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RESOLUTION NO. R2019-43

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A CONDITIONAL USE APPLICATION FOR PETITION NUMBER 18-135 (2018-047 CU1), A CONDITIONAL USE APPLICATION TO ALLOW A DAYCARE OPERATION AT ST. RITA'S CATHOLIC CHURCH, LOCATED ON THE NORTHWEST CORNER OF PADDOCK DRIVE AND BIG BLUE TRACE, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Wellington's Council, pursuant to the authority granted in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider petitions related to zoning and development orders; and

WHEREAS, the subject site has a Future Land Use Map designation of Institutional/Public Facilities/Utilities; and

WHEREAS, the subject site has a Zoning designation of Agricultural Residential/Special Exception/Planned Unit Development (AR/SE/PUD); and

WHEREAS, the Wellington Land Development Regulations (LDR), Article 6, Table 6.8-2, states a day care within a PUD Zoning District requires a Conditional Use approval; and

WHEREAS, the Planning, Zoning and Adjustment Board, after notice and public hearing on August 14, 2019, recommended approval of the Conditional Use with a 7-0 vote; and

WHEREAS, the Council has taken the recommendations from the Planning, Zoning and Adjustment Board, Wellington staff and the comments from the public into consideration when considering the Conditional Use application; and

WHEREAS, the Council has made the following findings of fact:

1. The proposed use is consistent with the Comprehensive Plan;
2. The proposed development results in a logical, timely, and orderly development pattern;
3. The proposed use is compatible with the existing use and surrounding uses;
4. The proposed use complies with the LDR;
5. The proposed request complies with public facility standards; and

48 6. The proposed request complies with all applicable environmental impacts.

49
50 **NOW, THEREFORE, BE IT RESOLVED BY WELLINGTON, FLORIDA'S**
51 **COUNCIL, THAT:**

52
53 **SECTION 1.** The Conditional Use, Petition 18-135 (2018-047 CU1), St. Rita's
54 Catholic Church Daycare, is hereby approved for the following real property as described in
55 Exhibit "A"; subject to the following conditions of approval:

- 56
57 1) The daycare shall be limited to sixty (60) students. Any additional future
58 expansion shall require a modification to the conditional use and approval
59 by Council. (PLANNING AND ZONING)
60
61 2) The hours of operation shall be limited to Monday through Friday from 6:30
62 am to 6:30 pm. (PLANNING AND ZONING)
63
64 3) The church shall obtain all necessary licensing and approval to operate a
65 daycare facility, including a Business Tax Receipt. (PLANNING AND
66 ZONING)
67
68 4) The designated drop-off area on the north side of the parish hall shall not
69 be used for parking. (PLANNING AND ZONING)
70
71 5) The church shall obtain all required Engineering, Utilities, and Building
72 permits for all demolition and construction, including the temporary
73 construction/office trailer. (PLANNING AND ZONING)
74
75 6) Prior to application/approval of the Major Utility Permit, the applicant should
76 verify that the existing double detector check assembly for the existing fire
77 line meets current Wellington Utility Standards. If it is found not to meet
78 current standards, applicant shall upgrade the DDCA with the utility work
79 under the Major Utility Permit application. (UTILITIES DEPARTMENT)
80

81 **SECTION 2.** Should any section, paragraph, sentence, clause, or phrase of this
82 Resolution conflict with any section, paragraph, clause or phrase of any prior Ordinance,
83 Resolution, or municipal Code provision, then in that event the provisions of this
84 Resolution shall prevail to the extent of such conflict.

85
86 **SECTION 3.** Should any section paragraph, sentence, clause, or phrase of this
87 Resolution be declared by a court of competent jurisdiction to be invalid, such decision
88 shall not affect the validity of this Resolution as a whole or any portion or part thereof,
89 other than the part to be declared invalid.

90
91 **SECTION 4.** This Resolution shall become effective immediately upon adoption.
92
93
94

95 **PASSED AND ADOPTED** this _____ day of _____ 2019.

96
97

98 **ATTEST:**

VILLAGE OF WELLINGTON, FLORIDA

99
100

101 By: _____
102 Chevelle D. Nubin, Village Clerk

By: _____
Anne Gerwig, Mayor

103
104

105 **APPROVED AS TO FORM AND**
106 **LEGAL SUFFICIENCY:**

107
108

109 By: _____
110 Laurie S. Cohen, Village Attorney

111

Exhibit A – Legal Description

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118

CHURCH SITE NO. 6 OF WELLINGTON. (P.U.D.) ACCORDING TO PLAT THEREOF,
AS RECORDED IN PLAT BOOK 37, PAGE 139, PUBLIC RECORDS, PALM BEACH
COUNTY, FLORIDA.