

RESOLUTION NO. R-2000-0001

RESOLUTION APPROVING ZONING PETITION EAC75-011(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
BY THE BOARD OF COUNTY COMMISSIONERS
(ETERNAL LIGHT MEMORIAL GARDENS)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC75-011(A) was presented to the Board of County Commissioners at a public hearing conducted on January 6, 2000; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), 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 made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Petition EAC75-011(A), the petition of Palm Beach County Board of County Commissioners, for a Development Order Amendment/Expedited Application Consideration (DOA/EAC) to delete Condition 1 of Resolution R-75-0089 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 6, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Maude Ford Lee, Chair	-	Aye
Warren Newell, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Carol A. Roberts	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 6, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

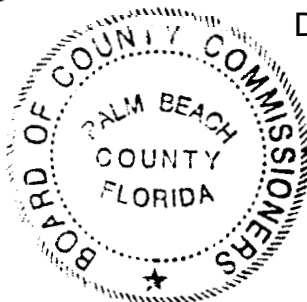
BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

Petition EAC75-011(A)
Project No. 0416-001



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EXHIBIT A

LEGAL DESCRIPTION

Part of Tract 60, Block 60, Palm Beach Farms Co., Plat No. 3, in Section 31, Township 45 South, Range 42 East, as Recorded in Plat Book 2, page 50, being more particularly described as follows:

commencing at the Southeast corner of said Tract 60; thence, West 538.37 feet to a point on the proposed right-of-way of the L-1 Canal; thence North 0°29'53" West a distance of 50.00 feet to the Point of Beginning; thence North 0°29'53" West a distance of 50.00 feet, thence South 81°51'50" East a distance of 353.30 feet; then West 349.31 feet to the Point of Beginning. Subject to the easement and rights-of-way of record.

EXHIBIT B
VICINITY SKETCH

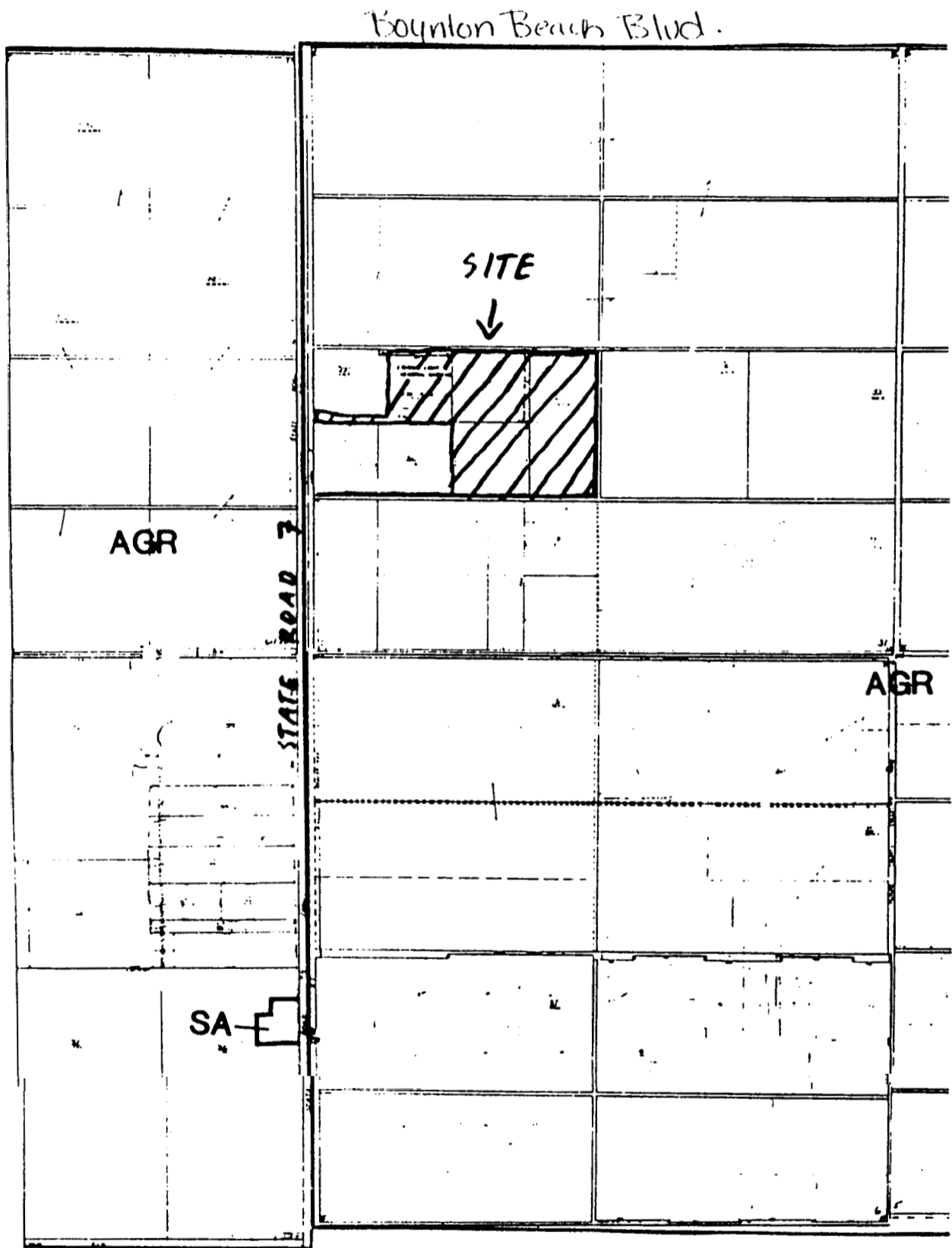


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. **All** previous conditions of approval applicable to the subject property, as contained in Resolution R-75-89, Petition 75-11, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated November 16, 1994, Exhibit 22. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN

1. Developers shall obtain a water resources permit from Central and **South** Florida Flood Control District, (Previously condition **No. 4** of Resolution R-75-89, Petition 75-11)
2. Developers shall limit the pumping capacity to **15,000** GPM, with standby capability provided by a second discharge pump of equivalent **capacity**. (Both pumps will not be run simultaneously). (Previously condition No. 6 of Resolution R-75-89, Petition 75-11)
3. Developer shall establish the finished ground level in concrete **vault** areas at an elevation no less than **22.0** feet **m.s.l.** and set vault **bottoms** no lower than elevation **17.0** feet **m.s.l.** (Previously condition No. 7 of Resolution R-75-89, Petition 75-11)
4. Developers shall provide a gravity drainage culvert with **flapgate** for use during times when favorable water surface gradients exist and discharge pump operation is not necessary to maintain **optimum** groundwater levels. (Previously condition No. 8 of Resolution R-75-89, Petition 75-11)

E. ENGINEERING

1. Condition No. 1 of Resolution R-75-89, Petition 75-11 which currently states:

Developers shall dedicate to Palm Beach County, forty **(40)** feet of **right-of-way** from the centerline of the road running adjacent to the **east** property line and forty **(40)** feet for Lee Road.

Is hereby deleted.

2. **Developer shall dedicate to Lake Worth Drainage District the required right-of-way for Lateral#27.** (Previously condition No. 2 of Resolution R-75-89, Petition 75-11)
3. **Developer shall construct a left turn lane on the north approach and a right turn lane on the south approach of State Road No. 7 and project's entrance, if warranted.** (Previously condition No. 3 of Resolution R-75-89, Petition 75-11)
4. **Developer shall file a plat in accordance with the Subdivision and Platting Ordinance No. 73-4.** (Previously condition No. 5 of Resolution R-75-89, Petition 75-11)

F. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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; 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 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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)