



Lotis Wellington

STAFF REPORT

Petition Number/Type:

2021-0001-DOA/Development Order Amendment

Resolution No.: R2022-12

Applicant/Owner: Lotis Wellington, LLC.
2300 Glades Rd., Suite 202E
Boca Raton, FL 33431

Agent: Brian Terry/Insite Studio, Inc.
8144 Okeechobee Blvd, Suite A
West Palm Beach, FL 33411
Brianterry@insitestudio.com

Site Address: 1361/1351/1381/1371 State Road 7

PCN(s):

Parcel 1: 73-42-43-27-05-018-0100 (17.72 acres)

Parcel 2: 73-42-43-27-05-018-0110 (10.36 acres)

Parcel 3: 73-42-43-27-05-018-0130 (8.91 acres)

Parcel 4: 73-42-43-27-05-018-0140 (27.24 acres)

Future Land Use Map (FLUM) Designation:

Mixed Use (MU)

Zoning Map Designation:

Multiple Use Planned Development (MUPD)

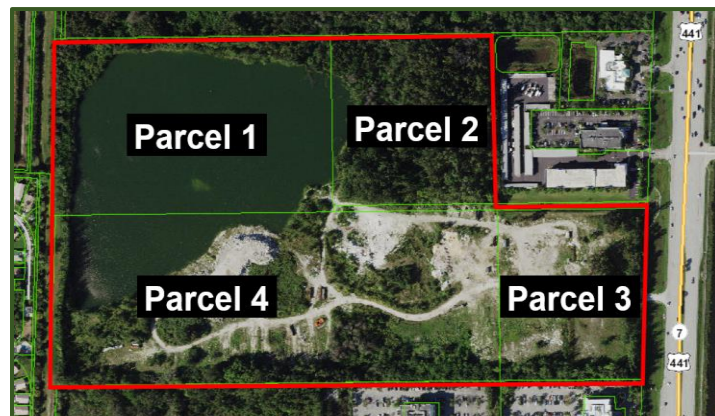
Acreage: 64 Acres (+/-)

Request:

A Development Order Amendment to modify conditions of approval of Resolution No. R2020-48, a Master Plan and Conditional Uses for the 64-acre mixed-use project known as Lotis Wellington, which includes restaurants, retail, financial institution, professional/medical office, multi-family residential dwelling units, Congregate Living Facility (CLF) with independent living units and assisted living beds, daycare facility, and open space inclusive of a lake, cypress preserve, dog park, and greenway with a multi-use pathway open to the public.

Location/Map:

The subject Lotis Wellington project/property is located approximately half a mile north of the Forest Hill Blvd & State Road 7/US 441 intersection, on the west side of State Road 7/US 441.



Adjacent FLUM and Zoning Map Designations:

Adjacent Property	FLUM	Zoning
North	PBC Low Residential (LR-2)	PBC Agricultural Residential (AR)
South	Commercial	Medical Center Planned Development (MCPD)
East	PBC Commercial (C)	PBC (MUPD) / Commercial High Office (CHO)
West	Res. C (1 - 3 du/ac) / Res. F (8 - 12 du/ac)	Planned Unit Development (PUD)

Public Notice and Comments:

Sent	Returned	For	Opposed	No Reply
210	TBD	TBD	TBD	TBD

Project Manager:

Damian Newell, Senior Planner
dnewell@wellingtonfl.gov
(561) 753-2577

Site History and Current Request:

Council recent approval of the Lotis Wellington 64-acre mixed-use project includes Comprehensive Plan Amendment (Petitions 2019-0002-CPA and 2021-001-CPA) approved by Ordinance No. 2020-13 and 2021-15, Rezoning (Petition 2019-0001-REZ) approved by Ordinance No. 2021-16, and Master Plan (Petition 2019-0001-MP) and Conditional Uses (Petition 2019-0002-CU) approved by Resolution No. R2020-45. The project was approved to allow a mixed-use project consisting of 49,056 square feet of combined restaurant and retail, 2,500 square feet of financial institution with drive-thru, 40,000 square feet of medical office, 16,700 square feet of professional/general office, 191 multi-family residential dwelling units, a congregate living facility (CLF) with 150 independent living units and 110 assisted living beds, a daycare facility for up to 210 children, and 28.4 acres of open space inclusive of a lake, cypress preserve, dog park, and greenway with a multi-use pathway open to the public.

