STAFF REPORT
PLANNING & ZONING DIVISION

I. PETITION DESCRIPTION

Petition: 16 – 87 (2016 – 34 CU 1)

Project Name: Binks Commercial Center Lot 9 Conditional Use

Applicant/Petitioner: Janrus Real Estate, LLC.

Agent: Jennifer Vail, Wantman Group, Inc

Project Manager: Damian Newell

Request: Conditional Use approval to allow a 3,600 square foot veterinary clinic for Lot 9 within the Binks Commercial Center project.

II. SITE DATA

Existing Use: Vacant

Subject Site: 0.73 acre

Existing Land Use: Office Commercial

Existing Zoning District: Planned Unit Development (PUD)

Location: The subject property is located in the existing Binks Commercial Center (FKA Professional Center) of the Landings at Wellington PUD, at the southeast corner of Binks Forest Drive and Bent Creek Road on Professional Way. Exhibit "A" is a location map of the Binks Commercial Center project with the vacant Lot 9 indicated. Exhibit "B" is the legal description of Lot 9.

III. LAND USE AND ZONING

Dir.	Existing Use	Future Land Use	Zoning District
North	Pine Trace Subdivision /Binks Forest Golf Course	Residential "C"	Agricultural Residential / Planned Unit Development (AR/PUD)
South	Binks Forest Golf Course	Commercial Recreation	(AR/PUD)
East	Brindlewood Subdivision	Residential "D"	(AR/PUD)
West	Binks Forest Golf Course	Commercial Recreation	(AR/PUD)

IV. SITE HISTORY

The property is located in the Bink's Commercial Center (FKA Professional Center) project which is within the Landings at Wellington Planned Unit Development (PUD). The Landings at Wellington PUD was approved by Palm Beach County prior to the Village's incorporation.

The Bink's Commercial Center Master / Site Plan (Exhibit C) was originally certified at the August 11, 1997 DRC meeting for the development of 15 commercial lots, each designated with a one story 3,600 square feet retail/office building. A Stipulated Settlement Agreement (Resolution No. R2001-46) was previously approved by the Village Council on April 24, 2001 which restricts the property to specific uses. The Bink's Commercial Center plat was adopted by Village Council on June 19, 2001 with Resolution No. R2001-61. In 2005 Lots 10 and 11 of the Bink's Commercial Center were developed as office buildings. Lots 1-3 were developed as a day care center, totaling approximately 8,600 square feet for 171 children, known as Home Away From Home. This approval was processed as a Conditional Use (Resolution No. R2008 – 117). Home Away From Home was approved (Resolution No. R2015-16) to expand the day care center to the adjacent vacant Lot 4 with a total of 14,686 square feet and 299 children. Currently Lot 4 is still vacant.

The agent, Wantman Group, Inc, on behalf of the applicant/owner, Janrus Real Estate, LLC, is requesting a Conditional Use (Petition No. 16 – 87 / 2016 – 34 CU1) to allow a proposed veterinary clinic on Lot 9 within the Binks Commercial Center project.

V. STAFF ANALYSIS

The Condition Use request to allow a 3,600 square foot veterinary clinic on Lot 9 of the Binks Commercial Center project within the Landings at Wellington PUD was reviewed for consistency with both Wellington's Comprehensive Plan and Land Development Regulations (LDR). Both LDR Table 6.8-2 and Stipulated Settlement Agreement Resolution No. 2001-46 require a Conditional Use approval for veterinary clinic within a PUD Zoning designation and Office Commercial Future Land Use Map designation.

LDR Section 6.4.4.114.d. provides additional standards for veterinary clinic with outdoor runs or boarding to be a minimum one (1) acre and setback 25 feet from any property line. The applicant indicated this facility will not have an outdoor run or overnight boarding. The veterinary clinic will be developed consistent with the configuration currently shown on the approved site plan for Lot 9 (Exhibit D). The applicant is proposing the installation of four (4) pet waste stations on-site. Lot 9 is separated approximately 172 feet from the closest residential lot with a dense landscape preserve area. The veterinary clinic will not adversely impact the existing single family homes to the east with the existing landscape buffers within both the Binks Commercial Center project and Brindlewood Subdivision. The proposed veterinary clinic building setbacks, height and on-site parking complies with the LDRs and approved site plan. The existing on-site water and sewer systems are adequate to serve the proposed veterinary clinic per Wellington's Utility Department.

