

RESOLUTION NO. R-99-1614

RESOLUTION APPROVING ZONING PETITION PDD99-035
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF DELRAY FUNERAL HOMES, LTD.
BY ROBERT BENTZ, AGENT
(WOOLBRIGHT & JOG MUPD)

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 petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD99-035 was presented to the Board of County Commissioners at a public hearing conducted on August 26, 1999; and,

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

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.



WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 PDD99-035, the petition of Delray Funeral Homes, Ltd. by Robert Bentz, agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with a funeral home and financial institution on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on August 26, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Maude Ford Lee, Chair	-	Aye
Warren Newell, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Carol A. Roberts	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye

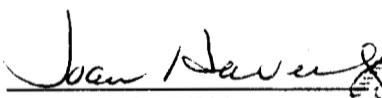
The Chair thereupon declared that the resolution was duly passed and adopted on August 26, 1999.

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

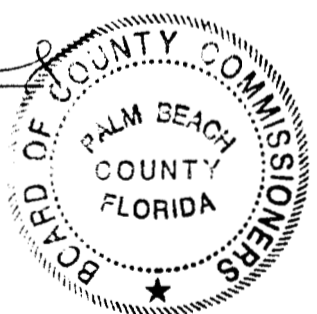


EXHIBIT A
LEGAL DESCRIPTION

THE EAST HALF (**E.1/2**) OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (**NW1/4**) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE RIGHT OF WAY FOR JOG **ROAD**.

EXHIBIT B
VICINITY SKETCH

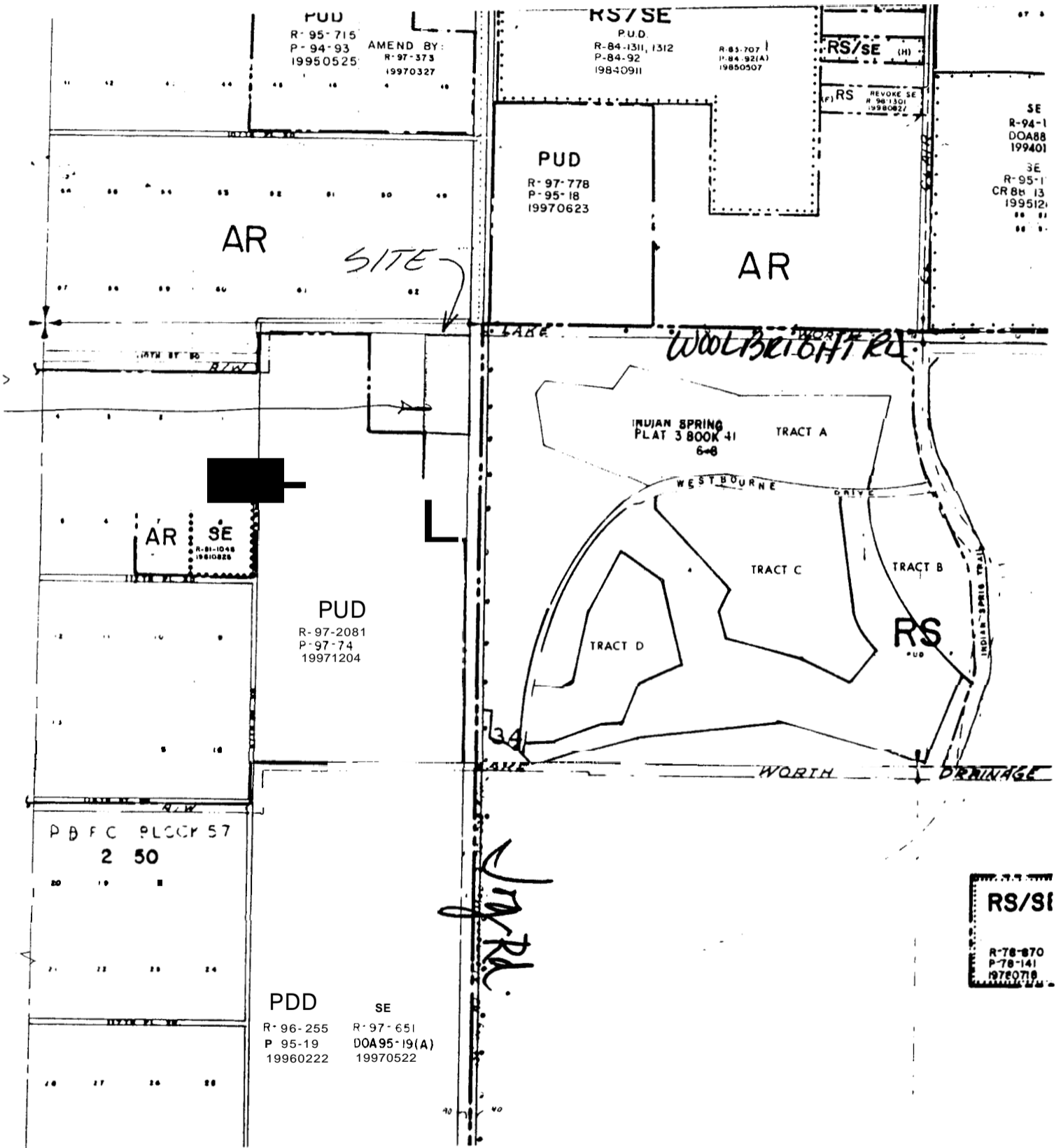


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Development of the site is limited to the uses as approved by the Board of County Commissioners. 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. The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes measured from finished grade to highest point, shall not exceed thirty-five (35) feet, (BLDG PERMIT: BLDG - Zoning)

C. HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)
2. Any toxic or hazardous waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 62-730FAC. (ONGOING: HEALTH/CODE ENF)

