

I. <u>PETITION DESCRIPTION</u>

Project Name:	Equestrian Village		
Petition No:	2013-040CD (Compatibility Determination for a Commercial Equestrian Arena)		
Owner:	Far Niente Stables II, LLC 14440 Pierson Road Wellington, Florida 33414 Attn: Mark Bellissimo, Managing Member		
	Polo Field One, LLC 14440 Pierson Road Wellington, Florida 33414 Attn: Mark Bellissimo, Managing Member		
	Stadium North, LLC 14440 Pierson Road Wellington, Florida 33414 Attn: Mark Bellissimo, Managing Member		
	Stadium South, LLC 14440 Pierson Road Wellington, Florida 33414 Attn: Mark Bellissimo, Managing Member		
Agent:	Michael Sexton Sexton Engineering Associates, Inc. 110 Ponce de Leon Street, Suite 100 Royal Palm Beach, Florida 33411		
Requests:	oproval of a Compatibility Determination for Petition Number 2013- 40CD, for a 59.37 acre site known as Equestrian Village, located at e northeast corner of South Shore Boulevard and Pierson Road, to rovide a compatibility determination for a Commercial Equestrian rena in the Equestrian Overlay Zoning District and within the Urban ervice Area.		

Location: Northeast corner of South Shore Boulevard and Pierson Road.

Land Area: 59.37 Acres (Legal Description Exhibit A)

Project Location:



II. LAND USE AND ZONING

	Existing Uses	Future Land Use	Zoning
Subject Site	Equestrian	Commercial Recreation	AR/PUD/EOZD (Wellington PUD)
North	Restaurant and Residential (MF)	Com. Rec./ Residential D (3-5 DU/AC)	AR/SE/PUD (Wellington PUD)
South	Equestrian	Commercial Recreation	AR/PUD/EOZD (Countryplace PUD)
East	Residential/Private Residence with Facilities	Residential D (3-5 DU/AC)/ Commercial Recreation	AR/SE/PUD (Wellington PUD)
West	Commercial	Community Commercial	AR/SE/PUD (Wellington PUD)

III. BACKGROUND

Equestrian Village is the western 59.37 acre portion of Tract 30C in the Wellington Planned Unit Development (PUD). The site is located at the northeast corner of South Shore Boulevard and Pierson Road. Equestrian Village is also located at the perimeter of the Equestrian Overlay Zoning District (EOZD) and within Subarea D.

On February 1, 2012, Resolution R2012-07 (Exhibit B) was adopted approving a Master Plan Amendment for the overall Equestrian Village project. This Resolution provided for Tract 30C, which is approximately 96.3 acres, to be separated into three separate tracts. Tract 30C-2 was the western 59.37 acre portion of Tract 30C known as Equestrian Village. On May 22, 2012 Resolution R2012-41 (Exhibit C) revoked the previous Resolution R2012-07 based on the expired timeline per Condition No. 7 to file and record a plat prior to April 1, 2012. Based on a current settlement agreement, the property owners are permitted to go forward with several applications that will allow the property to be developed as a Commercial Equestrian Arena.

The applicant is requesting approval of a Compatibility Determination for a Commercial Equestrian Arena, which is a permitted use on property with a Commercial Recreation Future Land Use Map designation.

IV. STAFF ANALYSIS

1. General: The applicant is requesting approval of a Compatibility Determination based on the Conceptual Site Plan (Exhibit D) for a Commercial Equestrian Arena, which is a permitted use on property with a Commercial Recreation Future Land Use Map designation.

2. Justification Statement for the Compatibility Determination.

A. **Consistency with Comprehensive Plan:** The Compatibility Determination is consistent with the Equestrian Preserve Element of the Comprehensive Plan, Goal 1.0 to ensure the preservation and protection of the neighborhoods which comprise the area, the equestrian industry and the rural lifestyle which exists in the Equestrian Preserve Area.

The proposed Compatibility Determination for a Commercial Equestrian Arena will provide a permanent location for competitive horse shows, a covered riding ring and commercial stables. The equestrian venue will not only further the equestrian industry in the area but it will encourage ancillary equestrian uses within the general vicinity.

B. **Conformity with Zoning Standards**: The proposed petitions are consistent with the Wellington Land Development Regulations and subject to review by the Equestrian Preserve Committee, the Planning, Zoning and Adjustment Board and Village Council.

Sec. 6.4.4.41 of the LDRs defines specific criteria for Commercial Equestrian Arenas such as location lighting, setbacks, hours of operation, loudspeakers, minimum lot size, compatibility and preservation. All these regulations have been addressed for the compliance.

