

Lotis Wellington II

STAFF REPORT

Petition Numbers/Types:

2021-0002-ANX / Annexation (ANX)
2021-0002-CPA / Comprehensive Plan Amendment (CPA)
2021-0002-REZ / Rezoning (REZ)

Ordinances: 2022-26 (ANX)
2022-27 (CPA)
2022-28 (REZ)

Owners:

411 Partners Inc./ Lake Worth Drainage District
Four Four One Partners, Inc 13081 Military Trail
1201 Hays St. Delray Beach, FL 33484
Tallahassee, FL 32301

Applicant: Lotis Wellington, LLC/
JKM Acquisitions, 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
(561) 249-0940

PCN:
Parcel 1: 00-42-43-27-05-018-0040 (15.68 acres +/-)
Parcel 2: 00-42-43-27-05-018-0071 (5.02 acres +/-)
Parcel 3: 00-42-43-27-05-018-0072 (30.90 acres +/-)
LWDD ROW: 00-42-43-27-05-018-0092 (1.49 acre +/-)

Future Land Use Designation:
Current – PBC Low Residential (LR-2)
Proposed – Mixed Use (MU)

Zoning Designation:
Current – PBC Public Ownership (PO)/Agricultural Residential (AR)
Proposed – Multiple Use Planned Development (MUPD)

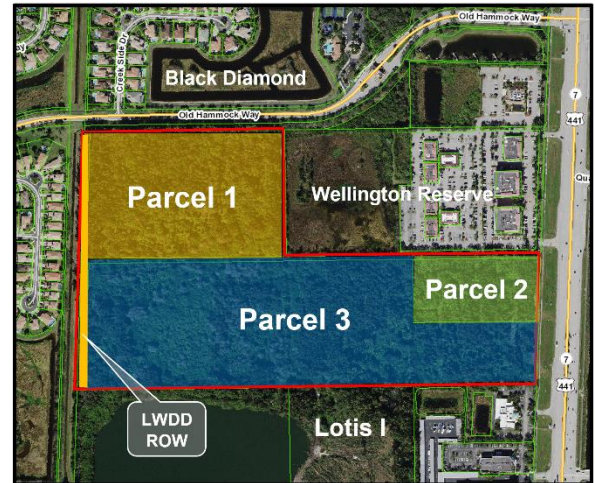
Acreeage: 52.24 Acres (+/-)

Request:

- Voluntary annexation into the municipal boundary;
- Amend the Future Land Use Map designation from PBC Low Residential (LR-2) to Mixed Use; and
- Amend the Zoning Map designation from PBC Public Ownership (Parcel 1) and Agricultural Residential (Parcels 2-3 & LWDD ROW) to Multiple Use Planned Development (MUPD) for future development of a mixed-use project known as Lotis II.

Location/Map:

The subject properties are 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 Property	FLUM	Zoning
North	Res. C (1 - 3 du/ac) / Commercial (C)	Planned Unit Development (PUD)/ MUPD
South	Mixed Use (MU)	MUPD/ PBC Commercial High Office (CHO)
East	PBC Low Residential	PBC Residential (AR)
West	Res. C (1 - 3 du/ac)	PUD

Boards, Committees, and Council:

	Notice Date	Meeting Date	Vote
PZAB	8/2/2022	8/17/2022	5-0 to Approve
Council (1 st)	ANX 8/22/2022	ANX 9/6/2022	Pending
	CPA/REZ 9/6/22	CPA/REZ 9/21/22	Pending
Council (2 nd)	ANX 9/6/2022	ANX 9/21/2022	Pending
	CPA/REZ 10/24/22	CPA/REZ 11/8/22	Pending

Public Notice and Comments:

Sent	Returned	Delivered	For	Opposed
178	7	160	TBD	TBD

Project Manager:

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

Site History and Current Request:

The current property owners are 441 Partners Inc, for Parcels 1 and 2, Four Four One Partners Inc. for Parcel 3, and Lake Worth Drainage District (LWDD) for a variable width S-5 Canal Right-of-Way (ROW) (LWDD ROW as indicated above). The subject properties/parcels (Parcels 1-3 and LWDD ROW) are currently in unincorporated Palm Beach County (PBC). Parcel 1 as indicated above was approved (PBC Resolution No. 1984-1849) by PBC with a special exception use to allow a commercial kennel, which was then revoked (PBC Resolution No. 1987-1179) in 1987. Parcel 1 was previously owned by PBC and was rezoned from Agricultural (AG) to Public Ownership (PO) by the PBC Commissioners in 2019 (PBC Resolution No. 19-73-727). Currently the properties have no development approvals and are vacant.