D. LANDSCAPING ALONG EAST AND NORTH PROPERTY LINES (JOG AND WOOLBRIGHT ROADS)

1. Landscaping and buffering along the east property line shall include:
 - a. a minimum twenty-five (25) foot wide buffer strip;
 - b. one canopy tree per thirty (30) linear feet on center ;
 - c. a minimum two to three foot high undulating berm with an average height of two and one-half (2.5) feet measured from top of curb; and
 - d. twenty-four (24) inch high hedge or shrub material spaced no more than twenty-four (24) inches on center at time of installation, to be maintained at a height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)
2. Landscaping and buffering along the north property line shall include:
 - a. a minimum twenty (20) foot wide buffer strip;
 - b. one canopy tree per thirty (30) linear feet on center ;
 - c. a minimum two to three foot high undulating berm with an average height of two and one-half (2.5) feet measured from top of curb; and
 - d. twenty-four (24) inch high hedge or shrub material spaced no more than twenty-four (**24**) inches on center at time of installation, to be maintained at a height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to January 15, 2001, 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 Woolbright Road 140 feet as shown on the current site plan feet south of the existing south right of way line of the LWDD L26 Canal, along the project's entire frontage, free of all 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 "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/ BLDG PERMIT: MONITORING-Eng)
2. Prior to January 15, 2001, or prior to the issuance of a building permit whichever shall first occur the property owner shall convey a temporary roadway construction easement along Woolbright Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE/BLDG PERMIT: MONITORING-Eng)
3. LANDSCAPING - MEDIAN
"CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF
JOG ROAD
 - a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide for landscape cutouts within the concrete median of Jog Road Right-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way Concrete Median Cutout; Landscape and Paver Block Installation Agreement, including appropriate Maintenance, Removal, and Indemnification agreements. When landscape plantings and the installation of paver blocks or similar materials are permitted by the County Engineer, the landscape material within the concrete cutouts shall be consistent with the landscaping theme approved by Palm Beach County for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Streetscape Standards. Alternative species and paver block material other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng.)
 - b. All required median landscaping, including an irrigation system, the cost of cutting out the concrete median and the installation of all landscape material, and paver block or similar materials shall be funded at the property owners expense. All landscape material, and paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation to the cut out areas. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)

- c. Property Owners Documents or other restrictive covenant documents, evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng.)
- 4. Prior to DRC approval the property owner shall record one cross access easement to the property owner to the west, and one cross access easement to the property owner to the south in accordance with the County Attorney's approval. Location and width of these access easements shall be approved by the County Engineer. (DRC APPROVAL - Eng)
- 5. Concurrent with the issuance of a driveway permit onto Woolbright Road, Woolbright Road shall be constructed from the projects entrance to Jog Road. (ENG)

F. LANDSCAPING - INTERIOR

- 1. Foundation planter strip shall be provided along the facades of all structures. The minimum width of the required foundation planter strip shall be five (5) feet. The length of the required foundation planter strip shall be no less than 40% of the each facade of the structure. All required foundation planter strips shall be planted with a minimum of one (1) tree or palm every 20 feet and appropriate ground cover. (DRC/CO: ZONING /LANDSCAPE)

G. PLANNING

- 1. Prior to final site plan approval by the Development Review Committee, the Planning Division shall ensure that the site plan conforms with the recommendations of the West Boynton Area Community Plan. (Rec.# 42 and 47). In addition, the indication of pedestrian/vehicular cross access easements to the adjacent south and western parcels shall remain on the site plan. (DRC: PLANNING)
- 2. Prior to final site plan certification by the Development Review Committee (DRC), in order to comply with Recommendations 42 and 47 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks for pedestrian and bicycle circulation through the commercial development. (DRC: PLANNING)

H. SIGNS

- 1. Freestanding sign fronting on Jog Road shall be limited as follows:
 - a. Maximum sign height six (6) feet measured from the finished grade at the base of the sign with a two (2) foot hedge for four (4) feet of sign exposure;
 - b. Maximum single face area per side - sixty (60) square feet;
 - c. Maximum number of signs - one (1);
 - d. Location - to be located within thirty (30) feet of entrance on two foot berm;
 - e. Monument style only. (CO: BLDG)
- 2. Freestanding sign fronting on Woolbright Road at entrance to financial institution shall be limited as follows:

- a. Maximum sign height- six (6) feet; measured from the finished grade at base of sign with a two (2) foot hedge for four (4) feet of sign exposure
 - b. Maximum single face area per side - sixty (60) square feet;
 - c. Maximum number of signs - one (1);
 - d. Location - to be located within thirty (30) feet of entrance on two foot berm;
 - e. Monument style only. (CO: BLDG)
3. Wall signs shall be limited to the north and east facades of the buildings. (CO: BLDG)

I. USE LIMITATION

- 1. No cremation shall be permitted on site. (ONGOING: ZONING/CODE ENF)

J. 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)
- 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)



Department of Planning,

Zoning & Building

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www.co.palm-beach.fl.us



**Palm Beach County
Board of County
Commissioners**

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Warren H. Newell, Vice Chairman

Karen T. Marcus

Carol A. Roberts

Mary McCarty

Burt Aaronson

Tony Masilotti

County Administrator

Robert Weisman

**INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING**

TO: Paula Hancock, Minutes Manager
FROM: William C. Whiteford, Zoning Director
DATE: September 1, 1999
RE: Amended Conditions from the August 26, 1999
BCC Hearing

*WCW
by rc*

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on August 26, 1999.

The following petitions were amended:

EAC83-121(D)
PDD99-035

St. John the Evangelist Church
Delray Funeral Homes, Ltd.

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