

ORDINANCE NO. 2019 – 08

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING THE WELLINGTON COMPREHENSIVE PLAN (PETITION NUMBER 2019-05 CPA 3) BY CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM CONSERVATION TO REGIONAL COMMERCIAL/LARGE SCALE MULTIPLE USE (RC/LSMU) FOR A PORTION OF CERTAIN PROPERTY KNOWN AS WELLINGTON GREEN TRACT W-5, TOTALING 8.59 ACRE, MORE OR LESS, LOCATED APPROXIMATELY 1/2 MILE WEST OF THE INTERSECTION OF STATE ROAD 7 AND LIME DRIVE, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Wellington, Florida's Council, pursuant to the authority in Chapter 163, Florida Statutes, is authorized and empowered to consider changes to its Comprehensive Plan; and

WHEREAS, the request to modify the Future Land Use Map designation for a portion of Tract W-5 from Conservation to Regional Commercial/Large Scale Multiple Use (RC/LSMU) is required prior to any development considerations for additional residential dwelling units; and

WHEREAS, the applicant will maintain and enhance 9.03 acres of preserve within Tract W-5; and

WHEREAS, on August 14, 2019, the Planning, Zoning & Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing, has considered amending the site specific Future Land Use Map designation for the property that is the subject of this Ordinance and has submitted its recommendation to the Council; and

WHEREAS, the Council has taken the recommendations from the Local Planning Agency, Wellington staff, the Petitioner and comments from the public into consideration when considering the Future Land Use Map designation for the property, that is the subject of this Ordinance; and

WHEREAS, Council, after notice and public hearing, voted to transmit this proposed amendment to the Florida Department of Economic Opportunity and complied with the applicable provisions of the Florida Statutes governing amendments to local Comprehensive Plans.

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

SECTION 1: The Wellington Comprehensive Plan Future Land Use Map designation for the property legally described in Exhibit 1 is hereby designated as Regional Commercial/Large Scale Multiple Use (RC/LSMU).

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50 **SECTION 2:** The Manager is hereby directed to amend the Wellington Future
51 Land Use Map (Exhibit B) to include the site specific Future Land Use Map designation
52 for the property as described in Exhibit A, including an adopted date and ordinance
53 number in accordance with this Ordinance.
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55 **SECTION 3:** The Manager is hereby authorized and directed to transmit this
56 Comprehensive Plan amendment to the Florida Department of Economic Opportunity
57 pursuant to Chapter 163, Florida Statutes.
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59 **SECTION 4:** Should any section paragraph, sentence, clause, or phrase of this
60 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
61 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,
62 other than the part to be declared invalid.
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64 **SECTION 5:** Should any section, paragraph, sentence, clause, or phrase of this
65 Ordinance conflict with any section, paragraph, clause or phase of any prior Wellington
66 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of
67 this Ordinance shall prevail to the extent of such conflict.
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69 **SECTION 6:** The effective date of this Comprehensive Plan Amendment shall
70 be 31 days after adoption by the Council, if there has not been a compliance challenge
71 with the Division of Administrative Hearings. If the ordinance is challenged within 30
72 days after adoption, the ordinance shall not become effective until the state land
73 planning agency or the Administrative Commission, respectively, issues a final order
74 determining the amendment to be in compliance.
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PASSED this ____ day of _____, 2019 on first reading.

PASSED AND ADOPTED this ____ day of _____ 2019, on second and final reading.

WELLINGTON

FOR

AGAINST

BY: _____

Anne Gerwig, Mayor

Michael Drahos, Vice Mayor

John T. McGovern, Councilman

Michael J. Napoleone Councilman

Tanya Siskind, Councilwoman

ATTEST:

BY: _____

Chevelle Nubin, Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____

Laurie Cohen, Village Attorney

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EXHIBIT 1 Legal Description

DESCRIPTION:

TRACT W-5, WELLINGTON GREEN MUPD/PUD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 87, PAGES 81 THROUGH 90 OF PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT W-5; THENCE SOUTH 29°37'30" EAST, A DISTANCE OF 27.10 FEET; THENCE SOUTH 75°48'34" EAST, A DISTANCE OF 34.66 FEET; THENCE SOUTH 29°37'30" EAST, A DISTANCE OF 307.85 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 1035.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 6°55'58", A DISTANCE OF 125.23 FEET; THENCE SOUTH 01°04'12" WEST, A DISTANCE OF 54.62 FEET; THENCE SOUTH 47°23'56" WEST, A DISTANCE OF 102.95 FEET; THENCE NORTH 83°07'36" WEST, A DISTANCE OF 174.08 FEET; THENCE SOUTH 58°18'49" WEST, A DISTANCE OF 72.50 FEET; THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 44.76 FEET; THENCE SOUTH 86°57'17" WEST, A DISTANCE OF 151.00 FEET; THENCE SOUTH 08°55'40" WEST, A DISTANCE OF 149.87 FEET; THENCE SOUTH 85°50'10" WEST, A DISTANCE OF 111.44 FEET; THENCE NORTH 81°46'10" WEST, A DISTANCE OF 191.09 FEET; THENCE NORTH 15°05'19" WEST, A DISTANCE OF 180.81 FEET; THENCE NORTH 65°47'07" EAST, A DISTANCE OF 39.16 FEET; THENCE NORTH 10°13'00" WEST, A DISTANCE OF 53.98 FEET; THENCE NORTH 09°25'37" WEST, A DISTANCE OF 42.13 FEET; THENCE NORTH 18°53'01" EAST, A DISTANCE OF 57.17 FEET; THENCE NORTH 30°26'46" EAST, A DISTANCE OF 80.79 FEET; THENCE SOUTH 77°21'10" EAST, A DISTANCE OF 29.15 FEET; THENCE NORTH 37°58'06" EAST, A DISTANCE OF 16.75 FEET; THENCE NORTH 06°53'41" WEST, A DISTANCE OF 75.74 FEET; THENCE NORTH 68°27'27" EAST, A DISTANCE OF 25.84 FEET; THENCE NORTH 46°56'02" EAST, A DISTANCE OF 67.88 FEET; THENCE NORTH 70°02'12" EAST, A DISTANCE OF 25.43 FEET; THENCE SOUTH 30°29'13" EAST, A DISTANCE OF 29.16 FEET; THENCE NORTH 57°43'42" EAST, A DISTANCE OF 17.42 FEET; THENCE NORTH 73°47'03" EAST, A DISTANCE OF 25.51 FEET; THENCE NORTH 70°36'33" EAST, A DISTANCE OF 53.70 FEET; THENCE NORTH 00°00'44" EAST, A DISTANCE OF 11.43 FEET; THENCE NORTH 06°49'16" EAST, A DISTANCE OF 27.50 FEET; THENCE NORTH 13°28'02" EAST, A DISTANCE OF 37.43 FEET; THENCE NORTH 63°01'38" EAST, A DISTANCE OF 46.11 FEET; THENCE NORTH 72°16'59" EAST, A DISTANCE OF 41.10 FEET; THENCE SOUTH 73°59'32" EAST, A DISTANCE OF 19.13 FEET; THENCE NORTH 02°14'37" WEST, A DISTANCE OF 23.19 FEET; THENCE NORTH 80°37'48" EAST, A DISTANCE OF 90.34 FEET; THENCE NORTH 66°44'19" EAST, A DISTANCE OF 60.46 FEET TO THE POINT OF BEGINNING.

CONTAINING 374,307 SQUARE FEET OR 8.593 ACRES, MORE OR LESS.

NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH A SURVEYOR'S SEAL.
2. LANDS SHOWN HEREON ARE WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. BEARINGS SHOWN HEREON ARE RELATIVE TO A GRID BEARING OF S87°44'43"E AND ARE RELATIVE TO THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 13, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.
4. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
5. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENT OF RECORD AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
6. RECORDING INFORMATION SHOWN HEREON IS OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LEGEND/ABBREVIATIONS

LB - LICENSED BUSINESS
O.R.B. - OFFICIAL RECORD BOOK
P.B. - PLAT BOOK

PG. - PAGE
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON JUNE 26, 2019. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17 ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

SHEET 1 OF 2

**CAULFIELD & WHEELER, INC.**
CIVIL ENGINEERING - LAND PLANNING
LANDSCAPE ARCHITECTURE - SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561)-392-1991 / FAX (561)-750-1452

**WELLINGTON GREEN
PORTION OF TRACT W-5
SKETCH OF DESCRIPTION**

DAVID P. LINDLEY
REGISTERED LAND
SURVEYOR NO. 5005
STATE OF FLORIDA
L.B. 3591

DATE	06/26/19
DRAWN BY	DLS
F.B./ PG.	N/A
SCALE	NONE
JOB NO.	8885 PORW5

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