

PALM BEACH PARK OF COMMERCE PIPD – SURF RANCH FLORIDA JUSTIFICATION STATEMENT

**Request: Class A Conditional Use Approval to Allow an
Entertainment Outdoor Use**

Control Number: 1981-190

Application Number: DOA/CA-2017-00572

Initial Submittal March 15, 2017

Resubmittal April 24, 2017

Resubmittal May 26, 2017



Urban Planning and Design
Landscape Architecture
Communication Graphics

OVERVIEW OF REQUESTS & PROPERTY INTRODUCTION

On behalf of the applicant, AW Asset Management, LLC Urban Design Kilday Studios (UDKS) has prepared and hereby respectfully submits this application for the approval of a Class A Conditional Use to allow an Entertainment, Outdoor use within the Palm Beach Park of Commerce PIPD. The request is for the 78.91±-acre (Parcel Control Number [PCN] 00-41-41-17-00-000-3020) parcel located in the northwest portion of the Palm Beach Park of Commerce (POC) PIPD. The subject property is not platted. The specific public hearing approval requests and future DRO approval requests are listed below.

- Development Order Amendment to change the Pod Designation on 46.6± acres from IG – General Industrial to CG Commercial within the PIPD and delete conditions of approval (landscape).
- Class A Conditional Use Approval to Allow for the use Entertainment, Outdoor for a man-made surf lake and supporting accessory structures on the 46.6 acres.
- Development Review Officer (DRO) Approval of Type 2 Excavation to remove more than ten percent (10%) of extracted material from the site pursuant to Article 4.B.10.C.4.f.2.
- Request to Utilize Method Type III – Projects Requiring DRO or Site Plan Approval to allow for the determination of compliance with Article 5.C. Design Guidelines to be made at final DRO. This is consistent with the current conditions.

This application is being requested in conjunction with a text amendment to the Unified Land Development Code (ULDC), which will be discussed in further detail later in this justification statement. Please know that a different direction in regard to the text amendment was discussed at a May 24, 2017 meeting with Zoning staff that may result in revisions to the approach contained in the May 8, 2017 amended privately initiated ULDC text amendment. As this is as of yet still not defined, the original approach of a CG Pod is still utilized in this justification statement and may be amended with the next application submittal.

The site plan was previously revised from the original March 15, 2017 submittal to remove the proposed two 50,000 square foot industrial buildings and this area is now depicted as Future Development Area. As users have not yet been defined, concern arose in regard to complications with future revisions to the design after the plan had been presented to the Board of County Commissioners (BCC) in a public hearing process. As such, it is

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anticipated that the future industrial uses will be those permitted in an IG Pod and processed as a final site plan through the DRO as all other permitted industrial development in the PIPD has historically been approved. If necessary, a condition of approval making clear that this area of the PIPD is not subject to public hearing review for permitted uses could be considered.

PALM BEACH PARK OF COMMERCE PIPD

The POC is located on the north side of Beeline Highway and the east side of Seminole Pratt Whitney Road and is approximately 1,322 acres in size. The land use on the overall property is Industrial (IND) and the Zoning Designation is Planned Industrial Park Development (PIPD). A portion of the subject property is located within the boundaries of the United Technologies Corporation Protection Area (UT) Overlay and the Bioscience Research Protection Overlay (BRPO) and is also a Limited Urban Service Area.

The POC was originally approved as a Development of Regional Impact (DRI) by the Palm Beach County (PBC) Board of County Commissioners (BCC) on January 26, 1982. The most recent amendment to the DRI Development Order was approved on November 27, 2006 via Resolutions R-2006-2560, R-2006-2561 and R-2006-2562. This approval amended the master plan to add approximately 80 acres to the northwest of the PIPD, as well as an additional access point. This land area has since received subdivision plan approval, as well as a subdivision variance in regard to access requirements. However, the variance approval for a reduced right of way width of 67' granted via Resolution ZR-2013.035 was valid for one year and it appears the approval for that variance has lapsed. As such, a status of conditions was not submitted for that resolution. However, it appears that the subdivision plan is still valid, but could not be implemented unless a variance was re-requested and approved, or it was revised to comply with subdivision regulations. With the approval of the site plan associated with the Entertainment, Outdoor use, it is anticipated that the subdivision plan would then be voided as it would no longer be consistent with an approved site plan.

Undeveloped land with Conservation Future Land Use designations (a.k.a. Pine Glades Natural Area) is located to the north of the site. Single-family residences; orchard groves and parcels of land with cattle farming activities are located to the south, across Beeline Highway. Single-family residences of the Jupiter Farms and Caloosa subdivisions are to the northeast and east of the boundary of the PIPD. Vacant land with Conservation Industrial and RR-20 Future Land Use designations is located to the west of the site. Under the original approval of this PIPD, there is a 900-foot wide Limited Development Zone (LDZ) established along the PIPD's property lines that are adjacent to residentially zoned land. The intent of this LDZ is to restrict certain types of uses from being located in close proximity to the adjacent residences. No revisions to the LDZ are proposed as part of this request.

Privately Initiated Text Amendment to the Unified Land Development Code (ULDC) in Process:

A privately initiated text amendment (PIA) was submitted to the Palm Beach County Zoning Division on February 8, 2017. The request was presented to the Land Use Regulation Advisory Board (LDRAB) on February 22, 2017. The Board's

recommendation was to move the item forward to the Board of County Commissioners (BCC) with a recommendation for the amendment to be initiated so that staff could further review the best approach in regard to the code amendments. The text amendment initiation was presented to the BCC on March 23, 2017. The Board directed staff to move forward in processing the application and additional meetings/coordination in regard to the actual text amendment approach has taken place between the architect and the applicant since.

