

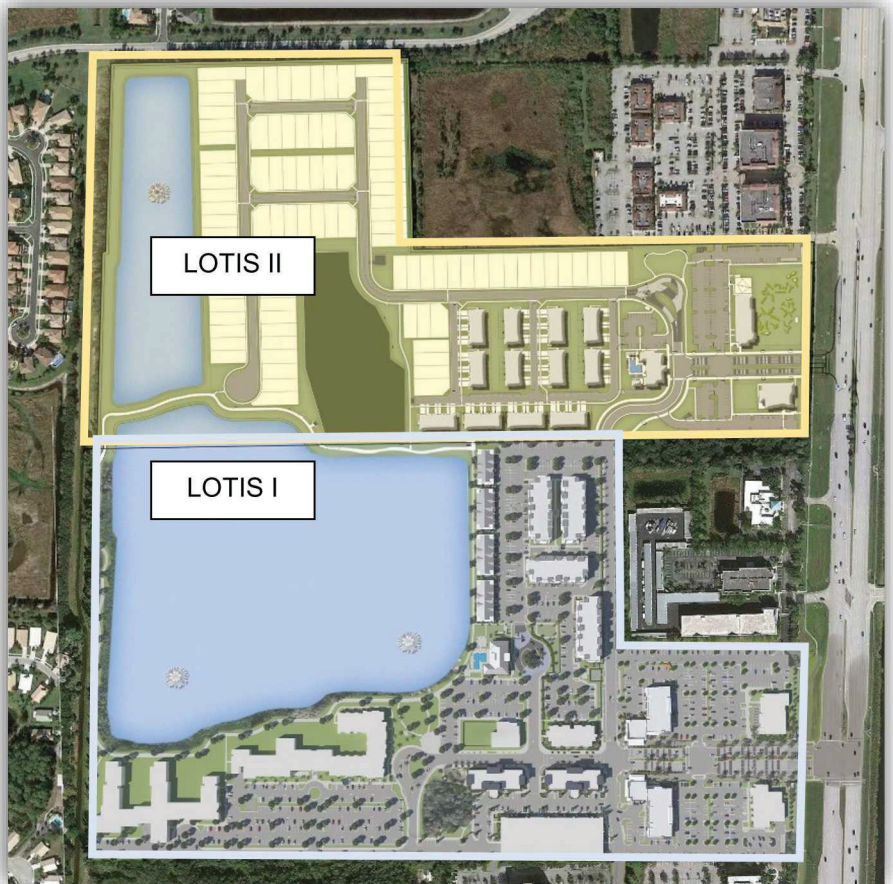
August 21, 2023

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

**Re: Lotis Wellington 2 LLC**  
**Justification Statement**  
**Zoning Text Amendment**

**Background**

The Lotis II project is currently under review for both Master Plan and Site Plan approvals. Lotis II is located directly adjacent to the North of the previously approved Lotis I Mixed-Use Planned Development (MUPD) project as depicted in the image to the right. The proposed Lotis II Mixed-Use Planned Development (MUPD) project is comprised of fee-simple single-family homes; fee-simple townhomes; remote office space; a daycare; an indoor/outdoor entertainment center; a cypress conservation area; public recreation lands; and a civic memorial plaza.



The proposed development program, including the location and percentage land allocation assigned to each use, were determined through a joint evaluation process that considered the following factors:

- Market study
- Environmental surveys, conservation areas and permitting
- Civil engineering requirements for retention/detention, pre-treatment and general drainage
- Physical constraints of the existing site and/or site conditions
- Inclusion of a mix of uses complementary to Lotis I
- Discussions with adjacent property owners concerning uses, locations for those uses, overall project density/intensity, and traffic generation
- MUPD land development regulations

In order to achieve the best plan of development that addresses each of the above areas of consideration, several thresholds within the MUPD Land Development Regulations require minor modification. These proposed modifications neither radically change the pattern of development required under the MUPD nor affect the intent of such regulations. Instead, these minor proposed modifications offer reasonable increased flexibility for larger MUPD developments and brings further consistency to the Code.

### Application Request

The Petitioner is submitting this application to request a Zoning Text Amendment to Section 6.5.6 Multiple Use Planned Use Development of the Village of Wellington's Unified Land Development Code. This request includes slight modifications to two (2) components of this code section, summarized as follows:

- 1) 6.5.6.C: The addition of conservation as a permitted land use within an MUPD; and
- 2) 6.5.6.H: The addition of maximum percentage ranges for a single use within an MUPD up to 60%, subject to Village Council review and approval.

