

RESOLUTION R-2016- 1076

RESOLUTION REPEALING RESOLUTIONS R-2016-0543 AND R-2016-0550
AND
RESOLUTION APPROVING ZONING APPLICATION DOA-2015-00752
A Development Order Amendment
APPLICATION OF Covenant Centre Inc
BY Cotleur & Hearing, Inc. Agent
(Covenant Church)
APPLICATION CRB-2016-01270
(CONTROL NO. 1974-00083)

WHEREAS, Covenant Centre Inc, petitioned the Palm Beach County Board of County Commissioners on April 28, 2016 for a Development Order Amendment to reconfigure the Site Plan, add square footage, and amend a Condition of Approval (Engineering) subject to the Conditions of Approval;

WHEREAS, Resolution R-2016-0543 and Resolution R-2016-0550 both adopted on April 28, 2016 confirming the action of the Board of County Commissioners inadvertently contained the wrong set of Conditions of Approval;

WHEREAS, Resolution R-2016-0543 and Resolution R-2016-0550, are hereby repealed.

WHEREAS, the BOARD OF COUNTY COMMISSIONERS OF PLAM BEACH COUNTY, FLORIDA, adopts a new resolution approving Zoning Application DOA-2015-00752, the Application of Covenant Centre Inc, by Cotleur & Hearing Inc, Agent, for a Development Order Amendment to reconfigure the Site Plan, add square footage, and amend a Condition of Approval (Engineering), subject to the Conditions of Approval as described in Exhibits C-1 and C-2 attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Resolution R-2016-0543 and Resolution R-2016-0550, are hereby repealed.
3. WHEREAS, the BOARD OF COUNTY COMMISSIONERS OF PLAM BEACH COUNTY, FLORIDA, adopts a new resolution approving Zoning Application DOA-2015-00752, the Application of Covenant Centre Inc, by Cotleur & Hearing Inc, Agent, for a Development Order Amendment to reconfigure the Site Plan, add square footage, and amend a Condition of Approval (Engineering), subject to the Conditions of Approval as described in Exhibits C-1 and C-2 attached hereto.

Commissioner Abrams moved for the approval of the Resolution.

The motion was seconded by Commissioner Valeche, 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	- Aye
Commissioner Shelley Vana	- Absent
Commissioner Steven L. Abrams	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Mayor thereupon declared the resolution was duly passed and adopted on August 16th, 2016

Filed with the Clerk of the Board of County Commissioners on August 29th, 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



CONDITIONS OF APPROVAL

Exhibit C-1

Development Order Amendment- - Place of Worship and General Daycare

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2011-567, Control No.1974-00083, which currently states:

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)

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2011-0567 (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: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2011-567, Control No.1974-00083, which currently states:

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)

Is hereby amended to read:

The approved Preliminary Site is 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. Prior to site plan approval by the Development Review Officer (DRO), the applicant shall submit a floor plan for Building A. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2011-567, Control No.1974-00083)

2. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Charter School Buildings C, D, and E, shall be submitted for review and Final approval. 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)

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).
(BLDG/PMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2011-567, Control No.1974-00083)

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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2011-567, Control No.1974-00083)

3. Previous ENGINEERING Condition 3 of Resolution R-2011-567, Control No.1974-00083, which currently states:

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.

Is hereby amended to read:

Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG/PMT: MONITORING - Engineering)

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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2011-567, Control No.1974-00083)

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 - Engineering) [Note: COMPLETED]

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. (BLDG/PMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2011-567, Control No.1974-00083)

6. Previous ENGINEERING Condition 6 of Resolution R-2011-567, Control No.1974-00083, which currently states:

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) (DATE: MONITORING - Engineering)

Is hereby amended to read:

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, 2020. 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) (DATE: MONITORING - Engineering)

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 - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2011-567, Control No.1974-00083)

8. Prior to any increase in the number of children in the daycare above 34, or the number of students at the charter school above 364, or the number of seats in the church above 441, the Property Owner shall re-construct the two driveway entrances on Roan Lane to meet current Palm Beach County standards for return radii and throat distance requirements. 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 - Engineering)

LANDSCAPE - GENERAL

1. Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2011-567, Control No.1974-00083, which currently states:

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)

Is hereby amended to read:

All canopy trees required to be planted on site by this approval shall meet the minimum height of fourteen (14) feet. (ONGOING: ZONING - Zoning)

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

2. Previous LANDSCAPE - INTERIOR Condition 4 of Resolution R-2011-567, Control No.1974-00083, which currently states:

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)

Is hereby amended to read:

Landscaping and buffering along the north, south and east property lines adjacent to residentially zoned properties only shall include a minimum five (5) foot wide landscape buffer strip, or the minimum code requirement in the affected areas, whichever is more restrictive, and shall consist 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. (DRO/ONGOING: ZONING - Zoning)

LANDSCAPE - PERIMETER

3. 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. (DRO/ONGOING: ZONING - Zoning)

LIGHTING

1. All outdoor lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade. (ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2011-567, Control No.1974-00083)

2. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2011-567, Control No.1974-00083)

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 - 60 square feet;
- c. Maximum number of signs - one (1). (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2011-567, Control No.1974-00083)

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. (DRO/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-ALL USES

1. No outdoor loudspeaker system audible off site shall be permitted. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2011-567, Control No.1974-00083)

USE LIMITATIONS-PLACE OF WORSHIP

2. 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) (Previous USE LIMITATIONS Condition 1 of Resolution R-2011-567, Control No.1974-00083)

USE LIMITATIONS-GENERAL DAYCARE

3. The Day Care Center shall be limited to a maximum of thirty-four (34) children. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2011-567, Control No.1974-00083)

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: SEACOAST UTILITIES - Seacoast Utilities) (Previous UTILITIES Condition 1 of Resolution R-2011-567, Control No.1974-00083)

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.

CONDITIONS OF APPROVAL

Exhibit C-2

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: MONITORING - 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, Buildings C, D, and E, shall be submitted for Final approval. 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. (DRO/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. (DRO/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. (BLDGPMT/ONGOING: ZONING - Zoning)

USE LIMITATIONS-CHARTER SCHOOL

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

2. No outdoor loudspeaker system that is 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.