

RESOLUTION NO. R- 90-357

RESOLUTION APPROVING ZONING PETITION NO. 89-88
SPECIAL EXCEPTION PETITION OF MEMORY GARDENS, INC.

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, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, Petition No. 89-88 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 2, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; 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.

WHEREAS, 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 Petition No. 89-88, the petition of MEMORY GARDENS, INC., by Lee Starkey, Agent, for a SPECIAL EXCEPTION TO PERMIT 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, and lying in Section 24, Township 44 South, Range 42 East, being located on the northwest corner of Kirk Road and 10th Avenue North, in the RM-Multiple Family Residential Zoning District (Medium Density), was approved on October 2, 1989 as advertised, subject to the following conditions:

1. Prior to Site Plan Review Committee submittal, the site development plan shall be amended to satisfy all minimum property development regulations and land development requirements.
2. The petitioner shall provide the following:
 - a. Along the east property line, Alternative Perimeter Landscape No. 3 supplemented with a six (6) foot high hedge/berm combination and ten (10) foot high native canopy trees

planted twenty-five (25) feet on center;
and,

- b. Along the north property line, thirty-six (36) inch high hedge and native canopy trees planted twenty-five (25) feet on center.
3. All site lighting shall be low intensity, shielded and directed away from surrounding residences and rights-of-way.
 4. Trash receptacles shall be totally screened with a six (6) foot high wall or fence and located away from adjacent properties.
 5. No off-premise signs shall be permitted on site.
 6. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
 7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
 8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
 9. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil.
 10. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
 11. 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.

12. The Property owner shall convey to Palm Beach County prior to February 1, 1990 adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of both 10th Avenue North and Kirk Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along both 10th Avenue North and Kirk Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.
13. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended.
14. The property owner shall convey to the Lake Worth Drainage District the North 10 feet of the plat of Memory Gardens Plat No. 2 and a parcel 10 feet in width lying south of the northwest corner and 15 feet south of the northeast corner of the plat of Memory Gardens for the required right-of-way for Lateral Canal No. 10, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to February 1, 1990.
15. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	Aye
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of February, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Burton Altman
COUNTY ATTORNEY

BY:

June J. Williams
DEPUTY CLERK

The seal of Palm Beach County, Florida, is circular with a double-line border. The outer ring contains the text "PALM BEACH COUNTY, FLORIDA" at the top and "1909" at the bottom. The inner ring contains "COUNTY CLERK" at the top and "DEPUTY CLERK" at the bottom. In the center, there is a five-pointed star and the date "FEBRUARY 27 1990".