A meeting took place with Zoning staff on May 24, 2017 at which another potential text revision approach of designating the area as a Recreation Pod was discussed. However, as it appears additional input may be forthcoming from the Planning Division, and no final path has been outlined as of this resubmittal for the zoning application, the CG approach as previously anticipated remains in this justification as follows and is subject to change with the next resubmittal.

The applicant did originally request two different options be considered by staff. However, based on direction from staff via email on March 13, 2017, this request is following the approval strategy of the following option included in the text amendment request. Staff's direction was that some threshold or code language would be proposed, the applicant assumes within the supplemental regulations for the Entertainment, Outdoor use, that would require the proposed surf lake use be processed as a Class A Conditional Use. Additionally, the following amendment to the table below would be required.

A revised PIA was submitted on May 8, 2017 which proposed to retain the IG Pod designation on the entire land area. A copy of that has been provided to the Community Development Division of the Zoning Department with this submittal as well, but the following amendment language is still included and the CG Pod designation remains on the plans submitted this date until the final language is determined that will move forward to the Land Development Regulation Advisory Board (LDRAB).

Option 2 – Amend Table 3.E.5.D. – PIPD Land Use Mix

The request would be to allow for the maximum acreage size of a Commercial Pod to exceed the 15 acres currently allowed in the ULDC. This table contained in Article 3 was not revised in the changes adopted February 23, 2017 and currently reads as follows:

Table 3.E.5.D - PIPD Land Use Mix

Pods	Minimum	Maximum
Industrial	60%	100%
Light General (1)	20%	100% 50%
Commercial	-	20% (max. 15 ac) (2)
Residential	-	20%
Recreation	.006 acre (3)	20%
[Ord. 2014-025]		
Notes:		

1.	A General Industrial Pod shall only be permitted with an IND FLU designation. General Industrial Pods shall be prohibited with an EDC FLU designation. [Ord. 2014-025]
2.	The maximum commercial acreage shall not apply to an Economic Development Center (EDC).
3.	Minimum Recreation Pod requirement only applies to Residential Pods. Other residential uses such as Live/Work located in other than a Residential Pod shall still comply with Art. 5.D, Parks and Recreation – Rules and Recreational Standards. [Ord. 2014-025]

The proposed code revision would allow the following amendment to the existing Note 2 of the chart.

Notes:

2. The maximum commercial acreage shall not apply to an Economic Development Center (EDC) or a PIPD in the BRPO Overlay.

This amendment would cure the existing status of the PIPD exceeding the maximum 15 acres of commercial pod land area (there is currently 106.29 acres of commercial pod/Pod land area within the PIPD). Furthermore, the application of the allowance would only apply to the Palm Beach Park of Commerce PIPD as it is the only such district within the BRPO Overlay.

It is anticipated that the DOA and Class A requests will move concurrently through the approval process, with the second reading of the text changing being on the same BCC agenda as the DOA and Class A requests.

PRE-APPLICATION CONFERENCE

The applicant submitted a pre-application conference request to the Zoning Division which was heard at the February 8, 2017 DRO meeting (PA-2017-00191). A copy of the result letter is included in these application materials.

A subsequent meeting took place with attendees from Zoning (Community Development and Code Revision), ERM, Landscape and Land Development on May 24, 2017.

DEVELOPMENT PROPOSAL/SITE DESIGN

The applicant is proposing to obtain approvals for the use of an Entertainment, Outdoor Use on the easterly 46.6+ acres of the un-platted 78.905-acre parcel. The 11.9 acre water management tract would be included in the first phase of development, as would the landscape buffers and the 80-foot non-plan collector road right of way. The balance of the property to the west will remain as future development area for industrial development as previously mentioned. The contract purchaser does not have any intention of subdividing the parcel at this time (see platting section of narrative). A solar energy component is also proposed to provide energy to the facility which is permitted as a DRO approval subsequent to the Class A approval, with a future application.

The proposed use will consist of a concrete man-made lake approximately 12.6 acres in size and is proposed to be 2,000 feet in length with the majority of the lake being approximately 185 feet in width. The project, named Surf Ranch Florida, will be proposing

to construct a world-class, man-made surfing lake which will provide consistent waves and a safe environment for public recreational and competition purposes. The applicant is proposing to comply with the special event permit process of the ULDC in regard to number of events and requirements and the concurrent ULDC text amendment does not propose any revisions to that section of the code.

The opportunity to locate the first facility of this kind within Palm Beach County will provide for not only great economic impact to the area overall, but will serve to focus worldwide attention on the County. The prototype of this use was constructed in California by Kelly Slater, 11x world surf champion, who was born in Florida and lives in Coco Beach. The World Surf League, which operates the professional surfing tour, is invested with the project and plans to hold league sanctioned events utilizing the man-made wave. It is anticipated that two to three events may be held on a yearly basis attracting up to 50,000 people, anticipated at approximately 5,000 per day. The events would be planned to be held in the late summer / early fall, providing for an opportunity to aid in tourism and fill hotel rooms in a typically slower time of the year. These events will follow the procedures and processes required for special events within the ULDC and the applicant is also willing to comply with the limitations as to number included in the code. These provisions would include off-site parking and shuttle buses to the venue during the higher attendance events.

Another aspect of the development is that the ownership intends on utilizing solar energy for the facility. The details are currently being worked through, but the ULDC allows for the provision of solar within PIPD's to be accommodate in all Pods via an administrative DRO approval process which, again, will be undertaken once the final design has been refined.

