

RESOLUTION NO. R-2016- 0674

RESOLUTION APPROVING ZONING APPLICATION CB/CA-2015-02340
(CONTROL NO. 1979-00132)
a Class A Conditional Use
APPLICATION OF Congregation Cheva Kadisha Inc.
BY Miller Land Planning, AGENT
(Chevra Kadisha Cemetery)

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;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application CB/CA-2015-02340 was presented to the Board of County Commissioners at a public hearing conducted on May 26, 2016;

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;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Class A Conditional Use;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

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

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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 CB/CA-2015-02340, the Application of Congregation Cheva Kadisha Inc., by Miller Land Planning, Agent, for a Class A Conditional Use to allow a Place of Worship, on a parcel of land generally described as shown on the legal description 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 May 26, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached

hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

Commissioner Mary Lou Berger, Mayor	-	Aye
Commissioner Hal R. Valeche, Vice Mayor	-	Absent
Commissioner Paulette Burdick	-	
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Absent
Commissioner Priscilla A. Taylor	-	Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on May 26, 2016.

Filed with the Clerk of the Board of County Commissioners on June 6th, 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



EXHIBIT A

LEGAL DESCRIPTION

PROPOSED PARCEL B

A parcel lying in Section 6, Township 45 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 6; thence S.89°33'56"W. (as a basis of bearing) along the North line of the northeast quarter of Section 6, a distance of 1476.86 feet; thence S.00°26'04"E., a distance of 40.00 feet to the **Point of Beginning**; thence with a curve turning to the left with an arc length of 179.58', with a radius of 1970.08', with a chord bearing of S 07°04'42" E, with a chord length of 179.52'; thence S 39°16'33" W a distance of 32.52'; thence S 89°34'26" W a distance of 196.23'; thence with a curve turning to the left with an arc length of 159.15', with a radius of 58.00', with a chord bearing of S 10°57'53" W, with a chord length of 113.72'; thence with a compound curve turning to the left with an arc length of 45.83', with a radius of 62.50', with a chord bearing of S 07°46'15" W, with a chord length of 44.81'; thence with a compound curve turning to the left with an arc length of 1039.60', with a radius of 2246.13', with a chord bearing of S 26°29'44" E, with a chord length of 1030.34'; thence S 47°03'25" W a distance of 43.44'; thence S 89°32'57" W a distance of 193.26'; thence with a curve turning to the right with an arc length of 1417.17', with a radius of 2442.00', with a chord bearing of N 20°18'46" W, with a chord length of 1397.37'; thence N 89°33'56" E a distance of 472.86' to the **Point of Beginning**.

