

Staff Report Exhibit A: Original PBC Land Use Approval

ORDINANCE NO. 96-26

AN ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA
AMENDING THE 1989 PALM BEACH COUNTY
COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO.
89-17, AS AMENDED; AMENDING THE 2010 FUTURE
LAND USE ATLAS SERIES OF THE LAND USE
ELEMENT; ADOPTING A LAND USE AMENDMENT;
MODIFYING FUTURE LAND USE ATLAS PAGE 69 BY
CHANGING A 466 ACRE PARCEL OF LAND, GENERALLY
LOCATED ON THE SOUTHWEST CORNER OF FOREST
HILL BOULEVARD AND SR. 7 (US 441), FROM LOW
RESIDENTIAL 2 (LR-2) TO LARGE SCALE/MULTIPLE
USE (LS/MU) OVERLAY; PROVIDING FOR REPEAL OF
LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN
THE CODE OF LAWS AND ORDINANCES OF PALM BEACH
COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of
County Commissioners adopted the 1989 Comprehensive Plan by
Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners
amends the 1989 Comprehensive Plan as provided by Chapter 163,
Part II, Florida Statutes; and

WHEREAS, pursuant to Chapter 380 Florida Statutes, BreFrank,
Inc. has applied for a Development of Regional Impact (DRI)
approval for a project known as Forest Hill Mall a.k.a.
Wellington Commons; and

WHEREAS, the property owner has, concurrent with the
Development of Regional Impact application, requested a site
specific amendment to the Palm Beach County Comprehensive Plan,
in that a local government can process a land use map amendment
associated with a DRI without regard to statutory limits
regarding the timing and frequency of land use amendments; and

WHEREAS, the Local Planning Agency held a public hearing on
November 29, 1995; and

1 WHEREAS, the Board of County Commissioners held a public
2 hearing on December 11, 1995, and voted to transmit the proposed
3 amendment to the Department of Community Affairs; and WHEREAS,
4 Palm Beach County received an "Objections, Recommendations and
5 Comments Report" from the Department of Community Affairs on
6 March 18, 1996, which did not identify any objections,
7 recommendations or comments; and

8 WHEREAS, the Local Planning Agency conducted a public
9 hearing on the proposed amendment on June 14, 1996 and made
10 recommendations to the Board of County Commissioners regarding
11 adoption of the proposed amendment pursuant to Chapter 163,
12 Florida Statutes; and

13 WHEREAS, the Palm Beach County Board of County
14 Commissioners, as the governing body of Palm Beach County,
15 conducted a public hearing pursuant to Chapter 163, Part II,
16 Florida Statutes, on August 26, 1996, to consider adoption of the
17 amendment; and

18 WHEREAS, the Palm Beach County Board of County Commissioners
19 has determined that the amendment complies with all requirements
20 of the Local Government Comprehensive Planning and Land
21 Development Regulation Act.

22 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
23 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

24
25 Part I. Amendment to the Future Land Use Atlas of the Land
26 Use Element of the 1989 Comprehensive Plan

27 An Amendment to the Land Use Element's Future Land Use Atlas
28 of the Palm Beach County 1989 Comprehensive Plan, is hereby
29 adopted as follows:

1 A. Future Land Use Atlas page 69 is amended as follows:

3 Application No.: 96-D1 - Wellington Commons (Forest Hill
4 Mall)

5 Amendment: Change from 466 acres of Low Residential 2
6 (LR-2), to Large Scale/Multiple Use (LS/MU)
7 Overlay.

8 The following underlying uses shall apply to this
9 amendment:

10 LAND USE	MINIMUM AC.	MAXIMUM AC.
11 Commercial High (CH)	185	250
12 Residential High 8 (HR-8)	10	50
13 Resid. Medium (MR-5) CLF Only	35	60
14 Wetland/Buffer	28	-
15 Active Park	10	-
16 Lakes/Drainage Control	132	-
17 TOTAL	400	466

