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RESOLUTION NO. R2014-27

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A MASTER PLAN AMENDMENT (PETITION NUMBER 2013-61 MPA 2) AMENDING THE LANDINGS AT WELLINGTON P.U.D. MASTER PLAN FOR CERTAIN PROPERTY KNOWN AS POD "L" (BINK'S POINTE F.K.A. RESIDENCES AT BINK'S FOREST GOLF CLUB), TOTALING 15.27 ACRES, MORE OR LESS, LOCATED APPROXIMATELY 1/2 MILE SOUTH OF SOUTHERN BOULEVARD ON THE WEST SIDE OF BINKS FOREST DRIVE, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO INCREASE THE ACREAGE OF POD "L" BY INCLUDING PARCEL "V" 0.26 ACRE, DESIGNATE POD "L" AS OPTIONAL RESIDENTIAL (OR) AND AMEND CONDITIONS OF APPROVAL; 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 V of the Land Development Regulation, as adopted by Wellington, have been satisfied; and

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

WHEREAS, the subject property Master Plan was amended by Resolution No. 2008-73 (adopted July 8, 2008) and the build out date was extended to December 31, 2014 by Resolution No. 2012-10 (adopted February 14, 2012); and

WHEREAS, on August 6, 2014, the Planning, Zoning & Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing, has considered this Master Plan Amendment request for the property which is the subject of this Resolution and has submitted its recommendation to the Council; and

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

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

1. The subject property is within The Landings at Wellington PUD and possesses a future land use map designation of Residential "E." The modifications requested are consistent with both the future land use map and Master Plan designations for the subject parcel and the request is consistent with the Comprehensive Plan.

2. The proposed modifications have been found to be compatible with surrounding uses.
3. There are no environmental issues or concerns.
4. There are adequate public facilities available to serve the subject property.
5. There are public services and facilities in place to support the anticipated impacts on traffic, water and sewer services.

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

SECTION 1. The Master Plan Amendment petition for the property described in Exhibit 1 is hereby approved subject to the amended and restated conditions contained herein, which are in addition to the general requirements otherwise provided by ordinance:

1. ~~In order to comply with the Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule. No building permits for the site may be issued after December 31, 2010. A time extension for this condition may be approved by the Village Engineer based upon an approved Traffic Study which complies with Traffic Performance Standards in place at the time of the request.~~ In order to comply with the Mandatory Traffic Performance Standards in place at the time of this approval, no building permits for the site shall be issued after December 31, 2018. A time extension for this condition may be approved based on a Traffic Study which complies with the Mandatory Traffic Performance Standards in place at the time of the request.
2. ~~The property owner shall provide the village with an new mylar of the master plan that reflects the amendments approved herein, including a showing of the 90 multi-family units on the property, the movement of the maintenance facility to the adjoining property, and the location of the proposed entrance to the property. The Landings at Wellington PUD Master Plan shall be in compliance with the master plan, included as Exhibit 2. A final master plan consistent with any Council approved changes and conditions of approval imposed by Council shall be submitted to the Development Review Committee (DRC) for final processing.~~ (PLANNING)
3. The 0.26 acre Parcel "V" of The Landings at Wellington PUD shall be incorporated within the 15.27 acre Pod "L" (Bink's Pointe F.K.A. Residences at Bink's Forest Golf Club). The amended Pod "L" (Bink's Pointe) shall total 15.53 acres, be limited to a maximum of 90 townhouse dwelling units, designated as Optional Residential (OR) and be re-plated. (PLANNING)
4. A minimum 0.30 acre preserve area shall be preserved within Pod "L" (Bink's Pointe) and indicated on the site plan. The preserve area shall be maintained, protected and preserved in perpetuity on the plat. (PLANNING)

1 **PASSED AND ADOPTED** this _____ day of _____ 2014.
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4 **ATTEST:**

VILLAGE OF WELLINGTON, FLORIDA

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7 BY: _____ BY: _____
8 Awilda Rodriguez, Clerk Bob Margolis , Mayor
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11 **APPROVED AS TO FORM AND**
12 **LEGAL SUFFICIENCY:**
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15 BY: _____
16 Laurie Cohen, Village Attorney
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EXHIBIT 1
Legal Description

PARCEL 1:

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

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

EXCEPTING THEREFROM: ALL OF PARCEL "V" OF BINK'S FOREST OF THE LANDINGS AT WELLINGTON P.U.D. PLAT 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 70, PAGE 162 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING: 15.27 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL V:

ALL OF PARCEL "V" OF BINK'S FOREST OF THE LANDINGS AT WELLINGTON P.U.D. PLAT 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 70, PAGE 162 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING: 0.26 ACRE, MORE OR LESS.

- 1 OVERALL CONTAINING: A TOTAL OF: 15.53 ACRES, MORE OR LESS.
- 2
- 3 SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-
- 4 WAY OF RECORD.

Exhibit 2
The Landings at Wellington PUD Master Plan

