

RESOLUTION NO. R-2016- 1068

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2015-01230
(CONTROL NO. 1981-00205)
a Class A Conditional Use
APPLICATION OF SCI Funeral Homes of Florida Inc
BY Arc Development Global, LLC, AGENT
(SCI Funeral Services of Florida)

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 Z/CA-2015-01230 was presented to the Board of County Commissioners at a public hearing conducted on August 25, 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 Z/CA-2015-01230, the Application of SCI Funeral Homes of Florida Inc, by Arc Development Global, LLC, Agent, for a Class A Conditional Use to allow a Cemetery, 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 August 25, 2016, subject to the Conditions of Approval described in

EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on August 25, 2016.

Filed with the Clerk of the Board of County Commissioners on August 29th, 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

LEGAL DESCRIPTION:

PARCEL 1:

A PARCEL OF LAND IN SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, ALSO BEING A PORTION OF "SHALOM MEMORIAL PARK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGES 194 AND 195, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO INCLUDING TRACT "G" OF "OSPREY ISLES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 101, PAGE 72, OF SAID PUBLIC RECORDS, ALSO INCLUDING TRACT "A" OF "GARDENS OF BEN GURION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 60, PAGES 74, 75 AND 76, OF SAID PUBLIC RECORDS, ALSO INCLUDING "GARDENS OF HEBRON AND MT. CARMEL", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, PAGES 183, 184 AND 185, OF SAID PUBLIC RECORDS, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID PLAT OF "SHALOM MEMORIAL PARK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGES 194, 195, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO BEING THE NORTHEAST CORNER OF SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST; THENCE WEST ALONG THE NORTH LINE OF SAID PLAT, A DISTANCE OF 80.00 FEET; THENCE SOUTH 00°08'20" EAST, ALONG THE WEST RIGHT OF WAY OF MEMORIAL PARK ROAD, A DISTANCE OF 2381.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°08'20" EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1833.40 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 719.62 FEET TO THE EAST LINE OF SAID TRACT "H"; THENCE NORTH 00°03'45" EAST, ON SAID EAST LINE OF TRACT "H", A DISTANCE OF 1833.40 FEET TO THE NORTHWEST CORNER OF SAID TRACT "G"; THENCE SOUTH 90°00'00" EAST, ON THE NORTH LINE OF SAID TRACT "G", A DISTANCE OF 713.17 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THEREFROM BURIAL PLOTS WHICH HAVE BEEN PREVIOUSLY SOLD.

SAID PARCEL 1 CONTAINING 1,313,437 SQUARE FEET, 30.1524 ACRES.