18 These uses shall be shown in a Mosaic pattern on the
19 Future Land Use Atlas.

20 General Location: Southwest corner of Forest Hill
21 Boulevard and SR-7 (US 441).

22 Size: 466 acres
23

24 B. A legal description for the parcel depicting the
25 amendment is attached to this ordinance as Exhibit A.

26 C. A map of the land use amendment is attached as Exhibit
27 B.

28 D. If significant physical development does not commence
2 within three years from the effective date of this Plan

1 Amendment, then development approval shall terminate.

2 For the purposes of this condition, significant
3 physical development shall be deemed to have been
4 initiated after placement of permanent evidence of a
5 structure or infrastructure on the site (other than a
6 mobile home) such as internal roadways, internal
7 utility and water management facilities, building slabs
8 or footings, and/or sub-grade for parking lots or other
9 work beyond the range of excavating or land clearing.

10 E. Also, should the Royal Palm Mall DRI meet the following
11 criteria prior in time to the Forest Hill Mall meeting
12 the criteria, then this Future Land Use Map designation
13 shall become void and the provision of Paragraph F
14 shall apply.

- 15 a) obtain a DRI-DO for a regional mall
16 b) secure department store commitments from a minimum
17 of three (3) department stores each committing to
18 occupy at least 125,000 square feet of gross
19 leasable area within the regional mall
20 c) obtained one or more building permits for the
21 vertical construction of the core of the regional
22 mall which permit(s) authorize(s) the construction
23 of a minimum of 350,000 square feet of gross
24 leasable area. The total gross leasable area of
25 the department stores reflected in the department
26 store commitments and the core of the regional
27 mall authorized by the building permit(s) shall be
28 a minimum of 800,000 square feet
29 d) commenced vertical construction of the core of the
30 regional mall which for the purposes hereof shall
31 mean the commencement of the pouring of the

1 foundation and footings in connection with a
2 continuous program of construction.

3 F. If the Forest Hill Mall (a.k.a. Wellington Commons)
4 does not proceed to development pursuant to Paragraph D
5 of the Royal Palm Beach Mall proceeds pursuant to
6 Paragraph E, the local government with land use
7 jurisdiction may proceed to change the land use map
8 designation to one which is deemed most appropriate
9 given existing land uses and land uses as shown in the
10 Palm Beach County and Village of Wellington
11 Comprehensive Plans at that point in time.

12
13 Part II. Repeal of Laws in Conflict

14 All local laws and ordinances applying to the unincorporated
15 area of Palm Beach County in conflict with any provision of this
16 ordinance are hereby repealed to the extent of such conflict.

17 Part III. Severability

18 If any section, paragraph, sentence, clause, phrase, or word
19 of this Ordinance is for any reason held by the Court to be
20 unconstitutional, inoperative or void, such holding shall not
21 affect the remainder of this Ordinance.

22 Part IV. Inclusion in the Code of Laws and Ordinances

23 The provision of this Ordinance shall become and be made a
24 part of the code of laws and ordinances of Palm Beach County,
25 Florida. The Sections of the Ordinance may be renumbered or
26 relettered to accomplish such, and the word "ordinance" may be
27 changed to "section," "article," or any other appropriate word.

28 Part V. Effective Date

29 The effective date of this plan amendment shall be the date
30 a final order is issued by the Department of Community Affairs or
31 Administrative Commission finding the amendment in compliance in

1 accordance with Section 163.3187 (1) (c), Florida Statutes,
2 whichever occurs earlier. No development orders, development
3 permits, or land uses dependent upon this amendment may be issued
4 or commence before it has become effective. If a final order of
5 noncompliance is issued by the Administration Commission, this
6 amendment may nevertheless be made effective by adoption of a
7 resolution affirming its effective status, a copy of which
8 resolutions shall be sent to the Department of Community Affairs,
9 Bureau of Local Planning, 2555 Shumard Oak Boulevard Tallahassee,
10 Florida 32399-2100.

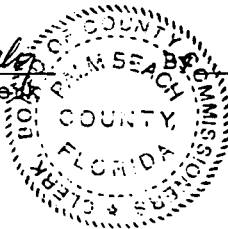
11 APPROVED AND ADOPTED by the Board of County Commissioners of
12 Palm Beach County, on the 26 day of August, 1996.

