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WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on April 17, 2024, recommended approval of the Orange Point PUD Master Plan Amendment with a 4 to 0 vote; and

WHEREAS, the Council has taken the recommendations from the Local Planning Agency, Wellington staff, and the evidence and testimony presented by the Petitioner and comments from the public into consideration for the proposed Master Plan Amendment; and

WHEREAS, Wellington’s Council has made the following findings of fact:

1. The Master Plan Amendment request is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan;
2. The subject request is consistent with the stated purposes and intent of the Land Development Regulations;
3. The requested Master Plan Amendment is consistent with the surrounding land uses and zoning districts;
4. Approval of subject request would result in a logical and orderly development pattern; and
5. The subject request is consistent with the applicable Planned Unit Development (PUD) regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF WELLINGTON, FLORIDA, THAT:

SECTION 1. The Orange Point Planned Unit Development (PUD) Master Plan is hereby amended and approved to designate the southern 22.54 acres of Pod D (also known as the 40-acre private civic site) as Pod I (Canter) property, as legally described in Exhibit A, to allow development of a residential project with 42 single-family residential lots, subject to the following conditions of approval:

1. All previous conditions of the Orange Point PUD Master Plan, unless otherwise specified in this resolution, are still in effect. (PLANNING)
2. Resolution R-99-85, Section 3, Condition of Approval No. 5, as provided below, is amended and restated with approval of this resolution.

85 ~~Pod "I" has been eliminated and incorporated into revised Pod "N." Pod I as~~
86 ~~previously eliminated and incorporated into Pod N, as approved for single-family~~
87 ~~residential (Resolution R-99-85 Section 3 Conditions of Approval No. 7), is hereby re-~~
88 ~~established as a proposed 22.54-acre single-family residential pod within the Orange~~
89 ~~Point PUD Master Plan.~~

- 90
91 3. Resolution R-2001-95 and Resolution R2007-59, Section 1, Condition of Approval No.
92 3, as provided below, is amended and restated with approval of this resolution.

93
94 ~~a. The development program for Pod "D" (a.k.a. the Private Civic parcel) in~~
95 ~~Section 26 has been modified to include two (2) phases. Phase I consists of~~
96 ~~26,800 square feet of church use facilities on no more than 3.24 acres along~~
97 ~~the north Pod boundary. The requested use for a church or house of~~
98 ~~worship is approved on the Phase I site for a limited duration not to exceed~~
99 ~~twelve (12) years from the date of Certificate of Occupancy. Two 1-year~~
100 ~~administrative extensions beyond the 6 year limit may be granted in~~
101 ~~writing by the Village provided the property owner demonstrates progress~~
102 ~~toward permanent church planning, funding, and construction.~~

103
104 ~~b. Construction of a permanent church or house of worship will require~~
105 ~~development other amendment approval. If such approval is not received~~
106 ~~within the six (6) year period, the subject facilities approved in Phase I must~~
107 ~~be completely removed from the site at Developer expense.~~

108
109 ~~c. Phase II consists of the redevelopment of the Phase I land and future~~
110 ~~development of the remaining 36.76 acres of the subject parcel; however,~~
111 ~~no specific uses are currently approved for this phase. Future development~~
112 ~~of any portion of the Phase II will require approval by the Village Council of~~
113 ~~a development order amendment to the Orange Point PUD specifying the~~
114 ~~proposed use and intensity of development. Any future development~~
115 ~~program proposed as a future PUD amendment for Phase II must~~
116 ~~encompass the entire 40 acre site, including the coordinated~~
117 ~~redevelopment of Phase I. At that time, an internal access between the~~
118 ~~Private Civic parcel and the remainder of Orange Point PUD Section 26 shall~~
119 ~~be reestablished to relieve external traffic congestion.~~

120
121 a. The existing Pod D is hereby modified from a 40-acre Private Civic pod
122 (church/school site) to a 17.46-acre Private Civic pod (church site) known as
123 Pod D and a 22.54-acre single-family residential pod known as Pod I.

124
125 b. Access to Pod D shall be along the Lake Worth Road frontage as currently
126 illustrated on the approved Orange Point PUD Master Plan.