There is currently one (1) access to Binks Commercial Center from Bent Creek Road. The project originally proposed an additional access onto Binks Forest Drive which was not constructed as it was not warranted for the approved commercial and office uses. With the approved day care center (Lots 1-4) and proposed veterinary clinic (Lot 9) conditional uses the Village Engineer and Traffic Consultant recommend a northbound right turn lane and access opening on Binks Forest Dive into the Binks Commercial Center project be constructed. The proposed northbound right turn lane with the opening on Binks Forest Drive will provide an additional access to the site that will mitigate adverse traffic impacts in the area. The Home Away From Home day care center (Lots 1-4) and nearby Binks Forest Elementary school both have weekday AM and PM peaks that impact traffic in the immediate area. The previously approved day care center (Lots 1-4) has a similar condition to construct the access on Binks Forest Drive. Expansion of the day care use on Lot 4 did not commence which would require construction of the access and turn lane. Staff is recommending that lots within this project requesting conditional use approval in addition to the permitted uses currently allowed be required to construct the access and turn lane to promote safe and efficient traffic movement in this area. The intent is to require construction of the access and turn lane only when a lot owner commences development in accordance with an approved conditional use. The Binks Commercial Center Property Owners Association previously indicated each lot owner will not be assessed for construction of the access opening as it was not required with the development of the project. If both the day care center (Lots 1 – 4) and veterinary clinic (Lot 9) are condition to construct the access and turn lane, they potential could enter a private cost sharing agreement for the construction. Staff has recommended the agent for both the day care center (Lots 1 – 4) and veterinary clinic (Lot 9) consult the property owners on sharing the construction cost. Additionally the lot owner(s) will enter an agreement with the Binks Commercial Center Property Owners Association for construction of the access.

Direct access from Binks Forest Drive into this project was originally indicated on the Binks Commercial Center Plat. The Landings at Wellington PUD Master Plan currently has a notation that access from the Binks Commercial Center project onto Binks Forest Drive is not allowed which conflicts with the Binks Commercial Center Plat. The Landings Master Plan will need to be amended to indicate the opening originally proposed onto Binks Forest Drive after the pending Village Council approval of this Conditional Use. The petitioner will be required to submit a Master Plan Amendment application to add the new access opening. The DRC will review and approve the new access on Binks Forest Drive for the Binks Commercial Center project as a minor master plan amendment per the Village Council approval of Resolution No. R2016 – 71 Condition 8. Council approved a similar condition that allowed DRC to approve adding the new access opening on the master plan when the day care center expansion was approved (Resolution No. R2015-16).

The Palm Beach County (PBC) Traffic Division has reviewed the traffic impact analysis submitted for the proposed veterinary clinic and has issued a letter of approval with conditions (Exhibit E). Wellington's Traffic Consultant has reviewed the traffic impact analysis and has issued a letter (Exhibit F) of compliance with the Traffic Performance Standards of Wellington and Palm Beach County. Staff has incorporated both the PBC Traffic Division and Wellington's Traffic Consultant conditions into the recommended conditions of approval.

Wellington's Land Development Regulations (LDR) Section 5.4.1. defines Conditional Use as those uses that are generally compatible with the other uses permitted in a district but require individual review of their location, design, configuration and intensity and density of use, structures and may require the imposition of conditions in order to ensure the appropriateness and compatibility of the use. LDR Section 5.4.4.E. provides standards that are applicable to all Conditional Uses to be approved by the Village Council. These Conditional Use standards are detailed as follow:

1. *Consistent with Comprehensive Plan:*
The proposed veterinary clinic is consistent with Wellington's Comprehensive Plan including, but not limited to, preserving and protecting the characteristics of the communities in Wellington, neighborhood compatibility policies, Land Use, Transportation and Infrastructure Elements. The Office Commercial Future Land Use Map designation allows a maximum FAR of 0.25. The proposed 3,600 square foot veterinary clinic on Lot 9 (0.73 acre) has a FAR of 0.11, which is in compliance with the intensity of the Future Land Use Map designation. Additionally, the proposed veterinary clinic is consistent with the following:

Objective 1.2 of the Land Use Element requires Wellington to direct future growth into areas served by urban services that have adequate capacity. The proposed location of the veterinary clinic use is within an existing commercial district within the Landings at Wellington PUD and is consistent with this objective.

Policy 1.1.8 of the Transportation Element requires Wellington to control on-site circulation. The condition to construct a northbound right turn lane and access opening on Binks Forest Dive into the Binks Commercial Center project will promote safe and efficient traffic movement.

Policy 1.7.1 of the Infrastructure Element requires Wellington to direct growth to areas within established Urban Service Area to maximize the use of existing and future infrastructure. The proposed veterinary clinic is within an existing commercial project that has adequate water and sewer systems for this type use.

2. *Complies with supplementary use standards:*
The approved Binks Commercial Center Site Plan was reviewed and approved for compliance with all relevant and appropriate portions of the LDRs. The proposed veterinary clinic meets the criteria as required by LDR Section 6.4.4.114.d. The facility is prohibited from having an outdoor run or boarding which requires minimum lot area of one (1) acre and setback of 25 feet from any property line. The proposed resolution will include this condition since the lot is less than one (1) acre in size.