The operations of the facilities will also include public access, inclusive of a surf school associated with the learning center and programs associated with water safety. Focus will also be provided on the natural environment, including a partnership with ERM in regard to education about the adjacent Pine Glades Natural Area. Three access points for ERM's use are proposed on the plan, consistent with the previously approved subdivision plan.

Finally, the intention is to create a First Wave Program, similar to the First Tee Program in golf associated with the surf school to provide access to children who would not otherwise be able to utilize the facility. A membership program will also be part of the proforma.

The site design of the portion of the site associated with the Surf Ranch Florida includes additional buildings proposed as part of the development will total 23,500 square feet in size and consist of the following:

Learning Center/Surf Club	3,413
Board Room	2,122
Clubhouse	5,546
Training Center	2,059
Maintenance Building	5,000

Water Treatment Building	2,000
Mechanical Room Buildings	<u>3,360</u>
Total	23,500

The Final Development Plan (Master Plan) for the PIPD is being revised to change the Pod on 46.6 acres from IG – General Industrial to CG Commercial within the PIPD. The balance of the existing 78.9± pod will remain as a IG Pod, that being 32.3 acres in size.

A 12-acre water management tract which will serve the entire development as well as accept drainage from Pratt Whitney Road is proposed which is included in the initial construction phase. An 80-foot roadway proposed to provide access to the development that will be platted as part of the development. As suggested by Land Development at the

Emergency access is being proposed via a stabilized base over the 20' adjacent to the southern property line. The 20' will also be encumbered by a piped 20' drainage easement. The project engineer has been consulted and sees no issue with this approach. The required 5' perimeter buffer will then be provided internal to that easement.

COMPREHENSIVE PLAN OVERLAYS

As mentioned above, the project is located within the boundaries of both the United Technologies Corporation Protection Area (UT) Overlay and the Bioscience Research Protection Overlay (BRPO).

The UTC overlay prohibits incompatible uses including the following:

1. Residential (excluding Caretakers quarters);
2. Hotels, motels;
3. Medical and dental offices; and
4. Hospitals, medical centers.

As such, the use is not inconsistent with the provisions of this overlay.

The BRPO does not limit the uses currently allowed consistent with the property's existing land use designation and zoning designation including uses allowed pursuant to planned development approvals and development of regional impact approvals. The County's Comprehensive Plan also includes the following policy for this overlay:

Policy 1.9-c: Within the Overlay, residential uses shall be prohibited, and commercial uses shall be prohibited unless clearly accessory or ancillary to bioscience research/biotechnology uses or as have been or may be approved in connection with a land use mix for a planned development and/or development of regional impact.

Based on prior interaction with the Planning Division, the determination has been made that the proposed use is also not inconsistent with the provisions of this overlay.

ULDC OVERLAYS

The provisions of the RTO-Research and Technology Overlay are addressed below. This zoning overlay was created to address the UT overlay of the Plan.

A. Purpose and Intent

The purpose and intent of the RTO is to protect critical industrial, manufacturing, research and development activities from the encroachment of incompatible land uses and activities; provide opportunities to locate accessory, auxiliary and supporting industrial land uses in close proximity to existing facilities; and ensure the location of land uses and activities in the district that are compatible with or complement manufacturing and high-tech operations that are related to the continuation and expansion of PBC's manufacturing and industrial base. The RTO is specifically included in this Code to meet provisions in the Plan related to the United Technologies Corporation (Pratt-Whitney Overlay). **[Ord. 2005 – 002**

The proposed use is not inconsistent with this policy as it would not create an incompatible use and is not incompatible with manufacturing operations within the PIPD or Pratt Whitney.

Use Regulations

Development in the RTO shall comply with the use regulations of the underlying district.

a. Prohibited Noise Sensitive Uses:

- 1) Residential (excluding caretaker quarters);
- 2) Hotels, motels;
- 3) Medical and dental offices; and
- 4) Hospitals, medical centers.

This request does not include any of these prohibited uses.

b. Accessory Uses

Uses not listed above, which generally would not be allowed within the RTO may be permitted as accessory uses to a permitted principal use.

No accessory uses are proposed as part of this request.

D. Property Development Regulations (PDRs)

All development within the RTO shall be subject to the property development regulations of the underlying district. However, development proposed in the NEO shall be subject to the development regulations of the NEO district.

The proposal will comply with PDR's.

E. Performance Standards

All development within the RTO shall comply with the rules and regulations of all governmental agencies having appropriate jurisdiction, and with all applicable requirements of this Code.

The proposal will comply with all agency requirements and with the Code based on the approval of text amendment(s) to the ULDC.

No SUBSTANTIAL DEVIATION

The change of the Pod designation from IG to CG being requested as part of the DOA is presumed to not be a substantial deviation to the DRI as no increase to the number of vested trips is being proposed in order to allow same. The applicant has requested a formal determination from the Department of Economic Opportunity and the Treasure Coast Regional Planning Council to provide to the County.

CONCURRENCY

A traffic equivalency statement has been submitted prepared by Kimley Horn and Associates. As the PIPD is approved as a DRI, the trips required are pulled from the overall pool of the park. Additionally, a drainage statement has been provided from Kimley Horn that provides for legal positive outfall to the canal adjacent to the southern property line of the parcel. The project will not outfall to the natural area to the north. Water and wastewater will be provided through the Park from Seacoast and a capacity letter has been provided with the application materials from the Park.

PLATTING

It was previously discussed with the Land Development Division that the parcel would be platted via a 'hybrid' plat process. The boundary of the parcel was to be platted, along with the water management tract and internal 80' right of way. However, the property was not to be initially 'subdivided' into two separate lots, but it was anticipated that future 'parcels' would be administratively created via the platting exemption in Article 11.