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c. Access to Pod I shall be along the west from 120th Avenue South, and shall be gated. Two (2) cross-access points (internal to Orange Point PUD) are allowed between Pod D and Pod I. The cross-access point along the northwest may be used by Pod D, however, ingress and egress to 120th Avenue South shall be limited, and shall not disrupt normal traffic circulation patterns along 120th Avenue South. Pod D owner/operator shall coordinate with Wellington a minimum of 30 days prior to any anticipated service/event that will require the use of Pod I access on 120th Avenue South and may require the use of Palm Beach County Sheriff Officer(s) for traffic control at the Pod I access on 120th Avenue South, as determined by Wellington. A secondary emergency only access shall be provided at the cross-access point centrally located along the north between Pod D and Pod I. The centrally located cross-access point, with pavement/improvement to complete the connection, shall be provided prior to issuance of the first Certificates of Occupancy (CO) for any residential building, excluding model home, within the Canter project. All cross-access points shall be secured with gates and locks, and Pod I shall have control of the cross-access points. (PLANNING)

4. Resolution R-2001-95, Section 1, Condition of Approval No. 4, as provided below, is amended and restated with approval of this resolution.

~~All development on the 40-acre Private Civic (Pod "D") site shall adhere to the following buffer requirements:~~

- ~~a. A minimum 15-foot wide landscape buffer area will be provided along the entire eastern boundary adjacent to Pod "D1."~~
- ~~b. A minimum 50-foot wide landscape buffer, a 6-foot wall, and an additional 15-foot landscape buffer shall separate Pod "D" from Pod "G" to the south.~~
- ~~c. A minimum 20-foot wide Type "D" landscape buffer will be installed along the entire Pod "D" north frontage on Lake Worth Road as part of Phase I development.~~
- ~~d. A visual transition buffer will be installed along the north 350 feet of the west property boundary of Pod "D" in Phase I.~~
- ~~e. The east and south buffers may be penetrated for the purpose of establishing internal PUD access in Phase II.~~

All development within Pod D and Pod I shall adhere to the following landscape buffer requirements:

- a. Pod D shall have a minimum 20-foot wide Type D Landscape Buffer along the entire north frontage on Lake Worth Road, and a 20-foot wide Type C

169 Landscape Buffer along the west adjacent to the 120th Avenue South right-
170 of-way. The existing 15-foot wide landscape buffer along the east between
171 Pods D and D-1, with the existing six (6)-foot height wall within Pod D-1,
172 shall remain. The existing 50-foot wide landscape buffer and six (6)-foot
173 height wall within Pod G shall remain as a separation between Pod D
174 (church site) and Pod G (single-family residential pod).

175
176 b. Pod I shall have a 20-foot wide Type C Landscape Buffer with a six (6)-foot
177 height aluminum rail fence along the north adjacent to Pod D, a 10-foot
178 wide Type A Landscape Buffer along the east and south adjacent to Pod D-
179 1 and Pod G, and a 20-foot wide Type C Landscape Buffer along the west
180 adjacent to the 120th Avenue South right-of-way. The existing 50-foot wide
181 landscape buffer and six (6)-foot height wall within Pod G shall remain as a
182 separation between Pods I and G (single-family residential pods).

183
184 5. Pod I (Canter) shall be governed by the conditions of approval within this resolution
185 and based on the Orange Point PUD Master Plan (MP) as provided in Exhibit B.
186 (PLANNING)

187
188 6. Development of Pod I (Canter) shall be limited to the uses, access, acreage, site
189 design and number of lots, site amenities, and landscape buffers approved on the
190 Master Plan (Exhibit B), Project Standards Manual (Exhibit C), and Regulating Plan,
191 Circulation Plan and Landscape Plan (Exhibits D). The final plans consistent with any
192 Council-approved changes and conditions of approval imposed by the Council shall
193 be submitted for final processing, if applicable. Amendments to the approved plans
194 shall require a master plan amendment approved by Wellington's Council and as
195 required by the LDR. Minor modifications to the landscape plan to adjust for
196 location, material changes due to industry shortage, etc., may be approved with an
197 administrative minor master plan amendment. (PLANNING)