The master plan/conditional uses (Resolution No. R2020-45) included conditions of approval to ensure a mix of uses were developed for this mixed-use project. The conditions required concurrent development of commercial uses and multi-family residential. For example, a minimum of 40,000 square feet of commercial use should be issued building permit(s) prior to any residential being issued building permit(s). Similar conditions for the issuance of Certificate of Occupancy (CO) were approved to ensure concurrent development of uses within this mixed-use project.

The applicant/owner is now requesting approval to modify the Lotis Wellington conditions of approval, which includes some of amendments as summarized below.

- Remove the approved financial institution/bank conditional use that will no longer be developed.
- Allow any combination of retail, restaurant, medical and professional office uses if they don't generate more than the project's approved traffic trip limitations.
- Add minimum and maximum square footage for retail, restaurant, medical and professional office uses.
- Amend non-residential and residential uses mix for development permit and CO issuance.

Modification to the conditions of approval are further detailed in the Staff Report Analysis and applicant's Justification Statement.

Analysis:

This Development Order Amendment (DOA) request is to modify the previously approved Lotis Wellington Master Plan and Conditional Uses conditions of approval as adopted by Council on December 8, 2020 (Resolution No. R2020-45). Wellington's Land Development Regulations (LDR) Table 5.1.2-1 Development Application Approvals indicate the decision-making body that approved a development order shall consider amendment to conditions of approval. LDR Section 5.2.3.D.6. provides for expedited review of application. This expedited review allows amendment to go directly to the decision-making body (Council) and not require going to the recommending board (Planning, Zoning and Adjustment Board), if not modifying the project boundaries, increasing density/intensity, or increasing the project traffic generation. Below are the proposed modification to the approved Resolution No. R2020-45 conditions of approval, with explanation of the changes.

Resolution No. R2020-48																
Amended Conditions of Approval																
SECTION 1																
No.	Current Approved Condition with Modifications in Red			Reason for Modifications												
3	No building permits for the site shall be issued after December 31, 2023 <u>October 16, 2025 (Per Executive Order)</u> , unless extended by Palm Beach County Traffic Division through an equivalency letter or an updated Traffic Study approval consistent with this master plan approval.			The build-out date was previously administratively updated per executive order issued by the governor.												
4	<p>The project shall be developed consistent with the approved master plan based on the use limitations below:</p> <p>USE INTENSITY/DENSITY LIMITATIONS</p> <ul style="list-style-type: none">Quality Restaurant (Indoor & Outdoor) 23,676 sf (Min.) / 41,856 (Max.)*Retail 7,200 SF (Min.) / 23,900 SF (Max.)*Medical Office <u>20,000SF (Min.)</u> / 40,000 SF <u>(Max.)*</u>Professional Office 16,700 SF <u>12,700 SF (Min.) / 36,700 SF (Max.)*</u>Multi-family Residential 191 DUsCLF – Independent Living Facility (ILF) 150 DUsCLF – Assisted Living Facility (ALF) 110 BedsDaycare Facility 15,000 <u>20,000</u> SF / 210 childrenBank (with drive-thru) 2,500 SF <p>*Quality restaurant and retail may be mixed with a combined minimum of 47,576 SF and maximum of 49,056 SF. Any restaurant/retail use mix shall not generate more equivalent peak hour directional trips than indicated in the approved traffic study dated July 2, 2020.</p> <p><u>*Any combination of retail, restaurant, medical and professional office uses shall not generate more peak hour directional trips than the trips included in the approved traffic study dated March 23, 2020 (Exhibit C) as indicated below. The allowed SF shall not be less than the minimum or more than the maximum SF as indicated for each use.</u></p> <table><tr><th colspan="2"><u>AM Peak Hour</u></th><th colspan="2"><u>PM Peak Hour</u></th></tr><tr><th><u>In</u></th><th><u>Out</u></th><th><u>In</u></th><th><u>Out</u></th></tr><tr><td><u>206</u></td><td><u>133</u></td><td><u>272</u></td><td><u>275</u></td></tr></table>			<u>AM Peak Hour</u>		<u>PM Peak Hour</u>		<u>In</u>	<u>Out</u>	<u>In</u>	<u>Out</u>	<u>206</u>	<u>133</u>	<u>272</u>	<u>275</u>	<p>These proposed modifications are to allow any combination of retail, restaurant, medical and professional office uses that were originally approved, but still limit the development to the project's approved traffic study. The intent is to allow some variation of square footage between the approved retail, restaurant and office uses, while still ensure the minimum square footage will be developed for each use. The proposed amendment will now require both minimum and maximum square footage for retail, restaurant, and office uses.</p> <p>Also, the traffic study date is being updated to reflect the March 23, 2020 study (which is the basis for traffic associated with this approval), and the bank use is being deleted as it's no longer being proposed for this project.</p>
<u>AM Peak Hour</u>		<u>PM Peak Hour</u>														
<u>In</u>	<u>Out</u>	<u>In</u>	<u>Out</u>													
<u>206</u>	<u>133</u>	<u>272</u>	<u>275</u>													

