



**STAFF REPORT  
PLANNING & ZONING DIVISION**

**I. PETITION DESCRIPTION**

**Petition Numbers:** 17-043 (2017-029 CPA6)  
17-044 (2017-030 DOA2)

**Project Name:** Village Green Center Comprehensive Plan Amendment and Development Order Amendment

**Owner:** W & W V LLC  
12180 South Shore Boulevard, Suite 104  
Wellington, Florida 33414

**Agent:** Donaldson Hearing  
Cotleur and Hearing  
1934 Commerce Lane, Suite 1  
Jupiter, FL 33458

**Requests:** **Comprehensive Plan Amendment [17-043 (2017-029 CPA6)]**

- To amend the site specific use limitation for the project to allow Medical Office as a permitted use.
- To reduce the overall allowable square footage for the project

**Development Order Amendment [17-044 (2017-030) DOA2]**

- To amend the Conditions of Approval set forth in Resolution R2013-15 to allow a maximum of four (4) fast food restaurants with drive-thrus, to allow medical office use within Building D and to reduce the overall square footage of the project.

**II. SITE DATA**

**Existing Use:** Commercial Center

**Parcel Size:** 15.89 +/- Acres (Exhibit A – Legal Description)

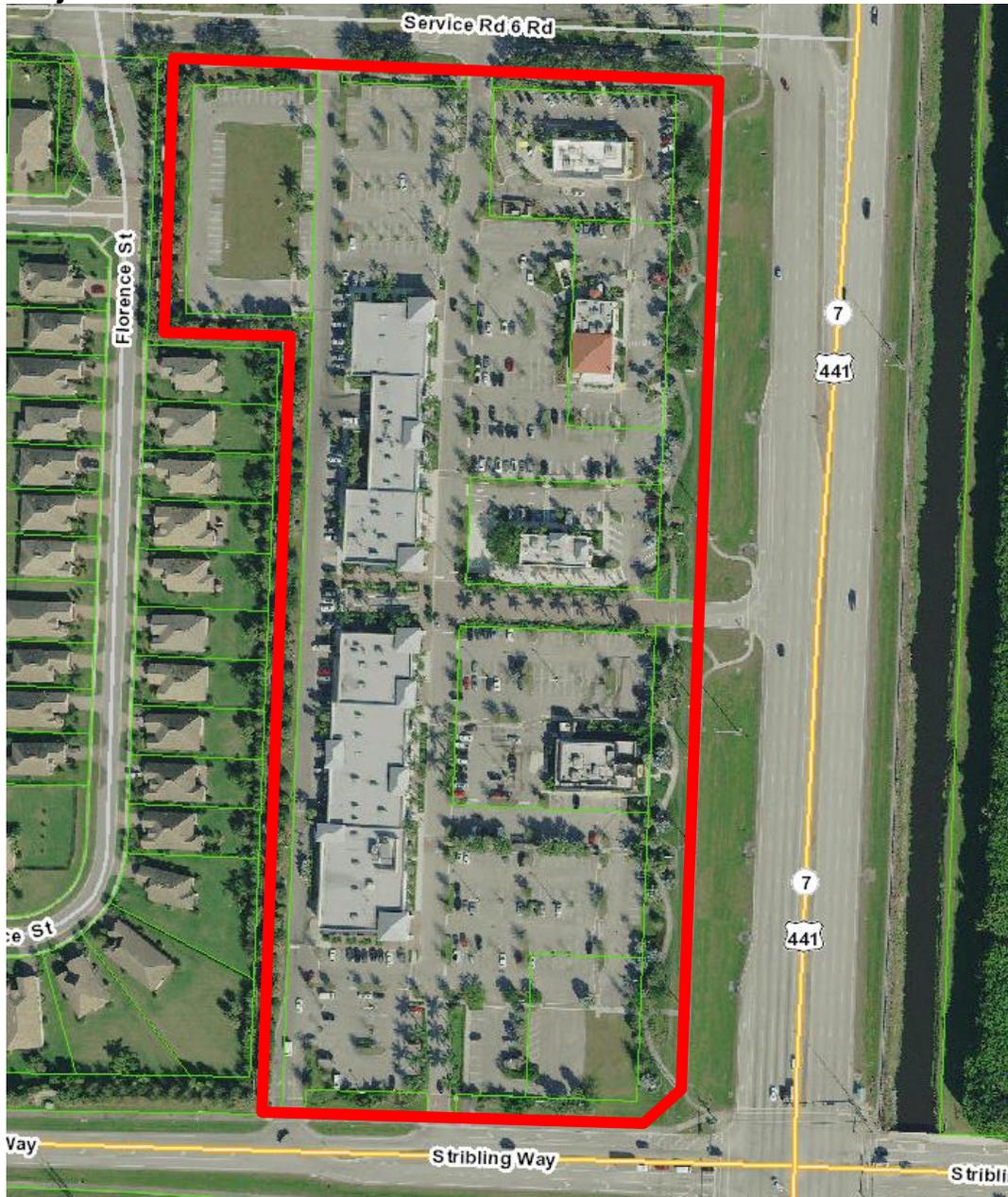
**Existing Land Use:** Community Commercial (CC)

