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ORDINANCE NO. 2017-08

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A COMPREHENSIVE PLAN AMENDMENT [PETITION 17-043 (2017-029 CPA6)] TO AMEND THE CONDITIONS OF APPROVAL FOR THE COMMUNITY COMMERCIAL DESIGNATION AND AMENDING THE FUTURE LAND USE MAP NOTATION FOR CERTAIN PROPERTY KNOWN AS VILLAGE GREEN CENTER, TOTALING 15.89 ACRES, MORE OR LESS, LOCATED ON THE NORTHWEST CORNER OF STATE ROAD 7 AND STRIBLING WAY/PIERSON ROAD, APPROXIMATELY ONE (1) MILE SOUTH OF FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; AMENDING THE CONDITIONS OF APPROVAL TO ALLOW MEDICAL OFFICE WITHIN THE USE LIMITATIONS; TO REDUCE THE MAXIMUM ALLOWABLE SQUARE FOOTAGE FOR THE PROJECT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

21 **WHEREAS**, the Council of Wellington, Florida, adopted Ordinance No. 2013-04
22 on April 9, 2013 amended use limitations for the Community Commercial designated
23 property as listed below:
24

- 25 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 | 137,214 square feet* |
| General Office (Business or Professional) | Minimum of 31,000 square feet* |

26 *The allowed square footage for the Commercial, Retail, Restaurant and General
27 Office uses may be exceeded as long as the combined square footage does not
28 exceed a maximum of 182,952 square feet and the overall project complies with
29 mandatory Traffic Performance Standards in place at the time of the request.
30

31 **WHEREAS**, site specific use limitations have been applied to property along
32 State Road 7 to address public facility concurrency requirements, specifically traffic
33 concurrency, as required by Florida Statutes; and
34

35 **WHEREAS**, the site specific limitations have historically required a
36 comprehensive plan amendment to transfer square footage between different uses
37 generally dictated by changes in the commercial market, staff recommends providing
38 flexibility in the development limitations to allow for use square footage transfer provided
39 the development does not exceed the total permitted square footage and meets the

40 current traffic performance standards at the time of the request; and

41
42 **WHEREAS**, the Planning, Zoning and Adjustment Board, sitting as the Local
43 Planning Agency, after notice and public hearing on November 8, 2017, recommended
44 approval of the Comprehensive Plan Amendment with a 6-0 vote; and

45
46 **WHEREAS**, the Council has taken the recommendations from the Local Planning
47 Agency, Wellington staff and the comments from the public into consideration when
48 considering the proposed Comprehensive Plan Amendment; and

49
50 **WHEREAS**, the Council, after notice and public hearing, voted to transmit this
51 proposed amendment to the Florida Department of Economic Opportunity and complied
52 with applicable provisions of the Florida Statutes governing amendments of local
53 Comprehensive Plans.

54
55 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WELLINGTON,**
56 **FLORIDA, THAT:**

57
58 **SECTION 1:** The Future Land Use Map designation for the real property
59 described in Exhibit A will remain as Community Commercial on Wellington's Future
60 Land Use Map. The Future Land Use Map is specifically amended to include the
61 adopted date, ordinance number and project name for the real property described in
62 Exhibit A.

63
64 **SECTION 2:** The Community Commercial Future Land Use Map designation for
65 the real property as described in Exhibit A is subject to the following conditions of
66 approval:

- 67
68 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 | 137,214 <u>110,930</u> square feet* |
| General Office (Business or Professional) <u>and Medical Office</u> | Minimum of 31,000 square feet* |

69 *The allowed square footage for the Commercial, Retail, Restaurant, Medical Office
70 and General Office uses may be exceeded as long as the combined square footage
71 does not exceed a maximum of ~~182,952~~ 146,207 square feet and the overall project
72 complies with mandatory Traffic Performance Standards in place at the time of the
73 request.

74
75 **SECTION 3:** The Manager or designee is hereby directed to amend the
76 conditions of approval for the Village Green Center Community Commercial Future
77 Land Use Map designation and amend the Future Land Use Map notation in
78 accordance with this Ordinance.

79

104 **PASSED** this _____ day of _____, 2017, upon first reading.

105

106 **PASSED AND ADOPTED** this _____ day of _____ 2017, on second and
107 final reading.

108

109 **WELLINGTON**

110

FOR

AGAINST

111

112 BY: _____

113 Anne Gerwig, Mayor

114

115 _____

116 John T. McGovern, Vice Mayor

117

118 _____

119 Michael Drahos, Councilman

120

121 _____

122 Michael J. Napoleone, Councilman

123

124 _____

125 Tanya Siskind, Councilwoman

126

127

128 **ATTEST:**

129

130 BY: _____

131 Chevelle D. Nubin, Village Clerk

132

133

134

135 **APPROVED AS TO FORM AND**
136 **LEGAL SUFFICIENCY**

137

138 BY: _____

139 Laurie Cohen, Village Attorney

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141

142

EXHIBIT A

Legal Description

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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 15.889 ACRES, MORE OR LESS.