

Staff Report Exhibit H

Justification Statement

Comprehensive Plan Amendment Application
Moncada (Preserve Expansion Project)

Property Location

The subject property is located approximately 3.35 miles south of the Southern Blvd and Flying Cow Road intersection, on the west side of Flying Cow Road. It is identified by property control number 73-40-44-24-00-000-1070 and consists of a total of 45 acres.



Property History

Wellington purchased the Marjory Stoneman Douglas (MSD) Preserve (Section 24) in February of 2009 with the goal to provide a solution to high phosphorous levels in Wellington's water discharge and provided means for Wellington to meet water quality standards as mandated by the Federal Government. The preserve was constructed to provide for the filtration of stormwater prior to the water entering the C-1 canal and then traveling to Lake Okeechobee. The preserve was a solution that not only resulted in improved and compliant water quality, environmental restoration, and flood protection, but became a beautiful preserve that is used for recreation, leisure, and education. Wellington recent acquired the 45-acre Moncada property on November 27, 2021 from Dolores Moncada, Individually and as Trustee of the Amended and Restated Rogelio M. Moncada Declaration of Trust dated March 10, 1994. The purpose of this purchase was to secure the 45-acre parcel that is surrounded by the MSD Preserve on the north, west, and south property lines. The subject site is bordered to the east by Flying Cow Road. The 45-acres will be used to expand the existing preserve area, provide additional amenities to the visitor's area, and continue the importance of the stormwater management of the water Wellington distributes to Lake Okeechobee. Wellington was awarded and will be receiving grant dollars equivalent to the purchase price. Moncada has remained a family owned parcel for decades and has been vacant but was used as polo field many years ago. The property was annexed into Wellington but the owners plans to develop it never came to fruition, hence there was never a request to convert the land use and zoning to Wellington designations. The property still retains Palm Beach County's Land Use and Zoning designations. Wellington is initiating this application so that the criteria and qualifications for the grant funds and future site improvements to incorporate it into the MSD preserve may be successfully accomplished.

Application Requests

1. Wellington is seeking to modify the subject site from Palm Beach County's (PBC) Future Land Use Map (FLUM) designation of Rural Residential/10 (RR/10) to Wellington's FLUM designation of Conservation (CN).
2. Wellington is also seeking a companion application to rezone the property from PBC Agricultural Residential (AR) designation to Wellington's Community Facilities (CF) designation.

Comprehensive Plan - Future Land Use Map Amendment and Rezoning Criteria:

Consistency with the Goals, Objectives, and Policies of the Comprehensive Plan

Approval of the proposed FLUM amendment to Wellington's CN designation is consistent with the goals, objectives, and policies of the Comprehensive Plan. This consistency is illustrated in the analysis provided below:

Land Use and Community Design Element

Policy 1.6.2 - Conservation Land Use *Preserve and protect areas with Conservation (CN) land use designation to protect natural functions of environmentally sensitive land. The uses permitted include wildlife management, passive recreation, and environmental restoration/preservation. The maximum FAR is 0.05.*

FLUM:

Moncada is proposed to have a CN FLUM designation and will be incorporated into the MSD Preserve, which will further flood protection, environmental restoration, water quality, and recreational purposes.

Rezoning:

The proposed Zoning designation is Community Facilities (CF), which is a consistent zoning designation for land with a CN FLUM designation.

Objective LU&CD 3.1 – Land Use Changes *Land use changes shall consider changed circumstances or demonstration of need, environmental suitability, infrastructure capacity, and compatibility with surrounding land uses, economic development and reinvestment opportunity.*

FLUM:

The proposed land use change will provide additional infrastructure capacity from the abutting MSD Preserve as it relates to storm water management needs in the future due to increased population gain and increased development patterns.