- C. **Compatibility with Surrounding Land Uses**: The request for a Commercial Equestrian Arena is compatible with the surrounding uses because the surrounding area is mostly commercial equestrian related. The property to the east and north is multifamily residential development. The recent landscape buffer installed on-site will provide an effective visual barrier between the two uses. There are variations in the amount of landscaping along the east boundary as some residents expressed the desire to view the show rings from their property.
- D. Environmental Resources The Compatibility Determination will be in compliance with the purpose and intent of the Environmental Standards as set forth in the LDRs. No adverse impacts to the natural environment are expected to occur as a result of the proposed modifications. The owners shall obtain all necessary permits or permit modifications from all agencies with jurisdiction for future improvements. The owner will be required to meet the current Best Management Practice (BMP) regulations.
- E. Adequacy of Public Services The proposed petition does not affect the adequacy of public services because the site is within the Urban Service Boundary and water/sewer services are available to the site.

3. Commercial Equestrian Arena Criteria for the Compatibility Determination Pursuant to Section 6.4.4.41 of the LDRs:

- A. <u>Location: An equestrian arena shall, at a minimum, be located on</u> <u>a collector street.</u> The subject site is located on the northeast corner of a collector street (Pierson Road) and an arterial road (South Shore Boulevard), therefore the subject site meets the location requirement.
- B. <u>Setbacks: Riding and show rings shall not be located within one</u> <u>hundred (100) feet of any property line.</u> All new equestrian rings meet the minimum 100 foot setback from the property line. There is an older ring in the southwest corner of the site which will continue to be used for schooling only.
- C. <u>Operating hours: Activity at the rings shall not occur prior to 7:00</u> <u>a.m. nor continue later than 12:00 midnight</u>. The EOZD regulations provide a more restrictive ending time of 10:00 p.m. The owner is requesting 7:00 a.m. to 10:00 p.m. as the designated hours of operation, with one night time event during the weekend at 11 p.m. (limited to Friday, Saturday or Sunday only). This request is consistent with the Commercial Equestrian Arena standards but does exceed the EOZD standard for hours of operation for one night during the weekend.
- D. <u>Lighting: All lighting must be confined to the equestrian rings and shall not spill over to neighboring properties.</u> The existing lighting was permitted and meets the lighting standards for the existing uses on the property. The owner will be required to submit a photometric plan for the overall site plan in order to ensure that no lighting will spill over to adjacent properties and to make sure adequate lighting is provided for safety on-site.
- E. <u>Loudspeakers:</u> Loudspeakers shall not be used after 11:00 pm. <u>The owner/operator will comply with this regulation</u>. Additionally, the Compatibility Determination will be conditioned so the amplified sound system or speakers are limited to the permanent barns and temporary tents to minimize the potential impact on the adjacent residential property.
- F. Urban Service Area:
 - Minimum lot size in the Urban Service Area shall be five (5) acres. The subject site is 59.37 acres and exceeds the minimum lot size for a Commercial Equestrian Arena within the Urban Service Area.
 - ii. <u>Compatibility:</u> The use shall assure there is no incompatibility with surrounding land uses. In the event an incompatibility exists, the petitioner shall satisfactorily

mitigate the incompatibility prior to receiving conditional or DRC approval. The Village Council may impose conditions to the approval including but not limited to: controlling objectionable odors; fencing; sound limitations; inspections; reporting or monitoring; preservation areas; mitigation; and/or limits of operation. The subject site is compatible with the surrounding area. Steps shall be taken by the owner/operator to mitigate impacts of the commercial equestrian area on the adjacent residential property by implementing a landscaping buffer, covering the manure bins in accordance with the BMP regulations, limiting the location of amplified sound, and providing proper traffic controls during large events.

iii. <u>Preservation: The use shall conform with all preservation,</u> <u>and vegetation removal requirements of the Village of</u> <u>Wellington LDR for the underlying permitted use, and shall</u> <u>conform with the provisions of Natural Resource Protection</u> <u>Regulations and Section 7.4 of this Code.</u> A minimum setback (buffer) of one hundred (100) feet shall surround all designated wetland areas. There are no wetland preserve areas on the subject site. The existing landscaping and recent landscape improvement, and any future landscape improvements shall meet all provisions applicable of the LDRs.

V. ADVISORY BOARDS

- The Equestrian Village Compatibility Determination (Exhibit D) was certified at the August 20, 2013 Development Review Committee (DRC) meeting.
- 2) The Equestrian Preserve Committee (EPC) recommended approval of this item to the Planning, Zoning, and Adjustment Board (PZAB) on September 11, 2013 with a unanimous vote.
- 3) The PZAB recommended approval of this item to the Village Council on October 2, 2013 with a 4 to 3 vote.

