

Lake Worth Drainage District - Lotis

STAFF REPORT

Petition Number(s)/Types:

2021-0001-ANX / Annexation (ANX)
2021-0001-CPA / Comprehensive Plan Amendment (CPA)
2021-0001-REZ / Rezoning (REZ)

Ordinance(s): 2021-11 (ANX)
2021-15 (CPA)
2021-16 (REZ)

Owner: Lake Worth Drainage District
13081 Military Trail
Delray Beach, FL 33484

Applicant: Lotis Wellington, LLC.
2300 Glades Rd., Suite 202E
Boca Raton, FL 33431

Agent: Brian Terry/Insite Studio, Inc.
8144 Okeechobee Blvd, Suite A
West Palm Beach, FL 33411

Site Address: 1341 State Road 7

PCN: 00-41-44-12-00-000-5010

Future Land Use Designation:

Current – Low Residential (LR-2) (Palm Beach County)
Proposed – Mixed Use (MU)

Zoning Designation:

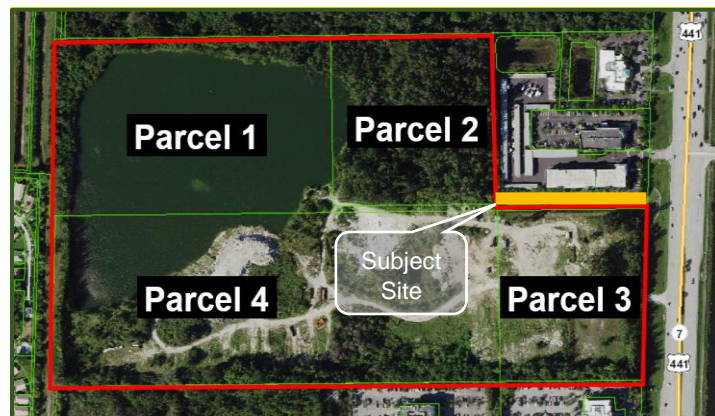
Current – Agricultural Residential (Palm Beach County)
Proposed – Multiple Use Planned Development (MUPD)

Acreage: 0.35 Acre (+/-)
(25' x 610' ROW)

Request:

1. Voluntary annexation into the municipal boundary;
2. Amend the Future Land Use Map designation from PBC Low Residential (LR-2) to Mixed Use; and
3. Amend the Zoning Map designation from PBC Agricultural Residential to Multiple Use Planned Development (MUPD) for a 0.35-acre 25-foot width right-of-way (ROW) to be incorporated within the approved Lotis Wellington 64-acre mixed use project.

Location Map:



Adjacent Property	FLUM	Zoning
North	PBC Commercial (C)	PBC Commercial High Office (CHO)
South	Medical Commercial (MC)	Multiple Use Planned Unit Development (MUPD)
East	PBC Low Residential	PBC Residential (AR)
West	Res. C (1 - 3 du/ac) / Res. F (8 - 12 du/ac)	Planned Unit Development (PUD)

Boards, Committees, and Council:

	Notice Date	Meeting Date	Vote
PZAB	6/29/2021	7/14/2021	5-0 (All Petitions)
Council (1 st) (Tentative)	7/26/2021 (ANX) 8/30/2021 (CPA/REZ)	8/10/2021 (ANX) 9/13/2021 (CPA/REZ)	5-0 (ANX) Pending (CPA/REZ)
Council (2 nd) (Tentative)	8/30/2021 (ANX) 10/11/2021 (CPA/REZ)	9/13/2021 (ANX) 10/26/2021 (CPA/REZ)	Pending

Public Notice and Comments:

Sent	Returned	Delivered	For	Opposed
96	18	78	0	0

Project Manager:

Damian Newell, Senior Planner
dnewell@wellingtonfl.gov
(561) 753-2577

Site History and Current Request:

Parcels 1, 3, and 4 were approved as an excavation operation by Palm Beach County (PBC) in February 1983 (Resolution No. 83-206). Wellington adopted the annexation of the three (3) parcels on June 8, 2004, by Ordinance No. 2004-29. A Mixed Use (MU) Future Land Use Map (FLUM) designation was adopted October 26, 2004 by Ordinance No. 2004-28. On April 25, 2006, the Multiple Use Planned Development (MUPD) Zoning Map designation was approved (Ordinance No. 2006-08). Wellington approved a Master Plan and Conditional Uses on April 25, 2006, by Resolution No. R2006-26 for Village Professional Park (AKA Village Lake Center/Fina) Mixed Use project. When the three (3) parcels were annexed in 2004, it was believed that a portion of a 25-foot wide right-of-way (ROW) owned by the Lake Worth Drainage District (LWDD) was also included in the annexation. It was noticed recently when LWDD requested the Palm Beach County Property Appraiser to provide a property control number for the subject parcel they currently own and will be selling to Lotis Wellington, LLC., for the development of the recently approved Lotis Wellington mixed use project that the subject parcel legal description was not included with the annexation approval. As illustrated below in a section of the 2004 annexation ordinance (Ordinance No. 2004-29) legal description it shows the subject parcel of land just north of Parcel 3 (Tract 13) was excluded from the lands being annexed.

Section from Ordinance No. 2004-29 Legal Description:
"TRACTS 13, LESS THAT PORTION CONVEYED IN DEED BOOK 638,
PAGE 158, FOR ROAD PURPOSES"

It is not known why the subject parcel of land was not included in the legal description, however it is important to note that while the subject parcel was not included in the legal description, all maps for the previous annexation, land use, zoning and master plan requests did seem to illustrate the parcel of land as being included along the north portion of Parcel 3.

Another parcel of land just west of the subject parcel, and south of Parcel 2 (Tract 11), is also owned by the LWDD. Parcel 2 was annexed into Wellington by Ordinance No. 2016-01 on February 23, 2016, and as illustrated below that annexation legal description shows the parcel of land south of Parcel 2 being included.

Section from Ordinance No. 2016-01 Legal Description:
"TOGETHER WITH THE 25 FOOT RESERVATION FOR ROAD, DYKE, AND
DITCH PURPOSES LYING SOUTH OF AND ADJACENT TO SAID TRACT 11"

The applicant (Lotis Wellington, LLC.) recently received Master Plan (Petition 2019-0001-MP) and Conditional Use (Petition 2019-0002-CU) approval (Resolution No. R2020-48) for the Lotis Wellington 64-acre mixed-use project to develop:

- 49,056 square feet of combined restaurant and retail,
- 2,500 square feet of financial institution with drive-thru,
- 40,000 square feet of medical office,
- 16,700 square feet of professional/general office,
- 191 multi-family residential dwelling units,

- Congregate living facility (CLF) with 150 independent living units and 110 assisted living beds,
- Daycare facility for up to 210 children, and
- 28.4 acres of open space inclusive of a lake, cypress preserve, dog park, and greenway with a multi-use pathway open to the public.

The subject parcel of land is a 0.35-acre portion of the proposed 64-acre Lotis Wellington project's master plan. The only way to ensure this parcel of land is legally included is to formally go through the application approval process again with the legal description included for the parcel. The owner (LWDD) and applicant are requesting approval of:

1. Petition No. 2021-0001-ANX (Ordinance No. 2021-11), a voluntary Annexation (ANX) to amend Wellington's municipal boundary;
2. Petition No. 2021-0001-CPA (Ordinance No. 2021-15), a Comprehensive Plan Amendment (CPA) to amend the FLUM designation from PBC Low Residential (LR-2) to Mixed Use; and
3. Petition No. 2021-0001-REZ (Ordinance No. 2021-16), a Rezoning (REZ) to amend the Zoning Map designation from PBC Agricultural Residential to Multiple Use Planned Development (MUPD) for the 0.35-acre subject parcel.

