

RESOLUTION NO. R-2011- 0567

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2010-02216
(CONTROL NO. 1974-00083)
a Development Order Amendment
APPLICATION OF Covenant Centre Inc
BY Cotleur & Hearing, Inc., AGENT
(Covenant 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; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application DOA/CA-2010-02216 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 2011; and

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; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code 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/CA-2010-02216, the petition of Covenant Centre Inc, by Cotleur & Hearing, Inc., agent, for a Development Order Amendment to reconfigure the site plan; to reduce square footage and number of children for the general day care; and reduce the number of seats for the Place of Worship in the Multifamily Residential (RM) Zoning District, on a parcel of land legally described 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 April 28, 2011, subject to the Conditions of Approval described in EXHIBIT C-1, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Commissioner Karen T. Marcus, Chair	- AYE
Commissioner Shelley Vana, Vice Chair	- AYE
Commissioner Paulette Burdick	- AYE
Commissioner Steven L. Abrams	- AYE
Commissioner Burt Aaronson	- AYE
Commissioner Jess R. Santamaria	- AYE
Commissioner Priscilla A. Taylor	-

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 28, 2011.

Filed with the Clerk of the Board of County Commissioners on May 3, 2011.

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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

COVENANT CHURCH

LEGAL DESCRIPTION:

THE SOUTH FORTY FEET (40') OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (LESS THE EAST TWENTY FEET (20') THEREOF FOR RIGHT-OF-WAY) AND THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (LESS THE SOUTH FORTY FEET (40') THEREOF AND LESS THE EAST TWENTY FEET (20') THEREOF, FOR RIGHT-OF-WAY), ALL BEING IN SECTION 18, TOWNSHIP 42 SOUTH, RANGE 43 EAST; AND LESS AND EXCEPTING THERE FROM THAT PORTION CONVEYED TO THE STATE OF FLORIDA FOR THE RIGHT-OF-WAY OF STATE ROAD 9 (I-95) BY DEED RECORDED MARCH 25, 1965, IN OFFICIAL RECORDS BOOK 1178, PAGE 193, AND LESS THE EAST 30 FEET LESS THE EXISTING 20 FEET RIGHT OF WAY ON ROAN LANE AS DESCRIBED IN THAT RIGHT OF WAY DEED RECORDED IN OFFICIAL RECORD BOOK 2359 AT PAGE 1215, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼; THENCE AN ASSUMED BEARING OF DUE SOUTH (S01°45'28"W, MEASURED) ALONG THE EAST LINE OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ A DISTANCE OF 290.98 FEET; THENCE SOUTH 89°46'14" WEST (N88°28'18"W MEASURED), A DISTANCE OF 60 FEET; THENCE DUE NORTH (N01°45'28"E MEASURED) A DISTANCE OF 75.98 FEET (75.96 MEASURED); THENCE SOUTH 89°44'27" WEST (N88°30'05"W MEASURED), A DISTANCE OF 19.67 FEET; THENCE NORTH 8°35'14" WEST (N06°49'46"W MEASURED), A DISTANCE OF 257.70 FEET; THENCE NORTH 89°44'27" EAST (S88°30'32"E MEASURED), A DISTANCE OF 118.15 FEET; THENCE DUE SOUTH (S01°45'28"W MEASURED) 40' TO THE POINT OF BEGINNING, ALL LYING AND BEING IN SECTION 18, TOWNSHIP 42 SOUTH, RANGE 43 EAST.

SAID LANDS CONTAINING 177,554 SQUARE FEET, 4.076 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

