



**RECEIVED**  
 By Planning and Zoning at 4:37 pm, Aug 13, 2015

STAFF USE ONLY  
 Intake Date: \_\_\_\_\_  
 By: \_\_\_\_\_  
 Petition # \_\_\_\_\_

**Planning & Zoning**

12300 Forest Hill Blvd., Wellington, FL 33414 (561) 791-4000 [PZApplications@wellingtonfl.gov](mailto:PZApplications@wellingtonfl.gov)

**PART 1: PLANNING AND ZONING GENERAL APPLICATION**

(Completed Part 1 and 2 of the Application is required)

**INSTRUCTIONS:**

1. Date of required pre-application meeting: \_\_\_\_\_
2. Please complete all questions on the application. If not applicable, indicate with N/A.
3. Provide required attachments as shown on the checklist (Part 2)
4. Check the appropriate type of request (Must complete Part 2 of the application specific to your request):

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Administrative Appeal                          | <input type="checkbox"/> Development Order/<br>Amendment/Other         | <input type="checkbox"/> Site Plan/Amendment/<br>Subdivision        |
| <input type="checkbox"/> Administrative Variance                        | <input type="checkbox"/> Easement/Right-Of-Way<br>Vacation Abandonment | <input type="checkbox"/> Special Permit Use                         |
| <input type="checkbox"/> Annexation                                     | <input type="checkbox"/> Master Plan/Amendment                         | <input type="checkbox"/> Unity of Title/Unity of<br>Control/Release |
| <input type="checkbox"/> Architectural Review Board                     | <input type="checkbox"/> Minor Site Plan Amendment                     | <input type="checkbox"/> Variance                                   |
| <input type="checkbox"/> Comprehensive Plan<br>Amendment                | <input type="checkbox"/> Rezoning                                      | <input type="checkbox"/> Zoning Text Amendment                      |
| <input type="checkbox"/> Conditional Use/Compatibility<br>Determination |  | <input type="checkbox"/> Comprehensive Plan<br>Text Amendment       |

Multiple requests may be selected. A completed Part 2 Application for each request shall be submitted with a completed Part 1: Planning and Zoning General Application.

Application Fee: \$ \_\_\_\_\_ (Total fee for all requests)  
 (Note: the application fee is an initial deposit and could be as all above applications are cost recovery.)

**I. PROPERTY OWNER AND AGENT INFORMATION**

Property Owner(s) of Record: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Email Address: \_\_\_\_\_

Applicant (if other than owner): \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Email Address: \_\_\_\_\_

Agent & Company Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Email Address: \_\_\_\_\_

Consultants: If applicable to the request, please attach a separate list of all consultants that will provide information on this request. Include the name, address, telephone number, and fax number as well as the type of professional service provided.

Authorization or Power of Attorney must be attached if applicant is other than owner.

**II. REQUEST**

A. Describe type of request:

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**III. PROPERTY LOCATION**

A. Is the subject property located within one mile of another municipality? [ ] yes [  ] no

If 'yes' please specify: \_\_\_\_\_

B. Property Control Number (PCN): If additional PCNs, list on a separate sheet and attach to the application.

PCN: \_\_\_\_\_

C. Total Acreage of Subject Property \_\_\_\_\_

D. Project Name: \_\_\_\_\_

E. Project Address: \_\_\_\_\_

F. General Location Description (proximity to closest major intersection in miles or fractions thereof):

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**IV. LAND USE AND ZONING INFORMATION**

A. Zoning Designation: \_\_\_\_\_ Future Land Use Designation: \_\_\_\_\_

B. Existing Use(s) on Property: \_\_\_\_\_

C. Proposed Use(s): \_\_\_\_\_

D. Do you have a Zoning Confirmation for this project? If so, please attach \_\_\_\_\_

**V. COMPLIANCE**  
(Attach additional sheets if necessary)

A. Is property in compliance with all previous conditions of approval and/or applicable LDR requirements?

[ ] yes [ ] no. If no, please explain: \_\_\_\_\_

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B. Code Enforcement Case Number(s) \_\_\_\_\_

C. Report on the status of all previous conditions of approval: \_\_\_\_\_

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**VI. PROJECT HISTORY**

N/A - APPLIES VILLAGE-WIDE

List in sequence the last five approvals starting with the most recent.

Petition Number	Request	Action	Date	Resolution/ Ordinance Number

**VII. ADJACENT PROPERTIES**

N/A - APPLIES VILLAGE-WIDE

Adjacent Property to the:	Land Use Designation	Zoning Designation	Existing Use(s) of Property	Approved Use(s) of Property*
SUBJECT SITE				
NORTH				
SOUTH				
EAST				
WEST				

VIII. OWNER/APPLICANT ACKNOWLEDGEMENT

I/We do hereby swear/affirm that I/we am/are the owner(s) of the property referenced in this application.

I/We certify that the above statements or showings made in any paper or plans submitted herewith are true to the best of my/our knowledge and belief. Further, I/we understand that this application, attachments and fee become part of the official record of the Planning & Zoning Department of Wellington and the fee is not refundable. I/We understand that any knowingly false information given by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. I/We further acknowledge that additional information may be required by Wellington in order to process this application.

I/We further consent to Wellington to publish, copy or reproduce any copyrighted document for any third party submitted as part of this application.

I/We, the aforementioned owner(s), do hereby give consent to (Agent/Representatives Name) Richard 'Chip' Carlson Jr., P.A. & Jennifer Vail, WGI to act on my/our behalf to submit this application, all required material and documents, and attend and represent me/us at all meetings and public hearings pertaining to the request(s) and property I/we own described in the attached application. Furthermore, as owner(s) of the subject property, I/we hereby give consent to the party designated above to agree to all terms or conditions that may arise as part of the approval of this application for the proposed use.

Signature(s) of Owner(s): [Handwritten Signature]

Print Name(s): Roger Fina - Village Professional Park, LLC

NOTARY

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 13 day of Aug, 2015 by

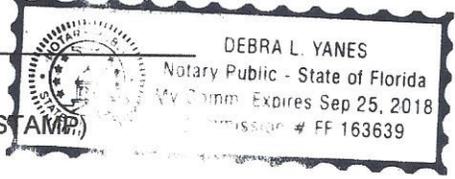
Roger C. Fina. He/She is personally known to me or has produced FL-DL as identification and did/did not take an oath.

[Handwritten Signature]  
(Signature of Notary)

My Commission Expires: \_\_\_\_\_

Debra L. Yanes  
(Name - Must be typed, printed, or stamped)

(NOTARY'S SEAL OR STAMP)



IX. AGENT ACKNOWLEDGEMENT

I/We do hereby swear/affirm that I/we am/are the agent(s) for the property referenced in this application.

I/We certify that the above statements or showings made in any paper or plans submitted herewith are true to the best of my/our knowledge and belief. Further, I/we understand that this application, attachments and fee become part of the official record of the Planning & Zoning Department of Wellington and the fee is not refundable. I/We understand that any knowingly false information given by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. I/We further acknowledge that additional information may be required by Wellington in order to process this application.

I/We further consent to Wellington to publish, copy or reproduce any copyrighted document for any third party submitted as part of this application.

Signature(s) of Agent(s): Jennifer Vail  
Print Name(s): Jennifer Vail - Wantman Group, Inc.

NOTARY

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 17th day of August, 2015 by

Jennifer Vail. She is personally known to me or has produced

Cydy Little as identification and did/did not take an oath.