5	<p>The commercial <u>and institutional (Pods A and B Pod D only)</u> and residential development (Pod C) shall be developed concurrently, with a minimum of 40,000 SF of the commercial <u>development and institutional uses</u> within Pods <u>A and B A, B and D</u> issued building permits prior to issuance of building permits for the first residential building. Certificate of Occupancy (CO) and/or Temporary Certificate of Occupancy (TCO), for buildings within Pods A, B, <u>and C, and D</u> shall be issued based on the below limitations:</p> <p>a. <u>40,000 44,000</u> SF (<u>excluding including</u> restaurant outdoor seating <u>areas</u>) of commercial <u>or institutional</u> development shall receive a CO/TCO prior to 96 residential units receiving a CO/TCO.</p> <p>b. <u>An additional 39,600 10,500</u> SF (<u>excluding including</u> restaurant outdoor seating <u>areas</u>) of commercial development shall receive a CO/TCO prior to <u>the remaining 59</u> residential units receiving a CO/TCO, <u>up to the overall maximum of 191 units.</u></p> <p>c. <u>10,500 SF (including restaurant outdoor seating areas) of the commercial and/or institutional development shall receive a CO/TCO prior to the remaining 36 residential units receiving a CO/TCO, up to the maximum of 191 units.</u></p>	<p>The applicant has indicated that leasing has been strong for the first phase of the project development, and should meet the initial 40,000 SF of commercial uses being permitted prior to receiving building permits for the residential units.</p> <p>It was anticipated that the second phase of development would include completion of the medical office use (Bldgs. #8 and #9) and/or outparcel restaurant use (Bldgs. #2 and #5) to meet the requirements for issuing CO for the residential units. Currently the timing of the medical office building leasing is falling behind from what was originally anticipated.</p> <p>So to ensure the residential units are not delayed, the applicant is requesting to modify this condition to include the daycare use (institutional use in Pod D) for issuance of CO for the residential units.</p> <p>The proposed modification will still ensure that both non-residential and residential uses are developed at the same time, which was the intent of this condition.</p>
7.c.	The public Greenway system shall contain a multi-use asphalt pathway with shade trees, seating areas, fitness	Delete the public dog park area. The developer will only

VILLAGE COUNCIL

Planning and Zoning Division

June 14, 2022



	stations, lighting and shade structures around the 18-acre lake and a gathering/green space with a dog park area as illustrated on the approved plans.	be providing a dog park within the residential pod of the project.
18.b.	<p>Pedestrian access to the Greenway shall be provided to the property along the north with a minimum of two (2) connections, to the property along the south with a minimum of one (1) connection, and to the property along the west with a minimum of one (1) connection, subject to permitting and approval by the Lake Worth Drainage District (LWDD) and all other applicable government and regulatory authorities having jurisdiction over such pedestrian connections. Pedestrian access to the Cypress Preserve Area walking path shall be provided to the property along the south with a minimum of one (1) connection.</p>	<p>The developer contacted the Wellington's Edge HOA Board and they have indicated no interest and would not approve a pedestrian connection to the Lotis Wellington project.</p> <p>So Conditions 18,b. and 18.d. are being modified to remove the requirement to provide a pedestrian connection to Wellington's Edge.</p>
18.d.	The developer/owner shall contact the residential development to west (Wellington's Edge) regarding pedestrian pathway and access connection to the Greenway system. The developer shall provide Wellington with documentation regarding contact with the residential development to west. If consent is granted to complete this connection, the developer shall do so during the development of this project. If Wellington's Edge does not consent or desire to have a connection, or if permits cannot be obtained from LWDD and all other applicable government and regulatory authorities having jurisdiction over such pedestrian connection and canal crossing, then the developer shall not be required to complete the connection.	
18.h.	<p>The cross-access connection to the project along the south (Wellington Regional Medical Center-WRMC) shall be constructed <u>in conjunction</u> with completion of the north/south spine drive aisle, and prior to issuance of the first CO for future development within Pod B. The north/south drive aisle cross access point connection to the south will require construction of a new road on the WRMC property, the Lotis Wellington developer/owner shall provide information on the road construction planning progress with submittal of the Land Development Permit/Plat applications and shall use good faith and reasonable efforts to coordinate with WRMC on construction of the road to ensure completion within one (1) year of the north/south drive aisle completion.</p>	Being modified to provide clarification when construction of the project's north/south spine drive aisle will be required.

