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3 **RESOLUTION NO. R2016 – 46**

4 **A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A**
5 **MASTER PLAN AMENDMENT (PETITION NUMBER 16 – 64 / 2016 – 26**
6 **MPA 7) FOR CERTAIN PROPERTY KNOWN AS THE EQUESTRIAN CLUB**
7 **PUD; CONSISTING OF APPROXIMATELY 149.79 ACRES, MORE OR**
8 **LESS, LOCATED ON THE WEST SIDE OF 120TH AVENUE AND ON THE**
9 **NORTH SIDE OF LAKE WORTH ROAD, AS MORE SPECIFICALLY**
10 **DESCRIBED HEREIN; TO MODIFY THE DESIGNATION OF THE 5.1 ACRE**
11 **PARCEL KNOWN AS TRACT J-1 FROM A COMMUNITY EQUESTRIAN**
12 **WORKOUT AREA TO ONE (1) SINGLE FAMILY DWELLING UNIT AND**
13 **EQUESTRIAN USES, KNOWN AS LOT 11A; INCREASING THE**
14 **RESIDENTIAL UNITS FROM 148 DWELLING UNITS TO A TOTAL OF 149**
15 **DWELLING UNITS AND TO AMEND CONDITIONS OF APPROVAL;**
16 **PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY**
CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

17 **WHEREAS**, the Council, as the governing body of Wellington, Florida, pursuant to
18 the authority in Chapter 163 and Chapter 166, Florida Statutes, and the Land
19 Development Regulations, as adopted by Wellington, is authorized and empowered to
20 consider petitions related to Zoning and land development orders; and
21

22 **WHEREAS**, the notice and hearing requirements as provided in Article V of the
23 Land Development Regulations, as adopted by Wellington, have been satisfied; and
24

25 **WHEREAS**, the Ordinance No. 2000-14 designated the subject site as Planned
26 Unit Development (PUD) on the Zoning Map, by Council at a public hearing conducted
27 on July 25, 2000; and
28

29 **WHEREAS**, The Equestrian Club PUD Master Plan was approved by Resolution
30 No. R2000-45 by Council at a public hearing conducted on July 25, 2000; and
31

32 **WHEREAS**, The Equestrian Club PUD Master Plan was modified by Resolution
33 No. R2002-101 to combine two (2) "polo workout areas" into one (1) 5.1 acre
34 community equestrian workout area, known as Tract J-1, with a Council imposed
35 condition that this area be accessible to residents and guests of The Equestrian Club
36 PUD; and
37

38 **WHEREAS**, a previous request to modify the Master Plan designation of Tract J-
39 1 was submitted to the Village in 2012. The Equestrian Preserve and the Planning,
40 Zoning and Adjustment Board heard the request and recommended unanimous
41 approval of the item in April 2012; and
42

43 **WHEREAS**, Council heard the item on April 24, 2012 and denied the request
44 mainly due to lack of documented support from the residents of the PUD (Resolution
45 R2012-26); and

1
2 **WHEREAS**, the applicant has submitted a new request to modify the Master
3 Plan designation with additional community support and documentation for
4 consideration by Council;

5
6 **WHEREAS**, the Council has considered the evidence and testimony presented
7 by the Petitioner and other interested parties and the recommendations of the various
8 Wellington review agencies and staff; and

9
10 **WHEREAS**, the Council has made the following findings of fact:

- 11 1. The proposed Master Plan Amendment is consistent with the
12 Comprehensive Plan.
- 13
14 2. The subject request is consistent with the stated purposes and intent of the
15 Land Development Regulations. This request to amend a Council imposed
16 condition restricting Tract J-1 is being processed as an Expedited
17 Application Consideration (EAC) to Council after prior recommendation of
18 approval by the Equestrian Preserve Committee and Planning, Zoning and
19 Adjustment Board.
- 20
21 3. The requested Master Plan Amendment is consistent with the surrounding
22 land uses and zoning districts. The proposed Master Plan designation of
23 Tract J-1 to one (1) single family dwelling unit with equestrian uses is
24 compatible with uses and density with a Residential B Zoning designation
25 and a PUD/EOZD Future Land Use Map designation.
- 26
27 4. No adverse impacts to the natural environment are expected to occur as a
28 result of an approval of the Master Plan Amendment.
- 29
30 5. The additional dwelling unit will not have an impact on the surrounding
31 roadways or turning movements at the project's entrance. The site is served
32 by water, sewer and trash disposal from Wellington.