3. *Compatibility*:
The proposed request is compatible with surrounding land uses and will not adversely impact adjacent residential properties. The veterinary clinic use will have no impact on the existing Binks Commercial Center project.

4. *Design minimizes adverse impact:*
The approved Binks Commercial Center Site Plan (Exhibit C), which includes Lot 9, provides minimal impact on the surrounding residences with existing conservation areas, configuration of the building and visual screening with landscape buffers.

The proposed project will meet or exceed the buffer requirements with additional landscape and the site design will minimize the impact on the surrounding properties. Any potential impact to the neighboring residential properties will be minimized by the existing landscaping and no outdoor runs. The veterinary clinic staff will pick up pet waste while walking the animals and will have waste disposal provided by a registered waste disposal company.

5. *Adequate public facilities:*
Palm Beach County (PBC) Traffic Division and Wellington's Traffic Consultant reviewed the submitted traffic impact analysis for compliance with traffic performance standards. The PBC Traffic Division and Wellington's Traffic Consultant conditions are incorporated into the recommended conditions of approval listed in Resolution No. 2016 – 71. The Village's Engineering Services Department has reviewed the request for complies with requirements for public facilities. The site is located within the Urban Service Area which has existing potable water, sanitary sewer and trash disposal. PBC Fire Department will be able to serve the site with a station located less than 2 miles away on Greenview Shores Blvd.

6. *Design minimizes environmental impact:*
The proposed request will have no adverse impacts to the natural environment. The site has existing conservation areas, on site utilities and stormwater management.

7. *Development patterns:*
The veterinary clinic is required to apply for ARB approval, building permits and engineering permits. The 15 lot Binks Commercial Center project currently has five (5) developed lots, a proposed office building and future development of the veterinary clinic (Lot 9).

8. *Other relevant standards of Code:*
The proposed veterinary clinic complies with all standards imposed on it by the Code. The proposed conditions of approval will minimize adverse effect upon the site and surrounding residential uses.

9. *Consistency with neighborhood plans*:
The proposed use is a conditional use per the LDRs and is consistent with the Landings of Wellington PUD.

Staff has concluded this veterinary clinic conditional use request is consistent with Wellington's Comprehensive Plan and Wellington's LDRs. Staff is recommending conditions of approval that will help minimize potential impacts. Staff notes the complete Conditional Use (Petition No. 16 – 87 / 2016 – 34 CU 1) application is available for review at the Planning and Zoning Division office.

VI. DEVELOPMENT REVIEW COMMITTEE (DRC)

The Conditional Use (Petition No. 16 – 87 / 2016 – 34 CU 1) was certified at the August 10, 2016 Development Review Committee meeting for the public hearing process with proposed conditions of approval.

VII. PLANNING, ZONING AND ADJUSTMENT BOARD

The Planning, Zoning and Adjustment Board public hearing is scheduled for the October 17, 2016.

VIII. COUNCIL

The Council public hearing is scheduled for the November 8, 2016.

IX. PUBLIC NOTIFICATION / COMMENTS

As required by the Land Development Regulations and Florida Statutes, public notification was placed in the Palm Beach Post advising the public that a public hearing on the proposed Ordinance/Resolution would take place on date(s) set forth below.

Planning, Zoning and Adjustment Board Meeting
Newspaper/Mailing/Sign Posting: October 3, 2016
Meeting Date: October 17, 2016

Council Meeting
Newspaper/Mailing/Sign Posting: October 3, 2016
Meeting Date: November 8, 2016

Staff has not received any inquiries regarding the mailing, newspaper advertisement or posted signs for this petition as of October 5, 2016 when the staff report was published.

X. STAFF RECOMMENDATION

Based on the findings contained within this staff report and consistency with both the Wellington's Comprehensive Plan and Land Development Regulations, staff recommends approval of Resolution No. R2016 – 71, a Conditional Use (Petition No. 16 – 87 / 2016 – 34 CU 1) to allow a 3,600 square foot veterinary clinic for Lot 9 within the Binks Commercial Center project, as legally described in Exhibit "B," subject to the conditions of approval listed in Resolution No. 2016 – 71.

List of Exhibits

Exhibit “A”	Location Map
Exhibit “B”	Legal Description
Exhibit “C”	Binks Commercial Center Site Plan
Exhibit “D”	Lot 9 Site Plan
Exhibit “E”	Palm Beach County (PBC) Traffic Division Letter (Dated August 25, 2016)
Exhibit “F”	Wellington Traffic Consultant’s Letter (Dated September 21, 2016)