Analysis:

As indicated in the previous section of this report, the subject parcel was believed to be included with the previous annexation (Ordinance No. 2004-29), land use (Ordinance No. 2004-28), and zoning (Ordinance No. 2006-08) approvals for Parcels 1, 3, and 4. The review of those previous requests included a detailed analysis. These applications are being processed to formally include the legal description for the subject parcel only and no additional development entitlements are required to be approved or necessary; therefore, a detailed analysis of each application is not required for the purpose of this request.

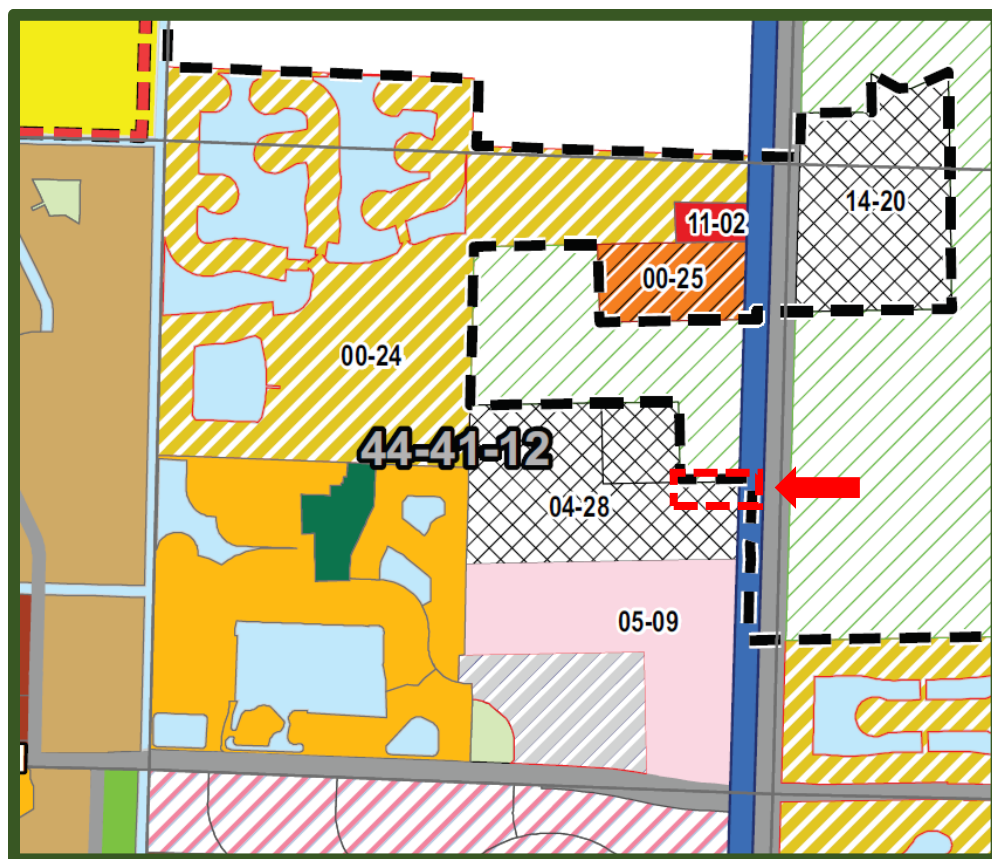
1. Annexation

The proposed annexation area was identified as a future annexation area on Wellington's Comprehensive Plan Future Land Use Map (FLUM) and was believed to have been annexed. This request is consistent with the Objectives in the Comprehensive Plan, more specifically Objective 1.2 that requires growth be directed into areas served by urban services, and Objective 1.7 (A) requiring annexation of all contiguous unincorporated areas that can be economically provided with municipal services. As with the previous intention to annex, this annexation request meets the criteria of Wellington's Comprehensive Plan Objective 1.7 (A), PBC Ordinance 2007-018, and voluntary annexation process statutory requirements pertaining to annexation provided in Chapter 171 of the Florida Statutes. Wellington has fulfilled the requirements for conducting public hearings, publishing legal advertisements, and coordinating with other government agencies on the proposed annexation through the IPARC notification process.

