

Appeal - 16311 Hollow Tree Lane

STAFF REPORT

Petition Number: Appeal
 2025-0001-APP

Owner: Hollow Tree Show Jumping LLC
 16311 Hollow Tree Lane
 Wellington, FL 33470

Agent: Katie Edwards-Walpole, P.A.
 300 S. Pine Island Road
 Suite 201
 Plantation, FL 33324

Site Address: 16311 Hollow Tree Lane

PCNs: 73-40-44-13-00-000-1510

Future Land Use Designation (FLUM):
 Residential B (0.1 du/ac – 1.0 du/ac)

Zoning Designation:
 Rustic Ranches Overlay Zoning District/Equestrian Overlay
 Zoning District – Subarea E (RROZD/EOZD)

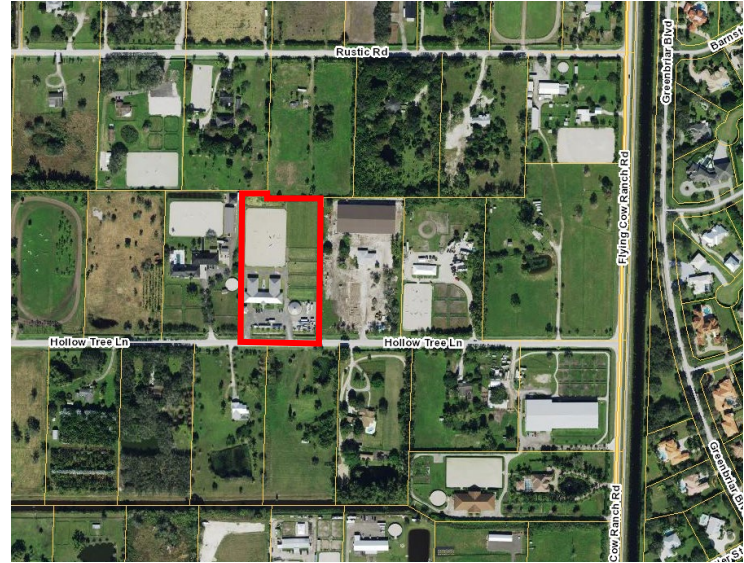
Acreage: 5.0 acres

Request: The agent, on behalf of the owner, is appealing the administrative withdrawal of Petition No. 2025-0012-SPU, an Equestrian Permit for Occupation of (Temporary) Residence for the property located at 16311 Hollow Tree Lane.

Project Manager:
 Kelly Ferraiolo, Senior Planner
KFerraiolo@wellingtonfl.gov
 (561) 753-5268

Location/Map:

The subject site is located approximately ¼ mile west of the Flying Cow Ranch Road and Hollow Tree Lane intersection.



Adjacent Property	Future Land Use	Zoning
North	Residential B (0.1 du/ac – 1.0 du/ac)	Rustic Ranches Overlay Zoning District (RROZD) / Equestrian Overlay Zoning District (EOZD)
South		
East		
West		

Rustic Ranches History:

The subject property is located within the 640-acre Rustic Ranches subdivision which is a residential, equestrian neighborhood comprised mostly of 5-acre lots. Rustic Ranches was annexed into Wellington in 2004. Shortly after annexation, the Rustic Ranches residents and property owners and Wellington's Planning and Zoning staff participated in a series of planning charrettes to develop a neighborhood plan. At the planning charrettes, the property owners expressed their vision for their neighborhood including maintaining the rural residential character with an equestrian theme, maintaining large lots with a density of one unit per five acres, continuing the existing land use, and providing a balance between property owners interests and land use. The Neighborhood Plan guided the implementation of the unique land development regulations for the area that would become the Rustic Ranches Overlay Zoning District (RROZD).

