

**Wellington
Equestrian Preserve Committee Meeting
June 8, 2023
Village Hall Council Chambers
12300 Forest Hill Boulevard**

MINUTES

I. Call to Order

Chair Cleveland called the meeting to order at 6:30 PM.

Members present: Jane Cleveland, Haakon Gangnes, Carlos Arellano, Glen Fleischer, Dr. Kristy Lund, Richard Cunkle and Dr. Rachel Eidelman

Members late: None.

Members absent: None.

Staff present: Jonathan Reinsvold, Tim Stillings, Kelly Ferraiolo, Cory Cramer, Laurie Cohen, Judy Rios, and Helen Archer.

II. Pledge of Allegiance

Pledge of Allegiance was done.

III. Remarks by Committee Chair

Chair Cleveland introduced the committee and went over the procedures for the meeting.

IV. Additions/Deletions/Reordering of Agenda:

On Wednesday, June 7, 2023, a Motion was made by Dr. Rachel Eidelman to move the election of committee chair and vice chair until the end of the meeting, seconded by Dr. Kristy Lund with the Motion passing unanimously (7-0).

V. Approval of Minutes

On Wednesday, June 7, 2023, a Motion was made by Glen Fleischer to approve the EPC Minutes for March 1, 2023 and April 12, 2023, seconded by Dr. Kristy with the Motion passing unanimously (7-0).

VI. New Business

Laurie Cohen-Village Attorney notified the committee that there was a legislative item and a quasi-judicial item and the applicant agreed to combine both of the public hearings into one. Witnesses were sworn in, followed by ex-parte communication disclosures.

Wellington South Ordinance No. 2023 -04 Petition 2022-0003-CPA and Resolution R 2023-02 – Petition 2022-005 MPA

Kelly Ferraiolo, Village of Wellington Senior Planner presented Staff Report on Wellington South Ordinance No. 2023-04 Petition 2022-003-CPA and Resolution R2023-02 – Petition 2022-0005 MPA. The applicant is Wellington Commercial Holdings and the agent is Don Hearing with Cotleur and Hearing. The applicant requested to change the land use and master plan for the area south of the Wellington International showgrounds (114.64 acres) for a new showground site and assign 197 single-family residential units on the eastern 173.46 acres.

Ms. Ferraiolo presented a project overview of the applicant's comprehensive plan, approval history, staff analysis and modification request.

Applicants Presentation

Dan Rosenbaum, attorney for Wellington Equestrian Partners and Wellington Lifestyle Partners spoke briefly about the equestrian venues and how they have to be economically viable from the operator's side – hotels, restaurants, and all support facilities. That money is needed in order to support and grow the shows. In Wellington, we need to expand but in order to expand, we need to have the infrastructure expand. Operationally, a new partner needs to be brought in and that is where Doug McMahon and his operation come into place. The issue is that without infrastructure and without a partner who is willing to fund this investment.

Don Hearing of Coutleur and Hearing entered a presentation of project location, comprehensive plan amendments, proposed parcels and compatibility.

Doug McMahon requested additional 10 minutes from the committee.

Chair Cleveland received authorization from the committee members and granted approval of the additional 10 minutes to Mr. McMahon and to both interested parties.

Mr. McMahon, Managing Director of Tavistock Group, Co-Founder of Nexus Luxury Collection and also the Chief Executive Officer of Wellington Lifestyle Partners, the development group for the North Parcel and the South Parcel. Mr. McMahon spoke on the benefits generated for the Village of Wellington and the equestrian sport community. He commented that Michael Michael Stone would be speaking about Parcel F, the extended showgrounds. He presented the benefits generated for the Village of Wellington with the development of the proposed parcels.

Michael Stone, President of Wellington International and part of the Global Equestrian Group. Mr. Stone provided a brief explained of Global Equestrian Group. Mr. Stone stated there was a signed agreement with Wellington Equestrian Partners to develop Parcel F and the equestrian expansion outline was presented.

Committee Questions directed to Staff

Chair Cleveland asked question regarding the size of the lots that were permitted and dwelling units.

Ms. Ferraiolo responded that minimum lot size for Sub-Area D is 2 acres. Chair Cleveland stated that currently it is 1 lot per 2 acres. Ms. Ferraiolo confirmed that Sub Area D is 2 acres.

Chair Cleveland mentioned that we would move 62 units from land south of horse show and transfer its residential units over to the land east of South Shore and change density from 1 unit per 2 acres to 1.14 dwelling units per acre.

Mr. Stillings clarified that it would be .5 units per acre to 1.14 units per acre.

Mr. Arellano had questions regarding transferring rights and density. Transferring rights from one unit to another, that unit stays with no right at all, is that correct?

