

Wellington Green

STAFF REPORT

Petition Number(s)/Types:

2020-0001-CPA / Comprehensive Plan Amendment (CPA)
2020-0001-DOA / Development Order Amendment (DOA)

Ordinance(s): 2020-06(CPA)
2020-07 (DOA)

Applicant: Wellington Green Master Property
Owners Association, Inc.
2900 Glades Rd., Suite 320
Boca Raton, FL 33434

Agent: WGI, Inc.
2035 Vista Parkway
West Palm Beach, FL 33411

Future Land Use Map Designation:

Current: Regional Commercial/Large Scale Mixed
Use/Conservation/Residential "F"
Proposed: Regional Commercial/Large Scale Mixed
Use

Zoning Map Designation:

Current: Multiple Use Planned Development/
Planned Unit Development (MUPD/PUD)
Proposed: No change requested

Acres: 456.30 Acres (+/-)

Request:

1. Amend the Future Land Use Map designation for Tract W-5 from Conservation and Pod B from Residential "F" to Regional Commercial/Large Scale Mixed Use, delete the map notation for properties designated LSMU, and delete the site specific table that indicates the minimum and maximum acreage thresholds; and

2. Delete all conditions of approval that were originally adopted as part of the rezoning by Palm Beach County and illustrate the PUD and MUPD as established for the approved Rezoning development order for the overall 456-acre Wellington Green project.

Site Location:

Wellington Green is located on the southwest corner of Forest Hill Boulevard and State Road 7/U.S. 441.

Project Manager:

Damian Newell, Senior Planner
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Location Map:



Adjacent Property	FLUM	Zoning
North	Residential "E" / Medical Commercial	Planned Unit Development (PUD) / Medical Commercial Planned Development (MCPD)
South	Residential "C" / Community Commercial	PUD / Community Commercial
East	Residential "C"	PUD
West	Commercial Recreation / Residential "C"	PUD

Boards, Committees, and Council:

	Notice Date	Meeting Date	Vote
PZAB	1/26/2021	2/10/2021	6-0
Council (1 st)	02/22/2021	03/09/2021	Pending
Council (2 nd)	3/30/21 (Tentative)	4/13/21 (Tentative)	Pending

Public Notice and Comments:

Sent	Returned	Delivered	For	Opposed
335	27	172	TBD	43

Note: 43 emails and comments were received, some of which may be a result of the public meeting notifications mailed to surrounding property owners within 500 feet, advertisement placed in the Palm Beach Post, or posted signs on the property.

Site History and Current Request:

On August 26, 1996, Palm Beach County (PBC) approved three (3) development applications for the overall 466.3-acre parcel, known as Wellington Green (FKA Wellington Commons DRI) consisting of:

- **Ordinance No. 96-26** (Exhibit “A”): Future Land Use Map (FLUM) change from Low Residential 2 (LR-2) to Large Scale/Multiple Use (LS/MU) overlay with underlying land uses (including Commercial High, Residential High, Residential Medium, Wetland/Buffer, Active Park and Lakes allowed anywhere within the overall project).
- **Resolution No. R96-1194:** Development of Regional Impact (DRI) with conditions of approval (Regional).
- **Resolution No. R96-1195** (Exhibit “B”): Zoning Map change from Agricultural Residential (AR) to one (1) Planned Unit Development (PUD) and seven (7) Multiple Use Planned Developments (MUPD) with conditions of approval (Local).

Since the initial approvals in 1996, several amendments have been approved by both PBC and Wellington (VOW), as summarized in Exhibit “C.”

Wellington Green was approved as a 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 developments permits associated with the DRI shall be administered and issued by PBC for 48 months subsequent to the date Wellington commences corporate existence. Wellington’s regulator jurisdiction for the DRI began on March 28, 2000. At that time, the Wellington Green DRI had a 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. The Wellington Green DRI sunset on December 31, 2016, with the regional conditions having been satisfied and the local conditions having been substantially completed. As a result of the DRI sunset, Wellington assumed full responsibility for regulating all remaining development orders for the Wellington Green project.

