

PALM BEACH COUNTY COMMISSION ON ETHICS

EXECUTIVE SUMMARY

To: Alan S. Johnson, Executive Director
From: James A Poag, Investigator
Re: C11-027 – Respondent, Dr. Scott Swerdlin, Village of Wellington Equestrian Preserve Committee

• **Background**

This matter came to the attention of the Commission on Ethics' staff via a sworn complaint signed on December 21, 2011 by Ms. Carol Coleman (Complainant). Attached to the sworn complaint form was a letter (Complainant's Statement) addressed to the Palm Beach County Commission on Ethics (COE). The Respondent listed under this Complaint is Dr. Scott Swerdlin. Dr. Swerdlin is the Chairman of the Equestrian Preserve Committee (the Committee), an advisory board of the Village of Wellington. All members of this advisory board are appointed to this position by the Village Council, and thus are under the jurisdiction of the Commission on Ethics as of June 1, 2011.

The Complaint alleges that on December 14, 2011, the Committee met to discuss and vote on planning and zoning amendments for the proposed Equestrian Village Project. According to the Complainant's Statement, after the meeting was called to order, Mr. Jeffrey Kurtz, Village Attorney for Wellington, advised the members of the Committee that if anyone had a conflict of interest in this matter they should abstain from both participation in the discussion and from voting on the issue. The Complainant alleges that Dr. Swerdlin has a known business relationship with Mr. Mark Bellisimo, (applicant for the Equestrian Village Project through Equestrian Sports Production-ESP), and could gain financially from the actions of the Committee. The Complaint states that despite the admonishment by Mr. Kurtz to all Committee members abstain from participation and voting if they have a potential conflict of interest, Respondent participated in the discussion regarding the Equestrian Village Project in violation of §§2-443(a) *Misuse of public office or employment* (b) *Corrupt misuse of official position* and (c) *Disclosure of voting conflicts* of the Palm Beach County Code of Ethics (the Code). The complaint alleges Respondent participated in discussions until the point that a vote was called in the matter, at which time he abstained and did not vote. Further investigation revealed that Respondent failed to submit a voting conflict form as required under §2-443(c).

• **Investigative information**

On December 14, 2011, at the beginning of the Committee meeting where the Equestrian Village Project was to be discussed, Mr. Kurtz advised the Committee members that if any member had a potential conflict of interest, they must declare the conflict and abstain from participating or voting in the matter. Respondent failed to disclose any conflict of interest, continued to chair the Committee meeting as the Equestrian Village Project was discussed, and actively participated in these discussions, knowing that he had a financial conflict that would require him to abstain from both participating in discussions and voting on this project. The Respondent, as Chairman of the Committee, attempted to have the Committee offer an informal recommendation to the Village Council concerning this project, in an attempt to circumvent the requirements of the Code.

Village Attorney Kurtz admonished Respondent regarding his actions in attempting to obtain an informal recommendation by the Committee, and advised him that the conflict could not be resolved simply by asking for an informal recommendation. Mr. Kurtz further advised Respondent that his request for an informal poll of Committee members would be considered a formal vote on the matter. Following admonishment from Mr. Kurtz regarding his actions, Respondent abstained and left the dais. He did not vote on the project. Respondent also failed to file the required Form 8B after abstaining from the vote on the Equestrian Village project at the December 14, 2011 Committee meeting.

Pursuant to additional inquiry and preliminary investigation, information was obtained regarding the goods and services provided by Respondent to the applicant. Respondent has been the on-site veterinarian for the 12 week Winter Equestrian Festival (the Festival) as well as other events produced by ESP and/or Mark Bellissimo. This includes a veterinarian at all events and a 24/7 on call status for participants as well as equestrian ambulance service during the show events. Respondent was given advertising in the form of a vendor booth on the main show ground as well as advertising banners at 12 show rings. According to evidence adduced during the investigation, the value of a central booth is approximately \$1,200 per week. According to the Complainant, the cost of a show ring banner had been quoted several years previously at \$10,000.

- **Conclusion**

Staff believes there are reasonably trustworthy facts and circumstances for the Commission on Ethics to conclude that the Respondent, Dr. Scott Swerdlin, by using his official position as Chairman of the Committee to benefit his customer/client, ESP and/or Mark Bellissimo, violated §§2-443(a) and (b) of the Code of Ethics. In addition, by significantly participating in the December 14, 2011 Committee discussion of an application presented by ESP and/or Mark Bellissimo, his customer/client, and further, by not submitting the required voting conflict form to the Village Clerk and the COE, the Respondent violated §2-443(c).