Ms. Ferraiolo clarified when its units from one pod to the other, then receiving pod will get whatever you are transferring. The one that transferred will have nothing until they come back in and ask for another Master Plan Amendment. Mr. Stillings clarified that in this case, that pod would be changed to an equestrian venue designation - equestrian commercial land use; then the receiving pod has to be a residentially designated pod.

Mr. Arellano, if I understand the rules correctly, if I have Pod F and I want to change from residential to commercial, I lose the density because I changed this for another – it's not that I have given you my density and I'm going to grab a new one.

Mr. Stillings clarified that Code allows for the transfer of units.

Mr. Arellano then stated that you cannot get your Commercial units because you have given up your units in order to get a new right.

Mr. Stillings clarified that is what is they are requesting.

Mr. Arellano mentioned one thing is a request and one thing is what is permitted to be done. If you have 62 units in Pod F and if I request to go from residential to commercial, then I lose those units.

Mr. Stillings clarified that if you have not asked to transfer those units, then yes you would lose those units but they are asking to transfer the 62 units as part of this change. Ms. Cramer explained that it is the intent of the P.U.D. to allow for flexible regulations. That is why they allow the transfer of units between pods because Master Plans are large and they go through changes because what happens in reality sometimes needs adjustment – that is the intent of the P.U.D.

Mr. Stillings reiterated that this is a P.U.D. with a certain number of units assigned. Originally created it was 1 unit per acre – it was a simple math 958 acres – 958 units. Over time that P.U.D. has evolved and we are now down to 442 units that can be distributed among the various pods.

Mr. Fleischer requested clarification that today, the F phase with the 3 phases that totals about 115 acres and within EOZD that would be 2-acre units or fifty-seven (57) 2-acre farms that we would be giving away. Is that correct? It would be zoned differently, it would be zoned for commercial recreation.

Mr. Stillings responded that yes, converting what would be today under its current approval be 2-acre equestrian residential properties to equestrian commercial recreation. Which is the owner's entitlement not the Equestrian Preserve Committee.

Dr. Eidelman wanted to know if it could be possible to add those 2-acre properties into Pod E. It could lower density and the horse show gets developed as described here and then Pod E instead of higher density dwelling ends up being not quite as 2 to 4 acres as Southfields but more like the 2-acre farms and that is where you would gain that 2-acre farm area.

Mr. Stillings stated that would be a question for the developer but they are asking for what is before you now.

Mr. Arellano said that what you are saying that is compatible to the neighbors but it is not compatible to Mallet Hill and to the neighbors to the East/West of South Shore Boulevard.

Mr. Stillings stated that compatibility in planning terms is not a like-for-like comparison. They are within the same ranges of densities and development intensities and that is the level which a planning analysis looks at the compatibility. No, it is not the same; they are smaller lots, but they are similar to the Equestrian Club Estates lots which is immediately to the west. That is an opinion that you as a committee member can have but our professional staff position is that it is compatible.

Mr. Arellano questioned what is the ruling on the density?

Ms. Cramer responded that we are not going to give them the density. They would have to go through the same procedure to increase the density again and that would go through this procedure - goes before the PZ&B and Council with no guarantee for that to happen.

Mr. Arellano stated that it was proposed 300 units where the Dressage is located that it has 4 density units.

Mr. Stillings clarified that it is what the applicant is proposing. It is adding additional units to that Pod.

Mr. Arellano stated that we don't want to add any more additional units, we want it to keep it the way that it is now.

Mr. Stillings reiterated that is why it goes before the Committee, Planning Board and Council.

Mr. Ganges pointed out regarding debate about the pod and the densities, on Page 18 of the Staff Report it states "that if any proposed amendment is recommended differently then presented, the EPC needs to specify the change for the recommendation."

Ms. Cramer clarified that the position of the Staff is to review the application and review based on the criteria in the Comp Plan, the code and any other governing document. Our recommendation and staff report and our professional analysis is not our personal opinion it's based on whether it meets the criteria or it doesn't.

Mr. Ganges had questions regarding the Lake Worth and 40th improvements (South Shore and Lake Worth). What is proposed or what is the desired effect?

Mr. Stillings responded that based on the Traffic Analysis and Impacts to those intersections those are the required offsite mitigation improvements. We have our Traffic Engineer present tonight.

A discussion between EPC members and Staff on the intersection improvements and payment of proportionate share of the cost of widening and improvements. The Traffic Engineer, Andrea Troutman with Pinder Troutman Consulting, answered questions regarding the 4-lane of Southshore Boulevard and why it was not recommended for improvement, because traffic would not be caused by the proposed development. They would be charged for a proportionate share of any future widening of South Shore Boulevard. She explained the Florida Statute "roadway is over capacity with background traffic any new project that comes on board cannot be responsible for widening".

