



Legislation Text

File #: 20-4270, Version: 1

ITEM: ORDINANCE NO. 2021-07 (WELLINGTON GREEN DOA)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A DEVELOPMENT ORDER AMENDMENT (PETITION NUMBER 2020-0001-DOA) TO MODIFY THE OFFICIAL ZONING MAP OF WELLINGTON FOR CERTAIN PROPERTIES, KNOWN AS WELLINGTON GREEN, TOTALING 456.30 ACRES, MORE OR LESS, LOCATED ON THE SOUTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN, TO ILLUSTRATE THE ONE (1) PLANNED UNIT DEVELOPMENT (PUD) AND SEVEN (7) MULTIPLE USE PLANNED DEVELOPMENTS (MUPD) AS ESTABLISHED; TO DELETE ALL CONDITIONS OF APPROVAL THAT WERE ORIGINALLY ADOPTED AS PART OF THE REZONING BY PALM BEACH COUNTY; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

REQUEST: Approval of Ordinance No. 2021-07, a Development Order Amendment (DOA) [Petition 2020-0001-DOA] to delete conditions of approval and to illustrate the one (1) planned unit development (PUD) and seven (7) multiple use planned developments (MUPD) as approved by PBC Resolution No. R96-1195.

EXPLANATION: The applicant is seeking a DOA to delete conditions of approval that were included with the original Rezoning of the Wellington Green properties as adopted by Palm Beach County (PBC) (Resolution No. R-96-1195/Staff Report Exhibit "B"), and modify the zoning map to illustrate the one (1) Planned Unit Development (PUD) and seven (7) Multiple Use Planned Developments (MUPD) as established for Wellington Green.

Similar to the Wellington Green project land use, the Wellington Green project zoning includes conditions of approval (Resolution No. R-96-1195/Staff Report Exhibit "B") that have not been amended over the years in conjunction with the amendments to the master plan conditions (Resolution No. R2017-10/Staff Report Exhibit "G"). The Wellington Green project zoning conditions include local conditions and development standards that were in addition to regional conditions of approval that were approved as a part of the Wellington Green Development of Regional Impact (DRI). The Wellington Green Master Plan, approved by Palm Beach County in conjunction with the land use, zoning, and DRI, included all of the local and regional conditions that were a part of the land use and zoning designation and the DRI.

The Wellington Green Master Plan (Resolution No. R2017-10/ Staff Report Exhibit "G") was last updated in 2017 to allow an additional hotel and remove "satisfied" Regional Conditions and consolidate all Local Conditions. A list of the original zoning conditions, by number, (Staff Report Exhibit "B") that were previously amended or deleted in comparison to the current master plan conditions, by number, (Staff Report Exhibit "G") is provided as Exhibit "H" of the staff report. The comparison illustrates that the same conditions were provided on the original zoning as the master plan; however, the master plan conditions have been amended over time. The list also indicates certain conditions were deleted from the master plan as they were obsolete and/or satisfied. These conditions were deleted with master plan amendments approved by Council.

The practice of conditioning land use and zoning was necessary and often commonplace under previous growth management regulations. With changes to the growth management regulations, Wellington's current practice is to place conditions of approval only on master plans and not establish site specific land use and/or

zoning designation conditions of approval. As previously approved land uses and zoning is modified, the approvals are “cleaned up”, removing any previously conditioned land uses/zoning. For the Wellington Green project, the current master plan conditions of approval (Resolution No. R2017-10) are the appropriate regulations for development and location of uses. Any proposed changes to the master plan that increase density and/or intensity, including changes to the wetland/buffer areas, require a public hearing and Council approval. Approval of this request will delete the zoning conditions of approval o illustrate the one (1) planned unit development (PUD) and seven (7) multiple use planned developments (MUPD) as approved by PBC Resolution No. R96-1195 for Wellington Green. This approval will correct the inconsistencies with conditions and ensure that new inconsistencies are not created in the future.

At the February 10, 2021 Planning, Zoning and Adjustment Board (PZAB) meeting, the Board received several objections from the public that the proposed change will destroy wildlife habitat and reduce green area/trees; the wetlands were a concession to allow development of the mall; and to utilize vacant building and parking areas for development instead of destroying the wetlands. The PZAB recommended approval (6-0 vote) of Ordinance No. 2021-07 to delete conditions of approval and to illustrate the one (1) planned unit development (PUD) and seven (7) multiple use planned developments (MUPD) as approved by PBC Resolution No. R96-1195.

The staff analysis for the zoning request is included in the staff report for the Comprehensive Plan Amendment (CPA). The staff report includes the exhibits identified above along with the FLUM amendments, original approvals, current master plan approval, conditions of approval and Tract W-5 environmental report and conservation easement.

BUDGET AMENDMENT REQUIRED: NO

PUBLIC HEARING: YES **QUASI-JUDICIAL:** YES

FIRST READING: YES **SECOND READING:**

LEGAL SUFFICIENCY: YES

FISCAL IMPACT: N/A

WELLINGTON FUNDAMENTAL: Responsive Government

RECOMMENDATION: Approval of Ordinance No. 2021-07, a Development Order Amendment (DOA) [Petition 2020-0001-DOA] to delete conditions of approval and to illustrate the one (1) planned unit development (PUD) and seven (7) multiple use planned developments (MUPD) as approved by PBC Resolution No. R96-1195.