

LWDD-LOTIS WELLINGTON VACATION

STAFF REPORT

Petition Number(s)/Types:

2021-0008-VCA/Abandonment

Resolution No.:

R2021-62

Applicant/Owner:

Lotis Wellington LLC
2300 Glades Road #202E
Boca Raton, FL 33431

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

Agent:

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

Site Address:

1341 S State Road 7

PCN(s):

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:

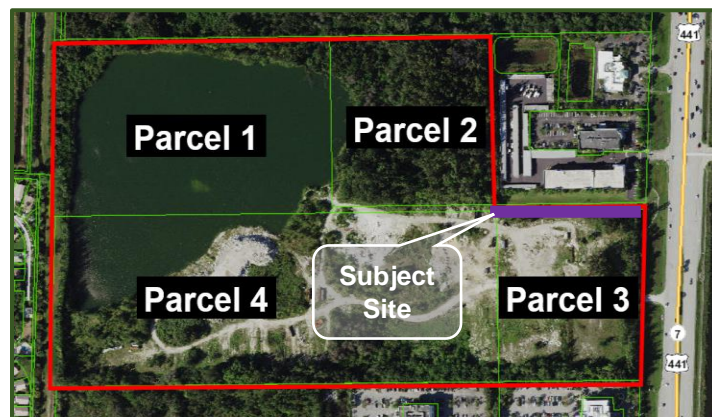
Current – Agricultural Residential (Palm Beach County)
Proposed – Multiple Use Planned Development (MUPD)

Acreage:

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

Request:

Abandon the 0.35-acre 25-foot wide road easement as dedicated on the Palm Beach Farms Company Plat No. 3, recorded in Plat Book 2, Page 45, Public Records, Palm Beach County. The applicant is seeking the abandonment in order to develop the property as a mixed-use project, known as Lotis Wellington.

Location Map:

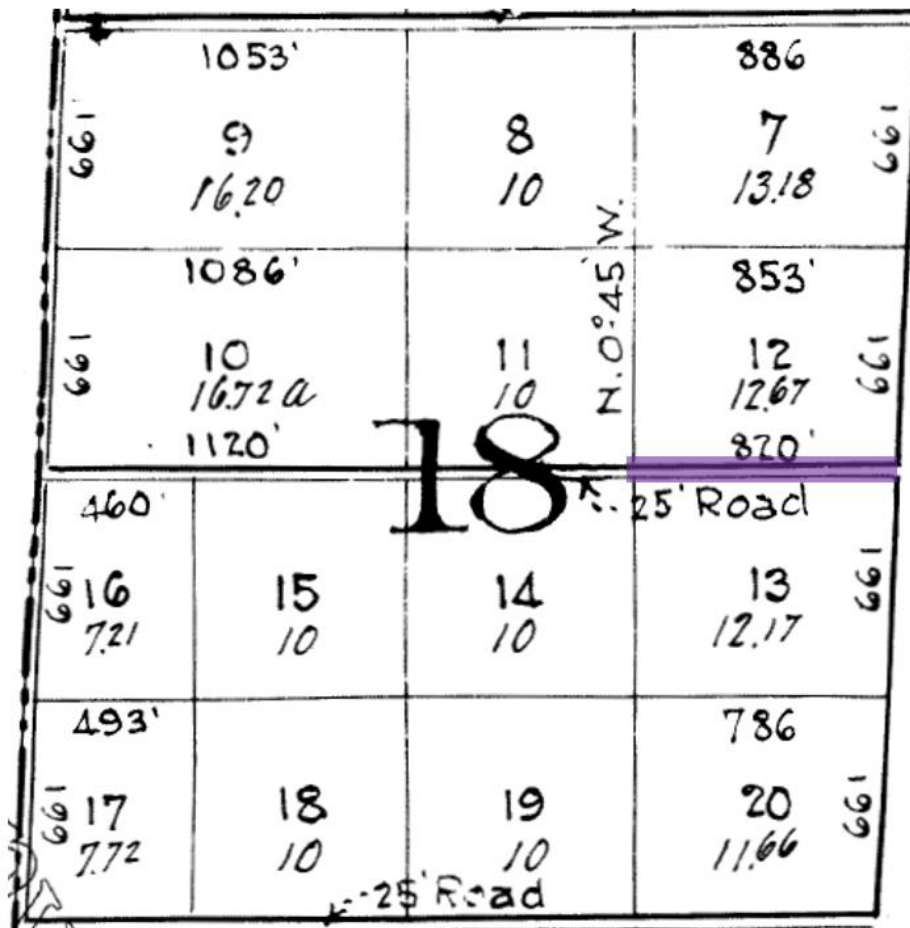
Adjacent Property	FLUM	Zoning
North	PBC Commercial (C)	PBC Commercial High Office (CHO)
South	Medical Commercial (MC)	Multiple Use Planned Unit Development (MUPD)
East	PBC Low Residential	PBC Residential (AR)
West	Res. C (1 - 3 du/ac) / Res. F (8 - 12 du/ac)	Planned Unit Development (PUD)