The approved zoning for the Wellington Green project consists of one (1) PUD and seven (7) MUPD. The six (6) perimeter MUPD (A-F) and the centrally located mall MUPD (G) were approved for a variety of commercial, retail, hotel, office and personal service uses. The 224.85-acre PUD consists of three (3) residential pods (A, B & C) and a variety of features including water management areas, wetland preserves, and a small endangered fern preserve. Pod “A” is approximately 46.1 acres and approved for 630 units, known as NuVista/Wellington Bay (F.K.A. Devonshire) Congregate Living Facilities. Pod “B” is 26.0 acres and approved for 400 units, known as The Estates at Wellington Green apartment complex. Pod “C” is 17.6 acres with 273 units, known as Axis (F.K.A. Camden Court) apartment complex. A 10-acre active park site was removed (Resolution No. R2005-124) from the Wellington Green project and deeded to Wellington for public use, resulting in the overall project totaling approximately 456 acres.

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Planning and Zoning Division

February 10, 2021



The Wellington Green project also included wetland preserve and buffer areas designated on the Wellington Green Master Plan as noted below:

TRACTS	WETLAND PRESERVE (ACRE)	BUFFER (ACRE)	WETLAND PRESERVE AND BUFFER (ACRE)	LOCATION/NOTE
W-1	3.85	-	3.85	MUPD "D" with frontage along State Road 7
W-1A	0.0022	-	0.0022	MUPD "D"
W-1B	0.07	-	0.07	MUPD "D"
W-2	0.77	-	0.77	MUPD "D" with frontage along Forest Hill Blvd.
W-3	3.26	0.63	3.89	MUPD "C"
W-5*	14.61	3.01	17.62	PUD section adjacent to all three (3) Pods (subject of the applicant's proposed Master Plan Amendment)
W-6	1.15	-	1.15	PUD section northeast of the lake (Tract "A")
W-7	0.94	-	0.94	Eliminated as part of the development of MUPD "F"
Total	24.65	4.68	28.29	Current Wetland Preserve and Buffer Total is 27.35 acres

*Only preserve area designated as Conservation on Wellington's Future Land Use Map. Refer to the Analysis section detailing history of the W-5 land use designation.

The owner (Brefrank, Inc.) of the wetland preserve/buffer areas recently requested to change the Future Land Use Map (FLUM) designation of Wellington's Comprehensive Plan (Petition No. 2019-005 CPA 3) for an 8.59-acre portion of Tract W-5 (17.62 acres) from Conservation to Regional Commercial/Large Scale Mixed Use (RC/LSMU). Brefrank, Inc. also requested a Master Plan Amendment (Petition No. 2019-006 MPA 7) to remove the wetland preserve designation from Tract W-3 (3.89 acres) and a portion of Tract W-5 (8.59 acres).

At the October 7, 2019 Council meeting, the owner withdrew the FLUM amendment requests stating it was not required for Tract W-5 because the FLUM designation for the overall project, including W-5, should be LSMU, per PBC's land use approval (Ordinance No. 96-26). Further, the owner contended that PBC and Wellington FLUMs historically illustrated the project as LSMU, with underlying Commercial High, Residential High, Residential Medium, Wetland/Buffer, Active Park and Lakes land uses. The owner also requested and was permitted a postponement of the request for the related MPA.

After review of the historical documents approving the Wellington Green project, it was determined the FLUM designation for the entire 456-acre property should be RC/LSMU. The initial FLUM adopted by Wellington amended the overall property from PBC's LSMU to Wellington's RC/LSMU for Wellington Green. Wellington's FLUM of the Comprehensive Plan was amended in 2004 as a part of the Evaluation and Appraisal Report (EAR) amendments and the 2004 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 the EAR did not reference the change as a part of any EAR-based amendments. The EAR amendments are available for review at the Planning and Zoning Division office. The list of all Wellington Comprehensive Plan amendments (Exhibit "I") since adoption is provided to illustrate no specific amendment was adopted for Wellington Green Tract W-5 or Pod "B." Below are images of the adopted Wellington FLUM of the Wellington Green project from 2001, 2004, and current.



