

RESOLUTION NO. R-2016-0550

RESOLUTION APPROVING ZONING APPLICATION DOA-2015-00752  
(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;

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

WHEREAS, Zoning Application DOA-2015-00752 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 2016;

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 (Development Review 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 Process) 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.A.1.K.3.b (Action by BCC) 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-2015-00752, the Application of Covenant Centre Inc, by Cotleur & Hearing, Inc., Agent, for a Development Order Amendment (Charter School) to reconfigure the Site Plan, add square footage, and amend a Condition of Approval (Engineering), 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 April 28, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Mary Lou Berger, Mayor	- Aye
Commissioner Hal R. Valeche, Vice Mayor	- Aye
Commissioner Paulette Burdick	- Nay
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Melissa McKinlay	- Nay
Commissioner Priscilla A. Taylor	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on April 28, 2016.

Filed with the Clerk of the Board of County Commissioners on May 6th, 2016.


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

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, 1995, 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.

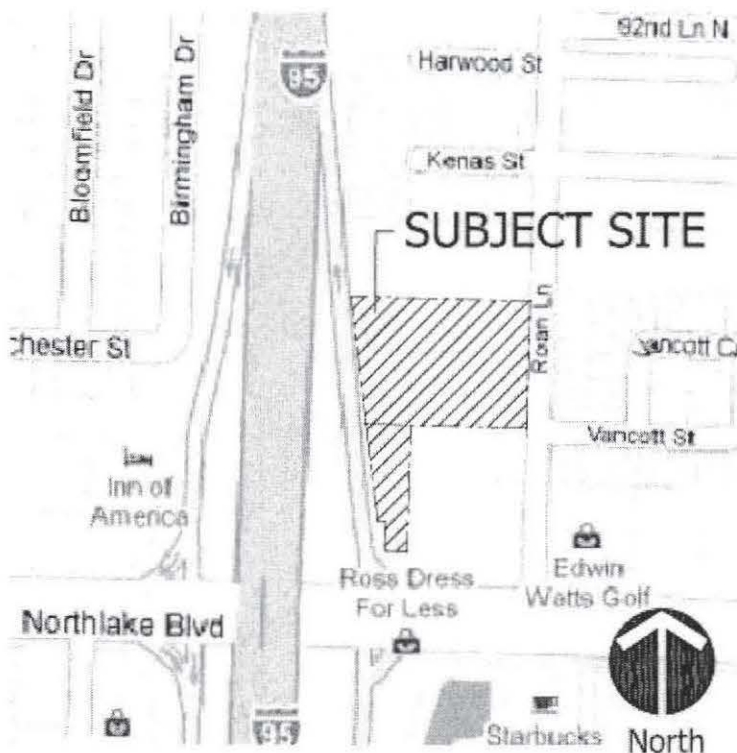
TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

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

# *LOCATION MAP*



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment- Charter School

##### ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2011-0568 (Control 1974-00083), 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 Zoning Commission, unless expressly modified. (ONGOING: ZONING - Zoning)

2. The approved Preliminary Site and Regulating Plans are dated January 14, 2016. 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 or the Zoning Commission. (ONGOING: ZONING - Zoning)

##### ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Charter School structures, Buildings C, D, and E, shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated November 23, 2015. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (ONGOING: ZONING - Zoning)

##### LANDSCAPE - PERIMETER

1. Prior to Final Site Plan Approval the proposed ten (10) foot Utility Easement (UE) shall be located outside of the landscape buffer unless the buffer is a minimum fifteen (15) feet in width with a maximum of five (5) foot overlap consistent with Unified Land Development Code (ULDC) requirements, or the Property Owner may pursue a Variance. (ONGOING: ZONING - Zoning)

##### SITE DESIGN-PARKING AREA

1. Prior to Final Site Plan Approval the parking area shall be reconfigured consistent of the Site Plan dated July 13, 2011, or reconfigured consistent with Unified Land Development Code (ULDC) requirements, or the Property Owner may pursue a Variance. (ONGOING: ZONING - Zoning)

##### SITE DESIGN BUILDINGS C, D, AND E

2. Prior to Final Site Plan approval by the Development Review Officer (DRO), the square footages for Buildings C, D, and E may be modified to relocate approximately 200 square feet from Building C to Buildings D and E. (BLDG/PMT/ONGOING: ZONING - Zoning)

##### USE LIMITATIONS-CHARTER SCHOOL

1. The Charter School shall be limited to a maximum of 364 students. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2011-568, Control No.1974-00083)

2. No outdoor loudspeaker system audible off site shall be permitted. (ONGOING: CODE ENF - Zoning)

##### 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: ZONING - 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: ZONING - Zoning)

#### **DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.