198
199 7. Exhibit C is the approved Canter (Pod I) Project Standards Manual (PSM) with the
200 project development standards including details, specifications, architectural
201 details/elements, landscape features/elements, setbacks, building/lot coverage,
202 building height, parking, etc., shall be the governing document along with any other
203 plans/documents approved for this project. Any project development standards not
204 specifically outlined and/or requested/approved within the PSM shall be per the LDR
205 as determined by Wellington for the specific standard and/or use/structure.
206 Architectural Review Board (ARB) and site plan approvals for this project shall be
207 supplemented within the PSM by the Village of Wellington (Wellington).
208 Amendments to the approved PSM shall require Council approval as a master plan
209 amendment. (PLANNING)

210

211 8. The Canter (Pod I) project shall be developed consistent with the approved master
212 plan and based on the use and density limitations below:

USE	DENSITY LIMITATIONS
Single-family Residential	42 Dwelling Units (DUs) Total Density of 1.86 DU/AC

213 (PLANNING)

214
215 9. No building permits for Pod I shall be issued after December 31, 2028, unless
216 extended by Palm Beach County Traffic Division through an equivalency letter or an
217 updated Traffic Study approval consistent with this master plan approval. (TRAFFIC)

218
219 10. The County traffic concurrency approval is subject to the Project Aggregation Rules
220 as set forth in the Traffic Performance Standards Ordinance. (TRAFFIC)

221 11. A proportionate share payment of 3.4% of the total cost to construct a roundabout
222 at the intersection of Lake Worth Road and 120th Avenue is required prior to the first
223 building permit. The Wellington Engineer shall provide an opinion of cost, agreed
224 upon by the developer's engineer of record for the roundabout. If a traffic signal or
225 alternative road design is approved at this location for a lower cost, the Wellington
226 Engineer may refund a portion of the proportionate share payment to the developer.
227 (ENGINEERING/TRAFFIC)

228
229 12. All traffic control/regulatory/street signs and post shall be a decorative design, and
230 driveways and aprons shall be decorative type pavers, within the Canter project.
231 (PLANNING)

232
233 13. Pod I is required to provide 0.64 acres for public recreation. The Pod I
234 Developer/owner will not provide the land/facilities as required and will make an in-
235 lieu payment based on a value that is \$50,000.00 per acre or the certified appraised
236 fair market value per acre, whichever is greater, as approved administratively by
237 Wellington when the in-lieu payment is required. The in-lieu payment shall be paid
238 to Wellington when impact fees are required for the residential uses at the time of
239 issuance of building permits. The in-lieu payment shall be in addition to the required
240 Parks and Recreation Facilities Impact Fees as determined at the time of building
241 permit issuance. (PLANNING)

242
243 14. The Pod I (Canter) developer shall provide sidewalk (minimum 5 ft. wide) within the
244 Canter project and connection to the proposed sidewalk/pathway along 120th
245 Avenue South. The sidewalk and connections shall be completed in conjunction with
246 the adjacent building(s) and before the issuance of any Certificate of

- 247 Occupancy/Certificate of Completion of the adjacent building(s) or improvement(s).
248 (PLANNING)
249
- 250 15. The owner/developer of Pod I shall construct an eight (8)-foot wide sidewalk/multi-
251 use pathway (along with any required site improvements), as approved by the
252 Wellington Engineer, along the Canter project (Pod I) 120th Avenue South frontage.
253 The sidewalk/pathway and connections shall be completed prior to issuance of the
254 first Certificates of Occupancy (CO) for any residential building, excluding model
255 homes, within the Canter project. (PLANNING/ENGINEERING)
256
- 257 16. The owner/developer of Pod I shall construct an eight (8)-foot wide sidewalk/multi-
258 use pathway (along with any required site improvements), as approved by the
259 Wellington Engineer, from the proposed Pod I pathway on 120th Avenue South
260 continuing north within Pod D along the east side of 120th Avenue South and east
261 along the south side of Lake Worth Road to the existing cross-walk at the Pod D
262 access point on Lake Worth Road. The sidewalk/pathway and connections shall be
263 completed prior to issuance of the first Certificates of Occupancy (CO) for any
264 residential building, excluding model homes, within the Canter project.
265 (PLANNING/ENGINEERING)
266
- 267 17. All sidewalk/pathway and connections to be constructed by owner/developer of Pod
268 I (Canter project) shall be completed prior to issuance of the first Certificates of
269 Occupancy (CO) for any residential building, excluding model homes, within the
270 Canter project. (PLANNING)
271
- 272 18. The owner/developer of Pod I shall pay Wellington a proportionate-share payment
273 of 28.3% of the total cost to construct an eight (8)-foot wide sidewalk/multi-use
274 pathway and any required site improvements for the pathway, as approved by the
275 Wellington Engineer, from the end of Pod O (Islepointe project) proposed pathway
276 on 50th Street South frontage to the proposed pathway at the being of Pod I (Canter
277 project) frontage. The proportionate share is a based on the Pod I (Canter project)
278 frontage and impact along 120th Avenue South between Lake Worth Road and 50th
279 Street South to meet requirements to provide safe and accessible mobility system
280 for all users/residents. The pathway shall be along the east side of the 120th Avenue
281 South right-of-way. Wellington shall provide the owner/developer of Pod I a cost
282 estimate of the pathway (including any required site improvement) after final design
283 and approval of the pathway. The proportionate-share payment shall be paid to
284 Wellington prior to issuance of the first engineering permit for the development of
285 Pod I (Canter project). (PLANNING/ENGINEERING)
286
- 287 19. Pod D and Pod I shall be re-platted per the approved master and site plan