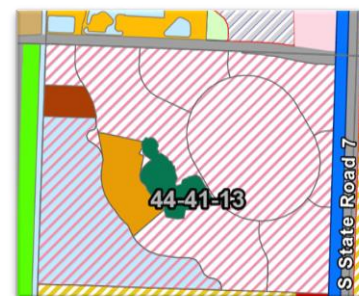
**2001 FLUM
(RC/LSMU)**



**2004 FLUM
(RC/LSMU/Conservation/Res. "F")**



Current FLUM



The document review also revealed that the conditions of approval for both the project's land use and zoning development orders were never amended over the years to be consistent with approved amendments to the master plan. Historically, PBC conditioned a project's land use and zoning development orders with conditions of approval that matched or mirrored conditions typically found on the master plan approval related to a project's entitlements and development standards. Wellington's current practice is to include the conditions related to a project's entitlements and development standards on the master plan only. Wellington does not include site-specific conditions as part of the land use or zoning development order approvals today in efforts to avoid inconsistencies among documents and approvals as occurred with the Wellington Green project. Consistent with this practice, the project's land use and zoning development order conditions should be deleted for the Wellington Green project, as requested below.

The applicant (Wellington Green Master Property Owners Association, Inc.) is now requesting approval of the following applications/petitions:

- Petition 2020-0001-CPA, a Comprehensive Plan Amendment (CPA) to amend the Future Land Use Map (FLUM) designations for Tract W-5 from Conservation and Pod "B" from Residential "F" to RC/LSMU, to delete FLUM notation related to the LSMU designation, and to delete conditions of approval of Ordinance No. 96-26.
- Petition 2020-0001-DOA, a Development Order Amendment (DOA) to delete conditions of approval and restate the zoning designation as approved with Resolution No. R96-1195.

As previously mentioned, the owner (Brefrank, Inc.) of the wetlands submitted a master plan amendment request in 2019, as a companion application to the FLUM amendment that same year. The request was to amend the Wellington Green Master Plan to remove the wetland preserve designation from Tract W-3 (3.89 acre) to allow retail and amend a portion of Tract W-5 (8.59 acre) to allow 185 multi-family residential units. The request was heard at the August 14, 2019 Planning, Zoning and Adjustment Board (PZAB) meeting and the Board recommended approval (5 – 2 vote, with Ms. Mariaca and Mr. Shullman dissenting) of the master plan amendment (Petition Number 19-009 / 2019-006 MPA 7) to Tract W-3 and W-5. When the FLUM amendment was withdrawn by the wetland owner, the master plan application was postponed while research was conducted related to the FLUM discrepancy. The owner has since submitted an amended request for a master plan amendment to only remove the wetland designation from a portion of Tract W-5 for the

proposed residential development. The owner has submitted to SFWMD and U.S. Army Corps of Engineers (USACE) an application/environmental report (Exhibit "J") to amend the permits for Tract W-5. The environmental report (Exhibit "J") includes a copy of the Conservation Easement (ORB 11564 Pg 1539) granted to SFWMD for all the wetlands within Wellington Green. The document indicates that amendment, release or revoke of the Conservation Easement shall be with written agreement with SFWMD. The permit amendment for Tract W-5 includes the removal of 8.59 acres. The remaining 9.03 acres of wetland is proposed to include removing exotic vegetation, enhancing the preserve with native vegetation/tree replanting, and enhancing the hydrologic regime to increase the overall quality. Additionally, to mitigate the loss of wetland area, the purchase of off-site mitigation bank credits will be required and the final credits required will be as determined by the SFWMD prior to issuance of permit(s) and amended Conservation Easement for the proposed amendment.

Council was provided (October 7, 2019) the tree canopy inventory utilized for the Tree City USA award as recommended by PZAB on August 14, 2019. Tree City USA award is based on trees on publicly owned land. A tree inventory is utilized for the award/designation and not a tree canopy study. The standards for a community to qualify for Tree City USA includes having a tree board/department, tree care ordinance, community forestry program, and Arbor Day observance. Wellington has been designated Tree City USA for over 20 years and received growth awards for over 10 years. The tree inventory utilized for the Tree City USA award/designation is available for review at the Planning and Zoning Division office.