Discovery Index

C11-027 Re: Dr. Scott Swerdlin

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January 30, 2012

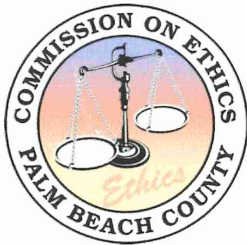
1	Complaint
2-3	Letter from Carol Coleman dated December 15, 2011
4-12	Memorandum of Inquiry
13-15	Memorandum of Legal Sufficiency
16	December 13, 2011 email to Dr. Swerdlin, Re: Conflict of Interest Form & Section 2-443 Code of Ethics
17-18	Copy of Form 8B memorandum of Voting Conflict
19	Copy of section of Code of Ethics regarding Disclosure of voting conflicts
20	Committee Meeting Agenda dated August 24, 2011 (Meeting held August 28, 2011)
21	Committee Meeting Agenda for dated December 14, 2011
22-34	Draft copy of Committee Meeting Minutes (December 14, 2011)
35-46	Transcript of committee meeting held December 14, 2011
47-60	Equestrian Preserve Application (petition number 2011-033 CU1)
61-67	Equestrian Preserve Application (petition number 2011-033 CPTA)
68-74	Equestrian Preserve Application (petition number 2011-033 ZTA)
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83-89	Letter dated December 7, 2011 to EPC from Thomas Panza
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98-99	Memorandum to EPC dated December 8, 2011 from Robert Basehart, Growth Management Director regarding Proposed Equestrian Village Applications
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116	Equestrian Sport Productions, LLC Horse Show Statement from 1/18/12-1/22/12
117	PBC-COE Code of Ethics Training Acknowledgement of Dr. Scott Swerdlin dated 6/13/2011
118-121	Memorandum of Investigation
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125-126	Equestrian Sport Productions charity challenge posters
127-128	Florida Department of State-Division of Corporations printout for Wellington Equestrian Partners, LLC
129-130	Florida Department of State-Division of Corporations printout for Equestrian Sport Productions, LLC
131-132	Florida Department of State-Division of Corporations printout for Palm Beach Equine Medical Centers, LLC
133-134	2009 Press Release



PALM BEACH COUNTY COMMISSION ON ETHICS

2633 Vista Parkway, West Palm Beach, Florida 33411

Hotline: 877-766-5920 or 561-233-0724

COMPLAINT FORM

1. Complainant (Person bringing Complaint) Add pages, if necessary.

Name: Carol Coleman
Address: 14224 Stroller Way
City: Wellington Zip: 33414
Home #: 561-792-2290 Work #: 201 739-2013 Cell #: as work

2. Respondent (Person against whom complaint is made) Add pages, if necessary.

Name: Dr. Scott Swardlin
Address: 90 Palm Beach Equine, 13125 SouthFields Rd.
City: Wellington Zip: 33414
Home #: _____ Work #: 561 793-1599 Cell #: _____
Title/Office Held or Sought: _____

3. IF KNOWN, CHECK THE BOX OR BOXES THAT APPLY

☐ Allegation is against person in
County Government

☐ Allegation is about County:
Whistleblower Retaliation

4. STATEMENT OF FACTS BASED ON YOUR PERSONAL KNOWLEDGE

In a separate attachment, please describe in detail the facts and actions that are the basis of your complaint, including the dates when the actions occurred. Also attach any relevant documents as well as names and contact information of persons who may be witnesses to the actions. If known, indicate the section of the ordinance you believe is being violated. For further instructions, see page 2 of this form.

5. OATH

I, the person bringing this complaint, do depose on oath or affirmation and say that the facts set forth in the foregoing complaint and attachments are true and correct, to the best of my knowledge and belief.

Carol Coleman
Signature of Person Making Complaint

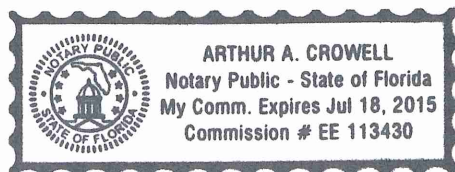
STATE OF FLORIDA

COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me
this 21 day of December, 2011, by

Carol Coleman
(Name of Person Making Statement)

who is personally known to me X or produced
identification _____. Type of identification
produced:



Arthur A. Crowell
(Signature of Notary Public, State of Florida)

Arthur A. Crowell
(Print, Type, or Stamp Commissioned Name of Notary Public)

Palm Beach Country
Office of the Inspector General
Commission on Ethics

December 15, 2011

To the Inspector General and the Commission on Ethics:

Last night, December 14, I attended the Equestrian Preserve Committee Meeting, and I feel there were several violations that occurred. These violations involved Mr. Jeff Kurtz, the attorney for the Village of Wellington and Dr. Scott Swerdlin, the chair of the committee. After the meeting was called to order by Dr. Swerdlin, Mr. Kurtz explained that if anyone on the committee had a conflict of interest they must recuse themselves from the dais and leave the room since they were not allowed to partake in any of the discussions on the matter brought before them by the petitioner. Dr. Swerdlin has a business relationship with the petitioner and gains financially from the action taken by the committee. At the end of the meeting, a vote was called for and Dr. Swerdlin then recused himself from the vote sighting a conflict of interest. Dr. Swerdlin's participation in the discussions had a direct influence on the members of the committee and I feel he should have recused himself before the presentation by the petitioner and should not have taken part in any of the discussions.

Dr. Swerdlin has a contract with ESP and Mr. Mark Belissimo and has had to recuse himself from other applications that have come before the Equestrian Preserve Committee. This was not brought to the attention of the committee or to the audience who rely on the fair and knowledgeable decisions made by this committee.

I am aware that Mr. Kurtz, as the attorney, can only advise the members of the committees as to their responsibilities; however it should also be noted that Dr. Swerdlin has already indicated his conflict on other occasions and I feel that it was Mr. Kurtz's responsibility to at least remind him of that fact.

I might also add that as well as Dr. Swerdlin's contract conflicts that he also would benefit financially from the change in use for the property that is directly across the street from him. He has a boarding facility and apartments for grooms on his property where he could increase his rentals to reflect the proximity to these new show grounds as well as increasing the value of his land in general.

It should also be noted that Mr. Kurtz called Mr. Michael Whitlow, the vice chair of the Equestrian Preserve Committee, regarding recusing himself from the meeting and vote just days before the meeting. Mr. Whitlow had to tell Mr. Kurtz to contact his counsel regarding any issues Mr. Kurtz had regarding any conflicts of interest. Mr. Whitlow's attorney received

a written letter from Mr. Kurtz and responded that he did not see any conflicts of interest with Mr. Whitlow since he has no contracts and does not gain financially from the petitioner. It is odd that Mr. Kurtz did not it necessary to contact a member of the committee before the meeting who has had prior conflicts of interest with the petitioner.

The actions of these individuals will greatly affect the character of Wellington and the Equestrian Community. The rural lifestyle and the preservation of the equestrian areas are in jeopardy if actions like these are not investigated.

Respectfully,

A handwritten signature in cursive script that reads "Carol Coleman". The signature is written in black ink and is positioned above the printed name.

Carol Coleman

Recognized Judge of the United States Equestrian Federation
Senior Judge of the Canadian Equestrian Federation

PALM BEACH COUNTY COMMISSION ON ETHICS
MEMORANDUM OF INQUIRY

To: Alan Johnson, Executive Director
From: James A. Poag, Investigator
Re: C11-027 – Respondent, Dr. Scott Swerdlin-Village of Wellington Equestrian Preserve Committee

- **Background**

This matter came to the attention of the Commission on Ethics' staff via a sworn complaint signed on December 21, 2011 by Ms. Carol Coleman (Complainant). Attached to the sworn complaint form was a letter (Complainant's Statement) addressed to the Palm Beach County Commission on Ethics (COE). The Respondent listed under this Complaint is Dr. Scott Swerdlin. Dr. Swerdlin is the Chairman of the Equestrian Preserve Committee (the Committee), an advisory board of the Village of Wellington. All members of this advisory board are appointed to this position by the Village Council, and thus are under the jurisdiction of the Commission on Ethics as of June 1, 2011.