The specific text modifications have been underlined and highlighted as follows:

### **Sec. 6.5.6. Multiple Use Planned Development (MUPD).**

- A. For the purpose of the LDR, there shall be no distinction between MUPD and MXPD. Any property that is designated as MXPD on the official zoning map has been converted to MUPD with the adoption of the official zoning map in 2021. This does not change any entitlement that a property may have with a MXPD designation. This does not give entitlement to a MUPD

that have not already been permitted under the LDR. Historically, residential uses were not listed as a permitted use in a MUPD. All MUPD that have been developed in Wellington contain residential uses. In an effort to rectify the standards that were adopted under Palm Beach County, these two designations will be known as MUPD.

- B. The purpose and intent of the MUPD is to promote the use of a PDD that has a unified design of mixed-uses within a single development. It provides flexibility to encourage distinctive design that results in the efficient use of land, parking, landscaping, open space, access, architectural compatibility, and adaptable space for future uses and sustainability. The intent is also to encourage development or redevelopment of sites that are sensitive to the surrounding uses, achieve the desired character of the community, and maximize the availability of public facilities to serve proposed developments. This designation shall foster infill development, deter urban sprawl, and lessen the need for additional vehicular trips through the internalization of trips within the community or within a neighborhood or project. The criteria established herein is to be used for development of sites designated as MUPD.
- C. The use types permitted in MUPD include a mix residential, commercial, office, civic and/or institutional, **conservation**, and recreation.
1. Residential shall include, but not be limited to, any combination of congregate living facility (Type 1, 2, and 3), loft/residence above a non-residential ground floor use, single-family, and multi-family.
  2. Commercial means a variety of uses, including but not limited to entertainment, hotel, personal services, restaurants, and retail.
  3. Office means a building or buildings used primarily for conducting the affairs or administration of professional businesses and services, organizations, limited light industrial,; or similar activity, including medical office, medical clinic, medical laboratory, and medical research and development
  4. Other uses commonly found in an MUPD include, but are not limited to, biomedical/medical research, laboratories, manufacturing of products not involving raw or processed food or hazardous materials, research and development, colleges/universities, cultural facilities, government offices, assembly, and day care.
  5. Parks means land owned or operated by a governmental entity offering the general public an opportunity to participate in a variety of programmed/active, equestrian, passive, or similar recreational activities.

6. Conservation shall mean land permanently dedicated for preservation of environmental, conservation, and natural resources, including public or private lands protecting such resources.
  7. Open space shall mean land permanently dedicated as common open space within a MUPD, including recreation areas, preservation areas, and water management tracts. For the purposes of this section, if open space is included as a specific use within a mixed-use project, the open space feature or features, including water management tracts, shall be fully integrated as an element of the overall project and shall be designed to enhance the pedestrian, recreational, and visual amenities within the entire MUPD.
- D. A MUPD with a total non-residential gross floor area exceeding 80,000 SF may reduce the parking calculation ratio rate to one space per 500 SF for the amount of gross non-residential floor area above 80,000 SF.
- E. A minimum of 20 percent of parking shall be located to the side or rear of a building.
- F. Entry boulevards with building placement along the boulevard and parking located behind the buildings is encouraged.
- G. Vertical integration of uses shall be part of the design criteria.
- H. The following development regulations regarding use types shall apply to all MUPD:

Gross Acreage	Required Number of Use Types	Maximum Percentage of a Single Use for the District
5—10 acres	2	60%
11—20 acres	3	50%
21—30 acres	4	40%
More than 30 acres	5	30%

1. Council shall approve the percentage allocation of each use type based on the project design and efficient use of land, with a maximum percentage allocation for a single use not to exceed 60% of the total MUPD acreage. In consideration of the percentage allocation of uses, Council shall consider the following factors:
  - i. A market study provided by the applicant/developer, showing the current demand of the use proposed for the project. The project should include one (1) or more uses that is needed in the area as determined by Wellington.
  - ii. Further the intent of a mixed-use district and encourages development of mixed-use adjacent to other mixed-use developments, while providing

- enhanced inter-connectivity of both residential and non-residential uses within the project and with adjacent development(s), that is above any minimum required.
- iii. Provides community benefit(s), open to the public, within the project or off-site on Wellington property that is above any minimum required. Council approval is required for the community benefit(s) as part of the master plan consideration.
  - iv. The project includes at least two (2) facets of sustainable development, that are above any minimum required, such as a renewable energy source (solar/wind power) at least five percent (5%) of the required non-residential and residential common area on-site parking is dedicated to electric vehicle (EV) charging stations; green building design; utilization of recycled materials and/or eco-friendly materials for site and/or vertical construction; water conservation; waste reduction/recycling; etc.