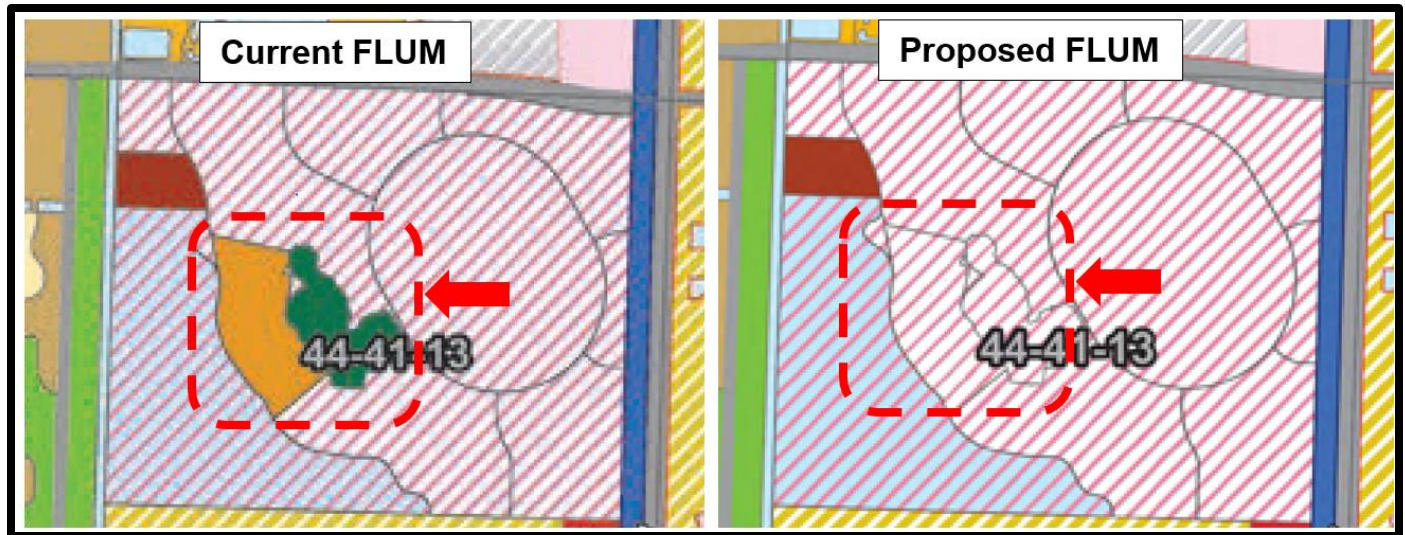
The amended request for the Wellington Green Master Plan Amendment is not required to be reheard by the PZAB as the original request for the portion of Tract W-5 has not changed and Tract W-3 was removed from the request. The proposed master plan amendment will require Council approval of the CPA and DOA requests prior to being considered by Council. The Wellington Green Master Plan will be on the Council agenda with the second reading of the CPA and DOA petitions, if approved at first reading.

Analysis:

Below are findings for the Comprehensive Plan Amendment and Development Order Amendment petitions:

1. Comprehensive Plan Amendment (Future Land Use Map)

The applicant is requesting to amend the Future Land Use Map (FLUM) designation of the Comprehensive Plan Amendment (CPA) for Wellington Green Tract W-5 (17.62 acres) from Conservation and Pod "B" from Residential "F" to Regional Commercial/Large Scale Mixed Use (RC/LSMU), to delete a FLUM notation related to the LSMU designation, and to delete site-specific development conditions of approval. As mentioned in the previous section, Wellington's FLUM was amended to depict Wellington Green Tract W-5 as Conservation and Pod "B" as Residential "F," which first appeared on the 2004 FLUM, with no approved ordinances or amendments requested for the specific land use changes for these properties. Since there are no records, reports, or related documentation supporting the land use change to Tract W-5 or Pod "B," both should still be designated RC/LSMU as a part of the entire Wellington Green project on Wellington's FLUM as illustrated below.



