

Staff Report - Exhibit C

RESOLUTION NO. R2012 - 41

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL FINDING THE TIME PERIOD FOR COMPLIANCE WITH THE PLATTING CONDITION REQUIRED BY RESOLUTION 2012-07 HAD EXPIRED AND DETERMINING THAT THE MASTER PLAN AMENDMENT TO THE WELLINGTON PUD APPROVED BY RESOLUTION 2012-07, FOR THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF PIERSON ROAD AND SOUTH SHORE BOULEVARD IN WELLINGTON, FLORIDA BEING APPROXIMATELY 96.3 ACRES, IS HEREBY REVOKED; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE;

WHEREAS, a Resolution 2012-07 amending the Wellington PUD Master Plan was approved by the Wellington Village Council on February 1, 2012 and the order of approval being rendered on February 13, 2012 (attached hereto as Exhibit "A" and made a part hereof is a copy of Resolution 2012-07); and

WHEREAS, condition Number 7 of Resolution 2012-07 required that the proposed plat of the 96.3 acre property shall be recorded prior to April 1, 2012; and

WHEREAS, no plat for the 96.3 acre parcel was approved by Wellington's Council or recorded in the official records of Palm Beach County between February 1, 2012 and April 1, 2012; and

WHEREAS, Notice of Intent to Suspend Development Order for failure to comply with time certain conditions of approval contained in Resolution 2012-07 was recorded in the official records of Palm Beach County on May 8, 2012 (attached hereto as Exhibit "B" and made a part hereof is the Notice of Intent); and

WHEREAS, in accordance with the requirements of Section 5.9 of Wellington's Land Development Regulations the Growth Management Director notified the owners of the affected property of a hearing to be held on May 22, 2012 to consider the status of Resolution 2012-07.

WHEREAS, Wellington's Council held a properly advertised hearing on May 22, 2012 on the Status Report for the Master Plan Amendment approved by Resolution 2012-07; and

WHEREAS, Wellington's Council has considered the testimony and evidence presented at the public hearing as well as arguments of Council and has based its decision on the evidence and record presented at said hearing; and

NOW THEREFORE, BE IT RESOLVED BY WELLINGTON'S COUNCIL THAT:

SECTION 1. The above recitals are true and correct and incorporated herein.

SECTION 2. The Council makes the following findings:

1 A.) A quasi judicial hearing was held on May 22 2012 concerning the status of the
2 Wellington PUD Master Plan amendment approved by Resolution 2012-07.

3
4 B.) The property owners appeared through their Counsel, Dan Rosenbaum, Esquire
5 and fully participated in the hearing eliciting testimony, submitting evidence, examining
6 and cross examining witnesses, and making argument.

7
8 C.) Members of the Village staff testified and provided evidence at the hearing and the
9 interested parties Charles and Kim Jacobs and Solar Sport Systems, Inc. participated in
10 the proceedings represented by John K. Shubin, Esquire.

11
12 E.) Members of the public were invited to testify.

13
14 F.) Wellington's planning and zoning and engineering files related to the adoption of
15 Resolution 2012-07 and platting of the property along with the entire record of the
16 proceedings in which Resolution 2012-07 and related matters were considered by the
17 Village Council during hearings that transpired between January 31, 2012 and February
18 2, 2012 were admitted into the record.

19
20 G.) Correspondence from members of the public, interested parties, and the owners of
21 the 96.3 acre property subject to Resolution 2012-07 were admitted into the record.

22
23 H.) The owners of the 96.3 acre property, subject to Resolution 2012-07 at the time of
24 the May 22, 2012 hearing, were:

- 25
26 1. Far Niente Stables II, LLC
27 2. Polo Field One, LLC
28 3. Stadium South, LLC
29 4. Stadium North, LLC
30 5. White Birch Farm, Inc.

31
32 I.) The owners failed to record a plat for the 96.3 acre parcel by April 1, 2012.

33
34 J.) The owners failed to request an extension of time to come into compliance with
35 condition Number 7 of Resolution 2012-07 on or before April 1, 2012.

36
37 K.) In accordance with Section 5.9.1.E of Wellington's land development regulations
38 "Where the Village Council or any provision of this code has imposed a condition of
39 development approval or time limit for the completion or duration of the specific activity
40 or phase, the property owners shall be responsible for compliance".

41
42 L.) The property owners consolidated their ownership interest amongst themselves in
43 order to be able to submit a plat that did not show a lot line within 100 feet of the
44 covered equestrian ring, thereby negating the requirement in condition Number 3 of
45 Resolution 2012-08 that they seek a variance (attached as Exhibit "C" is a copy of
46 Resolution 2012-08). This property transfer was accomplished on or about April 30,
47 2012 (copy of deed attached as Exhibit "D").
48

1 M.) The property owners did not submit to the Village of Wellington a revised plat
2 suitable to be placed on Wellington's Council agenda until May 16, 2012.

3
4 N.) The property owners have failed to comply with the time certain condition of Master
5 Plan approval requiring them to plat the 96.3 acre property on or before April 1, 2012.

6
7 O.) The original development order, as set forth in Resolution 2012-07, is no longer
8 consistent with Wellington's land development regulations.

9
10 **SECTION 3:** As a result of its findings, Wellington's Council hereby Orders that in
11 accordance with the provisions of §5.9.E.2.g of Wellington's Land Development
12 Regulations, the Wellington Master Plan Amendment and all conditions approved
13 through the passage of Resolution 2012-07 are hereby revoked in their entirety and no
14 longer of any force and effect. The approved Master Plan for the Wellington PUD shall
15 revert to the Master Plan in effect prior to the passage of Resolution 2012-07.

16
17 **SECTION 4.** Should any section, paragraph, sentence, clause, or phrase of this
18 Resolution be declared by a court of competent jurisdiction to be invalid, such decision
19 shall not affect the validity of this Resolution as a whole or any portion or part thereof,
20 other than the part so declared to be invalid.

21
22 **SECTION 5:** This Resolution shall be effective immediately upon adoption.

23
24 **PASSED AND ADOPTED** this 22nd day of May, 2012.

25
26 **RENDERED AND FILED** with Wellington's Clerk this 25th day of June, 2012.

27
28 **ATTEST:**

VILLAGE OF WELLINGTON

29
30 By: Awilda Rodriguez
31 Awilda Rodriguez, Wellington Clerk

By: Bob Margolis
Bob Margolis, Mayor

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

35
36 By: Jeffrey S. Kurtz
37 Jeffrey S. Kurtz, Esq., Attorney for Wellington
38
39
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RESOLUTION NO. R2012-07

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING THE MASTER PLAN AMENDMENT PETITION NUMBER 2011-033 MPA1, ALSO KNOWN AS EQUESTRIAN VILLAGE MASTER PLAN AMENDMENT TO MODIFY THE WELLINGTON PLANNED UNIT DEVELOPMENT FOR AN APPROXIMATE 96.3 ACRE PORTION OF TRACT 30C TO INDICATE TRACT 30C-2 AS 16.5 ACRES, TRACT 30C-3 AS 43.0 ACRES AND TRACT 30C-4 AS 36.8 ACRES, CHANGING THE DESIGNATION OF THE THREE TRACTS FROM POLO AND TENNIS FACILITY TO COMMERCIAL RECREATION/COMMERCIAL EQUESTRIAN ARENA (TRACTS 30C-2 AND 30C-3) AND COMMERCIAL RECREATION/POLO FACILITY (TRACT 30C-4), ADD TWO ACCESS POINTS ON THE NORTH SIDE OF PIERSON ROAD AND A NEW ACCESS POINT ON THE EAST SIDE OF SOUTH SHORE BOULEVARD FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF PIERSON ROAD AND SOUTH SHORE BOULEVARD; PROVIDING A CONFLICTS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, the Master Plan Amendment was reviewed and certified by the Development Review Committee as of November 28, 2011; and

WHEREAS, the Master Plan Amendment was reviewed and recommended for approval 4-0 by the Equestrian Preserve Committee on December 14, 2011; and

WHEREAS, the Master Plan Amendment was reviewed and recommended for approval 6-1 by the Planning, Zoning and Adjustment Board on January 4, 2012; and

WHEREAS, the Wellington's 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 Wellington's Council has made the following findings of fact:

1. The Master Plan Amendment is consistent with the Comprehensive Plan;
2. The subject request is consistent with the stated purposes and intent of the Land Development Regulations;

3. The requested Master Plan Amendment is consistent with the surrounding land uses and zoning districts;
4. The requested Master Plan Amendment requires an amendment to the Planned Unit Development Master Plan;
5. No adverse impacts to the natural environment are expected to occur as a result of the approval of the request;
6. The requested Master Plan Amendment would result in a logical and orderly development pattern;
7. The requested Master Plan Amendment is consistent with the applicable Equestrian Overlay Zoning District neighborhood plan; and
8. The requested Master Plan Amendment complies with Article 11, Adequate Public Facilities.

