

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A COMPATIBILITY DETERMINATION FOR A COMMERCIAL EQUESTRIAN ARENA FOR PETITION 2013-040 CD, ALSO KNOWN AS EQUESTRIAN VILLAGE, LOCATED ON THE NORTHEAST CORNER OF SOUTH SHORE BOULEVARD AND PIERSON ROAD, TO ALLOW A COMMERCIAL EQUESTRIAN ARENA IN THE URBAN SERVICE AREA WITH RECOMMENDED CONDITIONS TO MITIGATE POTENTIAL INCOMPATIBILITY ISSUES AND PROVIDING STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, 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 the 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 Commercial Equestrian Arena Compatibility Determination application as reviewed and certified by the Development Review Committee as of August 20, 2013; and

WHEREAS, the Commercial Equestrian Arena Compatibility Determination was reviewed and approved by the Equestrian Preserve Committee on September 11, 2013; and

WHEREAS, the Commercial Equestrian Arena Compatibility Determination was reviewed and approved by the Planning, Zoning and Adjustment Board on October 2, 2013; 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 (LDRs) 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.

1. The Equestrian Village Commercial Equestrian Arena 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 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 would result in a logical and orderly development pattern;
6. The Equestrian Village Commercial Equestrian Arena is consistent with the applicable Equestrian Overlay Zoning District (EOZD); and
7. The requested Equestrian Village Commercial Equestrian Arena 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 Commercial Equestrian Arena is hereby APPROVED as described in Exhibit "A", and for the Compatibility Determination described in Exhibit "B", subject to 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 Ordinances, 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 Ordinances, Chapter 36, Article III.

- 92 4. Entertainment is only permitted during events and shall conclude at the end
93 of the event at 10:00 p.m. (11 p.m. during the one (1) night time event per
94 weekend, limited to a Friday, Saturday, or Sunday night only).
- 95 5. All live entertainment must be incidental to the equestrian shows/events
96 and shall be limited to the Event Tent and in the Main Arena. Any source of
97 amplification shall be directed away from adjacent residential properties
98 which are located on the north and east property lines. This restriction shall
99 not apply to dressage dance music for practice.
- 100 6. The owner/operator shall coordinate show/event start and let out times with
101 the Winter Equestrian Festival to ensure that show/event start and let out
102 times are not concurrent. Show/event let out times shall be a minimum of
103 one (1) hour apart.
- 104 7. Use of any mechanical equipment to prepare or clean up the site or
105 equestrian rings shall be permitted from 7:00 a.m. to 10:00 p.m. (11:00 p.m.
106 during the one (1) night time event per weekend, limited to Friday,
107 Saturday, or Sunday only).
- 108 8. The use of amplified sound systems and equipment including (radio, iPod,
109 or similar devices with auxiliary speakers, record players, similar music
110 devices) or televisions are prohibited in permanent barns or temporary
111 stabling tents except to advise riders and exhibitors of upcoming
112 competitive events. Electronic listening devices may be used with
113 earphones.
- 114 9. Use of portable generators is prohibited unless "Quiet Pack" generators are
115 utilized and all generators shall be located a minimum of 100 feet from
116 adjacent residential property.
- 117 10. All on-site storage trailers shall be screened from public rights-of-way and
118 adjacent properties.
- 119 11. All vendors shall obtain a Business Tax Receipt if required by Wellington
120 prior to selling or offering services.
- 121 12. Vendors selling food shall obtain a Palm Beach County Health Department
122 inspection and approval prior to commencing sales.
- 123 13. For monitoring purposes, properly identified Wellington staff including, but
124 not limited to, Building Inspectors, Code Compliance Officers and Planning
125 and Zoning staff shall be allowed unrestricted access to the site.

