

Exhibit K

**Lotis 2 Staff Report (Petition 2022-0001-MP and
2022-0002-CU)**

September 21, 2023

Village of Wellington
Planning & Zoning
12300 Forest Hill Blvd
Wellington, FL 33414

Re: Lotis II

**Justification Statement
Conditional Use Request**

Property Location

The property is located approximately half a mile north of the Forest Hill Blvd & State Road intersection, on the west side of SR 7. It is within the Village of Wellington jurisdiction and identified by property control numbers 73-42-43-27-05-018-0072, 73-42-43-27-05-018-0071 and 73-42-43-27-05-018-0040 and consists of a total of 52.259 acres.

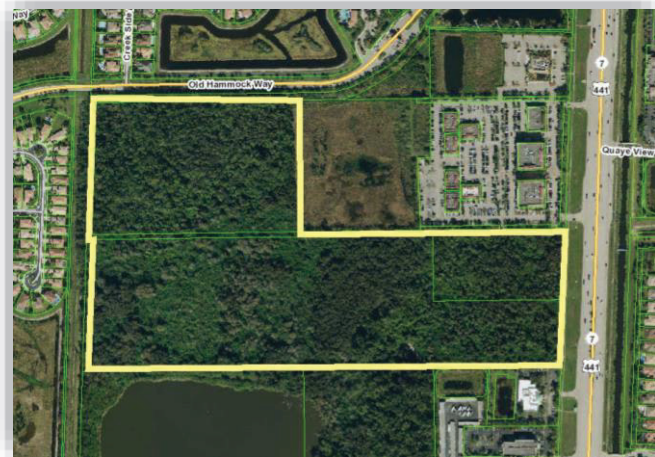


Figure 1: Area Subject to Requests

Property History

In 1973, the Palm Beach County Board of County Commissioners approved a rezoning petition for Parcel 3 from Agricultural (AG) to Public Ownership (PO) Zoning District via Resolution No. 19-73-727.

Parcels 2 and 3 have no prior approvals, however in 1984 parcel 3 was subject to a special exception use approval to



Figure 2: Parcel Designation

allow a Commercial Kennel via Resolution No. 1984-1849. A few years later, the approval was then revoked via Resolution No. 1987-1179. To the best of our knowledge, no prior approvals exist for Parcel 1.

On September 21st, 2022, the Town Council approved a voluntary annexation of the property depicted above via Ordinance No. 2022-26. Then, on December 13th, 2022, the Town Council approved the rezoning from Palm Beach County Public Ownership (PO) and palm Beach County Agricultural Residential (AR) to Village of Wellington's Multiple Use Planned Development (MUPD) Zoning District via Ordinance No. 2022-28 and a Future Land Use Amendment from Palm Beach County Low Residential, 2 units per acre (LR-2) to the Village of Wellington Mixed Use (MU) FLU designation via Ordinance No. 2022-27.

Application Request

The petitioner has submitted this application to request Conditional Use approval to allow an 8,000 sf indoor/outdoor entertainment use and an 18,000 sf (210 kids) daycare use. The petitioner has also submitted applications to request Master Plan approval to allow for a mixed-use development composed of indoor/outdoor entertainment, daycare, single-family and multi-family residential uses. Specifically, the proposed plan includes the following uses:

- 8,000 sf Indoor/Outdoor Entertainment + 36 Miniature Golf Holes
- 18,000 sf Daycare (210 students)
- Townhomes: 72 dwelling units
- Single-family: 100 dwelling units

In regards to the proposed daycare use, the previously approved daycare that is a part of the Lotis I Development will be abandoned. A master plan amendment and site plan amendment have been submitted which includes the removal of the daycare use.

Surrounding Uses

Below are descriptions of the zoning and land uses of the adjacent properties.

North: Multiple parcels within the Village of Wellington. The properties have a Residential 1.01 du/ac - 3.0 du/ac and Office Commercial FLU designations and are located within the Planned Unit Development (PUD) and Multiple Use Planned Development Zoning Districts. These properties currently support a residential community and medical/professional offices.

South: Multiple parcels located in the Village of Wellington. These properties, known as “Lotis at Wellington”, have a Mixed Use (MU) FLU designation and are within the Multiple Use Planned Development (MUPD) Zoning District.

East: State Road 7 right-of-way (ROW).