EXHIBIT B
VICINITY SKETCH

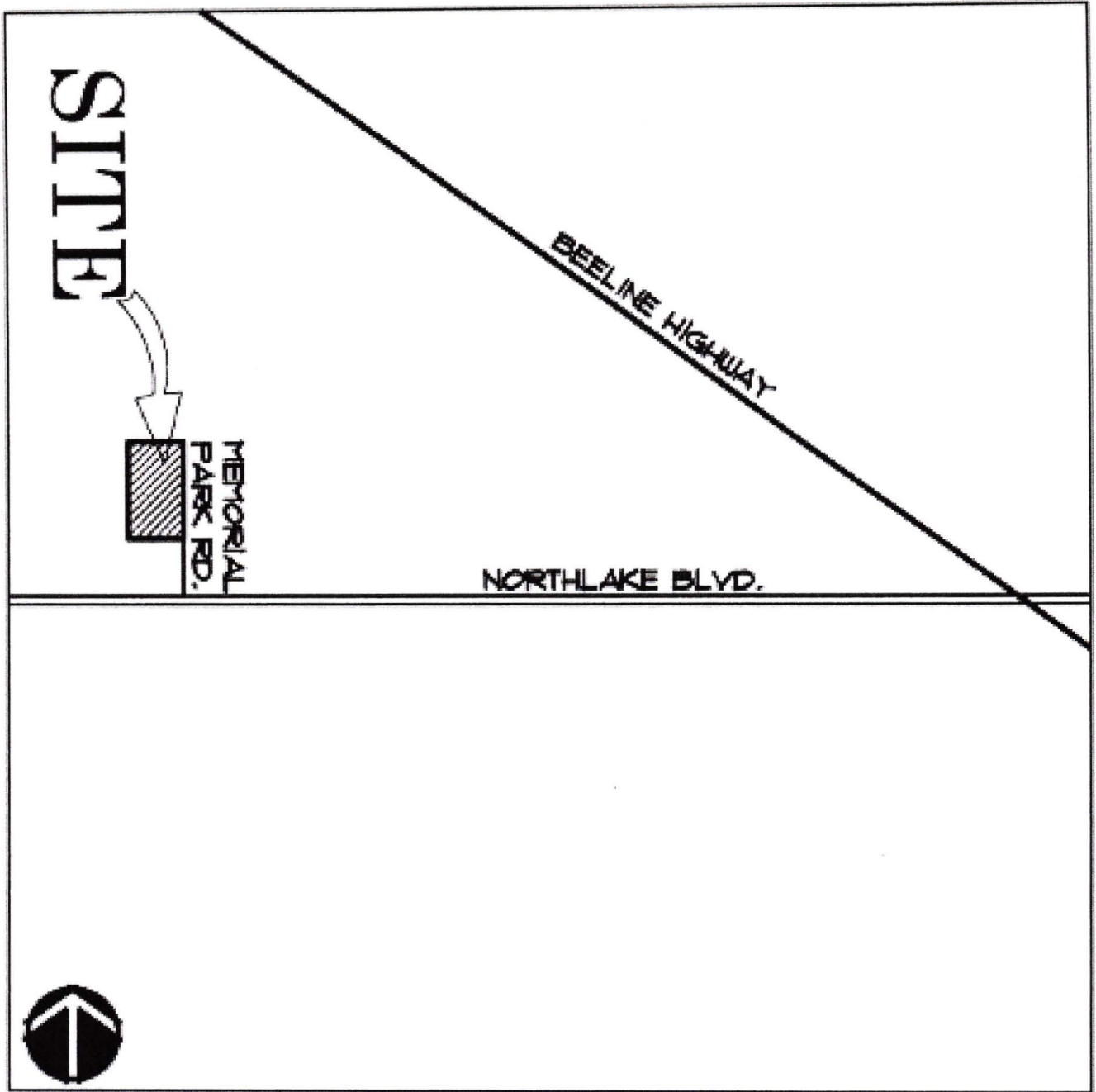


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Site Plan is dated May 11, 2016 and the Preliminary Regulating Plan is dated December 28, 2015. 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)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule.

No Building Permits for the site may be issued after December 31, 2019. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to July 31, 2017, the Property Owner shall configure the property into legal lot(s) of record in accordance with the provisions of Article 11 of the Unified Land Development Code. (DATE/ONGOING: MONITORING - Engineering)

LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed away from adjacent properties and streets. (ONGOING: ZONING - Zoning)

2. Lighting fixtures shall not exceed twenty (20) feet in height. (ONGOING: ZONING - Zoning)

3. All outdoor lighting shall be extinguished no later than 11:00 p.m. with the exception of security lighting. (ONGOING: ZONING - Zoning)

SITE DESIGN

1. The minimum setback for all new structures adjacent to the west and south property lines shall be one-hundred (100) feet. (ONGOING: BUILDING DIVISION - Zoning)

2. The maximum height, from grade to roof line, for all structures shall not exceed twenty-five (25) feet. (ONGOING: ZONING - Zoning)

SITE DESIGN-DUMPSTER

3. All areas or receptacles for the storage and disposal of trash, garbage or vegetation shall:

- a. Not be located within one-hundred (100) feet of any property line; and,
- b. Be screened by a solid opaque enclosure. The open end of the enclosure shall have an obscuring, opaque gate. (ONGOING: 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.