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RESOLUTION NO. R2017 – 45

A RESOLUTION OF WELLINGTON, FLORIDA’S COUNCIL, APPROVING A MASTER PLAN [PETITION NUMBER 16 – 116 (2016 – 50 MP 1)] TO ALLOW 30 RESIDENTIAL DWELLING UNITS WITH ACCESSORY EQUESTRIAN AND AVIATION USES, CLUBHOUSE, MAINTENANCE FACILITY AND ENHANCE THE EXISTING PRIVATE AIRSTRIP FOR CERTAIN PROPERTY KNOWN AS FLYING COW RANCH PUD TOTALING 150 ACRES, MORE OR LESS, LOCATED ON THE NORTHWEST CORNER OF FLYING COW RANCH ROAD AND 160TH TRAIL S, APPROXIMATELY 4 MILES SOUTH OF SOUTHERN BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Council, as the governing body of the Village of Wellington, Florida, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and the Land Development Regulation is authorized and empowered to consider petitions related to zoning and development orders; and

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

WHEREAS, the Equestrian Preserve Committee recommended _____ of the Comprehensive Plan Amendment to modify the Wellington Future Land Use Map, Equestrian Trails Master Plan and Equestrian Circulation Plan at the September 6, 2017 meeting with a ___ vote; and

WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on September 13, 2017, recommended approval of the Comprehensive Plan Amendment to modify the Wellington Future Land Use Map, Equestrian Trails Master Plan and Equestrian Circulation Plan with a _____ vote; and

WHEREAS, the Council has taken the recommendations from the Local Planning Agency, Equestrian Preserve Committee, Wellington staff and the comments from the public into consideration when considering the proposed Master Plan; and

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

1. The Flying Cow Ranch Master Plan is consistent with the Comprehensive Plan;
2. The subject request is consistent with the stated purposes and intent of the Land Development Regulations;

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3. The requested Flying Cow Ranch Master Plan is consistent with the surrounding Land Uses and Zoning Districts;
 4. No adverse impacts to the natural environment are expected to occur as a result of the approval of the request;
 5. The requested Flying Cow Ranch Master Plan will result in a logical and orderly development pattern;
 6. The requested Flying Cow Ranch Master Plan is consistent with the applicable Equestrian Overlay Zoning District (EOZD) regulations; and
 7. The requested Flying Cow Ranch Master Plan complies with Article 11, Adequate Public Facilities.

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

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SECTION 1. The Flying Cow Ranch Master Plan is hereby approved for the property legally described in Exhibit "A," subject to the following conditions of approval:

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1. Development of the site shall be limited to the uses, access, acreage and site design approved on the Flying Cow Ranch Master Plan, Regulating Plan and Circulation Plan (Exhibit B). The final plans consistent with any Council approved changes and conditions of approval imposed by Council shall be submitted for final processing. All modifications must be approved by the Village Council unless the proposed changes are required to meet conditions of approval or are allowed by Wellington's Land Development Regulations at the time the modification is requested. (PLANNING)
 2. The applicant shall record the required plat for this project prior to issuance of any building permits. The plat shall depict the lot lines, common areas, road system, proposed bridle trails, multi-purpose paths, access easements, landscape easements, etc. as illustrated on the approved Flying Cow Ranch Master Plan. (ENGINEERING/PLANNING)
 3. The developer shall provide land dedication pursuant to the Land Development Regulations Section 6.8.2.F.1.b for parks and recreation facilities as well as civic facilities. The land dedication required for parks and recreation is 19,602 square feet and civic dedication is 3,920 square feet. In lieu of land dedication the developer may pay a fee equal to \$22,500.00 for parks and recreation and \$4,500.00 for civic dedications. A 10% credit may be available for passive recreational area (i.e. bridle trails) if they are dedicated for public use. These fees shall be paid in full by the developer to the Village of Wellington Engineering Department prior to the issuance of the Land Development Permit. (PLANNING)

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4. The project site amenities, including but not limited to, the airstrip/landing strip, private trail/path, common areas, entrance with guard house, airplane tie-down area, lakes, etc., shall be completed prior to the issuance of the first residential building Certificate of Occupancy. (PLANNING)

5. The developer shall provide a 12-foot wide public multi-purpose path easement and shall construct a 10 foot wide paved asphalt multi-purpose path along the project frontage prior to finalization of the project's Land Development Permit. The public multi-purpose path shall continue north within the Flying Cow Road right-of-way terminating approximately 750 feet at the existing trail/pathway systems within Section 24 (Wellington Environmental Preserve at the Marjory Stoneman Douglas Everglades Habitat). The portions of the public multi-purpose path easement within the project shall be dedicated to Wellington on the plat. The public asphalt multi-purpose path will be maintained by Wellington. (PLANNING)