Project Manager:

Damian Newell, Senior Planner
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(561) 753-2577

Site History and Current Request:

The Palm Beach Farms Company Plat No. 3 (Plat Book 2, Page 45-54) was recorded on April 24, 1912 to subdivide lands into 96 blocks and included a 25-foot wide strips of land between the blocks, tracts, and adjoining outer boundaries. The 25-foot wide easement (subject easement) was dedicated on the recorded Palm Beach Farms Company Plat as a road for public roads and ditches. Palm Beach Farms Company Plat No. 3 (Exhibit A) indicates the subject property is north of Track 13 Block 18. The plat indicates a 25-foot wide road easement runs along the northern portion of Tract 13 as illustrated below.



Section of Block 18 from Palm Beach Farms Company Plat No. 3

Lake Worth Drainage District (LWDD) has fee simple ownership (Quit-Claim Deed recorded in ORB 10930 Page 1295) of the subject property, which is known as the L-7W Canal that runs approximately 610 feet west from State Road 7. The applicant will be purchasing the strip of land from LWDD after this abandonment request is approved. LWDD as current owner of the subject property provided an authorization letter dated September 10, 2021 (Exhibit B) for the applicant (Lotis Wellington, LLC) to act on their behalf to apply for the abandonment of the 25-foot wide road easement. The subject property was annexed into Wellington on September 13, 2021 (Ordinance No. 2021-11). A supporting Comprehensive Plan Amendment to amend the FLUM designation (Ordinance No. 2021-15) and Rezoning (Ordinance No. 2021-16) request for the subject property is on the October 26, 2021 Council agenda for second reading.

The applicant recently received Council approval for the 64-acre mixed-use project, known as Lotis Wellington. This abandonment is necessary for the development of the project, which includes restaurants, retail, financial institution, professional/medical office, multi-family residential dwelling units, congregate living facility (CLF) with independent living units and assisted living beds, daycare facility, and open space inclusive of a lake, cypress preserve, dog park, and greenway with a multi-use pathway that will be open to the public.

Analysis:

The Wellington Code of Ordinances, Chapter 54, Section 54(b) "Petitions for abandonment of rights-of-way and easements for utility, drainage or maintenance purposes," allows a property owner to petition Wellington to abandon, vacate, discontinue, or close any existing right-of-way or easement following Wellington's prescribed application process.

The 25-foot wide road easement proposed to be abandoned, including the land owned by LWDD is illustrated below. A survey is provided as Exhibit C for reference.



The road easement is currently not used for its original intended purpose as public road or lateral ditches, or utilized by Wellington for water, sewer, drainage, or other areas of public interest. Additionally, the easement is not dedicated to Wellington or Acme Improvement District, but there is dedication language that states Wellington/Acme has the authority to request use of the easement that is dedicated to LWDD. Letters of no objection to the abandonment request were provided, by the applicant, from Palm Beach County, Florida Public Utilities, Comcast, ATT, and FPL (Exhibit D).

The Engineering Services Department, Planning and Zoning Department, and Utilities Department have determined this request to abandon any rights or interest Wellington/Acme may have related

to the 25-foot wide road easement is consistent with the public interest and will not adversely affect Wellington's interests or access to other properties. The Legal Department has reviewed the application documents and determined the application is legally sufficient.

The proposed area to be abandoned is depicted on the Sketch and Description (Exhibit E) prepared by David A. Bower, a Registered Land Surveyor (Florida Certificate No. LS 5888). The complete abandonment (Petition 2021-0008-VCA) application is available for review at the Planning and Zoning Division office.

Summary:

Based on the above and consistency with Wellington's Code of Ordinances, Chapter 54, Section 54(b), the Planning and Zoning Division recommends approval of Resolution No. R2021-62 (Petition 2021-0008-VCA) to abandon any, and all, rights or interests related to the 25-foot wide road easement as dedicated on the Palm Beach Farms Company Plat No. 3, recorded in Plat Book 2, Page 45, Public Records, Palm Beach County, and as depicted in Exhibit E.

List of Exhibits:

Staff Report Exhibit A:	Palm Beach Farms Company Plat No. 3
Staff Report Exhibit B:	Lake Worth Drainage Districts Authorization Letter
Staff Report Exhibit C:	Survey
Staff Report Exhibit D:	Letters of no objection to abandonment (Palm Beach County, Florida Public Utilities, Comcast, ATT and FPL)
Staff Report Exhibit E:	Sketch and Legal Description