

RESOLUTION NO. R-2023- 0105

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2022-00119  
(CONTROL NO. 1983-00115)  
a Development Order Amendment  
APPLICATION OF Northstar Palm Beach LLC  
BY Covelli Design Associates, Inc., AGENT  
(Palm Beach Memorial Park)

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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/DOA-2022-00119 submitted on behalf of Northstar Palm Beach LLC, by Covelli Design Associates, Inc., Agent for a Development Order Amendment to reconfigure the Site Plan; delete land area, and square footage on 25.89 acres was presented to the Board of County Commissioners at a public hearing on January 26, 2023;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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 Application ZV/DOA-2022-00119, the Application of Northstar Palm Beach LLC, by Covelli Design Associates, Inc., Agent, for a Development Order Amendment to reconfigure the Site Plan; delete land area, and square footage on 25.89 acres, on a parcel of land generally described as shown on the legal description 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 January 26, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	- Aye
Commissioner Maria Sachs, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Michael A. Barnett	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 26, 2023.

Filed with the Clerk of the Board of County Commissioners on February 1, 2023.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

SITUATED IN THE CITY OF LANTANA, COUNTY OF PALM BEACH AND STATE OF FLORIDA, AND KNOWN AS BEING A PART OF THE REPLAT OF PART OF LINCOLN MEMORIAL GARDENS, AS RECORDED IN PLAT BOOK 25, PAGE 225, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT FOUND IN THE WEST RIGHT OF WAY LINE OF SEACREST BOULEVARD, A VARIABLE WIDTH PUBLIC RIGHT OF WAY, AND BEING 20.30 FEET SOUTH OF THE NORTH LINE OF THE RE-PLAT OF LINCOLN MEMORIAL GARDENS;

THENCE, CONTINUING SOUTH 02 DEGREES 29' 14" WEST, 1391.26 FEET TO A POINT; THENCE, NORTH 87 DEGREES 30' 46" WEST, 92.00 FEET TO A POINT; THENCE, SOUTH 02 DEGREES 29' 14" WEST, 93.00 FEET TO A POINT; THENCE, NORTH 87 DEGREES 30' 46" WEST, 81.83 FEET TO A POINT; THENCE, NORTH 01 DEGREES 01' 59" EAST, 156.13 FEET TO A POINT; THENCE, NORTH 87 DEGREES 30' 46" WEST, 33.81 FEET TO A POINT; THENCE, NORTH 01 DEGREES 01' 59" EAST, 2.74 FEET TO A POINT; THENCE, NORTH 87 DEGREES 30' 46" WEST, 326.39 FEET TO A POINT; THENCE, SOUTH 01 DEGREES 01' 59" WEST, 12.00 FEET TO A POINT; THENCE, NORTH 87 DEGREES 30' 46" WEST, 148.72 FEET TO A POINT; THENCE, SOUTH 01 DEGREES 01' 59" WEST, 19.03 FEET TO A POINT THENCE, NORTH 87 DEGREES 30' 46" WEST, 176.44 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF STATE ROUTE NO. 9, A VARIABLE WIDTH PUBLIC RIGHT OF WAY; THENCE, ALONG THE EAST RIGHT OF WAY LINE OF STATE ROUTE NO. 9, NORTH 01 DEGREES 01' 59" EAST, 1174.86 FEET TO A CONCRETE DISK FOUND; THENCE, SOUTH 88 DEGREES 55' 16" EAST, 344.35 FEET TO A POINT; THENCE, NORTH 03 DEGREES 27' 44" EAST, 160.14 FEET TO A POINT; THENCE, SOUTH 88 DEGREES 55' 16" EAST, 545.43 FEET TO THE POINT OF BEGINNING.

FURTHER DESCRIBED AS:

A PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 45 SOUTH, RANGE 43 EAST, AND KNOWN AS REPLAT OF PART OF LINCOLN MEMORIAL GARDENS, PLAT BOOK 25, PAGE 225, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER OF SECTION 9, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THENCE SOUTH 02°04'18" WEST, ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION A DISTANCE OF 1198.56 FEET; THENCE NORTH 87°55'42" WEST, TO A POINT ON SAID QUARTER SECTION LINE WHICH IS 40 FEET FROM AND PARALLEL TO THE WESTERN RIGHT-OF-WAY LINE OF SEACREST BOULEVARD; THENCE SOUTH 02°04'18" WEST, ALONG SAID RIGHT-OF-WAY A DISTANCE OF 20.30 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 02°04'18" WEST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 1391.26 FEET; THE NEXT ELEVEN (11) COURSES RUN ALONG THE NORTH LINE OF TRACT-1 RESERVED, DISPLAYED IN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 93220-2564, SHEET 4 OF 6 AND RECORDED IN OFFICIAL RECORDS BOOK 32457, PAGE 1854; THENCE NORTH 87°55'42" WEST, A DISTANCE OF 92.00 FEET; THENCE SOUTH 02°04'18" WEST, A DISTANCE OF 93.00 FEET; THENCE NORTH 87°55'42" WEST, A DISTANCE OF 81.83 FEET; THENCE NORTH 00°37'03" EAST, A DISTANCE OF 156.13 FEET; THENCE NORTH 87°55'42" WEST, A DISTANCE OF 33.81 FEET; THENCE NORTH 00°37'03" EAST, A DISTANCE OF 2.74 FEET; THENCE NORTH 87°55'42" WEST, A DISTANCE OF 326.39 FEET; THENCE SOUTH 00°37'03" WEST, A DISTANCE OF 12.00 FEET; THENCE NORTH 87°55'42" WEST, A DISTANCE OF 148.72 FEET; THENCE SOUTH 00°37'03" WEST, A DISTANCE 19.03 FEET; THENCE NORTH 87°55'42" WEST, A

DISTANCE OF 176.24 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95, FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 93220-2564, SHEET 4 OF 6; THENCE NORTH 00°36'31" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1174.86 FEET TO THE SOUTHWEST CORNER OF THE PLAT HY-CREST CENTER, PLAT BOOK 64, PAGE 177, OF PALM BEACH COUNTY RECORDS; THE NEXT THREE (3) COURSES ARE ALONG THE SOUTH LINE OF PLAT HY-CREST CENTER, PLAT BOOK 64, PAGE 177; THENCE SOUTH 89°20'12" EAST, A DISTANCE OF 344.35 FEET; THENCE NORTH 03°02'48" EAST, A DISTANCE OF 160.15 FEET. THENCE SOUTH 89°20'12" EAST, A DISTANCE OF 545.42 FEET TO THE POINT OF BEGINNING.