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

SECTION 1. The foregoing recitals are hereby affirmed and ratified. The Equestrian Village Wellington Planned Unit Development Master Plan Amendment, is hereby APPROVED as described in Exhibit "A", subject to the conditions of approval contained herein, which are in addition to the general requirements otherwise provided by this resolution.

- 1) This approval is based on Master Plan date stamped December 1, 2011.
- 2) All previous conditions to the Wellington PUD not specifically amended by this request are still in effect.
- 3) The proposed northern South Shore Boulevard driveway to Parcel 30C-2N shall not be constructed until the driveway to Parcel 30C-1 is closed. In the event of the driveway closure on Parcel C-1, the owner of C-2 shall be required to grant a cross access easement to C-1, allowing C-1 traffic access to the new driveway on C-2, should the owner of C-1 want such access. Until such time as the new driveway on C-2 is constructed, the applicant shall present an acceptable alternate on site traffic flow pattern to Village staff, which shall be subject to Development Review Committee approval at the time of final site plan approval.
- 4) A minimum 15 feet wide bridle path with appropriate crossings at the project driveways shall be regraded and provided on the north side of Pierson Road for approximately 3,200 feet from South Shore Boulevard to the horse crossing on Pierson Road at Southfields Road. Construction shall be completed prior to November 1, 2012. **(TRAFFIC)**
- 5) Signalized horse crossings with advance pavement markings and signage shall be provided at Pierson Road and South Shore Boulevard intersection and on

- 1 Pierson Road at the Southfields Road intersection. Construction shall be
2 completed prior to November 1, 2012.(TRAFFIC)
3 6) The bridle path in Condition 4 shall be installed in accordance with Wellington
4 standards as approved by the City Engineer.
5 7) The proposed plat of the 96.3 acre property shall be recorded prior to April 1,
6 2012.
7

8 **SECTION 2.** This Resolution shall become effective immediately upon adoption.
9