However, based on zoning's direction at the May 24, 2017 meeting, the applicant will now plan on platting to create the two legal lots of record per the standard process. This will require a subdivision plan be processed through the full DRO review process in the future. No such plan currently accompanies this request.

While the industrial Pod designation includes the lake area which will provide for an on-site storm water management system for the entire development, as well as complying with the condition to accept drainage for Pratt Whitney Road, it will be included in the first construction phase of development associated with the surf ranch use.

ARCHITECTURAL REVIEW

As provided for in Article 5.C., Design Standards, an applicant may request review for compliance with these standards via any of the available methods. This application is requesting to utilize Method Type III – Projects Requiring DRO or Site Plan Approval. This will allow the applicant to obtain the necessary entitlements prior to closing on the property and expending the considerable funds associated with final architectural design. However, representative renderings prepared by Glidden Spina Partners have been submitted for informational purposes only to provide a theme for the Surf Ranch portion of the development associated with the Class A Approval request. The applicant is aware

the buildings will need to either comply with Article 5.C. or utilize one of the avenues to obtain relief from same as contained in the code. This approach is not inconsistent with the architectural review condition currently contained in the development order.

Likewise, the future industrial buildings proposed for the IG Pod land area will need to comply with the design standards at the time of final DRO unless exempted under the provisions of the code.

LANDSCAPE

The proposed plan provides for a 25 foot PIPD perimeter buffer along the west and north property lines and the code required buffer of five feet (5') along the east and south property lines. A 15' right of way buffer is proposed along the 80 right of way where not adjacent to the north property line.

A meeting was held with Meredith Leigh of Zoning, Mark Godwin and Bob Kraus of ERM, and Jon Powers of the landscape division on March 9, 2017 with Joni Brinkman, Scott Mosolf and Kevin Kroll of UDKS in attendance. It was discussed at the meeting that the majority of the native pines appears to be located along the north property line based on the 2014 tree survey provided as part of the Pre-Application Conference submittal. It was also discussed that the native palms (cabbage) would be relocated on site. An updated tree survey and Existing Tree Plan with proposed tree disposition chart is being provided with this submittal. Due to proposed grade changes, the existing material is significantly impacted. Further coordination with ERM and landscape will take place prior to the next resubmittal in this regard.

PROPOSED DELETION OF CONDITIONS OF APPROVAL

1. Landscape: Landscape Conditions of Approval specific to the 80 Acre Parcel were included in Resolution R-2006-2561. The applicant would to delete all this conditions justified as follows:

The applicant is now proposing to provide not only the 25' Perimeter PIPD buffer referenced in the 2006 BCC staff report dated November 27, 2006, but also a 25' Perimeter PIPD buffer along the north property line. This is an increase from the buffer on the north in comparison to the master plan approval associated with the current subdivision plan for the parcel (Exhibit 258). The requirement for the upgrade of native canopy percentage and increase tree height and diameter are no longer warranted via recent acknowledgments by staff due to availability issues, which actually resulted in waivers being written into the ULDC to the code minimum requirements. The ALP provisions have also been deleted from the code. Finally, as credits are allowed by code, it appears the final portion of the condition would not be required either. As such, we would propose to strike the following condition in its entirety.

- ~~1. The required 25-foot perimeter buffer and interior right-of-way buffer shall be upgraded to provide a minimum seventy-five (75%) percent of canopy trees as native and shall meet the following minimum standards at installation:
a. tree height: fourteen (14) feet;~~

- ~~b. trunk diameter: three and one half (3.5) inches measured at four and one half (4.5) feet above grade;~~
- ~~c. canopy diameter: seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one half (3.5) feet in length~~
- ~~d. an alternative landscape plan may be provided meeting or exceeding these requirements, and,~~
- ~~e. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE Zoning)~~

DRO APPROVAL TO REMOVE MORE THAN 10 PERCENT OF EXCAVATION MATERIAL FROM THE SITE

As part of the final DRO site plan approval process, the applicant intends that the project be permitted to remove more than 10% of the excavated for the Type 2 Excavation associated with the construction of the on-site drainage facilities. The applicant believes the project qualifies based on the following code language. Please note that discussion took place between Robert Kraus of the Environmental Resources Management department and Joni Brinkman of Urban Design in this regard. Mr. Kraus clarified that the materials excavated in conjunction with the man-made surf lake is not included in the 10% limitation as the wave lagoon requires permitting through the Health Department. While the exact amount of material that will be associated with the 12-acre lake is not known at this time, the request is being included for informational purposes and clarification that a conditional use approval would not be required.

f. Use Approval and Procedures

c. DRO Approval

Prior to initiating Type II excavation activities, DRO shall review the final site development plan for compliance with the standards of this Section and may approve with or without conditions. **[Ord. 2016-016**

d. Off-site Removal of Excess Fill - DRO

DRO may approve removal of more than ten percent of the extracted material from the site if:

- 1) The applicant demonstrates that the makeup of the natural soil contains an excessive amount of silt, rock, or muck and construction of required drainage structures or construction of required structural foundations require removal of an excessive amount of silt, rock or muck; **or**
- 2) The removal of the material is the minimum necessary to accommodate on-site drainage requirements or structural fill requirements; and
- 3) The impact of the excavated material will not cause adverse effects to internal property owners or internal streets. **[Ord. 2016-016]**

The code section indicated that either 1 or 2 must be met, as well as 3. In this case, the project would comply with 2 as the removal of the excess fill associated with the lake excavation is a result of the on-site drainage requirements for the project as well as compliance with the condition of approval to accept drainage for the existing and future expansion of Pratt Whitney Road. The project is also in compliance with 3 as fill will be utilized for the roadway and building pads and the removal of any excess will not cause any adverse effects to the owners or

internal streets. The removal will also serve to avoid impacting trees to be preserved by avoiding unnecessary grade changes which could be detrimental to their survival.