VI. STAFF RECOMMENDATION

Approval is recommended for the Equestrian Village Compatibility Determination for a Commercial Equestrian Area, as hereby described in Resolution No. R2013-49 with the following conditions:

Operation:

- 1. Commercial Equestrian Arena hours of operation, including preparation and clean-up of all rings, arenas, vendor areas and seating areas, shall be limited from 7:00 a.m. to 10:00 p.m. Music associated with the dressage events will start no earlier than 8:00 a.m. and entertainment related to the event will start no earlier than 9:00 a.m.
- 2. One (1) night time event per weekend (Friday, Saturday, or Sunday) may have extended operational hours to 11:00 p.m.
- 3. All events shall comply with Wellington's Code of Ordinance Chapter 36-33 Noise Standards. Loudspeakers shall not be used after 10:00 p.m. (11:00 p.m. during the one (1) night time event per weekend, limited to a Friday, Saturday, or Sunday night only) and sounds emanating from the subject property must comply with the provisions of the Code of Ordinance Chapter 36, Article III.
- 4. Entertainment is only permitted during events and shall conclude at the end of the event at 10:00 p.m. (11 p.m. during the one (1) night time event per weekend, limited to a Friday, Saturday, or Sunday night only).
- 5. All live entertainment must be incidental to the equestrian shows/events and shall be limited to the Event Tent and in the Main Arena. Any source of amplification shall be directed away from adjacent residential properties which are located on the north and east property lines. This restriction shall not apply to dressage dance music for practice.
- 6. The owner/operator shall coordinate show/event start and let out times with the Winter Equestrian Festival to ensure that show/event start and let out times are not concurrent. Show/event let out times shall be a minimum of one (1) hour apart.
- Use of any mechanical equipment to prepare or clean up the site or equestrian rings shall be permitted from 7:00 a.m. to 10:00 p.m. (11:00 p.m. during the one (1) night time event per weekend, limited to Friday, Saturday, or Sunday only).
- 8. 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. Electronic listening devices may be used with earphones.
- 9. Use of portable generators is prohibited unless "Quiet Pack" generators are utilized and all generators shall be located a minimum of 100 feet from adjacent residential property.

- 10. All on-site storage trailers shall be screened from public right-of-ways and adjacent properties.
- 11. All vendors shall obtain a Business Tax Receipt if required by Wellington prior to selling or offering services.
- 12. Vendors selling food shall obtain a Palm Beach County Health Department inspection and approval prior to commencing sales.
- 13. For monitoring purposes, properly identified Wellington staff including, but not limited to, Building Inspectors, Code Compliance Officers and Planning and Zoning staff shall be allowed unrestricted access to the site.

Lighting:

- 14. All parking lot lighting shall be limited to a maximum of 15 feet in height.
- 15. Adequate lighting shall be provided on site and at the project access points based on the photometric plan submitted with the Site Plan Application and approved by the Development Review Committee. All new lighting required as a part of this approval shall be installed no later than December 31, 2014.

Traffic:

- 16. Parking of vehicles along any portion of adjacent road rights-of-way is <u>PROHIBITED</u>. Event parking is limited to on-site designated parking areas and on-site trailer parking areas designated in accordance with the conceptual site plan and circulation plan attached to this compatibility determination Resolution R2013-49 as Exhibits "B" and "C" respectfully.
- 17. Adequate ingress and egress directly to and from South Shore Boulevard and Pierson Road shall be maintained at all times to minimize impacts to normal traffic flow. Palm Beach Sheriff's Office deputies shall be utilized for traffic control for larger events in accordance with the approved Circulation Plan. The Village Engineer may require additional officers to mitigate traffic issues that arise due to the equestrian shows/events
- 18. Applicant shall construct the following off-site improvements prior to December 31, 2014:
 - a. New access drive from Pierson Road to property located no closer than 660 feet from the edge of pavement on South Shore.
 - b. New, horse crossing from south side of Pierson Road to north side of C-23 Canal.
 - c. Bridle Trail along south property line from the new access point to the east property line.