10 **PASSED AND ADOPTED** this 1st day of February, 2012.
11

12 **RENDERED** the 13th day of February, 2012.
13

14 **ATTEST:**

WELLINGTON, FLORIDA

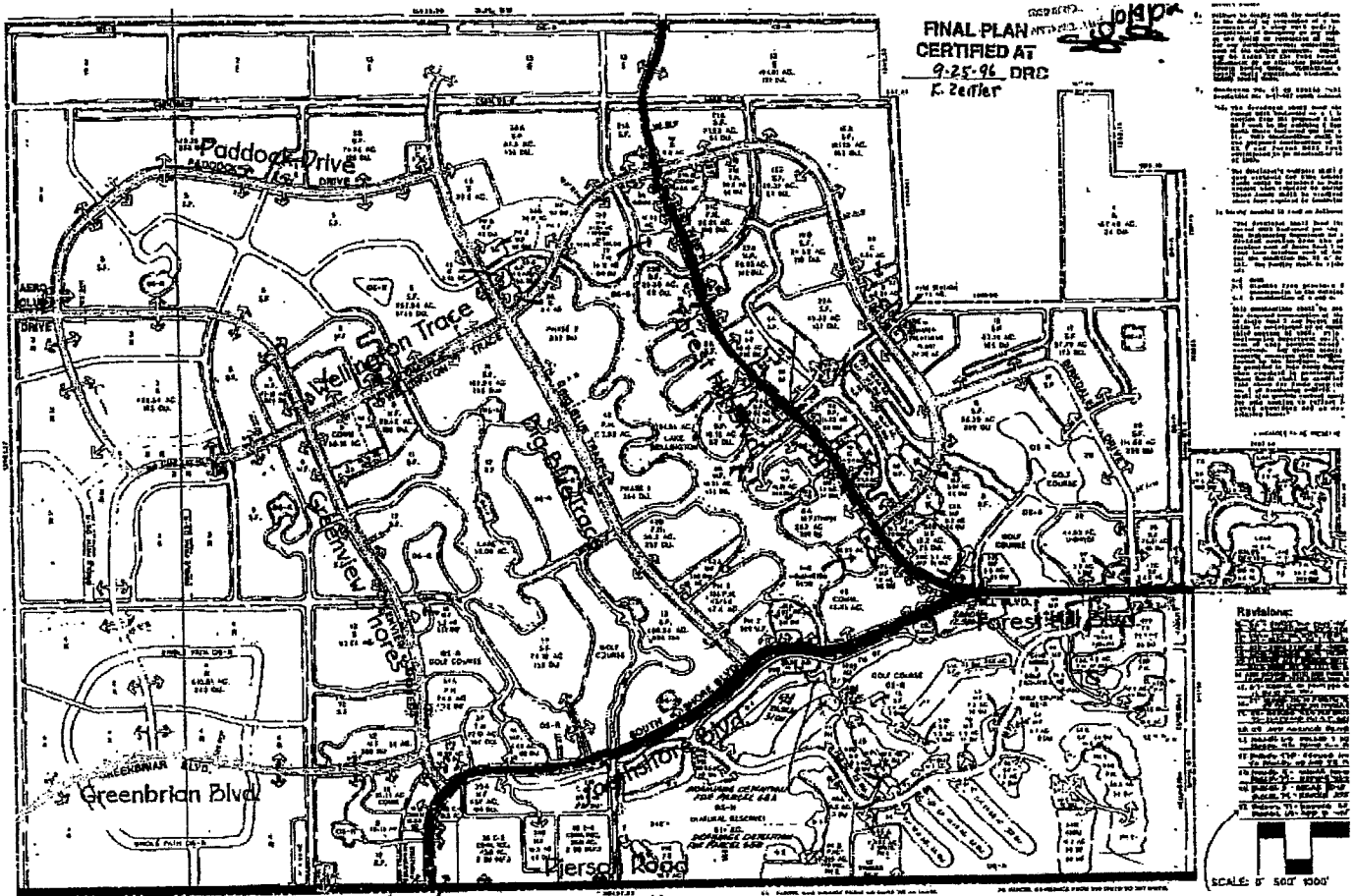
15
16 BY: Awilda Rodriguez BY: Darell Bowen
17 Awilda Rodriguez, Clerk Darell Bowen, Mayor
18
19
20

21
22 **APPROVED AS TO FORM AND**
23 **LEGAL SUFFICIENCY:**
24

25
26 BY: Jeffrey S. Kurtz
27 Jeffrey S. Kurtz, Attorney
28
29

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Exhibit "A"
Master Plan



CFN 20120182305
OR BK 25188 PG 0622
RECORDED 05/08/2012 15:38:46
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0622 - 623; (2pgs)

NOTICE OF INTENT TO SUSPEND DEVELOPMENT ORDERS

In accordance with Chapter 9 of the Village of Wellington Unified Land Development Code (the "ULDC"), "Compliance with Time Limitations and Conditions of Approval," subsection 5.9.3.A.3., the Village of Wellington hereby issues its notice of intent to suspend development orders for the property known as Wellington Country Place Planned Unit Development located in the eastern half of section 20 and all of section 21.

The legal description of the subject property is as follows: being the East ½ of Section 20, Township 44 South, Range 41 East and Section 21, Township 44 South, Range 41 East; less that part of the Southwest ¼ of said Section 21 described as follows: beginning at the Southwest corner of said Section 21; thence North 00 51' 13" East, along the West line of said Section 21, a distance of 1391.0 feet; thence South 89 17' 17" East, a distance of 1490.0 feet; thence South 00 51' 13" West, parallel with the West line of said Section 21, distance of 1386.26 feet, to the South line of said Section; thence Westerly along the South line of said Section 21, a distance of 1490.02 feet to the Point of Beginning. Less plats recorded as follow: Plat book 37, Pages 123-124; Plat book 38, page 190-191; Plat book 39, page 19-22; Plat book 56, pages 87-88; Plat book 60, pages 143-144; Plat book 61, pages 112-113; Plat book 61, pages 114-115; Plat book 64, pages 187-189; Plat book 64, pages 193-195; Plat book 64, pages 190-192; Plat book 66, page 46; Plat book 66, page 98-99 and Plat book 68, pages 156-157.