13
14 DOROTHY H. WILKEN

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

15
16
17
18 By: Joan Thweker

19 Deputy Clerk
20 Chair



[Signature]
Chair

21
22
23
24 APPROVED AS TO FORM AND
25 LEGAL SUFFICIENCY

26
27 [Signature]
28 COUNTY ATTORNEY

29
30 Filed with the Department of State on the 4th day of

31 September, 19 96
32

EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION

A parcel of land lying in Section 13, Township 44 South, Range 41 East, Palm Beach County, Florida, being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 13:

THENCE S 87° 44' 41" E along the North line of said Section 13 a distance of 2643.75 feet to the North one-quarter ($\frac{1}{4}$) corner of said Section 13:

THENCE continue S 87° 44' 41" E a distance of 883.06 feet to the point of curvature;

THENCE along the arc of a curve to the right, having a radius of 5616.58 feet and a central angle of 06° 53' 57" for a distance of 676.31 feet to the point of tangency;

THENCE S 80° 50' 44" E a distance of 249.96 feet to a point of curvature;

THENCE along a curve to the left having a radius of 5842.58 feet through a central angle of 05° 32' 46" for a distance of 565.55 feet to the West right-of-way line of State Road No. 7;

THENCE S 00° 21' 56" E a distance of 848.66 feet;

THENCE S 01° 58' 01" W along a line parallel with and 240.00 feet Westerly of, as measured at right angles to, the East line of said Section 13 a distance of 363.28 feet;

THENCE N 88° 19' 00" W a distance of 28.46 feet;

THENCE S 01° 57' 22" W a distance of 208.71 feet;

THENCE S 88° 18' 59" E a distance of 199.16 feet to the West right-of-way line of State Road No. 7;

THENCE S 02° 04' 34" W along the said West right-of-way line a distance of 2520.50 feet;

THENCE N 88° 05' 25" W along the South line of the North one-half ($\frac{1}{2}$) of the South one-half ($\frac{1}{2}$) of said Section 13 a distance of 5208.20 feet to the West line of said Section 13;