The owners and applicant (Lotis Wellington, LLC) are requesting approval of:

1. Petition No. 2021-0002-ANX (Ordinance No. 2022-26), a voluntary Annexation (ANX) to amend Wellington's municipal boundary to include the subject properties;
2. Petition No. 2021-0002-CPA (Ordinance No. 2022-27), a Comprehensive Plan (Map) Amendment (CPA) to amend the FLUM designation for the subject properties from PBC Low Residential (LR-2) to Mixed Use; and
3. Petition No. 2021-0002-REZ (Ordinance No. 2022-28), a Rezoning (REZ) to amend the Zoning Map designation of Parcel 1 from PBC Public Ownership (PO) and Parcels 2-3/LWDD ROW from PBC Agricultural Residential (AR) to Multiple Use Planned Development (MUPD).

The applicant is currently working on plans for future development of a 52-acre mixed-use project known as Lotis Wellington II (Lotis II) to develop residential (Approximately 112 DU single-family and 111 DU Multi-family), restaurant (Approximately 10,000 SF), indoor/outdoor entertainment (Approximately 8,000 SF/36 miniature golf holes) and lake/greenway/cypress preserve area (Approximately 13.44 acres). The future Lotis II project will be north of the applicants other approved 64-acre mixed-use project known as Lotis Wellington I (Lotis I) (Resolution No. R2020-48 and R2022-12) and is currently being developed with restaurant, retail, medical office, professional/general office, residential (multi-family 191 DU), congregate living facility (150 independent living units and 110 assisted living beds), daycare facility, and 28.4 acres of open space inclusive of a lake, cypress preserve, and greenway with a multi-use pathway open to the public.

Analysis:

1. Annexation

As indicated above, the request is for the voluntary annexation of the subject vacant parcels currently in unincorporated Palm Beach County. The subject properties are Tract 4 (Parcel 1), north portion of Tract 7 (Parcel 2) and Tract 8 (Parcel 3) within Block 18 of the Palm Beach Farms Co. Plat No. 3 as recorded in Plat Book 2, Pages 45 – 54 of the public records of Palm Beach County, Florida. The request is to annex Parcels 1-3 will also include the adjacent undeveloped S-5 Canal ROW along the west side to ensure an enclave is not created as the result of the subject parcels

annexation into the Village of Wellington municipal boundary. LWDD as owners (Quit Claim Deed - ORB 1585 Page 505) of the ROW has no objection to the proposed annexation as indicated in the letter dated September 10, 2021 (Exhibit A). The proposed annexation areas are identified as a future annexation area on Wellington's Comprehensive Plan Future Land Use Map. This request is consistent with the following specific objectives of Wellington's Comprehensive Plan, in addition to others:

Objective LU&CD 2.5, by facilitating the development of properties along State Road 7 as a mixed-use corridor with businesses, job creation and residential development.

Objective LU&CD 3.3, with the request to voluntarily annex this unincorporated area as identified within Wellington's future annexation areas.

Objective LU&CD 4.1, which will direct future growth within the State Road 7 corridor and within areas served by Wellington public facilities and services.

The proposed annexation areas are consistent with the statutory requirements pertaining to contiguity, compactness, and irregular shape under Chapter 171 of the Florida Statutes. Specifically, the subject properties are predominately rectangular in shape, reasonably compact, and contiguous to Wellington's municipal boundary to the north, south, and west. PBC Board of Commissioners was be provided the urban services report (Exhibit M) on August 22, 2022 indicating services that will be provided to the annexed areas in compliance with 171.042(2), Florida Statutes (F.S.). Wellington will be able to provide services with existing infrastructure to the proposed annexation areas without degrading any established levels of service, and is already providing services to other developments in the immediate area along State Road 7.