126 **Lighting:**

- 127 14. All parking lot lighting shall be limited to a maximum of 15 feet in height.
- 128 15. Adequate lighting shall be provided on site and at the project access points
129 based on the photometric plan submitted with the Site Plan Application and
130 approved by the Development Review Committee. All new lighting required
131 as a part of this approval shall be installed no later than December 31,
132 2014.

Traffic:

16. Parking of vehicles along any portion of adjacent road rights-of-way is PROHIBITED. 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 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 (typically greater than 500 spectators) 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 21, 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.

177 21. Prior to December 31, 2015, a queuing analysis of the southbound left turn
178 lane at the South Shore Boulevard driveway, the northbound left turn lanes
179 at the intersection of Greenvew Shores Boulevard and South Shore
180 Boulevard and the ingress/egress of Pierson Road entrance shall be
181 submitted to the Village. The analysis will be based on existing peak season
182 counts and queuing data at the time with traffic from unbuilt intensities
183 included. If deficiencies are exposed by the queuing analysis additional off-
184 site and on-site infrastructure improvements to the roadways and access
185 points may be required. The monitoring shall continue until December 31,
186 2017. Annual reports shall be provided to the Village prior to December 31st
187 for this period.

188 **BMP:**

189 22. Applicant shall comply with the BMP Standards approved specifically for this
190 site and in accordance with the South Florida Water Management District
191 Permit.

192 23. Manure shall be removed from the premises on a daily basis during all horse
193 show events and disposed in a manner approved by the Palm Beach County
194 Health Department. Manure shall be collected and transported by a
195 registered livestock waste hauler in accordance with the BMPs.

196 **Building:**

197
198 24. The applicant shall obtain permits for all structures and tents in accordance
199 with Wellington's Land Development Regulations, the Florida Building Code
200 and including the Fire Code.

201 25. All tents shall be inspected by the Palm Beach County Fire Rescue
202 Department for compliance with applicable Federal, State, or Municipal fire
203 protection standards. Tents shall be inspected and approved prior to
204 occupancy.

205 **Engineering:**

206 26. Permanent sanitation facilities shall be constructed by December 31, 2015,
207 and shall be sized to accommodate approved permanent structures.
208 Portable/temporary sanitation facilities shall be permitted in accordance with
209 health and safety standards until the construction of permanent sanitation
210 facilities is completed. Further, portable/temporary sanitation facilities shall
211 be permitted for temporary event use in accordance with health and safety
212 standards and shall be removed within 24 hours after the event. The location
213 of the permanent and temporary sanitation facilities shall be provided on the
214 approved site plan.

215 27. Applicant shall comply with all provisions of Article 7.2 and 6.10 of the
216 Wellington Land Development Regulations for the grassed parking.

217 28. All basic infrastructure for the permanent structures and those temporary
218 structures that will be serviced by the basic infrastructure (roads, drives,
219 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 as Exhibit "B".

31. A Circulation Plan shall be submitted and approved with the Commercial Equestrian Arena Site Plan that includes on-site and off-site 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.

SECTION 3. Should a legal challenge to the approval of the Compatibility Determination result in a temporary injunction or otherwise prohibit the developer from completing any specific condition under this Compatibility Determination within the time provided or executing any portion of the approved site or circulation plans herein, the Village shall toll the time requirement for completion of such condition or conditions until the resolution of the litigation. During such tolling period, no permits will be issued and no temporary or permanent COs will issue.

SECTION 4. This Resolution shall become effective immediately upon adoption. The Conditions of Approval for the Compatibility Determination adopted by this Resolution shall become effective on May 1, 2014, immediately after the expiration date of the 2013/2014 Equestrian Special Permit approved by Resolution No. 2013-42 for Equestrian Sport Production, LLC.

PASSED AND ADOPTED this _____ day of _____ 2013.

RENDERED the _____ day of _____ 2013.

ATTEST:

WELLINGTON, FLORIDA

BY: _____ BY: _____
Awilda Rodriguez, Village Clerk Bob Margolis, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

BY: _____
Laurie Cohen, Attorney for Wellington