Conservation, Sustainability, and Resiliency Element

Policy CSR 1.3.1- Water Conservation & Protection *Water resources, including groundwater recharge, wellhead and surface waters, shall be protected and conserved as part of the site development process, and from activities that are known to adversely affect the quality and quantity of the public water supply. Continue to support water management and emergency conservation programs, mitigate for the shortage of water sources, and educate the public on how to minimize usage to protect the current and projected supply in accordance with the Water Supply Plan.*

Policy CSR 2.2.1- Wetlands Protection *Continue to require the principle of “no net loss of wetlands” and preserve the natural functions of wetlands by directing or significantly buffering incompatible land uses such as those with a negative impact on wetlands away from wetlands and require the monitoring and preservation of the functions and values of wetlands/conservation areas, and pursue the designation of wetland/conservation areas as “Conservation” on the Future Land Use Map.*

Policy CSR 2.2.4- Conservation Land Use Designation *Identify and designate publicly and privately-owned wetlands, wildlife habitats, major water recharge areas, and environmentally sensitive lands as Conservation on the Future Land Use Map for protection of natural resources and also dedicate and maintain in perpetuity, by a legally binding, recorded instrument by a plat or separate agreement.*

Policy CSR 2.2.5- Natural Resource Preservation *Design development and redevelopment projects to protect, preserve, and manage existing natural resources and environmentally sensitive land on-site, unless preservation on-site is not feasible, then off-site mitigation and/or payment in lieu of preservation may be permitted. Manage and prohibit hazardous waste use, storage, transfer, or generating facilities in known zones of influence to protect natural resources*

FLUM and Rezoning:

The proposed amendment will be consistent with the goals, objectives, and policies of this element of the Comprehensive Plan. Wellington has determined the subject site will further enhance the Conservation, Sustainability, and Resiliency Element by protecting its natural environmental resources and restoration, adding acreage to the stormwater treatment efforts, ensuring flood protection, providing additional recreation, and enhancing the land mass of the MSD Preserve for educational purposes.

Parks and Recreation Element

Goal PR 1- Excellent Parks & Recreation *Provide premier parks, recreational facilities, programs that enhance quality of life, provide recreational opportunities, enrich interaction with others, and promote physical and mental wellbeing.*

FLUM:

The proposed amendment will be consistent with the Parks and Recreation Element of the Comprehensive Plan. The proposed amendment will provide for exemplary parks and recreational facilities, and educational programs that enhance the quality of life by providing recreational facilities to promote physical and mental wellbeing to visitors and residents.

Equestrian Preserve Element

Policy EQ 2.1.4- Bridle Trail Connections *Pursue trail projects and extensions that link to local, County, State, and Federal lands, providing trail access to locations both within and outside Wellington's borders.*

The proposed amendment will be consistent with the Equestrian Preserve Element of the Comprehensive Plan. The proposed amendment will assist in preserving Wellington's equestrian community and equestrian lifestyle by providing additional area for riding trails. Wellington is considering the feasibility of proposing several tandem horse trailer parking spaces to allow equestrians to bring their horse by trailer so they may easily utilize the trails without a long hacking distance into the preserve and trails.

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Question/Request	Answer
<p><i>Indicate the location of the property in relationship to the nearest north-south and east-west roadways</i></p>	<p>West side of Flying Cow Road approximately 3.3 miles south of Southern Boulevard.</p>
<p><i>Indicate whether the property has frontage on any roadway or on any waterway and, if so, the number of linear feet of frontage, as well as the depth of the property</i></p>	<p>Approximately 1,402 feet of frontage along Flying Cow Road and 1,390 feet of depth.</p>
<p><i>Identify the location (written description and mapped) and size of any other property contiguous to the subject property which is in the same ownership, whether in whole or in part</i></p>	<p>The subject site is located 3.3 miles south of Southern Boulevard, west of Flying Cow Road. According to the survey, the subject site takes ownership of the west side of Flying Cow Road. Wellington owns the east portion of Flying Cow Road right-of-way which abuts the canal.</p> <p>See Staff Report Exhibit C for the survey with legal description --+</p> <p>The Marjory Stoneman Douglas Preserve property is directly adjacent to the subject property on the north, south and west.</p>
<p><i>Indicate the month, day, and year the property was acquired and from whom the property was acquired</i></p>	<p>Moncada subject site was purchased by Wellington on November 27, 2021 from Dolores Moncada.</p>
<p><i>Describe the manner of acquisition (purchase, exchange, gift, inheritance, etc.), the cost of acquisition and provide evidence of same (e.g., purchase and sale agreement) and ownership (deed)</i></p>	<p>Wellington purchased the subject site with local government funds and with the assistance of an awarded grant from the Florida Department of Environmental Protection (FDEP) Florida Communities Trust (see Staff Report Exhibit E). Staff Report Exhibit D shows the proof of ownership by recorded deed.</p>
<p><i>Identify whether the subject property was a part of a larger property acquired from a previous owner. If so, identify the extent of any property contiguous to the subject property that was in the same ownership as the subject property</i></p>	<p>The property was not part of a larger parcel, tract, or lot. The owner sold the entire 45-acres of the subject site to Wellington.</p>
<p><i>Indicate whether the property was previously subject to a homestead exemption, whether the property was subject to any agricultural exemptions, abatements</i></p>	<p>N/A</p>

