

ORDINANCE NO. 2021 – 06

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING AN AMENDMENT TO THE FUTURE LAND USE MAP (FLUM) OF WELLINGTON'S COMPREHENSIVE PLAN, (PETITION NUMBER 2020-0001-CPA), TO MODIFY THE LAND USE DESIGNATION FOR TRACT W-5 (CONSERVATION), TOTALING 17.62 ACRES, MORE OR LESS, AND THE LAND USE DESIGNATION FOR POD B (RESIDENTIAL F), TOTALING 25.96 ACRES, MORE OR LESS, TO REGIONAL COMMERCIAL/LARGE SCALE MIXED USE (RC/LSMU); TO DELETE THE MAP NOTATION FOR PROPERTIES DESIGNATED LSMU; TO DELETE THE SITE SPECIFIC TABLE THAT INDICATES THE MINIMUM AND MAXIMUM ACREAGE THRESHOLDS FOR EACH USE TYPE FOR THE SUBJECT SITE, KNOWN AS WELLINGTON GREEN, TOTALING 456.30 ACRES, MORE OR LESS, LOCATED ON THE SOUTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Wellington, Florida's Council, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its Comprehensive Plan; and

WHEREAS, Palm Beach County (PBC) adopted Ordinance No. 96-26 designating the subject properties, known as Wellington Green (F.K.A. Wellington Commons DRI), with a Future Land Use Map (FLUM) designation of Large Scale/Multiple Use (LS/MU) overlay with minimum and maximum acreage thresholds for the underlying land uses (including Commercial High, Residential High, Residential Medium, Wetland/Buffer, Active Park, and Lakes), which are allowed anywhere within the overall project; and

WHEREAS, Wellington Green was approved as a Development of Regional Impact (DRI) by PBC around the same time as Wellington's incorporation. The subject properties were included within the boundary of Wellington at the time of incorporation. The Wellington Charter indicated that "all development orders and development permits associated with the DRI shall be administered and issued by PBC for 48 months subsequent to the date Wellington commences corporate existence." Wellington became the responsible jurisdiction for the DRI on March 28, 2000. At that time, the Wellington Green DRI had a Wellington Regional Commercial/Large Scale Mixed Use (RC/LSMU) FLUM designation and a Planned Unit Development/Multiple Use Planned Development (PUD/MUPD) Zoning designation. Wellington also accepted the master plan and site plan(s) that were approved by PBC as valid development orders; and

WHEREAS, the FLUM of Wellington's Comprehensive Plan was amended in 2004 and the adopted FLUM illustrated Tract W-5 as Conservation and Pod "B" as Residential "F", with no specific applications or amendments requested for the subject properties; and

WHEREAS, the Wellington Green DRI sunset on December 31, 2016. The subject site is now regulated by the master plan and site plan(s) in accordance with Wellington's

Comprehensive Plan and Land Development Regulations (LDR); and

WHEREAS, this request is to amend the FLUM designation of Wellington's Comprehensive Plan for Tract W-5 and Pod "B" to RC/LSMU to restore the designation as illustrated prior to the 2004 adopted FLUM of the Comprehensive Plan. This request is also to delete the FLUM notation for properties designated LSMU and delete the site specific table with minimum and maximum acreage thresholds for each use type as these thresholds are also regulated by the master plan; and

WHEREAS, this request does not grant, modify, or eliminate entitlements related to the overall Wellington Green project and any proposed changes to the adopted master plan will require a public hearing and approval by Wellington's Council; and

WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on February 10, 2021, recommended approval of the Comprehensive Plan FLUM amendment to designate the overall subject site as RC/LSMU, and delete the FLUM notation and site specific acreage thresholds with a 6 to 0 vote; and

WHEREAS, Wellington's Council has taken the recommendations from the Local Planning Agency, Wellington staff, and the comments from the public into consideration for this request; and

WHEREAS, Wellington's Council, after notice and public hearing, voted ___ to ___ to transmit this proposed amendment to the Florida Department of Economic Opportunity (DEO), in compliance 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 (FLUM) designation of Wellington's Comprehensive Plan for Tract W-5, Pod "B," and the overall 456-acre site, known as Wellington Green, and as legally described in Exhibit "A," is hereby designated as Regional Commercial/Large Scale Mixed Use (RC/LSMU).

SECTION 2. The Wellington Comprehensive Future Land Use Map (FLUM) notation for properties designated LSMU is hereby deleted.

SECTION 3. The following site specific condition for the Future Land Use designation for Wellington Green as established by Palm Beach County (PBC) Ordinance No. 96-26 is hereby deleted:

~~The following underlying uses shall apply to this amendment:~~

LAND USE	MINIMUM AC.	MAXIMUM AC.
Commercial High (CH)	185	250
Residential High 8 (HR-8)	40	50
Resid. Medium (MR-5) CLF	35	60

Wetland/Buffer	28	-
Active Park	10	-
Lakes/Drainage Control	132	-
————— Total	400	466

~~These uses shall be shown in a Mosaic pattern on the Future Land Use Atlas.~~

~~General location: Southwest corner of Forest Hill Boulevard and SR-7 (US 441).~~

~~Size: ————— 466 acres~~

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. The Manager is hereby directed to amend the FLUM of Wellington's Comprehensive Plan (Exhibit "B") to include the land use designation for the property as described in Exhibit "A," delete the FLUM notation for properties designated Large Scale Mixed Use (LSMU), and include the adopted date and ordinance number in accordance with this ordinance and pursuant to the requirements of Chapter 163, Florida Statutes.

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

SECTION 8. The effective date of this Comprehensive Plan Amendment shall be 31 days after adoption by Wellington's 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.

(The remainder of this page left intentionally blank)

PASSED this _____ day of _____, 2021, upon first reading.

PASSED AND ADOPTED this ____ day of _____ 2021, on second and final reading.

WELLINGTON

FOR AGAINST

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

ATTEST:

BY: _____
Chevelle D. Addie, Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney