

ORDINANCE NO. 2017-08

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A COMPREHENSIVE PLAN AMENDMENT [PETITION 17-043 (2017-029 CPA6)] TO AMEND THE CONDITIONS OF APPROVAL FOR THE COMMUNITY COMMERCIAL DESIGNATION AND AMENDING THE FUTURE LAND USE MAP NOTATION FOR CERTAIN PROPERTY KNOWN AS VILLAGE GREEN CENTER, TOTALING 15.89 ACRES, MORE OR LESS, LOCATED ON THE NORTHWEST CORNER OF STATE ROAD 7 AND STRIBLING WAY/PIERSON ROAD, APPROXIMATELY ONE (1) MILE SOUTH OF FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; AMENDING THE CONDITIONS OF APPROVAL TO ALLOW MEDICAL OFFICE WITHIN THE USE LIMITATIONS; TO REDUCE THE MAXIMUM ALLOWABLE SQUARE FOOTAGE FOR THE PROJECT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Council of Wellington, Florida, adopted Ordinance No. 2013-04 on April 9, 2013 amended use limitations for the Community Commercial designated property as listed below:

1. The project shall be developed consistent with the following:

USES	ACREAGE/SQUARE FEET
Open Space	At least three (3) acres reserved for open space, as defined in Policy 1.3.25 of the Land Use Element in the Comprehensive Plan
Commercial, Retail and Restaurant	137,214 square feet*
General Office (Business or Professional)	Minimum of 31,000 square feet*

*The allowed square footage for the Commercial, Retail, Restaurant and General Office uses may be exceeded as long as the combined square footage does not exceed a maximum of 182,952 square feet and the overall project complies with mandatory Traffic Performance Standards in place at the time of the request.

WHEREAS, site specific use limitations have been applied to property along State Road 7 to address public facility concurrency requirements, specifically traffic concurrency, as required by Florida Statutes; and

WHEREAS, the site specific limitations have historically required a comprehensive plan amendment to transfer square footage between different uses generally dictated by changes in the commercial market, staff recommends providing flexibility in the development limitations to allow for use square footage transfer provided the development does not exceed the total permitted square footage and meets the

current traffic performance standards at the time of the request; and

WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on November 8, 2017, recommended approval of the Comprehensive Plan Amendment with a 6-0 vote; and

WHEREAS, the Council has taken the recommendations from the Local Planning Agency, Wellington staff and the comments from the public into consideration when considering the proposed Comprehensive Plan Amendment; and

WHEREAS, the Council, after notice and public hearing, voted to transmit this proposed amendment to the Florida Department of Economic Opportunity and complied with applicable provisions of the Florida Statutes governing amendments of local Comprehensive Plans.

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

SECTION 1: The Future Land Use Map designation for the real property described in Exhibit A will remain as Community Commercial on Wellington's Future Land Use Map. The Future Land Use Map is specifically amended to include the adopted date, ordinance number and project name for the real property described in Exhibit A.

SECTION 2: The Community Commercial Future Land Use Map designation for the real property as described in Exhibit A is subject to the following conditions of approval:

1. The project shall be developed consistent with the following:

USES	ACREAGE/SQUARE FEET
Open Space	At least three (3) acres reserved for open space, as defined in Policy 1.3.25 of the Land Use Element in the Comprehensive Plan
Commercial, Retail and Restaurant	137,214 <u>110,930</u> square feet*
General Office (Business or Professional) <u>and Medical Office</u>	Minimum of 31,000 square feet*

*The allowed square footage for the Commercial, Retail, Restaurant, Medical Office and General Office uses may be exceeded as long as the combined square footage does not exceed a maximum of ~~182,952~~ 146,207 square feet and the overall project complies with mandatory Traffic Performance Standards in place at the time of the request.

SECTION 3: The Manager or designee is hereby directed to amend the conditions of approval for the Village Green Center Community Commercial Future Land Use Map designation and amend the Future Land Use Map notation in accordance with this Ordinance.

SECTION 4: The Manager is hereby authorized and directed to transmit this Comprehensive Plan Amendment to the Florida Department of Economic Opportunity pursuant to Chapter 163 Florida Statutes.

SECTION 5: Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Ordinance, Resolution, or municipal Code provision, then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

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

SECTION 7: The effective date of this Comprehensive Plan Amendment shall be 31 days after adoption by the Council, if there has not been a compliance challenge with the Division of Administrative Hearings. If the ordinance is challenged within 30 days after adoption, the ordinance shall not become effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining the amendment to be in compliance.

[This section intentionally left blank]

PASSED this _____ day of _____, 2017, upon first reading.

PASSED AND ADOPTED this _____ day of _____ 2017, on second and final reading.

WELLINGTON

FOR AGAINST

BY: _____	_____	_____
Anne Gerwig, Mayor		
_____	_____	_____
John T. McGovern, Vice Mayor		
_____	_____	_____
Michael Drahos, Councilman		
_____	_____	_____
Michael J. Napoleone, Councilman		
_____	_____	_____
Tanya Siskind, Councilwoman		

ATTEST:

BY: _____
Chevelle D. Nubin, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney

EXHIBIT A

Legal Description

VILLAGE GREEN CENTER, ACCORDING TO THE PLAT THEREOF ON FILE IN THE
OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH
COUNTY, FLORIDA, RECORDED IN PLAT BOOK 115, PAGES 153 THROUGH 155,
INCLUSIVE.
CONTAINING 15.889 ACRES, MORE OR LESS.