LWDD as owner (Quit Claim Deed - ORB 1585 Page 505) of the subject 0.35-acre parcel of land (L-7W Canal) has no objection to the annexation as indicated in the letter dated April 27, 2021 (Exhibit A). As illustrated on the Future Land Use Map (FLUM) and other Wellington maps, the subject parcel seems to already be within the municipal boundary and this request is to ensure the legal description is formally included.

2. Comprehensive Plan Amendment (Future Land Use Map)

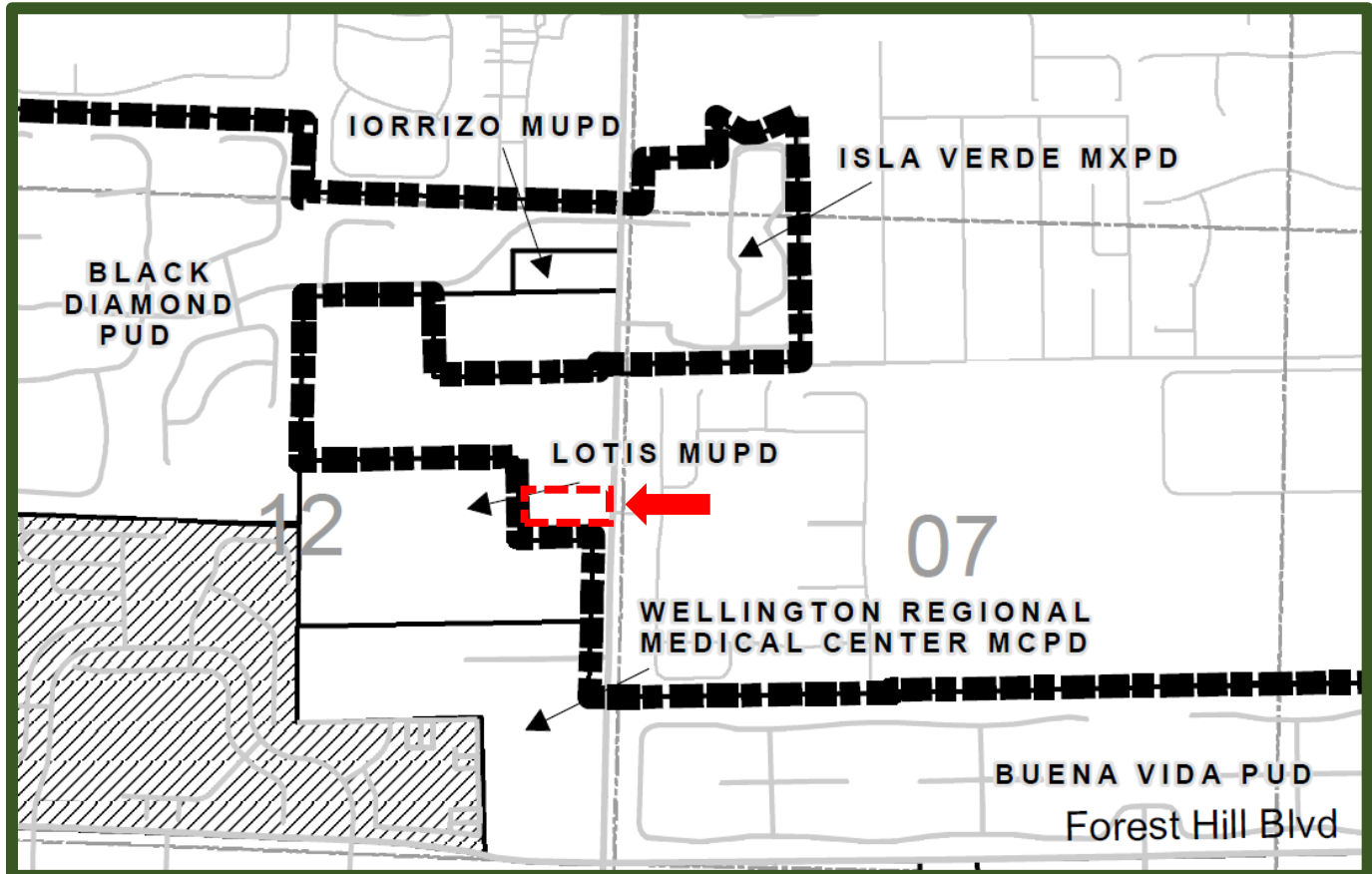
The applicant is requesting to amend the FLUM designation of Wellington's Comprehensive Plan for the subject 0.35-acre parcel. This request was reviewed and is in compliance with the objectives and policies of Wellington's Comprehensive Plan, and no additional development approval is being approved with this request. This request will amend Wellington's FLUM to ensure the subject area is illustrated as Mixed Use (MU) on the FLUM, which is consistent with the other parcels (Parcels 1, 2, 3 & 4) within the approved project. The 0.35-acre parcel is a portion of the overall 64-acre project that will be developed as a mixed-use project consistent with the approved (Resolution No. R2020-48) Lotis Wellington Master Plan as illustrated on Exhibit B. Below is an illustration of the FLUM (Exhibit C) with the MU designation for the overall Lotis Wellington project, which appears to show the subject 0.35-acre parcel having the MU land use designation.