- 288 amendments. The plat shall be approved, and recorded, before the issuance of any
289 building permits. (ENGINEERING)
290
- 291 20. No encroachments shall be permitted in any utility or drainage easements. No
292 landscaping shall be installed in water or sewer easements or areas obstructing the
293 line of sight for pedestrians or vehicles. (ENGINEERING)
294
- 295 21. The existing culvert on the west shall be replaced for the construction of the new
296 entrance to the Pod I development. The culvert type and size shall be subject to
297 approval by the Village Engineer. (ENGINEERING)
298
- 299 22. Pod I shall enter into an agreement with Wellington/Acme Improvement District to
300 maintain the canal bank along the 120th Avenue South frontage between the water's
301 edge of the C-7 Canal and the proposed site wall. (ENGINEERING)
302
- 303 23. A Land Development Permit (LDP), issued by the Village of Wellington Engineering
304 Department, is required before any earthwork or construction takes place, and shall
305 meet all applicable requirements of the LDR, as well as State and Federal regulations
306 and guidelines must be applied for, approved and issued before any construction
307 activities. The permit plans shall include construction details for all infrastructure
308 components including paving, grading, drainage, water, sewer, landscape, lighting,
309 and off-site improvements. The LDP must be closed out before any Temporary
310 Certificates of Occupancy (TCO)/Certificates of Occupancy (CO) are issued for any
311 buildings or structures. If the project is phased, a separate LDP will be required for
312 each phase of the project. Each phased LDP must be closed out before any
313 Temporary Certificates of Occupancy (TCO)/Certificates of Occupancy (CO) are
314 issued for any buildings or structures within that phase. (ENGINEERING)
315
- 316 24. No guarantee of available capacity is expressed or implied by the issuance of a
317 Capacity Availability Letter, until such time that the Developer has reserved capacity
318 through payment of Water, Sewer, and Fire Capacity Fees. (UTILITIES)
319
- 320 25. A Developers Agreement will be required by the Utility Department to reserve water
321 and sewer capacity for the project. Payment of capacity fees per Village Resolution
322 No. R2018-35 shall be required to reserve capacity. The Developer's agreement must
323 be executed and approved by the Village Council before the execution of the Palm
324 Beach County Health Water and Sewer Department permits by the Village Utility
325 Director. The Developers Agreement conditions should be coordinated during the
326 Site Plan Approval process. (UTILITIES)
327
- 328 26. Water, Sewer, and Fire Line Capacity fees are based on the "Wellington Water and
329 Wastewater Rates and Charges Fiscal Year 2022". Applicant is encouraged to review

330 capacity fees. These fees are due before the approval of the Developer's agreement
331 by the Village Council. (UTILITIES)

332
333 27. The Developer is responsible for the funding and construction of all
334 improvements/upgrades that the Utility determines are necessary to existing lift
335 stations, water distribution systems, sanitary systems, and force main systems
336 because of impacts to existing systems by the proposed project development plan.
337 The developer is responsible for the funding and construction the new lift station to
338 serve this proposed development and the existing church. This includes providing
339 paved access to the lift station that has sufficient width to provide for our vehicles.
340 This shall be completed prior to the removal of the existing gravity. (UTILITIES)