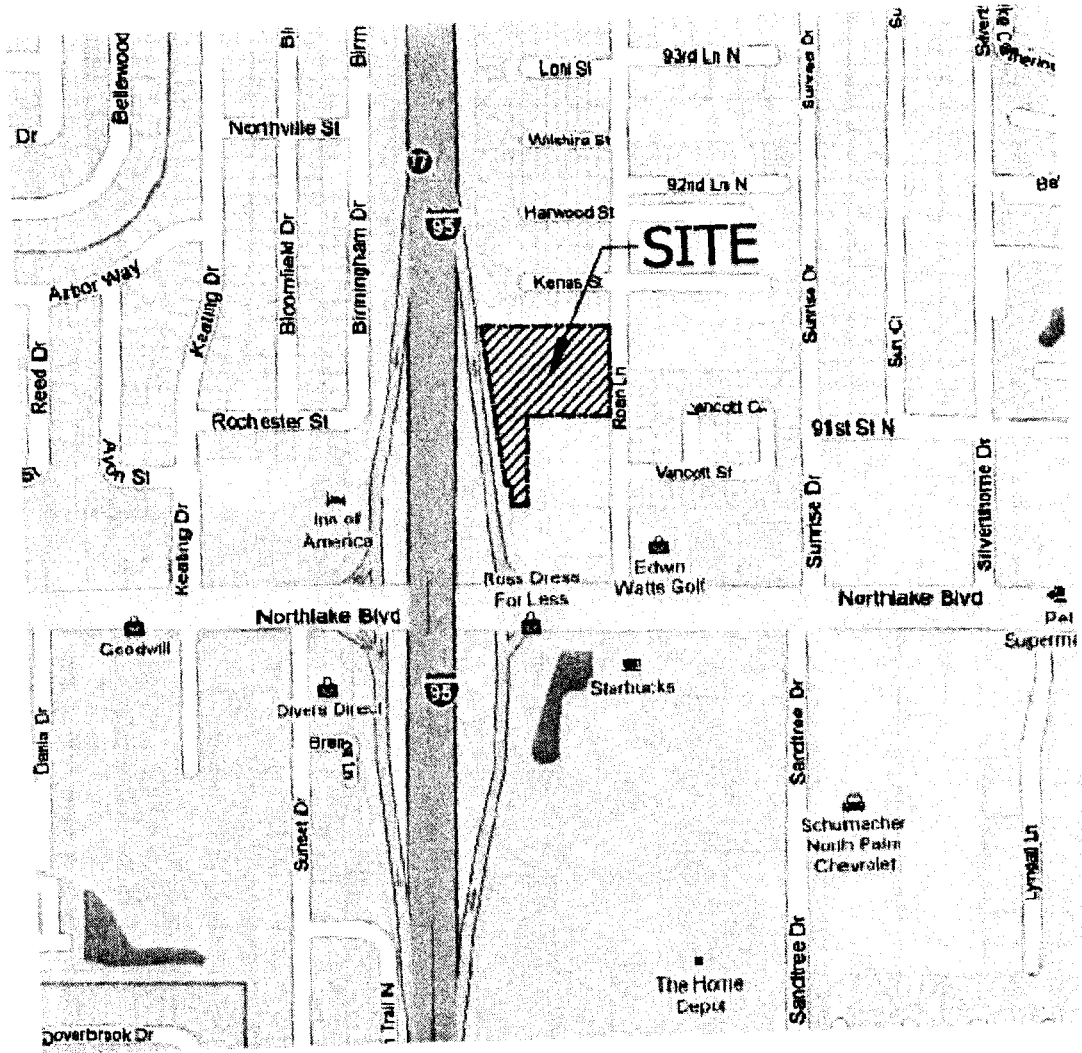


EXHIBIT C-1

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1 of Resolution R-93-0003, Control No. 074-083, which currently states:

All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for compliance with Section 5.8 of the Palm Beach County Land Development Code, as amended, unless expressly modified. (MONITORING)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-93-03 (Control No. 1974-083), 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 (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. The approved preliminary site plan is dated January 14, 2011. Modifications to the Development Order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ANNEXATION

1. Condition B.1 of Resolution R-93-0003, Control No. 074-083 which currently states:

The property owner shall voluntarily annex the subject property into the City of Palm Beach Gardens at such time the property becomes contiguous to the City or is the subject of an annexation proposal by the City. (PLANNING)

Is hereby deleted. [Reason: Not enforceable.]