6. The developer shall provide a public equestrian trail along the project frontage that connects to the existing White Trail across the C-1 Canal with a horse crossing approximately 60 feet north of the development northern property line. The required pedestrian/horse culvert crossing shall be constructed across the C-1 Canal. The culvert size and material shall be as determined by the Village Engineer at the time of permitting with the Engineering Department. The horse crossing shall include pavement striping, traffic signs and traffic crossing lights. The portions of the 15-foot wide public equestrian trail easement within the project shall be dedicated to Wellington on the plat. The public equestrian trail will be maintained by Wellington. Construction of this trail shall be completed prior to the project Land Development Permit final. (ENGINEERING/PLANNING)

7. All driveways, aprons, multi-purpose path, recreational area parking, airplane tie-down area and private roadways shall be paved. (PLANNING)

8. Those portions of the project that are currently in the Pine Tree Improvement District shall be annexed into the ACME Improvement District prior to the issuance of a Building Permit for those properties currently within Pine Tree Improvement District. A re-plat shall be required to modify all necessary dedication language once annexation is finalized. (ENGINEERING/PLANNING)

9. The developer shall pave Flying Cow Road along the Flying Cow Ranch project frontage.
 - a) Required paving must match the existing paved Flying Cow Road section north of the Flying Cow Ranch development. New pavement must tie into the existing paved portion of Flying Cow Road north of the proposed development.
 - b) A complete set of engineering plans, signed and sealed by a Professional Engineer registered in the State of Florida, must be submitted to, reviewed by

139 and approved by Wellington's Engineering Department prior to construction of
140 the required pavement.

141 c) Required pavement must be completed prior to issuance of the first Building
142 Permit. If damage is done to pavement over the course of construction
143 activities, the roadway must be repaired, repaved, or otherwise replaced at
144 the sole expense of the developer.

145 d) Roadway section must include an FDOT approved guardrail section along the
146 top of bank, to match the guardrail along Flying Cow Road to the north of the
147 Flying Cow Ranch development.

148 e) All proposed materials, specifications and construction methods shall meet all
149 applicable standards contained in the latest editions of all applicable FDOT
150 publications. (ENGINEERING)

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152 10. Connection to the public water system is required for this project at the
153 developer's expense. A looped system is required. The project will utilize on-site
154 sewage treatment systems with approvals required from Palm Beach County
155 Health Department and Wellington. The required size and design of the water
156 system shall be as determined by Utility Director at the time of permitting with the
157 Utilities Department. (UTILITIES/PLANNING)

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159 11. In order to comply with the Mandatory Traffic Performance Standards in place at
160 the time of this approval, no building permits for the development shall be issued
161 after December 31, 2021. A time extension for this condition may be approved
162 based on a Traffic Study which complies with the Mandatory Traffic Performance
163 Standards in place at the time of the request. (TRAFFIC)

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165 12. Prior to commencing site construction and the issuance of any building permits,
166 the applicant is required to obtain a Land Development Permit and all necessary
167 Engineering permits. The permit plans shall include construction details for all
168 infrastructure components including paving, grading, drainage, water, sewer,
169 landscape, lighting and offsite improvements. Prior to the issuance of any
170 certificates of occupancy/completion, final approval is required from Engineering
171 Department. (ENGINEERING)

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173 13. Prior to issuance of certificate of occupancy/completion, final inspection and
174 approval is required from the Wellington Planning Division to ensure compliance
175 with all approved master/site/landscape plans, conditions of approval, on/off-site
176 improvements, elevations, architectural details, colors, site amenities, signage,
177 etc. prior to the issuance of any Certificates Of Completion/Occupancy.
178 (PLANNING)

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180 **SECTION 2:** Should any section, paragraph, sentence, clause, or phrase of this
181 Resolution conflict with any section, paragraph, clause or phrase of any prior Wellington
182 Ordinance, Resolution, Or Municipal Code provision, then in that event the provisions of
183 this Resolution shall prevail to the extent of such conflict.

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185 **SECTION 3:** Should any section paragraph, sentence, clause, or phrase of this
186 Resolution be declared by a court of competent jurisdiction to be invalid, such decision
187 shall not affect the validity of this Resolution as a whole or any portion or part thereof,
188 other than the part to be declared invalid.

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190 **SECTION 4:** This Resolution shall become effective upon the approval of the
191 companion Comprehensive Plan Future Land Use Map Amendment (Ordinance No.
192 2017-15) and Rezoning (Ordinance No. 2017-17).

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195 **PASSED AND ADOPTED** this _____ day of _____, 2017.

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198 **WELLINGTON**

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201 BY: _____
202 Anne Gerwig, Mayor

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205 **ATTEST:**

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208 BY: _____
209 Chevelle D. Nubin, Clerk

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212 **APPROVED AS TO FORM AND**
213 **LEGAL SUFFICIENCY**

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216 BY: _____
217 Laurie Cohen, Village Attorney