**Existing Zoning District:** Community Commercial (CC)

**Parcel Control No's:** 73414413120050000  
73414413120010000  
73414413120060000  
73414413120020000  
73414413120030000  
73414413120040000

**Location:** West of State Road 7, south of Royale Boulevard and north of Stribling Road (Exhibit A – Legal Description).

**Project Location:**



### III. LAND USE AND ZONING

	<b>Existing Uses</b>	<b>Future Land Use</b>	<b>Zoning</b>
Subject Site	Retail, Professional Office, Bank and Restaurant	Community Commercial	Community Commercial
North	Regional Mall	LSMU	MUPD
South	Vacant	Institutional/Public Facility and Community Commercial	Community Facilities and Community Commercial
East	Residential	Residential C (1-3 DU/AC)	PUD
West	Residential	Residential C (1-3 DU/AC)	PUD

### IV. BACKGROUND

The 15.89 acre project known as Village Green was annexed into Wellington on February 25, 2004. The site was designated Community Commercial on the Future Land Use Map in 2007 (Ordinance 2006-22). In 2008, a rezoning to Community Commercial (Ordinance 2008-08) and a Master Plan (Resolution R2008-58) for the project was approved. The original Master Plan allowed for commercial, office, retail and general office uses. In 2010, a Conditional Use was approved (Resolution R2010-39) allowing two (2) fast food restaurants with drive-thru service. In 2013, the property owner petitioned and approval was granted (Resolution R2013-15) to amend the Development Order to allow for a third fast food restaurant with drive-thru, to abandon the Master Plan and to codify all conditions into a Development Order. In 2015, Resolution R2015-60 was approved to allow a maximum of 15,000 square feet of Medical Office within Retail Buildings A, B, C and E.

The Village Green project is designed with multiple buildings (Exhibit B – Existing Site Plan): main in-line buildings (Building A, B, C and E), future professional building (Building D), future bank site (Building F), and restaurants (Building G, H, I and J). The entire project is built except for the professional building and the future bank building. In 2015, Architectural Review Board approval was granted for the professional building.

The applicant is seeking a Comprehensive Plan Amendment to allow medical office as a permitted use and to reduce the maximum allowable square footage for the overall project. Additionally, they are seeking a Development Order Amendment to modify Building F from bank with drive-thru to fast food with drive-thru and to allow medical office within Building D.

A companion Site Plan amendment (Exhibit B – Proposed Site Plan Amendment), which is approved administratively by the Development Review

Manager, is also requested to modify the layout and parking area of Building F which will include a 2,368 square foot fast food restaurant with drive-thru (Starbucks) and a 2,270 square foot retail use bay (Exhibit C – Enlargement of Proposed Site Plan for Building F) if the Development Order Amendment is approved. The retail use is a permitted use and no additional approvals are required.

**V. STAFF ANALYSIS**

**Comprehensive Plan Amendment:**

The Comprehensive Plan Amendment request is to modify the conditions of approval of Ordinance 2013-04 to allow medical office and to reduce the overall square footage for the Village Green project as shown below:

<b>Uses</b>	<b>Acreage/Square Feet</b>
Open Space	At least three (3) acres reserved for open space, as defined in policy 1.3.25 of the Land Use Element in the Comprehensive Plan.
Commercial, Retail and Restaurant	437,214 <del>110,930</del> square feet*
General Office (Business of Professional) <u>and Medical Office</u>	Minimum of 31,000 square feet*

\*The allowed square footage for the Commercial, Retail, Restaurant, Medical Office and General Office uses may be exceeded as long as the combined square footage does not exceed a maximum of ~~482,952~~ 146,207 square feet and the overall project complies with mandatory Traffic Performance Standards in place at the time of the request.