The standards for both the development order amendment and the Class A Conditional Use approval for Entertainment, Outdoor are addressed below as required by the ULDC.

Planned Development Standards

Planned developments shall comply with the following objectives:

- a. Contain sufficient depth, width, and frontage on a public street, or appropriate access thereto, as shown on the PBC Thoroughfare Identification Map to adequately accommodate the proposed use(s) and design;
No change to the approved PDD is proposed in regard to land area, frontage, depth or access.
- b. Provide a continuous, non-vehicular circulation system which connects uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the PDD;
The approved master pedestrian circulation plan has been provided and no changes are proposed with this development.
- c. Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses;
A five-foot sidewalk is proposed with the alternative cross-section design along with right of way will provide for a future connection to the industrial future development area.
- d. Preserve existing native vegetation and other natural/historic features to the greatest possible extent;
The applicant has provided a tree survey/inventory and work with ERM and Landscape to incorporate existing native vegetation into the site plan.
- e. Screen objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, compactors) from public view and control objectionable sound;
These areas will be screen from where visible from public view and the use will comply with the noise regulations in Article 5. See response to comments in that the applicant is of the opinion the wave track should not be considered typical mechanical equipment. It will be screened from view from the users of the adjacent natural area, however, all actual mechanical equipment to create the wave will be housed within the proposed mechanical buildings.
- f. Locate and design buildings, structures, uses, pathways, access, landscaping, water management tracts, drainage systems, signs and other primary elements to minimize the potential for any adverse impact on adjacent properties; and
The proposed use is not adjacent to any residential properties/uses and the drainage system has been designed to outfall to the canal to the south, with no impact to the natural area to the north.

- g. Minimize parking through shared parking and mix of uses.
Parking will be supported on site within the individual Pods has consistently done throughout the PIPD.
- h. For PDD only, a minimum of one pedestrian amenity for each 100,000 square feet of GFA or fraction thereof shall be incorporated into the overall development to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to: **[Ord. 2009-040]**
 - a. public art; **[Ord. 2009-040]**
 - b. clock tower; **[Ord. 2009-040]**
 - c. water feature/fountain; **[Ord. 2009-040]**
 - d. outdoor patio, courtyard or plaza; and **[Ord. 2009-040]**
 - e. tables with umbrellas for open air eating in common areas and not associated with tenant use (i.e. restaurant) or outdoor furniture. **[Ord. 2009-040]**

Based on the use of the facility and the goals of the applicant to provide a natural setting, the site plan now depicts picnic tables with umbrellas to the east of the learning center. These may increase in number in the future if warranted, and the applicant wishes to reserve the ability to modify via a DRO approval in the future should more of a permanent shade structure or tiki hut type pavilion be desired.

Performance Standards

Planned developments shall comply with the following standards:

a. Access and Circulation

1) Minimum Frontage

PDDs shall have a minimum of 200 linear feet of frontage along an arterial or collector street unless stated otherwise herein; **[Ord. 2010-022] [Ord. 2012-027]**

The PIPD meets this standard.

a) Type II Waiver - Infill Development – Not Applicable.

b) PUD Minimum

The BCC shall not reduce the frontage requirements below the following thresholds: **[Ord. 2005-002]** - *Not Applicable*

2) PDDs shall have legal access on an arterial or collector street;

PIPID meets this requirement.

3) Vehicular access and circulation shall be designed to minimize hazards to pedestrians, non-motorized forms of transportation, and other vehicles. Merge lanes, turn lanes and traffic medians shall be required where existing or anticipated heavy traffic flows indicate the need for such controls;

The PIPD is already approved and is also proposing a right turn in and left turn out to accommodate special events.

4) Traffic improvements shall be provided to accommodate the projected traffic impact;

The PIPD is already approved and is also proposing a right turn in and left turn out to accommodate special events.

5) Cul-de-sacs - *Not applicable as cul-de-sac will provide access to less than four lots and the parcel was previously granted approval for a cul-de-sac which is depicted on an approved master plan of record.*

b. Street Lighting

Streetlights shall be a maximum of 25 feet in height and shall be installed along all streets 50 feet in width or greater. The light fixture shall be designed to direct light away from residences and onto the sidewalk and street and shall comply with [Article 5.E, PERFORMANCE STANDARDS](#).

Street lighting will be provided meeting county requirements. The applicant is working with a lighting consultant and may propose lesser height lighting. It is anticipated this will be discussed in greater detail during the formulation of the conditions of approval for the project.

c. Median Landscaping

Refer to the most recent Engineering and Public Works Operations - Streetscape Standards available from the PBC Engineering Department. **[Ord. 2011-001]**

The project will comply with code as required.

d. Street Trees

A 25' perimeter PIPD buffer will be provided on the north side of the 80 ROW and a 15' ROW buffer on the south side of the ROW.

e. Bike Lanes

Bike lanes shall be provided in all streets 80 feet in width or greater, unless an alternative is approved by the County Engineer in accordance with [Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS](#).

This requirement will be accommodated in the 80 ROW section.

f. Mass Transit

All nonresidential PDDs over five acres and 50,000 square feet, and all PUDs over 50 units, shall comply with the following, unless waived by the DRO:

PalmTran has reviewed the application and have no comments.

g. Utilities

All utility services located in a utility easement, such as telephone, cable, gas, and electric, shall be installed underground or combination/alternative acceptable to the DRO.

The development plan will comply.

h. Parking

2) Nonresidential Uses

Nonresidential uses located within a PDD may apply the parking standards indicated in Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements or the minimum/maximum parking standards below. The site plan shall clearly indicate which parking standards are being utilized for the entire site. **[Ord. 2009-040]**

The applicant is proposing to comply with Table 6.A.1.B. based on the area associated with the outdoor entertainment use, equating to 15.1 acres. This include the wave lagoon

area and beach, and land area associated with the learning center and board room/clubhouse/training buildings. An exhibit has been included in the submittal materials defining the area.

3) Design

Parking areas open to the public shall be interconnected and provide safe efficient flow of traffic. Parking areas directly adjacent to other parking areas in the same project shall have cross access.

The parking area is proposed to be located near the learning center and clubhouse connected via 30 patron collector walkways. They are not adjacent to each other so are not required to have cross access.

4) Cross Access

Cross access shall be provided to adjacent internal uses/properties, if required by the DRO.

Cross access would be provided to the future development area via the 80 ROW. There are no conditions requiring access to the south, and the approved subdivision plan as only 'future potential 80 ROW access'.

5) Location-Non-residential PDDs

A minimum of ten percent of the required parking shall be located at the rear or side of each building it is intended to serve.

The applicant's review of recently approved site plans within the PIPD indicates that this has not historically been required of development within the park and is targeted to apply to commercial PPD's.

6) Distance

All parking spaces shall be located within 600 linear feet of a public entrance of the building which it is intended to serve.

The parking complies in relations to the buildings proposed for the development, although parking is calculated by the Entertainment, Outdoor use itself.

i. Way Finding Signs

Off-site directional signs, consistent with the on-site directional sign standards in [Article 8, SIGNAGE](#), may be allowed along internal streets in the R-O-W, subject to approval by the County Engineer.

No off-site signs are being proposed.

j. Emergency Generators – Not Applicable.

Planned Industrial Park Development Standards

1. Design Objectives

A PIPD shall comply with the following objectives: **[Ord. 2014-025]**

a. Provide a balanced mix of land uses to provide for the needs of the residential population (if proposed) and the projected work force;

b. Be designed as a predominantly industrial development, with exception to: **[Ord. 2014-025]**

1) the SR-7 EDO, which shall allow for larger percentages of business or professional office uses, or other similar uses that are identified in [Art. 3.B.18, SR-7 EDO](#); and, **[Ord. 2010-022] [Ord. 2014-025]**

2) the EDC FLU designation, which shall be primarily utilized by office and research parks, but may also include manufacturing and processing, research and development, wholesale distribution and storage of products. **[Ord 2014-025]**

The applicant is proposing a text amendment to allow for consideration via a public hearing approval process for uses other than those that meet only the needs of the residents and workforce within a PIPD.

c. Preserve natural features, scenic areas and native vegetation to the extent possible; *The PIPD has already created conservation areas approved by ERM for the entire development, but this applicant will also strive to incorporate as much existing native plant material as feasible into the project*

d. Encourage the co-location of industrial processes, products, and services; *The applicant is maintaining the IG Pod on the portion of the parcel fronting on Pratt Whitney Road in an effort to promote associated industrial type uses which would have a relationship with the proposed Conditional Use.*

e. Provide on-site essential services for industries, employees, and clients; *The Conditional Use would provide an additional recreational activity to the PIPD workforce and could aid in attracting additional users to the Park.*

f. Protect nearby existing and future non-industrial land uses and activities; *The development is not adjacent or nearby to any residential uses. All code requirements within Article Five will be met in regard to lighting, noise, etc. and a 25' perimeter PIPD buffer is proposed along the north and west property lines.*

g. Arrange buildings and land use intensities to minimize and mitigate negative impacts; *The conditional use and associated buildings are located to the eastern portion of the site and are setback a minimum of 65' from the north property line, adjacent with the natural area, again, with the 25' buffer.*

h. Be located near convenient access to transportation facilities such as interstate highways, major trucking routes, shipping and/or railroad lines; and *The parcel is located adjacent to Pratt Whitney Road, connecting to the Beeline Highway.*

i. Encourage the expansion to PBC's economic base through new industrial investment. *The proposed use will focus national and worldwide attention to the County and provide another tool in the tool box to attract new businesses and industries to the County. As mentioned, the narrow width of this particular parcel is not of sufficient size to meet the needs of the industrial users in the area of the County.*

2. Performance Standards

A PIPD shall comply with the following standards:

a. Perimeter Buffers

Industrial pods adjacent to the boundary of a PIPD shall provide a minimum 25-foot-wide Type 3 incompatibility landscape buffer along the perimeter.

As mentioned, the staff report from the November 27, 2006 BCC hearing where this parcel was added to the PIPD there was no requirement under the original DRI approval for this type of buffer which was added to the ULDC after the DRI was vested. The addition of the 80 did not affect the vesting of the DRI as no new trips were being added. Additionally, the current approved subdivision plan for the parcel does not provide for an incompatibility buffer, but only a PIPD Perimeter buffer is labeled on the plan, as well as on the master plan associated with that application. The applicant is proposing to redesign the site so as to provide for the 25' perimeter PIPD buffer, however, along both the north and west property lines. A zoning interpretation has been requested in this regard.

b. Residential - Proximity to Other Uses – Not applicable – no residential units in the PIPD.

c. Internal Trip Capture

A PIPD with commercial or residential pod shall demonstrate the ability to achieve a ten percent internal trip capture concurrent with the build-out of the PIPD.

The traffic engineer has submitted an equivalency statement as no increase to trips to the PIPD's vested amount is proposed.

DOA STANDARDS

Consistency with the Plan

The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use. **[Ord. 2007-001]**

The development order amendment to the Final Development Plan for the PIPD only requests the Pod Designation on 46.6 acres be changed from IG to CG. The proposed Preliminary Site Plan will be required to and does comply with the floor area rations and the property development regulations. In regard to the consistency with the plan and the overlays, please see the section regarding compliance with the applicable overlays previously outlined in the justification statement.

Consistency with the Code

The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of [Article 4.B, SUPPLEMENTARY USE STANDARDS](#). **[Ord. 2007-001]**

The Preliminary Site Plan provided in support of the Pod change in conjunction with the development order amendment is in compliance with the supplemental regulations for the Entertainment, Outdoor use.

Compatibility with Surrounding Uses

The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. **[Ord. 2007-001]**

The DOA amendment to the Final Development Plan for the Pod change does not change the underlying Industrial (IND) land use designation of the property or the official zoning district of PIPD. The proposed use is allowed to be requested in the CG pod of the PIPD based on the concurrent ULDC text amendments. The overall PIPD has been deemed compatible with the surrounding uses via the original granting of the PIPD approval.

Design Minimizes Adverse Impact

The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
The DOA itself is only to amend the Pod designation. This criterion is more applicable to the Class A request and is addressed below.

Design Minimizes Environmental Impact

The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment. **[Ord. 2007-001]**

Again, the DOA for the Final Development Plan is only for a use change, which does not affect the natural environment. See discussion below for the Class A use in regard to site design.

Development Patterns

The proposed use or amendment will result in a logical, orderly and timely development pattern. **[Ord. 2007-001]**

The Pod change will continue to promote a logical, orderly and timely development program. The PIPD has been in existence since 1981, with the subject parcel being rezoned and brought into the park in 2006. The existing configuration of the IG Pod land area, with a width of 660 feet, creates obstacles in attracting the type of industrial development suited for the Park and this area of Palm Beach County, such as warehouse distribution and/or manufacturing and processing. This is evidenced by the recent approval of Project Osprey (McLane) and the current Project Beach Ball approval moving through the zoning system now. The approval of the DOA will permit development to be realized on the parcel.

Adequate Public Facilities

The extent to which the proposed use complies with [Art. 2.F, Concurrency](#). **[Ord. 2007-001]**

Traffic and Drainage reports evidencing compliance with those concurrency items have been submitted as part of these application materials. A capacity letter from the Park is being requested in regard to water and sewer and the non-residential nature of the project has no impact to the County schools.

Changed Conditions or Circumstances

There are demonstrated changed conditions or circumstances that necessitate a modification. **[Ord. 2007-001]**

A special circumstance exists in regard to the subject parcel which is the subject of the DOA to change the Pod designation. The existing configuration of the IG Pod land area,

with a width of 660 feet, creates obstacles in attracting the type of industrial development suited for the Park and this area of Palm Beach County, such as warehouse distribution and/or manufacturing and processing. This is evidenced by the recent approval of Project Osprey (McLane) and the current Project Beach Ball approval moving through the zoning system now, both Business Development Board (BDB) projects. The approval of the DOA will permit development to be realized on land area that has seen no interest in development for a considerable amount of time. It has been within the PIPD since 2006 with no proposals to date.

Project Beach Ball, a BDB project of the caliber which has been sought after for the County, is a proposed 409,054 s.f. manufacturing and processing use. The building dimensions are 460' by 884' feet with dock high loading, trailer storage and truck apron area/circulation. This type of building is not possible to be development on a parcel only 660 feet in width.

Likewise, Project Osprey is approved for a total square footage of 631,000 s.f. with building dimensions of 427.5' x 836', again with the same loading and circulation requirements in order to function. The goals of the county of attracting these calibers of business to the industrial sector is not consistent with the site's narrow configuration and is a circumstance that has come to light since the parcel was brought into the park.

CLASS A CONDITIONAL USE – ENTERTAINMENT OUTDOOR

Consistency with the Plan

The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use. **[Ord. 2007-001]**

Based on the DOA request to change the use designation on the land area associated with the requested use, the proposed use is consistent with the plan. In fact, the use is permitted by right today within the commercial Pod of a PIPD. Although code amendments are currently under consideration by staff to make a project of this magnitude subject to the Class A approval process, the underlying consistency has been established. Additionally, this proposal was reviewed by staff as part of a PAC process and no issues of inconsistency with the plan have been identified by the Planning Division. The preliminary site plan proposes to comply with all intensity limitation of the Plan as well.

Consistency with the Code

The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of [Article 4.B, SUPPLEMENTARY USE STANDARDS](#). **[Ord. 2007-001]**

The Preliminary Site Plan provided in support of the Pod change in conjunction with the development order amendment is in compliance with the supplemental regulations for the Entertainment, Outdoor use. See assessment below.

Compatibility with Surrounding Uses

The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. **[Ord. 2007-001]**

The property is surrounded by natural areas to the north, east and west, across Pratt Whitney Road. The Pine Glades Natural area is the north and west. Discussions have already taken place with ERM and the application is not only proposing to continue to depict access points into the natural area to the north as request by ERM, but also in integrate aspects of the natural area into the functions of the learning center/surf school. The area to the east is a wetland area within the PIPD. To the south, is a 100-foot canal right of way, with IL and IG Pod pods within the PIPD, which would not be incompatible. The PIPD requires and the applicant is proposing a 25' perimeter buffer along the entire north property line.

