

1 RESOLUTION NO. R2021-11

2
3 A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL,
4 APPROVING A CONDITIONAL USE (PETITION NUMBER 2020-0003-
5 CU) TO ALLOW A DRIVE-THRU LANE AT AN EXISTING RESTAURANT
6 FOR CERTAIN PROPERTY, KNOWN AS CHICKEN SALAD CHICK (FKA
7 BOSTON MARKET), WHICH IS PARCEL C4, AN OUTPARCEL OF THE
8 PINES OF WELLINGTON TRACT C REPLAT (AKA WELLINGTON
9 COMMONS MALL), TOTALING 0.72 ACRES, MORE OR LESS,
10 LOCATED AT 12792 FOREST HILL BOULEVARD, AS MORE
11 SPECIFICALLY DESCRIBED HEREIN; IN A PLANNED DEVELOPMENT
12 ZONING DISTRICT AND SUBJECT TO THE CONDITIONS OF
13 APPROVAL SPECIFICALLY DESCRIBED HEREIN; PROVIDING A
14 CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND
15 PROVIDING AN EFFECTIVE DATE.
16

17 WHEREAS, the Council, as the governing body of Wellington, Florida, pursuant to
18 the authority in Chapter 163 and Chapter 166, Florida Statutes, and the Land
19 Development Regulations (LDR), as adopted by Wellington, is authorized and
20 empowered to consider petitions related to zoning and land development orders; and
21

22 WHEREAS, the notice and hearing requirements, as provided in Article 5 of the
23 Land Development Regulations, as adopted by Wellington, have been satisfied; and
24

25 WHEREAS, the subject site is located within the Wellington Planned Unit
26 Development (PUD) District and has a Future Land Use Map designation of Community
27 Commercial; and
28

29 WHEREAS, Section 6.2.3.E.1 of Wellington's LDR states a restaurant with an
30 accessory use of a drive-thru lane is a Conditional Use and requires Village Council
31 approval; and
32

33 WHEREAS, the Chicken Salad Chick drive-thru Conditional Use was reviewed and
34 certified by the Development Review Manager; and
35

36 WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local
37 Planning Agency, after notice and public hearing on April 14, 2021, recommended
38 _____ of the Conditional Use with a ____ to ____ vote; and
39

40 WHEREAS, the Council has considered the evidence and testimony presented by
41 the Petitioner and other interested parties and the recommendations of the various
42 Wellington review agencies and staff; and
43

44 WHEREAS, the Council has made the following findings of fact:
45

- 46 1. Environmental Considerations: There are no environmental issues or concerns
47 expected to occur as a result of this Conditional
48 Use approval.
49
- 50 2. Surrounding Use Considerations: The proposed use has been found to be
51 compatible with surrounding uses as it is located
52 within an existing commercial site.
53
- 54 3. Utilities: The water, sanitary, sewer, and drainage
55 systems meet the code requirements. There are
56 adequate public facilities available to serve the
57 subject site.
58
- 59 4. Concurrency Considerations: Wellington Traffic Consultant has determined
60 the proposed modifications meet the Traffic
61 Performance Standards (TPS) of Wellington
62 with no objections to the proposed use
63 modification.
64
- 65 5. Comprehensive Plan Considerations: The use requested is consistent with
66 Wellington's Comprehensive Plan including but
67 not limited to preserving and protecting the
68 characteristics of the communities in Wellington;
69 Land Use, Transportation, and Infrastructure
70 Elements.
71

72 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF WELLINGTON,**
73 **FLORIDA, THAT:**
74

75 **SECTION 1:** The Conditional Use (Petition Number 2020-0003 CU) to allow a
76 drive-thru lane at an existing restaurant outparcel, known as Chicken Salad Chick (aka
77 Boston Market), which is Parcel C4 of The Pines of Wellington Tract C Replat (aka
78 Wellington Commons Mall), is hereby approved on the real property as described in Exhibit
79 A; subject to the conditions of approval contained herein, which are in addition to the general
80 requirements otherwise provided by ordinance.
81

82 **SECTION 2:** The Chicken Salad Chick Conditional Use for a drive-thru lane at
83 an existing restaurant outparcel located at 12792 Forest Hill Boulevard, which is Parcel
84 C4 of The Pines of Wellington Tract C Replat, is approved with the following conditions
85 of approval:
86

- 87 1. All deliveries shall be scheduled before or after business hours, but between the
88 hours of 7:00 am and 10:00 pm, to not disrupt or block the drive-thru lane.
89 (PLANNING AND ZONING)
90
- 91 2. A Land Development Permit, issued by the Village of Wellington Engineering

Department, is required prior to any earthwork or construction taking place.
(ENGINEERING)

3. Architectural Review Board approval is required for modifications to the exterior elevations and for any technical deviation requests for signage prior to issuance of building permits. (PLANNING)
4. Separate permits for the additional landscaping, exterior modification, and signage are required. All landscaping shall be installed throughout the site prior to use of the drive-thru lane. (PLANNING)
5. All roof-mounted air conditioning, mechanical equipment, vents, etc., shall be completely screened from view on all sides in a manner consistent with the color, character, and architectural style of the building. (PLANNING)
6. If a larger water meter and/or fire line than currently exists on the property is required, capacity fees for the increased amount will be assessed in accordance with the adopted capacity fees at that time. (UTILITIES)
7. Any required modifications to the public water or sewer system will require a Utility permit in accordance with Village Utility Standards. (UTILITIES)

SECTION 3: This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this ____ day of _____, 2021.

ATTEST:

WELLINGTON, FLORIDA

BY: _____
Chevelle D. Addie, Clerk

BY: _____
Anne Gerwig, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney

Exhibit A
Legal Description

PARCEL "C4", ACCORDING TO THE PLAT OF PINES OF WELLINGTON TRACT "C"
REPLAT, AS RECORDED IN PLAT BOOK 37, PAGE 8, OF THE PUBLIC RECORDS
OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 0.73 ACRES MORE OR LESS.