

RESOLUTION NO. R-2023- 0413

RESOLUTION APPROVING ZONING APPLICATION DOA-2022-01227
(CONTROL NO. 1995-00049)
a Development Order Amendment
APPLICATION OF Mt Carmel Baptist Church
BY Gentile Glas Holloway O'Mahoney & Assoc Inc., AGENT
(Mt. Carmel Missionary Baptist Church)

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 DOA-2022-01227 the application of Mt. Carmel Missionary Baptist Church, Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent for a Development Order Amendment to delete land area (2.99 acres) from an existing 8.15 acre approval; and to reconfigure the site plan for the remaining 5.16 acres was presented to the Board of County Commissioners at a public hearing conducted on September 28, 2023;

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 DOA-2022-01227, the Application of Mt Carmel Baptist Church, by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent, for a Development Order Amendment to delete land area (2.99 acres) from an existing 8.15 acre approval; and to reconfigure the site plan for the remaining 5.16 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 September 28, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Sachs moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	-	Aye
Commissioner Maria Sachs, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	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 September 28, 2023.

Filed with the Clerk of the Board of County Commissioners on October 17th, 2023

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

A PARCEL [IH1] OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 40 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE ALONG THE SOUTH LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 34, SOUTH 89°15'49" EAST, A DISTANCE OF 669.30 FEET TO THE INTERSECTION THEREOF WITH THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34; THENCE ALONG SAID WEST LINE, NORTH 00°04'30" WEST, A DISTANCE OF 30.00 FEET TO A POINT ON THE EXISTING NORTH RIGHT OF WAY LINE OF CHURCH STREET, AS DESCRIBED IN OFFICIAL RECORD BOOK 3887, PAGE 643, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND;

THENCE CONTINUE ALONG SAID WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, NORTH 00°04'30" WEST, A DISTANCE OF 631.75 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34; THENCE ALONG SAID NORTH LINE, SOUTH 89°25'24" EAST, A DISTANCE OF 392.14 FEET; THENCE DEPARTING SAID NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, SOUTH 00°44'09" WEST, A DISTANCE OF 111.80 FEET; THENCE NORTH 74°56'03" WEST, A DISTANCE OF 150.90 FEET; THENCE SOUTH 15°03'57" WEST, A DISTANCE OF 134.84 FEET; THENCE SOUTH 74°56'03" EAST, A DISTANCE OF 159.02 FEET; THENCE SOUTH 00°44'09" WEST, A DISTANCE OF 65.67 FEET; THENCE SOUTH 90°00'00" EAST, A DISTANCE OF 35.23 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 323.14 FEET TO A POINT ON THE AFOREMENTIONED EXISTING NORTH RIGHT OF WAY LINE OF CHURCH STREET, AS DESCRIBED IN OFFICIAL RECORD BOOK 3887, PAGE 643, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID NORTH LINE, NORTH 89°15'49" WEST, A DISTANCE OF 397.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 224,653 SQUARE FEET OR 5.157 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

