

RESOLUTION NO. R2001-95

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA APPROVING THE PETITION OF THE DIOCESE OF PALM BEACH, INC. FOR A DEVELOPMENT ORDER AMENDMENT FOR THE ORANGE POINT PUD FOR THE PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF LAKE WORTH ROAD AND 120TH STREET, AS DESCRIBED MORE PARTICULARLY HEREIN APPROVING ST. THERESE CATHOLIC CHURCH AS A REQUESTED USE; AND PROVIDING AN EFFECTIVE DATE (1996-3 DOA 2).

WHEREAS, the Village Council, as the governing body of the Village of Wellington, Florida, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and the Palm Beach County Unified Land Development Code, as adopted by the Village of 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 V of the Palm Beach County Unified Land Development Code, as adopted by the Village of Wellington, have been satisfied; and

WHEREAS, the subject site has been approved on the Village of Wellington Future Land Use Map as Residential C and has received a Master Plan designation of Private Civic Pod of a residential Planned Unit Development; and

WHEREAS, the proposed modification was reviewed by the Wellington Planning, Zoning and Adjustment Board at a public hearing conducted on September 6, 2001; and

WHEREAS, the Village Council has considered the evidence and testimony presented by the Petitioner and other interested parties and the recommendations of the various Village of Wellington review agencies and staff; and

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

1. Environmental Considerations: No adverse environmental impacts are reasonably expected to occur as a result of the approval of this request.

2. Surrounding Use Considerations: The proposed amendment will not affect the surrounding uses since the proposed use was contemplated under the original Orange Point PUD development order.

3. Traffic Considerations: The proposed amendment is in compliance with Palm Beach County traffic performance standards and the Village's adopted standard of level.

1 4. Comprehensive Plan Considerations: The proposed development is
2 consistent with all Elements of the Comprehensive Plan.
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4 5. Zoning Considerations: The site property was previously approved as a
5 Planned Development with a private civic Pod to be potentially used in the future as
6 church/school. The proposed amendment will not affect the zoning designations or the
7 proposed uses so it is consistent with the Unified land Development Code.
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10 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE**
11 **VILLAGE OF WELLINGTON, FLORIDA that:**
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13 **SECTION 1.** The Development Order Amendment 1996-3 DOA 2, the petition of
14 Kevin McGinley, Agent for Diocese of Palm Beach, Inc., Owner, to allow the requested use of
15 a church or house of worship within the Private Civic Pod "D" of Section 26 of the Orange
16 Point PUD is hereby APPROVED on the following described real property, subject to the
17 conditions of approval contained herein, which are in addition to the general requirements
18 otherwise provided by ordinance:
19

20 LEGAL DESCRIPTION:
21

22 A PARCEL OF LAND LYING IN SECTION 26, TOWNSHIP 44 SOUTH, RANGE 41 EAST,
23 PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY
24 DESCRIBED AS FOLLOWS:
25

26 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26; THENCE
27 SOUTH 02°03'45" WEST ALONG THE WESTERLY LINE OF SAID SECTION 26, A
28 DISTANCE OF 50.00 FEET; THENCE SOUTH 88°27'36" EAST ALONG A LINE 50.00
29 FEET SOUTH OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID SECTION 26,
30 A DISTANCE OF 233.39 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE
31 INTERSECTION OF THE EASTERLY LINE OF A 50.00 FOOT WIDE ACME DRAINAGE
32 DISTRICT CANAL RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORD BOOK 1921,
33 PAGE 1331, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE
34 SOUTHERLY LINE OF A 50.00 FOOT WIDE ACME DRAINAGE DISTRICT CANAL
35 RIGHT-OF-WAY AS RECORDED IN DEED BOOK 1037, PAGES 686 THROUGH 692,
36 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE CONTINUE SOUTH
37 88°27'36" EAST ALONG SAID SOUTHERLY LINE OF ACME DRAINAGE DISTRICT
38 CANAL RIGHT-OF-WAY, A DISTANCE OF 1178.54 FEET TO THE NORTHWEST PLAT
39 CORNER OF THE ISLES OF WELLINGTON PLAT NO. 1; THENCE SOUTH 43°27'36"
40 EAST ALONG THE WEST LINE OF THE ISLES OF WELLINGTON PLAT NO. 1 AS
41 RECORDED IN PLAT BOOK 85, PAGES 87 THROUGH 96, PUBLIC RECORDS OF PALM
42 BEACH COUNTY, FLORIDA, A DISTANCE OF 35.36 FEET; THENCE SOUTH 01°32'24"
43 WEST, CONTINUING ALONG THE AFORESAID WEST LINE OF THE ISLES OF
44 WELLINGTON PLAT NO. 1, A DISTANCE OF 1379.70 FEET TO THE SOUTHWEST
45 CORNER OF THE ISLES OF WELLINGTON PLAT NO. 1, SAID POINT ALSO BEING THE
46 NORTHEAST CORNER OF THE ISLES OF WELLINGTON PLAT NO. 3, AS RECORDED
47 IN PLAT BOOK 88, PAGES 91 THROUGH 96, PUBLIC RECORDS OF PALM BEACH
48 COUNTY, FLORIDA; THENCE NORTH 88°27'36" WEST, ALONG THE NORTHERLY

1 PLAT BOUNDARY OF THE SAID ISLES OF WELLINGTON PLAT NO. 3, A DISTANCE OF
2 1277.72 FEET TO A POINT ON SAID EASTERLY LINE OF ACME DRAINAGE DISTRICT
3 CANAL RIGHT-OF-WAY, SAID POINT ALSO BEING THE NORTHWEST PLAT CORNER
4 OF THE ISLES OF WELLINGTON PLAT NO. 3; THENCE NORTH 04°33'46" EAST
5 ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1406.66 FEET TO
6 THE POINT OF BEGINNING.