A time certain condition of approval contained in Resolution No. R2012-07, involving the Equestrian Village Master Plan Amendment, has not been timely met by the property owner. The specific time certain condition of approval that has not been completed is Condition No. 7 of Resolution R2012-07 which requires the property owner to record the proposed plat of the overall 96.3 acre property by April 1, 2012. Pursuant to Section 5.9.3 of the ULDC, a status review of this project will be conducted by the Village Council on May 22, 2012. Until the review is completed by the Village Council, no new development orders shall be issued by the Village of Wellington for this property. After its review, the Village Council has the discretion to grant an extension of time to comply, modify or eliminate the approval condition, or to rescind the project approval.

Until this review is completed and action taken to release the property from this notice, the Village of Wellington will not issue any new development orders for the subject property. Any questions about this notice should be directed to the Village of Wellington Planning, Zoning and Building Department.

Dated this 4TH day of May, 2012

Robert E. Basehart

ROBERT E. BASEHART
Growth Management Director

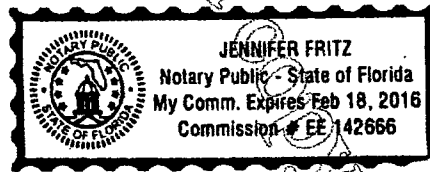
STATE OF FLORIDA)
COUNTY OF PALM BEACH)

SWORN TO and subscribed before me this 4TH day of May 2012, by ROBERT E. BASEHART, who is personally known to me or who produced _____ as identification and who did/did not take an oath.

Jennifer Fritz
NOTARY PUBLIC, STATE OF FLORIDA

JENNIFER FRITZ
Print, Type, or Stamp Name of Notary

My Commission Expires:



RESOLUTION NO. R2012-08

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A COMPATIBILITY DETERMINATION PETITION NUMBER 2011-033 CU1, ALSO KNOWN AS EQUESTRIAN VILLAGE TO PROVIDE A COMPATIBILITY DETERMINATION FOR A COMMERCIAL EQUESTRIAN ARENA IN THE URBAN SERVICE AREA WITH RECOMMENDED CONDITIONS TO MITIGATE POTENTIAL INCOMPATIBILITY ISSUES AND PROVIDING STANDARDS, PROVIDING A CONFLICTS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, the Commercial Equestrian Arena Compatibility Determination Application was reviewed and certified by the Development Review Committee as of November 9, 2011; and

WHEREAS the Commercial Equestrian Arena Application was reviewed by the Equestrian Preserve Committee on December 14, 2011 and recommended for approval (4-0); and

WHEREAS the Commercial Equestrian Arena Application was reviewed by the Planning Zoning and Adjustment Board on January 4, 2012 and recommended for approval 7-0; and

WHEREAS, Wellington's 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, Wellington's Council has made the following findings of fact:

The Commercial Equestrian Arena property possesses a Commercial Recreation Future Land Use Map designation and an Equestrian Overlay Zoning District designation, Wellington's Land Development Regulations (LDR's) Section 6.4.4.41 states a Commercial Equestrian Arena is permitted subject to a compatibility analysis since the property is within Wellington's Urban Service Area (USA)

1. The Equestrian Village Commercial Equestrian Arena of is consistent with the Comprehensive Plan;
2. The subject request is consistent with the stated purposes and intent of the Land Development Regulations;
3. The Equestrian Village Commercial Equestrian Arena is consistent and compatible with the surrounding land uses and zoning districts;
4. No adverse impacts to the natural environment are expected to occur as a result of the approval of the request;
5. The Equestrian Village Commercial Equestrian Arena development would result in a logical and orderly development pattern;
6. The applicable Equestrian Overlay Zoning District hours of operation shall be modified as set forth herein ; and
7. There exist Adequate Public Facilities to support the Commercial Equestrian Arena.

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

SECTION 1. The Equestrian Village Compatibility Determination for the Commercial Equestrian Arena, is hereby APPROVED/DENIED as described in Exhibit "A", subject to the conditions of approval contained herein, which are in addition to the general requirements otherwise provided by this resolution.

