

ORDINANCE NO. 2014-20

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING THE SITE SPECIFIC MIXED USE FUTURE LAND USE MAP DESIGNATION (PETITION NUMBER 2013-64 CPA 2) FOR CERTAIN PROPERTY KNOWN AS ISLA VERDE OF WELLINGTON, TOTALING 53.57 ACRES, MORE OR LESS, LOCATED ON THE EAST SIDE OF STATE ROAD 7 AND APPROXIMATELY 1/2 MILE NORTH OF FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO INCREASE THE ALLOWED RESIDENTIAL UNITS FROM 230 TO 360 DWELLING UNITS, UPDATE THE FUTURE LAND USE MAP DESIGNATION TO THE CURRENT MIXED USE (TYPE 1) DESIGNATION AND DESIGNATE THE MAXIMUM DEVELOPMENT THRESHOLD; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Council of Wellington, Florida, previously adopted Ordinance No. 2003-17 on October 26, 2004 to establish a Mixed Use Future Land Use Map designation for this property; and

WHEREAS, the Wellington Comprehensive Plan Mixed Use future land use designation Policy 1.3.25.(4) requires the site specific Mixed Use Type be designated and Policy 1.3.25.(15)e. requires the site specific maximum development threshold be designated; and

WHEREAS, the Wellington Comprehensive Plan Mixed Use future land use designation Policy 1.3.25.(15)f. requires substantive change to a site specific Mixed Use future land use designation be considered a Comprehensive Plan Amendment; and

WHEREAS, on May 7, 2014, the Planning, Zoning & Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing, has considered amending the site specific Mixed Use Future Land Use Map designation for the property which is the subject of this Ordinance and has submitted its recommendation to the Council; and

WHEREAS, the Council has taken the recommendations from the Local Planning Agency, Wellington staff, the Petitioner and comments from the public into consideration when considering amending the site specific Mixed Use Future Land Use Map designation for the property, which is the subject of this Ordinance; and

WHEREAS, the Council, after notice and public hearing, voted to transmit the proposed amendment (Ordinance 2014-20) to the state land planning agency for written comment; and

WHEREAS, Wellington has held all duly required public hearings in accordance

with Section 163.3184(3), Florida Statutes; and

WHEREAS, Wellington has otherwise complied with applicable provisions of the Florida Statutes governing amendments of the Comprehensive Plans.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WELLINGTON, FLORIDA, THAT:

SECTION 1: The Wellington Comprehensive Plan Future Land Use Map designation for the property described in Exhibit 1 is hereby established as Mixed Use Type 1. The Mixed Use Future Land Use Map designation for this property previously adopted by Ordinance No. 2003-17 is hereby abandoned.

SECTION 2: The development/use of the property as described in Exhibit 1 shall be subject to the site specific conditions contained herein, which are in addition to the general requirements otherwise provided by ordinance:

1. The project shall be developed consistent with the Master Plan (Exhibit 2) and limitations presented below:

LAND USE TYPE*	INTENSITY/DENSITY LIMITATIONS
Conservation	Minimum 3.56 Acres (6.64 %) Preserve Area
Open Space	Minimum 6.62 Acres (12.37 %) Lakes and Tract L3
Commercial	Maximum 210,000 Sq. Ft. Retail/Commercial** 22.91 Acres (42.77 %)
Residential	Maximum 360 multi-family rental units 20.48 Acres (38.22 %)

* This project shall contain a minimum of four (4) land use types.

**The commercial portion may also contain restaurant, personal service, professional office and medical office uses.

2. The buildings within the residential portion shall obtain National Association of Home Builders (NAHB) Silver or higher rating. The Village's Planning and Zoning, Building, Engineering and Utilities permitting process shall be expedited for the residential portion in accordance with Land Development Regulations (LDR) Section 5.1.17. as it relates to LEED developments.
3. This Mixed Use project shall include interconnecting pedestrian ways and plazas. The vehicular and pedestrian connections on the Master Plan (Exhibit 2) are required. The central pedestrian plaza connecting the commercial and residential portion is required to reduce internal vehicular traffic and shall create an open space connection that is safe for pedestrians.

