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RESOLUTION NO. R2017 - 20

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A DEVELOPMENT ORDER AMENDMENT [PETITION NUMBER 17-044 (2017-030 DOA 2)] 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, APPROXIMATELY ONE (1) MILE SOUTH OF FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO AMEND THE CONDITIONS OF APPROVAL OF THE DEVELOPMENT ORDER APPROVED BY RESOLUTION NO. R2013-15; TO ALLOW A FOURTH FAST FOOD RESTAURANT WITH DRIVE-THROUGH AS A CONDITIONAL USE; AND TO ALLOW MEDICAL OFFICE USE WITHIN BUILDING D AS A CONDITIONAL USE; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Council, as the governing body of Wellington, Florida, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and the Land Development Regulations, as adopted by Wellington, is authorized and empowered to consider petitions related to zoning and land development orders; and

WHEREAS, the notice and hearing requirements as provided in Article 5 of the Land Development Regulations, as adopted by Wellington, have been satisfied; and

WHEREAS, the subject site is located within a Community Commercial Zoning District and has a Community Commercial Future Land Use Map designation; and

WHEREAS, Table 6.4-1 of Wellington's Land Development Regulations (LDRs) states a fast food restaurant with drive-thru and medical office within a Community Commercial Zoning District is a Conditional Use; and

WHEREAS, the Conditional Use to allow a fourth fast food restaurant with drive-thru within Building "F" and medical office use within Building "D" complies with the standards of Section 5.4.4.E. of Wellington's LDRs; and

WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on November 8, 2017, recommended _____ of the Development Order Amendment with a __-__ vote; and

WHEREAS, the Council has taken the recommendations from the Local Planning Agency, Wellington staff and the comments from the public into consideration when considering the proposed Development Order Amendment; and

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

1. Environmental Considerations: There are no environmental issues or concerns.
2. Surrounding Use Considerations: The proposed uses have been found to be compatible

51 with surrounding uses.

52
53 3. Utilities:

The water, sanitary, sewer, and drainage systems meet the code requirements. There are adequate public facilities available to serve the subject site.

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57 4. Concurrency Considerations:

The Wellington Traffic Consultant has determined this project meets the Traffic Performance Standards (TPS) of Wellington.

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61 5. Comprehensive Plan Considerations: The modification requested is consistent with the
62 Comprehensive Plan.

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64 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF WELLINGTON,**
65 **FLORIDA, THAT:**

66
67 **SECTION 1:** The Development Order Amendment [Petition Number 17-044 (2017-030
68 DOA 2)] for Village Green Center is hereby approved on the real property as described in
69 Exhibit A; subject to the conditions of approval contained herein, which are in addition to the
70 general requirements otherwise provided by ordinance.

71
72 **SECTION 2:** The Development Order conditions of approval as adopted by Resolution
73 No. R2013-15 are hereby amended and restated to read as follows:

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75 1. Development of the site will comply with the following:

76 (a) At least three (3) acres of the project site area will be reserved for open
77 space, as defined in Policy 1.3.25 of the Future Land Use Element of the
78 Comprehensive Plan;

79 (b) Commercial and office (business or professional) development shall not
80 exceed ~~482,952~~ 146,207 square feet;

81 (c) ~~with not~~ No more than ~~437,214~~ 110,930 square feet of commercial/retail and
82 restaurant uses shall be permitted; and

83 (d) ~~not~~ No less than 31,000 square feet of general office (business or
84 professional) use and medical office use.

85 (e) The allowed square footage for the Commercial, Retail, Restaurant, Medical
86 Office and General Office uses may be exceeded as long as the combined
87 square footage does not exceed a maximum of ~~482,952~~ 146,207 square feet
88 and the overall project complies with mandatory Traffic Performance
89 Standards in place at the time of the request. (PLANNING AND ZONING)

90 2. In order to comply with the mandatory Traffic Performance Standards, No building
91 permits for the site shall be issued after December 31, ~~2015~~ 2021. A time extension
92 for this condition may be approved by the County Engineer based upon an approved
93 Traffic Study which complies with Mandatory Traffic Performance Standards in place
94 at the time of the request. (TRAFFIC)

95
96 3. The Property Owner shall monitor the need for median modifications along Royale
97 Boulevard and fund costs of such modifications as necessary as determined by the
98 Village Engineer. The cost of the modifications shall include all design and

99 construction costs and any required utility relocation and right of way
100 easement acquisition. No building permits shall be issued until the Property Owner
101 provides acceptable surety to the Village in an amount as determined by an Engineer's
102 Cost Estimate provided by the Property Owner and approved by the Village Engineer.
103 (ENGINEERING)
104

