

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

**Application No.:** ZV/ABN/DOA-2021-02048  
**Application Name:** Vista Center Parcel 6  
**Control No./Name:** 1984-00130 (Vista Center PIPD)  
**Applicant:** VC6 Acquisition LLC  
**Owners:** VCP6 Acquisition LLC  
**Agent:** Gentile Glas Holloway O'Mahoney & Assoc Inc. - George Gentile  
 Gentile Glas Holloway O'Mahoney & Assoc Inc. - Pat Lentini  
 Gentile Glas Holloway O'Mahoney & Assoc Inc. - Ben Dolan  
**Telephone No.:** (561) 575-9557  
**Project Manager:** Imene Haddad, Senior Site Planner

**TITLE:** a Type 2 Variance **REQUEST:** to eliminate a Type 1 Compatibility Buffer

**TITLE:** a Development Order Abandonment **REQUEST:** to abandon a Type 3 Congregate Living Facility

**TITLE:** a Development Order Amendment **REQUEST:** to amend the Master Plan and modify uses

**APPLICATION SUMMARY:** Proposed a Development Order Amendment (DOA), a Type 2 Variance (ZV), and a Development Order Abandonment (ABN) for Parcel 6 within the Vista Center Planned Industrial Park Development (PIPD). The Vista Center Parcel 6 was last approved on November 7, 2017 for a DOA to modify the Master Plan and for a requested use to allow a Type 3 Congregate Living Facility (CLF).

The request consists of an abandonment of the approved Type 3 CLF on Parcel 6, and to modify the site plan through the DOA to incorporate this land area as part of the golf course, including the reconfiguration of certain golf holes, expansion of the driving range, and adding as recreation amenity for the Emerald Dunes Golf Club and Golf Course. The Type 2 Variance proposes to eliminate the compatibility buffer between the golf course and Parcel 6 (practice green/driving range).

The proposed Preliminary Master Plan (PMP) indicates three Residential Parcels (60.10 acres), 16 Industrial Parcels (128.78 acres) six Commercial Parcels (62.68 acres) and a Recreation Parcel for a Golf Course and facilities (201.57 acres). The Preliminary Site Plan (PSP) for Parcel 6 indicates a golf course use including practice green and a driving range. Access to the site will remain from Vista Parkway.

**SITE DATA:**

<b>Location:</b>	Located at the terminus of Vista Parkway, approximately 0.63 mile northeast of Okeechobee Boulevard and N. Jog Road.
Property Control Number(s)	00-42-43-22-20-001-0000; 00-42-43-22-20-002-0000; 00-42-43-22-20-023-0000
Existing Future Land Use Designation:	Industrial, with an underlying MR-5 (IND/5)
Existing Zoning District:	Planned Industrial Park Development District (PIPD)
Total Acreage:	493.73 acres
Parcel 6 Acreage:	22.1 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	West Palm Beach
Future Annexation Area	West Palm Beach
Commission District:	District 7, Commissioner Mack Bernard

**RECOMMENDATION:** **RECOMMENDATION:** Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff has received no contacts from the public regarding this application.

**PROJECT HISTORY:**

Application No.	Request	Resolution	Approval Date
PDD-1984-00130	Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) and PIPD Zoning Districts to the PIPD Zoning District	R-1985-00336; R-1985-01135	September 27, 1984
DOA-1984-00130(A)	A DOA for a Development of Regional Impact (DRI) - Substantial Deviation Determination	R-1989-00847	September 28, 1988

SE-1984-00130(B)	A Substantial Deviation Determination and a Special Exception to amend the Master Plan (add 2 access points onto Okeechobee Blvd - (#10.C))	R-1992-00695	February 27, 1992
DOA-1984-00130(C)	A DOA to revise Conditions of Approval (Engineering, Fees and Phasing)	R-1994-01318	September 29, 1994
DOA-1984-00130(D)	A DOA to delete and modify conditions (Corrective Resolution).	R-1997-01086; R-1997-01299	August 28, 1997
DOA-1984-00130(E)	Withdrawn		
DOA-1984-00130(F)	A DOA to re-designate land uses; modify/delete conditions; and add an access point.	R-2001-02076; R-2001-02077 (DRI)	November 29, 2001
DOA-1984-00130(G)	A DOA to extend the build out date for DRI.	R-2001-00807 (DRI)	May 5, 2001
DOA-1984-00130(H)	A DOA to reconfigure Master Plan, add units and re-designate land uses.	R-2002-00842	April 23, 2002
DOA-1984-00130(I)	A DOA to revise the DRI plan and to re-designate land uses.	R-2003-00937 (DRI); R-2003-00938	June 26, 2003
DOA-1984-00130(J)	A DOA to revise the DRI Master Plan and make a finding that the request is not a Substantial Deviation.	R-2003-01987 (DRI); R-2003-01987.1	December 4, 2003
DOA-2004-00744	A DOA to modify/delete conditions of approval for a Planned Industrial Park.	R-2004-02425 (DRI); R-2004-02425.1	November 18, 2004
DOA/R-2004-00295	A DOA to reconfigure the site plan to a previously approved Planned Industrial Park Development, and to reconfigure the Site Plan.	R-2005-00378	March 21, 2005
	A Requested Use to allow a General daycare.	R-2005-0379	
DOA-2005-00304	A DOA to add an access point to Jog Road for Parcel 21	R-2006-00517; R-2006-00517.1	March 23, 2006
EAC-2007-00875	An Expedited Application Consideration (EAC) to amend the Master Plan to add two internal access points on an internal roadway for Parcel 19.	R-2007-01874	October 25, 2007
ABNEAC-2014-2324	To abandon the Requested Use approved under Resolution R-2005-0379 which allowed a General Daycare.	R-2015-00240	February 26, 2015
	To reconfigure Master Plan to abandon the daycare and modifying Conditions of Approval.	R-2015-00241	
DOA/R-2015-01039	A DOA to add a use to the Master Plan, to reconfigure Site Plan, and to add a Requested Use within Parcel 21S.	R-2015-01346	September 3, 2015
	A Requested Use to allow a College or University.	R-2015-01347	
DOA/R-2016-2204	A DOA to modify the Master Plan; add a use; and, to reduce units	R-2017-1642	October 26, 2017
	A Requested Use to allow a Type III Congregate Living Facility (CLF)	R-2017-1643	

**SURROUNDING LAND USES OVERALL PIPD**

**NORTH:**

FLU Designation: Other (City of West Palm Beach)  
Zoning District: Other (City of West Palm Beach)  
Supporting: Residential

**SOUTHWEST:**

FLU Designation: Other (City of West Palm Beach)  
Zoning District: Other (City of West Palm Beach)  
Supporting: Commercial

**SOUTH:** Beyond Okeechobee Road

FLU Designation: Commercial High  
Zoning District: Multiple Use Planned Development  
Supporting: Commercial

FLU Designation: Commercial High (CH) and Commercial High with underlying Industrial (CH/IND)

Zoning District: Multiple Use Planned Development  
Supporting: Commercial

**EAST:**  
Florida's TurnPike

Beyond Florida's TurnPike  
FLU Designation: High Residential 18 units per acre (HR-18)  
Zoning District: Multifamily High Density Residential (RH)  
Supporting: Residential (Century Village, Control No. NA)

FLU Designation: Commerical Hight with underlying High Residential 8 units per acre (CH/8)  
Zoning District: General Commercial (CG)  
Supporting: Commercial (Control No. NA)

**WEST:**  
FLU Designation: Other (City of West Palm Beach)  
Zoning District: Other (City of West Palm Beach)  
Supporting: Residential

**SURROUNDING LAND USES AFFECTED PARCEL PROPOSED FOR MODIFICATION**

**NORTH:**  
FLU Designation: Industrial, with an underlying MR-5 (IND/5)  
Zoning District: Planned Industrial Park Development District (PIPD)  
Supporting: Recreation (Vista Center PIPD, Control No. 1984-00130)

**SOUTH:**  
FLU Designation: Industrial, with an underlying MR-5 (IND/5)  
Zoning District: Planned Industrial Park Development District (PIPD)  
Supporting: Recreation (Vista Center PIPD, Control No. 1984-00130)

**EAST:**  
FLU Designation: Industrial, with an underlying MR-5 (IND/5)  
Zoning District: Planned Industrial Park Development District (PIPD)  
Supporting: Industrial (Vista Center PIPD, Control No. 1984-00130)

**WEST:**  
FLU Designation: Industrial, with an underlying MR-5 (IND/5)  
Zoning District: Planned Industrial Park Development District (PIPD)  
Supporting: Recreation (Vista Center PIPD, Control No. 1984-00130)

**TYPE. 2 VARIANCE SUMMARY**

#	ULDC Article	REQUIRED	PROPOSED	VARIANCE
V.1	Article 7.C.2.B.2 – Width of Compatiblity Buffer	8 feet	0 feet	Minus 8 feet

**FINDINGS - Type 2 Variance Standards:** When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards a through g listed under ULDC Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 2 Variance which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

a. **Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same district:**

**V.1 - YES.** The Applicant is proposing to eliminate a compatibility buffer for Parcel 6 of the Vista Center Planned Industrial Park Development (PIPD). There are special circumstances unique to this parcel of land that are not applicable to others. The parcel is surrounded by existing Golf Course and will be used as a part of the existing Golf Course use. The Applicant states the Golf Course use on Parcel 6 will be not only compatible with the surrounding area to its parcel boundary the buffer would minimize flow of the golf use between parcels, different from most other golf courses in the County.

b. **Special circumstances and conditions do not result from the actions of the Applicant:**

**V.1 - YES.** The ULDC requires an 8 foot compatibility buffer along this parcel and adjacent Golf Course Parcel. As the Applicant's Justification statement indicated "As the Parcel 6 will be designated as light industrial (Parcel 6 was originally designated as light industrial when the DRI and PIPD was approved in 1984) and golf course use in a PIPD Parcel with a designation of light industrial in a permitted use as indicated in the ULDC PIPD regulations." Staff acknowledges these external special circumstances and conditions that exist, and find that the requested Variance is reasonable and do not result from the actions of the Applicant.

**c. *Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district:***

**V.1 – YES.** The variance request to eliminate the Compatibility Buffer does not provide any special privilege to the Applicant and the subject site. As the Applicant stated the elimination of the required landscape buffer is imperative to the reasonable use and operation of the site. Parcel 6 will be a continuation of the same existing Golf Course use. Staff recommends a Condition of Approval to plant the trees that would have been within the compatibility buffers elsewhere on the site that does not impede use of the driving range.

**d. *Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship:***

**V.1 – YES.** As described above, the literal interpretation of the Code would require a compatibility buffer between Parcel 6 and the existing Golf Course. Landscape buffers are used to provide a transition between and to reduce negative environmental, aesthetic, compatibility, and other impacts of one use upon the other. The proposed design would meet this standard however, literal interpretation of Art.7.C.2.B.3, Width of Compatibility Buffer, would result in a separation of this Golf Course parcel from the remaining Golf Course, potentially detracting from the user experience, and thereby posing an unnecessary hardship.

**e. *Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:***

**V.1 – YES.** The proposed Variance to allow the Applicant to deviate from the minimum width of the Compatibility Buffer, is the minimum Variance that will make possible the reasonable use of the parcel of land. The subject site is surrounded by already existing Golf Course, denying the opportunity for the property owner to incorporate the golf use on Parcel 6 and the existing golf course. Staff recommends a Condition of Approval to plant the trees that would have been within the compatibility buffers elsewhere on the site that does not impede use of the driving range.

**f. *Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:***

**V.1 – YES.** The granting of this variance is consistent with the intent of the Comprehensive Plan and ULDC. As stated above, the Code's stated purpose and intent of PDDs is to encourage ingenuity and imagination on the part of design and development professionals to create developments that promote sustainability, enhances the built environment, encourages economic growth and infill development using flexible and innovative land development techniques. The proposed variance will allow the Applicant to use creative solutions to meet the Design Objectives of the Code, and create and integrated, continuous and user friendly layout in accordance with the code.

**g. *Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:***

**V.1 – YES.** The granting of these variances will not be injurious to the area or the public welfare. In fact, the elimination of the required buffer will have no new impact on the surrounding properties, as the development proposes a Golf Course parcel surrounded by other Golf Course parcels. The purpose and intent of the variance is to provide efficient use of the land by integrating all Golf Course parcels into one cohesive use.

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**FINDINGS:**

Development Order Abandonment:

A DO for a Conditional Use or similar DO granted under Zoning Resolution No. 3-57, Ordinance No. 73-2, Ordinance No. 92-20, or Ordinance No. 2003-067, as amended, may be abandoned according to the procedures in this Section and pursuant to Art. 2.B, Public Hearing Processes. DOs, that are partially or fully implemented, or have not been implemented may be abandoned subject to the requirements of this Section. When considering an ABN application, the BCC and ZC shall consider the Standards indicated in Article 2.B.7.F.6. Standards.

**a. *Consistency with the Plan - The proposed abandonment is consistent with the Plan.***



The proposed abandonment of the use is consistent with the Goals, Objectives and Policies of the Comprehensive Plan. The proposed development, being reviewed under a concurrent application, will be compliant with the requirements of the Plan.

- b. Consistency with the Code** - *The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new non-conformities.*

The proposed abandonment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of the DO does not create any non-conformities as the site is currently undeveloped. The proposed development will comply with all requirements of the ULDC to include but not limited to setbacks, building coverage, parking, landscaping and signage.

- c. Adequate Public Facilities** - *The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards)Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).*

The proposed abandonment of the DO will not impact the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). The Applicant has requested a new Concurrency Approval for the proposed development.

- d. Changed Conditions or Circumstances** - There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the Resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO.

The property received approval to construct a Type 3 Congregate Living Facility, however the development of the site has not commenced and the Applicant is seeking to modify the approval to re-designate the parcel from Residential to Industrial, in order to allow for an expansion of an existing Golf Course. al.

**CONCLUSION:** Staff finds that the request meets the Development Order Abandonment Standards and recommends approval of the request.

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## **FINDINGS:**

### Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. 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.*

○ *Development of Regional Impact (DRI):* The Vista Center Master Development Plan was a part of the 493-acre Vista Center DRI approved in 1981, and remains in effect. The overall Vista Center PIPD supports a Future Land Use designation of Industrial with an underlying Medium Residential, 5 units per acre (IND/5). Parcel 6 was approved for a 378-bed Type 3 Congregate Living Facility (CLF) in 2017 through Resolution R-2017-1643. The current request seeks to abandon the Type 3 CLF approval and re-designate the Pod for the purposes of expanding golf course uses, which is consistent with the IND/5 Future Land Use designation in a PIPD. Though the proposed use is Golf Course, the site could have other Industrial uses as allowed in this Pod Type.

○ *Intensity:* The maximum Floor Area Ratio (FAR) of 0.45 is allowed for a non-residential project with an IND FLU designation in the Urban Suburban Tier (22.10 acres x 43,560 sq. ft. x .45 maximum FAR = 433,204.2 sq. ft. maximum). The request for golf course uses with no structural square footage, therefore, has no proposed FAR.

- o *Special Overlay District/Neighborhood Plan/Planning Study Area:* The site is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan.
- b. **Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The proposed use and amendment complies with all applicable standards and provisions of the Code for use, layout, and development characteristics.

- o *Amendment to the Master Plan:* The Applicant is proposing to modify the Master Plan by reducing the number of units based on the change in use for Parcel 6. The Applicant is proposing to modify the Master Plan by reducing the number of units based on the change in residential use type for Parcel 6. In September 17, 1998, the Planning Director issued a Letter of Determination (Exhibit E) that the appropriate underlying land use designation for Parcel 1 (30.83 acres) and the Golf Course (179.423) or a total of 206.55 acres was Medium Residential 5 (MR-5), and would allow a maximum density of 1,032 dwelling units. Following that letter of determination, a Density Exemption Letter, dated August 19, 1999 (Exhibit E), was issued as it relates to a minimum required density for Parcel 1 and the Golf Course. The letter stated that the development was exempt from the minimum density requirements by 25%. The Staff report for application 1984-130 (J), dated December 2003, stated that the DRI was no longer subject to the minimum density requirement per Ord 2001-75.

