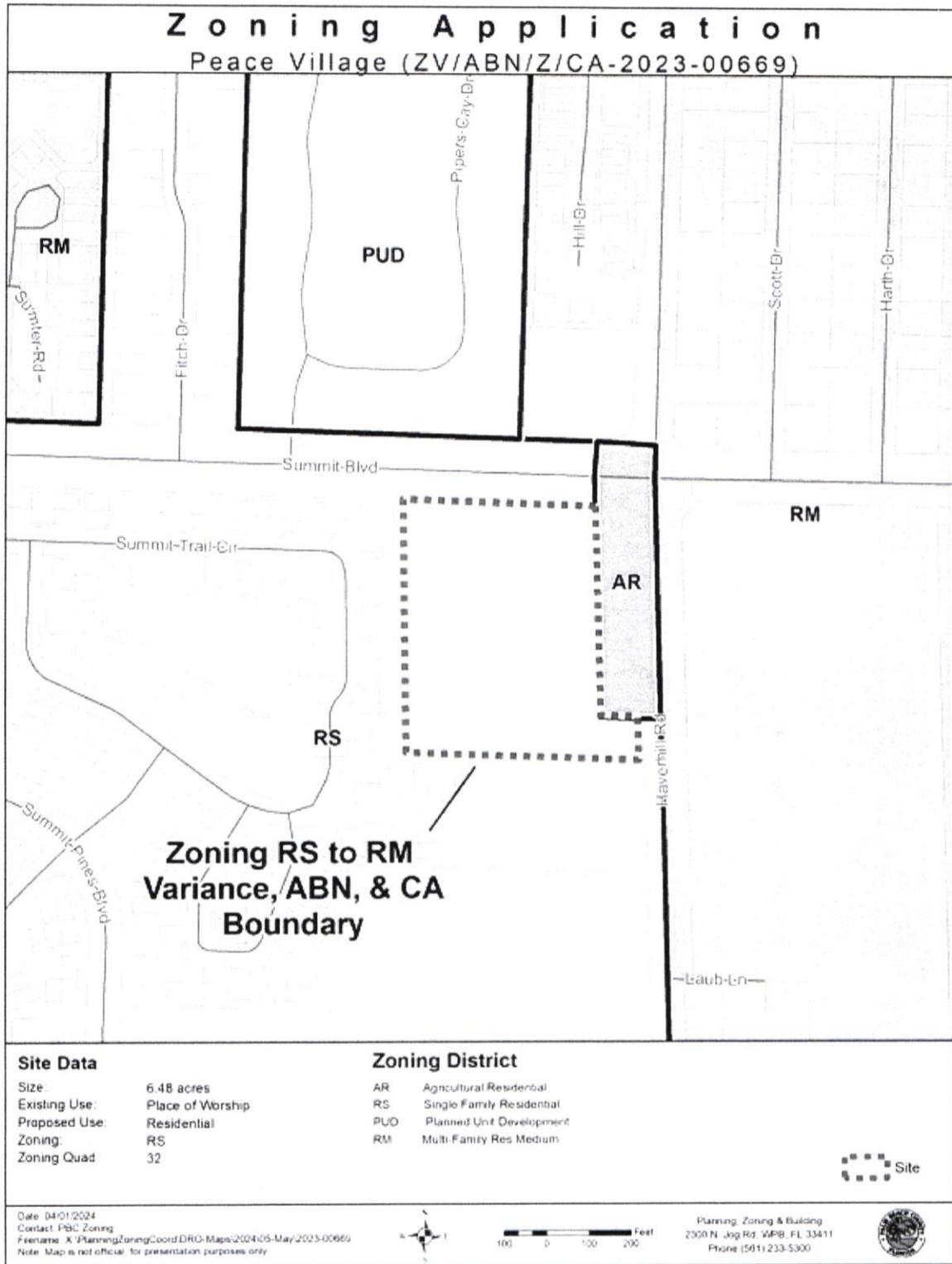


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use on 6.48 acres

ALL PETITIONS

1. The approved Preliminary Site Plan is dated March 14, 2024. 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. (ONGOING: ZONING - Zoning)
2. All residents shall be income restricted to the requirements of the Palm Beach County Affordable Housing Program and shall be over 55 years of age. (ONGOING: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1. Prior to final approval by the Development Review Officer, the Applicant needs to modify the Visual Impact Analysis to incorporate the revised elevations submitted in March 2024. (DRO: ZONING - Zoning)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2028, 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. Prior to the issuance of the first building permit, 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. (BLDGPM: MONITORING - Engineering)

ENVIRONMENTAL

1. Prior to final approval by the Development Review Officer, a Tree Preservation Area Management Plan shall be provided to ERM for review and approval (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
2. All mitigation plantings shall be planted on-site or as approved by ERM in writing. (ONGOING/VEGPMT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
3. None of the landscape material to be planted and/or maintained shall be on the 2019 Florida Invasive Species Council 'FISC' list of Invasive Plant Species, as periodically amended. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

PLANNING

1. The subject Development Order for the 104 multifamily rental units with a 68-unit Affordable Housing Program (AHP) obligation was calculated based on analysis dated December 4, 2023 utilizing a 100% AHP density bonus or 52 units was utilized. Per ULDC Art. 5.G.2.B the units are to be provided on-site. (ONGOING: PLANNING - Planning)
2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall meet the requirements of ULDC Art. 5.G.2.F.2. that either:
 - a.records in the Public Records of Palm Beach County a Restrictive Covenant binding the entire project, in a form provided for by the County, or;
 - b.provide documentation of the programmatic requirements of approved funding that meet or exceed the requirements of the Affordable Housing Program (AHP). (DRO: PLANNING - Planning)
3. The owner or lessee of the Affordable Housing Program (AHP) unit shall submit to the County Administrator, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the AHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. (ONGOING: PLANNING - Planning)

4. The Developer shall notify the Planning Division at the commencement of leasing. (ONGOING: PLANNING - Planning)

SCHOOL BOARD

1. The Property Owner shall provide a Declaration and Restrictive Covenant which prohibits children less than nineteen years of age from residing in the community no later than six (6) months after DRO Approval. In the event of a declared state of emergency, the Property Owner will be granted an additional six (6) months to comply. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the School Board and the County Attorney and a copy of the recorded document shall be sent to the School Board's Planning and Intergovernmental Relations Department. (DATE/DRO: SCHOOL BOARD - School Board)

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.