

RESOLUTION NO. ZR-2024-005

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/Z/CA-2023-00669  
(CONTROL NO. 1989-00051)  
TYPE II VARIANCE (*CONCURRENT*)  
APPLICATION OF Union Congregational Church of West Palm Beach FL  
BY JMorton Planning & Landscape Architecture, AGENT  
(PEACE VILLAGE)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), 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/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 Zoning Commission at a public hearing conducted on May 2, 2024;

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 finds that the Zoning Application meets all 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/ABN/Z/CA-2023-00669 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:

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 Type 2 Variance to allow a reduction in the number of parking spaces 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 2, 2024, subject to

the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof and Variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Kern moved for the approval of the Resolution.

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

Cheri Pavlik - Chair	-	Aye
John Kern – Vice Chair	-	Aye
Michael Kelley	-	Aye
Sam Caliendo	-	Aye
Lori Vinikoor	-	Aye
William Reicherter	-	Aye
Alex Brumfield III	-	Aye
James Williams	-	Aye
Susan Kennedy	-	Nay

The Chair thereupon declared the resolution was duly passed and adopted on May 2, 2024.

This resolution was filed with the Palm Beach County Zoning Division on May 2, 2024.

This resolution shall only become effective upon the adoption of a resolution approving Zoning Application ZV/ABN/Z/CA-2023-00669 by the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:   
CHAIR

**EXHIBIT A**

**LEGAL DESCRIPTION**

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

#### Type 2 Variance – Concurrent on 6.68 acres

##### VARIANCE

1. This Variance is approved based on the layout as shown on the Preliminary Site Plan dated March 14, 2024. Only minor modifications by Zoning Commission or Development Review Officer shall be permitted provided the changes are consistent with this Preliminary Site Plan. (ONGOING: ZONING - Zoning)
2. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDG/PMT: BUILDING DIVISION - Zoning)
3. The Development Order for this Standalone Variance shall be tied to the Time Limitations of the Development Order for ZV/ABN/Z/CA-2023-00669. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - Zoning)
4. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Preliminary Site Plan. (DRO: ZONING - Zoning)
5. 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)
6. Each dwelling unit shall be assigned at minimum one parking space. (ONGOING: ZONING - 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 II VARIANCE SUMMARY**

ULDC Article	Required	Proposed	Variance
6.A.1.B-1 Minimum Parking	Multifamily: 1.75 spaces per unit = 182 spaces, and 1 guest space per 4 units = 26 spaces Total = 208 Spaces	132 spaces	Reduction of 76 spaces (37%)

<b>SITUS ADDRESS:</b>	5088 Summit Blvd West Palm Beach 33415		
<b>OWNER NAME &amp; ADDRESS:</b>	Union Congregational Church Of West Palm Beach FL 5088 Summit Blvd West Palm Beach, FL 33415-3721		
<b>PCN:</b>	00-42-44-11-00-000-1020		
<b>EXISTING ZONING DISTRICT:</b>	Single-Family Residential District (RS)		
<b>PROPOSED ZONING DISTRICT:</b>	Residential Multifamily (RM)		
<b>BCC DISTRICT:</b>	3		
<b>LAND USE:</b>	HR-8	S/T/R: 11-44-42	
<b>CONTROL #:</b>	1989-00051		
<b>LOT AREA:</b>	6.48 acres +/-		
<b>REQUEST:</b>	to allow a reduction in the number of parking spaces on 6.48 acres		