Conditions of Approval:

Staff recommended approval conditions are as follows:

1. Commercial Equestrian Arena hours of operation shall be limited from 7:00 am to 10:00 pm.
2. The Commercial Equestrian Arena site plan shall be revised to indicate the location of accessory commercial activities in designated hospitality and vendor areas.
3. If the proposed plat for Commercial Equestrian Arena indicates a separate parcel for the existing Cell Tower, a variance will be required for riding and show rings located within 100 feet of any property line. In that event,

Developer shall submit by May 1, 2012 an application for a Variance seeking relief from the required 100 feet setback from the cell tower to the Covered Equestrian Ring

4. All parking lot lighting shall be limited to a maximum of 15 feet in height.
5. Use of portable generators is prohibited unless "Quiet Pack" generators are utilized and all generators shall be located away from the residences.
6. The use of amplified sound systems and equipment including (radio, iPod or similar devices with auxiliary speakers, record players, similar music devices) or televisions are prohibited in permanent barns or temporary stabling tents except to advise riders and exhibitors of upcoming competitive events. Eelectronic listening devices may be used with earphones.
7. For monitoring purposes, properly identified Wellington staff including Building Inspectors, Code Compliance Officers and PZB staff shall be allowed unrestricted access to the site.
8. Only the three western most barns may be constructed at this time. After the commercial equestrian arena has been operating for at least a full year, the owner of the commercial equestrian arena may submit a petition requesting the construction of a fourth barn. The location of this barn shall be subject to the approval of Wellington's Council after a public hearing, following the same procedures required for review of a commercial equestrian arena.

ENVIRONMENTAL

9. All hoses and hose bibs shall be equipped with an automatic shut off nozzle to restrict water flow.
10. Filter fabric or similar equipment to reduce debris from entering the storm water system shall be installed and maintained or replaced as necessary or as directed by Wellington.
11. All facilities, operations and improvements on the site shall comply with the most recent Best Management Practices (BMPs).
12. Approved horse hair separators shall be used on horse wash facilities, laundry facilities and equestrian support facilities as required prior to discharge into the public sanitary sewer collection system.
13. Manure shall be removed from the premises on a daily basis and disposed in a manner approved by the Palm Beach County Health Department. Manure shall be collected and transported by a registered commercial livestock waste hauler or registered livestock self-hauler. Owner/Operator shall coordinate with

1 Engineering Division to register the name of the manure hauler annually prior
2 to November 1st. Manure shall be removed daily during major events.

3 14. Livestock waste storage structures shall be elevated in accordance with BMP
4 regulations and shall comply with the design standards of Chapter 30, Article
5 V, of the Wellington's Code of Ordinances.

6 15. Livestock waste storage structures shall be constructed so that no rainfall is
7 allowed to enter and no liquid is released. Temporary tents may be utilized as
8 covers for the waste storage structures, as approved by Wellington's BMP
9 Officer and the Building Division.

10
11 **BUILDING AND FIRE RESCUE.**
12

13 16. The applicant shall obtain permits for all structures and tents in accordance
14 with Florida Building Code and including the Fire Code.

15 17. All tents shall be inspected by the Palm Beach County Fire Rescue
16 Department (PBCFRD) for compliance with applicable Federal, State, County,
17 or Municipal fire protection standards. Tents shall be inspected and approved
18 prior to occupancy.

19 18. All food vendor tents and facilities shall be inspected, as applicable by
20 Wellington, PBCFRD and the Palm Beach County Health Department
21 (PBCHD) prior to beginning operations.

22
23 **VENDORS.**
24

25 19. Applicant shall submit a list of all proposed vendors two weeks prior to major
26 events. All vendors shall also obtain a Business Tax Receipt (formerly
27 Occupational License) from Wellington if required prior to selling or offering
28 services for more than a two week period.

29 20. Vendors selling food shall obtain PBCHD inspection and approval prior to
30 commencing sales.

31
32 **SANITARY SERVICES.**
33

34 21. Applicant shall provide handicap accessible sanitation facilities and portable
35 sanitation stations throughout the Commercial Equestrian Arena show grounds
36 for peak events as noted on the site plan. The applicant and Wellington shall
37 continue a cooperative effort in the collection and disposal of recyclable
38 materials.
39
40

