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RESOLUTION NO. R2022-38

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, FOR A DEVELOPMENT ORDER AMENDMENT (PETITION NUMBER 2022-38 DOA) FOR CERTAIN PROPERTY, KNOWN AS EQUESTRIAN VILLAGE/GLOBAL DRESSAGE, A COMMERCIAL EQUESTRIAN ARENA, LOCATED ON THE NORTHEAST CORNER OF PIERSON ROAD AND SOUTH SHORE BOULEVARD; AS MORE SPECIFICALLY DESCRIBED HEREIN; APPROVING A MODIFICATION TO THE CONDITIONS OF APPROVAL TO ALLOW A PAYMENT IN LIEU OF PERFORMING THE CONSTRUCTION OF ROAD AND INTERSECTION IMPROVEMENTS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 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 (LDR) 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 LDR, as adopted by Wellington, have been satisfied; and

WHEREAS, the current Wellington Future Land Use Map designation for the subject site is Equestrian Commercial Recreation (ECR) and the Zoning designation is Planned Unit Development/Equestrian Overlay Zoning District (PUD/EOZD); and

WHEREAS, Council approved the site as a Commercial Equestrian Arena (CEA) with the approval of Compatibility Determination, Resolutions No. R 2013-49, on October 24, 2013; and

WHEREAS, Condition No. 19 requires off-site road improvements for the intersection at Pierson Road and South Shore Boulevard; and

WHEREAS, all conditions of the CEA must be satisfied for the full beneficial use of the CEA designation approval until all conditions have been satisfied; and

WHEREAS, a check in the amount of \$1,145,931.88 was delivered to Wellington as an in lieu payment for the required construction; and

WHEREAS, Condition No. 19 required the construction of the improvements and the Council must approve a modification to the condition to allow the payment in lieu to satisfy the condition; and

WHEREAS, the Council has taken the recommendations from Wellington staff and comments from the public into consideration for the proposed Development Order Amendment.

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

SECTION 1. Council hereby accepts the payment in lieu of performing the require improvements and acknowledges that all parts of condition 19 of Resolution No. R2013-49 shall be considered satisfied as modified in Section 2.

SECTION 2. The condition number 19 of the Conditions of Approval for Resolution No. R 2013-49 is hereby modified and approved for the CEA known as the Equestrian Village/Global Dressage property (legally described in Exhibit A) as follows (underline = modified text):

19. Applicant shall construct the following off-site improvements prior to December 31, 2014:

- a. New horse crossing from south side of Pierson Road to the north side of the C-23 Canal.
(SATISFIED)
- b. Bridle Trail along south property line from the new access point to the east property line.
(SATISIED)

- 59 c. Designated northbound right turn lane on South Shore Boulevard with a minimum of 280
60 feet of storage and 50 foot taper at the South Shore access to the property. (SATISFIED)
61 d. Provide a separate east approach left turn lane with 280 feet of storage at Pierson Road
62 and South Shore Boulevard intersection OR provide a payment in lieu of constructing the
63 improvements. (SATISFIED – Check #2009 provided in the amount of \$1,145,931.88)
64 e. Provide a separate west approach left turn lane with 370 feet of storage at Pierson Road
65 and South Shore Boulevard intersection OR provide a payment in lieu of constructing the
66 improvements. (SATISFIED – Check #2009 provided in the amount of \$1,145,931.88)
67

68 **SECTION 2.** All other Conditions of Approval of Resolution No. R2013-49 shall remain intact and
69 in full effect.
70

71 **SECTION 3.** Should any section, paragraph, sentence, clause, or phrase of this resolution conflicts
72 with any section, paragraph, clause, or phrase of any prior Wellington ordinance, resolution, or municipal
73 Code provision, the provisions of this resolution shall prevail to the extent of such conflict.
74

75 **SECTION 4.** Should any section, paragraph, sentence, clause, or phrase of this resolution be
76 declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this
77 resolution as a whole or any portion or part thereof, other than the part so declared to be invalid.
78

79 **SECTION 5.** This resolution shall become effective immediately upon adoption.
80

81 **PASSED and ADOPTED** this 9th day of August, 2022.
82

83 **WELLINGTON**
84

85
86 By: _____
87 Anne Gerwig, Mayor
88

89 **ATTEST:**
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91
92 By: _____
93 Chevelle Addie, Clerk
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95
96 **APPROVED AS TO FORM AND**
97 **LEGAL SUFFICIENCY**
98

