

RESOLUTION NO. R-2001- 0432

RESOLUTION APPROVING ZONING PETITION DOA1975-011 (B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF MIL-DELL LTD
BY CARI PODESTA, 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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1 975011 (B) was presented to the Board of County Commissioners at a public hearing conducted on March 22, 2001; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development **Order Amendment** is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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.
5. This Development **Order Amendment**, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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.
10. This Development **Order Amendment**, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Petition DOA1975-01 I(B), the petition of Mil-Dell Ltd, by Cari Podesta, agent, for a Development Order Amendment (DOA) to add land area, reconfigure site plan, delete crypts and add grave sites 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on March 22, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Warren H. Newell, Chair	-	Absent
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus		Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Aye
Addie L. Greene		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on March 22, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

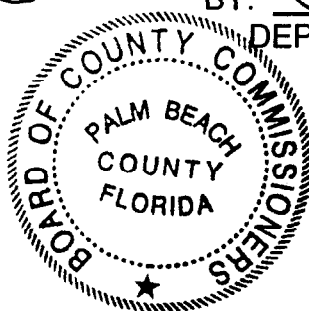


EXHIBIT A

LEGAL DESCRIPTION

ETERNAL LIGHT MEMORIAL GARDENS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 38, PAGES 146 THROUGH 148 INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ETERNAL LIGHT MEMORIAL GARDENS- PLAT II, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK PLAT BOOK 54, PAGES 168 and 169, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ETERNAL LIGHT MEMORIAL GARDENS - PLAT IV, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 69, PAGES 6 and 7, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ETERNAL LIGHT MEMORIAL GARDENS - PLAT V, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 82, PAGES 69-73 INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AS DESCRIBED IN OFFICIAL RECORD BOOK 3241, PAGE 1228 AND OFFICIAL RECORD BOOK 8098, PAGE 1923; THE WESTERLY 15.00 FEET OF THAT CERTAIN 30.00 FOOT ROAD RIGHT-OF-WAY LYING EASTERLY OF AND ADJACENT TO THE SOUTH 610.20 FEET OF SAID TRACT 57 AND EASTERLY OF AND ADJACENT TO SAID TRACT 64 AND BLOCK 60 EXTENDING SOUTHERLY 15.00 FEET 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 THE 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, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS CONVEYED BURIAL RIGHTS.

CONTAINING 2,071,298 SQUARE FEET OR 47.550 ACRES MORE OR LESS.