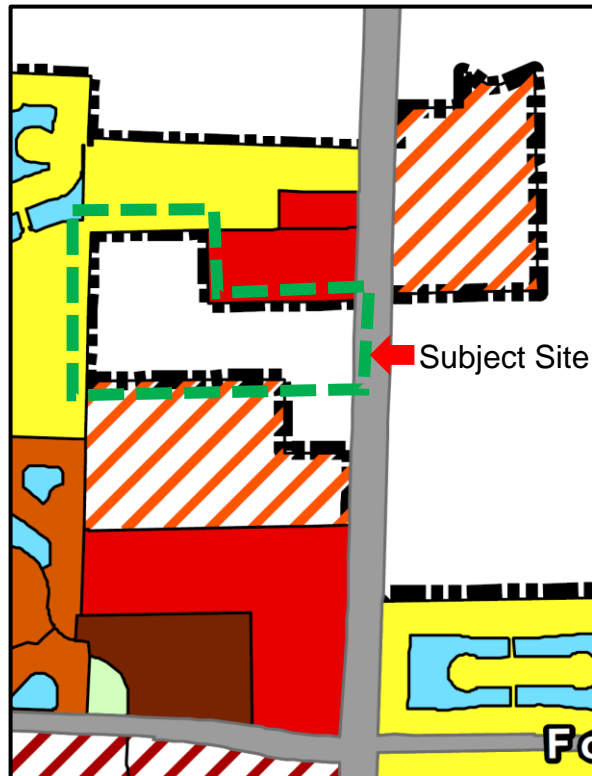
The subject properties are compatible with surrounding land uses. To the north, west, and east are two (2) residential subdivisions, which includes a portion of Black Diamond PUD and Stonehaven Estates PUD (unincorporated PBC) along the frontage on State Road 7. To the north is the Wellington Reserve commercial development, and to the south is the Lotis I mixed-use project that's currently being developed by the applicant.

This annexation request meets the voluntary annexation process statutory requirements pertaining to annexation as provided in Chapter 171 of the F.S. Wellington intends to fulfill the requirements for conducting public hearings, publishing legal advertisements, and coordinating with other government agencies (through the IPARC notification process) on the proposed annexation as required per statutory requirements.

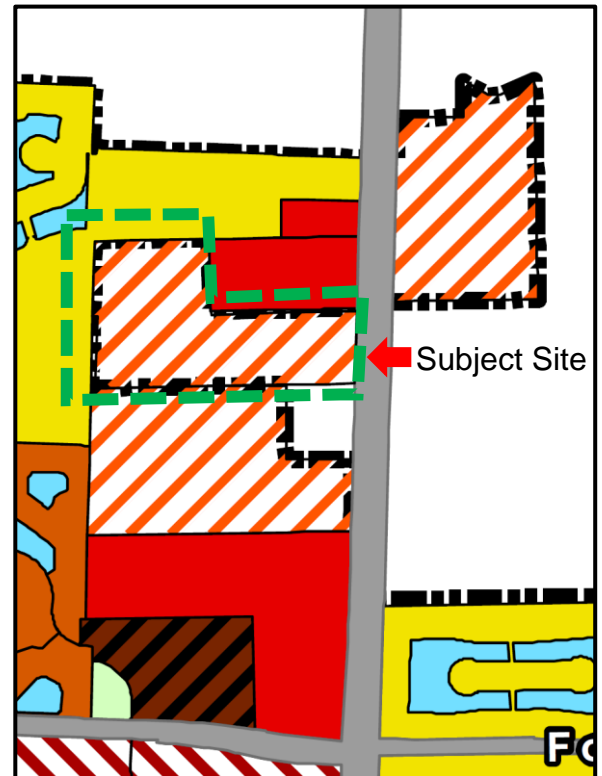
2. Comprehensive Plan Amendment (Future Land Use Map)

The applicant is requesting a Comprehensive Plan (Map) Amendment (CPA) to amend the Future Land Use Map (FLUM) designation of the subject properties (Parcels 1-3) and LWDD ROW. The proposed land use change ordinance will not be adopted prior the subject properties pending annexation into Wellington on September 21, 2022. Below is a section of the current Wellington FLUM (Exhibit B) with an illustration of proposed designation for the subject properties.

Current FLUM



Proposed FLUM Amendment



Wellington's FLUM will be amended to indicate the subject properties with a Mixed Use (MU) FLUM designation, which is consistent with the other property along State Road 7 and the applicant's Lotis I project to the south. This CPA request is in compliance with the following specific goals/objectives/policies of Wellington's Comprehensive Plan, in addition to others:

GOAL LU&CD 1 Land Uses: *Enhance the quality and character of the Wellington's neighborhoods, commercial districts and corridors, and equestrian community to continue to maintain a Great Hometown!*

Policy LU&CD 1.1.1 Compatible with Existing Conditions: *New development shall be compatible with existing natural and built conditions. Future growth patterns shall take into consideration topography, soil, vegetation, water quality and quantity, and other natural resources of the land. Future growth patterns shall also respect and protect the character and quality of the surrounding built environment.*

The future Lotis II project will be developed consistent with surrounding developments and should be aesthetically compatible with other projects within the State Road 7 corridor. This area development patterns includes existing large scale commercial and residential developments. This proposed 52-acre mixed-use project, which include commercial and residential (single-family and multi-family) uses, will ensure growth is in an already developed urban service area with adequate capacity, will discourage sprawl, and is consistent with the above goals/policies of the Comprehensive Plan.