7
8 CONTAINING 40.000 ACRES MORE OR LESS.

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10 Conditions of Approval:

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12 1. This approval is based upon a conceptual site plan entitled "St. Therese,
13 Prepared for Catholic Diocese," prepared by Land Design South, dated revised 8-28-01 and
14 consisting of 1 sheet. This PUD amendment approval in no way is to be construed as
15 approval of the conceptual site plan for Phase I development which must receive a
16 separate administrative approval from the Village in the future.

17
18 2. The petitioner shall comply with all previous conditions of approval for the Orange
19 Point Planned Unit Development unless expressly modified herein.

20
21 3. Section 3.1. of Resolution No. R99-85 is amended to read:

22
23 3.1. ~~Pod "D" has been modified from an 11.66 acre, 51 DU single family site to a~~
24 ~~40-acre Private Civic site (potential church/school site). The proposed 40-~~
25 ~~acre Pod "D" will have a 15-foot buffer along the east side adjacent to Pod "D-~~
26 ~~1." A 50-foot landscape buffer, a 6-foot wall, and an additional 15-foot~~
27 ~~landscape buffer shall separate proposed Pod "D" from Pod "G" to the south.~~
28 ~~Access to the proposed Pod "D" will be from Lake Worth Road or by the~~
29 ~~easement located to the west side of proposed Pod "D." Access to Pod "D"~~
30 ~~has been eliminated from the internal access road of Orange Point P.U.D.,~~
31 ~~Section 26. The 3.7-acre water body originally identified between Pod "D" and~~
32 ~~Pod "G," and the 1.5-acre water body within Pod "D" has been eliminated. No~~
33 ~~traffic analysis has been conducted or approved which includes this parcel~~
34 ~~and use, and therefore no permits or other approvals may be issued for this~~
35 ~~parcel without a public hearing and approval by the Village Council with a~~
36 ~~finding of consistency with the Palm Beach County Traffic Performance~~
37 ~~Standards and other Development Order Amendment review criteria at a later~~
38 ~~date.~~

39 a. The development program for Pod "D" (a.k.a. the Private Civic parcel) in
40 Section 26 has been modified to include two (2) phases. Phase I consists
41 of 26,800 square feet of church use facilities on no more than 3.24 acres
42 along the north Pod boundary. The requested use for a church or house
43 of worship is approved on the Phase I site for a limited duration not to
44 exceed six (6) years from the date of Certificate of Occupancy. Two 1-
45 year administrative extensions beyond the 6-year limit may be granted in
46 writing by the Village provided the property owner demonstrates progress
47 toward permanent church planning, funding, and construction.
48

1 b. Construction of a permanent church or house of worship will require
2 development order amendment approval. If such approval is not received
3 within the six (6) year period, the subject facilities approved in Phase I
4 must be completely removed from the site at developer expense.

5
6 c. Phase II consists of the redevelopment of the Phase I land and future
7 development of the remaining 36.76 acres of the subject parcel; however,
8 no specific uses are currently approved for this phase. Future
9 development of any portion of the Phase II will require approval by the
10 Village Council of a development order amendment to the Orange Point
11 PUD specifying the proposed use and intensity of development. Any future
12 development program proposed as a future PUD amendment for Phase II
13 must encompass the entire 40-acre site, including the coordinated
14 redevelopment of Phase I. At that time, an internal access between the
15 Private Civic parcel and the remainder of Orange Point PUD Section 26
16 shall be reestablished to relieve external traffic congestion.

17
18 4. All development on the 40-acre Private Civic (Pod "D") site shall adhere to the
19 following buffer requirements:

- 20
21 a. A minimum 15-foot wide landscape buffer area will be provided along the
22 entire eastern boundary adjacent to Pod "D1."
23
24 b. A minimum 50-foot wide landscape buffer, a 6-foot wall, and an additional
25 15-foot landscape buffer shall separate Pod "D" from Pod "G" to the south.
26
27 c. A minimum 20-foot wide Type 'D' landscape buffer will be installed along
28 the entire Pod "D" north frontage on Lake Worth Road as part of Phase I
29 development.
30
31 d. A visual transition buffer will be installed along the north 350 feet of the
32 west property boundary of Pod "D" in Phase I.

33
34 The east and south buffers may be penetrated for the purpose of
35 establishing internal PUD access in Phase II.
36

37 5. The Master Plan for Pod "D" (a.k.a. Private Civic parcel) which incorporates this
38 approval is entitled "Orange Point PUD (a.k.a. The Isles of Wellington) Prepared for Lennar
39 Homes, Village of Wellington, Florida, Master Plan for Section 26" prepared by Land Design
40 South, consisting of one sheet and dated last revised 8-28-01. Prior to final Master Plan
41 certification, Note #2 on the Master Plan shall be amended to reflect the conditions of this
42 approval.
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44 **SECTION 2.** This Resolution shall become effective immediately upon adoption.
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1 PASSED AND ADOPTED this 11th day of September, 2001.

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4 ATTEST:

VILLAGE OF WELLINGTON, FLORIDA

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7
8 BY:

Awilda Rodriguez
Awilda Rodriguez, Village Clerk

BY:

Thomas M. Wenham
Thomas M. Wenham, Mayor

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12 APPROVED AS TO FORM AND
13 LEGAL SUFFICIENCY

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17 BY:

Christine P. Tatum
Village Attorney