The Committee Members had questions regarding the traffic studies use of data from 2016. Ms. Troutman responded to those questions.

Committee Questions directed to Applicant

Chair Cleveland had questioned for Mr. Rosenbaum's comment regarding dressage not being known in the United States until 2012. Questions were brought up by the committee regarding the argument by applicant that the housing development is necessary to grow the equestrian community. The Applicant explained that the benefits for the equestrian community would be substantial. Dr. Lund asked Mr. Michael Stone to confirm Global Equestrian Group was involved in the application and Mr. Stone confirmed. Chair Cleveland commented on the fact that the majority holder of land did not have a representative present. Mr. Stone acknowledged and stated that he and the applicants were present and that they could not apply for an application if they did not own the land. Mr. Stone stated that the application for the horse show (dressage) would come after this application was approved. Comments continued regarding the horse/stables required by the equestrian community and how the new luxury homes would not accommodate these requirements, Mr. Stone stated these luxury homes would be for equestrians who would want to be in Wellington year-round. Mr. Doug McMahon answered that his company had looked into different development project ideas to complement the equestrian lifestyle but they simply could not take the risks for his investors.

Interested Parties

Cory Cramer started the second half of the meeting, introduced Jana Lhota representing interested party Victoria McCollough owner of Mida Farms at 13801 Gracida Street and 13777 Gracida Street.

Ms Lhota made a comparison of the existing master plan and the proposed master plan surrounding her client's property. Ms Lhota commented that there was no need for the comprehensive plan amendment because the applicants have what they need with the existing residential plan.

Ms Lhota commented on the condition that provided any site plan in Pod E, F and G were required to go to Village Council for review. Staff had asked that condition be eliminated because it is burdensome. Ms Lhota stated this condition should not be eliminated because it was vitally important not only to protect her client's rights but also the EPC and the residents.

Haakon Ganges asked Ms. Lhota what item her client had objections to. Ms. Lhota listed the issues her client had and stated that the way the project was being presented at the time was unacceptable to her client.

Ms Cramer stated that the banked units are never guaranteed there may be an entitlement to have 197 units and planning for 148 units but when engineering determines how much land will be used for interior roads and common areas, they may not have the room for the 148 planned unit development.

Dr. Lund asked about the request to delete the requirement of having Village Council as the approving body for any site plan or amendment. Applicant requested that Village Staff have final approval on individual site plans in a PUD.

Mr. Stillings answered that the master plan presented with 148 lots was effectively what the concept plan would be, what the site plan would mirror; therefore, staff saw no reason to review what had already been presented. With respect to POD F (commercial equestrian arena) that would have to go through conditional use approval with a site plan, EPC and Village Council approval.

Mr. Leonard Feiwus an Attorney with the Kasowitz Benson Torres LLP law-firm representing a united coalition of Wellington residents who strongly object to the land-use applications presented. The coalition believes that the application presented would destroy the unique equestrian lifestyle and defining principle of the community the proposed development was fundamentally incompatible with the Wellington mandate to protect the Equestrian Preserve and that the applicants track record was not reliable.

Dr. Lund asked Mr. Feiwus what the coalition would like to see. Mr. Feiwus answered that the applicant would have been supported if they had partnered with a real estate developer more genuinely committed to the equestrian lifestyle.

Mr. Gangnes asked Mr. Feiwus to clarify the coalitions stance and what would the applicant need for the coalition to support the new showgrounds. Mr. Feiwus clarified that the coalition would like the investment in the showgrounds but the plan that has been proposed does not have a binding commitment for new showgrounds.

Dr. Kristy Lund motioned to open public hearing, seconded by Glen Fleischer, motion was unanimously passed (7-0)

VII. Public Comments

The following 16 individuals spoke and were opposed to the South Project:

1. Patrick Parsons
2. Lynda Sirota
3. Patricia Bachi
4. Maureen Brennan
5. Victoria McCollough
6. Chris Schubert
7. Carol Coleman
8. Dr. Carolyn Luther
9. Phoebe Weseley
10. Ruthann Smith
11. Jeff Siskind
12. Lauren Brody
13. Jill Hoog
14. Greg Hinkson
15. Beth Baumert
16. Roberta Williams

Chair Cleveland asked for a motion to go past 11:00 pm, Glen Fleischer motioned, seconded by Dr. Kristy Lund, motion was unanimously passed (7-0)

