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RESOLUTION NO. R2008-73

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, APPROVING DEVELOPMENT ORDER AMENDMENT AND MASTER PLAN AMENDMENT APPLICATION KNOWN AS RESIDENCES AT BINKS FOREST GOLF CLUB, PETITION 1997-10 DOA2 AND MPA1 TO AMEND THE MASTER PLAN TO DEPICT 15 ACRES OF THE BINKS FOREST GOLF COURSE (ABANDONED DRIVING RANGE) AS A RESIDENTIAL POD (POD L) WITH 90-MULTI FAMILY UNITS; TO IDENTIFY THE PROPOSED ENTRY INTO THE NEW POD L; TO IDENTIFY THE EXISTING ENTRY INTO THE GOLF CLUB; TO RELOCATE THE GOLF MAINTENANCE BUILDING; TO IDENTIFY THE CORRECT LOCATION OF THE EXISTING ENTRY INTO THE FPL SUBSTATION FROM FLYING COW ROAD; AND TO UPDATE THE SITE DATA AND TABULAR DATA TO INCLUDE POD L FOR THE PROPERTY LOCATED WITHIN THE LANDINGS AT WELLINGTON PLANNED UNIT DEVELOPMENT (PUD), ON THE WEST SIDE OF BINKS FOREST DRIVE, APPROXIMATELY HALF MILE SOUTH OF SOUTHERN BOULEVARD, AS DESCRIBED MORE PARTICULARLY HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village 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 Village of Wellington 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 V of the Land Development Regulation, have been satisfied; and

WHEREAS, the subject is within the Landings at Wellington PUD, and

WHEREAS, the request to amend the Landings at Wellington PUD was reviewed by the Planning, Zoning and Adjustment Board at a public hearing conducted on June 5, 2008; and

WHEREAS, the Village Council has considered the evidence and testimony presented by the Petitioner and other interested parties and the recommendations of the various Village of Wellington review agencies and staff; and

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

- 1 1. The subject site is within the Landings at Wellington PUD and possesses
2 a Future Land Use Map designation of Residential E. The modifications
3 requested are consistent with both the Land Use and Master Plan
4 designations for the subject parcel and the request is consistent with the
5 Comprehensive Plan.
6
- 7 2. The proposed modifications have been found to be compatible with
8 surrounding uses.
9
- 10 3. There are no environmental issues or concerns.
11
- 12 4. There are adequate public facilities available to serve the subject site.
13
- 14 5. There are public services and facilities in place to support the anticipated
15 impacts on traffic, water and sewer services.
16

17 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE**
18 **VILLAGE OF WELLINGTON, FLORIDA, THAT:**
19

20 **SECTION 1.** The Master Plan Amendment Petition 1997-10 DOA2 and MPA1, the
21 petition of Aquila Binks Forest Development, LLC, Owner, is hereby approved on the
22 following described real property, subject to the conditions of approval contained herein,
23 which are in addition to the general requirements otherwise provided by resolution:
24

- 25 1. In order to comply with the Traffic Performance Standards, the property owner
26 shall be restricted to the following phasing schedule. No building permits for the
27 site may be issued after December 31, 2010. A time extension for this condition
28 may be approved by the Village Engineer based upon an approved Traffic Study
29 which complies with Traffic Performance Standards in place at the time of the
30 request. **(TRAFFIC)**
31
- 32 2. The property owner shall provide the Village with an new mylar of the master
33 plan that reflects the amendments approved herein, including a showing of the
34 90 multi-family units on the property, the movement of the maintenance facility to
35 the adjoining property, and the location of the proposed entrance to the
36 property.**(PLANNING)**
37
- 38 3. Previous conditions of approval not amended by these petitions are still in effect.
39 **(PLANNING)**
40