The Complaint alleges that on December 14, 2011, the Committee met to discuss and vote on planning and zoning amendments for the proposed Equestrian Village Project. According to the Complainant's Statement, after the meeting was called to order, Mr. Jeffrey Kurtz, Village Attorney for Wellington, advised the members of the Committee that if anyone had a conflict of interest in this matter they should recuse themselves from participation in the discussion and abstain from voting on the issue. The Complainant alleges that Dr. Swerdlin has a known business relationship with Mr. Mark Bellisimo, (applicant for the Equestrian Village Project through Equestrian Sports Production -ESP), and could gain financially from the actions of the Committee. The Complaint states that despite the admonishment by Mr. Kurtz to all Committee members to recuse themselves from participation and to abstain from voting if they have a potential conflict of interest, Dr. Swerdlin participated in the discussion regarding the Equestrian Village Project in violation of Section 2-443(a) *Misuse of public office or employment* and (c) *Disclosure of voting conflicts* of the Palm Beach County Code of Ethics (the Code). The complaint alleges Dr. Swerdlin participated in discussions until the point that a vote was called in the matter, at which time he abstained and did not vote.

- **Inquiry**

On December 27, 2011, the Complaint was assigned to this investigator for follow-up action. I reviewed the Complainant's statement in its entirety. On January 5, 2012, I spoke with Ms. Jennifer Fritz, Sr. Administrative Assistant, Village of Wellington. I asked Ms. Fritz if she would provide me with a copy of the minutes from the December 14, 2011, Committee meeting. Ms. Fritz advised me that she would e-mail a copy of the minutes; however they had not been approved and were in DRAFT form. I received a copy of the DRAFT minutes via e-mail and Ms. Fritz also provided instructions to view the meeting via the Village of Wellington website located at www.wellingtonfl.gov. I reviewed the DRAFT minutes and viewed the webcast video of the December 14, 2011, Committee meeting in its entirety.

I developed the following time line based on my review of the webcast video from the December 14, 2011 Committee meeting as follows:

24:21 – 25:05 Mr. Kurtz admonished the members of the Committee prior to the swearing in of speakers. Mr. Kurtz advised if any member had a potential conflict of interest to declare the conflict and not participate in the discussion. He informed them according to the rules established by the Palm Beach County Code of Ethics, it is not sufficient to merely abstain from voting, but the Code further requires any Committee member with a conflict to not to participate in any discussions about the matter. Mr. Kurtz suggested if a Committee member had such a conflict that the best place to watch the meeting was from the back of the room.

At no time following Mr. Kurtz statements did Dr. Swerdlin or any other member of the Equestrian Preserve Committee declare a conflict or remove themselves from the dais prior to Committee discussions concerning the Equestrian Village Project commencing.

- 26:08 -26:54 Dr. Swerdlin asked Mr. David Flinchum, Planner & Zoning Manager, Village of Wellington, to begin with the presentation of the Equestrian Village applications to be considered by the Committee. Mr. Flinchum advised the Committee that there were three documents on the back table that contained information regarding the four items for consideration. The first item for consideration by the Committee was the Equestrian Village Comprehensive Plan Text Amendments (CPTA). The second item was the Equestrian Village Zoning Text Amendments (ZTA). The third item was the Equestrian Village Wellington PUD Master Plan Amendment (MPA) and the last item was an application regarding the Equestrian Village/Conditional Uses/Commercial Equestrian Arena Compatibility Determination (CU).
- 42:18 – 43:50 Dr. Swerdlin made an inquiry regarding how staff was defining the words hotel and condo/hotel. Mr. Flinchum provided clarification about the terms being used. Dr. Swerdlin said “I would just hate the Village Council to approve something and then we have a problem with the definition.” According to Dr. Swerdlin, he asked the question because he “just wanted to make sure before we passed that information on that everybody understands and the Village Council understands your definition.”
- 50:03 – 50:38 Dr. Swerdlin asked Mr. Flinchum to simplify the issues in twenty words or less for the general public. Dr. Swerdlin paraphrases Mr. Flinchum’s statements after each issue is announced.
- 52:53 – 1:20:42 Mr. Mark Belissimo (Applicant) provides his presentation to the Committee.
- 1:21:22 – 1:33:06 Mr. Michael Sexton, Sexton Engineers, makes his presentation to Committee regarding the technical issues of the project.
- 1:33:10 –1:36:18 Michael Stone, President of Equestrian Sport Productions, reads a letter into the record from Dennis Shaughnessy, Chairman of FTI, a leading sponsor in support of the project.
- 1:36:22 - 1:36:50 Dr. Swerdlin thanked Mr. Stone and tells the audience that there are about twelve people who would like to speak and about fifty people with comment cards to be read into the record. Dr. Swerdlin then calls Victor Conner to speak and requests Robert Dover to speak at the other podium following Mr. Conner to open the public comment portion of the meeting.
- 1:36:54 – 1:38:38 Mr. Victor Conner speaks on behalf of the Wellington Chamber of Commerce in support of the project.
- 1:38:42 – 1:41:51 Mr. Robert Dover speaks in support of the project.
- 1:42:12 – 1:46:52 Mr. Matt Forrest, Executive Director of the Wellington Equestrian Preserve Alliance, presents his comments in opposition to the project. At the conclusion of his presentation Dr. Swerdlin asks Mr. Forrest about a statement he made in his presentation with regards to a New York City walk-up. Mr. Forrest described it as what he believed to be a 5 or 6 or 7 story building with no elevator. Dr. Swerdlin replied “Oh really there’s no elevator?” Mr. Forrest stated, “That’s why it’s called a walk-up.” Dr. Swerdlin then stated, “but don’t you have to if your 3 stories and above in Florida, you have to have elevators?” He also questioned Mr. Forrest about the members of the alliance. Mr. Forrest stated “we are a growing group and I would also remind you that you did not ask for the membership of every other speaker that comes up.” Dr. Swerdlin replied, “There’s no other group except the Chamber of Commerce.” Mr. Forrest provided the names of the Alliance Board