341
342 28. The Developer must apply for and obtain a Utility Major permit before the
343 development of the proposed improvements. (UTILITIES)

344
345 29. All water mains and sewer mains are required to be public. Water and sewer
346 infrastructure must be located in the right-of-way or a dedicated exclusive water
347 main or sewer easement. Easement widths shall comply with the Village of
348 Wellington Water and Wastewater Systems Construction and Standards Manual (15-
349 foot minimum). All Utility Easements shall provide for unhindered access to all
350 facilities and mains. (UTILITIES)

351
352 30. A covered school bus shelter (minimum 10' X 15') shall be provided for Pod I, with
353 bicycle racks for a minimum capacity of four (4), benches/seating for a minimum
354 capacity of four (4), trash receptacles at each bench/seat location and continuous
355 paved access shall be provided. Before the issuance of the first Certificate of
356 Occupancy for any residential building, excluding model homes, the covered school
357 bus shelter shall be constructed with consistent colors, materials, and roof treatment
358 as the overall project. (PLANNING)

359
360 31. To address the school capacity deficiency generated by the proposed development
361 at the District high school level, the Pod I owner/Developer shall contribute a total
362 of \$67,510.00 to the School District of Palm Beach County before the issuance of the
363 first residential building permit. (PBC SCHOOL DISTRICT)

364
365 32. Benches/seating, trash receptacles/bins and bicycle rack shall be provided within
366 Pod I, with the final number and locations as required with the site plan approval.
367 Trash bins should be provided at seating location(s) on the plans. Shade structures
368 and/or landscaping (trees/palms, shrubs, etc.) shall be provided for the seating
369 areas throughout the site. (PLANNING)

370

- 371 33. Foundation planting areas (including trees/palms) shall be provided along the
372 street/corner side of all buildings/structures. (PLANNING)
373
- 374 34. No continuous hedge row in the front plane of the buildings shall exceed a
375 maximum height of 36 inches. (PLANNING)
376
- 377 35. Shade/canopy street trees (min. 16 ft. overall height and 5 ft. clear trunk), and
378 pedestrian street lights shall be provided along both sides of roads/streets within
379 the Canter project. The pedestrian street light poles, regulatory traffic/street signs
380 and poles, and site amenities shall be a decorative design, and the design shall be
381 submitted for ARB approval before permitting. (PLANNING)
382
- 383 36. The street trees required along all roads/streets within the Canter project shall be
384 50% hardwood shade/canopy tree species (Live Oak). An alternative street tree
385 design is approved to include 35% of other large/medium tree species (Green
386 Buttonwood/Pitch Apple Tree) and 25% accent/flowering trees (Queen Crape
387 Myrtle) as provided in the project's PSM and/or site landscape plans, but the
388 number of trees required shall not be reduced. If any street trees are provided in the
389 residential lots they are not to meet the lot requirements, and shall be dedicated to
390 the residential pod homeowner's association/property owner's association in
391 perpetuity during the plat process. (PLANNING)
392
- 393 37. The Canter project Developer shall pay into the Wellington Tree Fund if during site
394 plan review or development phase if any landscaping (including street trees) is not
395 provided per the deviation from the landscape standards and/or as shown on the
396 plans/PSM. The payment shall be \$600 per tree or the material cost for other
397 landscaping if a maximum of 25% will not be provided, or the cost the Developer
398 would pay to provide the landscaping on-site if more than 25% will not be provided.
399 The payment amount, if more than 25%, shall be per a landscape architect-certified
400 cost estimate for the landscaping as approved by the DM. If landscaping will not be
401 provided as required, in-lieu payment shall be made to Wellington before issuance
402 of the first building permit for a residential building if known during site plan
403 approval, or prior to issuance of future Certificate of Occupancy if known during the
404 development phase. (PLANNING)
405
- 406 38. The perimeter landscape buffers within Pod I shall be shown as an easement or
407 separate tract on the plans and plat. The landscape buffer along the west of Pod I
408 property line shall be installed prior to the issuance of the first Certificate of
409 Occupancy for any building within the project. Landscape buffer shade canopy trees
410 shall be 25 feet on center and hedge height shall be a minimum of three (3) feet in
411 height at installation. (PLANNING)
412