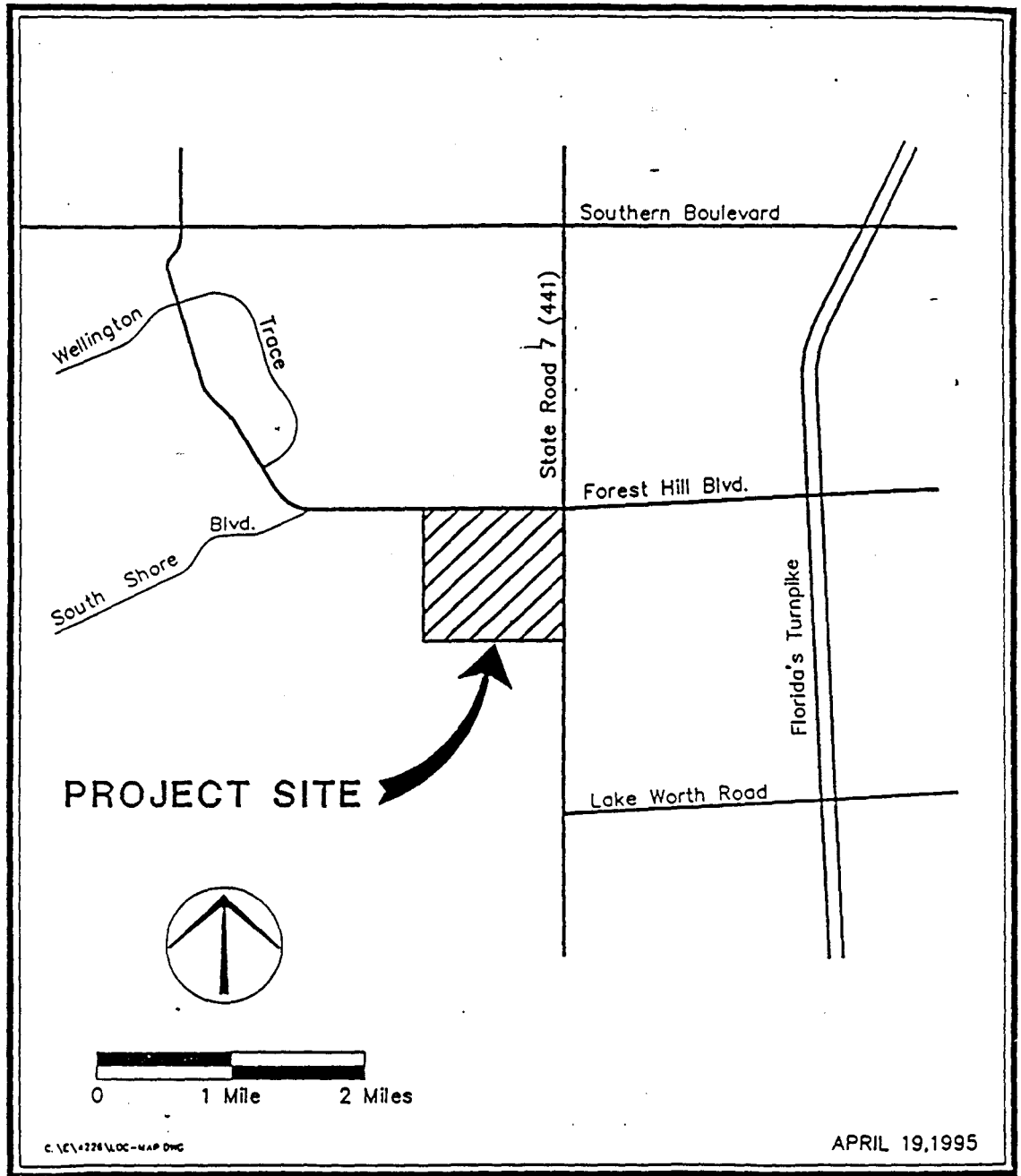
THENCE N 01° 52' 58" E a distance of 1360.79 feet to the West one-quarter ($\frac{1}{4}$) corner of said Section 13;

THENCE N 01° 54' 00" E a distance of 2720.57 feet to the POINT OF BEGINNING;

LESS the right-of-way for Lake Worth Drainage District Lateral Canal S-5 as described in right-of-way Warranty Deed from Hamyra Realty Corporation to Palm Beach County, recorded on January 8, 1988 in Official Records Book 5539, Page 1776.

Said land situate, lying, and being in Palm Beach County, Florida containing 476.19 acres more or less.

EXHIBIT D
GENERAL LOCATION MAP



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 8/26/96
DATED 8/26/96 at West Palm Beach, FL
By: Dorothy H. Wilken
By: Phyllis A. House, S.C.

Simon
Scale

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (904)-488-8427 or Suncom 278-8427.

COUNTY: (<u>Palm Beach</u>)		COUNTY ORDINANCE # (<u>87-1</u>) <small>(e.g., 82-001)</small>
PRIMARY KEYFIELD DESCRIPTOR: (<u>Comprehensive Planning</u>)		
SECONDARY KEYFIELD DESCRIPTOR: (<u>Land Use Planning</u>)		
OTHER KEYFIELD DESCRIPTOR: (_____)		
ORDINANCE DESCRIPTION: (<u>Land use MAP Amendment</u>) <small>(25 characters maximum including spaces)</small>		
ORDINANCES AMENDED: <small>(List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)</small>		
AMENDMENT # 1: (_____); AMENDMENT # 2: (_____).		
ORDINANCES REPEALED: <small>(List below the ordinances that are repealed by this legislation.)</small>		
REPEAL # 1: (_____); REPEAL # 3: (_____);		
REPEAL # 2: (_____); REPEAL # 4: (_____);		
<small>(Others repealed: list all that apply):</small> _____		

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: (____)
KEYFIELD 1 CODE: (_____)	KEYFIELD 2 CODE: (_____)
KEYFIELD 3 CODE: (_____)	<small>Rev. 10/85</small>