1
2
3 **TRAFFIC**
4

- 5 **22.** Petitioner shall ensure the proposed 400 stalls shall be limited to on-site use by
6 exhibitors and participants of this Commercial Equestrian Arena only.
7
- 8 **23.** No weekday events at the commercial equestrian arena shall begin before 10
9 am or between 4pm and 6pm. No weekday events at the commercial
10 equestrian arena shall end between 4pm and 6pm. Petitioner may resubmit an
11 updated Traffic Study based on seasonal peak periods and scheduled events
12 to demonstrate these additional weekday events are insignificant and may be
13 allowed without a limitation by condition of approval.
14
- 15 **24.** In order to comply with the mandatory Traffic Performance Standards, in place
16 at the time of this approval, no building permits for the site shall be issued after
17 December 31, 2016. A time extension for this condition may be approved by
18 the County Engineer based on an approved Traffic Study which complies with
19 the mandatory Traffic Performance Standards in place at the time of the
20 request.
21
- 22 **25.** The County traffic concurrency approval is subject to the Project Aggregation
23 Rules set forth in the Traffic Performance Standards Ordinance.
24
- 25 **26.** The existing South Shore Boulevard driveway to the property shall be
26 maintained or improved to include the following:
27 • A minimum 100 foot throat distance measured from the right-of-way on
28 South Shore Boulevard.
29 • Egress lane at a minimum of 12 feet.
30 • Ingress lane at a minimum of 14 feet.
31 • Minimum pavement return radii of 40 feet.
32 Construction shall be completed prior to November 1, 2012.
33
- 34 **27.** The proposed Pierson Road driveway to Parcel 30C-3 shall be constructed to
35 include the following:
36 • A minimum 50 foot throat distance measured from the edge of pavement on
37 Pierson Road.
38 • Dual egress lanes at a minimum of 12 feet each with appropriate marking.
39 • Ingress lane at a minimum of 12 feet.
40 • Minimum pavement return radii of 35 feet.
41 • Located no closer than 660 feet from the edge of pavement of South Shore
42 Boulevard.
43
44
45

Construction shall be completed prior to November 1, 2012.

28. Prior to August 1, 2012, construction shall begin for the following turn lane:
- Eastbound left turn lane at the proposed Pierson Road driveway to Parcel 30C-3 with a minimum of 280 feet of storage and a 50 foot taper.

Construction of the turn lane shall be completed prior to November 1, 2012.

29. Prior to August 1, 2012, construction shall begin on the east and west approaches of the intersection of Pierson Road and South Shore Boulevard. At a minimum, the geometry of the intersection shall include the following:

East Approach	West Approach
Separate left turn lane with 280 feet of storage	Separate left turn lane with 370 feet of storage
Shared through and right turn lane	Shared through and right turn lane

Construction of these improvements shall include any required signal modifications and right-of-way acquisition. Construction shall be completed prior to November 1, 2012.

30. Prior to August 1, 2012, the applicant shall submit a queuing analysis of the southbound left turn lane on South Shore Boulevard for the existing driveway to the property and the northbound left turn lanes at the intersection of Greenview Shores Boulevard and South Shore Boulevard. The analysis will be based on existing peak season counts and queuing data. If deficiencies are found for either turn lane, the turn lane shall be extended. The monitoring shall continue on an annual basis until 24 months after the last Certificate of Occupancy for the project. If the queues ever cannot be accommodated, no additional building permits shall be issued.

TRAFFIC AND PARKING

31. Traffic and parking control attendants may be employed on-site for non-peak events. PBSO shall be provided on-site during peak events expected to draw more than 1,000 spectators. PBSO shall be provided with anticipated start and stop times for the event along with the estimated number of participants and spectators at least two weeks prior to the peak events.
32. Adequate ingress and egress directly to and from South Shore Boulevard and Pierson Road shall be maintained at all times and shall not disrupt normal traffic circulation patterns.

- 1 **33.** Regardless of the number of rings, arenas or venues operating, the maximum
2 number of spectators permitted at the commercial equestrian arena at any time
3 is 3,500 persons.

4 **SIGNS**

- 5
6 **34.** The owner shall submit a Master Sign Plan for review and approval by staff
7 and Wellington's Architectural Review Board (ARB).

8
9 **PLATTING**

- 10
11 **35.** The owner shall record the plat of the 59.3 acre property for the Commercial
12 Equestrian Arena prior to March 31, 2012.