In conclusion, the proposed request is consistent with Wellington's Comprehensive Plan and the Mixed Use FLUM designation. The Wellington FLUM will be amended for the 0.35-acre parcel to change the land use, including the adoption date, ordinance number and Mixed Use designation. The Comprehensive Plan Amendment (CPA) petition will be processed in accordance with Section 163.3184 of the Florida Statutes.

3. Rezoning

The Rezoning (REZ) request is to amend Wellington's Official Zoning Map designation for the 0.35-acre parcel to Wellington Multiple Use Planned Development (MUPD). Below is an illustration of the current Zoning Map (Exhibit D) with the MUPD designation for the overall Lotis Wellington project. Like the FLUM, the Zoning Map appears to currently show the subject 0.35-acre parcel as having the MUPD zoning designation.



The rezoning request is consistent with Wellington's Land Development Regulations (LDR), MUPD Zoning Map designation, and the proposed Comprehensive Plan Mixed Use FLUM designation for the subject area and overall 64-acre mixed-use project. Wellington's Zoning Map will be amended to include the adoption date, ordinance number, and MUPD zoning designation for the subject 0.35-acre parcel.

The applicant's justification statements for the Annexation are provided as Exhibit E, Comprehensive Plan Amendment is provided as Exhibit F, and Rezoning is provided as Exhibit G, with details on the request. The complete Annexation (Petition No. 2021-0001-ANX), Comprehensive Plan Amendment (Petition No. 2021-0001-CPA), and Rezoning (Petition No. 2021-0001-REZ) applications are available for review at the Planning and Zoning Division office.

Summary:

Based on the findings, consistency with Wellington's Comprehensive Plan and Land Development Regulations, the Planning and Zoning Division recommends approval of the following:

- **Ordinance No. 2021-11**, Annexation (Petition No. 2021-0001-ANX) to amend Wellington's municipal boundary;
- **Ordinance No. 2021-15**, Comprehensive Plan Amendment (Petition No. 2021-0001-CPA) to amend the Future Land Use Map (FLUM) designation from PBC Low Residential (LR-2) to Mixed Use; and
- **Ordinance No. 2021-16**, Rezoning (Petition No. 2021-0001-REZ) to amend the Zoning Map designation from PBC Agricultural Residential to Multiple Use Planned Development (MUPD) for the subject 0.35-acre parcel of land to be incorporated within the approved Lotis Wellington 64-acre mixed use project, with no additional development entitlements.

List of Exhibits:

Exhibit A	Lake Worth Drainage District Letter
Exhibit B	Approved Lotis Wellington Master Plan
Exhibit C	Future Land Use Map
Exhibit D	Zoning Map
Exhibit E	Annexation Justification Statement
Exhibit F	Comprehensive Plan Amendment Justification Statement
Exhibit G	Rezoning Justification Statement