

RESOLUTION NO. R-2008- 0698

RESOLUTION APPROVING ZONING APPLICATION CA-2006-1180
(CONTROL NO. 2005-515)
CLASS A CONDITIONAL USE
APPLICATION OF BOYNTON NATIONAL CHAPEL LLC
BY MILLER LAND PLANNING, AGENT
(BOYNTON NATIONAL CHAPEL)

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 Board of County Commissioners, pursuant to Article 2 (Development Review Process) 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 Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application CA-2006-1180 was presented to the Board of County Commissioners at a public hearing conducted on April 24, 2008; 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Class A Conditional Use is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Class A Conditional Use also meets applicable local land development regulations. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
3. This Class A Conditional Use, 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Class A Conditional Use, 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.

6. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
7. This Class A Conditional Use, with conditions as adopted, is consistent with applicable Neighborhood Plans.
8. This Class A Conditional Use has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
9. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the 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 CA-2006-1180, the application of Boynton National Chapel LLC, by Miller Land Planning, agent, for a Class A Conditional Use to allow a funeral home in the Community Commercial 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 24, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	-	Absent
Jeff Koons, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Robert J. Kanjian	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Jess R. Santamaria	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 24, 2008.

Filed with the Clerk of the Board of County Commissioners on 24th day of April, 2008.

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

BY: 
COUNTY ATTORNEY

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

TRACT 1, BLOCK 44, PALM BEACH FARMS COMPANY PLAT NO. 3 ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR THE COUNTY OF PALM BEACH, FLORIDA RECORDED IN PLAT BOOK 2 AT PAGES 45 TO 54 INCLUSIVE.

LESS

LEGAL DESCRIPTION: OF PROPOSED RIGHT-OF-WAY TAKING, BEING A PORTION OF TRACT 1, BLOCK 44 OF PALM BEACH FARMS CO. SECTION 12-45-41, AS RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTHERLY BOUNDARY OF SAID TRACT 1, AND THE WESTERLY RIGHT OF WAY OF S.R. NO. (199) 7, PER ROAD PLAT 1, PAGE 39 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S 89°-00'-00" W, 125.00 FEET ALONG THE NORTHERLY BOUNDARY OF SAID TRACT 1, THENCE S 00°41'00" E 539.83 FEET ALONG A LINE PARALLEL AND 200.00 FEET WEST OF THE BASE LINE OF SAID S.R. NO. (199) 7 TO THE SOUTHERLY BOUNDARY OF TRACT 1; THENCE N 89°09'30"E, 125.00 FEET ALONG THE SOUTHERLY BOUNDARY TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF SAID S.R. (199) 7; THENCE N 00°41'00" W, 540.16 FEET ALONG SAID WESTERLY RIGHTOF WAY TO POINT OF BEGINNING. CONTAINING 1.55 ACRES MORE OR LESS,

AND LESS

THAT PART OF TRACT 1, BLOCK 44, PALM BEACH FARMS CO. PLAT NO.3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

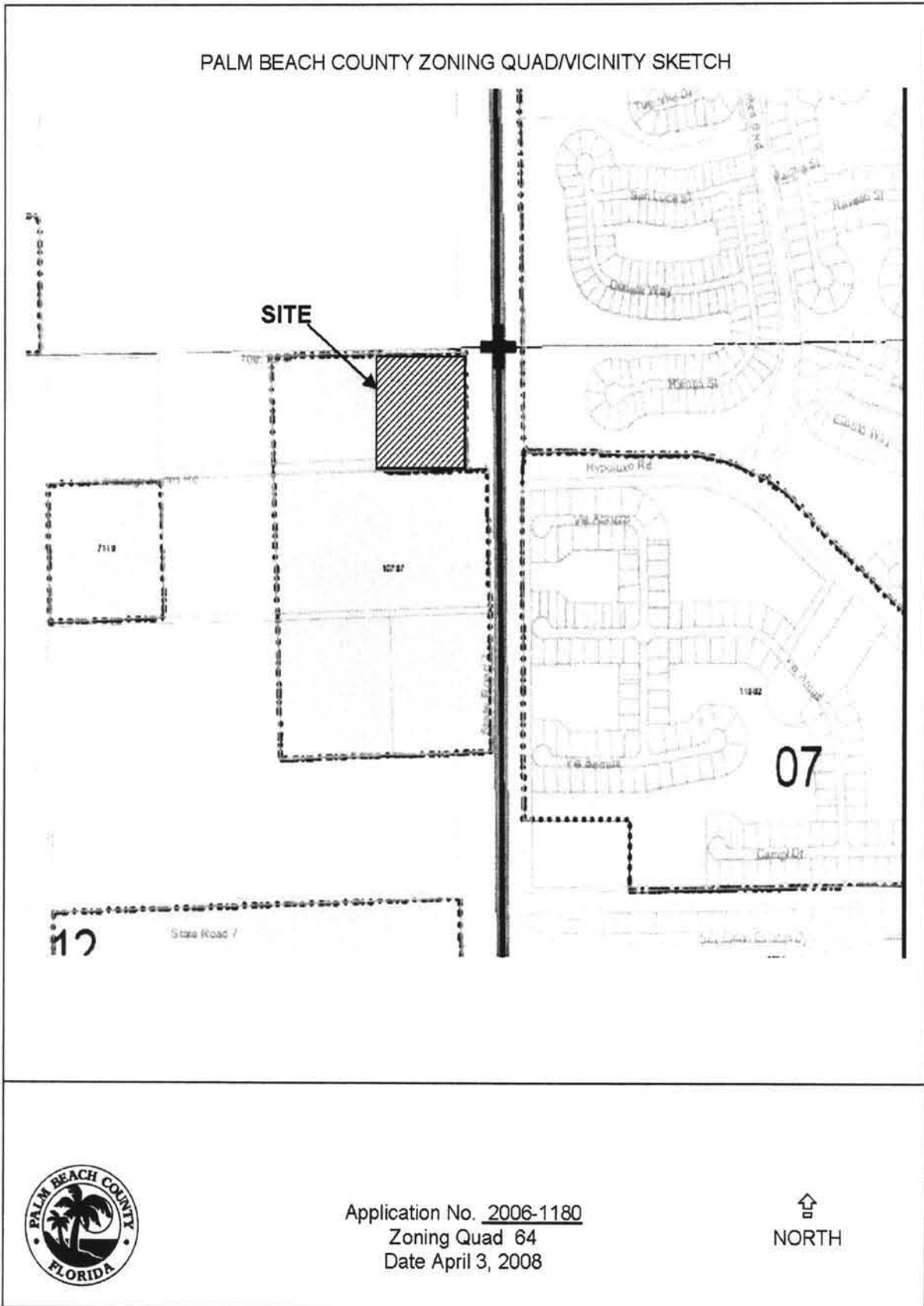
COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISC MARKING THE NORTHEAST CORNER OF SAID SECTION 12, THENCE SOUTH 89°20'51" WEST, A DISTANCE OF 0.782 METERS (2.57 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (US 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2525; THENCE SOUTH 00°39'09" EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 7.771 METERS (25.50 FEET); THENCE SOUTH 89°20'51" WEST ALONG A LINE AT RIGHT ANGLES TO THE DESCRIBED COURSE, A DISTANCE OF 60.961 METERS (200.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (US 441) AND THE POINT OF BEGINNING; THENCE SOUTH 89°12'26" WEST ALONG THE NORTH LINE OF SAID TRACT 1, A DISTANCE OF 10.059 METER (33.00 FEET); THENCE SOUTH 00° 39' 09" EAST, A DISTANCE OF 165.62 METERS (543.36 FEET) TO A POINT ON THE SOUTH LINE OF SAID TRACT 1; THENCE NORTH 88°18'00" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 10.060 METERS (33.01 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (US 441); THENCE NORTH 00° 39' 09" WEST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 165.458 METERS (542.84 FEET) TO THE POINT OF BEGINNING.