Haakon Ganges asked for a motion to continue the meeting at 11:30pm, Glen Fleischer motioned, seconded by Dr. Rachel Edelman, motion passed unanimously (7-0)

The following 48 individuals did not want to speak but are opposed to the project:

1. Michael Whitlow
2. Richard Sirota
3. Judith Gordon
4. Paulette Venere
5. James Gavigan
6. William McCue
7. Janna Lhota
8. MaryEllen Sencer
9. Rose Strain
10. Jennifer Benoit
11. Maria Newman
12. Melinda Rockwell
13. Sherri Carfi
14. Cynthia Gardner

15. Judith Gordon
16. Len Feiwus
17. Diane Perkins
18. Robin Hummel Johnson
19. Sherry Maira
20. Randy Halvorsron
21. Emily Marschok
22. Barbara Richardson
23. Krystle Rendon
24. Jack & Sonja Seals
25. Sam Reid
26. Edward Marshall
27. Karen Ramsing Bixler
28. Sahar Daniel Hirosh
29. Sydney Schreiber
30. Karin Bradeen
31. Walker Allen
32. Jill Allen
33. Janne Rumbough
34. Leslie Simpson
35. Ruben Johnson
36. Edward Marshall
37. Lynda Gotlieb
38. Marcia Pepper
39. Dr. Michael Kohl
40. Christopher Benoit
41. Joe of Periwinkle Place
42. Mark Elie
43. Joanne Sekor
44. Michael Masso
45. William Custer
46. Lori Custer
47. Barbara Richardson
48. Richard Ellis

The following individual spoke in support of the project:

1. Tommy Skiffington

Chair Cleveland asked for a motion to close the public hearing, Dr. Lund motioned, seconded by Glen Fleischer, motion passed unanimously (7-0)

VIII. Staff Comments:

Chair Cleveland asked EPC if they had any questions and Laurie Cohen clarified questions could be directed to Applicant or Interested Parties.

Mr. Gangnes directed question to Staff: When you came up with how it was compliant, was that given from their application? Or, was that from your findings when you explored it? On the Staff Report, Staff cites various locations of where it was actually compliant with the Comp Plan, where those findings provided by Applicant or Staff?

Mr. Stillings responded that we do our own analysis but the Applicant as part of their Application is required to provide that same information.

Mr. Gangnes asked are there any places that it does not comply with the Comp Plan?

Mr. Stillings responded that the Staff looks at what does comply, not what doesn't comply.

Mr. Fleischer directed question to Michael Stone, are there any restrictive covenants on the current horse show land? I've heard that there is a 99-year restrictive covenant that the land can only be used as a horse show and could not be changed into a housing development?

Mr. Stone stated that is correct.

Mr. Fleischer asked if a similar restrictive covenant would be put on the Section F for this application.

Ms. Miskel responded that yes, there is a way for us to do that.

Ms. Cohen asked if EPC wanted to give Interested Parties an opportunity to make their closing statements? Ms. Lhota declined.

IX. Board Comments

Dr. Lund commented that the duty of the EPC is to support the equestrian lifestyle. Tonight the amount of development they are proposing I cannot support but with a caveat that we could work together, if they are willing to do that.

Mr. Arrellano stated he did not know how the EPC could vote in favor without knowing what is going to happen with the equestrian part. My vote is no.

Chair Cleveland stated that did not see any reason to give up equestrian land for houses that have nothing to do with the horse show.

Mr. Gangnes stated that we want to see some type of improvement/expansion of the horse show. A general question would be - does the proposal provide an equivalent level of services that exists today?

Dr. Edelman stated she could not approve what is currently being proposed.

Mr. Fleischer stated he could not support the application as submitted.

Mr. Cunkle stated he could not approve.

Glen Fleischer motioned to deny the Ordinance 2023-04 Wellington South Comprehensive Plan, seconded by Dr. Rachel Eidelman, motion was unanimously denied (7-0).

Glen Fleischer motioned to deny the Resolution R 2023-02 Master Plan Amendment for Country Place PUD, seconded by Dr. Rachel Eidelman, motion was unanimously denied (7-0)

Election

Dr. Rachel Eidelman motioned for Chair Cleveland to remain Chair of the Equestrian Preserve Committee, motion was made by Dr. Kristy Lund, seconded by Richard Cunkle, motion was unanimously passed (7-0)

Dr. Rachel Eidelman motioned for Haakon Gangnes to remain Vice Chair of the Equestrian Preserve Committee, motion was made by Richard Cunkle, seconded by Dr. Kristy Lund, motion was unanimously passed (7-0)

X. Adjournment

Chair Cleveland adjourned the meeting at 11:39 PM.

Jane Cleveland, Chair

Helen Archer, Recording Secretary