- 413 39. Pod I west perimeter landscape buffer shall include multi-tiered landscaping with a
414 berm and continuous hedge, installed and maintained at three (3) feet,
415 shrubs/groundcover on both sides of the hedge at intermittent intervals along with
416 the required landscaping per requirements of the LDR. (PLANNING)
417
- 418 40. Developer/owner (Pod I) shall provide a certified cost estimate (by FL. Registered
419 Landscape Architect or Engineer) for the project's perimeter landscape buffer and
420 interior landscaping materials, installation, irrigation, labor, etc. Surety/bond(s) in
421 the form acceptable to Wellington in the amount of 110% of the estimate shall be
422 posted for the project's perimeter landscape buffer and interior landscaping, in
423 addition to the other bonds required for site improvements per the LDP, with the
424 Engineering Department. Landscape permit(s) shall also be required before
425 installation. (PLANNING)
426
- 427 41. The landscaping within Pod I Planned Development District shall exceed the
428 minimum landscape requirements by 30%, or as approved in the PSM. (PLANNING)
429
- 430 42. Pod I common areas, landscaping (excluding perimeter landscape buffer), site
431 amenities, etc., shall be completed in conjunction with the adjacent building(s) and
432 before the issuance of any Certificate of Occupancy/Certificate of Completion of
433 the adjacent building(s) or improvement(s). (PLANNING)
434
- 435 43. The area (including any swale, right-of-way, cancel bank, etc.) along the Canter
436 project frontage shall be landscaped and hardscaped as approved by Wellington,
437 and be maintained by the Pod I (Canter) HOA/POA. (PLANNING)
438
- 439 44. The residential units within the Canter project shall be Electric vehicle (EV) capable
440 with electrical panel capacity and conduit for future Electric Vehicle Supply
441 Equipment (EVSE) installation by the unit owner. (PLANNING)
442
- 443 45. Pod I Developer shall develop the project consistent with green standards found
444 within the Florida Green Building Coalition, the US Green Building Council
445 Leadership in Energy and Environmental Design (LEED) manual, or other acceptable
446 sustainability standards as determined by Wellington's Development Review
447 Manager for the project during the building permit development
448 approval/inspection process. Documentation indicating the green building
449 standards that were applied shall be provided within six (6) months of the issuance
450 of first CO for the residential buildings, excluding model homes. (PLANNING)
451
- 452 46. All above-ground and wall-mounted utility/transformer boxes, mechanical
453 equipment, valves, etc., shall be located on-site with required screening on a
454 minimum of three (3) sides that provide required screening while maintaining the
455 required three (3) feet clearance and height to meet or exceed equipment being

456 screened. The screen opening shall be away from public view (including adjacent
457 property) and/or additional shrubs will be required at inspection. The screening
458 shall occur in a manner consistent with the color, character, and architectural style
459 of the principal structure or landscape screening, as approved. (PLANNING)

460

461 47. The Developer shall take measures to ensure that during site development
462 dust/debris particles from the development do not become a nuisance to the
463 neighboring properties. (PLANNING)

464

465 48. All gates shall be designed and approved for emergency vehicle access with
466 universal remote approved by all emergency agencies, including but not limited to
467 Palm Beach County Fire and the Palm Beach County Sheriff. Additionally, all gate
468 codes and access shall be granted to Wellington for Code Compliance and other
469 emergency purposes. (PLANNING/ENGINEERING)

470

471 **SECTION 2.** This Resolution shall become effective upon the effective date of the
472 companion Comprehensive Plan Future Land Use Map Amendment (Ordinance No. 2024-
473 05).

474

475

(The remainder of this page left intentionally blank)

476 **PASSED AND ADOPTED** this ____ day of _____, 2024.

477

478 **WELLINGTON**

479

480

481 BY: _____

482 Michael Napoleone, Mayor

483

484

485 **ATTEST:**

486

487

488 BY: _____

489 Chevelle D. Hall, MMC, Village Clerk

490

491

492

493 **APPROVED AS TO FORM AND**

494 **LEGAL SUFFICIENCY**

495

496

497 BY: _____

498 Laurie Cohen, Village Attorney