SECTION 3: The Manager is hereby authorized and directed to transmit this comprehensive plan amendment to the state land planning agency pursuant to Section 163.3184(3), Florida Statutes.

1
2 **SECTION 4:** The Manager is hereby directed to amend the Wellington Future
3 Land Use Map to include an adopted date and ordinance number in accordance with
4 this Ordinance.
5

6 **SECTION 5:** Should any section paragraph, sentence, clause, or phrase of this
7 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
8 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,
9 other than the part to be declared invalid.
10

11 **SECTION 6:** Should any section, paragraph, sentence, clause, or phrase of this
12 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
13 ordinance, resolution, or Municipal Code provision; the provisions of this Ordinance
14 shall prevail to the extent of such conflict.
15

16 **SECTION 7:** The effective date of this plan amendment, if the amendment is not
17 timely challenged, shall be 31 days after the state land planning agency notifies the
18 local government that the plan amendment package is complete. If timely challenged,
19 this amendment shall become effective on the date the state land planning agency or
20 the Administrative Commission enters a final order determining this adopted
21 amendment to be in compliance. No development orders, development permits, or land
22 uses dependent on this amendment may be issued or commence before it has become
23 effective. If a final order of noncompliance is issued by the Administrative Commission,
24 this amendment may nevertheless be made effective by adoption of a resolution
25 affirming its effective status, a copy of which resolution shall be sent to the state land
26 planning agency.
27

28 (The remainder of this page left intentionally blank)
29

1 **PASSED** this ____ day of _____, 2014 upon first reading.

2
3 **PASSED AND ADOPTED** this ____ day of _____ 2014, on
4 second and final reading.
5