- d. Designated left turn lane with a minimum 280 feet of storage and a 50 foot taper from Pierson Road to the new access drive along Pierson Road.
- e. Provide a separate east approach left turn lane with 280 feet of storage at Pierson Road and South Shore Boulevard intersection.
- f. Provide a separate west approach left turn lane with 370 feet of storage at Pierson Road and South Shore Boulevard intersection.
- g. Use of the Pierson Road access drive shall be prohibited until all off-site roadway improvements are complete.
- 19. To comply with the mandatory Traffic Performance Standards, in place at the time of this approval, no building permits for the site shall be issued after December 31, 2016, excluding permits for approved temporary structures. A time extension for this condition may be approved by the County and Village Engineer based on an approved Traffic Study which complies with the mandatory Traffic Performance Standards in place at the time of the request.
- 20. As part of the annual monitoring included in Condition 33, peak season northbound right turn volumes shall be counted at the South Shore Boulevard entrance to determine if a designated turn lane is warranted. A designated northbound right turn lane with a minimum of 280 feet of storage and a 50 foot taper shall be constructed within one (1) year of the turn lane being warranted.
- 21. Prior to December 31, 2015, a queuing analysis of the southbound left turn lane at the South Shore Boulevard driveway, the northbound left turn lanes at the intersection of Greenview Shores Boulevard and South Shore Boulevard and the ingress/egress of Pierson Road entrance shall be submitted to the Village. The analysis will be based on existing peak season counts and queuing data at the time with traffic from unbuilt intensities included. If deficiencies are exposed by the queuing analysis additional off-site and on-site infrastructure improvements to the roadways and access points may be required. The monitoring shall continue until December 31, 2017. Annual reports shall be provided to the Village prior to December 31st for this period.

BMP:

- 22. Applicant shall comply with the BMP Standards approved specifically for this site and in accordance with the South Florida Water Management District Permit.
- 23. Manure shall be removed from the premises on a daily basis during all horse show events and disposed in a manner approved by the Palm Beach County Health Department. Manure shall be collected and transported by a registered livestock waste hauler in accordance with the BMPs.

Building:

- 24. The applicant shall obtain permits for all structures and tents in accordance with Wellington's Land Development Regulations, the Florida Building Code and including the Fire Code.
- 25. All tents shall be inspected by the Palm Beach County Fire Rescue Department for compliance with applicable Federal, State, or Municipal fire protection standards. Tents shall be inspected and approved prior to occupancy.

Engineering:

- 26. Permanent sanitation facilities shall be constructed by December 31, 2015, and shall be sized to accommodate approved permanent structures. Portable/temporary sanitation facilities shall be permitted in accordance with health and safety standards until the construction of permanent sanitation facilities is completed. Further, portable/temporary sanitation facilities shall be permitted for temporary event use in accordance with health and safety standards and shall be removed within 24 hours after the event. The location of the permanent and temporary sanitation facilities shall be provided on the approved site plan.
- 27. Applicant shall comply with all provisions of Article 7.2 and 6.10 of the Wellington Land Development Regulations for the grassed parking.
- 28. All basic infrastructure for the permanent structures and those temporary structures that will be serviced by the basic infrastructure (roads, drives, parking, lighting, bathrooms, seating, horse wash, manure bins, etc.) shall be permanent and shall comply with Wellington's Codes and Standards, except to the extent otherwise provided herein.

Planning:

- 29. Applicant must submit an application and receive approval for a Master Sign Plan for the site prior to the installation of any signage that is not currently approved for the site.
- 30. The Commercial Equestrian Arena Site Plan shall be approved by the Development Review Committee (DRC) and the general layout, uses and intensity of the uses shall be in substantial compliance with the conceptual site plan that is attached to this compatibility determination Resolution R2013-49 as Exhibit "B".
- 31.A Circulation Plan shall be submitted and approved with the Commercial Equestrian Arena Site Plan that includes on-site and offsite circulation.

- 32. The temporary tent stalls shall be limited to use by participants of this commercial equestrian arena only during the months of January through March. A one (1) month extension of this use may be granted administratively by the Planning Department when a written request is submitted by the Applicant. The tents may be erected up to one (1) month prior to use and must be taken down within two (2) weeks of the expiration of the period approved for use.
- 33. Annual reports of the spectator attendance counts and stall usage for all events shall be provided to Wellington by July 1 of each year or as otherwise requested by Wellington. Wellington reserves the right to require additional improvements if reports indicate attendance and stall usage significantly greater than that analyzed.
- 34. The stalls for this facility may not be used for overflow stabling. Overflow stabling shall mean stabling of horses that compete exclusively at venues other than on the property. Nothing herein shall be construed to prohibit the stabling of horses that compete both at the property and other venues within the Village. This condition does not apply to the Riding Academy participants.

Exhibit A 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 PARTICULARY 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 NORTHEASTELY 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 OFFICAL 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