13
14 **INFRASTRUCTURE**

- 15
16 **36.** Any improvements within easements to be dedicated to Wellington or within
17 public canals and/or road right of ways shall require 110% surety prior to
18 commencement of construction. (ENGINEER)

19 **SITE DESIGN**

- 20 **37.** The Commercial Equestrian Arena and all permanent structures shall be
21 subject to Section 6.5.19.1 Design Standards and Section 6.10.11 Commercial
22 Development Standards in the Equestrian Overlay Zoning District.
23
24
25

1
2
3 NOW, THEREFORE, BE IT RESOLVED BY WELLINGTON, FLORIDA'S
4 COUNCIL that:


5
6 **SECTION 2.** The foregoing recitals are hereby affirmed and ratified.
7

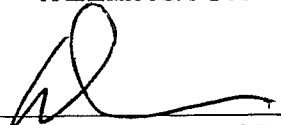
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9 **PASSED AND ADOPTED** this 2nd day of February, 2012.

10
11 **RENDERED** the 13th day of February, 2012.

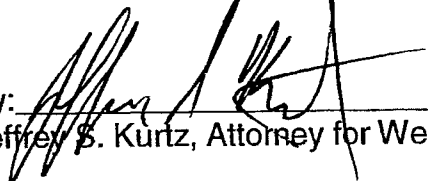
12
13 **ATTEST:**

WELLINGTON

14
15 By: 
16 Awilda Rodriguez, Wellington Clerk
17

By: 
Darell Bowen, Mayor

18
19 **APPROVED AS TO FORM**
20 **AND LEGAL SUFFICIENCY**

21
22 By: 
23 Jeffrey S. Kurtz, Attorney for Wellington
24
25
26



RETURN TO:

Craig T. Galle, Esq.
The Galle Law Group, P.A.
3501 South Shore Boulevard, #103
Wellington, Florida 33414

CFN 20120173028
OR BK 25174 PG 0462
RECORDED 05/02/2012 09:20:37
Palm Beach County, Florida
AMT 10.00
Doc Stamp 0.70
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0462 - 464; (3pgs)

Parcel Control Number:
73-41-44-16-00-000-5010

_____ Space Above This Line For Recording Data _____

\$10.00

WARRANTY DEED

THIS WARRANTY DEED, made the 30th day of April, 2010 by PALM BEACH POLO, INC., a Florida corporation, whose post office address is 11198 Polo Club Road, Wellington, Florida 33414, herein called the Grantor, to POLO FIELD ONE, LLC, a Florida limited liability company, whose post office address is 14440 Pierson Road, Wellington, Florida 33414, hereinafter called the Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in PALM BEACH County, State of Florida, viz.:

SEE EXHIBIT "A"

SUBJECT TO taxes for the current year and subsequent years; restrictions, reservations, covenants, conditions and easements of record; comprehensive land use plans, zoning, restrictions, prohibitions and other requirements imposed by governmental authority; and public utility easements (it not being the intent hereof to reimpose any of the foregoing).

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

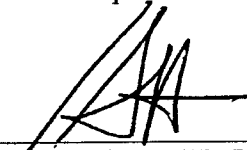
AND, the Grantor hereby covenants with said Grantees that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

PALM BEACH POLO, INC.,
a Florida corporation


Witness #1 Signature


GLENN F. STRAUB, President

CRAIG T. GALLE
Witness #1 Printed Name


Witness #2 Signature

Jennifer A. Hagan
Witness #2 Printed Name

NOTARY

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 30th day of April, 2012 by Glenn F. Straub, President of PALM BEACH POLO, INC., who is personally known to me.


Notary Public

CRAIG T. GALLE
Printed Notary Name

My Commission Expires:



EXHIBIT "A"

A portion of the South $\frac{1}{4}$ of Section 16, Township 44 South, Range 41 East, Palm Beach County, Florida, lying Southerly and Easterly of South Shore Boulevard, being more particularly described as follows:
Commence at the South $\frac{1}{4}$ corner of said Section 16; thence S89°37'54"E along the South line of said Section 16. For 280.34 feet; thence N00°13'08"E for 253.22 feet to the point of beginning of the following described parcel; thence N89°46'52"W for 40.00 feet; thence N00°13'08"E for 45.00 feet; thence S89°46'52"E for 40.00 feet; thence S00°13'08"W for 45.00 feet to the point of beginning.

AND BEING a portion of the same property conveyed to Palm Beach Polo Inc., a Florida corporation from Landmark Land Company of Florida, Inc., a Delaware corporation by Quit Claim Deed dated November 20, 2002 and recorded December 30, 2002 in Deed Book 14601, Page 1964.