The request for the proposed Comprehensive Plan Amendment is based on changed assumptions. Per Section 5.2.3.C.2 of Wellington’s Land Development Regulations (LDRs), changed assumptions includes the fact that growth in the area, in terms of the development of vacant lands, 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 characteristics (e.g. demographic trends or land availability).

Since the initial approval of the Village Green Center, there has been an increase in the demand for medical office space in the surrounding area. Village Green is centrally located within 10 miles of four (4) area hospitals: Wellington Regional Medical Center (one mile), Palms West Hospital (six miles), Bethesda West Medical Center (eight miles) and John F Kennedy Hospital (10 miles). NuVista is located to the west of the center, and at full development, is a 620 dwelling unit (du) assisted living and skilled nursing facility providing rehabilitation, memory care and other medical services. Patients are transported to their doctor’s offices for care. Joe DiMaggio Children’s Hospital Wellington Campus will also be locating one half mile south of the project offering specialized pediatric care. Additionally, Cleveland Clinic is seeking opening a medical office within the center.

There has also been an increase in residential development approvals within the western communities. Arden is a Planned Unit Development located along Southern Boulevard west of Wellington and is approved for approximately 2,000 du. West Lake is an incorporated city approved for 4,500 du and located north of Wellington off Seminole Pratt Whitney Road. Southern Boulevard properties is located off Southern Boulevard a mile west of SR7/US441 within Royal Palm Beach and is approved for 523 du. Other residential communities recently developed or obtaining approvals in Royal Palm Beach, Wellington and unincorporated Palm Beach County include Crestwood Redevelopment (385 du), Cypress Key (147 du), Quaye (350 du), Avenir (3,985 du), Indian Trails Grove (3,897 du), Lennar (756 du), Gulfstream Polo Properties (973 du), Iota Carol (1,030 du). Based on an average household population of three (3) persons per household, this would be a potential increase of approximately 55,000 residents within the western communities. The increase in development in the rural and suburban areas will require additional medical office space as residents must travel east for medical care.

The proposed Comprehensive Plan Amendment request is consistent with the following policies/objectives within Wellington's Comprehensive Plan:

**Policy 1.5.4 of the Land Use Element:** Allowing medical office as an approved use within the project which is centrally located to many hospitals and other developing residential areas will provide value added medical-related employment for those new residents.

**Objective 2.0 of the Land Use Element:** The Village Green Center has a mix of approved uses including retail, restaurants and office. The project is within close proximity to Castalina, Olympia and Oakmont residential communities and NuVista which will reduce the length of vehicular trips.

### **Development Order Amendment**

The applicant is requesting to amend the Development Order for the Village Green project (Resolution R2013-15) to allow a fourth fast food restaurant with drive-thru at the future bank site and to allow medical office uses within Building D. Both uses are a Conditional Uses per Table 6.4-1, Use Regulation Schedule, of Wellington's LDRs.

A Development Order Amendment request for Conditional Uses must meet all standards for approvals pursuant to Section 5.4.4.E of Wellington's Land Development Regulations (LDRs). The following standards have been analyzed:

- 1. Consistent with the Comprehensive Plan:** This Conditional Use request to allow medical office to operate within Building D (professional building) and to allow a fourth fast food restaurant with drive-thru is consistent with Objective 1.2, 1.3 and 1.3.12 of the Land Use Element of the Comprehensive Plan:

**Objective 1.2 of the Land Use Element** Based on the submittal provided and staff's analysis, there are adequate capacities and services provided for within the Village Green Center for the proposed use amendments.

**Objective 1.3 of the Land Use Element** The proposed amendment to the uses allowed within the Village Green Center are consistent with the Comprehensive Plan and discourage the development of a “strip mall” like project. The project is designed based on the “Big Box Ordinance”. The Architectural Review Board (ARB) has already approved the elevations and renderings for the Professional Building (Building D) and a subsequent application has been submitted for ARB for the review and approval of Building F.

**Objective 1.3.12 of the Land Use Element** The property is designated Community Commercial and is approximately 15.89 acres in size. Once built out, the project will have a building coverage of 12.94% and a Floor Area Ratio (FAR) of .16.

2. **Consistent with the supplementary use standards:** The application meeting the standards for Medical Office and Restaurant, Fast Food as indicated in Section 6.4.4 of the LDRs.