In 2005, prior to the RROZD adoption, a ballot with the proposed Neighborhood Plan and the associated Rustic Ranches Overlay Zoning District (RROZD) ordinance was mailed to each of the Rustic Ranches property owners to gauge support. A majority of responding property owners were in support of the adoption of the proposed plan and regulations. The Neighborhood Plan was adopted by Resolution No. R2006-02 on January 24, 2006.

On February 14, 2006, Ordinance No. 2006-02, RROZD, was adopted by the Council. These overlay district regulations limited the use of recreational vehicles (RV) as a temporary residence within Rustic Ranches to only two (2) consecutive weeks during a calendar year. This limitation for RV use is still part of the RROZD.

The RROZD also includes a conflicts clause, which has not changed, that states:

"In the event of any conflict between regulations of this Chapter [RROZD] and the other regulations in the LDR, the regulations of this Chapter [RROZD] shall govern. In the absence of any conflict, the regulations in the underlying zoning district [RROZD], the EOZD and the LDR shall be applicable and supplement the regulations in this Chapter [RROZD]". [Emphasis added.]

Shortly after the RROZD was adopted, Ordinance No. 2006-07 was approved which rezoned the 640-acre Rustic Ranches community to Agricultural Residential (AR)/EOZD/RROZD. The zoning designation includes the general (Agricultural Residential) applying to all AR property in the Village, to the more specific (EOZD) which applies to all property in the Equestrian Preserve Area, to the even more specific (RROZD) applying only to properties in Rustic Ranches. According to the conflicts clause above, the RROZD regulations would govern if there was conflict with the AR or EOZD regulations.

At the time Rustic Ranches was rezoned the EOZD prohibited the use of RVs as a temporary residence within the Equestrian Preserve Area. In 2019, the EOZD regulations were amended allowing RVs as a temporary residence on properties five (5) acres or more with the issuance of an Equestrian Permit (See LDR Section 6.8.9.P below):

Land Development Regulations

EOZD Sec. 6.8.9.P. - Recreational Vehicles as Temporary Residences:

- 1. The use of recreational vehicles as a temporary overnight residence on residential lots in the EOZD is allowed with an approved Equestrian Permit between the months of November and April in accordance with the following:*
 - a. Lots that are less than five (5) acres are not eligible for temporary overnight RV usage.*
 - b. Lots five (5) acres to nine and nine-tenths (9.9) acres in size shall be permitted to have one (1) RV for temporary overnight usage.*
 - c. Lots 10 acres or greater shall be permitted to have two (2) RVs for temporary overnight usage.*
- 2. The use of recreational vehicles as temporary residences shall be in conjunction with a permanent residence or stable type structure(s), shall comply with the building setbacks applicable to principal structures and shall be screened from view of adjacent roads and private properties.*

Over the years, various amendments to the EOZD regulations have been adopted that conflict with the RROZD regulations. For example, in 2009, EOZD amendments increased the maximum Floor Area Ratio (FAR) from 0.15 to 0.20. The properties within the RROZD were not afforded the FAR increase and the FAR for Rustic Ranches remained at 0.15.

In 2013, Rustic Ranches property owners petitioned Wellington to change the FAR and Building coverage to 0.20 and 20% within the RROZD, respectively, to be consistent with the EOZD. A petition of over 70 property owners was submitted and a Zoning Text Amendment was initiated and eventually adopted. This amendment has been the only change to the Rustic Ranches Overlay Zoning District regulations since its initial adoption in 2006.

Site History:

In 2023, the former owner of the property located at 16311 Hollow Tree Lane constructed a non-residential 16-stall barn, a storage building, and a covered walker. No building permits for residential dwellings were approved. In March 2024, the current owner (Hollow Tree Show Jumping LLC) purchased the subject property. In October 2024, an F2/F3 tornado touched down in the Rustic Ranches neighborhood, destroying many structures, some as close as the neighboring property, 16219 Hollow Tree Lane. The subject property was damaged. However, no structures were deemed destroyed.

