RESOLUTION NO. R2021-11

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

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18 19 **WHEREAS,** the 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), as adopted by Wellington, is authorized and empowered to consider petitions related to zoning and land development orders; and

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

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

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

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

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WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on April 14, 2021, recommended approval of the Conditional Use with a 4 to 0 vote; and

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

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

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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 adequate public facilities available to serve the 56 57 subject site. 58 59 4. Concurrency Considerations: Wellington Traffic Consultant has determined 60 the proposed modifications meet the Traffic Performance Standards (TPS) of Wellington 61 with no objections to the proposed use 62 modification. 63 64 65 5. Comprehensive Plan Considerations: The use requested is consistent with Wellington's Comprehensive Plan including but 66 not limited to preserving and protecting the 67

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

Elements.

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90 91 characteristics of the communities in Wellington;

Land Use, Transportation, and Infrastructure

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

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

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

92 93		Department, is required prior to an (ENGINEERING)	y earthwork or construction taking place.
94 95 96 97	3.	• •	is required for modifications to the exterior ation requests for signage prior to issuance
98 99 100 101 102	4.		al landscaping, exterior modification, and g shall be installed throughout the site prior ING)
103 104 105 106	5.	<u> </u>	echanical equipment, vents, etc., shall be sides in a manner consistent with the color, ne building. (PLANNING)
107 108 109 110	6.		ne than currently exists on the property is sed amount will be assessed in accordance time. (UTILITIES)
111 112 113 114		Any required modifications to the publipermit in accordance with Village Utilities CTION 3: This Resolution shall become	,
115 116 117		SSED AND ADOPTED this day of _	·
118 119 120	ATTE	ST:	WELLINGTON, FLORIDA
121 122 123 124	_	Chevelle D. Addie, Clerk	BY: Anne Gerwig, Mayor
125 126 127 128		ROVED AS TO FORM AND AL SUFFICIENCY	
129 130 131 132	BY: _	_aurie Cohen, Village Attorney	

133	Exhibit A
134	Legal Description
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136	PARCEL "C4", ACCORDING TO THE PLAT OF PINES OF WELLINGTON TRACT "C'
137	REPLAT, AS RECORDED IN PLAT BOOK 37, PAGE 8, OF THE PUBLIC RECORDS
138	OF PALM BEACH COUNTY, FLORIDA.
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140	CONTAINING 0.73 ACRES MORE OR LESS.
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