

RESOLUTION NO. R-92- 692

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 89-88/11
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-90-357
WHICH APPROVED THE SPECIAL EXCEPTION OF
MEMORY GARDENS, INC.
PETITION NO. 89-88

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 402.6 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, pursuant to Section 402.6, Status Report CR 89-88/11 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at a public hearing conducted on December 9, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has reviewed Status Report CR 89-88/11 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 402.6 of the Palm Beach County .Zoning Code authorizes the Board of County Commissioners, sitting as the Zoning Authority, to add or modify conditions of approval; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations; and
2. The Palm Beach County Engineering Department has determined that condition number 11 of Resolution R-90-357 cannot be fulfilled due to the existence of graves along Tenth Avenue North.

WHEREAS, Section 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, 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 89-88/11, amending Conditions of Approval of Resolution No. R-90-357, the Special Exception of Memory Gardens, Inc., Petition No. 89-88, which permitted cemeteries and mausoleums and accessory funeral home and crematory facilities (to add a funeral home to an existing cemetery), on a parcel of land known as Memory Gardens, as recorded in Plat Book 24, Page 113 and Memory Gardens, Plat No.2, as recorded in Plat Book 26, Page 76. Lying in Section 24, Township 44 South, Range 42 East, being located on the northwest corner of the intersection of Kirk Road and 10th Avenue North in a RM-Multiple Family Residential (Medium Density) Zoning District, is approved, as amended, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.

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2. Condition number 11 which presently states:

Prior to February 1, 1990 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:

- a. Kirk Road, 40 feet from centerline;
- b. 10th Avenue North, 55 feet from centerline; and,
- c. Sufficient right-of-way required for an expanded intersection at Kirk Road and 10th Avenue North in accordance with Palm Beach County's typical expanded intersection drawings. Kirk Road, 60.5 feet from centerline and 10th Avenue North, 60.5 feet from centerline.

All free of encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners: where appropriate at intersections as determined by the County Engineer.

is hereby amended as follows:

Prior to February 1, 1990 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:

- a. Kirk Road, 40 feet from centerline;
- b. Safe sight corner at the intersection of Kirk Road and 10th Avenue North,

free of encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments.

Commissioner Roberts moved for approval of the Resolution.

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

KAREN T. MARCUS, CHAIR	--	aye
CAROL J. ELMQUIST	--	aye
CAROL ROBERTS	--	aye
CAROLE PHILLIPS	--	absent
MARY MCCARTY	--	aye
KEN FOSTER	--	aye
MAUDE FORD LEE	--	aye

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of May, 1992.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

MILTON T. BAUER, CLERK

BY: *Richard Alter*

BY: *Carl Zettlmeier*

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