West: Multiple parcels located in the Village of Wellington that have a Residential 1.01 du/ac-3.0 du/ac FLU designation and are located within the Planned Unit Development (PUD) Zoning District. The properties comprise the Black Diamond residential development.

Proposed Uses

The proposed project is a Mixed Use development, identified in the Village’s Comprehensive Plan, Land Use Element as a *project that may utilize the complete range of uses permitted by the Mixed Use future land use map designation, including the use of 100% of project area for determining maximum residential density*. The proposed design provides an assortment of uses on the proposed MUPD property, which includes indoor/outdoor entertainment, daycare, single-family and multi-family units. The following are the proposed use specifications in order based on the proposed project phasing:

Pod A

- Commercial
 - Indoor/Outdoor Entertainment – 8,000 sf, including 36 miniature golf holes
 - Pro-shop (Retail)
 - Play Area
 - Kitchen
 - Event space
 - Restaurant/Bar
 - Outdoor Dining Area
 - Playground

Pod B

- Commercial
 - Daycare – 18,000 sf, 210 kids

Pod C (C-1 & C-2)

- Residential
 - Townhomes - 72 units
 - Single-Family - 100 units

- Office
 - General Office – 1,030 sf

Pod D

- Conservation w/Public Recreation Dedication
 - Cypress Preserve – 4.24 acres

Pod E (E, E-1, E-2, E-3, E-4, E-5 & E-6)

- Open Space (13.21 acres)
 - Lake/Public Greenway
 - Public Recreation Area

Conditional Use Standards

Pursuant to Article 5, Chapter 3, Section 5.3.7, the applicant shall indicate that the proposed Conditional Use is consistent with Wellington’s Comprehensive Plan and comply with Wellington’s Land Development Regulations & required criteria per the Development Review Manual.

Indoor/Outdoor Entertainment

The proposed plan includes an 8,000 sf, one-story indoor entertainment building with 49,500 sf of outdoor space. The outdoor area will be a miniature golf course area comprised of 36 putting holes. As outlined above, the use will have a pro-shop, play area, kitchen and seating area/event space within the building. The exact size of the kitchen and indoor play areas will be determined during the building permit process, however the retail component will be approximately 1,800 sf and the dining component will have approximately 193 seats. In addition, the hours of operation for the indoor/outdoor entertainment building will be 10 AM to 12 AM Sunday through Thursday and 10 AM to 1 AM Friday and Saturday.

Indoor Building

Pro shop (Retail) – +/- 1,800 sf

Kitchen

Seating Area

Outdoor Area

Bar

Covered Outdoor Dining Area – +/- 3,570 sf

Playground

Miniature Golf Course

Consistency with the purposes, goals, objectives and policies of the Comprehensive Plan

The proposed use is part of a proposed mixed use development which is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan.

Land Use Element

The proposed use is part of a proposed mixed use development which is consistent with Policy 1.3.25 which outlines the intent of the Mixed-Use district. The proposed plan will allow for a range of uses that will facilitate orderly development of the land. The proposed project will provide for infill development in an urban area and bring more balance between uses. The property is situated in a highly accessible area, along SR 7, comprised of large scale commercial and residential uses which allows for connectivity potential between the developments.

The proposed use is part of a proposed mixed use development which complies with Policy 1.3.25.(5), *the minimum land area for a mixed-use project shall be 5 acres*. The proposed development has a land area of 52.259 acres.

The proposed use is part of a proposed mixed use development which complies with Policy 1.3.25.(12), *The maximum floor area ratio shall be 0.50*. The proposed plan adheres to this requirement.

Conservation Element

The proposed conditional use will be consistent with the objectives, goals and policies of the Conservation Element of the Comprehensive Plan. The project site has 38.03 acres of mostly exotic hardwood wetlands that has a heavy exotic plant understory and lacks appropriate hydrology, thus provides little habitat for wildlife and most is small transient mammals.

Recreation & Open Space Element

The proposed conditional use shall be consistent with the objectives, goals and policies of the Recreation and Open Space Element of the Comprehensive Plan as specified in Objectives 1.1 and 1.2. The proposed project will include internal open space within the residential uses and will meet open space standards for the variation of proposed uses. Per Policy 1.2.7, open space areas shall be developed in a way to maximize preservation of existing native vegetation and natural features of the site.

