

RESOLUTION NO. R2022-65

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A RESOLUTION OF WELLINGTON, FLORIDA’S COUNCIL, FOR A MASTER PLAN AMENDMENT (PETITION NUMBER 2022-0003-MPA) AMENDING THE WELLINGTON PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN FOR A CERTAIN PARCEL KNOWN AS PALM BEACH LITTLE RANCHES EAST OPEN SPACE AND RECREATION (A.K.A. 977 CINDY DRIVE), TOTALING 0.23-ACRE, MORE OR LESS, LOCATED APPROXIMATELY A HALF-MILE SOUTH OF ACME ROAD AND CINDY DRIVE INTERSECTION AT 977 CINDY DRIVE, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO ADD ONE (1) DWELLING UNIT WITH SITE SPECIFIC DEVELOPMENT STANDARDS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Wellington’s Council, as the governing body of Wellington, Florida, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and the Land Development Regulations (LDR) is authorized and empowered to consider petitions related to zoning and development orders; and

WHEREAS, the notice and hearing requirements, as provided in Article 5 of the LDR, as adopted by Wellington, have been satisfied; and

WHEREAS, the current Wellington Future Land Use Map designation for the Palm Beach Little Ranches East Subdivision is Residential B; and

WHEREAS, the current Wellington Zoning Map designation for the Palm Beach Little Ranches East Subdivision is Planned Unit Development (PUD); and

WHEREAS, the subject parcel (977 Cindy Drive) is within the Palm Beach Little Ranches East Subdivision, which is a part of the Wellington PUD, and is designated as Open Space and Recreation Area on the recorded Palm Beach Little Ranches East Plat; and

WHEREAS, the applicant is requesting to amend the Wellington PUD Master Plan by increasing the number of units within the Palm Beach Little Ranches East pod from 34 to 35 dwelling units, and site-specific development standards to allow for development of the subject parcel as a single-family residential lot; and

WHEREAS, the Equestrian Preserve Committee (EPC) recommended denial of the request at the October 6, 2022 meeting with a 4 – 0 vote; and

WHEREAS, the Planning, Zoning and Adjustment Board (PZAB), sitting as the Local Planning Agency, after notice and public hearing on October 19, 2022, recommended denial of the request with a 6 – 0 vote; and

WHEREAS, the Wellington Council has taken the recommendations from Wellington staff, EPC, and PZAB, and the comments from the applicant and public into

49 consideration when considering the proposed amendments that are the subject of this
50 Resolution; and

51
52 **WHEREAS**, the Wellington Council has made the following findings of fact:

- 53
54 1. The request to allow the 0.23-acre subject parcel to be converted from an Open
55 Space and Recreation Area tract to a single-family residential lot is consistent
56 with the single-family residential nature of the Palm Beach Little Ranches pod
57 and will not negatively impact the character of the Palm Beach Little Ranches
58 neighborhood.
- 59
60 2. The site-specific development standards for the subject parcel will not
61 negatively impact the character of the Palm Beach Little Ranches
62 neighborhood and are consistent with the residential development standards
63 for similarly situated lots in the Wellington PUD.

64
65 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF WELLINGTON,**
66 **FLORIDA, THAT:**

67
68 **SECTION 1.** The subject parcel (977 Cindy Drive) as legally described in Exhibit
69 A, is approved to allow development as a residential lot subject to the following
70 conditions of approval:

- 71
72 1. The subject parcel shall be limited to one (1) single-family dwelling unit.
73 (PLANNING)
- 74
75 2. A replat of Palm Beach Little Ranches East Plat is required to re-designate the
76 subject parcel from Open Space and Recreation Area to a residential lot. The replat
77 application shall be submitted within 60 days of this resolution approval. The replat
78 shall be approved and recorded, within one (1) year of this resolution approval or
79 prior to the sale of the subject parcel, whichever comes first, and prior to the
80 issuance of any development permits. (ENGINEERING/ PLANNING)
- 81
82 3. A Land Development Permit, issued by the Village of Wellington Engineering
83 Department, is required prior to any earthwork or construction taking place. The
84 Land Development Permit must be closed out before any Temporary Certificates of
85 Occupancy (TCO) or Certificates of Occupancy (CO) are issued for the subject
86 parcel. (ENGINEERING)
- 87
88 4. The conversion of the Palm Beach Little Ranches East Plat Open Space and
89 Recreation Area to a residential lot shall require a payment in-lieu of the land area
90 dedication of \$50,000 per acre (\$11,500 for the 0.23-acre subject parcel) or the fair
91 market value per acre, whichever is greater. The fair market value shall be based
92 on the average appraised land value within Palm Beach Little Ranches East and
93 be submitted by the applicant/owner prior to the issuance of the Plat/Land
94 Development Permit Technical Compliance letter. The in-lieu payment shall be
95 submitted to Wellington prior to recording of the required Palm Beach Little
96 Ranches East Replat. (PLANNING)
- 97

- 98 5. Building Permit application(s) for development of the subject parcel with a single-
 99 family residential building shall be submitted within one (1) year of this resolution
 100 approval. (PLANNING)
 101
 102 6. If connection to the public water system is required for the subject parcel by the
 103 Palm Beach County (PBC) Health Department, a temporary or final certificate of
 104 occupancy shall not be issued for the property until the connection requirement has
 105 been met (and all capacity fees paid). The applicant/owner shall confirm connection
 106 requirements with the PBC Health Department prior to submitting a Building Permit
 107 application for single-family residential building. (UTILITIES)
 108
 109 7. Development of the subject parcel shall be per the below regulations.
 110

| Standards | Subject Parcel |
|--------------------------|---------------------|
| Lot Size | 0.23 Acre |
| Lot Width | 50 ft. |
| Lot Depth | 212 ft. |
| Building Coverage (Max.) | 25% |
| | Principal/Accessory |
| Front Setback | 50 ft./100 ft. |
| Side (Interior) Setback | 15 ft. |
| Rear Setback | 25 ft. |

- 111
 112 8. All previous conditions of approval not amended by this Resolution are still in effect.
 113 (PLANNING)
 114

115 **SECTION 2:** The Wellington PUD Master Plan (Exhibit B) is hereby amended to
 116 increase the Palm Beach Little Ranches East pod to 35 dwelling units.
 117

118 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this
 119 Resolution conflict with any section, paragraph, clause or phrase of any prior
 120 Ordinance, Resolution, or municipal Code provision, then in that event the provisions
 121 of this Resolution shall prevail to the extent of such conflict.
 122

123 **SECTION 4:** Should any section paragraph, sentence, clause, or phrase of this
 124 Resolution be declared by a court of competent jurisdiction to be invalid, such decision
 125 shall not affect the validity of this Resolution as a whole or any portion or part thereof,
 126 other than the part to be declared invalid.
 127

128 **SECTION 5:** This Resolution shall become effective immediately upon approval.
 129

130 *[This section is intentionally left blank]*

131 **PASSED AND ADOPTED** this ____ day of _____, 2022.

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WELLINGTON

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BY: _____

138

Anne Gerwig, Mayor

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ATTEST:

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BY: _____

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Chevelle Addie, Clerk

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APPROVED AS TO FORM AND

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LEGAL SUFFICIENCY

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BY: _____

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Laurie Cohen, Village Attorney