6
7 **WELLINGTON**

8 **FOR**

9 **AGAINST**

10 BY: _____

11 Bob Margolis, Mayor

12
13 _____
14 John Greene, Vice Mayor

15
16 _____
17 Matt Willhite, Councilman

18
19 _____
20 Howard K. Coates, Jr., Councilman

21
22 _____
23 Anne Gerwig, Councilwoman
24

25
26 **ATTEST:**

27
28 BY: _____

29 Awilda Rodriguez, Clerk
30

31 **APPROVED AS TO FORM AND**
32 **LEGAL SUFFICIENCY**

33
34 BY: _____

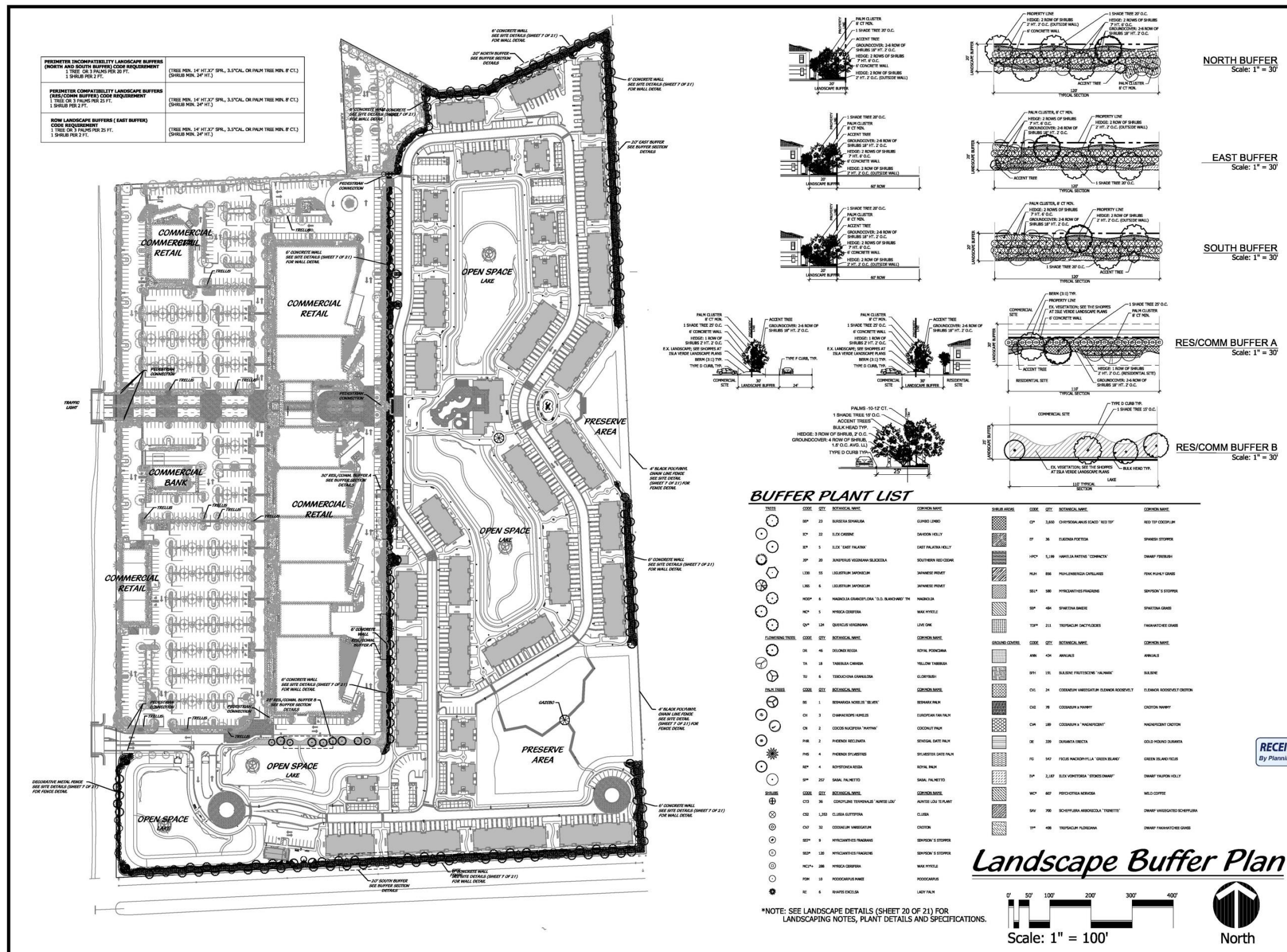
35 Laurie Cohen, Village Attorney
36

EXHIBIT 1
Legal Description

ALL OF ISLA VERDE OF WELLINGTON RESIDENTIAL REPLAT, ACCORDING TO
THE PLAT THEREOF RECORDED IN PLAT BOOK 115, PAGE 69 OF THE PUBLIC
RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

ALL OF ISLA VERDE OF WELLINGTON COMMERCIAL REPLAT, ACCORDING TO
THE PLAT THEREOF RECORDED IN PLAT BOOK 115, PAGE 62 OF THE PUBLIC
RECORDS OF PALM BEACH COUNTY, FLORIDA.



**Cotleur
Hearing**

Landscape Architecture
Planning
Environmental Consulting
Graphic Design

1934 Commerce Lane
Suite 1
Jupiter, Florida 33458
561-747-8336 Fax-747-1377

Verde Residential
Wellington Isles, LLC
Village of Wellington, Florida

RECEIVED
By Planning and Zoning at 5:13 pm, Mar 20, 2014

DESIGNED	DEH
DRAWN	RW
APPROVED	DEH
JOB NUMBER	04-1216.03
DATE	10-17-13
REVISIONS	02-13-14
	03-20-14

March 14, 2014 9:26:54 a.m.
Drawing: 041216.03 LB.DWG

SHEET 2 OF 3

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RESOLUTION No. 2011-35

Use Limitations

1. The project will be developed consistent with the use limitations presented below:

PROPOSED USE	NUMBER OF ACRES	USE	SIZE LIMITATIONS
Conservation	3.55	Preserve Area	Not less than 3.25 acres*
Open Space	6.92	Open Space	Not less than 6.60 acres*
Commercial	22.92	Retail / Commercial	Not more than 210,000 square feet
Residential	20.48	Single-family Townhouse Multi-family Dwelling Units	Not more than 400 townhouse 250 multi-family dwellings

*Acres adjusted for consistency with previous approvals, Isla Verde at Wellington as recorded in Plat Book 100 Pages 132 through 138 and to reflect the 1.06-acre transfer.

2. The commercial portion of the MUPD may contain restaurant, personal service, professional office and medical office uses, in addition to retail and commercial uses.
3. The Isla Verde shall be constructed in substantial compliance with the master plan, included as Exhibit "B". Any amendment to the master plan shall be subject to the requirement of Policy 12.53 of the Land Use Element of the Comprehensive Plan.