Public School Facilities Element

The proposed conditional use is consistent with the goals, objectives and policies of the Public School Facilities Element of the Comprehensive Plan. As specified in Objective 1.1, the proposed

amendment shall ensure the adopted Level of Service standards are maintained and the facilities can support the potential student growth. The applicant will submit a School Capacity Availability Determination application to Palm Beach County School District.

Compliant with Article 6 of Wellington’s Land Development Regulations

The proposed one-story, 8,000 sf outdoor entertainment building with 36 miniature golf holes complies with the supplementary regulations outlined in Section 6.2.2.7 of Wellington’s ULDC for an outdoor entertainment use, as well as the property development regulations for a MUPD. The minimum lot size for a MUPD is 5 acres which the development complies with by providing approximately 52 acres. The development also complies with the maximum building coverage of 45%.

The proposed indoor/outdoor entertainment will comply with the required parking spaces, as shown below. The required parking ratios listed below are consistent with the parking requirements for a Retail use (1/250 sf) and Restaurant use (1/3 seats) outlined in the Village of Wellington’s ULDC. There is not a parking ratio requirement for a Miniature Golf Course use in the Village’s ULDC. The parking requirement outlined in the Village of Wellington’s ULDC for a golf course is 4 spaces per hole, applicable to standard golf courses which is not comparable to a miniature golf experience.

The proposed miniature golf course is not of the same recreational nature as a traditional golf course. Users of a traditional golf course will often drive as an individual to a course and often plan with a group of four players, each with their own equipment which requires a more inflated parking requirement. Additionally, the time required to play a traditional round of golf is approximately four hours.

The proposed miniature golf course attracts a different clientele, often families and social groups which will often ride in a single vehicle. In addition, the time required to play a round of miniature golf is drastically reduced, allowing faster turn-over of the parking spaces provided. Equivalent facilities located in South Florida utilize a smaller parking ratio than the 1 per hole ratio proposed and are adequately sufficient in the number of provided parking spaces. The parking ratio listed below will allocate sufficient parking spaces towards the Miniature Golf Course component of the Indoor/Outdoor Entertainment use. The final provided parking space number will be determined upon final site plan approval.

| PARKING REGULATIONS | | | |
|------------------------------|-------|----------|----------|
| | Ratio | Required | Provided |
| Indoor/Outdoor Entertainment | | | |

| | | | |
|-----------------------|--------------------------|-----------|-----------|
| Retail (Pro-Shop) | 1/250 sf @ 1,800 sf | 7 spaces | 9 spaces |
| Dining Area | 1/3 seats @ 193 seats | 65 spaces | 90 spaces |
| Miniature Golf Course | 1/hole @ 36 holes | 36 spaces | 36 spaces |

The proposed plan adheres to the setback requirements of the planned development. The applicable setbacks for the outdoor entertainment use are the front setback (east) and side setback (north).

| SETBACK REGULATIONS | | |
|--|----------|-----------|
| | Required | Provided |
| Front | 15' | +/- 35'* |
| Side (North) | 15' | +/- 109'* |
| Side (South) | 30' | N/A |
| Rear | 30' | N/A |
| *Subject to change upon final site plan approval | | |

The proposed use is consistent with the Use Regulations outlined in Section 6.2.2 – Supplementary Standards for Principal Uses, for an Outdoor Entertainment use, as shown below.

- a. A minimum of 200 feet of frontage and primary access is required on an arterial or collector road.*

The proposed use will be part of the Lotis II Mixed Use development which has approximately 660 feet of frontage. The development also has primary access from South State Road 7 / US 441.

- b. Safety fences shall be required around a recreation facility to protect the use of the adjacent property and public safety if deemed necessary.*

The proposed outdoor entertainment use does not pose a threat to public safety or adjacent properties, so s safety fence is not necessary. However, there will be regular fencing to enclose the outdoor area which will be determined during final site plan approval.

- c. All athletic fields shall be setback a minimum of 50 feet and all other recreational areas or*

structures shall be setback a minimum of 100 feet from all property lines.

An athletic field is not part of the development structure for the proposed outdoor entertainment use.

Proposed request will ensure general compatibility with adjacent properties and other property in the district (use and character).

The proposed conditional use will be compatible with the surrounding area and characteristics of other uses along State Road 7/US 441. The proposed use will be part of a mixed use development situated in a highly accessible area, along SR 7, comprised of large scale commercial and residential uses which allows for connectivity potential between the developments.

