

ORDINANCE 7, 2005

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3  
4 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM  
5 BEACH GARDENS, FLORIDA, PROVIDING FOR A LAND-USE MAP  
6 AMENDMENT TO THE COMPREHENSIVE PLAN OF THE CITY OF  
7 PALM BEACH GARDENS RELATING TO CERTAIN PROPERTIES  
8 CONSISTING OF APPROXIMATELY 708.14 ACRES, GENERALLY  
9 LOCATED AT THE NORTH EAST SIDE OF THE INTERSECTION OF  
10 HOOD ROAD AND THE FLORIDA TURNPIKE AND SOUTH OF  
11 DONALD ROSS ROAD, COMMONLY REFERRED TO AS "BRIGER  
12 TRACT," TO CHANGE THE LAND-USE DESIGNATION FROM  
13 COMMERCIAL (C) AND RESIDENTIAL LOW (RL) LAND-USE  
14 DESIGNATION TO MIXED-USE (MXD) LAND-USE DESIGNATION;  
15 AND PROVIDING AN EFFECTIVE DATE.  
16  
17

18 WHEREAS, the City Council of the City of Palm Beach Gardens authorized the  
19 staff to initiate comprehensive plan amendments necessary to effectuate the City's  
20 economic development goals and objectives; and  
21

22 WHEREAS, the proposed amendment to the Future Land-Use Map amendment  
23 furthers the goals, objectives, and policies of the recently-adopted Economic  
24 Development Element; and  
25

26 WHEREAS, the City Council adopted the City of Palm Beach Gardens  
27 Comprehensive Plan on January 4, 1990; and  
28

29 WHEREAS, the City is proposing to modify the future land use designation from  
30 its current Commercial (C) and Residential Low (RL) land use designations to Mixed-  
31 Use (MXD) land use designation of a 708.14-acre, more or less, parcel known as the  
32 "Briger Tract," located at the northeast corner of the intersection of Hood Road and the  
33 Florida Turnpike, immediately south of Donald Ross Road; and  
34

35 WHEREAS, the Briger Tract was annexed into the City of Palm Beach Gardens  
36 from unincorporated Palm Beach County through Ordinance 16,1990; and  
37

38 WHEREAS, the Planning, Zoning, and Appeals Board, as the duly constituted  
39 Local Planning Agency for the City, conducted the required public hearing on February  
40 8, 2005, after due notice and has made its recommendations to the City Council; and  
41

42 WHEREAS, the City Council finds that the subject amendment is consistent with  
43 Sections 163.3184 and 163.3187, Florida Statutes; and  
44  
45  
46

1           **WHEREAS**, the City Council acknowledges that this amendment is subject to the  
2 provisions of Sections 163.3184(9) and 163.3189, Florida Statutes, and that the City  
3 shall maintain compliance with all provisions thereof; and  
4

5           **WHEREAS**, the City has received public input and participation through public  
6 hearings before the Local Planning Agency and the City Council in accordance with  
7 Section 163.3181, Florida Statutes; and  
8

9           **WHEREAS**, after due notice and public hearing, the City Council of the City of  
10 Palm Beach Gardens deems it in the best interest of the present and future residents of  
11 the City of Palm Beach Gardens that the proposed Comprehensive Plan Amendment  
12 be adopted.  
13

14  
15           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**  
16 **OF PALM BEACH GARDENS, FLORIDA** that:  
17

18           **SECTION 1.** The foregoing recitals are hereby affirmed and ratified.  
19

20           **SECTION 2.** The Future Land Use Map of the Comprehensive Plan of the City of  
21 Palm Beach Gardens is hereby amended to change the future land-use designation for  
22 the following described 708.14-acre property, generally located immediately east of the  
23 Florida Turnpike, north of Hood Road, and south of Donald Ross Road, from a  
24 Commercial (C) and Residential Low (RL) land-use designation to a Mixed-Use (MXD)  
25 land-use designation limited to 8 million square feet of Research and Development  
26 (including a 300-bed research clinic), 1,000 multi-family workforce units, and 50,000  
27 square feet of commercial or the equivalent thereof:  
28

29           **LEGAL DESCRIPTION:**  
30

31           **THAT PORTION OF SECTIONS 26 AND 35 IN TOWNSHIP 41 SOUTH, RANGE 42**  
32 **EAST, IN PALM BEACH COUNTY, FLORIDA, DESCRIBED IN PARCELS AS**  
33 **FOLLOWS:**  
34

35           **PARCEL 1: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 26;**  
36 **THENCE S 01°20'00" W ALONG THE EAST LINE OF SAID SECTION A DISTANCE**  
37 **OF 75.02 FEET TO A POINT ON A LINE PARALLEL WITH AND SOUTHERLY 75.00**  
38 **FEET FROM THE NORTH LINE OF SAID SECTION, SAID POINT BEING THE POINT**  
39 **OF BEGINNING, SAID POINT ALSO BEING ON THE SOUTH LINE OF DONALD**  
40 **ROSS ROAD; THENCE S 01°20'00" W ALONG SAID EAST LINE A DISTANCE OF**  
41 **2,544.68 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER**  
42 **OF SAID SECTION 26; THENCE S 01°17'04" W ALONG SAID EAST LINE A**  
43 **DISTANCE OF 2,619.78 FEET TO THE NORTHEAST CORNER OF SAID SECTION**  
44 **35; THENCE S 00°47'26" W ALONG THE EAST LINE OF SAID SECTION 35 A**  
45 **DISTANCE OF 1,373.01 FEET TO THE NORTH LINE OF HOOD ROAD; THENCE N**  
46 **8°06'39" W ALONG SAID NORTH LINE A DISTANCE OF 639.82 FEET TO THE EAST**

1 LINE OF THE LAND DESCRIBED IN B (2) IN THE ORDER OF TAKING RECORDED  
2 IN OFFICIAL RECORD BOOK 4296, PAGE 1151 OF THE PUBLIC RECORDS OF  
3 PALM BEACH COUNTY; THENCE ALONG THE BOUNDARY OF SAID B (2) N  
4 01°53'21" E A DISTANCE OF 70.00 FEET; THENCE N 88°06'39" W A DISTANCE OF  
5 32.20 FEET; THENCE N 83°32'10" W A DISTANCE OF 52.96 FEET; THENCE N  
6 01°53'21" E A DISTANCE OF 15.00 FEET; THENCE N 83°32'10" W A DISTANCE OF  
7 140.45 FEET; THENCE S 01°53'21" W A DISTANCE OF 15.00 FEET; THENCE N  
8 83°32'10" W A DISTANCE OF 308.19 FEET; THENCE N 88°06'39" W A DISTANCE  
9 OF 117.30 FEET; THENCE N 00°48'46" E A DISTANCE OF 291.35 FEET;  
10 THENCE N 89°11'14" W A DISTANCE OF 70.00 FEET TO THE NORTHWEST  
11 CORNER OF SAID B (2) BEING ALSO ON THE WEST LINE OF THE EAST 40.00  
12 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID  
13 SECTION 35; THENCE N 00°48'46" E ALONG SAID WEST LINE A DISTANCE OF  
14 941.91 FEET TO THE NORTH LINE OF SAID SECTION 35; THENCE N 89°25'19" W  
15 ALONG SAID NORTH LINE A DISTANCE OF 658.25 FEET TO THE WEST LINE OF  
16 THE EAST 40.00 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF  
17 THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE S 00°49'27" W  
18 ALONG SAID WEST LINE A DISTANCE OF 459.48 FEET (CALCULATED TO BE S  
19 00°29'47" W 540.34') TO THE NORTHEAST LINE OF THE LAND DESCRIBED IN A  
20 (1) OF SAID ORDER OF TAKING RECORDED IN SAID OFFICIAL RECORD BOOK  
21 4296, PAGE 1151; THENCE ALONG THE BOUNDARY OF SAID PARCEL A (1) N  
22 28°00'42" W A DISTANCE OF 625.78 FEET (CALCULATED TO BE S 28°00'42" W  
23 615.60') TO THE NORTH LINE OF SAID SECTION 35; THENCE N 28°00'42" W  
24 ALONG SAID BOUNDARY A DISTANCE OF 3,541.97 FEET; THENCE N 24°00'40" W  
25 ALONG SAID BOUNDARY A DISTANCE OF 546.71 FEET TO THE BEGINNING OF A  
26 CURVE THEREIN CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 5,635.58  
27 FEET; THENCE NORTHWESTERLY A DISTANCE OF 544.10 FEET ALONG SAID  
28 CURVE THROUGH A CENTRAL ANGLE OF 05°31'54"; THENCE CONTINUE ALONG  
29 SAID BOUNDARY N 18°28'47" W A DISTANCE OF 543.08 FEET; THENCE N  
30 14°39'55" W A DISTANCE OF 177.27 FEET; THENCE N 11°28'43" E A DISTANCE OF  
31 190.38 FEET; THENCE N 63°46'49" E A DISTANCE OF 190.36 FEET; THENCE N  
32 89°55'06" E A DISTANCE OF 301.88 FEET; THENCE N 87°37'31" E A DISTANCE OF  
33 296.35 FEET; THENCE N 89°55'25" E A DISTANCE OF 302.02 FEET; THENCE N  
34 00°04'35" W A DISTANCE OF 6.00 FEET TO THE SOUTHWESTERLY CORNER OF  
35 THE LAND DESCRIBED IN B (3) IN SAID ORDER OF TAKING; THENCE ALONG  
36 THE SOUTHERLY LINE OF SAID B (3) N 89°55'25" E A DISTANCE OF 514.52 FEET;  
37 THENCE N 82°47'55" E A DISTANCE OF 201.56 FEET TO SAID LINE PARALLEL  
38 WITH AND SOUTHERLY 75.00 FEET FROM THE NORTH LINE OF SAID SECTION  
39 26; THENCE N 89°55'25" E ALONG SAID PARALLEL LINE A DISTANCE OF 242.59  
40 FEET; THENCE N 89°55'10" E ALONG SAID PARALLEL LINE, A DISTANCE OF  
41 2,668.72 FEET TO THE POINT OF BEGINNING.

42  
43 CONTAINING 475.69 ACRES, MORE OR LESS.

44  
45 PARCEL 2: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 26;  
46 THENCE N 00°36'10" E ALONG THE WEST LINE OF SAID SECTION A DISTANCE

1 OF 4,365.77 FEET TO THE SOUTHWESTERLY BOUNDARY OF THE LAND  
2 DESCRIBED AS A (1) IN THE ORDER OF TAKING RECORDED IN OFFICIAL  
3 RECORD BOOK 4296, PAGE 1151 OF THE PUBLIC RECORDS OF SAID PALM  
4 BEACH COUNTY; THENCE ALONG SAID BOUNDARY S 34°24'11" E A DISTANCE  
5 OF 112.84 FEET; THENCE S 33°15'24" E A DISTANCE OF 493.78 FEET ALONG  
6 SAID BOUNDARY TO THE BEGINNING OF A CURVE THEREIN, CONCAVE  
7 SOUTHWESTERLY, HAVING A RADIUS OF 11,365.16 FEET; THENCE  
8 SOUTHEASTERLY A DISTANCE OF 813.16 FEET ALONG SAID CURVE THROUGH  
9 A CENTRAL ANGLE OF 04°05'58"; THENCE S 29°09'26" E A DISTANCE OF 1,199.39  
10 FEET; THENCE S 28°00'42" E ALONG SAID BOUNDARY A DISTANCE OF 2,426.49  
11 FEET TO THE SOUTH LINE OF SAID SECTION 26; THENCE CONTINUE S 28°00'42"  
12 E ALONG SAID BOUNDARY A DISTANCE OF 1,464.33 FEET; THENCE N 89°03'55"  
13 W ALONG SAID BOUNDARY AND ALONG THE NORTH LINE OF THE LAND  
14 DESCRIBED IN B (1) OF SAID ORDER OF TAKING, A DISTANCE OF 339.11 FEET;  
15 THENCE S 86°53'19" W ALONG SAID NORTH LINE A DISTANCE OF 401.53 FEET  
16 TO THE NORTHERLY LINE OF HOOD ROAD; THENCE N 88°06'39" W ALONG SAID  
17 NORTHERLY LINE A DISTANCE OF 518.02 FEET TO THE EAST LINE OF THE  
18 SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST  
19 QUARTER OF SAID SECTION 35; THENCE N 00°50'24" E ALONG SAID EAST LINE  
20 A DISTANCE OF 627.76 FEET TO THE NORTHEAST CORNER OF SAID  
21 SOUTHWEST QUARTER; THENCE N 89°02'58" W A DISTANCE OF 658.30 FEET  
22 TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE S  
23 00°50'39" W ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER A  
24 DISTANCE OF 616.97 FEET TO SAID NORTH LINE OF HOOD ROAD; THENCE N  
25 88°06'39" W ALONG SAID NORTH LINE A DISTANCE OF 643.06 FEET; THENCE N  
26 89°03'24" W ALONG SAID NORTH LINE A DISTANCE OF 673.72 FEET TO THE  
27 WEST LINE OF SAID SECTION 35; THENCE N 00°51'10" E ALONG SAID WEST  
28 LINE A DISTANCE OF 1,263.58 FEET TO THE POINT OF BEGINNING.

29  
30 CONTAINING 206.94 ACRES, MORE OR LESS.

31  
32 TOGETHER WITH:

33  
34 THE EAST 40 FEET OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE  
35 NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 41 SOUTH, RANGE 42 EAST, LESS  
36 THAT PORTION CONVEYED TO COUNTY OF PALM BEACH FOR ROAD RIGHT-OF-  
37 WAY FOR HOOD ROAD IN DEED BOOK 1142, PAGE 337, PUBLIC RECORDS OF  
38 PALM BEACH COUNTY, FLORIDA.

39  
40 CONTAINING 0.538 ACRES.

41  
42 TOGETHER WITH:

43  
44 THE WEST 250 FEET OF THE EAST 290 FEET OF THE SOUTH 330 FEET  
45 THEREOF, LESS THAT PART IN HOOD ROAD;

46

1 TOGETHER WITH:

2

3 ALL THAT PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE  
4 NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM  
5 BEACH COUNTY, FLORIDA, LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE  
6 OF HOOD ROAD, LESS AND EXCEPTING THERE FROM:

7

8 THE EAST 40 FEET THEREOF, AND

9

10 COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE  
11 NORTHEAST 1/4 OF THE SECTION 35, TOWNSHIP 41 SOUTH, RANGE 42 EAST;  
12 THENCE RUN N 88°07'24" W, A DISTANCE OF 1,266.77 FEET TO THE POINT OF  
13 BEGINNING OF THE HEREIN DESCRIBED PROPERTY; THENCE N 01°52'36" E, A  
14 DISTANCE OF 80.00 FEET; THENCE N 88°07'24" W, A DISTANCE OF 340.26 FEET;  
15 THENCE N 28°00'12" W, A DISTANCE OF 1,477.07 FEET; THENCE N 89°24'43" W,  
16 A DISTANCE OF 423.66 FEET; THENCE S 28°00'12" E, A DISTANCE OF 1,465.33  
17 FEET; THENCE N 89°04'42" W, A DISTANCE OF 200.00 FEET; THENCE S 01°52'36"  
18 W, A DISTANCE OF 227.32 FEET; THENCE S 88°07'24" E, A DISTANCE OF 332.50  
19 FEET; THENCE S 28°00'12" E, A DISTANCE OF 1,380.87 FEET; THENCE S  
20 87°56'10" E, A DISTANCE OF 429.84 FEET; THENCE N 28°00'12" W, A DISTANCE  
21 OF 1,365.72 FEET; THENCE N 89°00'51" E, A DISTANCE OF 200.00 FEET; THENCE  
22 N 01°52'36" E, A DISTANCE OF 154.56 FEET TO THE POINT OF BEGINNING.

23

24 CONTAINING 13.96 ACRES.

25

26 TOGETHER WITH:

27

28 THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF  
29 SECTION 35, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY,  
30 FLORIDA, LESS AND EXCEPT RIGHT-OF-WAY FOR HOOD ROAD.

31

32 CONTAINING 9.42 ACRES.

33

34 THE ABOVE-DESCRIBED PARCELS OF LAND CONTAIN AN AREA OF 708.14  
35 ACRES, MORE OR LESS.

36

37 **SECTION 3.** The City's Growth Management Administrator is hereby directed to  
38 transmit the proposed Comprehensive Plan Amendment and supporting data, analysis,  
39 and other relevant material, which is attached hereto as Exhibit A, to the Department of  
40 Community Affairs of the State of Florida and other appropriate public agencies, and  
41 upon adoption of this Ordinance is further directed to ensure that this Ordinance and all  
42 other necessary documents are forwarded to the Florida Department of Community  
43 Affairs and other agencies in accordance with Section 163.3184(3), Florida Statutes.

44

45


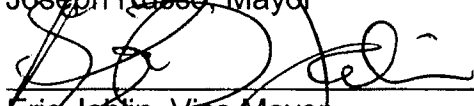
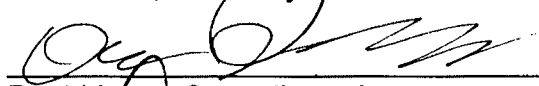
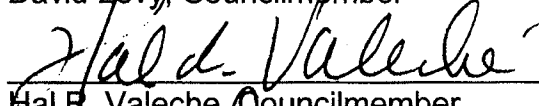
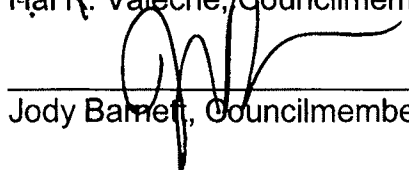
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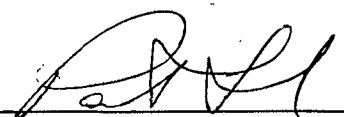
PASSED this 18<sup>th</sup> day of FEBRUARY, 2005, upon first reading.

PASSED AND ADOPTED this 16<sup>th</sup> day of JUNE, 2005, upon second and final reading.

CITY OF PALM BEACH GARDENS	FOR	AGAINST	ABSENT
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BY:  Joseph Russo, Mayor	✓	_____	_____
 Eric Jablin, Vice Mayor	✓	_____	_____
 David Levy, Councilmember	✓	_____	_____
 Hal R. Valeche, Councilmember	✓	_____	_____
 Jody Barnett, Councilmember	✓	_____	_____

**ATTEST:**

BY:   
Patricia Snider, CMC  
City Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY:   
Christine P. Tatum, City Attorney