Containing 335,637 square feet or 7.705 acres

EXHIBIT B
VICINITY SKETCH

Vicinity Sketch

NTS

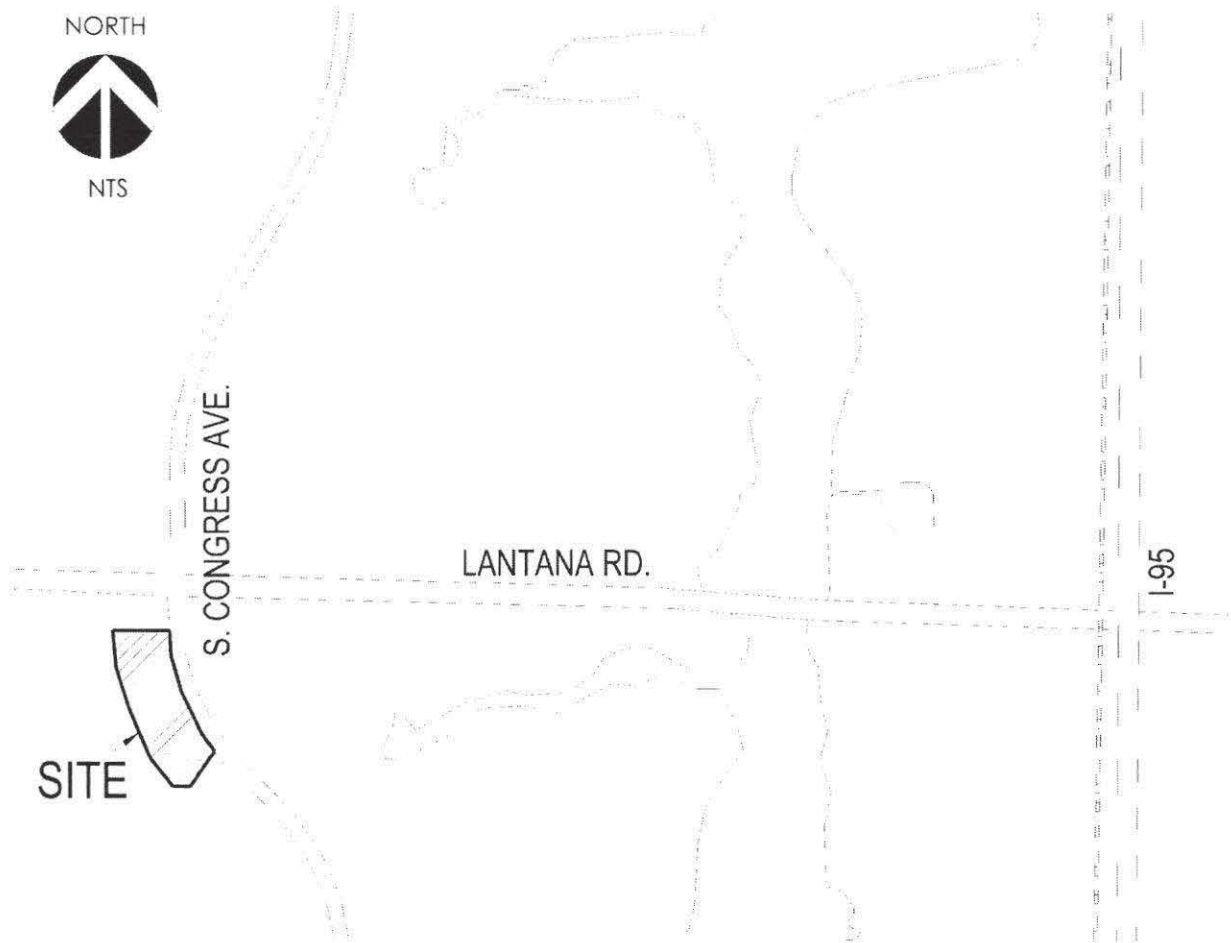


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Site Plan is dated March 10, 2016 and the Preliminary Regulating Plan is dated February 22, 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 Place of Worship shall be submitted for review and approval by the Zoning Division. 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 January 25, 2016. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

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 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 Article 2, Section E of the Unified land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall submit a traffic study acceptable to the County Engineer, prior to July 1, 2017, but not before the first Certificate of Occupancy is issued, identifying the total number of left turns at the project entrance onto Congress Avenue. Should the traffic study show that a left turn lane is warranted, the Property Owner shall fund, permit, construct and have finalized a left turn lane within six (6) months of written notice by the County Engineer. (DATE: MONITORING - Engineering)

3. Prior to issuance of the first building permit, the Property Owner shall reconfigure the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

4. Prior to recordation of the plat, the Property Owner shall abandon or release, and relocate as necessary, the utility easement recorded in ORB 12533/PG 1876. (PLAT: ENGINEERING - Engineering)

5. Prior to Final Approval by the Development Review Officer (DRO), the Site Plan shall be revised to remove the monument sign located within the Right-of-Way. (DRO: ENGINEERING - Engineering)

6. If a turn lane is warranted pursuant to Engineering Condition 2, the Property Owner shall construct either i or ii below, as determined by the County Engineer.

i. Left turn lane, south approach on Congress Ave at Project Entrance. This turn lane should be 280 ft in storage and 50 ft in taper or as approved by the County Engineer.

ii. Modify the existing full median opening on Congress Ave in front of the Project Entrance by installing a triangular island to allow north approach left and east approach left movements only.

This construction shall be completed within six (6) months of requirement by the County Engineer. 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. (ONGOING: ENGINEERING - Engineering)

HEALTH

1. Prior to the issuance of the first building permit, the property owner shall apply for and obtain an onsite sewage treatment and disposal system (OSTDS) permit. (BLDGPM: MONITORING - Health Department)
2. Prior to the issuance of the Certificate of Completion the property owner shall connect to the available public water system. (CC: MONITORING - Health Department)

LANDSCAPE – GENERAL

1. Prior to Final Site Plan approval, the Site Plan shall be revised to provide a fifteen (15) foot Right-of-Way buffer along the the east property line, abutting the twenty five (25) foot access easement, unless a variance is granted. The buffer may not overlap any drainage areas. (DRO: ZONING - Zoning)
2. Prior to Final Site Plan approval, the Site Plan shall be revised to provide a fifteen (15) foot Type II Incompatibility buffer along the the north property line, abutting the LWDD canal. Buffer width reduction may be allowed in accordance with Article 7 of the Unified Land Development Code (ULDC). (DRO: ZONING - Zoning)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting, the existing 15-foot Utility Easement per ORB 12533 PG 1876 shall be extinguished. (PLAT: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District)
2. Prior to platting, a new 15-foot Utility Easement, shall be recorded on the South 15-feet of the North 20-feet of the property. The new easement shall be a Joint Use easement between LWDD and the existing utility company. (PLAT: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District)
3. Prior to platting, the Property Owner shall convey a 5-foot exclusive perpetual easement to LWDD. The 5-foot easement shall be located at the northern property line, run the entire width of the property, and shall be acceptable to the District. (PLAT: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District)

SIGNS

1. Prior to Final Site Plan approval, the Site and Master Sign Plans shall be revised to remove the Ground Mounted sign from the eighty (80) foot Right-of-Way and re-locate it within the Parcel s boundaries. Size and number shall be in accordance with Article 8 of the Unified Land Development Code (ULDC). (DRO: ZONING - 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.