

RESOLUTION NO. R-2016- 1558

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2016-01028
(CONTROL NO. 1975-00011)
a Class A Conditional Use
APPLICATION OF Palm Beach County Zoning
BY Palm Beach County, AGENT
(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, 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-2016-01028 was presented to the Board of County Commissioners at a public hearing conducted on October 27, 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-2016-01028, the Application of Palm Beach County Zoning, by Palm Beach County, Agent, for a Class A Conditional Use to allow a cemetery (existing), 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 October 27, 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 Burdick 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	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 27, 2016.

Filed with the Clerk of the Board of County Commissioners on October 31st, 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: *RTP Banks*
COUNTY ATTORNEY

BY: *Sharon Bock*
DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

PARCEL A:

TRACTS 58 AND 63 AND PART OF TRACTS 59 AND 60 AND THE WESTERLY 41.34 FEET OF TRACTS 57 AND 64, BLOCK 60 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT 59; THENCE SOUTH A DISTANCE OF 660.20 FEET TO THE SOUTHWEST CORNER OF TRACT 63; THENCE EAST A DISTANCE OF 701.76 FEET TO A POINT 41.34 FEET EAST OF THE SOUTHWEST CORNER OF TRACT 64; THENCE NORTH A DISTANCE OF 1320.40 FEET TO A POINT 41.34 FEET EAST OF THE NORTHWEST CORNER OF TRACT 57; THENCE WEST A DISTANCE OF 1283.53 FEET TO A POINT ON THE NORTH LINE OF TRACT 59. THENCE SOUTH A DISTANCE OF 610.20 FEET TO A POINT; THENCE WEST A DISTANCE OF 268.06 FEET TO A POINT; THENCE NORTH 81°51'50" WEST A DISTANCE OF 353.30 FEET TO A POINT; THENCE SOUTH 00°29'53" EAST A DISTANCE OF 100.00 FEET TO A POINT; THENCE EAST A DISTANCE OF 1198.79 FEET TO THE SOUTHEAST CORNER OF TRACT 59 SAID POINT OF BEGINNING.

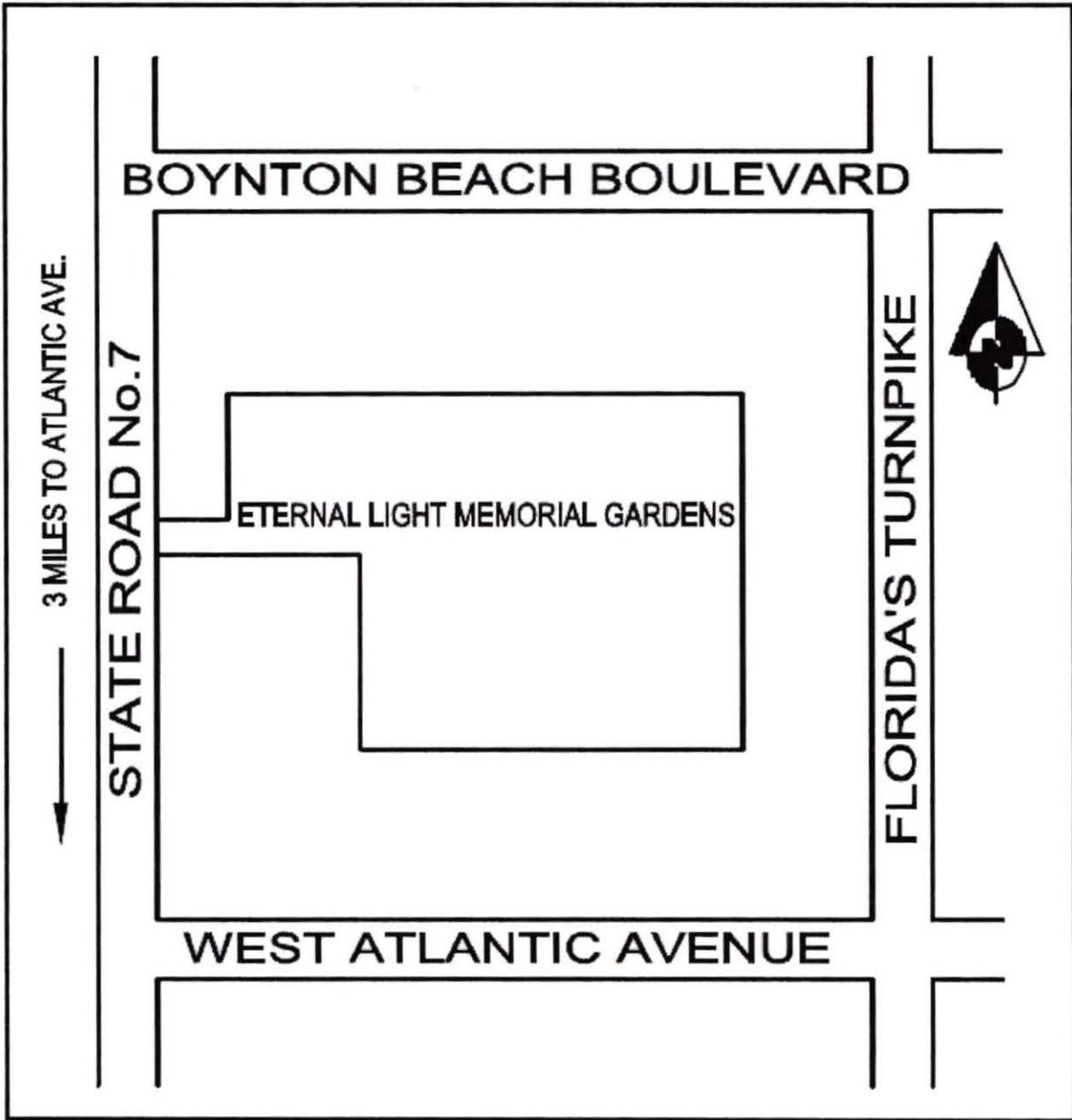
PARCEL B:

TRACTS 57 AND 64, LESS THE WESTERLY 41.34 FEET THEREOF, BLOCK 60, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL C:

THE WESTERLY 15.00 FEET OF THAT CERTAIN 30.00 FOOT ROAD RIGHT OF WAY LYING EASTERLY OF AND ADJACENT TO SAID TRACTS 57 AND 64, BLOCK 60 AND EXTENDING NORTHERLY 15.00 FEET TO THE EASTERLY EXTENSION OF THE CENTERLINE OF THAT CERTAIN 30.00 FOOT ROAD RIGHT OF WAY LYING NORTHERLY OF AND ADJACENT TO SAID TRACTS 57 AND 58 AND EXTENDING SOUTHERLY 15.00 TO THE EASTERLY EXTENSION OF THE CENTERLINE OF THAT CERTAIN 30.00 FOOT ROAD RIGHT OF WAY LYING SOUTHERLY OF AND ADJACENT TO SAID TRACTS 63 AND 64, BLOCK 60 AND NORTHERLY 15.00 FEET OF THAT CERTAIN 30.00 FOOT ROAD RIGHT OF WAY LYING SOUTHERLY OF AND ADJACENT TO TRACTS 63 AND 64, BLOCK 60, ALL IN PALM BEACH FARMS COMPANY PLAT NO.3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH



LOCATION MAP

NOT TO SCALE

EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2000-0001 (Petition DOA1975-011 (A)), have been consolidated as contained herein. The Property Owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning) (Previous ALL PETITIONS Condition 1 of Resolution R-2001-432, Control No.1975-00011)

2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners (BCC). The approved site plan is dated January 10, 2001. 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) (Previous ALL PETITIONS Condition 2 of Resolution R-2001-432, Control No.1975-00011)

BUILDING AND SITE DESIGN

1. Developer shall obtain a water resources permit from Central and South Florida Flood Control District. (ONGOING: BUILDING DIVISION - Zoning) (Previous BUILDING AND SITE DESIGN Condition 1 of Resolution R-2001-432, Control No.1975-00011)

2. Developer 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 running simultaneously). (ONGOING: BUILDING DIVISION - Zoning) (Previous BUILDING AND SITE DESIGN Condition 2 of Resolution R-2001-432, Control No.1975-00011)

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. (ONGOING: BUILDING DIVISION - Zoning) (Previous BUILDING AND SITE DESIGN Condition 3 of Resolution R-2001-432, Control No.1975-00011)

4. Developer 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. (ONGOING: BUILDING DIVISION - Zoning) (Previous BUILDING AND SITE DESIGN Condition 4 of Resolution R-2001-432, Control No.1975-00011)

5. Utility and Drainage Easements shall not have any encroachments or be used for Interment areas. (ONGOING: BUILDING DIVISION - Zoning) (Previous BUILDING AND SITE DESIGN Condition 5 of Resolution R-2001-432, Control No.1975-00011)

ENGINEERING

1. Condition E.1 or Resolution R-75-89, Petition 75-11 was deleted by Resolution R-2000-0001, Petition EAC75-011(A). (ONGOING: ENGINEERING - Engineering)

2. Developer shall dedicate to Lake Worth Drainage District the required right-of-way for Lateral #27. [Note: COMPLETED] (ONGOING: LAKE WORTH DRAINAGE DISTRICT - Engineering)

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. [Note: COMPLETED] (ONGOING: ENGINEERING - Engineering)

4. Developer shall file a plat in accordance with the Subdivision and Platting Ordinance No. 73-4. [Note: COMPLETED] (ONGOING: ENGINEERING - Engineering)

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: MONITORING - Zoning) (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: MONITORING - Zoning) (ONGOING: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.