

RESOLUTION NO. R- 86-628

RESOLUTION APPROVING ZONING PETITION 84-76(A), Modification

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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 84-76(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th February 1986; and

WHEREAS, the Board of County Commissioners 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, the Board of County Commissioners made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of February 1986, that Petition No. 84-76(A) the petition of WELLINGTON HOSPITAL MEDICAL CENTER, INC., by William R. Boose, Attorney, to MODIFY THE FOLLOWING SPECIAL CONDITION PLACED ON ZONING PETITION NO. 84-76, APPROVED JUNE 28, 1984:

CONDITION NO. 7 STATES:

7. The Petitioner shall construct an additional four-lane bridge over the L.W.D.D. E-1 Canal on Forest Hill Boulevard, per the County Engineer's approval. This construction shall also include turn lanes at the intersection of S.R. 7 and Forest Hill Boulevard, as required in the previous condition as outlined below:

- a. Dual left turn lane, north approach
- b. Dual left turn lane, south approach

- c. Dual left turn lane, east approach
- d. Dual left turn lane, west approach
- e. Right turn lane, north approach
- f. Right turn lane, south approach
- g. Right turn lane, west approach
- h. Right turn lane, east approach
- i. Signalization upgrading as required by the County Engineer.

This construction shall be completed within 24 months of Special Exception approval or prior to the issuance of a Certificate of Occupancy, whichever shall first occur. This petitioner shall also be required to post surety in the form of a clean, irrevocable Letter of Credit within six (6) months of Special Exception approval. The amount of this Letter of Credit shall be based upon a certified Cost Estimate prepared by the developer's engineer for the required plans and construction for the improvements of Forest Hill Boulevard and S.R. 7.

REQUEST: TO MODIFY CONDITION NO. 7 TO READ:

7. The Petitioner shall construct an additional four-lane bridge over the L.W.D.D. E-1 Canal on Forest Hill Boulevard, per the County Engineer's approval. This construction shall also include turn lanes at the intersection of S.R. 7 and Forest Hill Boulevard, as required in the previous condition as outlined below:

- a. Dual left turn lane, north approach
- b. Dual left turn lane, south approach
- c. Dual left turn lane, east approach
- d. Dual left turn lane, west approach
- e. Right turn lane, north approach
- f. Right turn lane, south approach
- g. Right turn lane, west approach
- h. Right turn lane, east approach
- i. Signalization upgrading as required by the County Engineer.

The Petitioner shall post surety in the amount of \$905,267.00 in the form of a clean, irrevocable letter of credit on or before 29 December 1984 to be utilized as Petitioner's contribution toward the Palm Beach County road construction project associated with the

Forest Hill Boulevard and State Road 7 intersection improvement project.

Said property located on the northwest corner of the intersection of Forest Hill Boulevard and U.S. 441 (S.R. 7), in an AR-Agricultural Residential District was approved as advertised subject to the following conditions:

1. Condition No. 7 which states:

"7. The Petitioner shall construct an additional four-lane bridge over the L.W.D.D. E-1 Canal on Forest Hill Boulevard, per the County, per the County Engineer's approval. This construction shall also include turn lanes at the intersection of S.R. 7 and Forest Hill Boulevard, as required in the previous condition as outlined below:

- a. Dual left turn lane, north approach
- b. Dual left turn lane, south approach
- c. Dual left turn lane, east approach
- d. Dual left turn lane, west approach
- e. Right turn lane, north approach
- f. Right turn lane, south approach
- g. Right turn lane, west approach
- h. Right turn lane, east approach
- i. Signalization upgrading as required by the County Engineer.

This construction shall be completed within 24 months of Special Exception approval or prior to the issuance of a Certificate of Occupancy, whichever shall first occur. This petitioner shall also be required to post surety in the form of a clean, irrevocable Letter of Credit within six (6) months of Special Exception approval. The amount of this Letter of Credit shall be based upon a certified Cost Estimate prepared by the developer's engineer for the required plans and construction for the improvements of Forest Hill Boulevard and S.R. 7."

is hereby amended to state:

"7. The Petitioner shall contribute the sum of \$750,000.00 toward the construction of an ultimate 9 lane structure over the L.W.D.D. E-1 Canal on Forest Hill Boulevard, per the County Engineer's approval. This construction shall also include turn lanes at the intersection of S.R. 7 and Forest Hill Boulevard, as required in the previous condition as outlined below:

- a) Dual left turn lane, north approach
- b) Dual left turn lane, south approach
- c) Dual left turn lane, east approach
- d) Dual left turn lane, west approach
- e) Right turn lane, north approach
- f) Right turn lane, south approach
- g) Right turn lane, west approach
- h) Right turn lane, east approach
- i) Three (3) thru lanes on the north, south, east, and west approaches.
- j) Sidewalks and/or bike paths as required by the County Engineer and Florida Department of Transportation on both the bridge structure and 4 laning of Forest Hill Boulevard and S.R. 7.
- k) Signalization upgrading as required by the County Engineer.