The FLUM also has a note that indicates that properties designated LSMU should be shown in a mosaic, minimum and maximum intensity shall be as stated in the ordinance, and allowed land uses may be anywhere within the site, subject to the project's approved master plan. This notation is not needed on the FLUM, as Wellington Green is the only parcel designated RC/LSMU and the approved master plan has development requirements including allowed land uses and minimum and maximum intensity/density, which is consistent with other planned development approvals.

Ordinance No. 96-26 (Exhibit "A"), approving the FLUM designation for Wellington Green, included conditions of approval for the underlying land uses with minimum and maximum acreage thresholds. These conditions of approval were repeated on the other development orders for the Wellington Green project. Over the years, the conditions have been amended on the Wellington Green Master Plan, but the conditions were never changed on the land use approval (Ordinance No. 96-26) or the Rezoning approval (Ordinance No. 96-1195). The development orders for Wellington Green now have inconsistent language for the same conditions. Below is the condition in the land use approval (Ordinance No. 96-26) that is proposed to be 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)	10	50
Resid. Medium (MR-5)CLF Only	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

It was common planning practice to include the same development conditions on the land use, zoning and master plan approvals for a project. This practice was due in part to the growth management regulations of the Florida Statutes. The growth management regulations have changed and Wellington's current practice has been to not place conditions of approval on approvals that designate land use and/or zoning, and to "clean up" any previously conditioned projects. Instead, development entitlements/conditions are placed on the development order approving the master plan and/or conditional use(s) for a project. In this case, the current Wellington Green Master Plan contains the up-to-date conditions of approval, including the approved land uses and minimum/maximum thresholds, which govern the project. The master plan will require Council approval for it to be amended for any future development entitlement changes to Wellington Green.

Approval of this request to amend the land use for Tract W-5 and Pod "B" will restore the overall Wellington Green project to RC/LSMU on the FLUM of Wellington's Comprehensive Plan as intended with the original development order for the land use. This amendment will also delete the FLUM notation for project's designated LSMU and the development order conditions for the minimum and maximum acreage thresholds.

2. Development Order Amendment

This Development Order Amendment (DOA) request is to amend the original Rezoning of the Wellington Green property as adopted by PBC Resolution No. R-96-1195 (Exhibit "B"). The approval was a Zoning Map designation of Planned Unit Development (PUD) for the one (1) residential pod (identified as pods A, B, and C) and Multiple Use Planned Development (MUPD) for the seven (7) commercial pods (including the Mall at Wellington Green) with local conditions of approval. Similar to the land use approval, as mentioned in the previous section, the zoning approval included conditions of approval that were not amended over the years to be consistent with the approved master plan amendments. These conditions were specific to local entitlements and development standards that were in addition to regional conditions of approval as a part of the Wellington Green DRI. The current approved Wellington Green Master Plan (Resolution No. R2017-10/Exhibit "G") removed "satisfied" Regional Conditions and consolidated all Local Conditions in 2017. Exhibit "H" is an illustration of the original zoning condition numbers (see Exhibit "B" for conditions) that were previously amended or deleted, and new condition numbers on the current master plan approval (see Exhibit "G" for conditions). The conditions indicated as deleted were obsolete and/or previously satisfied and were deleted over the years with master plan amendments approved by Council. Before any future development orders are approved for the Wellington Green project, the rezoning development order will need to be amended to ensure no inconsistencies of the conditions among documents.

The approval process of conditioning the land use and zoning ordinances under previous growth management regulations was more cumbersome and often complicated and prolonged the amendment process by requiring amendments of the same condition across several documents