General Requirements

4. The Future Land Use Map shall be amended within 60 days after adoption of the compliance agreement to clearly identify Isla Verde parcel as subject to the specific requirements of Ordinance 2003-17.
5. Any business operating more than 18 hours per day shall be located at least 200 feet from a dwelling unit, measured from the closest building points of each affected structure.
6. Garbage and recycling pickup for the commercial portion of the MUPD shall not occur between the hours of 9:00 PM and 7:00 AM.
7. Deliveries for the commercial portion of the MUPD shall not occur between the hours of 10:00 PM and 7:00 AM.
8. There shall be no idling of delivery or similar vehicles on the commercial portion of the MUPD between the hours of 10:00 PM and 7:00 AM.
9. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except in designated loading and delivery areas and subject to the requirements affecting idling vehicles.

development order must have as a condition the completion of the assured construction and timely posting of performance security. (Palm Beach County Traffic Division)

32. No building permits shall be issued after December 31, 2007, unless a time extension has been approved by the County Engineer's Office based upon an approved traffic study, which complies with the mandatory Traffic Performance Standards in place at the time of the request. Palm Beach County Traffic Division)

33. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer and FDOT at the project entrance and State Road 7. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition. Building Permits for more than 18,000 square feet of retail shall not be issued until the Property Owner provides acceptable surety in the form of a cash bond or escrow agreement to the Palm Beach County Traffic Division in an amount as determined by the Director of the Palm Beach County Traffic Division. (Palm Beach County Traffic Division)

34. In order to be relieved from this requirement and to have the surety posted for the traffic signal at the project entrance and State Road 7 returned, the Property Owner shall provide written notice to the Palm Beach County Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the project entrance and State Road 7. Or the Property Owner shall provide written documentation to the Traffic Division that the property has been sold and that a replacement surety has been provided to the Palm Beach County Traffic Division by the new Property Owner. The Palm Beach County Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or release the surety. (Palm Beach County Traffic Division)

35. Construct south approach right turn lanes on State Road 7 at both entrances to the development. Additional Right-of-Way may also be required for the construction of these turn lanes. (Palm Beach County Traffic Division)

36. Construct south approach and north approach left turn lanes at the project's north entrance on State Road 7. This is not an existing median opening, and although the south approach turn lane will not directly benefit this project, it will be required in order to provide a full median opening at this location. Palm Beach County Traffic Division)

Additional Conditions

37. Amend Conditions 10, 28, 29, 30, and 33 as contained in this staff report and in the draft resolution dated July 5, 2007 (as adopted in Resolution No. R2007-86).
38. The residential portion and related infrastructure are hereby designated as Phase 2 of the MUPD.

10. All delivery and loading areas built to accommodate semi-trucks, tractor trailers, moving vans, etc., shall be screened from view by a combined 30-foot internal (residential/commercial) landscape buffer consisting of a minimum four-foot high berm and eight-foot high concrete panel wall (overall height minimum 12 feet) with landscaping on both sides in accordance with an Alternative Landscape Plan. The concrete panel wall shall be constructed in a manner consistent with the color, character, and architectural style of the principal structure.

11. All roof-mounted air conditioning and mechanical equipment shall be screened from view on all sides in a manner consistent with the color, character, and architectural style of the principal structure.

12. All ground-mounted air conditioning and mechanical equipment shall be screened from view. The screening shall occur in a manner consistent with the color, character, and architectural style of the principal structure and may incorporate landscaping as one element of screening.

13. The condominium documents for the project shall be approved by the Village Attorney prior to DRC certification of the final site plan for the residential or commercial portion of the site, whichever occurs first.

14. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material, or vegetation, such as dumpsters and trash compactors shall be screened from view and confined to the areas designated on the certified site plan.

15. Each dwelling unit shall incorporate a garbage can and recycling container storage area to comply with screening requirements.

16. The project shall comply with all applicable architectural and signage requirements of the LDRs, including all applicable "big box" standards.

17. Building height of all structures shall not exceed 35 feet. The residential structures shall not exceed ~~two~~ three stories in height.