The Petitioner shall post surety in the amount of \$750,000.00 in the form of a clean, irrevocable Letter of Credit on or before thirty (30) days of the effective date of the Resolution of Approval by the Board of County Commissioners. Palm Beach County reserves the option to require the petitioner to redesign the presently approved

bridge/intersection plans to reflect the aforementioned lane requirements. Costs of these plans shall be deducted from the sum contributed by the petitioner as stated above."

2. Condition No. 8 which states:

"8. The developer shall construct at both the project's north and south entrance onto S.R. 7:

- a. Left turn lane, south approach
- b. Right turn lane, north approach
- c. Left turn lane, west approach
- d. Right turn lane, west approach
- e. Signalization when warranted as determined by the County Engineer."

is hereby amended to state:

"8.A. Palm Beach County shall construct from developer's contribution in condition No. 7 at the project's south entrance on State Road 7:

1. Left turn lane, south approach
2. Right turn lane, north approach
3. Left turn lane, west approach
4. Right turn lane, west approach
5. With 3 and 4 being constructed from S.R. 7 edge of pavement to the west right-of-way line.

6. Petitioner shall construct at Petitioner's sole expense: Signalization, when warranted, as determined by the County Engineer."

B. The developer shall construct at the project's north entrance onto S.R. 7:

1. Left turn lane, south approach
2. Right turn lane, north approach
3. Left turn lane, west approach
4. Right turn lane, west approach
5. Signalization when warranted as determined by the County Engineer

3. Condition No. 9 which states:

"9. The developer shall construct at the project's entrance and Forest Hill Boulevard:

- a. Left turn lane, west approach
- b. Right turn lane, east approach
- c. Left turn lane, north approach
- d. Right turn lane, north approach
- e. Signalization when warranted as determined by the County Engineer."

is hereby amended to state:

"9. The developer shall construct at the project's entrance and Forest Hill Boulevard :

1. Left turn lane, west approach
2. Left turn lane, north approach
3. Right turn lane, north approach
4. Signalization when warranted as determined by the County Engineer."

4. Condition No. 11 which states:

"11. The bridge and the intersection improvements as outlined in Condition No.'s 4 and 5 shall be credited toward the Fair Share Impact Fee. However, prior to the letting of the contract for the

bridge and intersection improvements, surety must be posted with the County in an amount equivalent to the bridge and intersection improvements costs. Said surety shall be returned to the Developer upon completion of the road and bridge work.

This Fair Share Fee is in the amount as it presently exists. If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the fair share fee, this amount shall be credited towards the increased fair share fee.

is hereby amended to state:

"11. Petitioner's contribution of \$750,000.00 provided for in Condition No. 7 and the construction plans provided for in Condition No. 6 shall be credited toward the existing Fair Share Impact Fee. If the Fair Share Contribution for Road Improvementss Ordinance is amended to increase the fair share fee, the amount shall be credited towards the increased fair share fee."

Commissioner Adams, moved for approval of the petition. The motion was seconded by Commissioner Spillias, and upon being put to a vote, the vote was as follows:

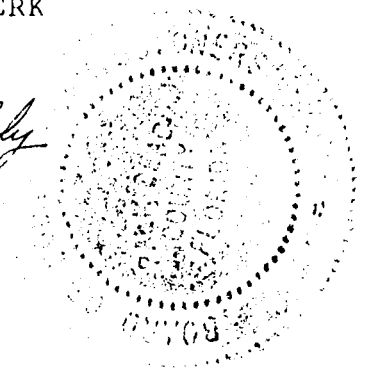
Karen T. Marcus, Chairman	--	AYE
Jerry Owens, Vice Chairman	--	AYE
Dorothy Wilken, Member	--	AYE
Kenneth Spillias, Member	--	AYE
Kenneth Adams, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 13th day of May, 1986 confirming action of the 27th February 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O'Leary
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney