1	<b>RESOLUTION NO. R2014-27</b>
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3	A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL,
4	APPROVING A MASTER PLAN AMENDMENT (PETITION
5	NUMBER 2013-61 MPA 2) AMENDING THE LANDINGS AT
6	WELLINGTON P.U.D. MASTER PLAN FOR CERTAIN
7	PROPERTY KNOWN AS POD "L" (BINK'S POINTE F.K.A.
8	RESIDENCES AT BINK'S FOREST GOLF CLUB), TOTALING
9	15.27 ACRES, MORE OR LESS, LOCATED APPROXIMATELY 1/2 MILE SOUTH OF SOUTHERN BOULEVARD ON THE WEST
10 11	SIDE OF BINKS FOREST DRIVE, AS MORE SPECIFICALLY
12	DESCRIBED HEREIN; TO INCREASE THE ACREAGE OF POD
13	"L" BY INCLUDING PARCEL "V" 0.26 ACRE, DESIGNATE POD
14	"L" AS OPTIONAL RESIDENTIAL (OR) AND AMEND
15	CONDITIONS OF APPROVAL; PROVIDING A CONFLICTS
16	CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND
17	PROVIDING AN EFFECTIVE DATE.
18	WHEREAS the Council on the governing hady of the Village of Wellington
19 20	<b>WHEREAS,</b> 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
20	the Land Development Regulation is authorized and empowered to consider petitions
22	related to zoning and development orders; and
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24	WHEREAS, the notice and hearing requirements, as provided in Article V of the
25	Land Development Regulation, as adopted by Wellington, have been satisfied; and
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27	WHEREAS, the subject property is within The Landings at Wellington PUD, and
28 29	WHEREAS, the subject property Master Plan was amended by Resolution No.
30	2008-73 (adopted July 8, 2008) and the build out date was extended to December 31,
31	2014 by Resolution No. 2012-10 (adopted February 14, 2012); and
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33	WHEREAS, on August 6, 2014, the Planning, Zoning & Adjustment Board, sitting
34	as the Local Planning Agency, after notice and public hearing, has considered this
35	Master Plan Amendment request for the property which is the subject of this Resolution
36 27	and has submitted its recommendation to the Council; and
37 38	WHEREAS, the Council has considered the evidence and testimony presented
39	by the Petitioner and other interested parties and the recommendations of the various
40	Wellington and Palm Beach County review agencies and staff; and
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42	WHEREAS, The Council has made the following findings of fact:
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44	1. The subject property is within The Landings at Wellington PUD and
45	possesses a future land use map designation of Residential "E." The
46 47	modifications requested are consistent with both the future land use map and Master Plan designations for the subject parcel and the request is consistent
47 48	Master Plan designations for the subject parcel and the request is consistent with the Comprehensive Plan.
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- The proposed modifications have been found to be compatible with surrounding uses.
  - 3. There are no environmental issues or concerns.

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- 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:

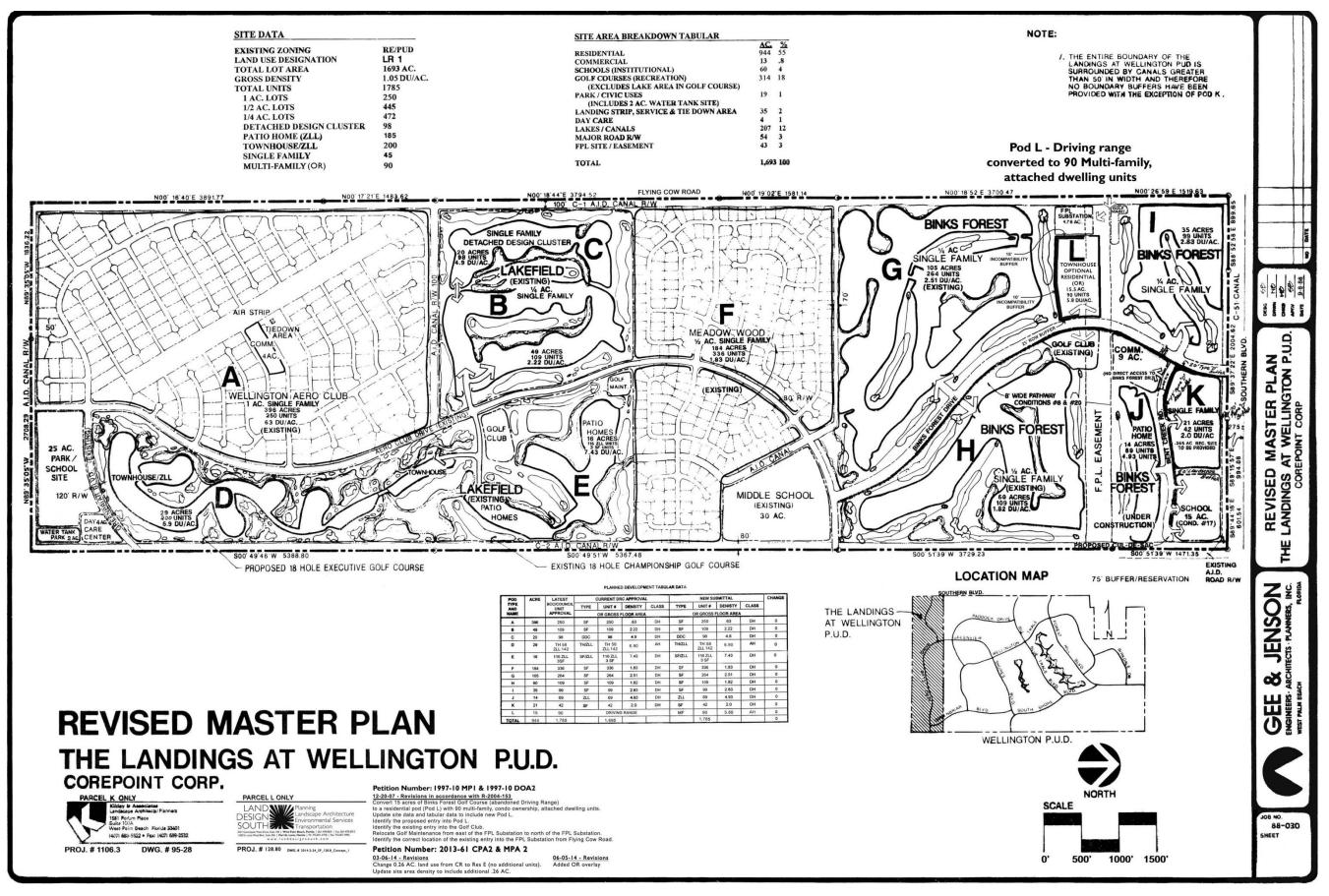
- 19 1. In order to comply with the Traffic Performance Standards, the property owner 20 shall be restricted to the following phasing schedule. No building permits for the site may be issued after December 31, 2010. A time extension for this condition 21 may be approved by the Village Engineer based upon an approved Traffic Study 22 which complies with Traffic Performance Standards in place at the time of the 23 24 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 25 26 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 27 Standards in place at the time of the request. 28
- 2. The property owner shall provide the village with an new mylar of the master plan 30 31 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 32 adjoining property, and the location of the proposed entrance to the property. The 33 34 Landings at Wellington PUD Master Plan shall be in compliance with the master 35 plan, included as Exhibit 2. A final master plan consistent with any Council approved changes and conditions of approval imposed by Council shall be 36 submitted to the Development Review Committee (DRC) for final processing. 37 38 (PLANNING)
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  3. <u>The 0.26 acre Parcel "V" of The Landings at Wellington PUD shall be</u> 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. <u>A minimum 0.30 acre preserve area shall be preserved within Pod "L" (Bink's</u>
   47 <u>Pointe) and indicated on the site plan. The preserve area shall be maintained,</u>
   48 <u>protected and preserved in perpetuity on the plat. (PLANNING)</u>