I. MUPD architectural style and design shall be:

1. Designed with an overall unified architectural style approved as part of the overall master plan. Final architectural plan shall be subject to review by the architectural review board (ARB) as provided in this section of these LDR.
2. Pedestrian-oriented, including arcades, overhead weather protection, etc., that connects all ground level activities and provides direct access to any outparcels, sidewalks or other pedestrian amenities including transit facilities, bicycle parking areas, etc.
3. Designed with a central square, plaza, piazza, or similar focal point, with clearly defined pedestrian connections to all activities within the center.
4. Designed to be a combination of one-, two-, and three-story structures, with pedestrian-oriented uses and services on the ground floor and a vertical integration of residential and non-residential uses on the above-ground floors.
5. Designed with external sidewalks and walkways a minimum of ten feet in width, and shall be designed to encourage such uses as outdoor restaurant seating, pedestrian street furniture, and similar amenities.

(Ord. No. 2021-12, § 1(Exh. A), 9-13-2021)

## Zoning Text Amendment Standards

The applicant shall address the standards below for the proposed Zoning Text amendment.

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

The proposed zoning text amendment is required for the following two reasons:

#### **Section 6.5.6 (C)**

- 1) The exclusion of conservation as a land use is inconsistent with the Unified Land Development Code and the Comprehensive Plan; and

Section 6.5.6 (C) of the Unified Land Development Code outlines the permitted uses within an MUPD as follows:

- C. The use types permitted in MUPD include a mix residential, commercial, office, civic and/or institutional, and recreation.*

Below item C, the uses are further elaborated on and the conservation use is included within the list. As such, the conservation use should be identified within item C, as shown below, since conservation use cannot be considered residential, commercial, office, civic, institutional or recreation.

- C. The use types permitted in MUPD include a mix residential, commercial, office, civic and/or institutional, conservation, and recreation.*

Furthermore, it should be noted that the Comprehensive Plan specifically assigns conservation a distinct land use designation, CN, since it is unique in nature and does not overlap with residential, commercial or institutional land uses.

#### **Section 6.5.6 (H)**

- 2) In order to promote code-compliant MUPD developments on tracts with special circumstances, which include physical site constraints and adjacency to previously developed and/or approved parcels, greater flexibility with maximum single-use land allocation percentages is required.

Most of the remaining tracts available for MUPD development are either infill parcels, assemblages, or redevelopment sites. These tracts are rarely homogenous and include numerous physical limitations that shape development patterns. These physical limitations may include irregular shapes; accommodation of historical drainage; environmentally sensitive lands; etc. Therefore, flexible maximum single-use land

allocations support opportunities to develop physically limited parcels with mixed-use (MUPD) development in place of single-use development.

Development of remaining tracts also requires the input of varied stakeholders, including environmental permitting authorities; engineering & public works authorities; adjacent landowners; adjacent businesses; market dynamics; and the developer. Again, flexible maximum single-use land allocations for MUPD's supports creative project designs that can address an increased number of stakeholder concerns.

In addition, potential MUPD tracts are typically adjacent to previously developed and/or approved properties that include both vehicular and pedestrian connections. These connections create "regional-scale" developments in which the individual properties function together as a whole and not as separate, stand-alone developments. As such, flexible maximum single-use land allocations for MUPDs acknowledge this interdependency and that variations in land use may be required to support the overall viability of a series of developments. This position is further supported by Village requirements for market study data during the entitlements process.

The Petitioner is specifically requesting to modify Section 6.5.6 (H) and these modifications, subject to specific special circumstances to be considered by Village Council will allow required flexibility to promote MUPD (mixed-use) development patterns.

