

RESOLUTION NO. R-91-240

RESOLUTION APPROVING ZONING PETITION NO. 84-76(C)
SPECIAL EXCEPTION PETITION OF
WELLINGTON REGIONAL MEDICAL CENTER, INC.
BY ANNA COTTRELL, AGENT

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. 84-76(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 26, 1990; 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. 84-76(C), the petition of WELLINGTON REGIONAL MEDICAL CENTER, INC., BY ANNA COTTRELL, AGENT, FOR A SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN EXISTING MEDICAL CENTER TO INCREASE SQUARE FOOTAGE on a parcel of land known as the South 330.60 feet of Tract 20 and all of Tracts 21 and 28, less the South 33.00 feet thereof, Block 18, Palm Beach Farms Company Plat No. 3, Plat Book 2, Pages 45 through 54, less the following: A parcel of land lying in Section 12, Township 44 South, Range 41 East, and being part of Tract 28, Block 18, of the Palm Beach Farms Company Plat No. 3, Plat Book 2, Pages 45 through 54, described as follows: Commencing at the Southeast corner of said Section 12, thence North 88 degrees 45'35" West (for convenience all bearings shown herein are referred to an assumed meridian) along the South line of said Section 12, a distance of 70.69 feet to a point on the West Right-of-way line of State Road No. 7; Thence North 00 degrees 28'31" East along said Right-of-way line, a distance of 33.00 feet to the POINT OF BEGINNING of the hereinafter described parcel; Thence North 88 degrees 45'35" West along a line parallel to and 33.00 feet North of the South line of said Section 12, a distance of 629.02 feet; Thence North 02 degrees 17'29" West, a distance of 55.58 feet to the beginning of a curve concave to the Northeast having a radius of 5669.58 feet and a

central angle of 05 degrees 44'43" and whose tangent at this point bears South 83 degrees 00'52" East; Thence Southeasterly and Easterly along the arc of said curve, a distance of 568.51 feet; Thence South 88 degrees 45'35" East along a line parallel and 60.00 feet North of the South line of said Section 12, a distance of 64.52 feet to the West Right-of-way line of State Road No. 7; Thence South 00 degrees 28'31" West along said Right-of-way line, a distance of 27.00 feet to the Point of Beginning. TOGETHER WITH the East 255.91 feet of Tracts 22 and 27, Block 18, of the Palm Beach Farms Company Plat No. 3, recorded in Plat Book 2, Pages 45 through 54, lying North of the North Right-of-way line of Forest Hill Boulevard. LESS THE FOLLOWING FOR ROAD RIGHT-OF-WAY: A portion of land lying within Tract 28 and the East 255.91 feet of Tract 27, Palm Beach Farms Company Plat No. 3, as in Plat Book 2, Page 47, Palm Beach County, Florida, being more particularly described as follows: Beginning the point of intersection with a point 276.00 feet West of the East line of Section 12, Township 44 South, Range 41 East and the North right-of-way line of the existing 120.00 foot Right-of-way of Forest Hill Boulevard; Thence Westerly along said North right-of-way line, along a curve concave to the North, having a radius of 5669.58 feet, through an angle of 05 degrees 28'36", an arc distance of 541.92 feet to the Point-of-Tangency; Thence 80 degrees 50'44" West, a distance of 158.43 feet; Thence South 82 degrees 09'23" East, a distance of 400.07 feet to a point 4.00 feet North of said North Right-of-way line of Forest Hill Boulevard, said point lies on a curve concave to the North with a radial bearing of North 06 degrees 42'40" East; Thence Easterly along said curve, having a radius of 5665.58 feet, through an angle of 03 degrees 02'00", an arc distance of 299.94 feet; Thence South 03 degrees 51'08" West, a distance of 4.00 feet to the Point of Beginning. Less the following for Road Right-of-way: A portion of land lying within the South 330.60 feet of Tract 20, all of Tract 21 and Tract 28 of Block 18, Palm Beach Farms Company Plat No. 3, as in Plat Book 2, Page 47, Palm Beach County, Florida, being more particularly described as follows: Commencing at the Southeast corner of Section 12, Township 44 South, Range 41 East; Thence North 01 degree 33'42" East, along the East line of said Section 12, a distance of 1661.58 feet; Thence South 88 degrees 58'04" West, a distance of 68.01 feet to the existing Westerly right-of-way of U.S. Highway No. 441 (State Road No. 7) and the Point of Beginning; Thence continue South 88 degrees 59'04" West, along the North property line of the said South 330.60 feet of Tract 20, a distance of 172.24 feet to a point 240.00 feet West of the East line of said Section 12; Thence South 01 degree 33'42" West, along a line parallel to the said East section line, a distance of 685.61 feet; Thence South 03 degrees 51'08" West, a distance of 900.72 feet to a point on the Northerly right-of-way of the existing 120.00 right-of-way of Forest Hill Boulevard, said point lies 276.00 feet West of the East line of said Section 12; Thence Easterly along said North right-of-way of Forest Hill Boulevard along a curve concave to the North having a radius of 5669.58 feet through an angle of 01 degree 25'21" an arc distance of 140.77 feet to the Point-of-Tangency of said curve; Thence South 87 degrees 44'41" East, a distance of 64.69 feet to the existing Westerly right-of-way of said U.S. Highway 441 (State Road No. 7); Thence North 01 degree 39'24" East, along said Westerly right-of-way, a distance of 1597.64 feet to the Point of Beginning and being located on the NORTHWEST CORNER OF THE INTERSECTION OF FOREST HILL BLVD. AND U.S. 441 IN THE RSER ZONING DISTRICT, was approved on July 26, 1990, as advertised, subject to the following conditions:

STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.

2. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements, the parcel is a valid non-conforming lot.
3. This special exception is granted concurrent with a rezoning. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7 (E)2(b) (Site Plan Review Committee Powers and Standards of Review).

HEALTH

4. 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.
5. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

IRRIGATION QUALITY WATER

7. When irrigation quality water is available within five-hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

RECYCLE SOLID WASTE

8. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.

COMPLIANCE

9. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Phillips moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of February, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Andrew Altier
COUNTY ATTORNEY

BY:

Mitchell R. Brown
DEPUTY CLERK