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RESOLUTION NO. R2016 – 71

A RESOLUTION OF WELLINGTON, FLORIDA’S COUNCIL, APPROVING A CONDITIONAL USE (PETITION NUMBER 16 – 87 / 2016 – 34 CU 1) FOR CERTAIN PROPERTY KNOWN AS LOT 9 OF THE BINKS COMMERCIAL CENTER; CONSISTING OF APPROXIMATELY 0.73 ACRE, MORE OR LESS, LOCATED IN THE SOUTHEAST CORNER OF BINKS FOREST DRIVE AND BENT CREEK ROAD ON PROFESSIONAL WAY, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO ALLOW A 3,600 SQUARE FOOT VETERINARY CLINIC IN A PLANNED UNIT DEVELOPMENT ZONING DISTRICT SUBJECT TO CONDITIONS OF APPROVAL; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, the subject site is designated as Agricultural Residential/Special Exception/Planned Unit Development (AR/SE/PUD) on the Zoning Map and Office Commercial on the Future Land Use Map; and

WHEREAS, Land Development Regulations Article 6, Section 6.8.1 Table 6.8-2 and Resolution No. R2000-45 (Stipulated Settlement Agreement) identify veterinary clinic within a Planned Unit Development Zoning District as a Conditional Use (FKA Requested Use); and

WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on October 17, 2016, has recommended approval of this Conditional Use with a 6-0 vote; 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 review agencies and staff; and

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

1. Environmental Considerations: There are no environmental issues or concerns expected to occur as a result of this Conditional Use approval.
2. Surrounding Use Considerations: The proposed veterinary clinic use has been found to be compatible with surrounding uses.

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2 3. Utilities: The site is located within the Urban Service
3 Area which has existing potable water, sanitary
4 sewer and trash disposal. There are adequate
5 public facilities available to serve the subject
6 site.

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8 4. Concurrency Considerations: Wellington Traffic Consultant has determined
9 the proposed modifications meet the Traffic
10 Performance Standards (TPS) of Wellington
11 subject to conditions. A northbound right turn
12 lane and access opening on Binks Forest Drive
13 into the Binks Commercial Center project is
14 required.

15
16 5. Comprehensive Plan Considerations: The proposed veterinary clinic is consistent
17 with Wellington's Comprehensive Plan
18 including but not limited to preserving and
19 protecting the characteristics of the
20 communities in Wellington; neighborhood
21 compatibility policies; Land Use, Transportation
22 and Infrastructure Elements.

23
24 **NOW, THEREFORE, BE IT RESOLVED BY WELLINGTON, FLORIDA'S**
25 **COUNCIL THAT:**

26
27 **SECTION 1:** The Binks Commercial Center Lot 9 veterinary clinic Conditional
28 Use, for the real property as described in Exhibit 1 is hereby approved subject to the
29 following conditions:

- 30
31 1. The veterinary clinic shall be limited to a maximum of 3,600 square feet. The site
32 shall be in substantial compliance with the approved site plan as indicated in
33 Exhibit 2. Site plan changes and conditions imposed by Council shall be
34 submitted to the DRC for final processing. (PLANNING)
- 35 2. Architectural Review Board (ARB) approval is required for the elevations, colors
36 and signs prior to permitting. (PLANNING)
- 37 3. The boarding of animals and outdoor facilities shall be prohibited. The overnight
38 medical care of the veterinary clinic patients shall be permitted only when
39 medically necessary. (PLANNING)
- 40 4. The veterinary clinic shall provide on-site care of domestic non-farm animals
41 only. (PLANNING)
- 42 5. A minimum of two (2) pet waste stations shall be provided on-site. The operator
43 shall collect and dispose of all on-site animal waste from the pet waste stations
44 daily. (PLANNING)

