

RESOLUTION NO. **R-94-500**

RESOLUTION APPROVING ZONING PETITION CA93-27  
CLASS A CONDITIONAL USE  
PETITION OF JEFFREY M. ROSENBERG, JR.

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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve **With** conditions or deny Class A Conditional Uses; and

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

WHEREAS, Zoning Petition CA93-27 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 1994; 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject **to Article 5**, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County 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 Class **A** Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Land Development Code for **use, layout**, function, and general development characteristics.
6. This class A Conditional Use **meets** applicable local land development regulations.

- 7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
- 8. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
- 9. This Class A Conditional Use, 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 Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly **development** patterns.

WHEREAS, Article 5 of the Palm Beach County 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 CA93-27, the petition of Jeffrey M. Rosenberg, Jr., by: Kieran Kilday, AGENT for a CLASS A CONDITIONAL USE allowing a cemetery in the Residential Transitional (RT) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on April 28, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Absent
Burt Aaronson	--	Aye
Ken Foster	--	Absent
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absenc

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of April, 1994.

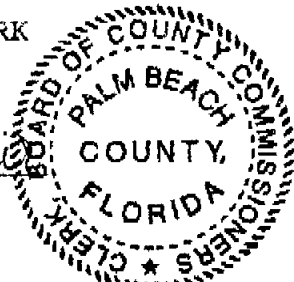
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Burt Aaronson*  
COUNTY ATTORNEY

BY: *Jina M. Blair*  
DEPUTY CLERK



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## EXHIBIT A

## LEGAL DESCRIPTION

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THE SOUTH HALF (S. 1/2) OF LOTS 33 AND 35; LOTS 44, 45, 46 AND 47, BLOCK 10, OF PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, AT PAGES 46 AND 47, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION OF THE PLATTED 30 FOOT RIGHT-OF-WAY LYING BETWEEN THE SOUTH BOUNDARY LINE OF THE SOUTH HALF (S. 1/2) OF LOTS 32 AND 33 AND THE NORTH BOUNDARY LINE OF LOTS 44 AND 45, BLOCK 10, OF PALM BEACH COUNTY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, AT PAGES 46 AND 47, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

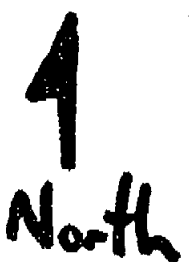
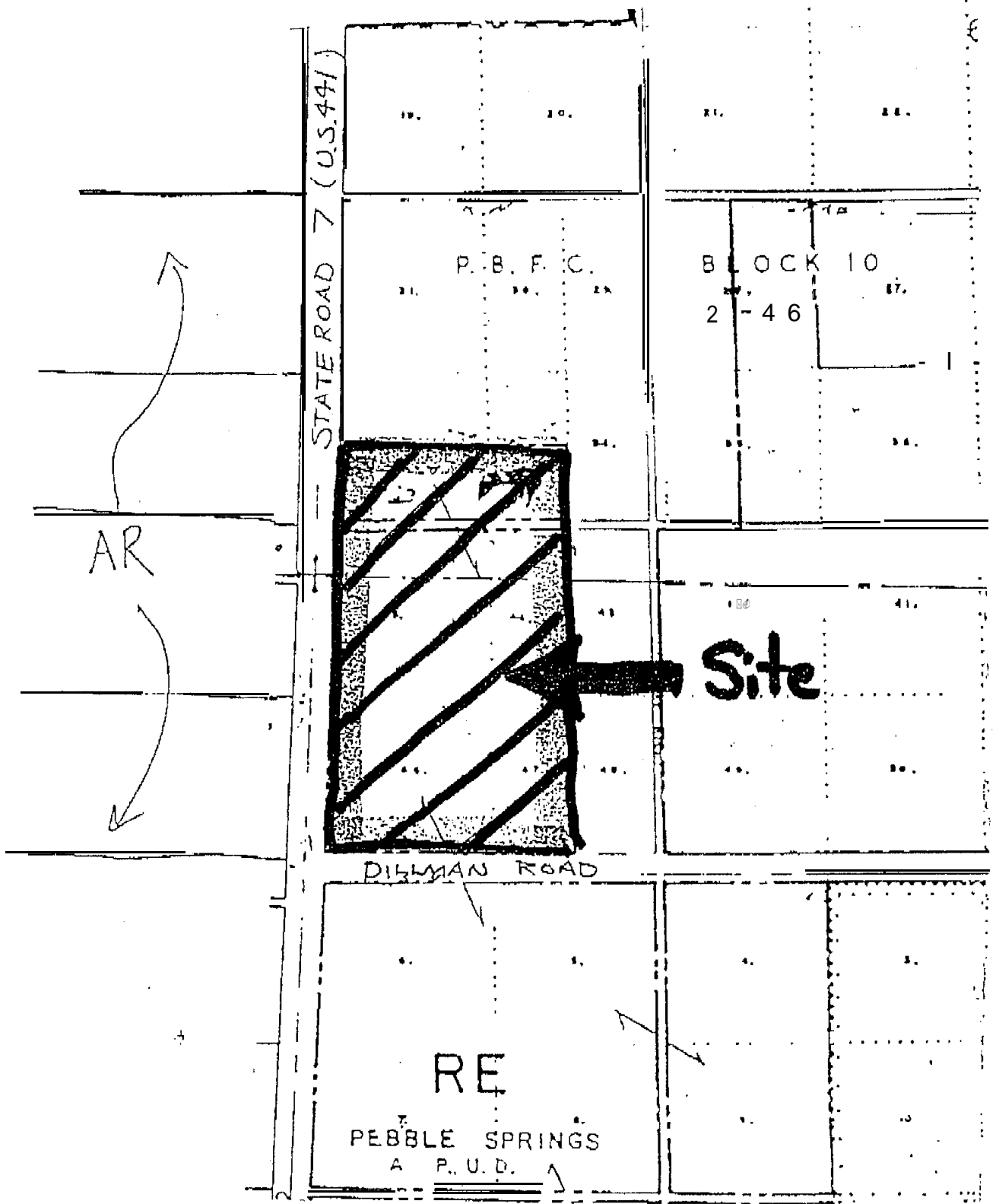
CONTAINING IN 1,626,129 SQUARE FEET OR 37.331 ACRES MORE OR LESS.