Objective LU&CD 1.4 Mixed-Use Land Uses: *Apply the Mixed-Use land use designations (Regional Commercial/Large-Scale Mixed-Use and Mixed-Use) to accommodate a wide range of commercial and residential housing opportunities appropriate in scale, intensity, and density for the diverse districts and corridors in Wellington.*

Policy LU&CD 1.4.2 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.*

Policy LU&CD 2.1.4 Use Transitions: *Require appropriate transitioning, such as appropriate setbacks, buffers, and height limitations where commercial, industrial, or other high intensity land uses are in proximity to single-family residential land use.*

Policy LU&CD 2.3.2 Mixed Uses: *Encourage projects that incorporate mixed-use, consistent with other Wellington goals, to offer a variety of services, activities, and housing choices in the commercial centers.*

Policy H&N 2.1.3 Mixed-Use Development: *Encourage mixed-use development and concentrations of higher residential densities along major transportation corridors and nodes and utilize mixed-use land development regulations to accommodate such development.*

The parcels (Parcel 1-3) will be developed as a mixed-use project consistent with the above objective and policies within Wellington's Comprehensive Plan. The future Lotis II Conceptual Master Plan (Exhibit C) illustrates the maximum development, land use types, building height, pod location, etc. The Lotis II 52-acre mixed-use project proposes commercial FAR of 0.008 (0.50 max.) for 18,650 square feet of restaurant use and density is 4.55 units per acre (22 max.) for 238 residential units (102 single-family units/136 multi-family units), which is below the maximum intensity/density allowed by Policy LU&CD 1.4.2 for a MU FLUM designation. The existing Black Diamond single-family residential community along the west side of Lotis II will be buffered by a proposed lake and landscaping, and will have similar single-family residential along the west side of the proposed Lotis II project. The applicant (Developer of Lotis I & II) will be requesting to expand the multi-family residential development within the Lotis I project onto a south portion of this project, with a future master plan request for Lotis II. Commercial uses are proposed on the east side of Lotis II, which is along the State Road 7 corridor with other similar uses. This configuration of uses will ensure minimized impact on the adjacent Black Diamond community, which already has other residential and commercial uses along its eastern boundary.

The internal connectivity and configuration of the proposed uses will also help the internalization of trips within this project. Cross access to the projects along the north (Wellington Reserve) and south (Lotis I and medical/storage project) property lines will encourage and provide internal capture of trips, resulting in fewer trips on State Road 7. Both Lotis projects will be interconnected with uses and pedestrian walkways and greenway. Vehicular cross access connections are proposed between these projects, with connection all the way south to the existing Wellington

Regional Medical Center (WRMC) campus, which will ensure access to the proposed traffic signal at Lotis I main entrance on State Road 7.

The proposed development impact on natural resources within this project will require permit(s) to be submitted to the jurisdictional agencies for review. Additional details of the on-site wetland is provided throughout the staff report.

Policy LU&CD 3.1.1 Fiscal Impact Analysis: *Requests for Land Use Map amendments or rezoning to a commercial, mixed-use, or multi-family designations shall be supported by fiscal impact analysis which shows the balance of project costs to Wellington for providing municipal services, against income that the project will generate to Wellington.*

Exhibit D is the applicant's financial analysis on the estimated impact fees, tax valuation, and permit fees for the proposed Lotis II project. The actual value for the financial impact this project will have on Wellington will not be known until the permits are approved and/or the project is completed.