On January 28, 2025, a code compliance case was initiated (CC-000371-2025) from a citizen complaint, and a subsequent inspection confirmed the property was utilizing two (2) RVs as temporary overnight residences with improper disposal of wastewater. A courtesy notice was mailed to the property owner that same day with a compliance date of February 7, 2025, stating the property owner was violating Section 6.8.9.P – RVs as Temporary Residences, which required an Equestrian Permit to allow an RV as a temporary residence for up to six (6) months.

An Equestrian Permit for occupancy of RVs as Temporary Residence was applied for on February 7, 2025, by Katie Edwards-Walpole, on behalf of the owner. Upon review, staff determined that the property was cited under the wrong code section. The LDR section cited was for the EOZD rather than RROZD, Section 6.10.6 (below):

RROZD Sec. 6.10.6 – Recreational Vehicles: The use of recreational vehicles, travel trailers, campers or similar vehicles as a temporary residence is permitted, but shall not exceed two (2) consecutive weeks during a calendar year. Water and wastewater connections are required and shall comply with Palm Beach County Health Department regulations. [Emphasis added.]

On March 3, 2025, a letter was sent to Ms. Edwards-Walpole stating “per Section 6.10.6 of Wellington’s LDR, the use of RVs, travel trailers, campers, or similar vehicles as a temporary residence is permitted, but shall not exceed two (2) consecutive weeks during a calendar year.” The property owner was originally cited on January 28, 2025, and as of the date of the letter, exceeded the allowable two weeks as the RV(s) had not been removed. The RV(s) were ordered to be removed by March 5, 2025. Based on the length of time the property owner had already utilized the RV(s) beyond the time allowed with the RROZD, the Equestrian Permit application was administratively withdrawn, and a refund was issued. To date, the RV(s) have not been removed from the property.

An appeal of the administrative withdrawal was filed on April 1, 2025, by Ms. Edwards-Walpole. The appeal was submitted within 30 days of the application determination and administrative withdrawal as required by Section 5.2.4.D, Appeals, of Wellington’s LDR. Appeals of decisions made by a Director shall be heard by the Planning, Zoning and Adjustment Board (PZAB).

ANALYSIS:

Wellington’s LDR states the interpretation or decision in question (i.e., administrative withdrawal of 2025-0012-SPU) shall be presumed to be correct, and the appellant shall have the burden to demonstrate errors (Section 5.2.4.D.6.b.iii.). The PZAB shall not reject or modify the Director’s interpretation/decision if it is supported by competent, substantial evidence. Competent substantial evidence is “such relevant evidence that a reasonable mind would accept as adequate to support a conclusion.” Competency of evidence refers to its admissibility under the legal rules of evidence. Substantial requires there to be some real, material, pertinent, and relevant evidence tending to prove each essential element. The PZAB may affirm, wholly or in part, reverse, or may modify the decision or determination being appealed. A PZAB decision concerning an interpretation of a Code provision becomes the official interpretation of Wellington unless overturned by the Courts or modified by a future LDR amendment. The interpretation must be applied uniformly to all properties, as applicable.

The appellant's appeal letter (attached) included statement(s), provided in bold and italics below, regarding the relief sought and arguments supporting the appellant's position. Following each statement is the Planning staff's response.

Appeal: The requested relief sought is a determination by the Board that the plain language of the LDR be given effect, specifically, that Chapter 8 applies to Rustic Ranches, and any conflicts between Chapter 8 and Chapter 10 must be governed by Chapter 8, Section 6.8.2. Accordingly, Hollow Tree Show Jumpers was eligible to apply for a SUP-Equestrian Permit for one (1) RV in conjunction with its stables.

Response: The RROZD implemented unique land development regulations specific to the Rustic Ranches subdivision that included a conflicts clause that stated: *"In the event of any conflict between regulations of this Chapter (RROZD) and the other regulations in the LDR, the regulations of this Chapter shall govern. In the absence of any conflict, the regulations in the underlying zoning district, the EOZD and the LDR shall be applicable and supplement the regulations in this Chapter"*.