18. All roads, utilities, sidewalks and similar improvements shall be private, and shall not be the maintenance responsibility of the Village.

19. Prior to issuance of any building permits, the project shall be platted.

20. The master plan shall be amended to reflect a revised alignment of the entry road to the residential portion of the project and the north-south vehicle access roadway located immediately in front of the principal commercial structures. The revision shall reflect a full four way stop.

39. At least fifty (50) percent of the proposed laurel live oak trees in the internal residential commercial buffer shall be a minimum of eighteen (18) feet high and located alternatively on both sides of the concrete panel wall.

40. The residential portion of the property shall be seeded or sprigged to provide uniform grass coverage within sixty (60) days of the first commercial certificate of occupancy.

41. Grass shall be maintained at a maximum twelve (12) inches in height.

42. The perimeter of the residential portion and internal connections to the commercial vehicular areas shall be secured by a temporary six (6)-foot high chain link fence with top rail.

New Conditions - Master Plan Amendment (Petition Number 2002-024 MPA1):

43. This site shall be re-platted prior to the permit for the parking and detention area.

44. A recorded cross access agreement between this site (commercial portion) and the parcel to the north shall be provided at the time of re-plat.

45. A minimum eight-foot high wall with a berm and landscaping per Condition 10 above shall be provided on the northwest residential property line prior to the certificate of completion for the parking and detention area.

46. Prior to the first building permit for the residential units, an updated letter of compliance from the Palm Beach County Traffic Division is required.

47. All the previous conditions of approval not amended by this request shall remain in effect.

Vegetation and Landscaping

21. Prior to site plan approval for the residential or commercial portion of the site, whichever occurs first, the applicant shall submit a vegetation removal permit for removal and relocation onsite of at least 75% of the sabal palm trees currently located on the property. The relocated sabal palms shall be included within the revised landscape plans for the site.

22. Prior to initial DRC site plan approval, the applicant shall provide for staff approval the method to be utilized to protect the vegetation and integrity of all preserve areas during construction on either portion of the site.

23. The preserve areas indicated on the Isla Verde Master Plan shall be maintained, protected and preserved in perpetuity or as otherwise permitted by the Village Council.

24. The property owner shall maintain the 40-foot Lake Worth Drainage District easement and the 25-foot E-1 Canal Right-of-Way easement that is located along the west side of the property, east of State Road 7 / U.S. 441.

Traffic

25. The proposed mixed use development will comply with the traffic limitations as outlined in Exhibit "D".

26. Vehicular access to Dillman Road is prohibited.

27. As required by Palm Beach County, the applicant shall fund installation of the traffic signal at the project's main entrance, including all necessary median and roadway improvements to accommodate installation of the signal.

28. The traffic signal shall be installed and shall be operational within six (6) months after the issuance of any certificates of occupancy for any residential or commercial structure or by June 30, 2008 whichever comes first."

29. Building permits for more than 95,500 square feet retail (the combined equivalent of 345 net PM peak hour trips) shall not be issued until the contract is let for an exclusive north approach right turn lane at the at grade component of the intersection of Southern Boulevard and State Road 7. (Palm Beach County Traffic Division)

30. Building permits for more than 189,500 square feet of retail (the combined equivalent of 565 net PM peak hour trips) shall not be issued until the contract is let for a second north approach turn lane at the intersection of Forest Hill Boulevard and Lyons Road. (Palm Beach County Traffic Division)

31. A development agreement with Palm Beach County shall be entered into by the developer prior to or concurrent with the issuance of the first site specific development order in order to assure the road improvements in conditions #29 and #30, or the site specific

RECEIVED
By Planning and Zoning at 5:13 pm, Mar 20, 2014

Conditions of Approval



Cotleur
Hearing

Landscape Architecture
Planning
Environmental Consulting
Graphic Design

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561-747-6336 Fax-747-1377

Isla Verde Residential
Wellington Isles, LLC
Village of Wellington, Florida

DESIGNED DTS
DRAWN RW
APPROVED DCH
JOB NUMBER 04-1216.03
DATE 12-16-13
REVISIONS 02-13-14
03-20-14

March 14, 2014 9:22:30 a.m.
Drawing: 041216.03 MP.DWG

SHEET 3 OF 3

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