- 1 6. The operator shall disposal of animal medical waste by a registered medical
2 waste disposal company. (PLANNING)
- 3 7. The owner or operator shall obtain all appropriate federal, state and local
4 permits / licenses for the veterinary clinic prior to obtaining a Wellington Local
5 Business Tax Receipt. (PLANNING)
- 6 8. Prior to issuance of the certificate of occupancy for the veterinary clinic use on
7 Lot 9, construction shall be completed and accepted by the Village Engineer for
8 a driveway connection from Professional Way to Binks Forest Drive. The
9 inbound turning radius of the driveway at this location shall be a minimum of 50
10 feet and approved by the Village Engineer. The 50 foot inbound turning radius
11 shall be utilized until a right turn lane is required and/or constructed at this
12 location. (ENGINEERING)
- 13 9. The petitioner shall submit a master plan and site plan amendment request to
14 add an access opening along Binks Forest Drive on the Landings at Wellington
15 PUD Master Plan and Binks Commercial Center Site Plan. The DRC will review
16 and approve this minor master plan amendment and site plan amendment per
17 the Village Council approval of this Resolution. The abandonment of the limited
18 access easement opening along Binks Forest Drive shall be processed by the
19 Village Engineer for Council final approval. (PLANNING)
- 20 10. In order to comply with the Mandatory Traffic Performance Standards in place at
21 the time of this approval, no building permits for the veterinary clinic use on Lot 9
22 of the Binks Commercial Center shall be issued after December 31, 2021. A
23 time extension for this condition may be approved based on a Traffic Study
24 which complies with the Mandatory Traffic Performance Standards in place at
25 the time of the request. (TRAFFIC)

26 **SECTION 2:** Should any section, paragraph, sentence, clause, or phrase of this
27 Resolution conflict with any section, paragraph, clause or phrase of any prior
28 Resolution, or municipal Code provision, then in that event the provisions of this
29 Resolution shall prevail to the extent of such conflict.

30
31 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this
32 Resolution be declared by a court of competent jurisdiction to be invalid, such decision
33 shall not affect the validity of this Resolution as a whole or any portion or part thereof,
34 other than the part so declared to be invalid.

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36 **SECTION 4:** This Resolution shall become effective immediately upon adoption.

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38 (Remainder of page intentionally left blank)
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Exhibit 1
Legal Description

LOT 9 OF BINKS COMMERCIAL CENTRE, RECORDED IN PLAT BOOK 91, PAGES
21 AND 22, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY.
CONTAINING: 0.73 ACRE MORE OR LESS

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WATER CONSERVATION POINT TABLE		
TECHNIQUE/DESIGN FEATURE	PROVIDED	POINTS
Moisture-Sensing Controller (other than rainswitch)		
Drip/Tickle/Micro Irrigation System		
Irrigation Quality Effluent Irrigation		
Florida Native Landscape	51-30%	20
Required trees - Very Drought Tolerant	51-100%	10
Extra Shade Trees		
Sod/Turf Alternative		
Required Shrubs - Very Drought Tolerant	51-100%	10
TOTAL POINTS		40

MINIMUM LANDSCAPE REQUIREMENTS			
CATEGORY	REQUIREMENT	REQUIRED	PROVIDED
INTERIOR			
Trees (total)	1 per 2500 SF	118	118 min.
Native trees	50% minimum	59	59 min.
Very drought tolerant (trees)	25% minimum	30	30 min.
Shrubs 24" ht. (total)	3 per 2500 SF	354	354 min.
Native shrub (total)	50% minimum	177	177 min.
Very drought tolerant (shrubs)	25% minimum	89	89 min.
Vehicle use area trees (interior)	40 sf/parking space	10,840 s.f.	10,840 s.f. min.
Vehicle use (shade trees)	75% minimum		75% min.
Other Vehicle use (landscape)	2% of other V.U.A.	7,302 s.f.	7,302 s.f. min.
Required # of species		5	5 min.
Tree size (V.U.A.)	10' ht., 2" cal. each min.		same
Preservation Area in Use of Perimeter Buffer: Req.			

* 1/2500 of 296,208 s.f. area (site area - 25% preserve area)