Policy LU&CD 3.1.2 Demonstrated Need: *Requests for Land Use Map amendments or rezoning to a commercial, mixed-use, or multi-family designations shall be based on demonstrated needs and be located in such a manner to discourage strip development.*

Policy LU&CD 3.1.3 Market Analysis: *Requests for Land Use Map amendments or rezoning to a commercial, mixed-use, or multi-family designations shall be supported by a professionally prepared market analysis which demonstrates the need for the requested development at the proposed location, the types of marketable commercial activities or multi-family residential dwelling units there, and the projected market area of the proposed development.*

Residential market analysis/study was submitted for the 136 multi-family units proposed in Pod B, and 102 single-family units proposed in Pod C, as illustrated on the future Lotis II Conceptual Master Plan (Exhibit C). A summary from the market studies are provided as Exhibit E, which demonstrates the current and future demands for both multi-family rental apartments and single-family residential units in the Wellington Market Area. Below is comparison of the studies projected demands in the Wellington Market Area.

Wellington Market Area Residential Demand		
Unit Type	Current Demand	Future Demand
Multi-family (apartments)	2,513 units	7,539 units over the next 3 years
Single-family	2,136 units	6,408 units over the next 3 years

Per the market studies, the Wellington Market Area is bordered on the north by Okeechobee Boulevard/Southern Boulevard, the south by Indian Mound Road/Lake Worth Road, the east by Military Trail and the west by Flying Cow Road/South 160th Trail. It's estimated that an annual demand of 223 residential units will be needed in Wellington if our population continues to grow by 1.07% over the next 10 years, which is demonstrated in the submitted market study and the US Census. All available housing data indicate a demand for additional housing types are needed in Wellington, and the applicant's proposed housing types are needed now and will be needed in the future.

Policy H&N 2.1.2 Design Principles: *Promote new housing development and redevelopment that utilizes compact building design principles, promotes pedestrian activity and supports multi-modal transportation options by ensuring land use and zoning categories permit such development.*

Objective H&N 2.2 Development – Residential: *Promote new development on properties within Wellington that are residential or include residential components that predominantly contain dwelling unit types, sizes, and values consistent with Wellington’s goal of providing a full range of housing.*

Policy H&N 2.2.4 New Housing Compatibility: *Assure that all new housing is compatible with adjacent development by utilizing sufficient buffers and feathering densities, intensities, and dwelling types.*

The applicant’s request is consistent with the above objective and policies, as the proposed project will provide multi-family and single-family residential units which ensures a range of new housing types in Wellington. The residential units will have internal activity areas and open space/activity areas throughout the project. Pedestrian connections are provided to surrounding commercial uses and a greenway pathway. The greenway as illustrated on the future Lotis II Conceptual Master and Site Plans (Exhibit C) is proposed to connect with the Lotis I greenway system, which has a pathway and fitness stations around the on-site 18-acre lake. As indicated previously, this proposed mixed-use development is compatible with the adjacent Black Diamond community with single-family residential units proposed along the west which is buffered from Black Diamond by a proposed lake and landscaping.

Policy CSR 2.2.1 Wetlands Protection: *Continue to require the principle of “no net loss of wetlands” and preserve the natural functions of wetlands by directing or significantly buffering incompatible land uses such as those with a negative impact on wetlands away from wetlands and require the monitoring and preservation of the functions and values of wetlands/conservation areas, and pursue the designation of wetland/conservation areas as “Conservation” on the Future Land Use Map.*