28	All water and wastewater mains will be public up to the point of service. <u>All wastewater mains, subject to approval by the Wellington Utilities Department, will be public up to the point of service.</u> Utility easements facilities must be located in the rights-of-way or in a dedicated exclusive water main or wastewater easement. Easement widths shall comply with the Village of Wellington Water and Wastewater Systems Construction and Standards Manual (current edition). All utility easements shall provide for un-hindered access to all facilities and mains in accordance with the standards manual.	This condition currently states that all water and wastewater mains, will be public up to the point of service. With the development of this project, the sanitary sewer design could potentially change. This modification allows for the system to be private and not public, as approved by the Wellington Utilities Department.
54	Garbage/recyclable collection for Pods C and F shall be provided by staff/valet service from each unit to central compactor, no curbside pick-up <u>or outside storage of bins</u> shall be permitted. <u>Trash/recyclable bins (for units with garage) shall be stored in the garage, and be designated a pick-up area at each unit driveway that's not within the roadway. Decorative bins shall be provided for trash/recyclable storage within a close location to the entrance of each unit, and shall be designed as to not require screening. The decorative bins shall be indicated on the plans prior to site plan approval. The bins may be a type of design that is a seat/bench</u>	This modification removes the requirement for permanently installed external decorative trash bins for the residential portion of the project. Instead all units with a garage will provide space in the garage for trash bins, and will have no external collection bins being stored outside the units.
SECTION 2		
1	One (1) financial institution with two (2) drive-thru lanes/points of service is allowed within Pod A. The drive-thru lane point of service shall not be along the projects frontage.	Delete the bank use w/drive-thru which is no longer proposed for this project.

This DOA was reviewed per LDR Section 5.2.3.D.6. as this request will not modify the project boundaries, or increase the project overall density/intensity and traffic generation. Per the LDR Section 5.2.3.D.6, applications that request a minor amendment to the approved development order, but exceed the minor administrative amendment criteria, may request an expedited review of the change. A minor increase to square footage of the daycare and professional office uses are proposed. The daycare use is increasing from 15,000 to 18,000 square feet, but the approved 210 children is not increasing. This square footage increase is offset by the requested removal of the bank use, which is 2,500 square feet. The daycare use intensity impact is mostly from the number of children, which is not increasing with this DOA request. The professional office use square footage is being modified from the approved 16,700 square feet to include a minimum of 12,700 square feet and maximum of 36,700 square feet. This modification in square footage is to account for the mix of retail, restaurant, medical and professional office uses, which may increase or decrease depending on the combination of uses. So if one (1) of the uses (retail, restaurant, medical or professional office) increase in square feet the other uses (retail, restaurant, medical or professional office) may need to decrease as not to exceed the project approved traffic trips. The

combination of allowed minimum/maximum square feet for the uses is condition to ensure that uses don't generate more peak hour directional trips than the trips included in the approved traffic study. With the combination of uses, the allowed square footage is conditioned to not be less than the minimum or more than the maximum square feet as indicated for each use.

Exhibit A is Resolution No. R2022-12 in draft format, with the proposed modification to the conditions of approval. The approved Lotis Wellington Master Plan (Resolution No. R2020-45) is being amended to illustrate the proposed modification to the conditions of approval. So only text as listed on the master plan (Exhibit B) will be amended, with no changes to the approved use pods (except to delete the bank) or locations.

The proposed amendment still meets the Palm Beach County (PBC) Traffic Performance Standards and was also reviewed and approved by Wellington's Traffic Consultant (Exhibit C) for compliance with the Traffic Performance Standards. The applicant's justification statements for this DOA application is provided as Exhibit D. The complete DOA application (Petition No. 2021-0001-DOA) is available for review at the Planning and Zoning Division office.

Summary:

Based on the findings of consistency with both Wellington's Comprehensive Plan and Land Development Regulations, the Planning and Zoning Division recommends approval of this DOA with the modifications to the conditions of approval as listed above and in Resolution No. R2022-12 for the proposed development of the 64-acre Lotis Wellington mixed-use project.

List of Exhibits:

Exhibit A	Proposed Resolution No. R2022-12
Exhibit B	Lotis Wellington Master Plan (Amended Text Only)
Exhibit C	Wellington's Traffic Consultant Letter
Exhibit D	Applicant Justification Statement