Members and requested that the names of the Board Members for the Chamber of Commerce be read into to the record. Dr. Swerdlin asked if they had the names of the Chamber board members, and that they be provided to Mr. Forrest.

- 1:47:00 – 1:53:48 Mr. John Flannigan speaks in opposition of the project. He also stated that during the high performance dressage meeting all licenses and applications were granted for the old facility, not the new facility. There were discussions and questions about whether the Committee would provide show date approvals for a facility that had yet to be built. Dr. Swerdlin stated, "I don't know if that's in our purview. I mean really. We have to go on what's in front of us and not the dates." At the end of the discussion, Dr. Swerdlin added, "Thankfully that debate on dates is not something that we have to deal with."
- 1:54:01- 1:56:15 Ms. Terri Kane speaks in support of the project.
- 1:56:32 -1:59:46 Mr. Robert McKean speaks in support of the project.
- 2:00:21–2:04:36 Mr. Tom Panza, Wellington Equestrian Alliance, speaks in opposition to the project.
- 2:05:19–2:06:43 Ms. Robin Hummel-Johnson speaks in opposition to the project.
- 2:06:49-2:06:52 Dr. Swerdlin asks, "Is there anyone else who would like to speak?"
- 2:07:05-2:10:11 Mr. Glen Straub speaks in support of the project.
- 2:10:24-2:15:35 Dr. Swerdlin reads comment cars into the record.
- 2:15:37- 2:16:03 Dr. Swerdlin asks for a motion to close public comment. A motion was made by Mr. Myles Tashman, Committee Member, and seconded by Dr. Kristy Lund, Committee Member. The motion to close the public comment portion of the meeting was approved unanimously (5-0), with Dr. Swerdlin participating in the vote.
- 2:16:09 – 2:36:08 Dr. Swerdlin opened the meeting for "Board comment and Board questions." Members of the Committee, including Dr. Swerdlin asked several questions of the Mr. Belissimo, Mr. Sexton and Mr. Stone with regard to the project.

The portion of the December 14, 2011 Committee meeting found in time frame (2:36:07 – 2:57:07) was transcribed and submitted to the file.

After the close of the public comment portion of the meeting, Dr. Swerdlin in his role Committee Chair, requested an informal poll of Committee members indicating that he wanted to send the matter to Village Council without a formal vote. During this portion of the meeting, Mr. Kurtz provided Dr. Swerdlin with his interpretation of Sec. 2-243(c) *Disclosure of voting conflict* of the Code. Mr. Kurtz also directly admonished Dr. Swerdlin about his failure to abstain from participation in the discussion about the Equestrian Village Project. Mr. Kurtz made the following statement directly to Dr. Swerdlin before the Committee voted on the Equestrian Village application:

"Dr. Swerdlin, why don't we be frank with what is going on here. Dr. Swerdlin, when PBIEC came before this body, I believe he recused himself because, ummm, there was some sort of relationship with ahhh ESP or another entity that is related to PBIEC. Dr. Swerdlin, I think is under the impression, umm, and I do not think it is a correct impression, that if you do not take a vote, that under the rules as established by the Palm Beach County Ethics Ordinance, that he can participate in the matter. Umm, I have suggested to him that it is my reading that if you have a conflict of interest, with respect to a matter, you are, ummm, not only prohibited from voting, but prohibited from participating in the matter. It is always your individual choice as a board member knowing what the total circumstances are of your involvement, in or . . . or not in with respect to a project, that you make the determination as to

whether or not you have a conflict. That is not something that the staff can determine for you. That is not something that I can determine for you. But, what I do not think is appropriate is that you try and play a semantic game as to whether or not when you ask for everybody's agreement you are pretending you are not voting on the matter. And I suspect . . . Dr. Swerdlin is free to contradict me. I suspect that is the reason he is trying to put it . . . put forth that. Because he, as I said, I believe is under the mistaken impression, but it is his impression, and he is entitled to his impression, that if there is not a formal motion and vote, somehow, the ethics obligations are not triggered. And that is my perception of what is going on. If I am incorrect in that, Dr. Swerdlin can certainly advise us."

Following the admonishment from Mr. Kurtz, Dr. Swerdlin agreed with his interpretation and disclosed, "We are the veterinarians. We don't charge. We have a nice table. We get promoted. We are the veterinarians for the Winter Equestrian Festival." Following some additional explanation of the ethics rules by Mr. Kurtz, Dr. Swerdlin decided to recuse himself and left the dais.

I conducted an internet search of the website for Equestrian Sports Productions (ESP) (www.equestriansport.com). It showed that ESP is the owner of the Palm Beach International Equestrian Center (the Center), and producer of the Winter Equestrian Festival (the Festival). The site also listed ESP as a wholly owned subsidiary of Wellington Equestrian Partners, LLC (WEP). A search of the Florida Department of State website (www.sunbiz.org), listed Mr. Mark Bellissimo as the Registered Agent/ Managing Member for WEP and ESP. The Department of State website also showed Dr. Scott Swerdlin to be the Registered Agent/Managing Member of Palm Beach Equine Medical Centers, LLC (PBEMC).

Further review of ESP's website revealed that the 2010 Winter Equestrian Festival took place over a period of 12 weeks in Wellington. Vendors for the event were charged weekly for vendor space according to the size of the space. Prices ranged from \$950 per week to \$2,350 per week on the main grounds. (Fee schedule is submitted to file). According to Dr. Swerdlin's comments during the December 14, 2011 meeting of the Committee, his company, PBEMC, is given space and receives advertisement during the Winter Equestrian Festival. The inquiry also revealed that PBEMC was listed under "ESP staff" in the 2010 ESP Summer & Early Fall Series, and the Fall Prize program publications found on ESP's website. More importantly, Dr. Swerdlin's company PBEMC provides valuable services to ESP as an on-call veterinarian at these ESP events.

On January 18, 2012, I made telephone contact with the Complainant, Carol Coleman. Ms. Coleman advised that she is a judge for the United State Equestrian Federation and Senior Judge of the Canadian Equestrian Federation. She stated that she is present at many of the events held at the Center. In addition the Complainant lives directly behind the Center and passes by the show grounds daily. According to Ms. Coleman, Dr. Swerdlin's space is located on the main show grounds. He is the official veterinarian for ESP and is present at every show from 6:00 am until the show ends. Dr. Swerdlin also has a horse ambulance that is parked on the main show grounds. A \$75 ambulance fee is required for each horse entered into the show. She stated that she has personally witnessed PBEMC transport horses that have been injured during these events to their clinic for treatment. According to the Complainant, PBEMC is the only veterinarian service she has ever witnessed working on the site of the Center during the horse shows.

Based on this information, it appears that the goods and services supplied by PBEMC to ESP were well in excess of \$10,000, in the aggregate, for the 24 months preceding the December 14, 2011 meeting of the Committee.

- **Witness Interviews**

During this inquiry I made contact with Mr. Kurtz, Attorney for the Village of Wellington, to set an appointment to speak with him. The appointment was set for January 11, 2012 at 12:00 PM at his office.

- Interview: Mr. Jeffrey Kurtz, Attorney for The Village of Wellington

On January 11, 2012, I went to the Village of Wellington municipal offices located at 12300 Forest Hill Boulevard, Wellington FL and interviewed Mr. Jeffrey Kurtz. The interview was recorded and Mr. Kurtz was placed under oath. No other persons were present during this interview.