In 2002, the Applicant received approval to construct 486 units (of the 1,032 units) within Parcel 1. The Planning Director issued another Letter of Determination, dated September 4, 2003 (Exhibit E), for the request to convert Parcels 4, 5 and 6 from Industrial to Residential, and determine what the underlying density was for those parcels. The letter requested that the Applicant, at that time, provide County Staff with an affidavit from the Owner of Parcel 1 that they do not desire to utilize the remaining units in the future. This would allow the remaining units to be assigned to Parcels 4, 5 and 6. In December 2003, the BCC approved a DOA to modify the Master Plan to convert land use from Light Industrial to residential within Parcels 4, 5 and 6 that allowed for 548 residential units.

Parcels 4 and 5 are developed with 70 and 185 (255 total) units and Parcel 6, the subject of the proposed application, was approved for 243 Multi-family units, however as stated earlier was never developed. On October 26, 2017 the BCC approved an application to modify the use type from Multi-family to Congregate Living Facility (CLF) for Parcel 6. The change in use proposed a reduction in the previously approved number of units by 85 units.

The Applicant is now requesting to modify the Pod Type from Residential to Industrial, in order to allow for the expansion of a Golf Course. The proposed modification of the Pod type would allow for other Industrial Uses as allowed by ULDC and the Development Order.

- o *Land Use Mix:* PIPDs are limited by the types of uses within the overall Development. The PIPD must have a minimum of 60% of the land area designated as Industrial Pods. The request is to convert this Pod from Residential to Industrial, providing for the allowance of additional future industrial development if required, or other uses as allowed within an Industrial Pod.
- o *Property Development Regulations:* The proposed development is subject to Table 3.E.4.D, PIPD Property Development Regulations (PIPD). The property meets Code requirements for minimum lot dimensions for Light Industrial Pods within the PIPD. The site exceeds the minimum lot size of 1-acre (20.257 acres), 100 ft. of width (612.8 ft. provided), and 200 ft. of frontage (344.39 ft. provided).
- o *Landscape/Buffering:* The PSP indicates and a 20-foot Right of Way Buffer (R-O-W) is along Vista Parkway and the access easement. As previously noted, the Applicant has requested a Variance to eliminate a Type 1 Compatibility Buffer around the perimeter of the property adjacent to the Golf Course.
- o *Architectural Review:* The proposed request is to re-designate a land use for the Master Plan. No Architectural Review is completed at this time. When the proposed use seeks approval, the Applicant will comply with the requirements of Art 5.G.
- o *Signage:* No signage is proposed at this time. A Master Sign Plan is approved for the overall development, and the Applicant will ensure it complies with the Sign Plan at time of Site Plan approval.

- c. **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.*

The proposed amendment is consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. This PIPD has been approved since 1984 with a mix of land uses including Commercial, Residential and Industrial. Although the proposed use is recreation, the allowable uses within the proposed Pod will encourage future industrial type uses. Any potential impacts with the uses and character of

the land surrounding proposed for development have been addressed and will be subject to the proposed Conditions of Approval.

- d. 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 proposed amendment does not present adverse effects, visual impacts, or intensity on the adjacent parcels. The PSP indicates 20-foot wide R-O-W buffer along Vista Parkway. The subject site is also surrounded by a Golf Course on three sides minimizing adverse visual impact and intensity on adjacent parcels.

- e. Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

**VEGETATION PROTECTION:** The property is a portion of an existing golf course.

**WELLFIELD PROTECTION ZONE:** The property is located within a Wellfield Protection Zone #4.

**IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER:** All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93-3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

**ENVIRONMENTAL IMPACTS:** There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- f. Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

As the Applicant states, the proposed modification to the Pod type from Residential to Industrial is logical and orderly for this Planned Industrial development. The Applicant's intent is to utilize the site as a Golf Course, which is an expansion of the of the surrounding existing use. If in the future a modification of the use is requested, they would be allowed to have other permitted uses as described in the ULDC and permitted pursuant to the Development Order. .

- g. Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

**ENGINEERING COMMENTS:**

The previously approved but unconstructed Assisted Living and Congregate Living Facility on the site is proposed to be modified by construction of an ancillary Golf Course use. This modification is expected to have a trip reduction of 711 net daily trips, reduction of 29 net AM peak hour trips, and reduction of 67 net PM peak hour trips. The build out of the project is expected to happen by 2025.

The Property Owner shall abandon drainage easements and replat the property prior to the issuance of the building permit.

**PALM BEACH COUNTY HEALTH DEPARTMENT:**

This project has met the requirements of the Florida Department of Health.

**FIRE PROTECTION:**

Staff has reviewed this application and have no comment.

**SCHOOL IMPACTS:**

The School Board has no comment regarding this non-residential application.

**PARKS AND RECREATION:**

The Parks and Recreation Department supports modifying the Master Plan allow Parcel 6 to be part of the Emerald Dunes Golf Club and golf course.

- h. Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.*

The proposed Golf Course expansion is intended to serve the needs of the surrounding residential developments while remaining consistent with the surrounding uses within the Vista Center PIPD. As stated by the Applicant "The modifications to the eastern portions of the Vista Center PIPD by the Florida Turnpike Authority which will

impact the play of this exiting golf course, as well as changes in the golf course industry that encourages modifications to other aspects of the golf course that are necessary to keep the Emerald Dunes Golf Club competitive to other golf clubs in Palm Beach County” The policies of the Comprehensive Plan are to promote industrial type developments. The PIPD has other industrial Pods. Conversion of this Pod from Residential to Industrial meets the policies of the Plan, while also encouraging redevelopment of the existing golf course within this DO.

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**CONCLUSION:** Staff has evaluated the standards listed under Article 2.B.2.B and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the requests. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibits C-1 and C-2.

## CONDITIONS OF APPROVAL

### EXHIBIT C-1: Type 2 Variance - Concurrent

#### ALL PETITIONS

1. The approved Site Plan is dated March 10, 2022. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Zoning Commission. (ONGOING: ZONING - Zoning)
2. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Site Plan. (DRO: ZONING - Zoning)
3. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPM: BUILDING DIVISION - Zoning)

#### LANDSCAPING GENERAL

1. Prior to Final approval of the Site Plan by the DRO, the Applicant shall submit a Landscape Plan for review and approval. (DRO: ZONING – Zoning)
2. Canopy Trees, Palms/or Pines that would have been installed for the Landscape Variances, shall be relocated on site. The number and location shall be indicated on the Landscape Plan, prior to Final DRO approval. (DRO/BLDG PERMIT: ZONING – Zoning)

#### COMPLIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Zoning Commission for review under the compliance Condition of this Approval. (ONGOING: ZONING - Zoning)
2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
  - a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
  - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
  - d. Referral to Code Enforcement; and/or
  - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning) (ONGOING: ZONING - Zoning)

#### DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

## **EXHIBIT C-2: Development Order Amendment**

### **ALL PETITIONS**

1. All conditions of approval contained in Resolution R-2003-1987.1, Petition 1984-130(J) are hereby revoked. (ONGOING: MONITORING - Zoning) (Previous ALL PETITIONS Condition 1 of Resolution R-2017-1642, Control No.1984-00130)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2017-1642, Control No.1984-00130, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2015-1436 have been consolidated as contained herein. The Property Owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.C of the ULDC and the Board of County Commissioners, unless expressly modified.

#### **Is hereby amended to read:**

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2017-1642 have been consolidated as contained herein. The Property Owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.C of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

3. Previous ALL PETITIONS Condition 3 of Resolution R-2017-1642, Control No.1984-00130, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Preliminary Master Plan for the overall Vista Center is dated July 13, 2017. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

#### **Is hereby amended to read:**

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Preliminary Master Plan for the overall Vista Center is dated February 21, 2022. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

4. COMMENCEMENT OF DEVELOPMENT: In the event the developer fails to commence significant physical development within three (3) years from the effective date of the Development Order, development approval shall terminate and the development shall be subject to further consideration pursuant to Section 380.06, Florida Statutes. Significant physical development shall mean site preparation work for any portion of the project. (DATE: MONITORING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 4 of Resolution R-2017-1642, Control No.1984-00130)

5. Copies of this revised Development Order shall be transmitted immediately by Certified Mail to the State of Florida Department of Economic Opportunity, the Treasure Coast Regional Planning Council, and the Developer. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 5 of Resolution R-2017-1642, Control No.1984-00130)

6. Prior to March 30, 1995, the petitioner shall receive certification of a revised Preliminary Development Plan (PDP) by the Development Review Committee for the subject property. The PDP shall reflect compliance with all applicable code requirements, conditions of approval, the application for development approval (ADA), and the development order for the DRI. In addition, the PDP shall indicate tabular data for each parcel, in accordance with the ADA. (DATE/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 6 of Resolution R-2017-1642, Control No.1984-00130)

7. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2006-0517.1 (Control 1984-130), will remain in full force and effect. (ONGOING: MONITORING - Zoning) (Previous ALL PETITIONS Condition 7 of Resolution R-2017-1642, Control No.1984-00130)

8. The approved Preliminary Site Plan for Parcel 21S is dated July 9,2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 8 of Resolution R-2017-1642, Control No.1984-00130)

### **ALL PETITIONS-ANNUAL REPORT**

9. The Annual Report required by Section 380.06(16), Florida Statutes shall be submitted on or before October 16th of each year. This Annual Report shall be submitted to Palm Beach County, the Treasure Coast Regional Planning Council, the State of Florida Department of Economic Opportunity, the State of Florida Department of Environmental Regulations, and the South Florida Water Management District. This Annual Report shall include the following items:

- a. Changes in the plan of development or phasing for the reporting year and for the next year;
- b. A summary comparison of development activity proposed and actually conducted for the year;
- c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;
- d. Identification and intended use of lands purchased, leased, or optioned by the developer adjacent to the original DRI site since the Development Order was issued;
- e. An assessment of the development's and the local government's compliance with Conditions of Approval contained in the DRI Development Order;
- f. Any known incremental DRI applications or request for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
- g. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(14) and (16), Florida Statutes;
- h. A copy of any notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the developer pursuant to Paragraph 380.06(14)(d), Florida Statutes; and
- i. A list of all industrial tenants, including a description of their activities and the four (4) digit Standard Industrial Classification Code applicable to the operation. (DATE/ONGOING: MONITORING - Zoning) (Previous ALL PETITIONS Condition 9 of Resolution R-2017-1642, Control No.1984-00130)

#### **ARCHITECTURAL REVIEW-PARCELS 1 AND 5**

1. At time of submittal for final DRC approval of the site plan, the architectural elevations for all the buildings in Parcel 1 shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2017-1642, Control No.1984-00130)

2. Any building containing residential units located in the northern 200 feet of Parcel 5 shall be designed so that any units on the third floor and above shall not have any clear glass window openings and balconies oriented to the north. (DRO/ONGOING: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2017-1642, Control No.1984-00130)

#### **ENGINEERING**

1. New Condition of approval affecting Parcel 19 (DOA Application Number 2007-875) Prior to March 1 2008 the final site plan for Parcel 19 shall be revised restricting the southernmost (new) access to Parcel 19 onto Vista Parkway as ingress only. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2017-1642, Control No.1984-00130)

#### **2. TRANSPORTATION AND MAJOR ROAD IMPROVEMENTS PHASE I OF PROJECT**

The Developer shall not receive building permits for buildings (excluding temporary structures associated with construction and site related work) in Phase II of the project until the following has occurred:

a1. Two additional lanes to the existing segment of Okeechobee Boulevard from the west side of the intersection with Golden Lakes Boulevard east to the existing four-lane section of Okeechobee Boulevard east of the Florida Turnpike as identified in the construction plans which received technical approval from the Florida Department of Transportation in approximately May 1988 and as specified in the Tri-Party Agreement between the Developer, Palm Beach County, and the Florida Department of Transportation; and (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED]

a2. A new three-lane bridge over the Florida Turnpike on Okeechobee Boulevard. The construction in (a) (1) and (2) above shall be designed and constructed in contemplation of a future eight-lane section. The Developer shall provide construction plans for said road improvements to the Florida Department of Transportation (DOT) and to the South Florida Water Management District (SFWMD) for their review. Construction of (a) (1) and (2) improvements shall be completed within 18 months from the date of issuance of the construction permit by DOT. Furthermore, construction of buildings undertaken pursuant to any building permits issued (excluding those for

temporary structures associated with construction, and site related work) under this provision shall be limited to footings and foundations until such time as construction has commenced on the improvements specified in (a) (1) and (2) above. The Developer shall award the contract(s) for construction of said improvements by July 15, 1988. (DATE: ENGINEERING - Engineering) [Note: COMPLETED]

c. A Contract (or Contracts) for the commencement of construction of an eight-lane section of roadway on Okeechobee Boulevard from the Florida Turnpike to Palm Beach Lakes Boulevard has been awarded. To expedite the construction, the developer shall provide all necessary funds toward the purchase of the right-of-way necessary to 6-lane Okeechobee Boulevard between Haverhill Road and the Florida Turnpike. This shall include all studies, appraisals, court costs, etc. This amount shall not be less than \$800,000. Palm Beach County shall contribute road acquisition. These impact fee funds shall be (\$196,000). Developer funds shall be made available when requested by Florida Department of Transportation. The developer shall also provide the right-of-way map and all associated documents required for the taking of this right-of-way. Florida Department of Transportation shall acquire this right-of-way. (BLDGPM: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2017-1642, Control No.1984-00130)

## 2. PHASE II OF PROJECT

b. By the completion of construction in Phase 1 of the project (or of construction generating an equivalent number of vehicle trips per day), the Developer shall have completed the construction of a two-lane section of Jog Road running north along the west side of the project from Okeechobee Boulevard to the north property line of the project to Palm Beach County Thoroughfare Plan standards including the ultimate drainage for a multiple lane road. Developer shall complete construction of the two-lane section of Jog Road within 15 months from the date of issuance of a construction permit for Jog Road Construction by the County. This construction shall commence by September 1990 and be completed in no case later than July 1991. (DATE: ENGINEERING - Engineering) [Note: COMPLETED]

d. The property owner shall make available to Palm Beach County the amount of \$648,482 which is the residual amount from the \$1,000,000 funding for road improvements. These funds shall be paid as follows:

- 1) \$324,241 shall be paid prior to August 1, 2001.
- 2) The remaining \$324,241 shall be paid prior to July 1, 2002 plus interest payment at the rate of 3% per year on the total unpaid balance of \$648,482 which shall be calculated from the date of May 12, 1993.