1 LEGAL DESCRIPTION:

2
3 **LEGAL DESCRIPTION OF TOWNHOME PARCEL – RESIDENTIAL ELEMENT**

4
5 A PARCEL OF LAND BEING A PART OF PARCEL "J", BINK'S FOREST OF THE
6 LANDINGS AT WELLINGTON P.U.D. PLAT 2, ACCORDING TO THE PLAT
7 THEREOF, AS RECORDED IN PLAT BOOK 70, PAGE 162, PUBLIC RECORDS,
8 PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE
9 PARTICULARLY DESCRIBED AS FOLLOWS:

10
11 **BEGINNING** AT A BOUNDARY CORNER OF SAID PARCEL "J"; SAID BOUNDARY
12 CORNER ALSO BEING THE NORTHEAST CORNER OF THAT CERTAIN PARCEL
13 SHOWN ON SAID PLAT AS "NOT A PART OF THIS PLAT"; THENCE, SOUTH
14 01°19'52" WEST, ALONG THE BOUNDARY COMMON WITH SAID PARCEL "J" AND
15 SAID PARCEL SHOWN ON SAID PLAT AS "NOT A PART OF THIS PLAT", A
16 DISTANCE OF 520.01 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL
17 SHOWN ON SAID PLAT AS "NOT A PART OF THIS PLAT"; THENCE SOUTH
18 86°09'16" EAST, DEPARTING SAID BOUNDARY LINE, A DISTANCE OF 657.54
19 FEET; THENCE, NORTH 83°32'27" EAST, A DISTANCE OF 517.25 FEET TO A
20 POINT ON THE EASTERLY BOUNDARY LINE OF SAID PARCEL "J"; SAID POINT
21 BEING A POINT ON A CURVE CONCAVE EASTERLY HAVING A RADIUS OF
22 1410.00 FEET AND WHOSE RADIUS POINT BEARS NORTH 75°08'11" EAST;
23 THENCE, NORTHERLY ALONG SAID EASTERLY BOUNDARY LINE AND ALONG
24 THE WESTERLY RIGHT-OF-WAY LINE OF BINK'S FOREST DRIVE, AS SHOWN ON
25 SAID PLAT, THROUGH A CENTRAL ANGLE OF 22°46'13", A DISTANCE OF 560.36
26 FEET TO THE END OF SAID CURVE; THENCE, NORTH 88°58'25" WEST,
27 DEPARTING SAID EASTERLY BOUNDARY LINE AND SAID WESTERLY RIGHT-OF-
28 WAY LINE, AND ALONG A LINE 50.00 FEET SOUTH OF, AS MEASURED AT RIGHT
29 ANGLES TO, THE NORTH BOUNDARY LINE OF SAID PARCEL "J", A DISTANCE OF
30 1122.73 FEET; THENCE, SOUTH 01°19'52" WEST, A DISTANCE OF 70.00 FEET TO
31 THE POINT OF BEGINNING.

32
33 EXCEPTING PARCEL "V" AS SHOWN ON SAID PLAT OF BINK'S FOREST OF THE
34 LANDINGS AT WELLINGTON P.U.D. PLAT 2.

35
36 CONTAINING: 15.27 ACRES, MORE OR LESS.


37
38 SUBJECT TO, AND TOGETHER WITH, EASEMENTS, RESERVATIONS AND/OR
39 RIGHTS-OF-WAY OF RECORD.


40
41 **SECTION 2.** This Resolution shall become effective immediately upon adoption.

1 PASSED AND ADOPTED this 8th day of July 2008.
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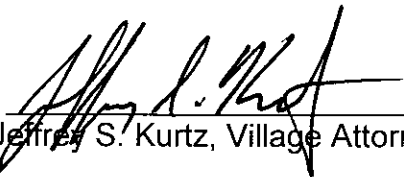
4 ATTEST:

VILLAGE OF WELLINGTON, FLORIDA

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6
7 BY: 
8 Awilda Rodriguez, Village Clerk
9

BY: 
Darell Bowen, Mayor

10
11 APPROVED AS TO FORM AND
12 LEGAL SUFFICIENCY:

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15 BY: 
16 Jeffrey S. Kurtz, Village Attorney
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