Section 6.5.19.I, also known as the Big Box Ordinance, provides development standards for commercial projects over 15,000 square feet in size or larger. Per Condition 5 of Resolution R2013-15, the project shall be reviewed for compliance with the Big Box Ordinance. Per Section 6.5.19.I.4.c of Wellington’s LDRs, if drive-thru windows are placed facing a public right-of-way, alternative design modifications shall be provided to mitigate the visual impact of the drive-thru which included additional landscaping. The proposed drive-thru window is adjacent to Stribling Road, however it is setback approximately 61 feet from the right of way and is located adjacent to a 20’ landscape buffer with a three (3) foot berm. Additional landscaping will be required to be installed to screen the drive-thru from view from Stribling Road as shown in Exhibit D – Proposed Landscape Plan for Building F. A condition of approval has been included in Resolution R2017-20 that if it is determined at the time of installation that the landscaping provided does not provide sufficient screening, the Development Review Manager has the ability to require the applicants to install additional landscaping.

3. **Compatibility:** The medical office and additional fast food restaurant with drive-thru is a compatible use with the surrounding area and the uses that exist on site. The medical office use within this request will be limited to Building D only, the professional building. Village Green already has a limitation of 15,000 square feet of Medical Office use within Buildings A, B, C and E (Resolution R2015-60) which are the main in-line retail buildings. The additional fast food restaurant with a drive-thru and retail bay will be in place of an approved bank site with drive-thru.

Village Green is surrounded by the Wellington Green - MUPD “F” to the north which includes retail, restaurant and gas station uses; to the south is Wellington K – Park; across State Road 7 on the east is the Olympia PUD; and Castellina PUD residential development and NuVista is located to the west.

4. **Design and environment impacts:** There are no adverse impacts to the natural environment expected to occur as a result of this proposed Conditional Use request.
5. **Adequate public facilities:** As part of the overall Village Green Center project approval, it was determined that adequate potable water, sanitary sewer, solid waste, stormwater management, park, road, public school facilities, mass transit public facilities and fire-rescue will be available to accommodate this development.
6. **Design minimizes adverse impacts:** The retail component and four (4) of the five (5) outparcels of Village Green have been completed and is operational. Building D (professional building) is currently under construction. Medical office does not have the same trip generation as general office. A letter from Palm Beach County Traffic Division was received on September 20, 2017 confirmed that the additional trips meets Palm Beach County Traffic Performance Standards based on various conditions that have been included in the conditions of approval of the Development Order Amendment (Exhibit E – Palm Beach County Traffic Letter).

Medical Office and General Office require the same number of parking spaces per square foot of building area. No design impacts for the center are anticipated for the additional use within Building D.

The addition of the fourth fast food restaurant with drive-thru and retail bay requires reconfiguration of the site plan, circulation and parking that was originally approved for the bank site. Due to the use change and the square footage increase of approximately 635 square feet, an additional one (1) parking space is required for the project. Additional landscaping will be provided for within the landscape buffer on the south adjacent to the drive-thru to properly screen it from view from the adjacent right of way as described above.

7. **Development pattern:** The retail component of Village Green is already developed. The professional building (Building D) is currently obtaining necessary permits for construction. No square footage increases or parking reconfiguration are needed for the requested Medical Office use for this building.

The additional fast food restaurant with drive-thru will be located in the future bank site location. The applicant has pursued financial institutions to develop this site and has been unsuccessful for the past five (5) years. The proposed request to build a single lane drive-thru on a property that was already approved for a multi-lane drive-thru is a logical use and conversion of the bank site. The 4,638 square foot building will be occupied by Starbucks (2,368 square feet) and a retail use (2,270 square feet).

8. **All applicable standards of the code:** The proposed use, layout, function and development characteristic of this request complies with LDR. A concurrency equivalency determination and more detailed review is required as part of the Site Plan Amendment process for the proposed Conditional

Use. The overall Village Green Center project was reviewed and approved by DRC for compliance with relevant standards of Wellington's Codes.

9. **Consistent with neighborhood plans:** The proposed use at the existing commercial site is not regulated by a neighborhood plan.

## VI. **PUBLIC NOTIFICATION / COMMENTS**

As required by the Land Development Regulations and Florida Statutes, public notifications were placed in the Palm Beach Post, mailings were set to property owners within 500 feet and the property was posted. All notices advised to the public that a public hearing on the proposed ordinance/resolution would take place. The dates of notices are set forth below.

