

May 21, 2021

Village of Wellington
Planning & Zoning
12300 Forest Hill Blvd
Wellington, FL 33414

Re: LWDD ROW
Justification Statement
Rezoning Application

Property Location

The property is located approximately half a mile north of the Forest Hill Blvd & State Road intersection, on the west side of SR 7. Property consists of 0.351 acres (15,290 sf).

Property History

Parcels 1, 2 and 3 were annexed in 2004 (Ord. 2004-29) and allocated a MUPD zoning designation (Ord. 2006-08) and a Mixed Use FLU designation (Ord. 2004-28). It was believed that the portion of LWDD ROW subject to this request was included in the annexation original annexation requests. However, recent findings revealed that the portion of land depicted above was not included in the legal description attached to the original approval.

Notably, in 2016 parcel 4 was annexed into the Village of Wellington by Ordinance no. 2016-01. Then, on December 8 2020, the Village Council approved a Comprehensive Map amendment to designate a Mixed Use (MU) FLU and a rezoning to the Multiple Use Planned Development (MUPD) Zoning District. Currently, the FLU for the subject 0.351 acre area remains Palm Beach County (PBC) Commercial High (CH) within the PBC Multiple Use Planned Development Zoning District.



Figure 1: Area Subject to Annexation Request



Figure 2: Adjacent Parcels

The 0.351-acre property was intended and thought to have been included within the 2004 annexation, otherwise the applicant would have included the annexation, rezoning and FLUA requests of the subject area in the previous 2019/2020 Lotis Wellington applications.

Application Request

The petitioner has submitted this application to request a rezoning of the 0.351 acre LWDD Right-Of-Way, from Palm Beach County Multiple Use Planned Development (MUPD) to Village of Wellington Multiple Use Planned Development (MUPD) Zoning District. In order to maintain consistency with the adjacent properties and surrounding development, the applicant has proposed a MUPD zoning designation.



Figure 3: LWDD ROW, Yellow: Vacated, Red: To be Vacated

Concurrent to this request, an annexation application has been submitted, as well as a Comprehensive Plan amendment to amend the FLUM from Palm Beach County Commercial High (CH) to Village of Wellington Mixed Use (MU). As mentioned above, the subject area was believed to have been annexed in 2004 with the adjacent parcels to the south. However, recently it was discovered during the LWDD ROW vacation to Wellington process of the right-of-way portion depicted in yellow in the image to the left, the area in red was not included in the overall legal description for the 2004 annexation approval. Therefore, as discussed with the Village of Wellington,

an annexation application request is required. Notably, all documentation submitted to support the three subject applications applies to the 0.351-acre LWDD ROW. These requests are simply a corrective action by the applicant to address the exclusion of the property in the old annexation requests.

Surrounding Uses

Below are descriptions of the zoning and land uses of the adjacent properties.

North: Multiple parcels identified by PCN: 00-41-44-12-16-001-0010, 00-41-44-12-16-001-0020 & 00-41-44-12-15-000-0010 and are within Unincorporated Palm Beach County. The properties have a PBC Commercial (C) FLU designation and are located within PBC Multiple Use Planned Unit Development (MUPD) and Commercial High Office (CHO) Zoning Districts. These properties currently support a storage facility and medical offices.

South: One parcel identified by PCN(s): 73-42-43-27-05-018-0130 located in the Village of Wellington. The properties consist of 8.92 acres. This property has a Mixed Use (MU) FLU designation and are within the Multiple Use Planned Development (MUPD) Zoning District.

East: State Road 7 right-of-way (ROW)

West: Identified by PCN: 73-42-43-27-05-018-0110 located in the Village of Wellington and the parcel is approximately 9.92 acres. The parcel has a MU FLU designation and is located within the MUPD Zoning District.

Rezoning Standards

Pursuant to Article 5, Chapter 3, Section 5.3.4. the applicant shall indicate that the Zoning Map amendment is consistent with Wellington’s Comprehensive Plan and complies with Wellington’s Land Development Regulations & required criteria per the Development Review Manual.

Consistency with the purposes, goals, objectives and policies of the Comprehensive Plan

Approval of the proposed Rezoning request to the Multiple Use Planned Development (MUPD) Zoning District is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan.

Land Use Element

The proposed amendment is consistent with the intent of Objective 1.1 and shall comply with the density and intensity thresholds for the variety of land use types. The current and proposed maximum density and intensity permitted, is specified below in the Review Standards Table. As demonstrated above, in the “Surrounding Uses” section, the proposed Mixed Use (MU) FLU designation is consistent and compatible with the surrounding mixed uses. The property abuts the “Lotis” Development on the South and West boundaries, and the allocation of a MU FLU designation would unify the 0.351 acre area with the west and south parcels.

The proposed amendment is consistent with the intent of Objective 1.2 to direct future growth into areas served by urban services that have adequate capacity, as defined by the adopted level of service standards. The proposed project will provide connection to existing public services and utilities.

The proposed amendment is consistent with Policy 1.3.25 which outlines the intent of the Mixed-Use district. The approved master development to the west and south already retains a MU FLU designation and the FLUM amendment request will unify the property. The MU FLUM request allows for a range of uses that will facilitate orderly development of the land. The subject property is situated in a highly accessible area, along SR 7, comprised of large scale commercial and residential uses which allows for connectivity potential between the developments. The proposed MU FLU designation will allow the property to develop cohesively with the surrounding uses.

Conservation Element

The proposed amendment will be consistent with the objectives, goals and policies of the Conservation Element of the Comprehensive Plan. The 0.351-acre site was previously dedicated as a Lake Worth Drainage District Right-Of-Way. Notably, the portion of the LWDD shown in yellow above in Figure 3 was abandoned by the Village Council for inclusion in the Lotis development on April 13, 2021. The subject property is generally clear and there is no connected vegetation.

Recreation and Open Space Element

The proposed amendment shall be consistent with the objectives, goals and policies of the Recreation and Open Space Element of the Comprehensive Plan as specified in Objectives 1.1 and 1.2.

Public School Facilities Element

The proposed amendment is consistent with the goals, objectives and policies of the Public-School Facilities Element of the Comprehensive Plan. As specified in Objective 1.1, the proposed amendment shall ensure the adopted Level of Service standards are maintained and the facilities can support the potential student growth.

Intergovernmental Coordination Element

The proposed rezoning request is consistent with the objectives, goals and policies of the Intergovernmental Element of the Comprehensive Plan. The request will be consistent with Objective 1.1, and ensure coordination with the Village of Wellington, Palm Beach County, Lake Worth Drainage District, ACME Improvement District and adjacent municipalities.

Consistency with the purpose and intent of Wellington’s Land Development Regulations

The proposed MUPD rezoning request shall be consistent with the purpose and intent of Article 6, Chapter 8, Sec. 6.8.3. of Wellington’s Land Development Regulations for a Multiple Use Planned Development District; 1) *to promote the design of unified, multiple use developments for land which has a rural residential 10, commercial, industrial, or commercial recreation designation on the Land Use Atlas, see Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories; and, 2) to provide for the efficient use of land by the integration of multiple uses within a single development.*

LDR Section 6.8.3.D.1. Development Plan Requirements

The proposed MUPD rezoning shall comply with Sec. 6.8.3.D.1. Development Requirements as follows:

- a. *Minimum development thresholds. The minimum development thresholds of minimum lot area and minimum building square footage for a MUPD may vary according to the MUPDs Comprehensive Plan land use category as indicated in Table 6.8-17, MUPD Minimum Development Thresholds.*

As mentioned above, the subject property was believed to have been a part of a 2004 annexation approval (Ord. No. 2004-29) comprised of approximately 54 acres. The approval included designation of a VOW Mixed-Use FLU and rezoning to the VOW MUPD Zoning District. Furthermore, if the applicant had previously known the 0.351-acre area of LWDD ROW was not included in the 2004 annexation, then it would have been included in the rezoning and FLUA request for the 10-acres property (Shown as Parcel 4 in Figure 2) that was approved in December 2020 via Ord. No. 2020-13 and Ord. No. 2020-14. Therefore, the standalone 0.351-acre property does not comply with the minimum lot area of 5 acres required in the MUPD Zoning District with a Mixed-Use FLU designation.

- b. *Contiguous land. MUPDs shall be developed on contiguous lots or tracts.*

The 0.351-acre site is adjacent to recently approved Lotis Wellington MUPD, formerly Village Professional Park MUPD and is comprised of four other parcels that were annexed in 2004 via Ordinance No. 2004-29 and in 2016 via Ordinance 2016-01. The property was allocated a MUPD zoning designation (Ord. No. 2006-08 & Ord. No. 2020-14) and a Mixed-Use FLU designation (Ord. No. 2004-28 & Ord. No. 2020-13).

- c. *Land Use Atlas. MUPDs correspond to the land use categories indicated in Table 6.8-1, Planned Development District Densities and Corresponding Land Use Categories.*

Along with this application, a Mixed-Use (MU) FLU amendment request has been submitted.

- d. *Design intent. The design of the MUPD shall comply with the requirements of Section 6.8.1.E (Planned Developments General-Design Objectives)*

- a) *Land shall contain sufficient width, depth, and frontage on a publicly dedicated arterial or*

major street or appropriate access thereto as shown on the Village or Palm Beach County Thoroughfare Plan to adequately accommodate its proposed use and design.

The subject area will be included in the approved Lotis Wellington MUPD development which is located on parcels of land that provide sufficient width, depth and frontage on SR7/441.

- b) The proposal shall provide a continuous, non-vehicular circulation system and perimeter landscape areas to connect buildings and other land improvements.*

The subject area will be included in the approved Lotis Wellington MUPD development that provides a network of internal sidewalks that allow continuous circulation between the buildings, and other amenities. In addition, the plan includes a perimeter buffer around the entire property.

- c) The proposal shall conveniently design and locate parking to encourage pedestrian circulation between land uses.*

The subject area is will be included in the approved Lotis Wellington MUPD development and has oriented the parking to ensure pedestrian circulation is encouraged within the property.

- d) The proposal shall preserve existing trees and other natural features of the site to the greatest possible extent.*

The subject 0.351-acre property is an abandoned LWDD ROW and has been cleared with no existing vegetation.

- e) The proposal shall enhance the appearance of the buildings and grounds with supplemental plantings to screen objectionable features and to control noise from areas or activities beyond the control of the Planned Development.*

The subject area will be included in the approved Lotis Wellington MUPD development and the landscape plan provides enhancements to the development that will contribute to screening and noise buffering for the development.

- f) The elements of the Final Site Plan/Final Subdivision Plan shall be harmoniously and efficiently organized in relation to the size and shape of the tract, the character of the adjoining property, and the type and size of the buildings, in order to produce a compatible, functional, and economical land use pattern.*

The subject area will be included in the approved Lotis Wellington MUPD development and the proposed Site Plan has been harmoniously and efficiently organized in relation to the size and shape of the tract, and designed to produce a compatible, functional, and economical land use pattern.

- g) The arrangements of buildings shall be in favorable relation to the natural topography,*

existing desirable trees, views within and beyond the site, and exposure to the sun and other buildings on the site.

The subject area will be included in the approved Lotis Wellington MUPD development and the proposed building arrangements are in favorable relation to the natural topography of the land.

- h) The Final Site Plan/Final Subdivision Plan shall provide for adequate surface water management and soil conservation.*

The subject area will be included in the approved Lotis Wellington MUPD development and the proposed Site Plan will provide adequate surface water management and soil conservation.

- i) The proposal shall not be detrimental to the established land use patterns in the surrounding area.*

Rezoning to a MUPD is consistent with the land use pattern in the surrounding area.

- j) The proposed land uses shall provide needed housing or services to the surrounding land uses.*

The subject area will be included in the approved Lotis Wellington MUPD development and this mixed-use development will provide housing and services to the surrounding area.

- e. Perimeter landscape areas. Perimeter landscape areas shall comply with the requirements listed; A perimeter landscape area shall be provided around the entire perimeter of a MUPD. The width, planting requirements, and type of perimeter landscape areas provided around a MUPD shall be as determined in Section 7.3.*

The subject area is will be included in the approved Lotis Wellington MUPD development and complies with all landscape requirements outlined in Section 7.3. A 10' perimeter landscape buffer has been provided around the north, south and west boundaries, and a 25' ROW buffer has been provided along the east property boundary.

- f. Pedestrian orientation and scale. MUPDs shall be pedestrian oriented, and developed at a human scale*

The subject area will be included in the approved Lotis Wellington MUPD development and will ensure adequate circulation and offer amenities to create a pedestrian friendly environment. The building and landscape design will incorporate sidewalks, sitting areas and focal points to encourage pedestrian circulation.

- g. Circulation system. MUPDs shall be designed with a circulation system based upon a hierarchy of transportation methods. In descending order of importance, the hierarchy shall consider*

pedestrians as the most important, followed by cyclists, mass transit and automobiles. This system shall be designed to connect and provide access between land uses within the MUPD and directly adjacent to the MUPD. MUPDs shall comply with subsection G.2., Parking requirements and access, and the types of uses proposed and the location and design of buildings and parking area shall facilitate a reduction in parking requirements through a sharing of parking space

The subject area will be included in the approved Lotis Wellington MUPD development which includes a circulation plan created in a logical and orderly fashion. The property will have access from SR 7, with internal roadways through the variety of uses. Pedestrian circulation will be of highest importance and adequate walkways, cross walks and focal features shall be provided. The development will provide cross access with the property to the south and propose future cross access with the north property, which is currently vacant/undeveloped.

Consistency with the surrounding uses and zoning districts

As demonstrated above, in the “Surrounding Uses” section, the proposed MUPD Zoning designation is consistent and compatible with the surrounding mixed uses. The property abuts the recently approved Lotis Wellington MUPD (formerly Village Professional Park MUPD) on the South and West boundaries, and the allocation of a MUPD zoning designation would unify the 0.351-acre property with the other parcels. The property is located within an established urban area that contains a variety of mixed uses and neighbors the growing large-scale medical uses in Wellington, along SR 7. The design proposal is also consistent with developments along SR 7, which contain restaurant, retail and office uses, then multifamily uses to the rear.

Changed conditions that require the rezoning

As mentioned above, the subject property was believed to have been a part of a 2004 annexation approval (Ord. No. 2004-29) comprised of approximately 54 acres. These parcels are depicted as Parcel 1, 2 and 3 in Figure 2 on page one. The approval included designation of a VOW Mixed-Use FLU and rezoning to the VOW MUPD Zoning District. Notably, if the applicant had previously known the 0.351-acre area of LWDD ROW was not included in the 2004 annexation, then it would have been included in the rezoning and FLUA requests for the 10-acres property (Parcel 4 in Figure 2) that was approved in December 2020 via Ord. No. 2020-13 and Ord. No. 2020-14.

Concurrent to this request, an annexation application was submitted for the 0.351-acre property and therefore a Village of Wellington zoning district needs to be allocated to the land. Future development of the land is contingent upon a VOW Zoning designation. In addition, due to ongoing growth in the surrounding area, there is a demand for additional development near established services. The Village of Wellington, specifically along SR7, has become a major center for large scale medical and commercial uses.

The proposed request shall not result in significantly adverse impacts on the natural environment

As stated above, the proposed rezoning request will be consistent with the objectives, goals and policies of the Conservation Element of the Comprehensive Plan. The subject property is an abandoned LWDD ROW, has been cleared and has no existing vegetation other than grass turf.

The proposed request shall result in a logical and orderly development pattern

May 2021

The proposed rezoning request shall result in a logical and orderly development pattern, that will create a balance of uses and interconnectedness between the existing developments.

The proposed request is consistent with the applicable neighborhood plans

The subject site is not located within the boundaries of any neighborhood plans.

The proposed request complies with Article 11, Adequate Public Facilities Standards

The proposed rezoning request is consistent with the purpose and intent of Article 11, Adequate Public Facilities Standards. The applicant shall ensure adequate potable water, sanitary sewer, solid waste, stormwater management, park, road, public school facilities, mass transit public facilities and fire-rescue are available to accommodate the proposed development.

Thank you for your consideration of this application. If you have any questions, please don't hesitate to contact me at 561-249-0940.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Terry", with a large, stylized loop at the end.

Brian Terry, PLA
Principal
Insite Studio, Inc