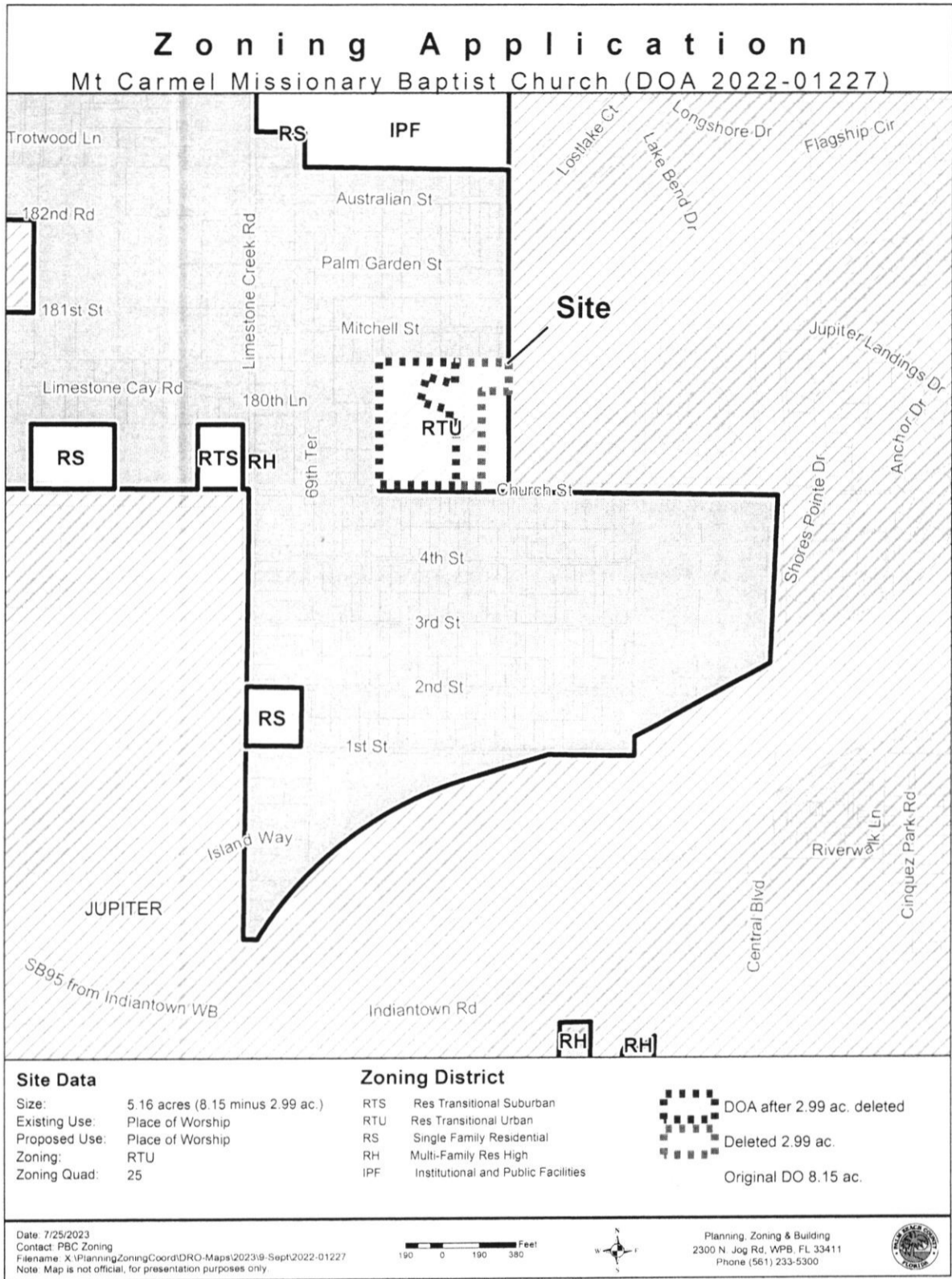


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. The approved Preliminary Site Plan is dated August 25, 2023. 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 previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1995-1321-12 (Control 1995-49), 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 unless expressly modified. (ONGOING: MONITORING - Zoning)

ANNEXATION

1. The property owner shall voluntarily annex into the Town of Jupiter at such time the subject property becomes contiguous to the Town of Jupiter or is the subject of an annexation proposal by the Town of Jupiter. (ONGOING: ZONING - Zoning) (Previous ANNEXATION Condition 1 of Resolution R-1995-1321-12, Control No.1995-00049)

BUILDING AND SITE DESIGN

1. The church shall be limited to a maximum of 230 seats. (ONGOING: ZONING - Zoning) (Previous BUILDING AND SITE DESIGN Condition 1 of Resolution R-1995-1321-12, Control No.1995-00049)

ENGINEERING

1. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition Number 95-49, to be paid at the time of issuance of the Building Permit presently is \$275.00 (5 additional trips X \$55.00 per trip) (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-1995-1321-12, Control No.1995-00049)

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 or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

3. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (DRO: ENGINEERING - Engineering)

ZONING - LANDSCAPING

1. A ten (10) foot wide landscape buffer shall be installed along the west 530 feet of south property line (adjacent to Church Street). The buffer shall consist of the following:

a. trees planted a minimum of thirty (30) feet on center; and

b. hedge material a minimum of twenty-four (24) inches in height at time of planting. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-1995-1321-12, Control No.1995-00049)

2. A ten (10) foot wide landscape buffer shall be installed along the south 300 feet of the west property line (adjacent to the grassed parking area). The buffer shall consist of the following:

a. trees planted a minimum of twenty (20) feet on center; and

b. hedge material a minimum of twenty-four (24) inches in height at time of planting. (ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 2 of Resolution R-1995-1321-12, Control No.1995-00049)

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.