- 105 4. In order to be relieved from requirement #3 and to have the surety posted for the
106 median modifications returned, the Property Owner shall provide written notice to the
107 Village Engineer stating that the final certificate of occupancy has been issued for this
108 development. Determination to be made by the Village Engineer whether median
109 modifications are required within the 24 months from issuance of final certificate of
110 occupancy to either draw upon the surety to design and construct median
111 modifications or release the surety. (ENGINEERING)
112
- 113 5. This project shall be reviewed for compliance with LDR Section 6.5.19.I, more
114 commonly known as the "Big Box Ordinance." (PLANNING AND ZONING)
115
- 116 6. This project shall be reviewed by the Village of Wellington's Architectural Review
117 Board (ARB). (PLANNING AND ZONING)
118
- 119 7. Prior to the issuance of building permits for development generating more than 458
120 new external PM peak hour trips, which represents 59,000 SF of retail, 8,000 SF of
121 fast food restaurant, 8,000 SF of drive-in bank and 4,500 SF of high turnover
122 restaurant or equivalent uses, applicant shall submit a queuing analysis of the
123 northbound and southbound left turn lanes at the intersection of Stribling Way/SR 7.
124 The analysis will be based on existing count and queuing data at the time of building
125 permit request to determine if the constructed improvements to the SR 7 turn lanes are
126 adequate. If deficiencies are found, improvements shall be required to be designed,
127 constructed, and funded by the applicant to address the deficiencies. (TRAFFIC)
128
- 129 8. Prior to the issuance of building permits for development generating more than 428
130 new external PM peak hour trips, applicant shall submit a queuing analysis of the
131 eastbound right turn lane at the intersection of Stribling Way/SR 7. The analysis will
132 be based on existing count and queuing data at the time of building permit request to
133 determine if the existing Stribling Way eastbound right turn lane is adequate. If
134 deficiencies are found, the turn lane shall be extended by the applicant including
135 design and construction. (TRAFFIC)
136
- 137 9. The outdoor dining at the high turnover sit-down restaurant (Building "G") shall not be
138 under a fixed structure or permanent canopy if greater than 10% of the overall
139 restaurant. Breakfast service shall not be allowed at Building "G" and Building "I" (Fast
140 Food Restaurant - No Breakfast) and they shall not be open for business before 10:00
141 am on weekdays. (TRAFFIC)
142
- 143 10. The raised median along Stribling Way shall be extended just east of the western most
144 access drive with "No U Turn" sign posted.
145
- 146 11. No new Building Permits for the development shall be issued until the Property Owner/
147 Developer makes a Proportionate Share payment of 27.6% of the total cost of adding
148 a south approach left turn lane (making it dual), that includes the appropriate

149 modifications required for receiving these dual lanes, at the intersection of Stribling
150 Way and SR 7. (TRAFFIC)
151

152 12. No new Building Permits for the development shall be issued until the Property Owner/
153 Developer makes a Proportionate Share payment of 1.85% of the total cost of
154 widening Lyons Road from Southern Boulevard to Forest Hill Boulevard from a 2-Lane
155 facility to a 4-Lane Divided facility. (TRAFFIC)
156

157 13. Before receiving the first Certificate of Occupancy, the Property Owner/Developer shall
158 extend the west approach right turn lane on Stribling Way at SR 7 to 670 feet storage
159 plus 50 feet taper. (TRAFFIC)
160

161 **SECTION 3:** The Conditional Use development order conditions of approval as adopted
162 by Resolution No. R2013-15 are hereby amended and restated to read as follows:
163

164 1. Design the fast food restaurant sites with a one-way traffic circulation pattern and
165 modify adjacent driving aisles and parking spaces to reinforce the one-way
166 ingress/egress. (PLANNING AND ZONING)
167

168 2. No parking shall be allowed along the north/south drive aisle. (PLANNING AND
169 ZONING)
170

171 3. Breakfast service shall not be allowed at the 4,272 square feet fast food restaurant
172 (Building "I"). (PLANNING AND ZONING)
173

174 4. A maximum of ~~three~~ four (3 4) fast food restaurants with drive-through are allowed.
175 (PLANNING AND ZONING)
176

177 5. Medical office, not to exceed 15,000 square feet, shall be permitted within in-line
178 retail Buildings A, B, C and E. Building D shall be permitted to have general office
179 and/or medical office with no limitation on square footage based on type.
180 (PLANNING AND ZONING)
181

182 6. Impact fees for Building D shall be calculated based on 50% General Office use and
183 50% Medical Office use. Once the threshold of 50% Medical Office use is met,
184 additional impact fees shall be collected prior to any additional building permit
185 approvals for tenant buildouts for Building D. (BUILDING)
186

187 7. Additional landscape shall be provided for in the south landscape buffer to screen
188 the drive-thru in Building F from view of the Stribling Road right-of-way. Landscape
189 plans shall be reviewed and approved by the Development Review Manager. If
190 determined at the time of installation that the landscaping provided does not
191 provided sufficient screening, the Development Review Manager may require the
192 applicant to install additional landscaping. The buffer shall be required to be
193 maintained in a manner that will provide the visual screening as intended per this
194 development order. (PLANNING AND ZONING)
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196 8. At no point during hours of operation, may the Loading Zone/By-Pass Lane, located
197 south of the proposed fast-food restaurant (Building F-1) be blocked by delivery
198 vehicles or other vehicles. (ENGINEERING)

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SECTION 4: Should any section, paragraph, sentence, clause, or phrase of this Resolution conflict with any section, paragraph, clause or phrase of any prior Ordinance, Resolution, or municipal Code provision, then in that event the provisions of this Resolution shall prevail to the extent of such conflict.

SECTION 5: Should any section paragraph, sentence, clause, or phrase of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Resolution as a whole or any portion or part thereof, other than the part to be declared invalid.

SECTION 6: This Resolution shall take effect upon the effective date of the Comprehensive Plan Amendment, Ordinance 2017-08.

PASSED AND ADOPTED this _____ day of _____, 2018.

ATTEST:

WELLINGTON, FLORIDA

BY: _____
Chevelle D. Nubin, Village Clerk

BY: _____
Anne Gerwig, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney

233

EXHIBIT 1

234

Legal Description

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236

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.

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CONTAINING 15.889 ACRES, MORE OR LESS.