### **Planning, Zoning and Adjustment Board Meeting:**

Mailings/Newspaper/Posted Signs: October 23, 2017  
Meeting Date: November 8, 2017

At the November 8, 2017 Planning, Zoning and Adjustment Board (PZAB) Meeting, the Board voted unanimously (6-0) to approve the Comprehensive Plan Amendment and Development Order Amendment for the Village Green Center.

### **Village Council Schedule:**

#### ***First Reading of Comprehensive Plan Amendment:***

Mailings/Newspaper/Posted Signs: November 26, 2017  
Meeting Date: December 11, 2017

At the December 11, 2017 Village Council Meeting, the Council approved the item upon first reading (5-0). The item was transmitted to the Department of Economic Opportunity (DEO) and reviewing agencies on December 13, 2017. No objections have been received.

#### ***Second Reading of Comprehensive Plan Amendment and First Reading of Development Order Amendment:***

Mailings/Newspaper/Posted Signs: November 26, 2017  
Meeting Date: January 23, 2018

As of January 8, 2018, no comments have been received from the public regarding the proposed amendments.

## VII. **STAFF RECOMMENDATION**

Staff recommends approval of the Ordinance 2017-08 Comprehensive Plan Amendment to add Medical Office as an approved use and Resolution R2017-20 Development Order Amendment to allow the conditional use of medical office within Building D and a fourth fast food restaurant with drive-thru within Building F at Village Green.

*The Conditions of Approval set forth in Ordinance 2013-04 shall be amended as follows:*

1. The project shall be developed consistent with the following:

USES	ACREAGE/SQUARE FEET
Open Space	At least three (3) acres reserved for open space, as defined in Policy 1.3.25 of the Land Use Element in the Comprehensive Plan
Commercial, Retail and Restaurant	437,214 <del>110,930</del> square feet*
General Office (Business or Professional) <u>and Medical Office</u>	Minimum of 31,000 square feet*

\* The allowed square footage for the Commercial, Retail, Restaurant, Medical Office and General Office uses may be exceeded as long as the combined square footage does not exceed a maximum of ~~482,952~~ 146,207 square feet and the overall project complies with mandatory Traffic Performance Standards in place at the time of the request.

*The Conditions of Approval set forth in Resolution R2013-15 shall be amended as follows:*

Development Order Conditions of Approval:

1. Development of the site will comply with the following:
  - (a) At least three (3) acres of the project site area will be reserved for open space, as defined in Policy 1.3.25 of the Future Land Use Element of the Comprehensive Plan;
  - (b) Commercial and office (business or professional) development shall not exceed ~~482,952~~ 146,207 square feet;
  - (c) ~~with not~~ No more than 437,214 110,930 square feet of commercial/retail and restaurant uses shall be permitted; and
  - (d) ~~not~~ No less than 31,000 square feet of general office (business or professional) use and medical office use.
  - (e) The allowed square footage for the Commercial, Retail, Restaurant, Medical Office and General Office uses may be exceeded as long as the combined square footage does not exceed a maximum of ~~482,952~~ 146,207 square feet and the overall project complies with mandatory Traffic Performance Standards in place at the time of the request. (PLANNING AND ZONING)
  
2. In order to comply with the mandatory Traffic Performance Standards, No building permits for the site shall be issued after December 31, ~~2015~~ 2021. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (TRAFFIC)
  
3. The Property Owner shall monitor the need for median modifications along Royale Boulevard and fund costs of such modifications as necessary as determined by the Village Engineer. The cost of the modifications shall include all design and construction costs and any required utility relocation and right of

way easement acquisition. No building permits shall be issued until the Property Owner provides acceptable surety to the Village in an amount as determined by an Engineer's Cost Estimate provided by the Property Owner and approved by the Village Engineer. (ENGINEERING)