In addition the Property owner shall contribute an additional \$200,000 funding for road improvements. These funds shall be paid prior to October 31, 2001.; (DATE: MONITORING - Engineering) [Note: COMPLETED]

e. Developer and the County shall make good faith efforts to achieve the agreements and improvements specified under subsections (c) and (d) above. (ONGOING: ENGINEERING - Engineering)

f. The County shall make application in 1984 to the Florida Department of Commerce for a grant of funds to help meet the costs of the road improvements required by this section. Developer shall assist and support the County applying for and obtaining said funds. If such a grant is received, it shall be applied to the cost of the right-of-way acquisition described under subsection (c) above, or to the improvements described under subsection (a) above. These monies shall be used prior to Palm Beach County impact funds being used. (ONGOING: IMPACT FEES OFFICE - Engineering) [Note: COMPLETED]

g. The following strategies shall be implemented and shall be coordinated with the County Engineer and shall include but not be limited to:

1. facilitation of mass transit usage through
  - provision of bus stop signs
  - distribution of bus schedules
  - coordination with PALMTRAN and other mass transit services within the business in the park
2. encourage staggered work hours on the employers and their employees within the Park under the authority of protective covenants;
3. coordination with South Florida Commuter Services to facilitate a reduction in the number of vehicle trips by employees at Vista Center. (ONGOING: PALM-TRAN - Engineering)
- h. Property owner shall convey a cross access easement with the property owner to the west prior to approval by the DRC for a Master Plan revision to Parcel 23, or prior to the issuance of a building permit for Parcel 23, whichever shall first occur. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]
- i. Prior to Master Plan/Site Plan approval for Parcel 23, an approved traffic impact analysis shall be submitted to the Engineering Department. This Traffic Impact Analysis shall include the projected traffic from the parcel to the west. Geometrics, including stacking distance, shall then be approved by the County Engineer and Florida Department of Transportation based upon the approved Traffic Impact Analysis. (DRO/ONGOING: ENGINEERING - Engineering)
- j. In the event the parcel to the west is proposed for development, or is developed prior to Parcel 23, and provides access for the benefit of Parcel 23 along its east boundary to Okeechobee Boulevard at the median cut, Conditions 2.h. and 2.i. above shall be considered satisfied. The petitioner shall align access points for Parcel 23 into the parcel to the west, based on the established cross access points on the plan for the parcel to the west. The petitioner shall eliminate the western most access point to Parcel 23 onto Okeechobee Boulevard from the Master Plan after the above occurs. When Parcel 23 is developed, paved access shall be provided



from Parcel 23 to the parcel to the west and from the parcel to the west to Parcel 23 which shall include access to Vista Parkway as indicated on the approved or to be approved site plans for the respective parcels. Should the parcel develop as a single user (i.e., corporate office project with secured access) then this petitioner may be relieved of this obligation for a cross access easement. [NOTE: Condition has been satisfied] (DRO/ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2017-1642, Control No.1984-00130)

### 3. TRANSPORTATION; SITE RELATED ROAD IMPROVEMENTS

The following site related road improvements shall be undertaken as specified below:

a. The Developer shall convey to Palm Beach County, within ninety (90) days of adoption of the PIPD Rezoning Resolution by the Board of County Commissioners, the ultimate right-of-way for:

1) Okeechobee Boulevard, 200 feet north of the north right-of-way line of the Lake Worth Drainage District L-1 Canal through the project's limits (approximately an additional eighty-two (82) feet. [COMPLETED]

2) Jog Road, sixty (60) feet through the project's limits. [COMPLETED]

3) The "Special Intersections" as shown on the Thoroughfare Right-of-Way Protection Map. [COMPLETED]

a) Sixty-four (64) feet from centerline for Jog Road.

b) The necessary right-of-way for the Okeechobee Overpass over the Florida Turnpike. (DATE: ENGINEERING - Engineering) [Note: COMPLETED]

b. The Developer shall complete, within twelve (12) months of the approval date by the Board of County Commissioners, the engineering plans for a three-lane bridge on Okeechobee Boulevard over the Florida Turnpike. Surety is to be submitted to the County Engineer for the design cost within ninety (90) days from the date of special exception approval. (DATE: ENGINEERING - Engineering) [Note: COMPLETED]

c. The developer shall ensure that access for the entire site onto Okeechobee Boulevard shall be limited to three street connections into the site from Okeechobee Boulevard. The requested eastern access shall be limited to right turn movement only. (DRO/ONGOING: ENGINEERING - Engineering)

d. The Developer shall construct the internal loop roadway as a four-lane median divided section. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED]

e. The Developer shall construct, concurrent with the construction of the project's entrance road at its intersection with Okeechobee Boulevard:

1) Right turn lane, east approach; [COMPLETED]

2) Right turn lane, north approach; [COMPLETED]

3) Dual left turn lanes, north approach; [COMPLETED]

4) Dual left turn lanes, west approach; and

5) Signalization when warranted, as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED]

f. The Developer shall construct, concurrent with the construction of Jog Road onto Okeechobee Boulevard:

1) Right turn lane, north approach;

2) Dual left turn lanes, north approach;

3) Dual left turn lanes, west approach;

4) Right turn lane, east approach; and

5) Signalization when warranted, as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED]

g. The Developer shall construct, concurrent with the construction of Jog Road at the project's entrance road between Parcel 20 and 21:

1) Right turn lane, south approach;

2) Left turn lane, north approach; [COMPLETED]

3) Right turn lane, east approach; [COMPLETED]

4) Left turn lane, east approach; and [COMPLETED]

5) Signalization when warranted, as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2017-1642, Control No.1984-00130)

4. PLATTING; POSTING OF BONDS AND SURETY: All areas of this development shall be platted and appropriate bonds, surety, or letters of credit shall be posted with the office of the County Engineer. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2017-1642, Control No.1984-00130)

5. FAIR SHARE ROAD IMPACT FEES: The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently, the Fair Share Fee for this project is:

#### PHASE I TOTAL

Hotel \$38,625.00

Villas 9,850.00

Office 28,825.00

Light Industrial 26,113.00

PHASE II

Hotel \$57,813.00  
Villas 8,775.00  
Office 166,775.00  
Light Industrial 107,625.00  
Subtotal \$340,988.00

Cumulative Total of  
Phase I and Phase II \$444,401.00

Credit for the Impact Fees shall be applied toward the construction and expenditures of funds as outlined in Condition 3 (a), (c) and (d). Any credit shall be based upon a certified cost estimate by the developer's engineer and subject to approval by the County Engineer's Office. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2017-1642, Control No.1984-00130)

6. The Property owner shall construct the following at the entrance to Parcel 22 at Jog Road:

- a right turn lane south approach
- a left turn lane north approach on Jog Road at the Projects additional entrance to Vista Center.

This construction shall be concurrent with the construction of the additional access road onto Jog Road. Any and all costs associated with the construction shall be paid by the property owner. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2017-1642, Control No.1984-00130)

7. LANDSCAPE WITHIN MEDIAN OF COUNTY ROADS

a. Prior to January 15, 2002, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Jog Road Right-of-Ways. This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner, or the Property Owner's Association if the requirements of paragraph C are complied with, shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. Exempted from this condition is Project No. 473-504 (Garfield Restaurant and Hampton Inn). (DATE/ONGOING: MONITORING - Engineering) [Note: COMPLETED]

b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of the next certificate of occupancy. Exempted from this condition is Project No. 473-504 (Garfield Restaurant and Hampton Inn).

(BLDG/PMT/CO/ONGOING: ENGINEERING - Engineering) [Note: COMPLETED]

c. The Property Owner's Association (POA) may enter into the Right-of-Way Landscape, Maintenance, Removal and Indemnification agreements, in substitution for the Property Owner, in the event the POA is validly formed, in operation and the Property Owners Association documents are amended to give the POA the power and obligation to perform the terms of said Maintenance and Indemnification Agreement and the POA documents encumber all property subject to this petition. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the obligation to install, irrigate and maintain the landscaping and indemnify the County and perform other obligations under the Maintenance and Indemnification Agreement shall be established or amended as required and shall be approved by the Palm Beach County Attorney's Office and recorded prior to January 15, 2001. Exempted from this condition is Project No. 473-504 (Garfield Restaurant and Hampton Inn). (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2017-1642, Control No.1984-00130)

8. If required by the County Engineer as part of the road widening of Okeechobee Boulevard, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Okeechobee Boulevard at the Project's Entrance into Parcel 23. This right-of-way shall be twelve feet in width, 280 feet in length, with a taper length of 50 feet. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. The property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. This additional right of way shall be conveyed within thirty notice to the property owner that this additional right of way is required as part of the road widening for Okeechobee Boulevard. (ROAD CONSTRUCTION OKEECHOBEE BOULEVARD:THIRTY DAY NOTICE-Eng)

(ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2017-1642, Control No.1984-00130)

9. a. For water quality enhancement purposes, the developer shall design and construct the surface water management system to detain the runoff from a one-hour, three-year storm event. Further, the system shall incorporate filtering or skimming devices such as grease traps, baffles, and skimmers to remove pollutants from parking lots, roads, and other impervious surfaces. Special attention should be given in the final drainage design to assure that existing water tables will not be lowered off-site.

b. The developer shall design and construct the golf course storm water management system to retain the first one-half inch of runoff from a one-hour, three-year storm event.

c. As part of the annual report required under Section 380.06(16), Florida Statutes, the developer shall provide a list of all industrial tenants, including a description of their activities and the four (4) digit Standard Industrial Classification Code applicable to the operation. A copy of this list shall be provided to the Department of Environmental Regulation and the agency delegated the authority for maintaining, updating, and verifying the master files for hazardous waste generators in Palm Beach County. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2017-1642, Control No.1984-00130)

10. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 10 of Resolution R-2017-1642, Control No.1984-00130)

11. The Developer shall construct concurrent with the paving and drainage improvements for parcels 4, 5, and 6 an alternate pedestrian pathway along the east and south side Vista Parkway as shown on the approved Alternate Pedestrian Circulation Plan. This pathway shall be shown on each of the final site plans for parcels 4, 5, and 6. This pathway shall be completed along each of the affected Pod's prior to the first certificate of occupancy for each Pod. (BLDGPMT/ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 11 of Resolution R-2017-1642, Control No.1984-00130)

12. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 12 of Resolution R-2017-1642, Control No.1984-00130)

13. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all drainage easements shown in conflict with the existing or proposed structures. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 13 of Resolution R-2017-1642, Control No.1984-00130)

## **FIRE PROTECTION**

1. No building permits for buildings (excluding temporary structures associated with construction and site related work) within the project shall be issued unless and until plans for the provision of water for fire fighting purposes at a minimum rated capacity of 1,500 gpm at 20 psi residual pressure have been reviewed by the Military Park Fire Control Tax District #4 for code compliance. (BLDGPMT: FIRE RESCUE - Fire Rescue) (Previous FIRE PROTECTION Condition 1 of Resolution R-2017-1642, Control No.1984-00130)

## **HEALTH**

1. a. Clearing of specific building sites shall not commence until the developer is ready to build the building or buildings to be located on that site.

b. During land clearing and site preparation, wetting operations or other soil treatment techniques appropriate for controlling unconfined emission shall be undertaken and implemented by the developer to the satisfaction of the Palm Beach County Health Department and the Florida Department of Environmental Regulation. (ONGOING:HEALTH-Health)

(ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 1 of Resolution R-2017-1642, Control No.1984-00130)

2. Reasonable precautions shall be exercised during site development to insure that fugitive particulates (dust particles) from this property do not become a nuisance to neighboring properties. A plan shall be submitted to the Palm Beach County Health Department to control unconfined particulates prior to the issuance of any land development permits. (ONGOING: HEALTH DEPARTMENT - Health Department) [Note: COMPLETED] (Previous HEALTH Condition 2 of Resolution R-2017-1642, Control No.1984-00130)

3. Burning due to land clearing operations shall not be conducted during periods when the surface wind is from the western quadrant. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 3 of Resolution R-2017-1642, Control No.1984-00130)

4. All references to environmental regulatory agencies shall include Palm Beach County Health Department. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 4 of Resolution R-2017-1642, Control No.1984-00130)

5. Any fuel or chemical storage tanks shall be installed and protected against leakage or spillage due to corrosion, breakage, structural failure, or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 5 of Resolution R-2017-1642, Control No.1984-00130)

6. i. Owners or operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: HEALTH DEPARTMENT - Code Enforcement) (Previous HEALTH Condition 6 of Resolution R-2017-1642, Control No.1984-00130)

#### **LANDSCAPE - GENERAL**

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 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 3.5 feet in length.
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2017-1642, Control No.1984-00130)

2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2017-1642, Control No.1984-00130)

3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. eighteen (18) to twenty-four (24) inches groundcover and small shrub;
- b. twenty-four (24) to thirty-six (36) inches medium shrub;
- c. forty-eight (48) to seventy-two (72) inches large shrub; and,
- d. this condition shall not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall or fence, and along internal access road of Parcel 1. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2017-1642, Control No.1984-00130)

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2017-1642, Control No.1984-00130)

5. Thirty (30) percent of the landscaped areas on-site, excluding the retention areas, the golf course greens and fairways, rights-of-way, building courtyard areas and planting boxes which abut buildings shall be comprised to

preserve, enhance, or recreate native vegetation. The location of vegetation areas shall be such that the watering and fertilization of non-native areas do not inhibit the management of the native vegetation areas in a healthy state. Fifty (50) percent of the trees used in landscaping shall be native trees adapted to the soil conditions on-site. (ONGOING: ZONING - Environmental Resources Management) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2017-1642, Control No.1984-00130)

**LANDSCAPE - INTERIOR-INTERIOR (PARCEL 1)**

6. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 6 of Resolution R-2017-1642, Control No.1984-00130)

**LANDSCAPE - PERIMETER-ALONG WEST PROPERTY LINE (ADJACENT TO JOG ROAD)**

7. Landscaping and buffering along the west property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
- c. one (1) canopy tree planted every twenty (20) feet on center;
- d. one (1) palm or pine tree for each twenty-five (25) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. twenty-four (24) inch high shrub or hedge material installed on Fifty-percent (50%) of the plateau of the berm, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (BLDGPMT: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 7 of Resolution R-2017-1642, Control No.1984-00130)

**LANDSCAPE - PERIMETER-ALONG THE NORTH PROPERTY LINE OF PARCEL 1 (ABUTTING HOTEL)**

8. Landscaping and buffering along the north property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
- c. one (1) native canopy tree for each twenty (20) feet of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. one (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (TC: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 8 of Resolution R-2017-1642, Control No.1984-00130)

**LANDSCAPE - PERIMETER-ALONG THE NORTHWEST PROPERTY LINE OF PARCEL 4 (FRONTAGE OF VISTA PARKWAY)**

9. Landscaping and buffering along the northwest property line of Parcel 4 shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip. No easement encroachment or width reduction may be permitted;
- b. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation; and,
- f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation.

(BLDGPMT: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 9 of Resolution R-2017-1642, Control No.1984-00130)

**LANDSCAPE - PERIMETER-ALONG THE NORTH PROPERTY LINE OF PARCEL 5 (FRONTAGE OF VISTA PARKWAY)**

10. Landscaping and buffering along the north property line of Parcel 5 shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip. No easement encroachment or width reduction may be permitted;
- b. a minimum three (3) foot high continuous berm measured from top of curb;
- c. a six (6) foot high opaque concrete wall to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
- e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters alternating on both sides of the wall;
- f. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, and to be planted on both sides of the wall;
- g. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and to be planted on both sides of the wall; and
- h. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and to be planted on the exterior side of the wall. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 10 of Resolution R-2017-1642, Control No.1984-00130)

### **LIGHTING**

1. Outdoor lighting used to illuminate the subject property and identification signs shall be the minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets.

(ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2017-1642, Control No.1984-00130)

2. All outdoor light poles shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2017-1642, Control No.1984-00130)

3. Security lighting shall be provided for all stairwells and shall not be extinguished during evening hours. (BLDGPM: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2017-1642, Control No.1984-00130)

### **PLANNED DEVELOPMENT-PARCEL 1**

1. Decorative street lights shall be provided similar to those required under Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (BLDGPM: BUILDING DIVISION - Engineering) (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2017-1642, Control No.1984-00130)

2. All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC, with exception to overhead power transmission lines located in the fifty (50) foot Florida Power and Light (FP&L) easement. (PLAT: ENGINEERING - Zoning) (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2017-1642, Control No.1984-00130)

3. All guest parking spaces required for each building shall be designated within a minimum distance of one-hundred (100) feet, with parking stops clearly labeled as "Guest Parking." (DRO: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 3 of Resolution R-2017-1642, Control No.1984-00130)

4. A minimum amount of recreation amenities shall be provided in the principal recreation areas to be consistent with the master/site plan dated October 28, 2004. (DRO: DEVELOPMENT REVIEW OFFICER - Zoning) (Previous PLANNED DEVELOPMENT Condition 4 of Resolution R-2017-1642, Control No.1984-00130)

### **PLANNED DEVELOPMENT-PARCELS 4, 5 AND 6**

5. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (BLDGPM: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 5 of Resolution R-2017-1642, Control No.1984-00130)

### **PLANNED DEVELOPMENT**

6. Street trees shall be required within the street tracts or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:

- a. along one side of all internal PUD streets, forty (40) feet in width or greater;
- b. along both sides of all internal PUD streets, fifty (50) feet in width or greater;
- c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (DRO: ENGINEERING - Zoning) (Previous PLANNED DEVELOPMENT Condition 6 of Resolution R-2017-1642, Control No.1984-00130)

### **PLANNED DEVELOPMENT-PARCELS 4, 5 AND 6**

7. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be indicate a focal point at the terminus of each residential access street, cul-de-sac, or nonresidential access way within Parcels 4, 5 and 6. The focal point shall be in the form of a plaza, fountain, arcade or similar pedestrian oriented public areas acceptable to the Zoning Division. (DRO: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 7 of Resolution R-2017-1642, Control No.1984-00130)

#### **PLANNED DEVELOPMENT-PARCEL 4, 5, AND 6**

8. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre and shall be located within each residential pod. Such recreation uses shall have a direct connection to the pedestrian system on the property and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRO: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 8 of Resolution R-2017-1642, Control No.1984-00130)

#### **PLANNED DEVELOPMENT-PARCELS 4, 5 AND 6**

9. The property owner/developer shall include in the homeowner documents, as well as written sales brochures, sales contracts, Master Plans and related Site Plans for Parcel 5, a disclosure statement identifying and notifying of the existence of industrial uses in this Planned Industrial Park Development. All of these documents/plans shall also indicate that Parcel 5 is directly across the Palm Beach County Vista Operations & Support Center, which consists of a twenty-four hour seven day week (24/7) lit fueling station; a future three-story records storage building, and a Road & Bridge facility. Additionally, all of the above documents/plans shall indicate that units within Building 1 have fenestrations/windows/balconies overlooking industrial uses that are located north of the Vista Parkway. The property owner/developer shall submit documentation of compliance with this condition to FD&O:

- a. Prior to the issuance of the Certificate of Occupancy (CO) of the first unit; and (CO: MONITORING- FD&O)
- b. On an annual basis beginning January 1, 2005 and shall continue until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (DATE: MONITORING - Property Real Estate Management) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 9 of Resolution R-2017-1642, Control No.1984-00130)

#### **PLANNING**

1. Prior to final Development Review Certification, the Preliminary Development Plan and site plan shall be revised to include notations indicating the existing or proposed/future location of sidewalks along Okeechobee Boulevard and Jog Road. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 1 of Resolution R-2007-1874, Control No.1984-00130)

2. Prior to final Development Review Certification, the Preliminary Development Plan and site plan shall be revised to include notations indicating the existing or proposed/future location of sidewalks along Okeechobee Boulevard and Jog Road. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2006-517-.1, Control No.1984-00130)

3. Previous PLANNING Condition 1 of Resolution R-2005-378, Control No.1984-00130, which currently states:

In the event of discovery of any archeological artifacts during project construction, the owner Applicant shall stop construction in that area and immediately notify the Bureau of Historic Sites and Properties in the Florida Department of State. In addition, in accordance with Ordinance No. 93-4, Archaeological Site Protection Regulations, and ULDC Article 9, Chapter A, Section 2-A.2.b Section 7.13.2.b., the PBC Planning Director shall be contacted within one (1) working day of discovering the artifacts. Proper protection, to the satisfaction of the County and the Bureau, shall be provided by the owner Applicant.

#### **Is hereby amended to read:**

In the event of discovery of any archeological artifacts during project construction, the Property Owner shall stop construction in that area and immediately notify the County Archaeologist and notify the PBC Planning Director within one (1) working day of discovering the artifacts. Proper protection shall be provided by the Property Owner. (ONGOING: PLANNING - Planning)

#### **SIGNS**

1. Prior to final Site Plan approval by the Development Review Officer (DRO), the Property Owner shall include the proposed Sign details on the previously approved Master Sign Plan for Vista Center. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 1 of Resolution R-2017-1642, Control No.1984-00130)

#### **SITE DESIGN**

1. Prior to final Site Plan approval by the Development Review Office (DRO), the Property Owner shall amend the total acreage for Parcel 6 in the Tabular Data table of the Final Master Plan for Vista Center. (DRO: ZONING - Zoning) (Previous SITE DESIGN Condition 1 of Resolution R-2017-1642, Control No.1984-00130)

**COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning) (ONGOING: ZONING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
  - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
  - d. Referral to Code Enforcement; and/or
  - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning) (ONGOING: ZONING - Zoning)

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.



Figure 1 - Land Use Map

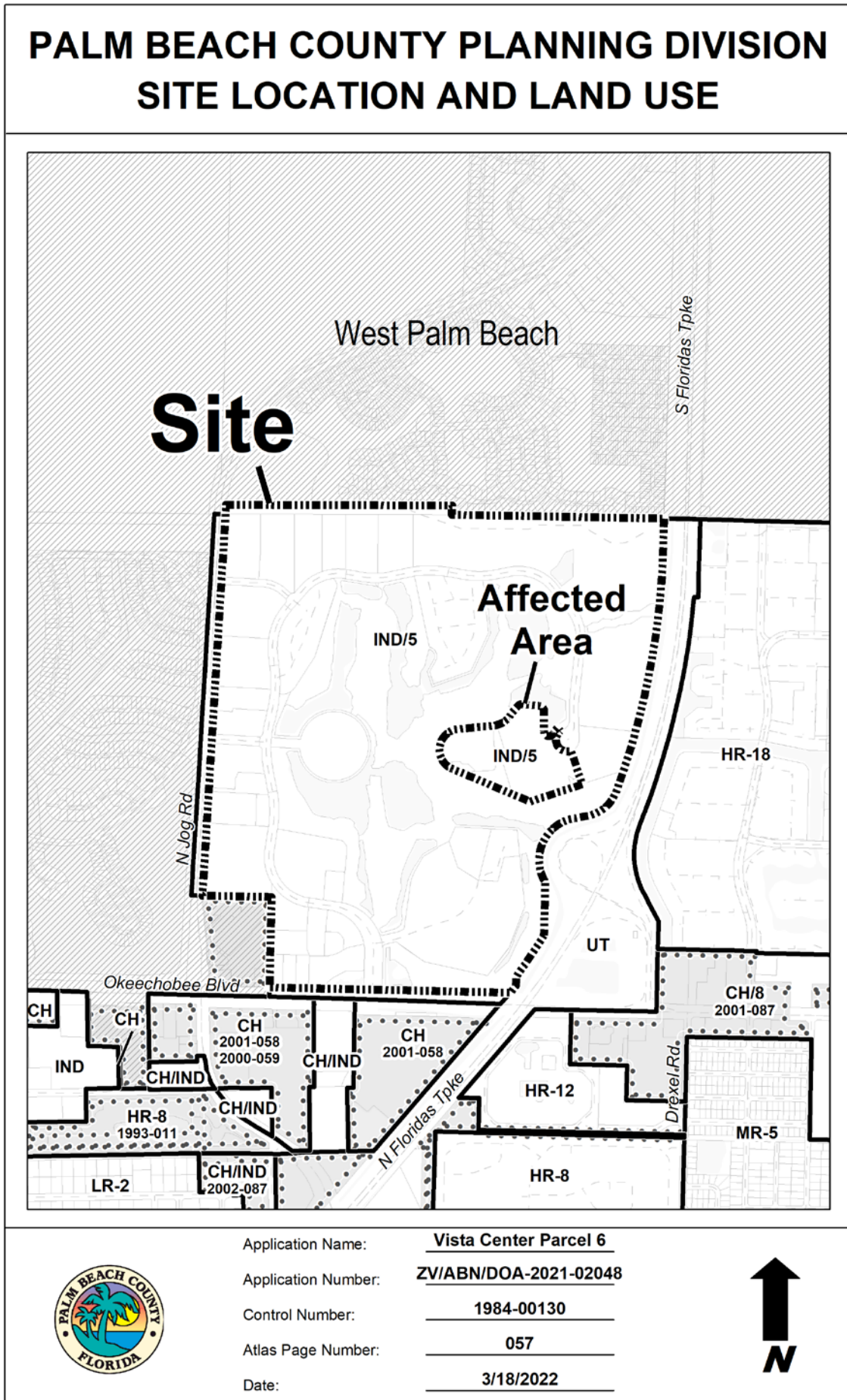


Figure 2 - Zoning Map

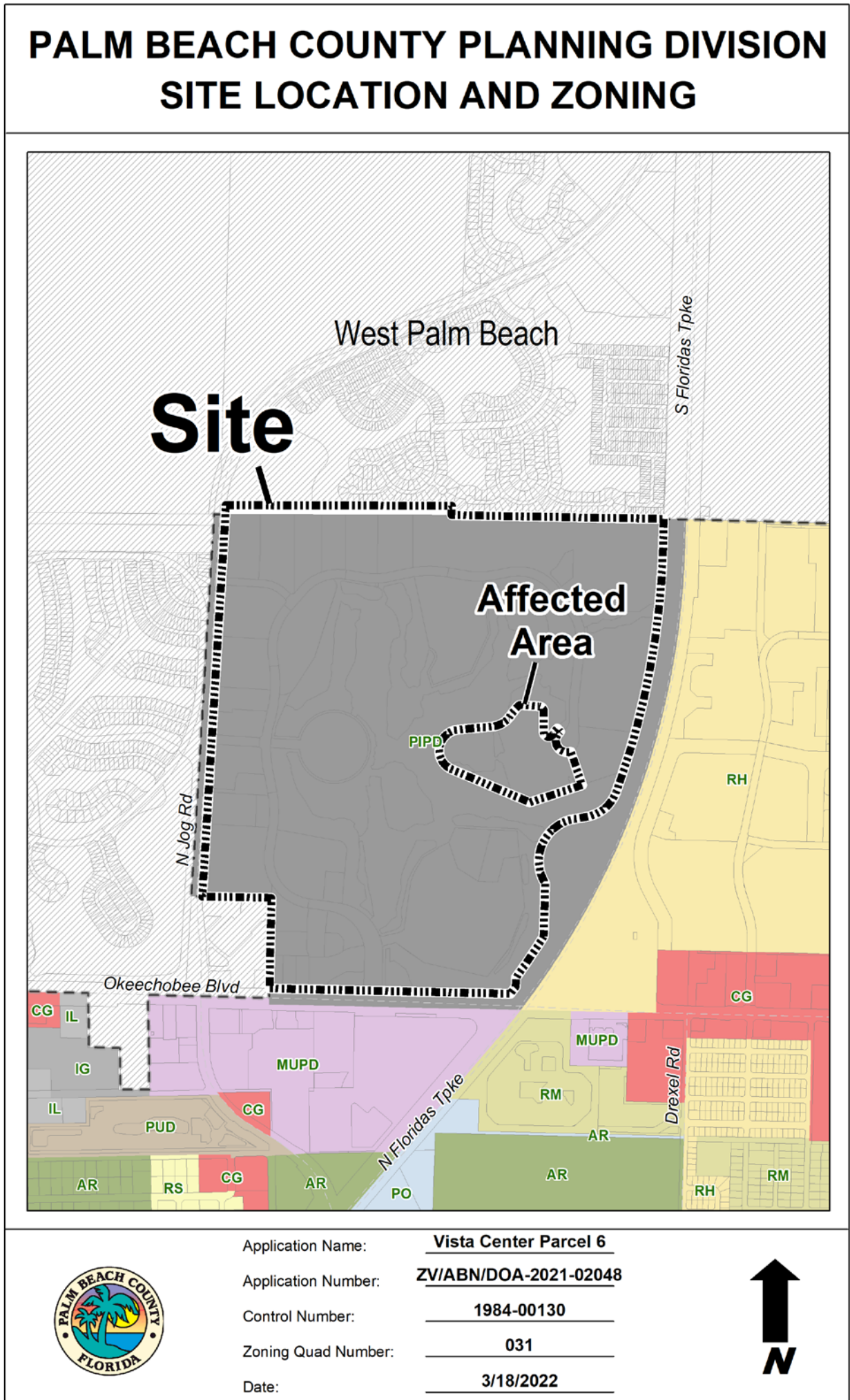
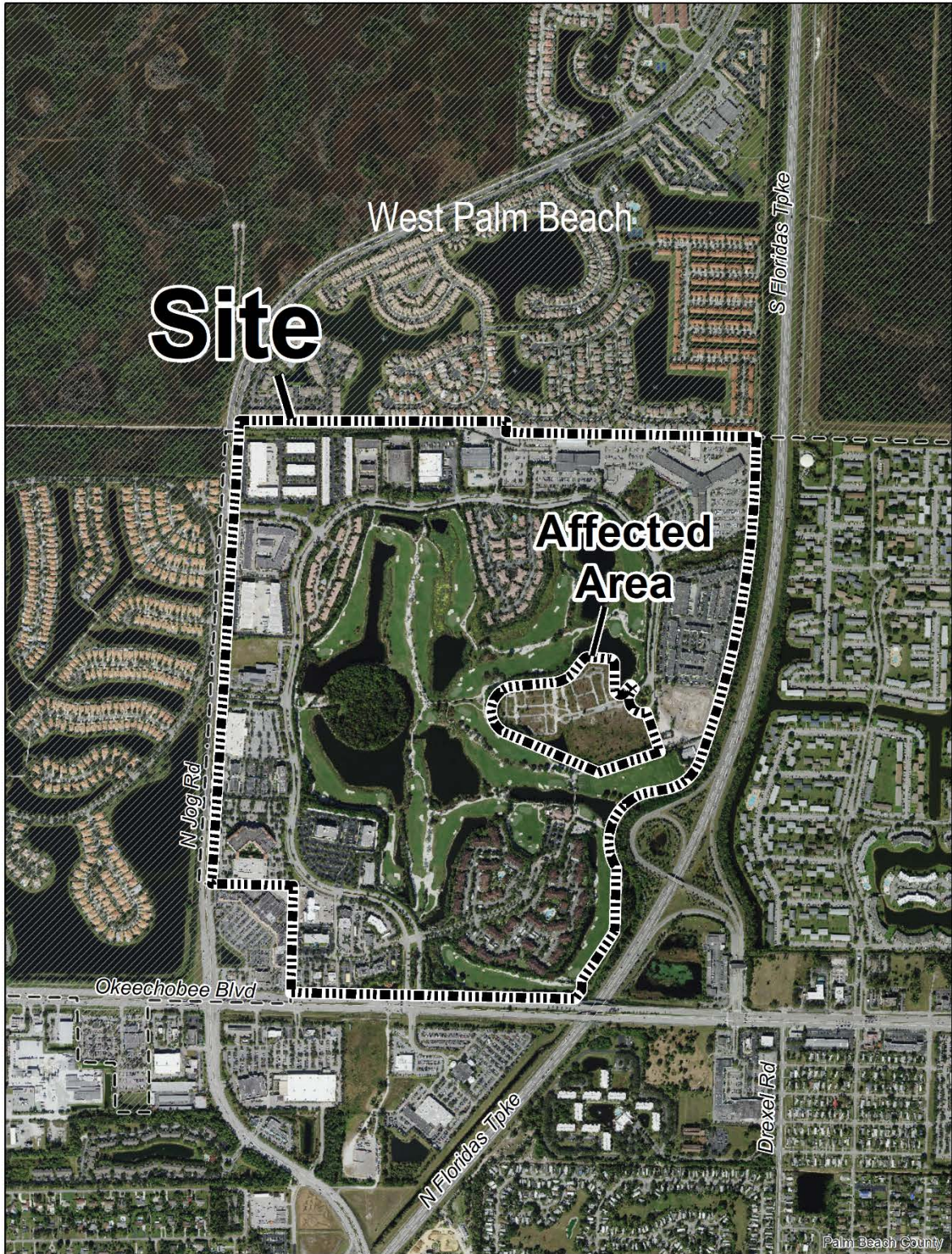




