

RESOLUTION NO. R-2004-1639

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 1989-088A
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-2003-093
WHICH APPROVED THE DEVELOPMENT ORDER AMENDMENT OF
SCI FUNERAL SERVICE OF FLORIDA
PETITION NO. 1989-088A

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 1989-088A was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on July 22, 2004; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 1989-088A and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. Compliance with Condition Number E.5. of Resolution No. R-2003-093 was required before the issuance of a building permit.
2. A building permit was issued prior to compliance with Condition No. E.5.
3. The amendment of conditions of approval will require Condition No. E.5. to become time certain.
4. A new condition will require the submission of information required prior to compliance with Condition Nos. E.5. and E.6.
5. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and Unified Land Development Code.

WHEREAS, Section 5.3 of the Palm Beach County 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 the recommendation of Status Report No. CR 1989-088A, to approve a Development Order Amendment to amend Conditions of Approval of Resolution No. R-2003-093, the Development Order Amendment of SCI Funeral Service

of Florida, Petition No. 1989-088A, which added square footage to a Special Exception for a funeral home, legally described as being all of Memory Gardens, as recorded in Plat Book 24, page 133, and of Memory Gardens Plat No. 2, as recorded in Plat Book 26, Page 76, being a portion of the north half of tracts 31 and 32, Model Land Company Subdivision of Section 24, Township 44 South, Range 42 East, as recorded in Plat Book 5, Page 76, Public Records of Palm Beach County, Florida, Less and except additional right-of-way for LWDD Canal No. L-10, and Less and except additional right-of-way for Kirk Road, being located on the northwest corner of Kirk Road and 10th Avenue North in the Multiple Family Residential (Medium Density) Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. Prior to December 15, 2004, the property owner shall provide to Palm Beach County Land Development Division sufficient information to determine location of the existing graves in relation to the existing road right-of-ways for Kirk Road and Tenth Avenue North. (DATE: MONITORING - Eng)
3. Condition number E.5. of Resolution No. R-2003-093 which currently states:

Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along 10th Avenue North and Kirk Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PRMT: MONITORING – Eng)

Is hereby amended to state:

Prior to May 12, 2005, the property owner shall convey a temporary roadway construction easement along 10th Avenue North and Kirk Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be

approved by the County Engineer prior to final acceptance. (DATE: MONITORING - Eng)

Commissioner Masilotti moved for approval of the Resolution.

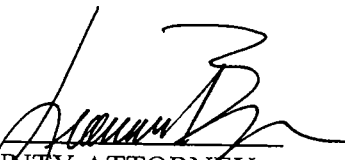
The motion was seconded by Commissioner Koons and, upon being put to a vote, the vote was as follows:

KAREN T. MARCUS, CHAIR	—	Aye
TONY MASILOTTI, VICE CHAIRMAN	—	Aye
JEFF KOONS	—	Aye
WARREN H. NEWELL	—	Aye
MARY MCCARTY	—	Absent
BURT AARONSON	—	Aye
ADDIE L. GREENE	—	Absent

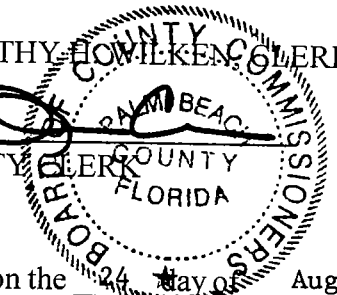
The Chair thereupon declared the resolution was duly passed and adopted this 22 day of July, 2004.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY HOWILKEN, CLERK
BY: 
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 24 day of August, 2004.