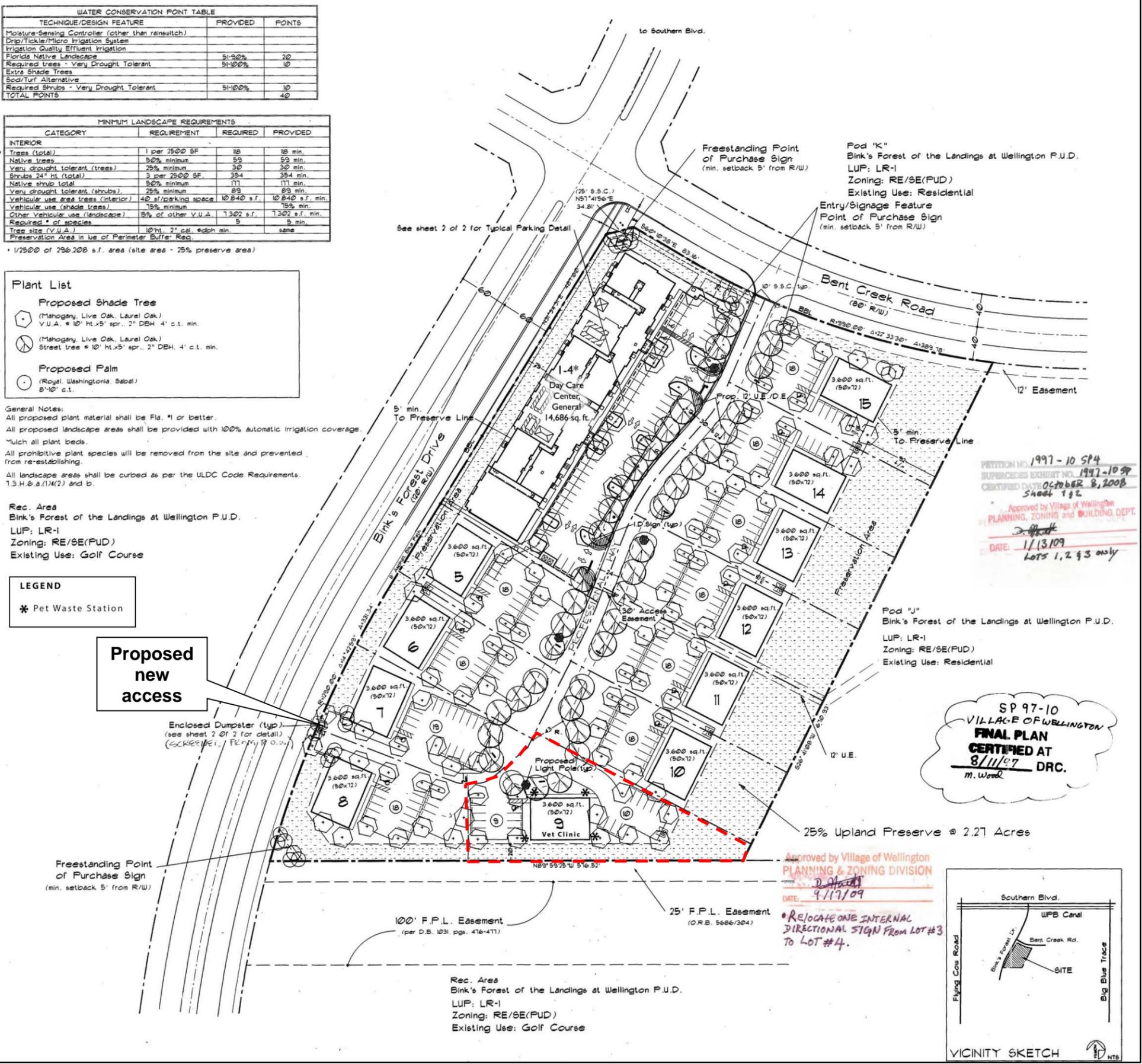
- Plant List**
- Proposed Shade Tree**
 (Mahogany, Live Oak, Laurel Oak)
 V.U.A. # 10' ht. x 5" spr., 2" DBH, 4' c.t. min.
- (Mahogany, Live Oak, Laurel Oak)
 Street tree # 10' ht. x 5" spr., 2" DBH, 4' c.t. min.
- Proposed Palm**
 (Royal, Washingtonia, Sabal)
 8'-10' c.t.

General Notes:
 All proposed plant material shall be Fla. #1 or better.
 All proposed landscape areas shall be provided with 100% automatic irrigation coverage.
 *Mulch all plant beds.
 All prohibitive plant species will be removed from the site and prevented from re-establishing.
 All landscape areas shall be curbed as per the ULDC Code Requirements, 1.3.H.6.a.(1)(4)(2) and b.

Rec. Area
 Bink's Forest of the Landings at Wellington P.U.D.
 LUP: LR-1
 Zoning: RE/SE(PUD)
 Existing Use: Golf Course

LEGEND
 * Pet Waste Station

Proposed new access

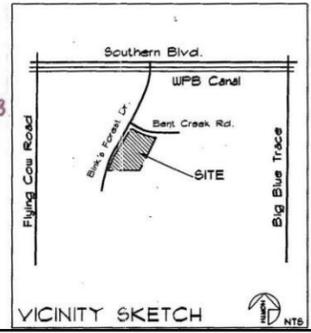


1997-10 SP4
 SUPERCEDES EXHIBIT NO. 1997-10 SP
 CERTIFIED DATE: October 8, 2008
 Sheet 1 of 2
 Approved by Village of Wellington
 PLANNING, ZONING and BUILDING DEPT.
 DATE: 1/13/09
 Lots 1, 2 & 3 only