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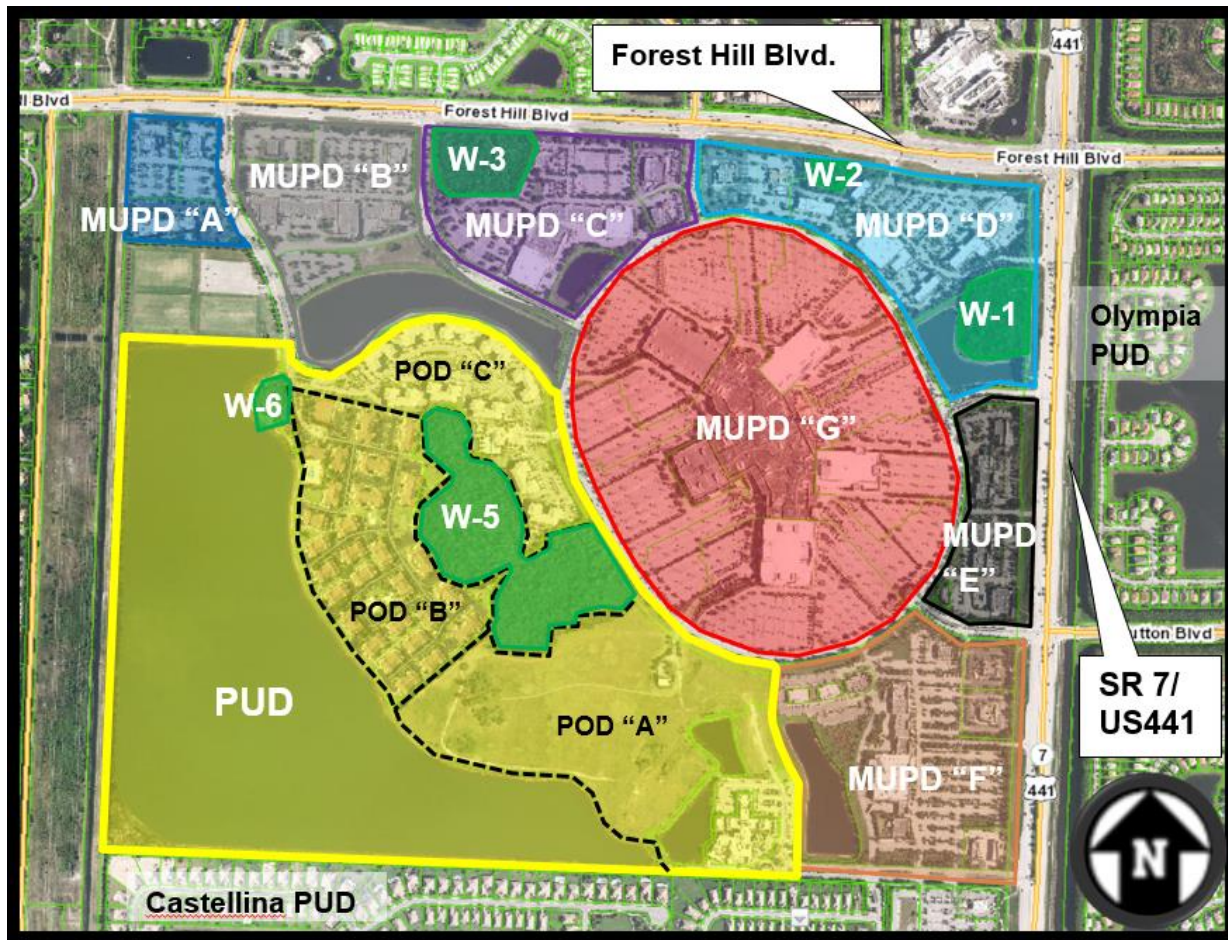
Planning and Zoning Division

February 10, 2021



for any given project. Wellington recently updated the Land Development Regulations in efforts to streamline the review process and to comply with changes to state statutes. The conditions of approval that will govern the project are provided on the current master plan (Resolution No. R2017-10), which is the appropriate document for development related conditions. Any changes to the master plan that increase density and/or intensity in the future will require a public hearing and Council approval. Approval of the DOA request to delete the conditions of approval and restate the zoning designation as one (1) Planned Unit Development (PUD) and seven (7) Multiple Use Planned Developments (MUPD) for the Wellington Green property will correct the inconsistencies and ensure that new inconsistencies with conditions are not created in the future.

Below is an illustration that shows the Wellington Green project with one (1) residential PUD (with three (3) residential pods identified as Pods "A – C") and seven (7) MUPD (commercial pods identified as MUPD "A-G," which includes the Mall at Wellington Green as MUPD "G"). Tracts W-1, W-2, W-3, W-6, and a portion of W-5 (9.03 acres) will still be designated as wetland preserve/buffer on the Wellington Green Master Plan.