Figure 3 - Aerial

# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	<u>Vista Center Parcel 6</u>
Application Number:	<u>ZV/ABN/DOA-2021-02048</u>
Control Number:	<u>1984-00130</u>
Atlas Page Number:	<u>057</u>
Date:	<u>3/18/2022</u>





Figure 4 – Preliminary Master dated March 10, 2022

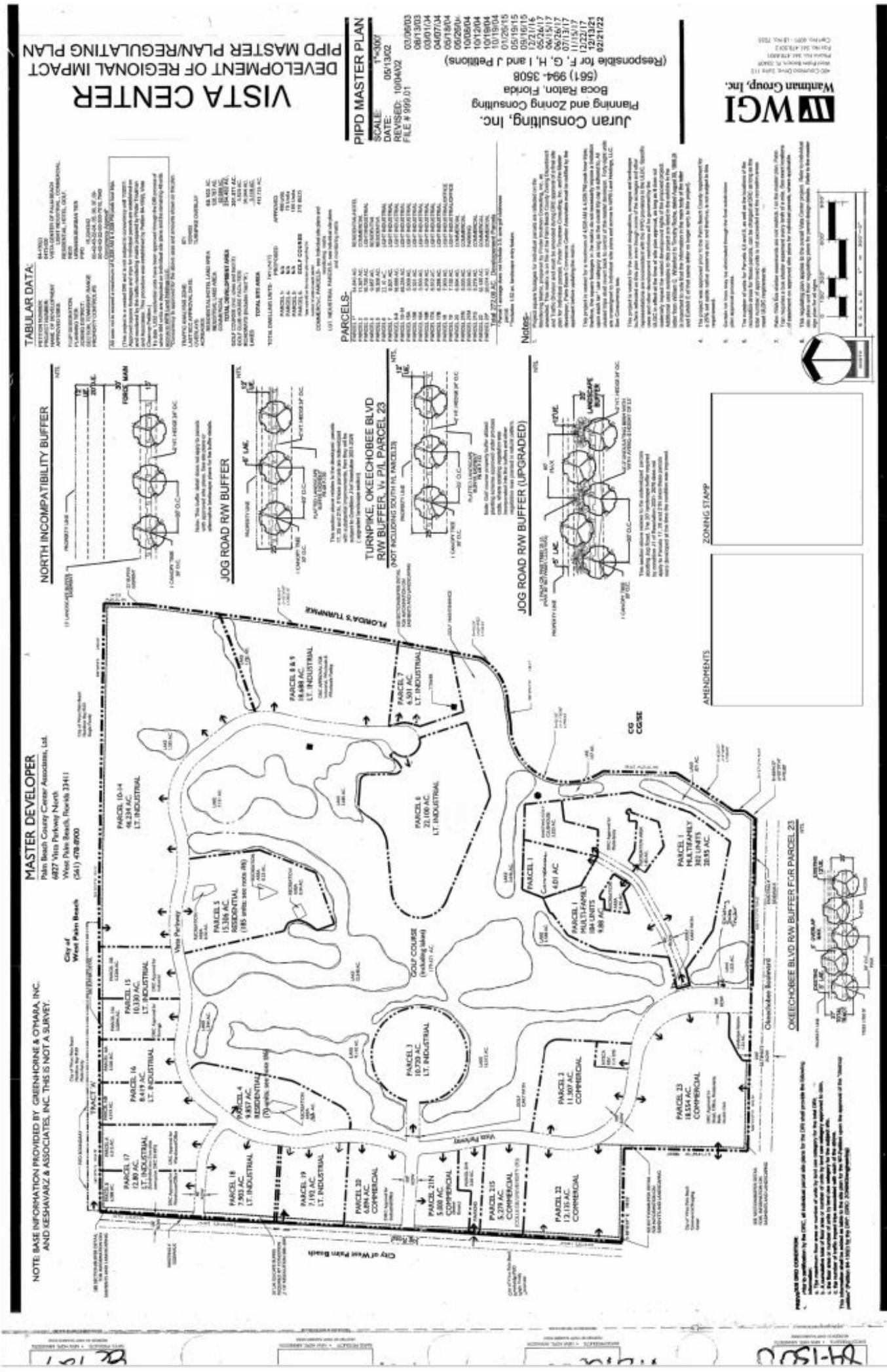


Figure 5 – Preliminary Master dated March 10, 2022

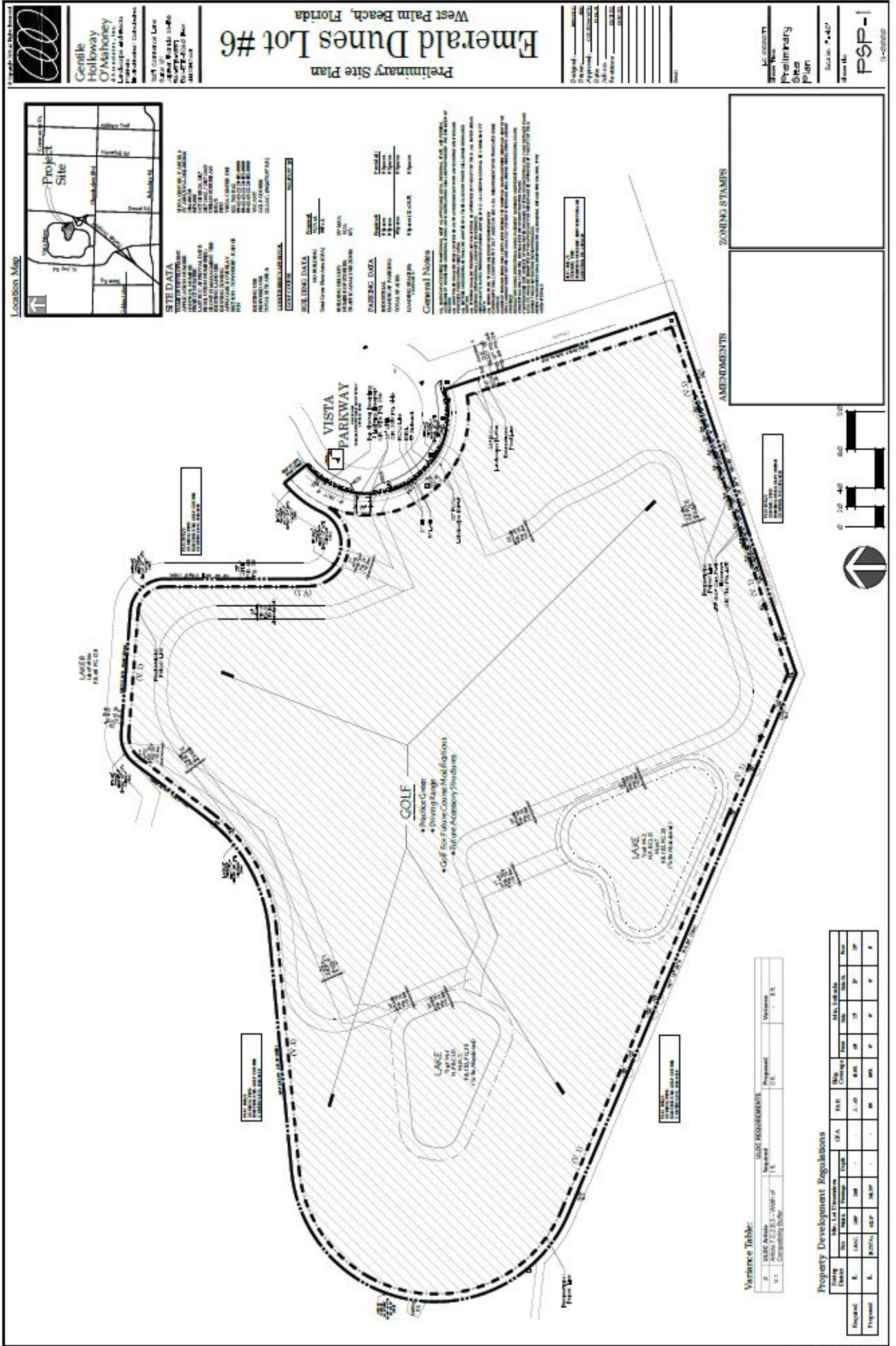
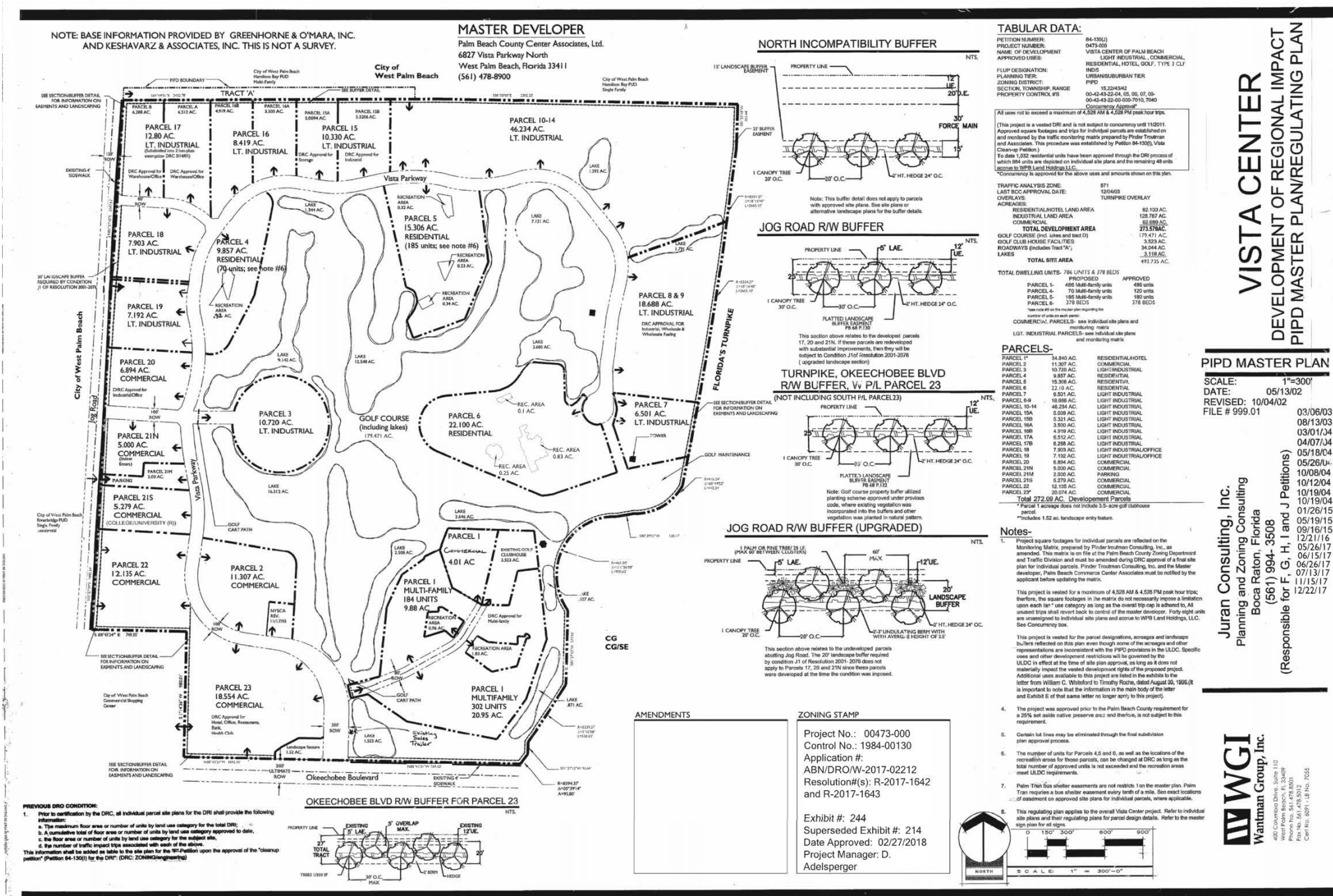




Figure 6 Final Master Plan dated February 27, 2018



Zoning Commission  
Application No. ZV/ABN/DOA-2021-02048

May 5, 2022

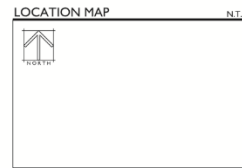
Page 26  
Vista Center Parcel 6

Figure 7 Final Site Plan Parcel 6 dated August 7, 2020



VISTA CENTER PARCEL 6  
FINAL SITE PLAN  
PALM BEACH COUNTY, FLORIDA

LANDSCAPE ARCHITECTURE // PLANNING // ENVIRONMENTAL SERVICES  
2025 VISTA CENTER, WEST PALM BEACH, FL 33411  
www.wgi-usa.com  
Phone: 561.681.2200 Fax: 561.681.1876



**SITE DATA**

APPLICATION NAME	VISTA PARCEL 6
CONTROL NUMBER	1984-00130
PROJECT NUMBER	0473-000
LAST ZC/BCC APPROVAL DATE	12/04/03
TIER	URBAN/SUBURBAN
LAND USE DESIGNATION	IND/S
ZONING DISTRICT OVERLAY(S)	PPD
PROPERTY CONTROL NUMBER(S)	00-42-43-22-20-001-0000 00-42-43-22-20-003-0000 00-42-43-22-20-002-0000
EXISTING USES	VACANT LAND
PROPOSED USES	TYPE 3 CLF

**PROPOSED GROSS SITE AREA** 22.10 AC. (962,674 S.F.)

TOTAL BUILDING S.F.	322,447 S.F.
BUILDING A TYPE 3 CLF	226,814 S.F.
OFFICE WITHIN TYPE 3 CLF	2,873 S.F.
BUILDING D-G INDEPENDENT VILLAS	79,080 S.F.
BUILDING C CLUBHOUSE	5,496 S.F.
BUILDING B MAINTENANCE BUILDING	1,267 S.F.

**FAR** 33  
**GROSS FLOOR AREA** 15%

TOTAL REQUIRED PARKING	273 SP.
CLF (1 SP/2 BEDS)	189 SP.
OFFICE (1 SP/200 S.F.)	14 SP.
INDEPENDENT VILLAS (1 SP/2 BEDS)	64 SP.
TOTAL PROPOSED PARKING	329 SP.
REQUIRED ACCESSIBLE PARKING	8 SP.
PROPOSED ACCESSIBLE PARKING	18 SP.
REQUIRED LOADING (1 SP/20 BEDS)	7 SP.
15x45 (STANDARD)	3 SP.
12x18.5 (REDUCED)	4 SP.

**REQUIRED BUILDING HEIGHT** 35' HT.  
**PROPOSED BUILDING HEIGHT** 43' HT.

**REQUIRED RECREATION** 0.95 AC.  
**PROPOSED RECREATION** 1.10 AC. (48,710 S.F.)  
**REQUIRED NEIGHBORHOOD PARK** 0.1 AC.  
**PROPOSED NEIGHBORHOOD PARK** 0.1 AC. (4,269 S.F.)

**TRAFFIC ANALYSIS ZONE** 871

**PROPERTY DEVELOPMENT REGULATIONS**

ZONING DISTRICT	LOT DIMENSIONS (SQ. FT.)	DEPTH	MAX. HEIGHT	FAR	BLDG COVER	MIN. SETBACKS (FRONT, SIDE, REAR)
REQUIRED	5 AC.	65'	75'	35'	45%	25' 15' 25'
PROPOSED	22 AC.	344'	1,275'	43'	33%	15% 68' 17' NA 34'

**CONCURRENCY BOX**

TYPE 3 CONGREGATE LIVING FACILITY (TOTAL)	378 BEDS/ RESIDENTS
MEMORY CARE	14 BEDS/ RESIDENTS
ASSISTED LIVING	36 BEDS/ RESIDENTS
INDEPENDENT LIVING	200 BEDS/ RESIDENTS
INDEPENDENT LIVING (VILLAS)	60 BEDS/ RESIDENTS

**NOTES**

- A 4' CLEAR PATH SHALL BE PROVIDED FOR FIRE ACCESS IN THE REAR OF ALL INDEPENDENT VILLAS.
- PER ART. 4.8.1.34.H RESERVE PARKING FOR TYPE 3 CLF (1) ADDITIONAL RESERVE PARKING INDICATES THE SITE CAN ACCOMMODATE UP TO 344 SPACES SHOULD THE TYPE 3 CLF BE CONVERTED TO A MULTI-FAMILY USE AT THE MAXIMUM DENSITY PERMITTED UNDER THE IND FLU DESIGNATION. (ONE BEDROOM OR MORE, PLUS GUEST PARKING.)

**TYPE 1 WAIVER CHART**

ULDC Section	Required	Provided	Variance
W1 ART. 6.8.1.H	5'X55' LOADING SPACE	2'X18.5' LOADING SPACE	-3'X36.5'
W2 ART. 7.7.9.E	15' INCOMPATIBILITY BUFFER	NO BUFFER	-15' INCOMPATIBILITY BUFFER

**AMENDMENTS**

ZAR 2019-1938 11-13-2019 AJJ
ZAR 2019-2522 02-28-2020 AJJ
ZAR 2020-0690 06-05-2020 AJJ
ZAR 2020-1150 08-07-2020 AJJ

**ZONING STAMP**

Project No.: 00473-020  
Control No.: 1984-00130  
Application #:  
ABN/DRO/W-2017-02212  
Resolution#(s): R-2017-1642 and R-2017-1643

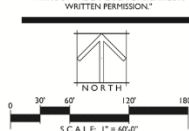
Exhibit#: 267  
Superseded Exhibit#: 265

Date Approved: 02-27-2018  
Project Manager: D. Adelsperger

**REVISION DATES**

DATE	APPROVAL	NOTES
12/03/03	WGI	INITIAL DESIGN
02/27/18	WGI	FINAL DESIGN
08/07/20	WGI	FINAL DESIGN
08/07/20	WGI	FINAL DESIGN
08/07/20	WGI	FINAL DESIGN
08/07/20	WGI	FINAL DESIGN
08/07/20	WGI	FINAL DESIGN
08/07/20	WGI	FINAL DESIGN
08/07/20	WGI	FINAL DESIGN
08/07/20	WGI	FINAL DESIGN

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2020.05.29 - 5th Flr ZAR 4.dwg  
FILE #: 2440.00

**SHEET #**  
**EX. I**

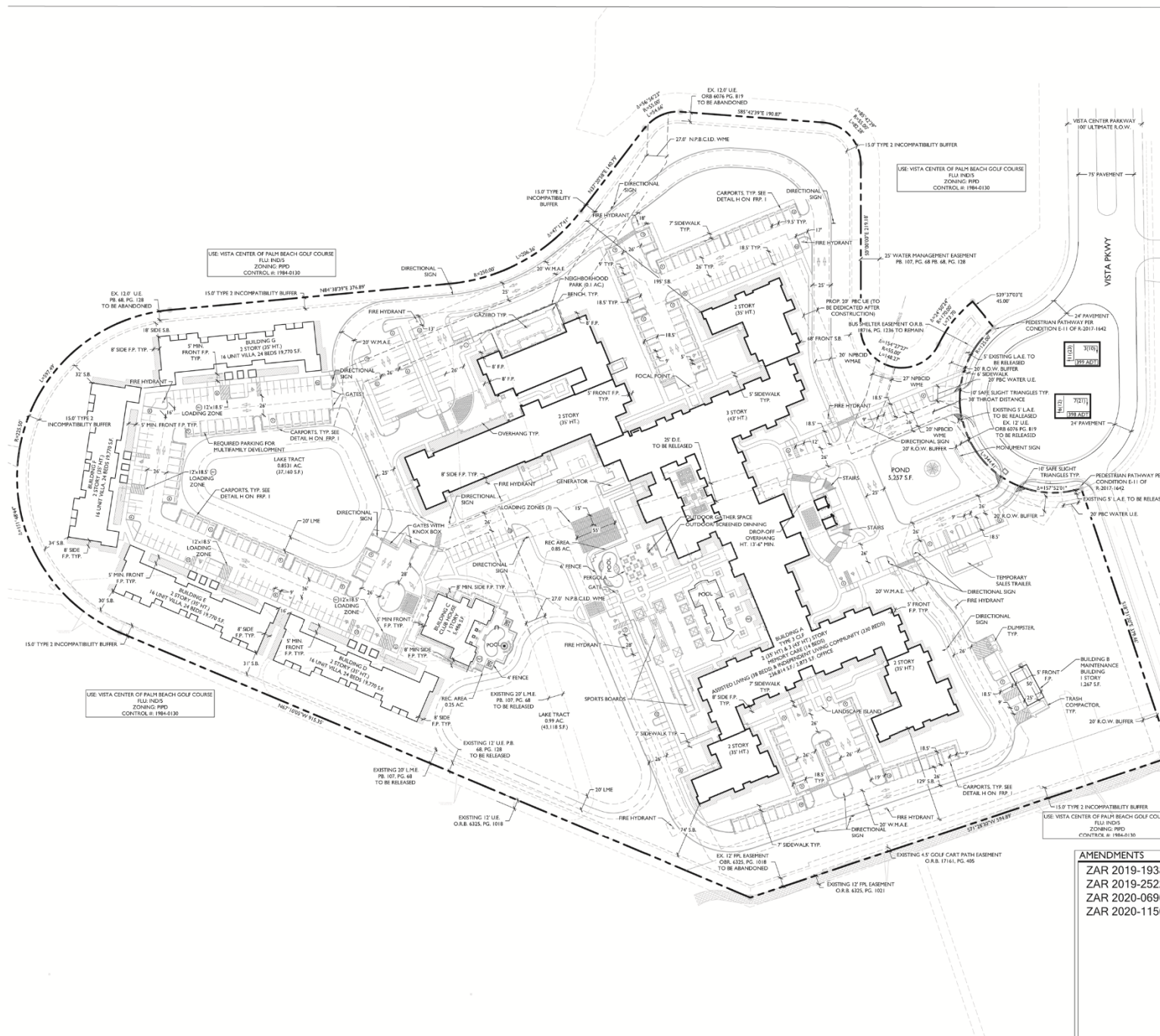
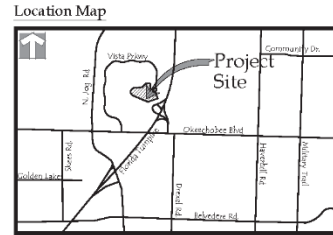






Figure 8 – Preliminary Regulating Plan Parcel 6 dated February 22, 2022 (page 2 of 2)



**Gentile Holloway O'Mahoney & Associates, Inc.**  
Landscape Architects  
Planners  
Environmental Consultants

1801 Commerce Lane  
Suite 101  
Jupiter, Florida 33458  
561-575-0887  
561-575-5242 FAX  
goh@goac.com

Preliminary Regulating Plan  
**Emerald Dunes Lot #6**  
West Palm Beach, Florida

Designed: 08/2021  
Drawn: PRP  
Approved: 08/20/2021  
Date: 12/28/21  
Job No.:  
Revisions: 02/22/22

Sheet Title:  
**Preliminary Regulating Plan**  
Scale: N.T.S.  
Sheet No:  
**PRP-2**  
13-0000

**LEGEND**  
SP= CABBAGE PALM  
PE= SLASH PINE  
QV= LIVE OAK  
TD= BALD CYPRESS  
D.B.H.= DIAMETER BREAST HEIGHT  
C.T.= PALM CLEAR TRUNK

Tree No.	Common Name	Scientific Name	Clear Trunk	ERM	Zoning	ERM Mitigation Required	ERM Mitigation Credit	Zoning Credit	Proposed Disposition	Native
<b>SABAL PALMS</b>										
SP-01	CABBAGE PALM	<i>Sabal Palmetto</i>	28.0	No	Yes	No	0	1	Relocate	Yes
SP-02	CABBAGE PALM	<i>Sabal Palmetto</i>	28.0	No	Yes	No	0	1	Relocate	Yes
SP-03	CABBAGE PALM	<i>Sabal Palmetto</i>	26.0	No	Yes	No	0	1	Relocate	Yes
SP-04	CABBAGE PALM	<i>Sabal Palmetto</i>	26.0	No	Yes	No	0	1	Relocate	Yes
SP-05	CABBAGE PALM	<i>Sabal Palmetto</i>	26.0	No	Yes	No	0	1	Relocate	Yes
SP-06	CABBAGE PALM	<i>Sabal Palmetto</i>	24.0	No	Yes	No	0	1	Relocate	Yes
SP-07	CABBAGE PALM	<i>Sabal Palmetto</i>	25.0	No	Yes	No	0	1	Relocate	Yes
SP-08	CABBAGE PALM	<i>Sabal Palmetto</i>	28.0	No	Yes	No	0	1	Relocate	Yes
SP-09	CABBAGE PALM	<i>Sabal Palmetto</i>	19.0	No	Yes	No	0	1	Relocate	Yes
SP-10	CABBAGE PALM	<i>Sabal Palmetto</i>	22.0	No	Yes	No	0	1	Relocate	Yes
SP-11	CABBAGE PALM	<i>Sabal Palmetto</i>	22.0	No	No	Yes	0	1	Relocate	Yes
SP-12	CABBAGE PALM	<i>Sabal Palmetto</i>	16.0	No	Yes	No	0	1	Relocate	Yes
SP-13	CABBAGE PALM	<i>Sabal Palmetto</i>	23.0	No	Yes	No	0	1	Relocate	Yes
SP-14	CABBAGE PALM	<i>Sabal Palmetto</i>	23.0	No	Yes	No	0	1	Relocate	Yes
SP-15	CABBAGE PALM	<i>Sabal Palmetto</i>	24.0	No	Yes	No	0	1	Relocate	Yes
SP-16	CABBAGE PALM	<i>Sabal Palmetto</i>	18.0	No	Yes	No	0	1	Relocate	Yes
SP-17	CABBAGE PALM	<i>Sabal Palmetto</i>	18.0	No	Yes	No	0	1	Relocate	Yes
SP-18	CABBAGE PALM	<i>Sabal Palmetto</i>	16.0	No	Yes	No	0	1	Relocate	Yes
SP-19	CABBAGE PALM	<i>Sabal Palmetto</i>	16.0	No	Yes	No	0	1	Relocate	Yes
SP-20	CABBAGE PALM	<i>Sabal Palmetto</i>	25.0	No	Yes	No	0	1	Relocate	Yes
SP-21	CABBAGE PALM	<i>Sabal Palmetto</i>	20.0	No	Yes	No	0	1	Relocate	Yes
SP-22	CABBAGE PALM	<i>Sabal Palmetto</i>	26.0	No	Yes	No	0	1	Relocate	Yes
SP-23	CABBAGE PALM	<i>Sabal Palmetto</i>	16.0	No	Yes	No	0	1	Relocate	Yes
SP-24	CABBAGE PALM	<i>Sabal Palmetto</i>	23.0	No	Yes	No	0	1	Relocate	Yes
SP-25	CABBAGE PALM	<i>Sabal Palmetto</i>	23.0	No	Yes	No	0	1	Relocate	Yes
SP-26	CABBAGE PALM	<i>Sabal Palmetto</i>	24.0	No	Yes	No	0	1	Relocate	Yes
SP-27	CABBAGE PALM	<i>Sabal Palmetto</i>	18.0	No	Yes	No	0	1	Relocate	Yes
SP-28	CABBAGE PALM	<i>Sabal Palmetto</i>	18.0	No	Yes	No	0	1	Relocate	Yes
SP-29	CABBAGE PALM	<i>Sabal Palmetto</i>	16.0	No	Yes	No	0	1	Relocate	Yes
SP-30	CABBAGE PALM	<i>Sabal Palmetto</i>	16.0	No	Yes	No	0	1	Relocate	Yes
SP-31	CABBAGE PALM	<i>Sabal Palmetto</i>	25.0	No	Yes	No	0	1	Relocate	Yes
SP-32	CABBAGE PALM	<i>Sabal Palmetto</i>	20.0	No	Yes	No	0	1	Relocate	Yes
SP-33	CABBAGE PALM	<i>Sabal Palmetto</i>	26.0	No	Yes	No	0	1	Relocate	Yes
SP-34	CABBAGE PALM	<i>Sabal Palmetto</i>	18.0	No	Yes	No	0	1	Relocate	Yes
SP-35	CABBAGE PALM	<i>Sabal Palmetto</i>	18.0	No	Yes	No	0	1	Relocate	Yes
SP-36	CABBAGE PALM	<i>Sabal Palmetto</i>	16.0	No	Yes	No	0	1	Relocate	Yes
SP-37	CABBAGE PALM	<i>Sabal Palmetto</i>	16.0	No	Yes	No	0	1	Relocate	Yes
SP-38	CABBAGE PALM	<i>Sabal Palmetto</i>	25.0	No	Yes	No	0	1	Relocate	Yes
SP-39	CABBAGE PALM	<i>Sabal Palmetto</i>	20.0	No	Yes	No	0	1	Relocate	Yes
SP-40	CABBAGE PALM	<i>Sabal Palmetto</i>	26.0	No	Yes	No	0	1	Relocate	Yes
SP-41	CABBAGE PALM	<i>Sabal Palmetto</i>	26.0	No	Yes	No	0	1	Relocate	Yes
SP-42	CABBAGE PALM	<i>Sabal Palmetto</i>	28.0	No	Yes	No	0	1	Relocate	Yes
<b>TOTALS:</b>	<b>CABBAGE PALM</b>						<b>0</b>	<b>42</b>		

		D.B.H.									
		INCHES									
QV-1	LIVE OAK	<i>Quercus Virginiana</i>	18.0	No	Yes	No	0	4	Relocate	Yes	
QV-2	LIVE OAK	<i>Quercus Virginiana</i>	14.5	No	Yes	No	0	3	Remove	Yes	
QV-3	LIVE OAK	<i>Quercus Virginiana</i>	11.5	No	Yes	No	0	2	Remove	Yes	
QV-4	LIVE OAK	<i>Quercus Virginiana</i>	27.5	No	Yes	No	0	7	Relocate	Yes	
QV-5	LIVE OAK	<i>Quercus Virginiana</i>	20.0	No	Yes	No	0	4	Remove	Yes	
QV-6	LIVE OAK	<i>Quercus Virginiana</i>	23.5	No	Yes	No	0	3	Relocate	Yes	
<b>TOTALS:</b>	<b>LIVE OAK</b>						<b>0</b>	<b>23</b>			

		D.B.H.									
		INCHES									
QL-1	LAUREL OAK	<i>Quercus laurifolia</i>	25.5	No	Yes	No	0	5	Remove	Yes	
QL-2	LAUREL OAK	<i>Quercus laurifolia</i>	18.5	No	Yes	No	0	4	Remove	Yes	
QL-3	LAUREL OAK	<i>Quercus laurifolia</i>	24.5	No	Yes	No	0	5	Remove	Yes	
<b>TOTALS:</b>	<b>LAUREL OAK</b>						<b>0</b>	<b>14</b>			

TOTAL NUMBER OF PALMS TO BE RELOCATED:	42
TOTAL NUMBER OF TREES & PALMS TO BE REMOVED:	6
TOTAL ERM MITIGATION REQUIRED:	0
TOTAL ERM CREDITS TO BE PROVIDED:	0
TOTAL ZONING CREDITS:	116

NOTES:  
- ALL TREES ARE MEASURED WITH D.B.H.  
- ALL PALMS ARE MEASURED WITH CLEAR TRUNK  
- ERM TREE REPLACEMENT CREDITS - (1) CREDIT = (1) 12' O.A. TREE, 2" D.B.H.  
- ZONING CREDITS SHALL BE UTILIZED TOWARDS PBC ULDC CHAPTER 7 LANDSCAPE REQUIREMENTS

AMENDMENTS

ZONING STAMPS

**Exhibit D – Disclosure of Ownership**

**DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY**

***[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]***

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Brian Douglas, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the  individual or  Chief Operating Officer [position - e.g., president, partner, trustee] of VCP6 Acquisition LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 2100 Emerald Dunes Drive West Palm Beach FL 33411  
\_\_\_\_\_  
\_\_\_\_\_
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Brian Douglas  
Brian Douglas, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF ~~FLORIDA~~ Connecticut  
COUNTY OF ~~PALM BEACH~~ Fairfield

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 16<sup>th</sup> day of September, 2021 by Brian Douglas (name of person acknowledging) He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did did not take an oath (circle correct response).

Danielle Leote  
(Name - type, stamp or print clearly)

Danielle Leote  
(Signature)

My Commission Expires on: 6/30/2022

NOTARY'S SEAL OR STAMP

DANIELLE LEOTE  
NOTARY PUBLIC OF CONNECTICUT  
My Commission Expires 6/30/2022

**EXHIBIT "A"**

**PROPERTY**

**LEGAL DESCRIPTION**

TRACTS "A", "B", "C", "D" AND "W" OF EMERALD DUNES – PARCEL 6, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 107, PAGE(S) 8 AND 69, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**NOW KNOWN AS:**

PARCEL A OF VISTA CENTER – PARCEL 6, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 132, PAGE(S) 23 AND 24, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

<b>Name</b>	<b>Address</b>
VCP6 Acquisition LLC	2100 Emerald Dunes Drive West Palm Beach FL 33411

VCP6 Acquisition LLC is ultimately controlled and 100% owned by Ken Tropin and his family, or trusts for the benefit thereof

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**JUSTIFICATION STATEMENT**  
**Development Order Amendment and Development**  
**Order Abandonment**  
**Vista Center Parcel 6**

Control No. 1984-00130

Application No. ABN/DOA-2021-02048

*Original Submittal: December 6, 2021*

*1<sup>st</sup> Resubmittal: February 22, 2022*

**REQUEST**

On behalf of the Applicant, 2GHO, Inc. is requesting approval of the following:

- 1) **Development Order Abandonment (ABN)** to abandon the previous approval for a Type 3 Congregate Living Facility for Vista Center Parcel 6;
- 2) **Development Order Amendment and to delete Conditions of Approval within Resolution No. 2017-1643 that relate to the CLF** - to change the Parcel 6 designation the Master Plan and Map H from Residential to Light Industrial; and
- 3) **Type 2 Variance** to exceed the maximum recreation area within a PIPD (separate standalone Variance Application).

**SITE CHARACTERISTICS**

The subject site consists of approximately 22.10 acres and identified as Parcel 6 (a Residential Pod) within the Vista Center Planned Industrial Park Development (PIPD). Additionally, the Vista Center was previously approved as a Development of Regional Impact (DRI). The property is identified by the following Property Control Numbers (PCN): 00-42-43-22-20-001-0000; 00-42-43-22-20-023-0000; 00-42-43-22-20-002-0000. The Vista Center PIPD retains a Future Land Use (FLU) designation of Industrial with an underlying residential designation Medium Residential – up to 5 dwelling units per acre (IND/5) and a Zoning District of PIPD. The original approval for Vista Center was received in February 1985 and encompassed 23 separate parcels. Parcel 6, at the time of the DRI and Master Plan approval was designated as Light Industrial. Currently, Parcel 6 has a vested approval for 243 multi-family residential units. The project was most recently approved by the Board of County Commissioners (BCC) on October 26, 2017, pursuant to Resolutions 2017-1642 and 2017-1643 for a Requested Use to allow a Type 3 Congregate Living Facility.

**DEVELOPMENT HISTORY**

The Vista Center plan has a unique circumstance the other parcels do not have. The Vista Center master development plan was a part of the Vista Center DRI (Development of Regional Impact) and was approved in 1981. At that time historically the project was rezoned from AR to PIPD (Planned Industrial Park District). The PIPD in association with the DRI had several uses including Light Industrial, Residential and included in the overall plan was the Emerald Dunes Golf Course and Club. The Golf use in the original master plan 1984, comprised total of 182.946 acres, which the approved Golf Club site as well. With the total acreage of the Vista Center DRI

at 493.687 Acres, the golf use was a total of 37% of the overall project. At the time of this approval, there was no code provisions that restricted the Golf Use (recreation) within the DRI/PIPD plan. The DRI process by the State of Florida and Palm Beach County at the time of this approval reviewed this property for development differently than other similar properties that include a zoning of PIPD. The limitation of 20% maximum for recreation uses was not included in the PIPD development regulations until December 2003. The Vista Center project also abuts the Florida Turnpike along its east side. The existing golf course has golf holes adjacent to this side particularly along the Okeechobee Blvd. off ramps. The Florida Department of Transportation will be expanding this off ramp area which will impact the secluded play of the golf course in this area. Parcel 6 will be used to possibly re-align the driving range and other golf play areas to ensure that the golf experience will not be impacted by a reduction in the Turnpike buffers as a result of the expansion of the off-ramp. These are circumstances that are unique to this PIPD and not applicable to other properties in this area.

Parcel 6 is designated as a Residential Pod within the overall PIPD. The conversion from the originally approved light industrial designation, to residential occurred in January 2004, pursuant to Palm Beach County (PBC) resolutions R-2003-1987 and R-2003-1987.1. As part of these approvals, and subsequent conversion to residential, Parcels 4, 5 and 6 were vested with a total of 546 residential units. The Site Plan for Parcel 6 was approved on February 27, 2018, for 378 Bed Type 3 Congregate Living Facility. The prior approval is vested, as the project has commenced development. The following information relates to the zoning approval history for the Vista Center PIPD. The conditions of approval referenced in Resolution No. 2017-1643 related to the CLF will be deleted specifically the Architecture Review condition as there will be no buildings on site; and the Use Limitation condition for the CLF.

**DEVELOPMENT PROGRAM**

It is the intent of the applicant to redevelop the Parcel 6 Pod within Vista Center as a portion of the golf course with reconfiguration of certain golf holes, expansion of the driving range and the use of the site as recreation amenity for the Emerald Dunes Golf Club and Golf Course.

LIST OF APPROVALS VISTA CENTER - OVERALL PIPD			
RESOLUTION	DATE	APPLICATION REQUEST	CONTROL NO.
R-1983-0193	10/28/82	Rezoning from AR to PIPD.	1984-130
R-1985-0336	09/27/84	Rezoning from AR in part and PIPD in part to PIPD.	1984-130
R-1985-1135	09/27/84	Rezoning from AR in part and PIPD in part to PIPD. Repealed R-1985-0336.	1984-130
R-1989-0847	07/28/88	Substantial Deviation Determination for the Vista Center DRI.	1984-130
R-1992-0695	02/27/92	Substantial Deviation Determination and Special Exception to amend the Master Plan for the Vista Center DRI.	1984-130(B)
R-1994-1318	09/29/94	DOA to delete/modify conditions of approval.	1984-130(C)
R-1997-1086	08/28/97	DOA to delete/modify conditions of approval.	1984-130(D)
R-1997-1299	09/25/97	Resolution amendment R-97-1086.	1984-130(D)
R-2001-0807	05/24/01	DOA to extend the buildout date for the DRI.	1984-130(G)

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LIST OF APPROVALS VISTA CENTER - OVERALL PIPD			
RESOLUTION	DATE	APPLICATION REQUEST	CONTROL NO.
R-2001-2076	11/29/01	DOA to redesignate land uses, modify/delete conditions of approval and add access point.	1984-130(F)
R-2001-2077	11/29/01	DOA to a make a finding that the request is not a substantial deviation	1984-130(F)
R-2002-0842	05/23/02	DOA to reconfigure Master Plan, add units, and redesignate land uses.	1984-130(H)
R-1983-193	10/28/1982	Approval of the Rezoning	1982-110
R-1985-0336	09/27/1984	Approval of Rezoning	1984-130
R-1984-1555	10/16/1984	DOA approving the DRI	1984-130
R-1984-1934	12/18/1984	Amending R-1984-1555 for DRI	1984-130
R-1985-1135	07/23/1985	Approval of Rezoning	
R-1989-847	06/02/1988	Modification of Commission Requirements	1984-130 (A)
R-1992-695	02/27/1992	Substantial Deviation Determination and a SE to amend Master Plan	1984-130 (B)
R-1994-1318	09/01/1994	Substantial Deviation Determination	1984- (C)
R- 1997-1086	08/28/1997	DOA to revise Vista Center DRI	1984-130(D)
R-1997-1299	09/25/1997	DOA to revise Vista Center DRI	1984-130 (D)
R-2001-0807	05/24/2001	DOA to revise Vista Center DRI	1984-130 (G)
R-2001-2076	11/09/2001	DOA to redesignate land uses, modify conditions	1984-130 (F)
R-2001-2077	11/29/2001	DOA to revise Vista Center DRI	1984-130 (F)
R-2002-842	05/23/2002	DOA to reconfigure master plan, add units and redesignate land uses	1984-130 (H)
R-2003-0937	06/26/03	DOA to revise the Vista Center DRI.	1984-130(I)
R-2003-0938	06/26/03	DOA to redesignate land uses.	1984-130(I)
R-2003-1987	12/04/03	DOA to revise the DRI Master Plan and make a finding that the request is not a substantial deviation (Parcel 4, 5 & 6).	1984-130(J)
R-2003-1987.1	12/04/03	DOA to revise the DRI Master Plan and make a finding that the request is not a substantial deviation (Parcel 4, 5 & 6).	1984-130(J)
R-2004-2425	11/18/04	DOA to modify/delete COA for a PIPD (Parcel 4).	1984-130
R-2004-2425.1	11/18/04	DOA to modify/delete COA for a PIPD (Parcel 4)	1984-130
R-2005-0378	02/24/2005	DOA to reconfigure the site plan Parcel 23	1984-130
R-2005-0379	02/24/2005	Requested Use for a general daycare on Parcel 23	1984-130
R-2006-0517	03/23/06	DOA/EAC to add an access point (Parcel 21N, M & S).	1984-130
R-2006-0517.1	03/23/06	DOA to add an access point and make a finding that the request is not a substantial deviation (Parcel 21N, M & S).	1984-130

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LIST OF APPROVALS VISTA CENTER - OVERALL PIPD			
RESOLUTION	DATE	APPLICATION REQUEST	CONTROL NO.
R-2007-1874	10/25/07	DOA/EAC to amend the master plan to add two (2) access points on an internal roadway for Parcel 19.	1984-130
ZR-2008-0015	04/03/08	Type II Variance to allow reduction in the required pervious area from 30% to 17.43% on Parcel 19.	1984-130
ZR-2008-0046	07/03/08	Type II Variance to allow an increase in building coverage for Lot 19.	1984-130
R-2015-0240	02/24/15	Revocation of Requested Use to allow a General Daycare (R-2005-0379)	1984-130
R-2015-0241	02/24/15	EAC to remove the daycare and modify/delete conditions of approval for Parcel 23.	1984-130
R-2015-1346	09/24/15	DOA to add a use to the master plan, to reconfigure site plan and to add a Requested Use with Parcel 21S.	1984-130
R-2015-1347	09/24/15	Requested Use to allow a College or University on Parcel 21S.	1984-130
R-2017-1642 R-2017-1643	02/27/2018	DOA and a Conditional Use A to allow for a Type 3 CLF on Parcel 6	1984-130

**SURROUNDING PROPERTIES**

Parcel 6 is surrounded on all sides by development within the Vista Center PIPD. The entire area retains a FLU designation of IND/5 and a Zoning District of PIPD. To the north, south and west of the subject site is golf course area. To the east of the subject site is Parcel 7 of the PIPD, which is identified on the approved Master Plan as Light Industrial/Office.

**DEVELOPMENT ORDER AMENDMENT (DOA) STANDARDS**

Based on Article 2.B.7.C.2 for a Development Order Amendment (DOA) refers the Applicant to address the Standards under Article 2.B.7.B.2 of the Palm Beach County Unified Land Development Code (ULDC) establishes standards by which these requests shall be considered.

**a. 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.

*The current FLU designation for the subject property is IND/5 (underlying MR-5) with a PIPD Zoning designation. These are consistent and compatible land use and zoning designations. In fact, when the master plan was originally approved, Parcel 6 had a use designation in the PIPD as Light Industrial.*

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*Amending the approved Site Plan from the approved Type 3 CLF to an Industrial Pod will be consistent with good planning principles. Furthermore, the request will allow for a recreation area within the PIPD and is consistent with the Purposes, Goals, Objectives and Policies of the County's Comprehensive Plan.*

*The proposed request is consistent with the standards for building and structural intensities and densities, and intensities of use. Furthermore, the development proposal maintains consistency with the previous approved plans, in terms of use and intensity.*

**b. 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 project request is consistent with the County's ULDC. Article 3, Table 3.A.3.B of the County's ULDC identifies the Zoning District of PIPD to be compatible with the IND/5 FLU designation. The proposed development of recreation is compatible with all other elements of the County's ULDC. Golf is also a permitted use in the light industrial designation in a PIPD.*

**Exemptions/Applicability for Prior Approvals**

*According to the County's ULDC, Article 3.A.3.E, any application for a Development Order that requires Public Hearing approval, excluding Status Reports, EAC, Class B Conditional Uses, Type 2 Variances, and prior Special Exception or Conditional Use for a PUD, are required to rezone. The proposed amendment is part of an existing PIPD approval, and therefore, is not required to rezone. Furthermore, this application request for a DOA will comply with the applicable requirements of the corresponding district.*

**c. 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.

*The existing property is part of a larger PIPD development that includes residential, commercial, office, recreational, light industrial and governmental uses.*

*Parcel 6 is surrounded on all sides by development within the Vista Center PIPD. The entire area retains a FLU designation of IND/5 and a Zoning District of PIPD. To the north, south and west of the subject site is golf course area. To the east of the subject site is Parcel 7 of the PIPD, which is identified on the approved Master Plan as Light Industrial/Office.*

**d. Design Minimizes Environmental Impact**

The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

*The proposed golf course will not result in significantly adverse impacts on the natural environment as the site is currently cleared and ready for development. Furthermore, the site is located within the Wellfield Protection Zone 4, and therefore, a Wellfield Protection Affidavit will be submitted.*

**e. Development Patterns**

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The proposed use or amendment will result in a logical, orderly and timely development pattern.

*The proposed expansion of the golf course provides for a logical and orderly development of the site. Surrounding the site is golf course which is consistent with the proposed use as they are part of the larger PIPD.*

**f. Adequate Public Facilities**

The extent to which the proposed use complies with Article 2.F, Concurrency.

*The Applicant is applying for a concurrency equivalency. The proposed golf use will actually reduce the levels of service already approved for this site.*

**g. Changed Conditions or Circumstances**

There are demonstrated changed conditions or circumstances that necessitate a modification.

*The changed conditions are to meet the market demand due to the evolving nature of recreational activities. The modifications to the eastern portions of the Vista Center PIPD by the Florida Turnpike Authority which will impact the play of this exiting golf course as well as changes in the golf course industry that encourages modifications to other aspects of the golf course that are necessary to keep the Emerald Dunes Golf Club competitive to other golf clubs in Palm Beach County.*

**Planned Development Districts:**

Article 3.E.1.C - requires all planned developments to comply with the following Design objectives and standards.

**C. Objectives and Standards:**

**1. Design Objectives**

*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;*
- b. Provide a continuous, non-vehicular and pedestrian circulation systems which connect uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the PDD;*
- c. Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses;*
- d. Preserve existing native vegetation and other natural/historic features to the greatest possible extent;*
- e. Screen objectionable features (e.g., mechanical equipment, loading/delivery areas, storage areas, dumpsters, compactors) from public view and control objectionable sound;*
- 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;*
- g. Minimize parking through shared parking and mix of uses;*
- h. Creation of a strong pedestrian system through the design and placement of buildings connected to a common public space or usable open spaces; and,*

**Response:** The proposed Parcel 6 of Vista Center PIPD complies with all of the items listed within a. through h.

- i. *For PDDs with non-residential uses, a minimum of one pedestrian amenity for each 100,000 square feet of non-residential GFA, or fraction thereof, shall be incorporated into the overall development to create a pedestrian friendly atmosphere.*

**Response:** At this time, no primary buildings are proposed for Parcel 6.

## 2. 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;*

**Response:** The Proposed Parcel 6 is located internal to the PIPD which has access from Vista Parkway which is an existing 100 foot Right-of-Way.

a) **Type 2 Waiver – Infill Development – NOT APPLICABLE**

- 2) *PDDs shall have legal access on an Arterial or Collector Street;*

**Response:** The Proposed Parcel 6 is located internal to the PIPD which has access from Vista Parkway which is an existing 100 foot Right-of-Way.

- 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;*

**Response:** the proposed development will be private and gated which will limit traffic within the overall development. Parcel 6 use for golf will require all access through the golf club facility on Emerald Dunes Drive. Emergency access can be accomplished from Vista Parkway on the east side of the Parcel

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

**Response:** The enclosed Traffic Study prepared by PTC accounts for the proposed golf course.

- 5) **Cul-de-sacs – Not Applicable to the golf course.**

- 6) *Non-residential PDDs shall provide cross access to adjacent properties where possible, subject to approval by the County Engineer –*

**Response:** The access into Parcel 6 is currently from Vista Parkway which continues south from the subject site. Parcel 6 when used for golf will require access through the golf club on Emerald Dunes Drive with emergency and minor maintenance access provided on Vista Parkway.

- 7) *Streets shall not be designed nor constructed in a manner which adversely impacts drainage in or adjacent to the project; and,*

**Response:** Any streets will be designed and constructed in compliance with Palm Beach County standards and will not adversely impact drainage on adjacent properties.

8) *Public streets in the project shall connect to public streets directly adjacent to the project. If no adjacent public streets exist, and the County Engineer determines that a future public street is possible, a connection to the property line shall be provided in a location determined by the County Engineer. This standard may be waived by the BCC.*

**Response:** The project has one entrance from a public street which is directly adjacent to Parcel 6 of the PIPD.

**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 Art. 5.E, Performance Standards.*

**Response:** As Parcel 6 will be used for golf, no internal streets will be developed and there will be no street lights required.

**c. Median Landscaping**

*Refer to the most recent Engineering and Public Works Operations – Streetscape Standards available from the PBC Engineering Department.*

**Response:** The Developer will comply with all streetscape standards or request the allowed deviations. A Standalone Type 2 Variance has been requested for the elimination of the 8 foot Compatibility Buffer since the proposed use of Parcel 6 is golf course.

**d. Street Trees**

*Street trees shall meet the Canopy tree requirements of Art. 7, Landscaping and planting standards pursuant to Engineering and Public Works Operations – Streetscape Standards, and as follows:*

**Response:** The Developer will comply with all streetscape standards or request the allowed deviations.

**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 Art. 11, Subdivision, Platting, and Required Improvements.*

**Response:** No bike lanes are proposed.

**f. Mass Transit**

*All non-residential 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:*

- 1) *The location of a Bus Stop Boarding and Alighting Area shall be shown on the Master Plan and/or Final Site Plan prior to approval by the DRO, unless written conflicts that one is not required. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran;*
- 2) *Prior to the issuance of the first Building Permit, the Property Owner shall convey to PBC an easement for a Bus Stop Boarding and Alighting Area, in a location and manner approved by Palm Tran. As an alternative, prior to Technical Compliance of the first plat, the Property Owner shall record an easement for a Bus Stop*



*Boarding and Alighting Area in a manner and form approved by Palm Tran. The Property Owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act (ADA) to and through the Bus Stop Boarding and Alighting Area; and,*

- 3) *All PDDs with more than 100 units shall comply with the following requirement: Prior to the issuance of the Building Permit for the 100th unit, the petitioner shall construct a Palm Tran-approved mass transit shelter with appropriate access lighting, trash receptacle, and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner.*

**Response:** The overall PIPD has previously addressed this issue with bus stops.

**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.*

**Response:** The Developer will comply with all utility requirements.

**h. Parking**

**1) Residential Uses**

*Parking for residential uses shall comply with Art. 6, Parking, Loading, and Circulation. The DRO may require a covenant to be recorded limiting the affected area to a specific use or uses.*

**Response:** The Developer will comply with all parking requirements.

**i. Way Finding Signs**

*Off-site directional signs, consistent with the on-site directional sign standards in Art. 8, Signage, may be allowed along internal streets in the R-O-W, subject to approval by the County Engineer.*

**Response:** Not Applicable

**Emergency Generators - Not Applicable**

**Planned Industrial Park Development (PIPD)**

The proposed change of the designation from residential to Light industrial on Parcel 6 is consistency with the intent of the approved Residential Pod of the PIPD and meets the intent of the PIPD District Regulations outlined in the County's ULDC, as follows.

**Section 3.E.5.A.1 – Purpose and Intent**

The purpose of the PIPD district is to create an industrial development alternative, which provides employment opportunities for industries, manufacturing, research, and development and encourages internal trip capture by offering support uses. The intent of a PIPD is to promote creative design approaches to community planning and site design for planned industrial developments. Support uses, such as hotels, offices, commercial, institutional, and residential are intended to serve the PIPD workforce and residential populations.

### Section 3.E.5.B.1

#### Design Objectives

A PIPD shall comply with the following objectives:

- a. Provide a balanced mix of land uses to provide for the needs of the residential population (if proposed) and the projected work force;  
*Response: The Vista Center PIPD is approved with a mix of uses since the original approval in 1985. The Emerald Dunes Golf Course and Club was in the original DRI and Master plan approvals. The proposed change to Parcel 6 will complement the overall uses of the PIPD.*
- b. Be designed as a predominantly industrial development, with exception to:
  - 1) The EDC FLU designation  
*Response: The applicant is proposing a Development Order Amendment to allow for consideration via a public hearing approval process to re-designate residential to Light Industrial.*
- c. Preserve natural features, scenic areas and native vegetation to the extent possible;  
*Response: The proposed change will allow for the expansion of the golf course into Parcel 6 and as such any natural features and native vegetation will remain or be relocated.*
- d. Encourage the co-location of industrial processes, products, and services;  
*Response: Although the request is to redesignate Parcel 6 to Light Industrial, the use on site will be for the expansion of the existing golf course within the Vista Center PIPD.*
- e. Provide for support uses intended to serve the PIPD workforce and residential populations, or on-site essential services for industries, employees, and clients.  
*Response: Not Applicable.*
- f. Protect nearby existing and future non-industrial land uses and activities;  
*Response: the proposed change will not impact any of the non-industrial land uses or activities.*
- g. Arrange buildings and land use intensities to minimize and mitigate negative impacts;  
*Response: at this time there are no proposed buildings for Parcel 6. However, a revised master plan has been included with this request reflecting the resignation areas from Residential to Light Industrial. Any future site plans will be processed through the building department as the golf course is a “permitted by right” use within the PIPD.*
- h. Be located near convenient access to transportation facilities such as interstate highways, major trucking routes, shipping and/or railroad lines; and

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*Response: The PIPD is accessed via Okeechobee Boulevard and Jog Road which connect with interstate highways.*

- i. **Encourage the expansion to PBC’s economic base through new industrial investment.**

*Response: Although the applicant is proposing to redesignate Parcel 6 to industrial, there will be no industrial at this location. Within the PIPD, golf courses are “permitted by right” with industrial lands. Vista Center has been developed with a substantial amount of Industrial uses, government uses, commercial and residential uses. The fact that this parcel is currently designated for a non-industrial use indicates that there is no additional need for Industrial use in this PIPD. Therefore there will be no impact to the economic base of the County. The use of Parcel 6 for golf use will reduce current impacts to services and traffic in this 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.

*Response: Parcel 6 is not located along the boundary of the PIPD.*

- b. **Residential - Proximity to Other Uses**

*Response: The proposed golf course is part of the overall development and provides proximity to the other uses within 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.

*Response: Not applicable. The traffic engineer has submitted an equivalency statement as no increase to trips to the PIPD’s vested amount is proposed. As this is a conversion of residential commercial pod area to Light Industrial, this provision would not be applicable to this request.*

## **DEVELOPMENT ORDER ABANDONMENT STANDARDS**

Based on Article 2.B.7.F.6 for a Development Order Abandonment (ABN) refers the Applicant to address the Standards under Article 2.B.7.F.6 of the Palm Beach County Unified Land Development Code (ULDC) establishes standards by which these requests shall be considered.

- a. **Consistency with the Plan:**

The abandonment 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.

*The current FLU designation for the subject property is IND/5 (underlying MR-5) with a PIPD Zoning designation. These are consistent and compatible land use and zoning designations.*



*Amending the approved Site Plan from the approved Type 3 CLF to an Industrial Pod will be consistent with good planning principles. Furthermore, the request will allow for a recreation area within the PIPD and is consistent with the Purposes, Goals, Objectives and Policies of the County's Comprehensive Plan.*

*The proposed request is consistent with the standards for building and structural intensities and densities, and intensities of use. Furthermore, the development proposal maintains consistency with the previous approved plans, in terms of use and intensity.*

**b. 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 project request is consistent with the County's ULDC. Article 3, Table 3.A.3.B of the County's ULDC identifies the Zoning District of PIPD to be compatible with the IND/5 FLU designation. The proposed development of recreation is compatible with all other elements of the County's ULDC.*

**Exemptions/Applicability for Prior Approvals**

*According to the County's ULDC, Article 3.A.3.E, any application for a Development Order that requires Public Hearing approval, excluding Status Reports, EAC, Class B Conditional Uses, Type II Variances, and prior Special Exception or Conditional Use for a PUD, are required to rezone. The proposed amendment is part of an existing PIPD approval, and therefore, is not required to rezone. Furthermore, this application request for a DOA will comply with the applicable requirements of the corresponding district.*

**c. Adequate Public Facilities**

The extent to which the proposed use complies with Article 2.F, Concurrency.

*The Applicant is applying for a concurrency equivalency.*

**d. Changed Conditions or Circumstances**

There are demonstrated changed conditions or circumstances that necessitate a modification.

*The changed conditions are to meet the market demand due to the evolving nature of recreational activities particularly changes to the golf industry and modifications to the external Florida Turnpike right of way.*

On behalf of the applicant, 2GHO, Inc. respectfully request approval of this application. The Project Managers at 2GHO, Inc. are George Gentile, Ben Dolan, and Pat Lentini.

**Type 2 Variance Requests:**

ULDC REQUIREMENTS				
#	ULDC Article	Required	Proposed	Variance
V.1	Article 7.C.2.B.3 – Width of Compatibility Buffer	8 ft.	0 ft.	- 8 ft.

**1. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO**

**OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME ZONING DISTRICT:**

*Variance Request 1: Relief from ULDC Article 7.C.2.B.3. Elimination of the required compatibility buffer requirement for a portion of the Parcel 6 perimeter buffer.*

*Parcel 6 is unique to other parcels in the area as it is surrounded by the existing Emerald Dunes Golf Course and will be used for golf use in its entirety. As the golf use on Parcel 6 will be not only compatible with the surrounding area to its parcel boundary, except along a small portion of Vista Center Parkway, the buffer would minimize flow of the golf use between parcels, different from most other golf courses in the County.*

**2. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:**

*Variance Request 1: Relief from ULDC Article 7.C.2.B.3. Elimination of the required compatibility buffer requirement for a portion of the Parcel 6 perimeter buffer.*

*As the Parcel 6 will be designated as light industrial (Parcel 6 was originally designated as light industrial when the DRI and PIPD was approved in 1984) and golf course use in a PIPD Parcel with a designation of light industrial in a permitted use as indicated in the ULDC PIPD regulations. Also Parcel 6 is surrounded by existing golf use, the requirement of the compatibility buffer would limit the cross use of the golf course, consequently the applicant has requested this variance. As the applicant had the right to place the permitted use of golf on this parcel when the Vista Center DRI/PIPD was approved, and the compatibility buffer would not be required between golf use and golf use, the applicant would not be able to use the property with all the permitted rights and create a seamless golf experience.*

**3. GRANTING THE VARIANCE SHALL NOT CONFER UPON THE APPLICANT ANY SPECIAL PRIVILEGE DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES IN THE SAME ZONING DISTRICT:**

*Variance Request 1: Relief from ULDC Article 7.C.2.B.3. Elimination of the required compatibility buffer requirement for a portion of the Parcel 6 perimeter buffer.*

*As the use of Parcel 6 will be for continued golf use, a permitted use in the light industrial district, and the area requested to remove the compatibility buffer is the same golf course, the request is not granting any benefits that are not in compliance with the County's Comprehensive Plan or in conflict with the intent of the code of the County. There are no provisions in the code that requires buffers between the same recreational uses.*

**4. LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED**

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**BY OTHER PARCELS OF LAND IN THE SAME DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:**

*Variance Request 1: Relief from ULDC Article 7.C.2.B.3. Elimination of the required compatibility buffer requirement for a portion of the Parcel 6 perimeter buffer.*

As the golf course is an existing use as well as a permitted use in the light industrial district, and that other similar uses in other planned developments are not required to have buffers between the same golf play areas, to not eliminate this buffer in the areas adjacent to golf use would be an undue hardship.

**5. GRANTING OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:**

*Variance Request 1: Relief from ULDC Article 7.C.2.B.3. Elimination of the required compatibility buffer requirement for a portion of the Parcel 6 perimeter buffer.*

*To meet the need to incorporate the golf use on Parcel 6 and the existing golf course the minimum expansion of recreation use the applicant needs to remove the requirement for the perimeter of Parcel 6 where it is adjacent to existing golf use.*

**6. GRANTING OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:**

*Variance Request 1: Relief from ULDC Article 7.C.2.B.3. Elimination of the required compatibility buffer requirement for a portion of the Parcel 6 perimeter buffer.*

*Granting the request to remove the buffer between similar and continued uses of the same recreation use is not in conflict with the Policies, goals and objectives of the Comprehensive Plan or codes of the County. There will be more green space incorporated on Parcel 6 than was ever contemplated with other uses proposed for this site, even with the compatibility buffer that was proposed.*

**7. GRANTING OF THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:**

*Variance Request 1: Relief from ULDC Article 7.C.2.B.3. Elimination of the required compatibility buffer requirement for a portion of the Parcel 6 perimeter buffer.*

*The decrease in the compatibility buffer will not be detrimental to the Public Welfare as the area proposed for elimination will be adjacent to the existing golf course, the golf use on most of Parcel 6 will increase open green space more than what was proposed on the last approved site plan. The fact that the area of elimination of the compatibility buffer will be adjacent to and be used for the same golf course use.*

EMERALD DUNES – PARCEL 6  
DEVELOPMENT ORDER AMENDMENT  
DECEMBER 6, 2021  
1<sup>st</sup> Resubmittal: February 22, 2022  
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On behalf of the applicant, 2GHO, Inc. respectfully request approval of this application. The Project Managers at 2GHO, Inc. are George Gentile, Ben Dolan, and Pat Lentini.

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