

RESOLUTION NO. R-2006-0005

RESOLUTION APPROVING ZONING APPLICATION Z2005-1126  
(CONTROL NO. 2005-372)  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
APPLICATION OF PALM BEACH COUNTY  
BY PALM BEACH COUNTY, AGENT  
(LAWRENCE ROAD LIBRARY)

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 public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), as amended, have been satisfied; and

WHEREAS, Zoning Application Z2005-1126 was presented to the Board of County Commissioners at a public hearing conducted on January 5, 2006; 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 has considered the findings in the staff report and 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) 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) 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) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY - Adequate Public Facilities Standards) of the Palm Beach County Unified Land Development Code; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (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 Application Z2005-1126, the application of Palm Beach County, by Palm Beach County, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Specialized Commercial and the Agricultural Residential Zoning Districts to the Public Ownership Zoning District 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 January 5, 2006, subject to the voluntary commitments in Exhibit C.

Commissioner Greene moved for the approval of the Resolution.

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

Tony Masilotti, Chair	-	Aye
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Absent
Jeff Koons	-	Absent
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on January 5, 2006.

Filed with the Clerk of the Board of County Commissioners on 5th day of January, 2006.

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

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



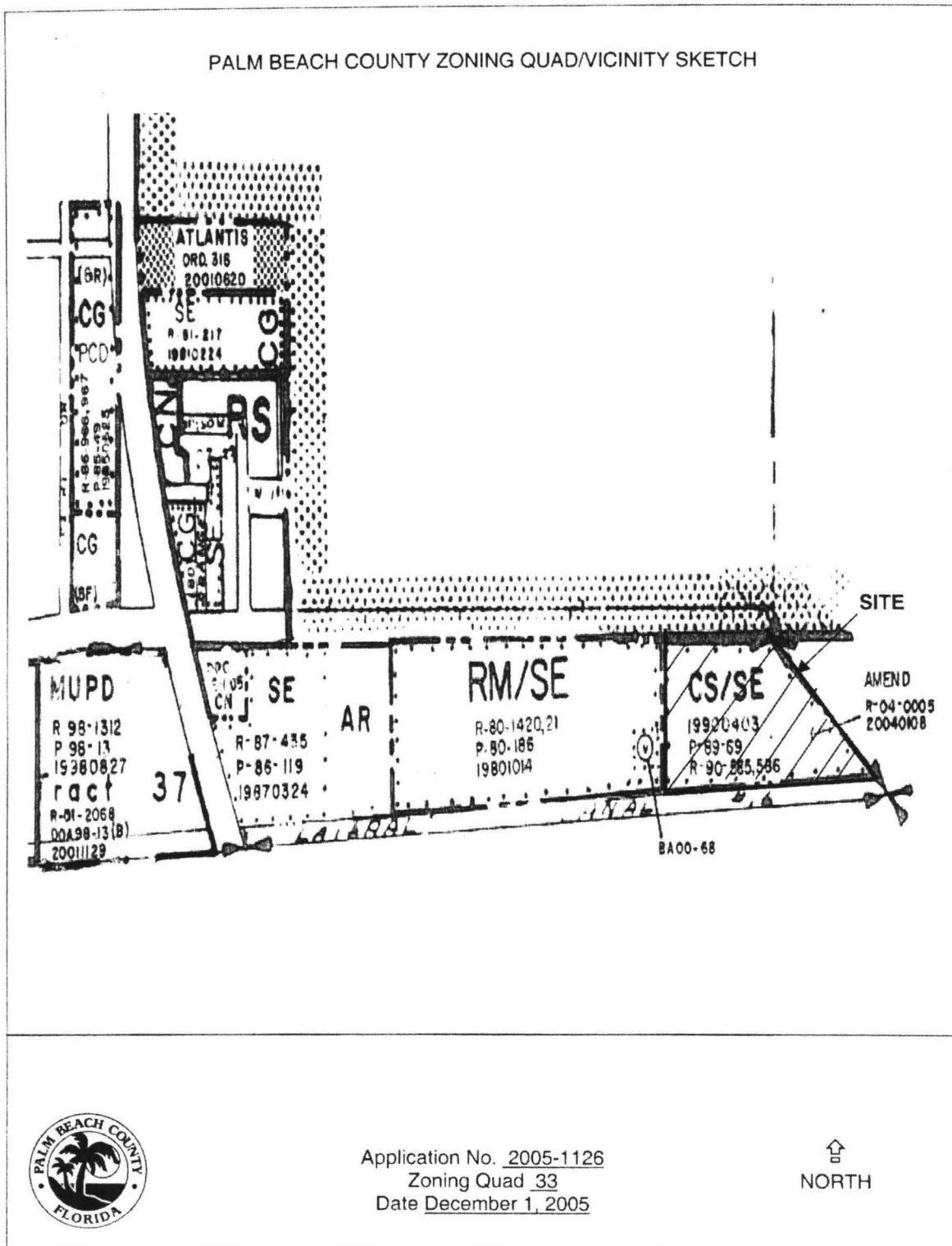
EXHIBIT A  
LEGAL DESCRIPTION

LOTS 114 THRU 125, INCLUSIVE, AND THE EAST 21.7 FEET OF LOT 126, ACCORDING TO THE PLAT OF LAKE OSBORNE SUBDIVISION, RECORDED IN PLAT BOOK 9, PAGES 42 AND 43, SITUATE IN HIATUS TRACT 37, TOWNSHIP 44 1/2 SOUTH, RANGE 42 EAST AND HIATUS TRACT 39, TOWNSHIP 44 1/2 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPT THE SOUTH 40.00 FEET THEREOF RECORDED IN OFFICIAL RECORD BOOK 873, PAGE 386, AND OFFICIAL RECORD BOOK 1921, PAGE 1507 AND THE RIGHT OF WAY FOR LANTANA ROAD RECORDED IN OFFICIAL RECORD BOOK 4890, PAGE 1688, AND OFFICIAL RECORD BOOK 10187, PAGE 1848, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH

LOT 126, LESS THE EAST 21.7 FEET THEREOF, ALL OF LOT 127 AND THE EAST 27.53 FEET OF LOT 128, EXCEPT THAT PART TAKEN FOR LANTANA ROAD AND LESS THE SOUTH 40 FEET THEREOF, LAKE OSBORNE SUBDIVISION, ACCORDING TO PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGES 42 AND 43, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### VOLUNTARY COMMITMENTS

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 1, 2008. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING - ENG)