33
34 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF WELLINGTON,**
35 **FLORIDA, THAT:**

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37 **SECTION 1:** The Equestrian Club PUD Master Plan, for the real property as
38 described in Exhibit "A" is hereby approved subject to the amended and restated
39 conditions contained herein, which are in addition to the general requirements otherwise
40 provided by ordinance:

- 41
42 1. ~~This approval is based on a Master Plan entitled "Master Plan - The Equestrian~~
43 ~~Club" prepared By Julian Bryan and Associates, revised on April 3, 2000, and~~
44 ~~received on April 4, 2000 and revised and received August 8, 2002. The~~
45 Equestrian Club PUD Master Plan shall be consistent with the plans date
46 stamped June 13, 2016 (Exhibit B).
- 47 2. The following uses are approved:

- 1 a. ~~148 single-family dwelling units and related equestrian uses as contemplated~~
2 ~~by the Master Plan application and related documents. A maximum of 149~~
3 ~~dwelling units per the Master Plan (Exhibit B) with the below limitation:~~
4 • 138 Estate single-family lots. No equestrian uses allowed.
5 • 11 Ranchette single-family lots and equestrian uses. A barn/stable is
6 allowed without a single-family dwelling unit.
- 7 b. ~~5.1 acre community equestrian workout area (Parcel J1).~~
8 e. b. 2.1 acre private recreation area.
9 d. c. Private equestrian trail.
- 10 3. ~~Prior to certification of the final site plan for this project, the The equestrian trail~~
11 ~~depicted on the master plan shall be relocated located behind the wall/entry~~
12 ~~feature on Lake Worth Road.~~
- 13 4. ~~Prior to November 15, 2002, the Petitioner shall provide an easement to the~~
14 ~~Village of Wellington to permit the installation of a traffic calming device at the~~
15 ~~intersection of Lake Worth Road and 120th Avenue. Prior to December 31, 2002,~~
16 ~~the Petitioner shall either install Equestrian Preserve Entrance Signage~~
17 ~~acceptable to the Village Engineer adjacent to the intersection of Lake Worth~~
18 ~~Road and 120th Avenue or contribute the sum of \$2,000.00 to be held by the~~
19 ~~Village for use in the construction of the signage element of the traffic calming~~
20 ~~device at that intersection. {Condition Completed: A utilities easement was~~
21 ~~dedicated and signage installed}~~
- 22 5. ~~Petitioner shall ensure that the equestrian facilities located on Parcel J1 in the~~
23 ~~western portion of the project are available for use of the owners of property in~~
24 ~~the eastern portion of the project through membership, ownership, leasing or~~
25 ~~other methods.~~
- 26 6. 5. Prior to the issuance of the next certificate of occupancy for structures on
27 Lots 1-4011A or December 31, 2016, whichever occurs first, the petitioner shall
28 provide and the Village shall record, a restrictive covenant, acceptable to the
29 Village Attorney, shall be recorded deleting the covenant that the property
30 designated on the "Master Plan "polo field" can only be used as a polo field (or
31 other equestrian use) and imposing a covenant that Parcel J1 shall be restricted
32 for use as a community equestrian recreation facility, accessible to residents and
33 guests of the Equestrian Club PUD only. Additionally, Petitioner shall provide a
34 restrictive covenant restricting that those portions of the Ranchette lots that are
35 encumbered by the Equestrian Use Area Restriction shown on the replat plat or
36 re-plat shall not contain any residences, barns, stables or other buildings. Lot
37 11A shall provide a minimum one (1) acre dedication toward the Equestrian Use
38 Area. This restrictive covenant shall also require building and/or land
39 development permits for all structures on Lot 11A. However, this This restriction
40 will not prohibit fences, jumps, paddocks, equestrian exercise or training facilities,
41 drainage improvements, irrigation systems, utilities, landscaping, gazebos and
42 other permanent improvement which are similar in nature or are otherwise
43 ancillary to the equestrian use of this area. These restrictive covenants shall not
44

1 be modified without the prior approval of the Village Council.

2 6. The Equestrian Club PUD re-plat and site plan amendment shall be submitted
3 within 60 days of this approval and shall be approved by the Village prior to the
4 issuance of building or land development permits for Lot 11 (F.K.A. Tract J-1).

5 7. ~~Upon adoption thereof, the Petitioner shall incorporate the~~ The Village's
6 Stormwater Quality Best Management Practices shall be incorporated into the
7 design and operation of the project.

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

12
13 **SECTION 3:** Should any section, paragraph, sentence, clause, or phrase of this
14 Resolution be declared by a court of competent jurisdiction to be invalid, such decision
15 shall not affect the validity of this Resolution as a whole or any portion or part thereof,
16 other than the part so declared to be invalid.

17
18 **SECTION 4:** This Resolution shall become effective immediately upon adoption.

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22 **PASSED AND ADOPTED** this 13th day of September, 2016.

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24
25 **ATTEST:**

WELLINGTON, FLORIDA

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28 BY: 

29 Rachel Callovi, Clerk

BY: 

Anne Gerwig, Mayor

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31
32 **APPROVED AS TO FORM AND**
33 **LEGAL SUFFICIENCY**

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36
37 BY: 

38 Laurie Cohen, Village Attorney

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Exhibit G - Resolution No. R2016-46

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