SP 97-10
 VILLAGE OF WELLINGTON
FINAL PLAN
 CERTIFIED AT
 8/11/07 DRC.
 M. Wood

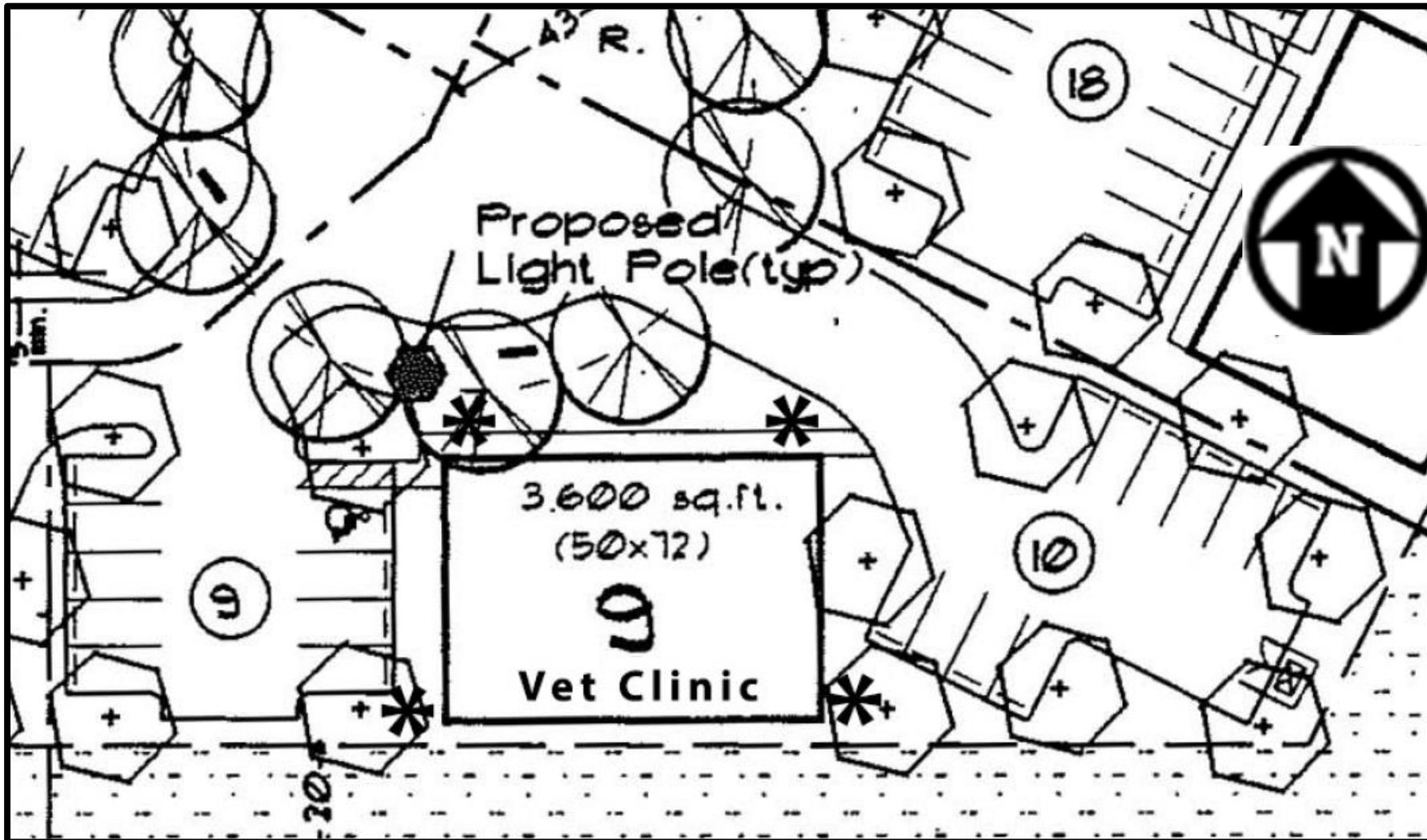
Approved by Village of Wellington
 PLANNING & ZONING DIVISION
 DATE: 9/17/09

RELOCATE ONE INTERNAL DIRECTIONAL SIGN FROM LOT #3 TO LOT #4.



Rec. Area
 Bink's Forest of the Landings at Wellington P.U.D.
 LUP: LR-1
 Zoning: RE/SE(PUD)
 Existing Use: Golf Course

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