4. In order to be relieved from requirement #3 and to have the surety posted for the median modifications returned, the Property Owner shall provide written notice to the Village Engineer stating that the final certificate of occupancy has been issued for this development. Determination to be made by the Village Engineer whether median modifications are required within the 24 months from issuance of final certificate of occupancy to either draw upon the surety to design and construct median modifications or release the surety. (ENGINEERING)
5. This project shall be reviewed for compliance with LDR Section 6.5.19.I, more commonly known as the "Big Box Ordinance." (PLANNING AND ZONING)
6. This project shall be reviewed by the Village of Wellington's Architectural Review Board (ARB). (PLANNING AND ZONING)
7. Prior to the issuance of building permits for development generating more than 458 new external PM peak hour trips, which represents 59,000 SF of retail, 8,000 SF of fast food restaurant, 8,000 SF of drive-in bank and 4,500 SF of high turnover restaurant or equivalent uses, applicant shall submit a queuing analysis of the northbound and southbound left turn lanes at the intersection of Stribling Way/SR 7. The analysis will be based on existing count and queuing data at the time of building permit request to determine if the constructed improvements to the SR 7 turn lanes are adequate. If deficiencies are found, improvements shall be required to be designed, constructed, and funded by the applicant to address the deficiencies. (TRAFFIC)
8. Prior to the issuance of building permits for development generating more than 428 new external PM peak hour trips, applicant shall submit a queuing analysis of the eastbound right turn lane at the intersection of Stribling Way/SR 7. The analysis will be based on existing count and queuing data at the time of building permit request to determine if the existing Stribling Way eastbound right turn lane is adequate. If deficiencies are found, the turn lane shall be extended by the applicant including design and construction. (TRAFFIC)
9. The outdoor dining at the high turnover sit-down restaurant (Building "G") shall not be under a fixed structure or permanent canopy if greater than 10% of the overall restaurant. Breakfast service shall not be allowed at Building "G" and Building "I" (Fast Food Restaurant - No Breakfast) and they shall not be open for business before 10:00 am on weekdays. (TRAFFIC)
10. The raised median along Stribling Way shall be extended just east of the western most access drive with "No U Turn" sign posted.
11. No new Building Permits for the development shall be issued until the Property Owner/ Developer makes a Proportionate Share payment of 27.6% of the total cost of adding a south approach left turn lane (making it dual), that includes the

appropriate modifications required for receiving these dual lanes, at the intersection of Stribling Way and SR 7. (TRAFFIC)

12. No new Building Permits for the development shall be issued until the Property Owner/ Developer makes a Proportionate Share payment of 1.85% of the total cost of widening Lyons Road from Southern Boulevard to Forest Hill Boulevard from a 2-Lane facility to a 4-Lane Divided facility. (TRAFFIC)
13. Before receiving the first Certificate of Occupancy, the Property Owner/Developer shall extend the west approach right turn lane on Stribling Way at SR 7 to 670 feet storage plus 50 feet taper. (TRAFFIC)

Conditional Use development order:

1. Design the fast food restaurant sites with a one-way traffic circulation pattern and modify adjacent driving aisles and parking spaces to reinforce the one-way ingress/egress. (PLANNING AND ZONING)
2. No parking shall be allowed along the north/south drive aisle. (PLANNING AND ZONING)
3. Breakfast service shall not be allowed at the 4,272 square feet fast food restaurant (Building "I"). (PLANNING AND ZONING)
4. A maximum of ~~three~~ four (3 4) fast food restaurants with drive-through are allowed. (PLANNING AND ZONING)
5. Medical office, not to exceed 15,000 square feet, shall be permitted within in-line retail Buildings A, B, C and E. Building D shall be permitted to have general office and/or medical office with no limitation on square footage based on type. (PLANNING AND ZONING)
6. Impact fees for Building D shall be calculated based on 50% General Office use and 50% Medical Office use. Once the threshold of 50% Medical Office use is met, additional impact fees shall be collected prior to any additional building permit approvals for tenant buildouts for Building D. (BUILDING)
7. Additional landscape shall be provided for in the south landscape buffer to screen the drive-thru in Building F from view of the Stribling Road right-of-way. Landscape plans shall be reviewed and approved by the Development Review Manager. If determined at the time of installation that the landscaping provided does not provided sufficient screening, the Development Review Manager may require the applicant to install additional landscaping. The buffer shall be required to be maintained in a manner that will provide the visual screening as intended per this development order. (PLANNING AND ZONING)
8. At no point during hours of operation, may the Loading Zone/By-Pass Lane, located south of the proposed fast-food restaurant (Building F-1) be blocked by delivery vehicles or other vehicles. (ENGINEERING)

## **EXHIBIT A**

### **Legal Description**

VILLAGE GREEN CENTER, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 115, PAGES 153 THROUGH 155, INCLUSIVE.

CONTAINING 15.899 ACRES, MORE OR LESS.