<p><i>Identify whether the property was previously subject to a Future Land Use Map (FLUM) amendment</i></p>	<p>The subject site was previously designated under PBC. The FLUM amendment necessary to provide a Wellington designation has not been requested to date. Wellington is initiating this amendment to bring it into compliance now that the subject site is owned by Wellington.</p>
<p><i>Has Wellington ever denied a development order for the property?</i></p>	<p>No</p>
<p><i>Has the property received development approvals from an entity other than Wellington?</i></p>	<p>No; there are no development orders on file for the site granted by another entity and Wellington has only granted a development order for annexation.</p>

LDR Requirements for Comprehensive Plan Future Land Use Amendments:

Article 5 of the Land Development Regulations provides that a FLUM amendment must be based on one or more of the following factors, and a demonstrated need:

1. *Changed projections (e.g., regarding public service needs) in the Comprehensive Plan, including but not limited to amendments that would ensure provision of public facilities;*

The subject site will add additional preserve area to the abutting Marjory Stoneman Douglas Preserve to meet the future demand for recreational uses. The 45-acre addition will also provide additional flood protection, water quality improvements, environmental restoration, and educational opportunities.

2. *Changed assumptions (e.g., regarding demographic trends or land availability) in the Comprehensive Plan, including but not limited to the fact that growth in the area, in terms of the development of vacant land, new development, and the availability of public services has altered the character such that the proposed amendment is now reasonable and consistent with the land use characteristics;*

The changed assumption is that Wellington now owns the subject site and it is now reasonable to utilize the land to expand the Wellington Environmental Preserve. The subject site remained as a Palm Beach County Agriculture Residential (AR) zoning designation after Wellington's incorporation and the property's annexation. The comparable Wellington FLUM designation to the current PBC FLUM designation could have allowed for a subdivision of the 45-acre property into our (4) single family lots a minimum of 10 acres in size. The potential for four (4) single family lots would also be in keeping with the surrounding properties, but this enclave would be best served to expand the Wellington Environmental Preserve. Wellington used grant funds to purchase the property and is initiating the applications so that the criteria and qualifications for the grant funds and future site improvements to incorporate it into the Wellington Environmental preserve can be successfully accomplished.

3. *Data errors, including errors in mapping, vegetative types, and natural features in the Comprehensive Plan;*

None

4. *New issues that have arisen since adoption of the Comprehensive Plan;*

None

5. *Recognition of a need for additional detail or comprehensiveness in the Comprehensive Plan; or*

None

6. *Data updates.*

None

Article 5 of the Land Development Regulations also provides that a FLUM amendment must be based on a demonstrated need to amend the Future Land Use Map. The demonstrated need must be supported by relevant and appropriate data and analysis, and support documents or summaries of such documents in which the need for the proposed FLUM amendment is based must be included.

1. *Identify the square feet of non-residential development that could be accommodated on the subject property with the proposed amendment.*

There is currently no non-residential development that could be accommodated on the subject property with the proposed amendment other than parking and possible restrooms. The Conservation (CN) Land Use has a maximum Floor Area Ratio (FAR) of 0.05. The corresponding Community Facilities (CF) Zoning designation is exempt from the building coverage regulations.

2. *At maximum floor area ratio: This is determined by multiplying the size of the property in hundredths of an acre by the number of square feet in an acre (43,560) and by the maximum floor area ratio permitted by the Comprehensive Plan and the Land Development Regulations.*

The maximum FAR for Conservation is 0.05. The subject site is 45 acres in size, which equates to 1,742,400 SF. With a maximum FAR of 0.05, the total buildable SF equates to 87,120 SF.