ARCHITECTURAL REVIEW

1. Prior to site plan approval by the Development Review Officer (DRO), the applicant shall submit a floor plan for Building A. (DRO: ARCH REVIEW Zoning)

ENGINEERING

1. Prior to April 1, 1993 or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Roan Lane, thirty (30) feet from centerline free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer (survey indicates the right of way as existing). (DATE/BLDG PERMIT: MONITORING-Eng). (Previous Condition E1 of Resolution R-1993-003, Control No. 1974-083) [Note: COMPLETED]

2. Prior to September 28, 2011 or operation of the charter school, whichever shall occur first, the property owner shall construct a 5 foot concrete sidewalk along the west side of Roan Lane from the church's north property line to Northlake Boulevard. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Prior to construction, the property owner shall obtain a permit from the Land Development Division. (DATE/ONGOING: MONITORING -Eng)

3. Prior to April 28, 2012, the property owner shall combine the lots into a single lot of record in accordance with Article 11 of the ULDC. (DATE: MONITORING - Eng)

4. Prior to final site plan approval by the DRO, the property owner shall abandon and, if necessary, relocate the existing right of way on the southern portion of the site. (DRO: ENGINEERING - Eng)

5. 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 the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING-Eng)

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. (PLAT/BLDG PERMIT: MONITORING-Eng)

6. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2015. 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-Eng)

7. If warranted by future conditions as determined by the County Engineer, the Property Owner shall construct a south approach left turn lane on Roan Lane at the project entrance within one year of receipt of notice that the turn lane is warranted. Any and all costs associated with this construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (ONGOING: ENGINEERING - Eng)

HEALTH

1. Previous Condition Health 1 of Resolution R-93-003, Control 074-083 which currently states:

Water service shall be provided by Seacoast Utility Authority. Therefore, no well shall be permitted on the site to provide potable water. (HEALTH: Health)

Is hereby deleted: [REASON—Subject to Health Department requirement]

2. Previous Condition Health 2 of Resolution R-93-003, Control 074-083 which currently states:

Sewer service shall be provided by Seacoast Utility Authority. Therefore, no septic tank shall be permitted on the site. (HEALTH: Health)

Is hereby deleted: [REASON—Subject to Health Department requirement]

LANDSCAPE - GENERAL

1. Previous Landscape General Condition G.1 of Resolution R-93-0003, Control No. 74-083 which currently states:

Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval. (DRO: LANDSCAPE Zoning)

Is hereby deleted: [REASON: Code Requirement Pursuant to Art. 7. D. Landscape General Standards]

2. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a) Tree height: fourteen (14) feet.
- b) Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c) Canopy diameter: seven (7) feet.

Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the uttermost branch tip. Each radius shall measure at least 3.5 feet in length. (ONGOING: LANDSCAPE - Zoning) (Previous Landscape General Condition G.2 of Resolution R-93-0003, Control No. 74-083)

LANDSCAPE - INTERIOR

3. Previous Landscape Interior Condition H.1 of Resolution R-93-0003, Control No. 74-083 which currently states:

All paved parking areas shall meet minimum Landscape Code and Parking Code requirements.

Is hereby deleted: [REASON: Code Requirement Pursuant to Art. 7. G. Landscape Off-Street Parking Requirements]

LANDSCAPING ALONG NORTH, EAST AND SOUTH PROPERTY LINES (ABUTTING RESIDENTIAL ZONING)

4. Landscaping and buffering along the north, east and south property lines adjacent to residentially zoned properties only shall be upgraded to include a minimum five (5) foot wide landscape buffer strip consisting of the following:

- a) One (1) native canopy tree planted every twenty (20) feet on center;
- b) One (1) native palm tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
- c) Twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (Previous Landscape Condition I.1 of Resolution R-93-0003, Control No. 74-083)

LIGHTING

1. Previous Lighting Condition J.1 of Resolution R-93-0003, Control No. Control No. 74-083 which currently states:

All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING: CODE ENFORCEMENT - Zoning)

Is hereby deleted: [REASON: Code Requirement Pursuant to Art. 5.E.4.E. Outdoor Lighting]

2. All outdoor lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade. (ONGOING: BUILDING Zoning) (Previous Lighting Condition J.2 of Resolution R-93-0003, Control No. 74-083)