As indicated previously, the owner (Brefrank, Inc.) of Tract W-5 (wetland/buffer area) submitted a master plan request to convert 8.59 acres of the 17-acre tract as illustrated below.



The owner is proposing to develop an additional 185 multi-family residential units for Pod “C” as illustrated on the proposed Wellington Green Master Plan (Exhibit “D”). This will be an expansion of the approved 273-unit multi-family residential development know as Axis Luxury Apartments.

As previously indicated, a modification to Tract W-5 will require a land use change and amendments to the land use and zoning approvals, approved by Council, prior to consideration of the proposed master plan amendment, to ensure it will be consistent with Wellington’s Comprehensive Plan and LDR. In accordance with Wellington’s Comprehensive Plan, the RC/LSMU designation indicates the allowed maximum FAR is 0.40 and density is 6 DU/AC for the overall project. Below is a comparison of the development potential that would be allowed by the maximum intensity/density (per Comp. Plan and LDR) and the approved Wellington Green Master Plan for the overall 456-acre project.

Use	Maximum FAR/Density	Maximum Development Potential (per Comp. Plan/LDR)	Maximum Approved Master Plan Development
Commercial	0.40	7,950,571 SF*	2,305,628 SF
Residential	6 DU/AC	2,738 DU**	1,303 DU***

* 456.3 AC x 43,560 SF = 19,876,428 SF x 0.40 FAR = 7,950,571 SF

** 456.3 AC x 6 DU = 2,738 DU

***Includes 630 CLF units

As indicated in the above comparison the current master plan’s maximum development threshold is significantly less than the potential intensity/density of the land use. If the proposed master plan amendment to Tract W-5 is approved to allow an additional 185 units, the maximum units will increase to 1,488, which is still less than the development potential for Wellington Green RC/LSMU land use. If the two requests that are subject to these applications are approved, the master plan

will still need to be approved by Council to amend the maximum number of residential units for the Wellington Green project.

The typical analysis of the land use and zoning request are not required as the requested amendments are to illustrate the properties as originally established and does not grant any additional entitlements. As mentioned in the previous sections, any future request to increase the intensity/density for Wellington Green will require a master plan amendment approved by Council. The applicant's justification statements for the amendment to the FLUM of the Comprehensive Plan is provided as Exhibit E and the Rezoning Development Order Amendment justification statement is provided as Exhibit F. The complete Comprehensive Plan Amendment (Petition No. 2020-0001-CPA) and Development Order Amendment (Petition No. 2020-0001-DOA) applications are available for review at the Planning and Zoning Division office.

Summary:

Based on the historical amendments to the Wellington Green development orders and to ensure consistency with Wellington's Comprehensive Plan, Land Development Regulations and Wellington Green Master Plan, the Planning and Zoning Division recommends approval of the following:

- **Ordinance No. 2021-06**, to amend the Future Land Use Map (FLUM) designations of the Comprehensive Plan (CPA) [Petition 2020-0001-CPA] for Tract W-5 from Conservation and Pod "B" from Residential "F" to RC/LSMU, to delete the map notation related to LSMU, and delete the acreage threshold related conditions of approval of PBC Ordinance No. 96-26.
- **Ordinance No. 2021-07**, a Development Order Amendment (DOA) [Petition 2020-0001-DOA] to delete the conditions of approval and restate the zoning designation as approved by PBC Resolution No. R96-1195.

List of Exhibits:

Exhibit "A"	PBC Ordinance No. 96-26 (Land Use)
Exhibit "B"	PBC Resolution No. R-96-1195 (Zoning)
Exhibit "C"	Summary of Amendments
Exhibit "D"	Proposed Wellington Green Master Plan
Exhibit "E"	CPA Justification Statement
Exhibit "F"	DOA Justification Statement
Exhibit "G"	Approved Wellington Green Master Plan with Current Conditions of Approval
Exhibit "H"	List of Original Zoning and Current Master Plan Condition Numbers
Exhibit "I"	List of Wellington Comprehensive Plan Amendments
Exhibit "J"	Tract W-5 Environmental Report and Conservation Easement