3. *At typical floor area ratio: This is determined by multiplying the size of the property in hundredths of an acre by the number of square feet in an acre (43,560) and by the typical floor area ratio permitted by the Comprehensive Plan and the Land Development Regulations.*

See response to number 2 above.

4. *Identify, map, and justify the trade or market area for the subject property: The following rules may be used to identify a trade/market area. If a different approach is used, you must provide a justification for the approach taken.*

Not Applicable. The subject site will be designated as Conservation with no future proposed development that would require a market study. The property is proposed to used as a stormwater treatment area and recreational secondary uses do not require a market study.

5. *A market study is required for commercial applications and many applicants find one helpful in establishing the need for additional commercial in the area. The Market Study area shall be determined at the mandatory pre-application meeting with Planning and Zoning staff and must include the following:*

This application is not proposing Commercial

Land Use Data

Question/Request	Answer
<p>Identify any previously approved petition and resolution numbers for the subject property, if applicable. Also, please attach a copy of the previous resolution(s).</p>	<p>See Staff Report Exhibit E Resolution R2022-04 is the approved grant agreement to receive reimbursement funding for the subject site.</p>
<p>Indicate whether the property is currently subject to a concurrency exemption or concurrency reservation. If subject to concurrency, please attach a copy of the appropriate certificate.</p>	<p>N/A</p>
<p>Indicate whether the property has been platted, subject to a master plan, or subdivided and indicate the record book and page number, if applicable.</p>	<p>The property has not been platted, subdivided, master planned, or site planned.</p>
<p>Indicate whether the subject property is currently subject to a developers' agreement or a utility reservation.</p>	<p>N/A</p>
<p>Indicate in which flood zone the property is located</p>	<p>The subject property is within the AE and X flood zones.</p>
<p>Indicate whether the subject property is located in a wellfield protection zone.</p>	<p>No</p>
<p>Identify whether the property is located in a redevelopment area, neighborhood planning area, or special overlay</p>	<p>No</p>
<p>Explain how the proposed change in the FLUM designation of the property is compatible with the surrounding uses.</p>	<p>The subject site is directly adjacent (north, west, south) to the Marjory Stoneman Douglas Preserve as Conservation (CN) FLUM. The CN designation is consistent and compatible with the surrounding uses.</p>
<p>Describe how the proposed change in the FLUM designation of the property would be compatible with the surrounding future land uses as shown on the FLUM.</p>	<p>The subject property, once designated as CN, will be the same designation to the surrounding preserve.</p>

LDR Requirements for Rezoning:

Sec. 8.7.2.D - Pedestrian, Bicycle and Bridle Circulation System

The proposed Community Facilities Zoning designation shall comply with Sec. 8.7.2.D Pedestrian, Bicycle and Bridle Circulation System and all other master plans related to pathways, multi-purpose pathways, trails, sidewalks, etc. if additional paths and walkways will be expanded from the Wellington Environmental Preserve.

Consistency with the Surrounding Uses and Zoning Districts

As demonstrated above, in the “Surrounding Uses” section, the proposed CF designation is consistent and compatible with the surrounding uses. The Moncada subject property abuts the Wellington Environment Preserve at the Marjory Stoneman Douglas Everglades Habitat (a.k.a. Section 24), and the allocation of CF designation shall complement and be compatible with the abutting parcel. It is Wellington’s intention to keep the land use for conservation, stormwater treatment, and recreational purposes.

Changed Conditions that Require the Rezoning

The subject site remained as a Palm Beach County Agriculture Residential (AR) zoning designation after Wellington’s incorporation and the subject property’s annexation. The previous owners never intended for the subject property to be developed, hence the current existing Palm Beach County zoning designation. Recently, Wellington was able to purchase the property, using grant money to furnish a portion of the price. The intent is to expand the preserve and bring the site into compliance with the Comprehensive Plan, and apply a Wellington zoning district.

The Proposed Request Shall Not Result in Significantly Adverse Impact on the Natural Environment

The proposed rezoning will be consistent with the objectives, goals, and policies of the Conservation Element of the Comprehensive Plan. The proposed use will not include a development improvement to the subject site.

The Proposed Request is Consistent with the Applicable Neighborhood Plans

The subject site is not located within the boundary of a neighborhood plan.

The Proposed Request Complies with Article 2, Concurrency Management

The site is not expected to affect the concurrency of any public services or roadways as no development is proposed.