(Signature of Notary) Cydy Little My Commission Expires: 3-31-18

(Name - Must be typed, printed, or stamped) Cydy Little

(NOTARY'S SEAL OR STAMP) **CYDY LITTLE**  
**NOTARY PUBLIC**  
**STATE OF FLORIDA**  
**Comm# FF108252**  
**Expires 3/31/2018**



<b>STAFF USE ONLY</b> Intake Date: _____ By: _____ Petition # _____
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**Planning & Zoning**

12300 Forest Hill Blvd., Wellington, FL 33414 (561) 791-4000 pzapplications@wellingtonfl.gov

**PART 2: ZONING TEXT AMENDMENT**

**I. SUBMITTAL CHECKLIST**

PLEASE CHECK		
YES	NO	NA
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- a. Provide five (5) copies of the following items:
  - 1. Completed application (Part 1 and Part 2)
  - 2. Completed Justification Statement attached to application.
  - 3. Exact proposed language of Zoning Text Amendment. Include the type of amendment (supplement, modification, repeal) and the sections of the Land Development Regulations that will be affected
- b. Application fee.
- c. Electronic files (PDF, JPEG, Word) of all items on the checklist, including the application, saved with proper corresponding title.

**II. JUSTIFICATION STATEMENT**  
**(Attach five (copies) to Application)**

The applicant shall provide a written Justification Statement to explain how the request conforms to the following:

- A. Reason and need for the requested text change. (Why is the proposed zoning text amendment necessary?)
- B. Reason for the present text being invalid or inappropriate. (State specific evidence or example of the claim.)
- C. Explain how the proposed amendment complies with the objectives and purposes of Wellington's Comprehensive Plan. (With appropriate consideration as to whether the proposed change will further the purposes of these objectives or other Wellington Codes, regulations and actions designed to implement the Comprehensive Plan)



**JUSTIFICATION STATEMENT**  
**Village Professional Park, LLC**  
**Zoning Text Amendment**  
**Village of Wellington, Florida**  
*Initial Submittal: August 13, 2015*

**REQUEST**

Village Professional Park, LLC, a Florida limited liability company, is requesting a Zoning Text Amendment to the Village of Wellington Land Development Regulations (LDRs) to remove the maximum 60 acre land area limitation for the Mixed Use Planned Development District (MXPDP).

The proposed text amendments are explained below:

**Table 6.8.8-23 – Minimum Number of Land Uses in a Mixed Use Development**

Table 6.8.8.23 currently reads as follows:

Number of Acres	Minimum Number of Land Uses
5 - 10	2
More than 10 - 30	3
More than 30 - 60	4

It is proposed to delete the maximum 60 acre land area limitation in Table 6.8.8-23 as follows (amended text underlined):

Number of Acres	Minimum Number of Land Uses
5 - 10	2
More than 10 - 30	3
<u>More than 30</u>	4

**Section 6.8.7.H.2 – Minimum and Maximum Land Area for an MXPDP**

Section 6.8.7.H.2 of the LDRs currently reads as follows:

*“2. Minimum and Maximum Land Area. The minimum land area for a MXPDP shall be five (5) acres and the maximum land area shall be sixty (60) acres.”*

It is proposed to delete the maximum land area limitation of 60 acres. The proposed amended language for Section 6.8.7.H.2 is as follows:

*“2. Minimum Land Area. The minimum land area for a MXPDP shall be five (5) acres.”*

**Table 6.8.8-25 – Maximum Residential Density**

Table 6.8.8-25 contains maximum residential densities for mixed use development based on land area. An extract from the table with the current land area allocations is provided below (the entire table has not been included in order to be more succinct with respect to the proposed change).

Mixed Category / Residential Type	Use	Maximum Residential Density		
		5 – 10 acres	10 – 30 acres	More than 30 - 60 acres

It is proposed to delete the maximum 60 acre land area limitation in Table 6.8.8-25 as follows (amended text underlined):

Mixed Category / Residential Type	Use	Maximum Residential Density		
		5 – 10 acres	10 – 30 acres	<u>More than 30 acres</u>

**JUSTIFICATION**

The Village of Wellington specifies criteria for assessment of a Zoning Text Amendment. The following are the Applicant’s responses to these standards:

**A. Reason and need for the requested text change. (Why is the proposed zoning text amendment necessary?)**

The proposed text amendment is necessary in order to enable mixed use development on parcels greater than 60 acres in area within the Village of Wellington. Retaining the maximum 60 acre limitation will prohibit some properties within the Village from being able to develop as a Mixed Use, where this can be demonstrated that this is the most suitable use of the land.

For example, the proposed Annexation and Mixed Use requested for the Village Professional Park / B & T Farms/ R & J Farms property exceeds 60 acres in land area and could not pursue an MXPZ Zoning even though this is a suitable use for the land.

**B. Reason for the present text being invalid or inappropriate. (State specific evidence or example of the claim.)**

At the time the MXPZ provisions were introduced there was not known to be any property in the Village which exceeded the maximum 60 acre threshold and desired a MXPZ zoning. Any sites which had mixed use options and exceeded 60 acres were developed under the MUPD use, which prevented the inclusion of residential uses.

The proposed annexation of the approx. 10 acre parcel owned by Village Professional Park has identified the limitation of the current LDRs and prevents reasonable development of land with an appropriate use. Strict interpretation of the current LDR requirements could result in piecemeal development, with smaller parcels being excluded from development in order to comply with the maximum 60 acre requirement. The resultant outcome will lead to fragmented development and built form with inadequate integration of land uses.

**C. Explain how the proposed amendment complies with the objectives and purposes of Wellington’s Comprehensive Plan. (With appropriate consideration as to whether the proposed change will further the purposes of these objectives or other Wellington Codes, regulations and actions designed to implement the Comprehensive Plan)**

The proposed text amendment complies with the objectives and purposes of the Comprehensive Plan in that removal of the 60 acre limitation will provide better development outcomes and allow for the creation of land use patterns which provide for integration of uses and well-planned developments. The proposed amendment will discourage piecemeal development of land, promote infill development on parcels of land greater than 60 acres in area and encourage uses which respect the desired character of the area.

**CONCLUSION AND REQUEST**

The proposal meets all statutory requirements for a Text Amendment and the Owner respectfully requests approval of the request.



## Detail by Entity Name

### Florida Limited Liability Company

VILLAGE PROFESSIONAL PARK, LLC

### Filing Information

<b>Document Number</b>	L05000025857
<b>FEI/EIN Number</b>	20-4035807
<b>Date Filed</b>	03/15/2005
<b>Effective Date</b>	03/14/2005
<b>State</b>	FL
<b>Status</b>	ACTIVE

### Principal Address

10321 W ATLANTIC AVE  
DELRAY BEACH, FL 33446

Changed: 03/13/2006

### Mailing Address

10321 W ATLANTIC AVE  
DELRAY BEACH, FL 33446

Changed: 03/13/2006

### Registered Agent Name & Address

FINA, ROGER  
10321 W ATLANTIC AVE  
DELRAY BEACH, FL 33446

Name Changed: 04/28/2008

Address Changed: 04/28/2008

### Authorized Person(s) Detail

#### **Name & Address**

Title MGRM

FINA, ROGER  
10321 W. ATLANTIC AVE.  
DELRAY BEACH, FL 33446

### Annual Reports

Report Year	Filed Date
2013	04/30/2013
2014	04/10/2014
2015	03/05/2015

### Document Images

<a href="#">03/05/2015 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">04/10/2014 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">04/30/2013 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">04/30/2012 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">04/27/2011 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">04/08/2010 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">04/30/2009 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">04/28/2008 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">03/29/2007 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">03/13/2006 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">03/15/2005 -- Florida Limited Liabilites</a>	View image in PDF format

W0189



**SOUTHEAST GUARANTY & TITLE, INC.**  
824 U.S. Highway 1, Suite 345  
North Palm Beach, Florida 33408

2015 02008  
PREPARED BY AND RETURN TO:  
Margaret Jackson, Contract Analyst  
PALM BEACH COUNTY  
PROPERTY & REAL ESTATE MANAGEMENT DIVISION  
2633 Vista Parkway  
West Palm Beach, FL 33411-5605

