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RESOLUTION NO. PZAB R2017-01

A RESOLUTION OF THE PLANNING, ZONING AND ADJUSTMENT BOARD OF WELLINGTON, FLORIDA, GRANTING A VARIANCE FOR PETITION 17-35 (2017-24 VAR) FROM WELLINGTON'S LAND DEVELOPMENT REGULATION SECTION 6.8.2.G. (TABLE 6.8-6 PUD PROPERTY DEVELOPMENT REGULATIONS) AND SECTION 7.3.10.A.1. (TABLE 7.3-7 WIDTH OF RIGHT-OF-WAY BUFFER STRIPS) FOR CERTAIN PROPERTY KNOWN AS WELLINGTON TOWN SQUARE, LOCATED AT THE SOUTHWEST CORNER OF FOREST HILL BOULEVARD AND SOUTH SHORE BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Land Development Regulations Article 6, Section 6.8.2.G. (Table 6.8-6 PUD Property Development Regulations) requires a minimum 25-foot setback for buildings within a Commercial Land Use Designations/Zoning Districts; and

WHEREAS, the Land Development Regulations Article 6, Section 7.3.10.A.1. (Table 7.3-7 Width of Right-Of-Way Buffer Strips) requires a minimum 25-foot wide Landscape Buffer Strip for ultimate Right-of-Way over 100 feet; 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, at a regular meeting of the Planning, Zoning and Adjustment Board on April 13, 2017, a public hearing was held to hear testimony, review the staff report findings and receive evidence related the request to grant a variance for a proposed CVS Pharmacy building; and

WHEREAS, a quorum of the Planning, Zoning and Adjustment Board was present at the public hearing held on April 13, 2017.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING, ZONING AND ADJUSTMENT BOARD OF WELLINGTON, FLORIDA, AS FOLLOWS:

SECTION 1. After consideration of all testimony, exhibits and review of staff report findings, the Planning, Zoning and Adjustment Board determines the standards for granting a variance as set forth in Section 5.8.5 of Wellington's Land Development Regulations have been satisfied and hereby grants the requested variance for the real property as described in Exhibit 1, subject to the following Conditions of Approval:

1. The proposed CVS Pharmacy:
 - a. Front setback along Forest Hill Boulevard shall be a minimum of 20 feet.
 - b. Right-of-Way Landscape Buffer along Forest Hill Boulevard shall be a minimum of 20 feet wide.

1 c. Variance limit is for the area approximately 150 feet east of the proposed
2 median opening as illustrated on Exhibit 2.
3

4 **SECTION 2:** Should any section, paragraph, sentence, clause, or phrase of this
5 Resolution conflict with any section, paragraph, clause or phrase of any prior Ordinance,
6 Resolution, or municipal Code provision, then in that event the provisions of this
7 Resolution shall prevail to the extent of such conflict.
8

9 **SECTION 3:** Should any section paragraph, sentence, clause, or phrase of this
10 Resolution be declared by a court of competent jurisdiction to be invalid, such decision
11 shall not affect the validity of this Resolution as a whole or any portion or part thereof,
12 other than the part to be declared invalid.
13

14 **SECTION 4:** This Resolution shall become effective immediately upon adoption.
15

16 (Remainder of page intentionally left blank)
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1 **IN WITNESS WHEREOF,**

2
3 The Planning, Zoning and Adjustment Board Chairman has executed this Resolution
4 granting a variance for Petition Number 17-35 (2017-24 VAR) on this 13th day of April,
5 2017.

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7
8 _____
9 Elizabeth Mariaca, Chairman

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11
12 **WITNESS:**

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15 _____
16 Ryan Harding, Planner

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19 **APPROVED AS TO LEGAL FORM**
20 **AND LEGAL SUFFICIENCY**

21
22
23 _____
24 Laurie S. Cohen, Esq., Board Attorney

Exhibit 1

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Legal Description Parent Tract

PARCELS "A", "B" AND "C", PLAT NO. 2 TOWN CENTER OF WELLINGTON - PUD. ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 42, PAGE 35, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

ALL OF PLAT NO. 3 TOWN CENTER OF WELLINGTON - PUD., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 48, PAGE 121, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LONG SITUATE, LYING AND BEING IN THE TOWN OF WELLINGTON, PALM BEACH COUNTY, FLORIDA, AND CONTAINING 597.214 SQUARE FEET OR 13.7101 ACRES, MORE OR LESS.

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