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

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EXHIBIT I3  
(location sketch)



## CONDITIONS OF APPROVAL

A. BUILDING AND SITE DESIGN

1. To ensure that development of the site is consistent with the petitioners proposal, the maximum height, measured from finished grade to the highest point of each structure, shall not exceed thirty (30) feet. (BUILDING-zoning)
2. To ensure that development of the site is consistent with the petitioners proposal, the maximum building area shall not exceed 30,298 square feet. Additional square footage may be approved pursuant to sec 5.4.E.13 (Minor Deviations) of the ULDC. (BUILDING/ZONING)
3. Prior to November 1, 1994 or in the event of an appeal, thirty (30) days after rendition of a final order by an appellate court, and prior to site plan certification by the Development Review Committee (DRC), the petitioner shall submit a certificate of need and a license for a cemetery from the Florida Department of Banking and Finance pursuant to Florida Statutes 497 as amended. No Administrative extension shall be permitted. (ZONING/COUNTY ATTORNEY)

B. HEALTH

1. The application and engineering plans to construct a limited use drinking water supply system must: be submitted to the PBC Health Unit prior to site plan approval by the Development Review Committee. (HEALTH)
2. The application and engineering plans to construct an on site wastewater disposal system must be submitted to the PBC Health Unit prior to site plan approval by the Development Review Committee, (HEALTH)
3. The use of the Facility shall be limited to a cemetery, chapel and ancillary facilities only. No crematory, embalming or body preparation shall be allowed on site. (HEALTH/ZONING)
4. Cemetery rules must provide for reinforced concrete, sealed (not necessarily waterproof) vaults. The vaults shall not have fabricated holes for drainage. (HEALTH)
5. Prior to site plan approval by the Development Review Committee, the application shall provide drainage plans, computations and details of interment. (HEALTH)

C. LANDSCAPE - GENERAL

1. To ensure proper buffering of the surrounding area during the development of the above ground crypts and land preparation of the site, the petitioner shall install the perimeter buffers, as shown in phases 1, and 3 (Exhibit 3), prior to the issuance of the first certificate of occupancy issued in phase 1. (BUILDING/ ZONING)
2. To ensure the proper distribution of landscaping throughout the development, prior to site plan certification by the DRC, the petitioner shall amend the site plan to indicate the required number of landscape trees to be planted for each phase. At a minimum, one tree shall be planted for each twenty-five hundred (2500)

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square feet of land area within each phase. A **minimum** of twenty five (25) percent of trees required by this condition shall be planted within the interior of each phase. (BUILDING/ZONING)

E. ENGINEERING .

The property owner has voluntarily agreed to convey to Palm Beach County Land Development **Division** by road right-of-way warranty deed for **Dillman Road**, 80 feet north of the proposed north right of way line of the LWDD L-6 Canal. This conveyance shall be prior to **June 1, 1995** or prior to the issuance of the first **Building Permit**, whichever shall first **occur**. This right of way shall be 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 "Safe Sight **Corners**" where appropriate at intersections as determined by the **County Engineer** (MONITORING/BUILDING - Engineering).

2. The Property owner shall construct:

a) left turn lane north approach on SR7 at **Dillman Road**. This turn may be deleted by the **County Engineer** based upon the construction schedule for the widening of SR7.

b) **Dillman Road** from SR7 east to the projects entrance road. This construction shall be 11-1.2 feet travel lanes, collector street standards

c) left turn lane east approach on **Dillman Road** at SR7 if a full median opening at SR 7 is **permitted** by the Florida DOT.

3. All construction listed in a, b, and c shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. **These** costs shall include, but not limited to, **utility** relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the **issuance** of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of occupancy. (BUILDING - Engineering).

4. The property owner 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. The Fair Share Fee for this project at the time of the Building Permit presently is **\$8,580.00** (156 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).

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