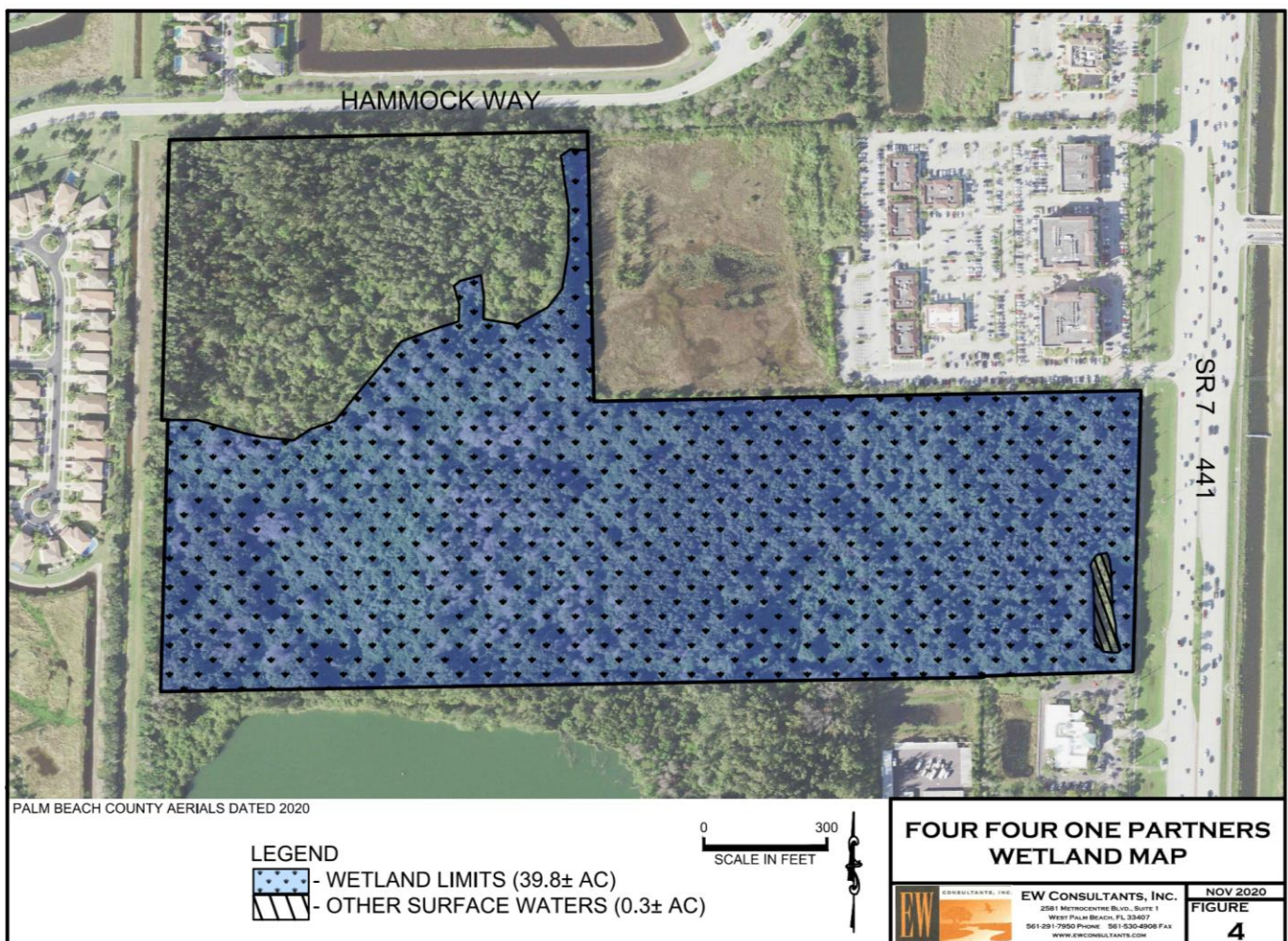
Policy CSR 2.2.3 Innovative & Cluster Development: *Encourage innovative planning tools, such as conservation easements and cluster development, to minimize the impacts of development upon environmentally sensitive land.*

Policy CSR 2.2.4 Conservation Land Use Designation: *Identify and designate publicly and privately-owned wetlands, wildlife habitats, major water recharge areas, and environmentally sensitive lands as Conservation on the Future Land Use Map for protection of natural resources and also dedicate and maintain in perpetuity, by a legally binding, recorded instrument by a plat or separate agreement.*

Policy CSR 2.2.5 Natural Resource Preservation: *Design development and redevelopment projects to protect, preserve, and manage existing natural resources and environmentally sensitive land on-site, unless preservation on-site is not feasible, then off-site mitigation and/or payment in lieu of preservation may be permitted. Manage and prohibit*

hazardous waste use, storage, transfer, or generating facilities in known zones of influence to protect natural resources.

The overall site has approximately 40 acres of wetland area, that has mostly exotic hardwood (Melaleuca, Brazilian Pepper, Australian Pine, Earleaf Acacia), exotic plant understory, lacks appropriate hydrology to support a functioning wetland system, and provides little habitat for wildlife to utilize the wetland area per the submitted Environmental Assessment Report (Exhibit F). The report indicates the wetland and surface waters within this project will not fall under federal jurisdiction (only state, county and local requirements) due to the location and no permit being required for the Lotis I project, however a permit application should be submitted to confirm. South Florida Water Management District (SFWMD) issued Informal Wetland Determination No. 50-104221-P (Exhibit G) indicating on-site jurisdictional wetlands and other surface waters exist as illustrated on the below map and permit will be required for proposed development impacts.