3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (ONGOING: CODE ENFORCEMENT Zoning) (Previous Lighting Condition J.3 of Resolution R-93-0003, Control No. 74-083)

SIGNS

- 1. Signs fronting on Roan Lane shall be limited as follows:
 - a. Maximum sign height, measured from crown of road - eight (8) feet;

- b. Maximum sign face area per side – sixty (60) square feet;
- c. Maximum number of signs - one (1). (BUILDING PERMIT: BUILDING Zoning) (Previous Signs Condition K.1 of Resolution R-93-0003, Control No. 74-083)

SITE DESIGN

1. Previous Building and Site Design Condition C.1 of Resolution R-93-003, Control No. 74-083 which currently states:

Total gross floor area shall be limited to a maximum of 38,328 square feet.

Is hereby deleted – [REASON: Subject to Site Plan referenced in All Petition Condition 2]

2. Previous Building and Site Design Condition C.2 of Resolution R-93-0003, Control No. 74-73 which currently states:

The minimum setback for all future structures adjacent to the north property line shall be fifteen (15) feet. (DRO: ZONING-Zoning)

Is hereby deleted - [REASON: Code requirement Pursuant to PDRs of Article 3.D.]

3. Previous Building and Site Design Condition C.3 of Resolution R-93-0003, Control No. 74-73 which currently states:

All air conditioning and mechanical equipment shall be screened from view on all sides in a manner consistent with the color and character of the principle structure or alternative landscaping acceptable to the Zoning Division. (BUILDING PERMIT: Architectural Review-Zoning)

Is hereby deleted - [REASON: Code requirement Pursuant to Article 5.B.1. Mechanical Equipment]

4. Previous Building and Site Design Condition C.4 of Resolution R-93-0003, Control No. 74-73 which currently states:

The required recreational area shall be a minimum of fifteen (15) feet from the west property line. (DRO: ZONING-Zoning)

Is hereby deleted - [REASON: Code requirement Pursuant to PDRs of Article 3.D.]

5. Previous Building and site Condition C.5 of Resolution R-93-0003, Control No. 74-083 which currently states:

Prior to site plan certification by the Development Review Committee, the site plan shall be amended to indicate the following:

- a) indicate the entrance to the day care center, and a continuous side walk, minimum four (4) feet in width, to the entrance from the drop-off area;
- b) indicate all required fencing, screening, buffers and landscaping.
- c) indicate all dumpster locations. (DRO: ZONING Zoning)

Is hereby deleted: [REASON: Subject to Site Plan referenced in All Petition Condition 2]

USE LIMITATIONS-ALL USES

1. No outdoor loudspeaker system audible off site shall be permitted. (ONGOING: CODE ENFORCEMENT Zoning) (Previous Use Limitation Condition L.3 of Resolution R-93-0003, Control No. 74-083)

USE LIMITATIONS-PLACE OF WORSHIP

1. Previous Use Limitation Condition L.1 of Resolution R-93-0003, Control No. 74-083 which currently states:

Use of the site shall be limited to a maximum 38,828 square foot place of worship with 816 seating capacity in the sanctuary, 180 seating capacity in the general assembly areas, and 165 students in the day care center.

Is hereby amended to read:

The Place of Worship shall be limited to a maximum of 441 seats. The number of seats may be increased up to 546 subject to the approval of a Type II Variance or a Shared Parking Agreement. (ONGOING: CODE ENF Zoning)

USE LIMITATIONS- GENERAL DAYCARE

1. Previous Use Limitation Condition L.2 of Resolution R-93-0003, Control No. 74-083 which currently states:

The day care center shall be limited to a maximum of 5,875 square feet of usable building area. (ONGOING: CODE ENFORCEMENT Zoning)

Is hereby amended to read:

The Day Care Center shall be limited to a maximum of thirty-four (34) children. (ONGOING: CODE ENFORCEMENT Zoning)

UTILITIES-IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (ONGOING: UTILITIES Utilities)

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 (CO); 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; 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 (ULDC) 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; 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)