Design Minimizes Adverse Impact

The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

In additional to the above justification, the goal of the applicant in the design of the facility is to utilize reuse materials, solar energy and the creation of a development that fits into the natural surroundings of the environmental area adjacent to the property. The location of the surf lake was specifically chosen in the eastern portion of the site to create a 'remoteness' from the Pratt Whitney major thoroughfare. The required secondary fire access has been relocated to the southern portion of the property compared to where depicted during the PAC review to allow for the 25' buffer adjacent to the natural area. This also allows for preserving the pines in this area. Locating the storm water management lake to the west of the facility, rather than the east, also serves to create a natural transition from the potential future smaller industrial uses proposed along the Pratt Whitney frontage. The applicant also continues to show the connection points to the natural area to the north.

Design Minimizes Environmental Impact

The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment. **[Ord. 2007-001]**

As stated above, the design aspects were crafted to not only minimize adverse impact on adjacent land, but also the environment. While the use itself requires a certain land area, the drainage easement previously proposed along the north property line has been relocated to the south, allowing for preservation of native trees along that line, adjacent to the natural area, where the prior easement would have had a much greater impact. The relocation of the drainage easement also results in all storm water received from Pratt Whitney Road entering the site along the southern property line, further from the Pine Glades Natural Area.

Development Patterns

The proposed use or amendment will result in a logical, orderly and timely development pattern. **[Ord. 2007-001]**

The proposal for the Class A use, as well as the reservation of IG land in the western portion of the property for future, smaller industrial spin-off development, will to promote a logical, orderly and timely development program. The PIPD has been in existence since 1981, with the subject parcel being rezoned and brought into the park in 2006. The existing configuration of the parcel, with a width of 660 feet, creates obstacles in attracting the type of industrial development suited for the Park and this area of Palm Beach County, such as warehouse distribution and/or manufacturing and processing. This is evidenced by the recent approval of Project Osprey (McLane) and the current Project Beach Ball approval moving through the zoning system now. The approval of the DOA will permit development to be realized on the parcel.

Adequate Public Facilities

The extent to which the proposed use complies with [Art. 2.F, Concurrency](#). **[Ord. 2007-001]**

Traffic and Drainage reports evidencing compliance with those concurrency items have been submitted as part of these application materials. A capacity letter from the Park is being requested in regard to water and sewer and the non-residential nature of the project has no impact to the County schools.

Changed Conditions or Circumstances

There are demonstrated changed conditions or circumstances that necessitate a modification. **[Ord. 2007-001]**

A special circumstance exists in regard to the subject parcel which is the subject of the DOA to change the Pod designation. The existing configuration of the IG Pod land area, with a width of 660 feet, creates obstacles in attracting the type of industrial development suited for the Park and this area of Palm Beach County, such as warehouse distribution and/or manufacturing and processing. This is evidenced by the recent approval of Project Osprey (McLane) and the current Project Beach Ball approval moving through the zoning system now, both Business Development Board (BDB) projects. The approval of the DOA will permit development to be realized on land area that has seen no interest in development for a considerable amount of time. It has been within the PIPD since 2006 with no proposals to date.

Project Beach Ball, a BDB project of the caliber which has been sought after for the County, is a proposed 409,054 s.f. manufacturing and processing use. The building dimensions are 460' by 884' feet with dock high loading, trailer storage and truck apron area/circulation. This type of building is not possible to be development on a parcel only 660 feet in width.

Likewise, Project Osprey is approved for a total square footage of 631,000 s.f. with building dimensions of 427.5' x 836', again with the same loading and circulation requirements in order to function. The goals of the county of attracting these calibers of business to the industrial sector is not consistent with the site's narrow configuration and is a circumstance that has come to light since the parcel was brought into the park.

The approval of the Class A Entertainment Outdoor use will allow for a use that respects the natural environmental areas adjacent to the property, while permitting a use on a property undesirable for the industrial type uses sought by the County.

ENTERTAINMENT OUTDOOR SUPPLEMENTARY STANDARDS

a. Entertainment, Outdoor

Definition

An establishment offering recreational opportunities or games of skill to the general public where any portion of the activity takes place in the open for a fee, excluding golf courses and public parks.

Discussions with staff to date and input from the PAC are that this is the appropriate use designation for the proposed surf lake.

Typical Uses

Typical uses include athletic fields, batting cages, golf driving ranges, water skiing facilities, tennis courts, go-cart tracks, miniature golf courses, paintball fields, jet skiing, and wind surfing,

Discussions with staff to date and input from the PAC are that this is the appropriate use designation for the proposed surf lake.

Location

Access to an Outdoor Entertainment use shall be from a Collector or Arterial Street.

The proposed plan, as required for access to industrial or commercial development, provides for an 80' right of way to be dedicated via plat, complying with this requirement.

Setbacks

No building, structure, trailer, vehicle mechanical device, or outdoor area shall be located closer to the property line than as follows:

Table 4.B...3.C – Outdoor Entertainment Setbacks

Adjacent Use	Minimum Setback
Non-residential & Streets	50 Feet
Residential Use or District	100 Feet

The proposed conditional use is in compliance with these required setbacks.

On behalf of the applicant AW Asset Management LLC UDKS respectfully requests favorable review and consideration of these requests. The agents at Urban Design Kilday Studios are Joni Brinkman Scott Mosolf who can be reached at the numbers above or via email jbrinkman@udkstudios.com. And smosolf@udkstudios.com Please feel free to contact the agent with any questions or for additional information in support of the requested applications.