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

**WHEREAS**, the subject site is designated as Planned Unit Development (PUD) on the Zoning Map and Office Commercial on the Future Land Use Map; 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 \_\_\_\_\_ of this Conditional Use with a \_\_\_\_\_ vote; and

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

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- RESOLUTION NO. R2016-71

- 1 3. Utilities: The site is located within the Urban Service  
2 Area which has existing potable water, sanitary  
3 sewer and trash disposal. There are adequate  
4 public facilities available to serve the subject  
5 site.  
6
- 7 4. Concurrency Considerations: Wellington Traffic Consultant has determined  
8 the proposed modifications meet the Traffic  
9 Performance Standards (TPS) of Wellington  
10 subject to conditions. A northbound right turn  
11 lane and access opening on Binks Forest Drive  
12 into the Binks Commercial Center project is  
13 required.  
14
- 15 5. Comprehensive Plan Considerations: The proposed veterinary clinic is consistent  
16 with Wellington's Comprehensive Plan  
17 including but not limited to preserving and  
18 protecting the characteristics of the  
19 communities in Wellington; neighborhood  
20 compatibility policies; Land Use, Transportation  
21 and Infrastructure Elements.  
22

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

26 **SECTION 1:** The Binks Commercial Center Lot 9 veterinary clinic Conditional  
27 Use, for the real property as described in Exhibit 1 is hereby approved subject to the  
28 conditions contained herein, which are in addition to the general requirements otherwise  
29 provided by ordinance:  
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 indicated as  
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. (PLANNING)
- 38 4. The veterinary clinic shall provide on-site care of domestic non-farm animals  
39 only. (PLANNING)
- 40 5. A minimum of two (2) pet waste stations shall be provided on-site. The operator  
41 shall collect and dispose of all on-site animal waste daily. The disposal of animal  
42 waste shall be by a licensed waste hauler. (PLANNING)
- 43 6. The owner or operator shall obtain all appropriate federal, state and local

1 permits / licenses for the veterinary clinic prior to obtaining a Wellington Local  
2 Business Tax Receipt. (PLANNING)

3 7. Prior to the issuance of any building permit for the veterinary clinic use for Lot 9  
4 of the Binks Commercial Centre, construction shall commence for the  
5 completion of the driveway connection for the Binks Commercial Centre to Binks  
6 Forest Drive and for the construction of a northbound right turn lane at this  
7 location. Construction shall be complete prior to issuance of a certificate of  
8 occupancy for Lot 9. (TRAFFIC)

9 8. The petitioner shall submit a master and site plan amendment request to add an  
10 access opening along Binks Forest Drive on the Landings at Wellington PUD  
11 Master Plan and Binks Commercial Center Site Plan. The DRC will review and  
12 approve this minor master plan amendment and site plan amendment per the  
13 Village Council approval of this Resolution. The abandonment of the limited  
14 access easement opening along Binks Forest Drive shall be processed by  
15 Village Engineer for Council final approval. (PLANNING)

16 9. In order to comply with the Mandatory Traffic Performance Standards in place at  
17 the time of this approval, no building permits for the veterinary clinic use on Lot 9  
18 of the Binks Commercial Centre shall be issued after December 31, 2021. A  
19 time extension for this condition may be approved based on a Traffic Study  
20 which complies with the Mandatory Traffic Performance Standards in place at  
21 the time of the request. (TRAFFIC)

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

26  
27 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this  
28 Resolution be declared by a court of competent jurisdiction to be invalid, such decision  
29 shall not affect the validity of this Resolution as a whole or any portion or part thereof,  
30 other than the part so declared to be invalid.

31  
32 **SECTION 4:** This Resolution shall become effective immediately upon adoption.

33  
34 (Remainder of page intentionally left blank)  
35

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**ATTEST:**

## WELLINGTON, FLORIDA

BY: Rachel Callovi, Clerk

BY: \_\_\_\_\_  
Anne Gerwig, Mayor

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: Laurie Cohen, Attorney

**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

Exhibit 2  
Approved Site Plan Lot 9