Based on this clause, any use of RVs in Rustic Ranches is not permitted for the longer period allowed in other areas of the EOZD and is limited to two weeks. An Equestrian Permit for the RVs would have been limited to two weeks. As the property owner had already benefited from the use of an RV for more than two weeks, the application was administratively withdrawn and the application fee returned to the applicant.

Appeal: There is no "Declaration of Restrictions" for Rustic Ranches, as stated in Chapter 10, Sec. 6.10.1.(C). Rustic Ranches were already part of the EOZD after its annexation into the Village. The language contained in Chapter 8, Section 6.10.1 is taken from a neighborhood plan adopted by reference in 2005. The language is obsolete...

Response: Section 6.10.1 of the LDR contains the purpose and intent statements for the adoption of the RROZD. Section 6.10.1(C) provides that the purpose is "[t]o preserve and maintain the equestrian character and lifestyle of the Rustic Ranches community, and collectively to determine guidelines for the future." This statement is not relevant to the Director's decision in this matter. The Appellant appears to have intended to cite to Sec. 6.10.1.D, which provides: "To the extent practicable, to incorporate the provisions of the 'Declaration of Restrictions' for the neighborhood known as Rustic Ranches into the neighborhood plan and the Rustic Ranches Overlay Zoning District". The RROZD incorporated, to the extent practicable, the provisions of the referenced Declaration of Restrictions. However, following adoption of the RROZD, the life of the declarations and applicability of such restrictions do not impact the validity of the RROZD regulations.

Appeal: It is not clear when the residents of Rustic Ranches petitioned the Village Council to exempt Subarea C/EOZD-RR from the ability to apply for and obtain a SUP-Equestrian in accordance with Chapter 8. Sec 6.8.9.P.

Response: This statement is not relevant to the Director's decision. The RROZD is within Subarea E of the EOZD and would not be affected by changes made to Subarea C. The Council adopted the RROZD regulations after coordination with the Rustic Ranches property owners through a series of charettes. As presented in the Rustic Ranches History section of this report, the only amendment since its initial adoption was related to FAR and building coverage in the RROZD and was initiated by a majority of Rustic Ranches property owners. Any future amendments to the RROZD will follow the same process as the 2006 implementation and the 2013 amendment.

FINDINGS OF FACT/CONCLUSION:

The interpretation/withdrawal letter provided by Kelly Ferraiolo on March 3, 2025 (Exhibit B) and the responses in this report provide competent, substantial evidence to affirm the Director's decision to

Planning, Zoning and Adjustment Board

Planning and Zoning Division

May 21, 2025



administratively withdraw the Equestrian Permit application. Based upon the conflicts clause contained within the RROZD, the more specific RROZD regulations control over the more general regulations of the EOZD. Because use of recreational vehicles (RVs) as a temporary residence within Rustic Ranches is limited to two (2) consecutive weeks during a calendar year, these regulations control over the longer period of time permitted within the EOZD.

Lists of Exhibits:

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| Exhibit A | Edwards-Walpole Appeal Letter (no attachments), April 1, 2025 |
| Exhibit B | Wellington Administrative Withdrawal Letter, March 3, 2025 |
| Exhibit C | Petition No. 2025-0012-SPU Submittal; Equestrian Permit for Occupation of RVs as Temporary Residence |
| Exhibit D | Resolution No. R2006-02 Rustic Ranches Neighborhood Plan |
| Exhibit E | Ordinance No. 2006-02 Rustic Ranches Overlay Zoning District (RROZD) |
| Exhibit F | CC-000371-2025 Courtesy Notice with Pictures; 16311 Hollow Tree Lane |
| Exhibit G | Current LDR Sections of Equestrian Overlay Zoning District and RROZD |
| Exhibit H | Declaration of Restrictions (Rustic Ranches) |