PLUS PLATTED

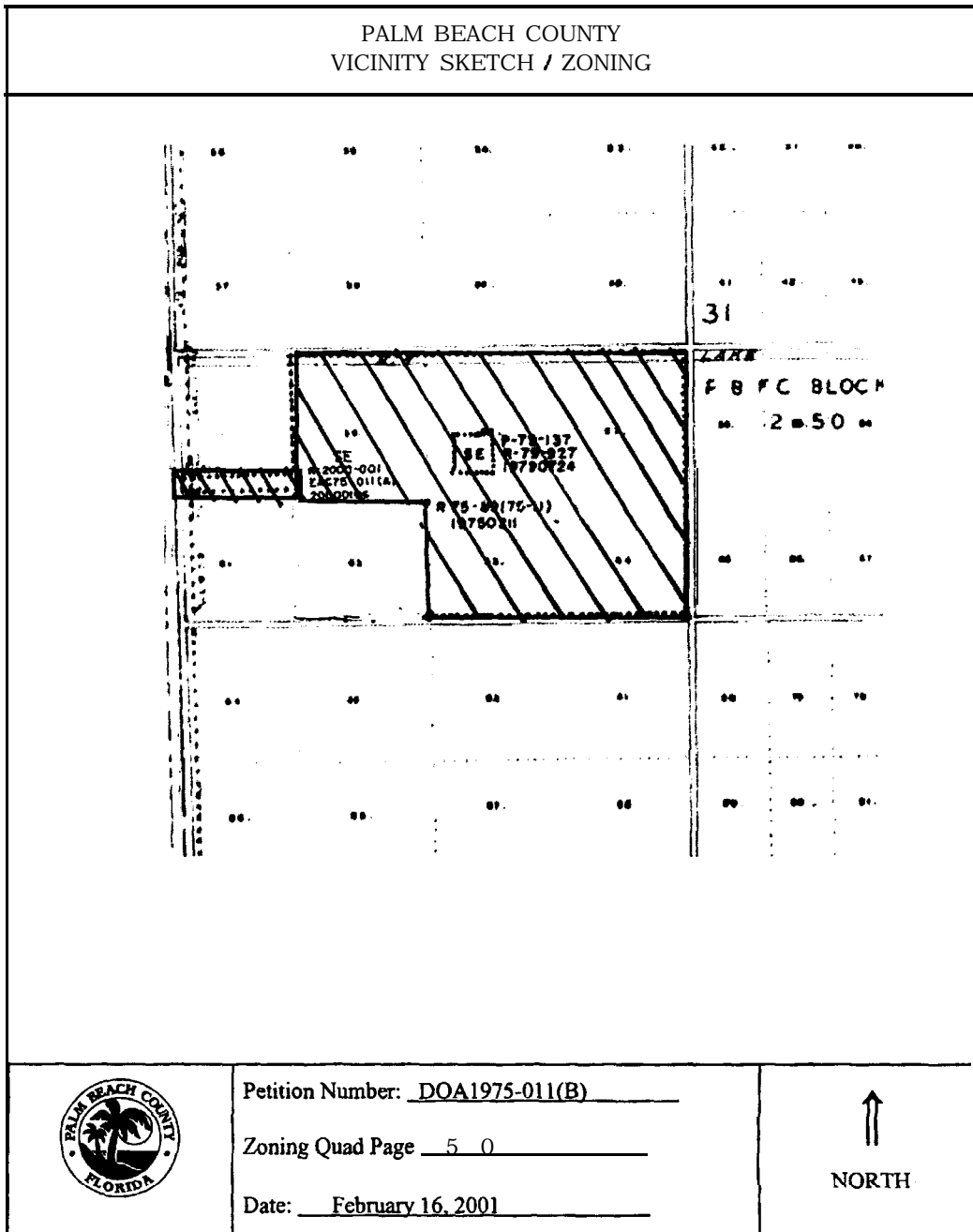
ROAD R/W: 39.837 SQUARE FEET OR 0.915 ACRES MORE OR LESS

TOTAL: 2,111,135 SQUARE FEET OR 48.465 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

EXHIBIT B



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EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified. There are no Conditions C. and D. due to Engineering always being lettered as Condition E.

A. ALL PETITIONS

1. Condition A. 1 of Resolution R-2000-0001, Petition **EAC75-011 (A)** which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-75-89, Petition 75-I 1, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

Is hereby amended to read:

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 petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition A.2 of Resolution R-2000-0001, Petition **EAC75-011 (A)** which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated November 16, 1994, Exhibit 22. 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)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. 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)

B. BUILDING AND SITE DESIGN

1. **Developer shall obtain a water resources permit from Central and South Florida Flood Control District.** (Previously Condition B.I of Resolution R-2000-0001, Petition **EAC75-011 (A)**). Central and South Florida Flood Control District now known as South Florida Water Management District.

2. **Developers 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 run simultaneously).** (Previously Condition B.2 of Resolution R-2000-0001, Petition EAC75-011 (A))
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.** (Previously Condition 8.3 of Resolution R-2000-0001, Petition EAC75-011 (A))
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.** (Previously Condition B.4 of Resolution R-2000-0001, Petition EAC75-011(A))
5. Utility and Drainage Easements shall not have any encroachments or be used for Interment areas. (DRC/BLDG PERMIT: ZONING)

E. ENGINEERING

1. Condition E.I of Resolution R-75-89, Petition 75-I 1 was deleted by Resolution R-2000-0001, Petition EAC75-011 (A).
2. **Developer shall dedicate to Lake Worth Drainage District the required right-of-way for Lateral #27.** (Previously Condition E.2 of Resolution R-2000-0001, Petition EAC75-011 (A))
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.** (Previously Condition E.3 of Resolution R-2000-0001, Petition EAC75-011 (A))
4. **Developer shall file a plat in accordance with the Subdivision and Platting Ordinance No. 73-4.** (Previously Condition E.4 of Resolution R-2000-0001, Petition EAC75-011 (A))

F. COMPLIANCE

1. **In granting this approval, the Board of County Commissioners 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 Board of County Commissioners for review under the compliance condition of this approval.** (ONGOING: MONITORING - Zoning) (Previously Condition F.I of Resolution R-2000-0001, Petition EAC75-011(A))
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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING) (Previously Condition F.2 of Resolution R-2000-0001, Petition EAC75-011(A))