

RESOLUTION NO. R-2011- 0568

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2010-02216  
(CONTROL NO. 1974-00083)  
a Class A Conditional Use  
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 Class A Conditional Use .

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 Class A Conditional Use to allow a Charter School 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-2, 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

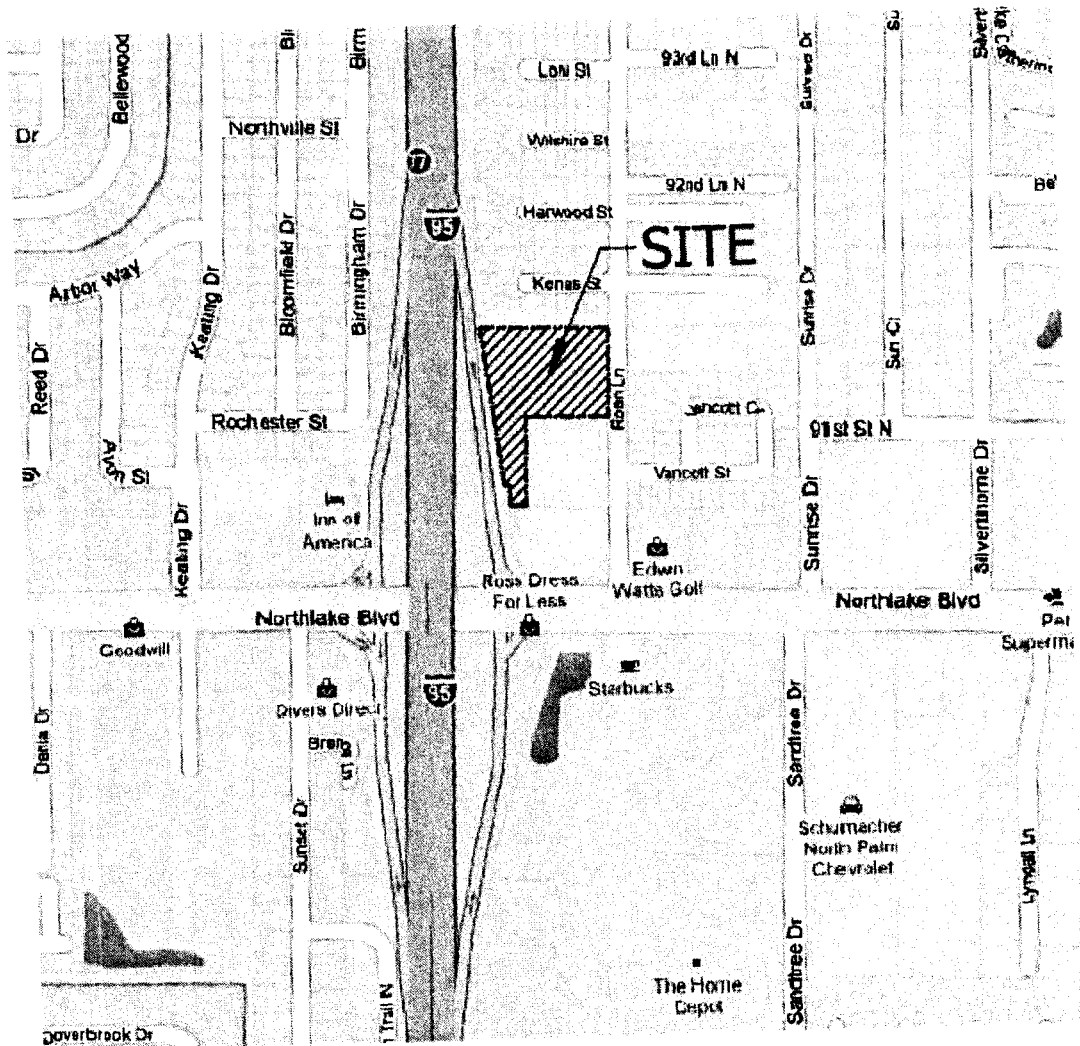


EXHIBIT C-2

CONDITIONS OF APPROVAL  
(Charter School)

USE LIMITATIONS-CHARTER SCHOOL

1.The Charter School shall be limited to a maximum of 364 students. (ONGOING: CODE ENFORCEMENT 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: 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)