Proposed request will minimize adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

The proposed conditional use will not have adverse effects on adjacent lands. The proposed use is located along State Rd 7/US 441 and situated in the front of development. The adjacent lands to the north and south are comprised of commercial uses. In addition, the required landscape buffers will be provided to ensure sufficient screening measures.

That satisfactory provisions have been made for public facilities.

The proposed conditional use will be part of a proposed mixed use development which will provide connection to the existing public services and utilities. The applicant has submitted Utility Capacity Determination and Concurrency letters along with this application to ensure adequacy.

The design of the proposed request will minimize environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and natural functioning of the environment.

The proposed use will minimize environmental impact to the subject and surrounding area. The subject site is largely comprised of exotic wetlands and vegetation. In addition, an environmental assessment has been submitted as part of the concurrent master plan application to ensure adequate mitigation efforts are taken.

The proposed request will result in logical, timely and orderly development patterns.

The proposed request shall result in a logical and orderly development pattern. The property is located within an established urban area that contains a variety of mixed uses and neighbors the growing large-scale medical uses in Wellington, along SR 7. The design proposal is also consistent with developments along SR 7, which contain commercial and residential uses. The properties of

which the will be interconnected, the proposed development provides more balance and a variety of uses to the area.

The proposed request complies with all Code standards for use, layout, function and general development characteristics.

As demonstrated above, the proposed conditional use is part of a proposed mixed use development which complies with the standards for uses, layout, function and development characteristics for the zoning district and land use.

The proposed request is not out of scale with the needs of the neighborhood or Wellington.

The proposed conditional use is consistent with the needs of the residents of Wellington and the surrounding area. The use will be compatible with the proposed mixed use development and provide an entertainment amenity for the community.

The proposed request is consistent with the applicable neighborhood plans

The subject site is not located within the boundaries of any neighborhood plans.

Daycare

The proposed plan includes an 18,000 sf, two-story daycare building with a capacity for 210 kids. The facility also provides 8,000 sf of outdoor play area, adjacent to the west side of the building. Additionally, the hours of operation will be 5 AM to 7 PM seven days a week.

According to the 2020 US Census, Palm Beach County is the third largest county in the state, with a 13% growth since 2010. However, this data does not accommodate for the influx of residents that the state and county have experienced during the Covid-19 pandemic and currently. A report from the state's Office of Economic and Demographic Research, revealed that the state gained approximately 330,000 new residents between April 2020 and April 2021. In addition, multiple reports utilizing internal metrics and U.S. Census Bureau data, discovered that Florida was the third most popular place to move in the past year. Specifically, Palm Beach County saw an influx of more than 13,000 new residents. As the County's population continues to grow, the housing demand has drastically risen and consequently the need for childcare.

Consistency with the purposes, goals, objectives and policies of the Comprehensive Plan

The proposed use is part of a proposed mixed use development which is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan.

Land Use Element

The proposed use is part of a proposed mixed use development which is consistent with Policy 1.3.25 which outlines the intent of the Mixed-Use district. The proposed plan will allow for a range of uses that will facilitate orderly development of the land. The proposed project will provide for infill development in an urban area and bring more balance between uses. The property is situated in a highly accessible area, along SR 7, comprised of large scale commercial and residential uses which allows for connectivity potential between the developments.

Conservation Element

The proposed conditional use will be consistent with the objectives, goals and policies of the Conservation Element of the Comprehensive Plan. The project site has 38.03 acres of mostly exotic hardwood wetlands that has a heavy exotic plant understory and lacks appropriate hydrology, thus provides little habitat for wildlife and most is small transient mammals.

Recreation & Open Space Element

The proposed conditional use shall be consistent with the objectives, goals and policies of the Recreation and Open Space Element of the Comprehensive Plan as specified in Objectives 1.1 and 1.2. The proposed project will include internal open space within the residential uses and will meet open space standards for the variation of proposed uses. Per Policy 1.2.7, open space areas shall be developed in a way to maximize preservation of existing native vegetation and natural features of the site.

Public School Facilities Element

The proposed conditional use is consistent with the goals, objectives and policies of the Public School Facilities Element of the Comprehensive Plan. As specified in Objective 1.1, the proposed amendment shall ensure the adopted Level of Service standards are maintained and the facilities can support the potential student growth. The applicant will submit a School Capacity Availability Determination application to Palm Beach County School District.