2. Prior to the issuance of a building permit, the property owner shall provide a road restoration agreement (Right to Enter and Restore) along Lantana Road and Lawrence Road to Palm Beach County. Construction by the property owner within this area shall conform to all Palm Beach County Standards and Codes. (BLDG PERMIT: MONITORING - ENG)
3. The property owner shall extend the existing left turn lane south approach on Lawrence Road at Lantana Road to provide for a left turn lane on Lawrence Road into the proposed Library Site. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
  - a. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING - ENG)
  - b. Construction for this left turn lane extension shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - ENG)
4. On or before June 1, 2006, the property owner shall convey to Palm Beach County Roadway Production sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Lawrence Road along the property frontage, and to the centerline of the LWDD L-16 canal along Lawrence Road. The drainage system within the project shall have sufficient retention/detention, compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer, the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation performed by Palm Beach County within said easements shall become the property of Palm Beach County

which at its discretion may use this fill material. (DATE: MONITORING - ENG)

5. The property owner shall convey to Palm Beach County Land Development Division by warranty deed for:
  - a) Lawrence Road, 93 feet west of the existing east right of way line for Lawrence Road and shall extend along the projects entire frontage.
  - b) Lantana Road, 86 feet from centerline and shall extend from the east property line west a distance of 400 feet, plus the appropriate taper.

Right of Way shall be conveyed prior to issuance of a Building Permit. Right of way conveyance shall be and shall be free of all encumbrances and encroachments. Right of way documents shall provide sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (BLDG PERMIT: MONITORING - ENG)

#### ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM - ERM)
2. A 25% upland set-aside equal to or greater than 0.60 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is approved by ERM. (ONGOING: ERM - ERM)
3. A Preserve Management Plan and form of recordation such as Conservation Easement, Restrictive Covenant or Plat, shall be approved by ERM and/or recorded by the applicant prior to the issuance of the Standard Vegetation Permit. (VEGETATION PERMIT: ERM - ERM)

#### MASS TRANSIT

1. Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT/BLDG PERMIT: ENG/MONITORING - Palm Tran)

#### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the 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 voluntary commitments of this approval. (ONGOING: MONITORING - Zoning)



2. Failure to comply with any of the voluntary commitments 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 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any voluntary commitment 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. (ONGOING: MONITORING - Zoning)