BEING SITUATED IN SECTION 9, TOWNSHIP 45 SOUTH, RANGE 43 EAST AREA: 1127628.846 SQFT OR 25.887 ACRES, MORE OR LESS

EXHIBIT B  
VICINITY SKETCH

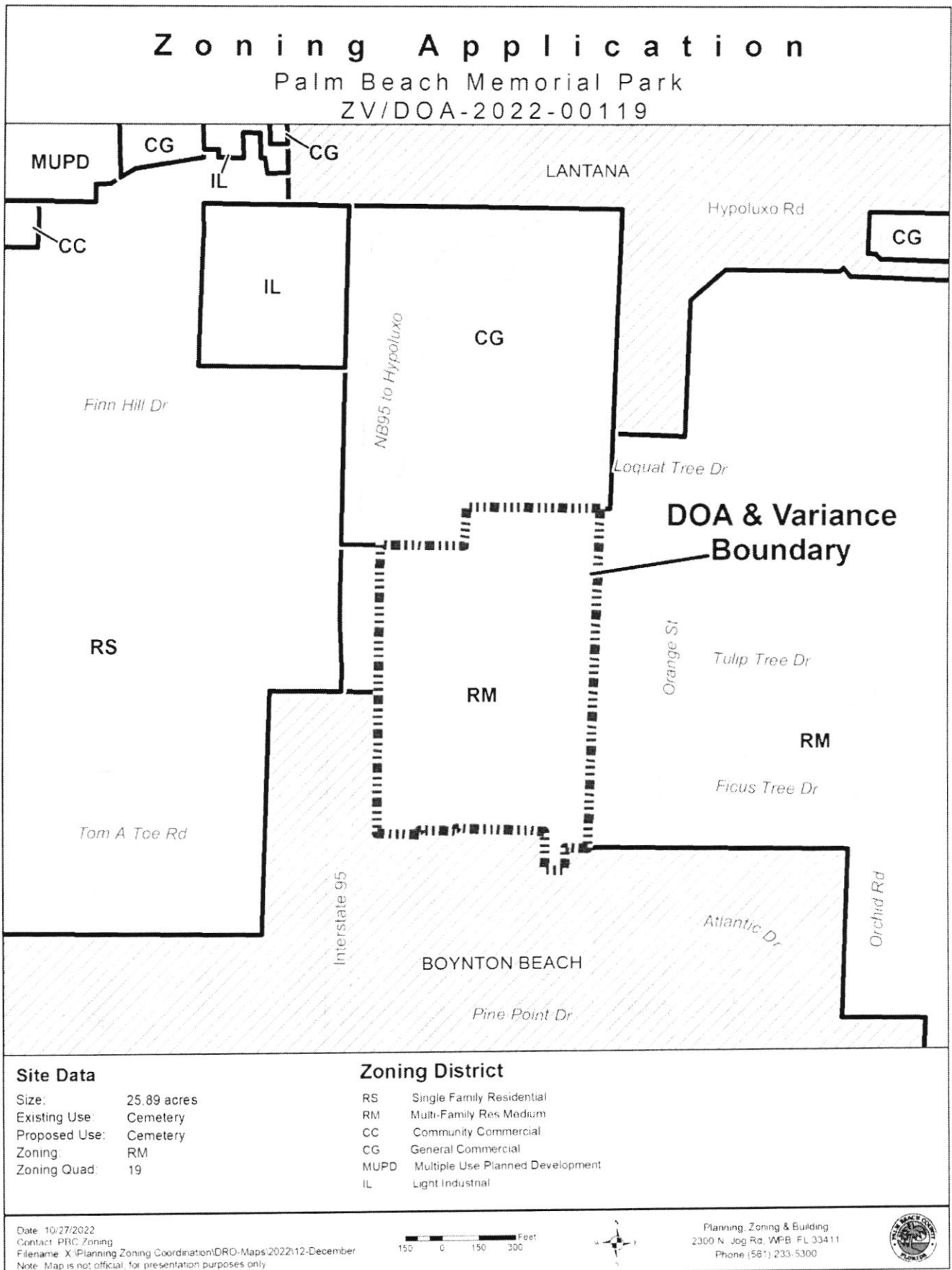




EXHIBIT C

CONDITIONS OF APPROVAL

**ALL PETITIONS**

1. The approved Preliminary Site Plan is dated September 9, 2022. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1983-1428 and R-1984-1100 (Control 1983-00115), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

**ENGINEERING**

1. Previous ENGINEERING Condition 1 of Resolution R-1983-1428, Control No.1983-00115, which currently states:

This development must retain onsite 85% of the storm water runoff generated by a three year storm per requirements of the Permit Section, Land Development Division.

**Is hereby deleted.** [REASON: Superseded by new condition]

2. Previous ENGINEERING Condition 2 of Resolution R-1983-1428, Control No.1983-00115, which currently states:

The developer shall contribute two hundred and fifty dollars (\$250.00) towards the cost of meeting the direct and identifiable impact at the time of building permit issuance.

**Is hereby deleted.** [REASON: Superseded by new condition]

3. Previous ENGINEERING Condition 4 of Resolution R-1983-1428, Control No.1983-00115, which currently states:

The developer shall install signs indicating the one way traffic flow shown on exhibit no. 12.

**Is hereby deleted.** [REASON: Superseded by new condition]

4. Previous ENGINEERING Condition 1 of Resolution R-1984-1100, Control No.1983-00115, which currently states:

The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.

**Is hereby deleted.** [REASON: Code requirement]

5. The developer shall contribute Two Hundred and Fifty Dollars (\$250.00) toward the cost of meeting this project s direct and identifiable impact, to be paid at the time of issuance of the Building Permit. [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-1984-1100, Control No.1983-00115)

6. Previous ENGINEERING Condition 4 of Resolution R-1984-1100, Control No.1983-00115, which currently states:

The developer shall install signs indicating the one-way traffic flow shown on Exhibit No. 17.

**Is hereby amended to read:**

The developer shall install signs indicating the one-way traffic flow shown on the Final Site Plan. (ONGOING: ENGINEERING - Engineering)

7. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

**LANDSCAPING - PERIMETER (SOUTHERN PROPERTY LINE)**

3. Previous LANDSCAPING - PERIMETER (SOUTHERN PROPERTY LINE) Condition 3 of Resolution R-1983-1428, Control No.1983-00115, which currently states:

The developer shall install significant 75% opaque screening composed of trees and shrubs along the southern property line concurrent with extension of crypt space.

**Is hereby deleted. [REASON: Duplicate condition]**

**LANDSCAPING - PERIMETER (SOUTHERN PROPERTY LINE)**

3. Previous LANDSCAPING - PERIMETER (SOUTHERN PROPERTY LINE) Condition 3 of Resolution R-1984-1100, Control No.1983-00115, which currently states:

The developer shall install significant 75% opaque screening composed of trees and shrubs along the southern property line concurrent with extension of crypt space.

**Is hereby deleted. [REASON: No longer applicable.]**

**COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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; the 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 Unified Land Development Code 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 of Approval; 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 the Code Enforcement Special Master 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 2.E of the

ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.