SFWMD permit(s) will be required as part of the site development process to determine impacts to the wetland and required mitigation, which may include the purchase of off-site mitigation credits. The project will continue to be reviewed for consistency with Conservation Element thought-out the development review process, including properly following the permit review and approval as required by jurisdictional agencies. With the proposed development, all non-native trees will be

removed, and all native trees and palms will be preserved on-site and/or removed with mitigation replacements included with the site landscape plans.

A portion of the wetland area includes an area with native Pond Cypress trees that are intended to remain within Parcel 3 along the more western section. Approximately 4-acre of the wetland will be protected as a Cypress Area with buffer as illustrated on the future Lotis II Conceptual Master and Site Plans (Exhibit C). The applicant is still in the planning/design phase of the project, which may require reconfiguration along the fringes of the area. At this time in the development approval process the applicant is not ready to designate the wetland Cypress Area as Conservation on Wellington's FLUM per Policy CSR 2.2.1 Wetlands Protection of Wellington's Comprehensive Plan. This area will be conditioned to be a conservation easement with recording of plat as part of the project's master plan approval. After the plat is approved, Wellington may designate the 4-acre wetland Cypress Area as Conservation on Wellington's FLUM with a future map amendment/update.

Policy MB 1.1.2 Development Impact on Roadway LOS: *Development orders shall only be issued if the proposed development will not cause roadway levels of service to fall below the adopted LOS targets or ROW modifications are proposed to mitigate impacts and maintain the target LOS. Developments which may impact a State or County facility shall coordinate with the respective agency as early in the development proposal process as possible.*

A traffic analysis has been submitted and has been determined to demonstrate compliance with this Policy and Traffic Performance Standards (TPS). Both PBC Traffic Division and Wellington's Traffic Consultant (Exhibit H) have reviewed and approved the proposed level of traffic generation for this project with conditions.

In conclusion, the proposed request is consistent with Wellington's Comprehensive Plan and the Mixed Use FLUM designation. The Wellington FLUM will be amended to change the land use, including the adoption date, ordinance number and Mixed Use designation. The Comprehensive Plan Amendment (CPA) petition will be processed in accordance with Section 163.3184 of the Florida Statutes.

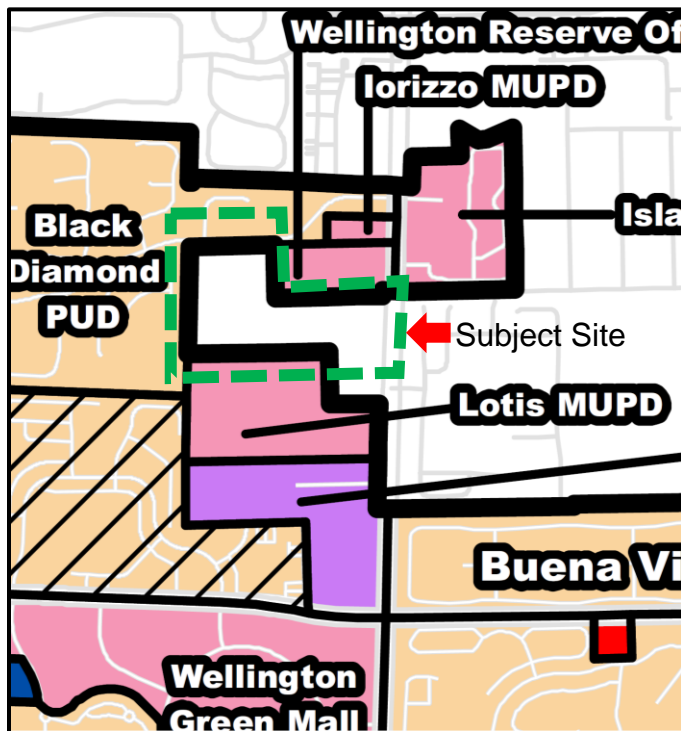
3. Rezoning

The Rezoning (REZ) request is to amend Wellington's Official Zoning Map designation for Parcel 1 from PBC Public Ownership (PO) and Parcels 2-3/LWDD ROW from PBC Agricultural Residential (AR) to Wellington Multiple Use Planned Development (MUPD). This request is consistent Wellington's Land Development Regulations (LDR), MUPD Zoning Map designation, and the proposed Comprehensive Plan Mixed Use FLUM designation for the subject properties for the proposed development of a 52-acre mixed-use project. The MUPD designation is intended to allow a mix of uses that includes residential and non-residential with vertical integration of uses being part of the design criteria, and was established for the development of sites designated with a Mixed Use land use. The applicant will need to ensure the project meets the MUPD design criteria's with the project's master and site plans. If approved, the subject properties will be the same designation as the other projects along the State Road 7 corridor, including the adjacent Wellington Reserve project to the north and Lotis I project to the south. As stated previously, the subject parcels has remained undeveloped over the years and is currently encumbered with dense invasive