CFN 20150128624  
OR BK 27457 PG 0001  
RECORDED 04/10/2015 09:36:38  
Palm Beach County, Florida  
AMT 1,150,000.00  
Doc Stamp 8,050.00  
Sharon R. Bock, CLERK & COMPTROLLER  
Pgs 0001 - 2; (2pgs)

PCN 00-42-43-27-05-018-0110  
Closing Date: 3/00/2015  
Purchase Price: \$1,150,000.00

**COUNTY DEED**

This COUNTY DEED, made Feb 3, 2015, by PALM BEACH COUNTY, a political subdivision of the State of Florida, by and through its Board of County Commissioners, whose legal mailing address is 2633 Vista Parkway, West Palm Beach, Florida 33415-5605, "County", and Village Professional Park, LLC, a Florida limited liability company, whose legal mailing address is 10321 West Atlantic Avenue, Delray Beach, Florida 33446, "Grantee".

**WITNESSETH:**

That County, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to Grantee, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida:

See Exhibit "A" attached hereto and made a part hereof.

Reserving, however, unto County, its successors and assigns, an undivided three-fourths (3/4) interest in, and title in and to an undivided three-fourths (3/4) interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half (1/2) interest in all petroleum that is or may be in, on, or under said land. The aforementioned reservation of phosphate, mineral, metals and petroleum rights shall not include, and County hereby expressly releases, any and all rights of entry and rights of exploration relating to such phosphate, mineral, metals and petroleum rights.

IN WITNESS WHEREOF, County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor or Vice Mayor of said Board, the day and year aforesaid.

ATTEST:  
SHARON R. BOCK  
CLERK & COMPTROLLER  
By: Sharon R. Bock  
Deputy Clerk



PALM BEACH COUNTY, a political subdivision of the State of Florida  
By: Shelley Vana  
Shelley Vana, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
By: [Signature]  
Assistant County Attorney

(OFFICIAL SEAL)

**Exhibit "A"**

Tract 11 of Block 18, Palm Beach Farms Company Plat No. 3 as recorded in Plat Book 2, Pages 45 to 54, of the Public Records of Palm Beach County, Florida. The above being the real property described under Tax Certificate Number 817 in the Tax Deed recorded in Deed Book 987 Page 11 of the Public Records of Palm Beach County, Florida.

**Richard W. Carlson, Jr., Esq.**  
2377 Crawford Court  
Lantana, FL 33462-2511  
Phone 561-433-0172  
Cell Phone 561-632-5832  
Email richard.chip.carlson@usa.net

RECEIVED

APR 28 2016

VILLAGE OF WELLINGTON  
PLANNING AND ZONING DEPARTMENT

**JUSTIFICATION STATEMENT**  
**Village Professional Park, LLC**  
**Zoning Text Amendment**  
**Village of Wellington, Florida**  
*Initial Submittal: August 13, 2011*  
*Revised April 27, 2016*

Village Professional Park, LLC, the Applicant, is requesting two Zoning Text amendments to the Village of Wellington Land Development Regulations ("LDR's"). One is to remove the maximum 60-acre size limitation for an MXP, thereby allowing MXP's to be larger than 60 acres. The second is to eliminate the requirement that both Commercial and Office Uses be included in MXP's which are larger than 30 acres.

The two changes will bring more flexibility to the decision-makers in evaluating whether a MXP should be approved, and what form and uses should be established in that particular MXP. Presently the rules flatly limit the discretion of the policy-makers. These limitations not only can be detrimental to a particular MXP, but can be detrimental to the area in which and MXP is proposed and the Village as a whole.

There is absolutely no sound planning principle underlying these two limitations on decision-makers. Removal of the 60-acre cap and the requirement for both Commercial and Office uses does not result in any loss of guiding principles for mixed-use developments. There are adequate guidelines throughout the mixed-use policies of the Comp Plan MXD and the MXP land development regulations without these artificial limitations.

And as to the requirement for both Commercial and Offices uses in an MXP larger than 30 acres, that restriction is found only in the Land Development Regulations. It is not in the Comp Plan.