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

Section 6.5.6 (C) of the Unified Land Development Code outlines the permitted uses within an MUPD as follows:

*C. The use types permitted in MUPD include a mix residential, commercial, office, civic and/or institutional, and recreation.*

Below item C, the uses are further elaborated on and the conservation use is included within the list. As such, the conservation use should be identified within item C, as shown below, since conservation use cannot be considered residential, commercial, office, civic, institutional or recreation. The exclusion of conservation is inappropriate as it directly conflicts the language of the Unified Land Development Code.

*C. The use types permitted in MUPD include a mix residential, commercial, office, civic and/or institutional, conservation, and recreation.*

Furthermore, it should be noted that the Comprehensive Plan specifically assigns conservation a distinct land use designation, CN, since it is unique in nature and does not overlap with residential, commercial or institutional land uses. The exclusion of

conservation is both invalid and inappropriate as in direct conflict with both the intent and language of the Comprehensive Plan.

Specific sections of text as identified in Section 6.5.6 (H) are also inappropriate as they neglect to recognize the realities of:

- Physical limitations or constraints on properties that include but are not limited to irregular parcel boundaries; required on-site conservation land uses; required on-site drainage infrastructure; and pre-existing features such as borrow pits, large-scale utility easements, etc.
- The actual market demand for uses within specific locations throughout the Wellington market area. Each parcel's access, frontage, adjacent uses, etc. will inform the appropriate mix of uses that can be successful in the market regardless of site acreage.
- Stakeholder input which shapes the overall development patterns
- "Regional-scale" development patterns in which multiple separately approved and/or built-out projects function as a whole due to required vehicular and pedestrian connectivity patterns and land dedications for public recreation and civic uses
- Urban building forms which may be substantially taller in height, as permitted within MUPDs, and as a result require less gross acreage of land to support a specific use type. Alternatively, surrounding building forms that are low in density and scale and require the utilization of more land area of a specific use to ensure compatibility.

**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 addition of Conservation as a permitted land use under MUPD brings this section of the Unified Land Development Code in compliance with the Comprehensive Plan's intentions of establishing Conservation as a stand-alone land use, identified as CN. It also creates consistency within the Unified Land Development Code as previously mentioned.

The inclusion of flexibility for the Village Council to increase permitted percentage ranges for single land uses within an MUPD for MUPD's specifically furthers the intent of Policy LU&CD 1.42 which states:

***Mixed-Use Land Use***

*Apply the Mixed-Use (MU) Land Use designation to new development or redevelopment of existing sites to accommodate a wide range of commercial and residential uses that are*



*interconnected with a complementary mix of uses which are sensitive to the surrounding uses and to the natural environment, create neighborhoods with character, promote a walkable built environment, foster improved social and economic sustainability, and reduce infrastructure costs. Maximum commercial FAR shall not exceed 0.50 and residential density shall not exceed 22 units per acre. The maximum FAR and density is measured for the gross MU acreage.*

The proposed text amendment allows the Village Council the discretion to consider the unique circumstances of a development parcel in context with unique site circumstances adjacent development patterns, market demands, environmental conditions, etc. which accommodates for the most appropriate mix of uses on a case-by-case basis to best serve the residents of the Village. It is not intended that any deviation would allow for an increase in density or intensity that is not already permitted by the Comprehensive plan.

As drafted, additional standards are to be considered by the Council when considering a deviation from the code standard in place as outlined below:

- i. A market study provided by the applicant/developer, showing the current demand of the use proposed for the project. The project should include one (1) or more uses that is needed in the area as determined by Wellington.
- ii. Further the intent of a mixed-use district and encourages development of mixed-use adjacent to other mixed-use developments, while providing enhanced inter-connectivity of both residential and non-residential uses within the project and with adjacent development(s), that is above any minimum required.
- iii. Provides community benefit(s), open to the public, within the project or off-site on Wellington property that is above any minimum required. Council approval is required for the community benefit(s) as part of the master plan consideration.
- iv. The project includes at least two (2) facets of sustainable development, that are above any minimum required, such as a renewable energy source (solar/wind power) at least five percent (5%) of the required non-residential and residential common area on-site parking is dedicated to electric vehicle (EV) charging stations; green building design; utilization of recycled materials and/or eco-friendly materials for site and/or vertical construction; water conservation; waste reduction/recycling; etc.

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

Sincerely,

**Brian Terry, PLA**

Principal

Insite Studio, Inc.