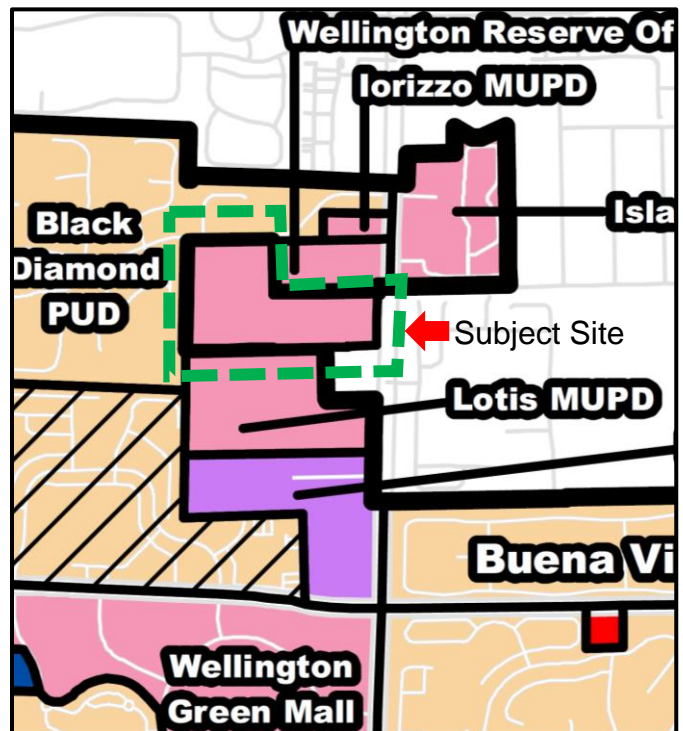
species, including but not limited to Australian Pines, Melaleuca and Brazilian Pepper, all of which will be required to be removed from the site.

Below is a section of the current Wellington Official Zoning Map (Exhibit I) with an illustration of proposed MUPD designation for the subject properties to be developed as a future 52-acre mixed-use project as illustrated on the future Lotis II Conceptual Master and Site Plans (Exhibit C).

Current Zoning Map



Proposed Zoning Map Amendment



Wellington's Official Zoning Map will be amended to include the adoption date, ordinance number, and MUPD zoning designation for the subject parcels.

The applicant's justification statements for the Annexation is provided as Exhibit J, Comprehensive Plan Amendment is provided as Exhibit K, and Rezoning is provided as Exhibit L, with details on the request. The complete Annexation (Petition No. 2021-0002-ANX), Comprehensive Plan Amendment (Petition No. 2021-0002-CPA), and Rezoning (Petition No. 2021-0002-REZ) applications are available for review at the Planning and Zoning Division office.

Summary:

Based on the findings, consistency with Wellington's Comprehensive Plan and Land Development Regulations, the Planning and Zoning Division recommends approval of the following:

- **Ordinance No. 2022-26**, Annexation (Petition No. 2021-0002-ANX) to amend Wellington's municipal boundary;

- **Ordinance No. 2022-27**, Comprehensive Plan Amendment (Petition No. 2021-0002-CPA) to amend the Future Land Use Map (FLUM) designation to Mixed Use; and
- **Ordinance No. 2022-28**, Rezoning (Petition No. 2021-0002-REZ) to amend the Official Zoning Map designation to Multiple Use Planned Development (MUPD) for the subject parcels for the future Lotis II 52-acre mixed use project.

List of Exhibits:

Exhibit A	Lake Worth Drainage District Letter
Exhibit B	Current Future Land Use Map
Exhibit C	Lotis II Conceptual Master and Site Plans
Exhibit D	Financial Analysis
Exhibit E	Market Study Summary (Multi-family Rental Apartments and Single-family)
Exhibit F	Environmental Assessment Report
Exhibit G	SFWMD Informal Wetland Determination
Exhibit H	PBC Traffic Division and Wellington's Traffic Consultant Letters
Exhibit I	Current Official Zoning Map
Exhibit J	Annexation Justification Statement
Exhibit K	Comprehensive Plan Amendment Justification Statement
Exhibit L	Rezoning Justification Statement
Exhibit M	Urban Services Report