Compliant with Article 6 of Wellington's Land Development Regulations

The proposed Daycare use is consistent with Article 6, Chapter 2, Table 6.2-1 which outlines the allowable uses within the Multiple Use Planned Development (MUPD) District and sets forth the standards and allowable intensity for commercial uses.

The proposed use is consistent with the Use Regulations outlined in Section 6.2.2 – Supplementary Standards for Principal Uses, for a Daycare, Adult/Children, as shown below.

- a. The minimum lot area shall be at least 6,000 square feet.*

The proposed plan adheres to the minimum lot requirement for a daycare facility.

- b. Minimum floor area for facilities are provided below or shall follow the amount as required by Palm Beach Health Department, whichever is greater:*

The proposed daycare facility will have a maximum capacity of 210 kids, therefore will be adhering to minimum floor area requirements for facilities provided by Palm Beach County Health Department.

- c. Outdoor activity areas:*

- i. An outdoor activity area shall be provided on the same lot as the day care center. It shall not be located in the required front yard or adjacent to any outdoor storage area of any existing adjacent use. Stationary play structures shall be located a minimum of 25 feet from any residential property line and 10 feet from any other property line.*

The proposed outdoor activity area is located directly adjacent to the daycare facility, on the west side of the building.

- ii. A minimum of one (1), 12-foot tall native canopy tree shall be provided or preserved per 750 square feet of outdoor activity area provided. All trees shall be within the interior of the outdoor activity area. Installation of a permanent shade structure up to 75% of the required square footage of canopy shade may be installed and must meet the minimum setbacks of the principal structure.*

The proposed plan will comply with the tree requirements outlined above.

- iii. A six (6) feet high fence or wall shall surround the outdoor activity area.*

A 6' high fence surrounding the outdoor activity area has been provided.

- iv. Landscaping along the perimeter of the outdoor activity area shall include 14 feet tall native canopy trees placed 20 feet on center, and 24 inch high hedge or shrub material placed 24 inches on center. This required landscaping material shall be located on the exterior side of the fence.*

The proposed plan will comply with landscape planting requirements above.

v. *Minimum Outdoor Play Area Size Requirements:*

The proposed plan includes an 8,000-sf outdoor play area adjacent to the daycare facility.

d. *Access, parking and loading shall be provided in accordance with Article 7. Drop-off stalls shall be a minimum 12 feet wide by 20 feet in length.*

Proposed access, parking and loading will comply with the standards outlined in Article 7. In addition, the drop-off stalls shall be 12' x 20'.

e. *A five (5) foot wide walkway adjacent to the drop-off spaces and connecting to the day care entrance shall be provided.*

The proposed plan has provided a 5' wide walkway adjacent to the drop-off spaces, connecting to the daycare entrance.

f. *Child day care centers located in the Flex district shall be designed principally to serve employees of the commerce parks.*

The subject site is not located in the Flex district.

Proposed request will ensure general compatibility with adjacent properties and other property in the district (use and character).

The proposed conditional use will be compatible with the surrounding area and characteristics of other uses along State Road 7/US 441. The proposed use will be part of a mixed use development situated in a highly accessible area, along SR 7, comprised of large scale commercial and residential uses which allows for connectivity potential between the developments.

Proposed request will minimize adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

The proposed conditional use will not have adverse effects on adjacent lands. The proposed use is located along State Rd 7/US 441 and situated in the front of development. The adjacent lands to the north and south are comprised of commercial uses. In addition, the required landscape buffers will be provided to ensure sufficient screening measures.

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The proposed conditional use will be part of a proposed mixed use development which will provide connection to the existing public services and utilities. The applicant has submitted Utility Capacity Determination and Concurrency letters along with this application to ensure adequacy.

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The proposed request complies with all Code standards for use, layout, function and general development characteristics.

As demonstrated above, the proposed conditional use is part of a proposed mixed use development which complies with the standards for uses, layout, function and development characteristics for the zoning district and land use.

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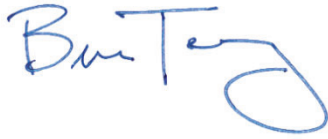
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The proposed request is consistent with the applicable neighborhood plans

The subject site is not located within the boundaries of any neighborhood plans.

Thank you for your consideration of this application. If you have any questions, please don't hesitate to contact me at 561-249-0940.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Terry". The signature is fluid and cursive, with the first name "Brian" and the last name "Terry" clearly distinguishable.

Brian Terry, PLA

Principal

Insite Studio, Inc.