AND LESS

THE NORTH 30.24 FEET OF TRACT 1, BLOCK 44, PALM BEACH FARMS CO. PLAT NO.3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING

IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST. SAID LAND IN PALM BEACH COUNTY, FLORIDA CONTAINING 5.23 ACRES (227,658 SQUARE FEET) MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



Application No. 2006-1180
Zoning Quad 64
Date April 3, 2008

↑
NORTH

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan is dated January 28, 2008. 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 - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final DRO approval of the site plan, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with Article 5.C. of the ULDC. Development shall be consistent with the approved architectural elevations and the approved DRO site plan. (DRO: ZONING - Arch Review)

ENGINEERING

1. 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 January 1, 2010. 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 Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
2. Landscape Within the Median of SR 7
 - a. The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of SR 7. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph D below. (ONGOING:ENG - Eng)
 - b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
 - c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
 - d. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first

brought into conformance with OTIS standards by the Property Owner.
(ONGOING:ENG - Eng)

- e. Alternately, at the option of the Property Owner, and prior to the issuance of a Building Permit, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along SR 7. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended.
(ONGOING:ENG - Eng)

ENVIRONMENTAL

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to include an updated tree survey to indicate existing vegetation to be preserved. (DRO:ERM-Landscape)
2. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation has been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (DRO:ERM-ERM)

HEALTH

1. Prior to issuance of the Certificate of Occupancy, the property owner shall submit to the Palm Beach County Health Department specifications (size, dimensions, hauling schedule and contract) on the embalming holding tank. (CO: HEALTH-Health)
2. Prior to issuance of the Certificate of Occupancy, the property owner shall obtain a permit, install, and have approved an onsite sewage treatment and disposal system (OSTDS) that brings the existing system up to current code. (CO: BLDG - Health)

ZONING – LANDSCAPING

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to include the parking islands required by ULDC for the rural tier and revise the parking data in the tabular if necessary. (DRO:ZONING-Landscape)

PALM TRAN

1. Apply Basic Bus Stop Boarding and Alighting Area condition to all residential projects over 50 units and all commercial projects over five acres and 50,000 square feet:
The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)
2. Prior issuance of the first Building Permit, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (BLDG PERMIT: MONITORING-PalmTran)

PLANNING

1. Use of the site shall be limited to permitted office uses or burial services. (DRO/ONGOING: PLANNING/CODE ENF - Planning)
2. Any permanent structure on the site shall not exceed the footprint of the building existing on the site on the effective date of this amendment, excluding porte cocheres and covered walkways. (DRO/ONGOING: PLANNING/CODE ENF - Planning)

SIGNS

1. Freestanding sign fronting on Heritage Farm Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point six (6) feet;
 - b. maximum sign face area per side sixty (60) square feet;
 - c. maximum number of signs one (1) for the entire site; and
 - d. style - monument style only. (BLDG PERMIT: BLDG - Zoning)

USE LIMITATIONS

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property, except within the designated loading space. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1. In granting this approval, the Zoning Commission 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 Zoning Commission 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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, 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.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)

This resolution will become effective when filed with the Clerk of the Board of County Commissioners.