99 By: _____
100 Laurie Cohen, Village Attorney
101

EQUESTRIAN VILLAGE
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN PART OF SECTION 16, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 16; THENCE SOUTH 89°37'54" EAST ALONG THE SOUTH LINE OF SAID SECTION 16, A DISTANCE OF 2090.00 FEET; THENCE NORTH 00°51'23" EAST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE FOR SOUTH SHORE BLVD. AS SHOWN IN GREENVIEW SHORES NO. 2, RECORDED IN PLAT BOOK 31, PAGES 120 THROUGH 136, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING ON THE NORTH LINE OF ACME IMPROVEMENT DISTRICT CANAL C-23; THENCE NORTH 00°51'23" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 702.42 FEET TO A POINT OF CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1440.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°29'05", A DISTANCE OF 514.84 FEET TO A POINT, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF PARCEL "A", EQUESTRIAN/POLO VILLAGE AND COMPLEX OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D. AS RECORDED IN PLAT BOOK 35, PAGE 187, PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE SOUTH 90°00'00" EAST, ALONG THE SOUTH LINE OF SAID PARCEL "A", A DISTANCE OF 398.12 FEET; THENCE NORTH 00°00'00" EAST, ALONG SAID PARCEL "A", A DISTANCE OF 2.18 FEET TO A POINT ON A NON TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 1080.00 FEET, A RADIAL BEARING TO SAID POINT BEARS NORTH 60°50'26" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°12'37"; A DISTANCE OF 79.36 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL "A"; THENCE SOUTH 90°00'00" EAST, ALONG SAID SOUTH LINE OF PARCEL "A", A DISTANCE OF 68.82 FEET; THENCE NORTH 51°06'56" EAST, ALONG SAID PARCEL "A", A DISTANCE OF 204.71 FEET; THENCE NORTH 38°53'04" WEST, ALONG SAID PARCEL "A", A DISTANCE OF 118.38 FEET TO THE SOUTHWEST CORNER OF PARCEL "B" OF SAID EQUESTRIAN/POLO VILLAGE AND COMPLEX OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D.; THENCE SOUTH 89°37'54" EAST, ALONG THE SOUTH LINE OF PARCEL "B" AND "C", OF SAID EQUESTRIAN/POLO VILLAGE AND COMPLEX OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D., A DISTANCE OF 952.69 FEET TO A POINT OF CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 175.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND THE SOUTH LINE OF SAID PARCEL "C", THROUGH A CENTRAL ANGLE OF 31°00'10", A DISTANCE OF 94.69 FEET TO A POINT OF REVERSE CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 175.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND THE SOUTH LINE OF SAID PARCEL "C", THROUGH A CENTRAL ANGLE OF 31°00'10", A DISTANCE OF 94.69 FEET; THENCE SOUTH 89°37'54" EAST, ALONG SAID SOUTH LINE OF PARCEL "C", A DISTANCE OF 3.00 FEET TO A POINT AT THE NORTHWEST CORNER OF POLO ISLAND A CONDOMINIUM, AS RECORDED IN OFFICIAL RECORD BOOK 3391, PAGE 606, PUBLIC RECORDS OF PALM BEACH, COUNTY; THENCE SOUTH 00°22'06" WEST ALONG SAID POLO ISLAND A CONDOMINIUM AND THE WEST LINE OF POLO ISLAND OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D., AS RECORDED IN PLAT BOOK 50, PAGE 155, PUBLIC RECORDS OF PALM BEACH COUNTY,

FLORIDA, A DISTANCE OF 1290.00 FEET TO THE SOUTHEAST CORNER OF SAID POLO ISLAND OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D.; THENCE SOUTH 89°37'54" EAST, ALONG THE SOUTH LINE OF SAID POLO ISLAND OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D., A DISTANCE OF 390.00 FEET TO THE SOUTHEAST CORNER OF SAID POLO ISLAND OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D.; THENCE SOUTH 00°22'06" WEST, A DISTANCE OF 162.28 FEET TO A POINT ON THE NORTH LINE OF SAID ACME IMPROVEMENT DISTRICT CANAL C-23, SAID POINT ALSO BEING 50.00 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 16, THENCE NORTH 89°37'54" WEST ALONG A LINE 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 16, A DISTANCE OF 2218.59 FEET TO THE POINT OF BEGINNING.

CONTAINING 59.37 ACRES MORE OR LESS