

**RESOLUTION NO. 2022-10**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO AN EXISTING SITE PLAN FOR THE HOLY SPIRIT LUTHERAN CHURCH LOCATED AT 13301 ELLISON WILSON ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN, TO DEMOLISH AN EXISTING MODULAR BUILDING AND CONSTRUCT A NEW OFFICE ADDITION; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, through the adoption of Ordinance No. 648, the Town Council annexed the Holy Spirit Lutheran Church ("Church" or "Applicant"), located on 5.82 acres of real property at 13301 Ellison Wilson Road, as more particularly described in Exhibit A attached hereto and incorporated herein ("Property"), into the corporate limits of the Town; and

**WHEREAS**, the Church has filed an application to modify the site plan previously approved by Palm Beach County to demolish an existing 1,728 square foot modular building and construct a new 3,534 square foot office addition ("Project"); and

**WHEREAS**, the Planning and Zoning Board reviewed the Church's application for a major amendment to the approved site plan and recommended approval; and

**WHEREAS**, having considered the recommendation of the Planning and Zoning Board, the Town Council determines that the application meets all Town Comprehensive Plan and Zoning Code requirements and wishes to approve the major amendment to the site plan, subject to the conditions set forth in this Resolution; and

**WHEREAS**, the Town Council determines that the adoption of this Resolution is in the best interests of the Town and its residents.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, as follows:**

**Section 1.** The foregoing recitals are hereby ratified as true and correct and are incorporated herein.

**Section 2.** The Town Council hereby approves a major amendment to the approved site plan for the Church to demolish an existing 1,728 square foot modular building and construct a new 3,534 square foot office addition on the Property. The Project shall be constructed in conformance with the development plans submitted by the Applicant as of the date of this approval and on file with the Town, including, but not limited to, site plans, landscape plans, engineering plans and architectural plans and elevations.

**Section 3.** The Town Council's approval of the major amendment to the site plan is expressly subject to the conditions set forth herein, which shall run with the property and be binding on the Applicant and all successors in interest:

1. The Applicant shall comply with all requirements of the Town of Jupiter Utilities Department and the Loxahatchee River District for water and sewer services.
2. The Applicant shall submit final civil engineering and utility/water management plans to the Town Engineer for review and approval and shall obtain administrative approval from the Town prior to any land clearing or grading activities. The Applicant shall obtain all necessary surface water management permits and water use permits from the South Florida Water Management District and the Department of Environmental Protection and shall create all easements required by either the utility providers or the permitting agencies.
3. To the extent not already in existence, the Applicant shall execute appropriate Development Agreements with utility service providers to reserve water and wastewater service capacity prior to the filing of any building permit application.
4. The Applicant shall adhere to the Town's Community Appearance Standards, as set forth in Sections 34-1302 through 34-1307 of the Town Code of Ordinances. If these standards cannot be met, the Applicant shall supply the Town with the necessary funds to provide the required infrastructure and incorporate such standards. The amount necessary to meet these standards shall be reviewed and approved by the Town Engineer.
5. The Applicant shall submit architectural elevations for any accessory structures to the Planning and Zoning Director for review and approval prior to the filing of any building permit application.
6. The Applicant shall post sufficient surety for all infrastructure and landscaping improvements by letter of credit or some other adequate form of surety approved by the Town Attorney prior to any land clearing activities or the filing of any building permit application. The Town Engineer and the Planning and Zoning Director shall determine the appropriate sum of such surety. The Applicant shall also provide the required deposit (\$2,000.00) for site plan and project review/approval in accordance with Town requirements.

7. The Applicant shall screen all utility/mechanical equipment features as required by Section 34-908 of the Town Code.
8. In accordance with Section 34-119(a) of the Town Code, the approval of the site plan amendment shall be valid for two years from the effective date of this Resolution. If the Applicant has not commenced development within two years, this approval shall become null and void. For the purposes of this condition, "commencement of development" shall mean receipt of a validly issued building permit and first building inspection approval for a minimum of one principal structure or completion of 25 percent of the total cost of the infrastructure (water, sewer, roads and drainage) on site. Infrastructure costs shall be reviewed and approved by the Town Engineer prior to final approval of the engineering plans. The Applicant may seek an extension of such approval pursuant to Section 34-119(b) of the Town Code.
9. The Applicant shall complete perimeter screening of the construction site prior to vertical construction in order to maintain acceptable visual impacts during the construction phase of the Project. Additionally, the Applicant shall comply with all OSHA and other minimum safety requirements during any demolition activities and throughout the construction of the project.
10. In granting this approval, the Town Council relied upon the oral and written representations of the Applicant both on the record and as part of the application process. Any deviations from such representations will be addressed in accordance with Section 34-34 and 34-35 of the Town Code.
12. The Applicant shall provide all approved plans in digital format prior to building permit submission.
13. As required by Section 6-24 of the Town Code (amendments to Chapter 1 of the Florida Building Code), a building permit for a project between 5,000 square feet to 9,999 square feet in size shall become invalid unless the work authorized by such permit is commenced and completed within twenty-four (24) months after issuance of the permit.
14. All native plants removed for the Project shall be relocated on site or to relocated to an appropriate location within the Town.
15. All building permits are subject to the time limitations set forth in Section 6-24 of the Town Code (Administrative Amendments to the Florida Building Code).

**Section 4.** Should the Applicant fail to meet these conditions, this approval shall be revoked and no additional work shall proceed on site until such time as this Resolution is renewed or amended by the Town Council. These conditions shall be binding on the Applicant and its successors and assigns and violation of such conditions shall constitute a violation of the development approval, which may be enforced by the Town as set forth in the Town Code or as otherwise authorized by law

**Section 5.** All resolutions or prior approvals, or parts of resolutions or prior approvals, in conflict with this Resolution are hereby repealed to the extent of such conflict.

**Section 6.** This Resolution shall be effective immediately upon adoption.

RESOLVED AND ADOPTED this 28<sup>th</sup> day of September, 2022.

  
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DD Halpern, Mayor

ATTEST:

  
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Caitlin E. Copeland-Rodriguez, MMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
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Leonard G. Rubin, Town Attorney