5. The owner/developer of Pod "L" (Bink's Pointe) shall provide a minimum eight (8) 1 feet wide asphalt multi-use pathway. 2 3 a. The pathway shall be constructed along Pod "L" north property line from the 4 existing path on the west side of Binks Forest Drive to the west property line 5 of Pod "L." 6 7 b. Prior to issuance of the first Certificate of Occupancy, the construction of the pathway shall be completed or payment submitted for the construction to 8 Wellington in an amount approved by the Village Engineer. 9 10 c. A minimum 15 feet wide area for the pathway in Pod "L" (as referenced in subsection a. above) shall be provided through an easement or quit claim 11 deed to Wellington on or before issuance of the final residential building 12 Certificate of Occupancy. 13 6. No building permits for more than sixty (60) multi-family dwelling units shall be 14 issued until the Property Owner of Pod "L" makes a proportionate share payment 15 16 in the amount of \$182,152, which represents the Property Owner's proportionate share of the improvements to the intersection at State Road 80 and Binks Forest 17 Drive. This payment shall be made to Palm Beach County and is required for 18 19 compliance with the Countywide Traffic Performance Standards. This proportionate share amount may be applied toward construction of this 20 improvement or one or more improvements that will benefit mobility in the area 21 22 impacted by the project, as determined by the County Engineer. This 23 proportionate share payment is Impact Fee creditable. 24 25 3.7. All previous Previous conditions of approval not amended by these petitions this Resolution are still in effect. (PLANNING) 26 27 28 **SECTION 2:** Should any section, paragraph, sentence, clause, or phrase of this Resolution conflict with any section, paragraph, clause or phrase of any prior Wellington 29 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of 30 31 this Resolution shall prevail to the extent of such conflict. 32 33 **SECTION 3:** Should any section paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision 34 35 shall not affect the validity of this Resolution as a whole or any portion or part thereof, other than the part to be declared invalid. 36 37 38 SECTION 4: This Resolution shall become effective 31 days after adoption of 39 Ordinance 2014 – 22, if there has not been a compliance challenge with the Division of Administrative Hearings. 40 41 (Remainder of page intentionally left blank) 42

1	PASSED AND ADOPTED this	day of	2014.
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4	ATTEST:	VILLAGE	OF WELLINGTON, FLORIDA
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7	BY:		
8	Awilda Rodriguez, Clerk	Bob Ma	rgolis , Mayor
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11	APPROVED AS TO FORM AND	)	
12	LEGAL SUFFICIENCY:		
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14			
15	BY:		
16	Laurie Cohen, Village Attorr	ney	
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1 2	EXHIBIT 1 Legal Description
$\begin{array}{c} 3\\ 4\\ 5\\ 6\\ 7\\ 8\\ 9\\ 10\\ 11\\ 12\\ 13\\ 14\\ 15\\ 16\\ 17\\ 18\\ 19\\ 20\\ 21\\ 22\\ 23\\ 24\\ 25\\ 26\\ 27\\ 28\\ 29\\ 30\\ \end{array}$	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:
	<b>BEGIN</b> 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.
31 32 33 34 35	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.
36 37 38	CONTAINING: 15.27 ACRES, MORE OR LESS.
39 40	TOGETHER WITH:
41 42 43 44 45 46	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.
46 47 48	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