**Changes Necessary to Eliminate Sixty-Acre Cap.**

Elimination of the sixty-acre cap involves amending the text of Section 6.8.7.H.2, as well as amending two tables – Table 6.8.8-23 and Table 6.8.8-25 - to conform with the text amendment, all of which are set forth below.

Section 6.8.7.H.2 provides:

*"2. Minimum and Maximum Land Area. The minimum land area for a MXP shall be five (5) acres and the maximum land area shall be sixty (60) acres."*

The request is to delete the sixty-acre cap, as follows, with the deleted language shown in ~~strike through~~:

*"2. Minimum Land Area. The minimum land area for a MXPDP shall be five (5) acres and the maximum land area shall be sixty (60) acres."*

Table 6.8.8-23 provides:

Table 6.8.8-23 – Minimum Number of Land Uses in a Mixed Use Development

Number of Acres	Minimum Number of Land Uses
5—10	2
More than 10—30	3
More than 30—60	4

The proposed amendment would provide, as follows (amended text shown in ~~strike through~~):

Table 6.8.8-23 – Minimum Number of Land Uses in a Mixed Use Development

Number of Acres	Minimum Number of Land Uses
5—10	2
More than 10—30	3
More than 30— <del>60</del>	4

Table 6.8.8-25 contains maximum residential densities for mixed use development based on land area. An extract from the table with the current land area allocations is provided below (the entire table has not been included in order to be more succinct with respect to the proposed change).

Table 6.8.8-25  
Maximum Residential Density

Mixed Category/ Residential Type	Use	Minimum Residential Density		
		5-10 Acres	More than 10 Acres to 30 Acres	More than 30 to 60 Acres

The proposed amendment would delete the maximum 60-acre land area limitation in Table 6.8.8-25 as follows (amended text shown in ~~strike through~~):

Table 6.8.8-25  
Maximum Residential Density

Mixed Category/ Residential Type	Use	Minimum Residential Density		
		5-10 Acres	More than 10 Acres to 30 Acres	More than 30 <del>to 60</del> Acres

**Changes Necessary to Eliminate Requirement for Both Commercial and Office Uses.**

As noted above, the requirement for both Commercial and Office land uses is found only in the Land Development Regulations. The Comprehensive Plan – which is the policy-document of the Village – does not require both uses.

Presently, Section 6.8.7.J provides:

6.8.7.J. **Additional Standards.** The following are additional standards affecting land allocations for a MXPDP.

1. Commercial or Office Land Use. Either Commercial or Office land use is required as an element of mixed use development, but not both, *except when a development consists of at least thirty (30) acres. For a development consisting of at least thirty (30) acres, both Commercial and Office land uses shall be required.*

The italicized language is the language added by the LDR’s, and not found in the Comp Plan.

The proposal is to eliminate the italicized language, as follows, with the deleted language shown as ~~strike through~~:

6.8.7.J. **Additional Standards.** The following are additional standards affecting land allocations for a MXPDP.

1. Commercial or Office Land Use. Either Commercial or Office land use is required as an element of mixed use development, but not both, ~~except when a development consists of at least thirty (30) acres. For a development consisting of at least thirty (30) acres, both Commercial and Office land uses shall be required.~~

This change will bring the Land Development Regulations into conformity with exactly what is provided for in the MXD Policy of the Comprehensive Plan.

**JUSTIFICATION**

Both the amendments proposed – elimination of the 60-acre cap and the requirement for both Commercial and Office uses – allow the Village Council to evaluate the full range of merits of a particular MXPDP proposal.

As to the 60-acre cap it is nonsensical to limit the size artificially. In fact, the larger a mixed use development the better it can be planned to accommodate various desired uses. Larger projects allow for a better interrelationship, and synergy, between uses.

Similarly, as to the requirement for both Commercial and Office uses, that rigid approach mandates uses which may not be the most appropriate, desirable, or beneficial to an area. For example, for an area which has a significant amount of office uses, an unbending mandate that additional office uses be provided is not in the public interest. This is particularly true where the proposed mixed-use project is part of an area where interconnectivity is, or will be, provided between the project and adjacent or nearby uses. Instead of mandating more office, for example, the decision should be to tailor the mixed-use project to the unique character of the area, thereby creating a project that, along with the adjacent or nearby uses, creates the synergy which is the cornerstone of mixed-use policies.

The last thing the Village should promote in mixed-use developments is an overabundance of a particular use in an area.

Mandating particular uses that are not desirable is not only sometimes bad planning, it may have the effect of leaving areas unbuilt. If there is no market-demand for a particular use in an area, no matter how much visionary planning is brought to bear, uses which the market does not warrant won't get built, and perhaps not even pursued.

**Wellington Zoning Text Amendment Criteria.** The Village of Wellington specifies criteria for assessment of a Zoning Text Amendment. There are three criteria, each of which is set below in bold font, followed with the response to each criterion.

**Reason and need for the requested text change. (Why is the proposed zoning text amendment necessary?)**

As outlined above, the amendments are needed to provide the decision-makers – the Village Council – with the ability to make decisions not based on, or limited by, unbending rules, but on the particular merits of a proposed MXP. Absent the flexibility provided by the amendments, a particular area which lends itself to being planned and approved as a MXP would be proscribed, and uses which are not in the best interest of the Village, might be mandatory.

In the case of the proposed Village Lake Center (fka Village Professional Park) the Village would be precluded from including in the MXP the recently-annexed property which is adjacent to, and planned and designed to be part of, the MXP. This is utterly nonsensical. Moreover, office uses are the predominate use in the immediate area of Village Lake Center. By requiring office uses, the Village might end up with partial development. Also, as to the Village Lake Center, it is being planned with interconnectivity both to the existing office uses to the south and future uses to the north. And that interconnectivity will continue through the vacant property immediately to the north and into the Wellington Reserve Office Park, which has a mix of uses, including office uses. Providing for the flexibility to allow the Village Council to approve uses other than office uses provides the opportunity to include uses which may be more beneficial to the entire interconnected area than more office uses. Note that removing the requirement for both Commercial and Office is not a mandate. It does not preclude the ability to provide for both these uses.

**B. Reason for the present text being invalid or inappropriate. (State specific evidence or example of the claim.)**

The current provisions are part of an extraordinarily detailed set of provisions which limit flexibility. While detail assists the decision-makers in understanding the goals of mixed-use developments,

establishing unbending requirements that don't allow consideration of what might be clearly better planning is nonsensical. It is likely that at the time the MXPDP provisions were introduced, there was not known to be any property under single ownership (other than K-Park) in the Village which exceeded the maximum 60-acre threshold. And as to mandating both Commercial and Office uses, the unbending rule does not allow for appropriate consideration of an area outside of the boundaries of a proposed MXPDP.

Not adopting these proposed amendments could result in piecemeal development, with smaller parcels being excluded from development in order to comply with the maximum 60-acre requirement, and uses which are not appropriate being mandated by unbending rules.

**C. Explain how the proposed amendment complies with the objectives and purposes of Wellington's Comprehensive Plan. (With appropriate consideration as to whether the proposed change will further the purposes of these objectives or other Wellington Codes, regulations and actions designed to implement the Comprehensive Plan)**

The proposed text amendments comply with the goals, objectives, policies, and purposes of the Comprehensive Plan in that removal of the 60-acre limitation will provide better development outcomes and allow for the creation of land use patterns which provide for integration of uses and well-planned developments. The amendment will discourage piecemeal development of land, promote infill development on parcels of land greater than 60 acres in area, and encourage uses which respect the desired character of the area.

Moreover, as to the removal of the requirement for both Commercial and Office uses, the amendment will bring the LDR's into conformance with the exact policy in the MXD land use text.

**Conclusion.** Both proposed amendments create flexibility for the Village and more effectively promote the principles of mixed-use developments, and should be adopted.

Respectfully submitted,



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