Mr. Kurtz is the Village Attorney for the Village of Wellington and Advisor to the Committee. He stated the Equestrian Village Project is a new commercial development project related to dressage (a competitive equestrian sport). The location of the proposed site of this project is at the corner of Pearson Road and South Shore Road in Wellington. Mr. Kurtz stated that the applicant for this project is Equestrian Sports Productions (ESP). It is his understanding that ESP also operates Palm Beach International Equestrian Center (the Center), which is related to Wellington Equestrian Partners, LLC (WEP).

In December 2011, the application for the Equestrian Village was submitted to the Committee for consideration. Mr. Kurtz stated he became aware of Dr. Swerdlin's possible conflict of interest as a result of another application dealing with the Center that came before the Committee during the August/September time period. Mr. Kurtz stated at that time he was advised by Dr. Swerdlin that his business (Palm Beach Equine Medical Centers, LLC) had a relationship with ESP. However, he does not know the details of the agreement or have any person knowledge that any agreement exists. Dr. Swerdlin told him that, in exchange for being the Veterinarian for the horse shows, his business gets trade in the form of advertisement. From this statement, it is Mr. Kurtz' understanding that the relationship was not a direct cash benefit relationship.

According to Mr. Kurtz, it was Dr. Swerdlin's estimation that the benefit provided to his company for the exchange of veterinary services exceeded \$10,000 over a two (2) year period. When this was brought to his attention by Dr. Swerdlin, Mr. Kurtz advised him that he had to recuse himself from participating and abstain voting on the Equestrian Village issue due to this relationship with the Center. It is Mr. Kurtz' understanding that as a result of this discussion, Dr. Swerdlin chose not to attend the August 28, 2011 Committee meeting (originally scheduled for August 24, 2011).

Mr. Kurtz stated he met with Dr. Swerdlin again prior to the December 14, 2011 Committee meeting. At that time he advised Dr. Swerdlin that ESP was the applicant for the Equestrian Village. Mr. Kurtz states that he told Dr. Swerdlin that if Dr. Swerdlin believed he had a conflict of interest with the Center application (a previous application submitted by ESP which came before the Committee on August 28, 2011), then he would probably have a conflict in this application. Mr. Kurtz advised Dr. Swerdlin again to abstain from voting and recuse himself from participating in this matter. Dr. Swerdlin questioned this interpretation of the Code and did not feel that he should have to recuse himself.

Mr. Kurtz stated, on December 13, 2011, he asked Rachel Callovi, Deputy Clerk for The Village of Wellington, to send Dr. Swerdlin an email message. Attached to the email was a copy of the state Conflict of Interest form (Form 8B), as well as a copy of §2-443(c) of the Code with the relevant portions underlined to add emphasis. According to the email, this information was requested by Dr. Swerdlin. (Mr. Kurtz provided a copy of the email with attachments to be added to the file) Mr. Kurtz stated that Dr. Swerdlin acknowledged receipt of the email.

On December 14, 2011, the Committee met to discuss the Equestrian Village application. Mr. Kurtz explained his understanding of §2-443(c) *Disclosure of voting conflicts* of the Code was that officials with a conflict must abstain from voting and not participate in the matter. His interpretation of not participating was to stay absolutely silent on the matter. Therefore, at the meeting he asked if any members of the Committee had a conflict of interest, to disclose that interest and abstain from voting, as well as from participation in the discussion. At no time did any Committee member make such a disclosure.

According to Mr. Kurtz, Dr. Swerdlin actively participated in the discussion involving the Equestrian Village application up to the point that the Committee was asked to vote. Dr. Swerdlin suggested the Committee did not have to vote on the matter, but could instead make an informal recommendation. Mr. Kurtz explained that at this point, he advised the Committee, and specifically Dr. Swerdlin, that whatever method the

Committee chose to make their recommendation would effectively count as a vote. Mr. Kurtz stated that Dr. Swerdlin seemed to believe that if the Committee did not vote on the matter, his participation in the discussion would not violate the Palm Beach County Code of Ethics. A discussion ensued where several of the Committee members questioned Dr. Swerdlin's actions. Mr. Kurtz stated he informed the Committee members that he had a prior conversation with Dr. Swerdlin regarding his interpretation of the Code and that he felt Dr. Swerdlin's understanding was in error. After a lengthy discussion on the issue, Dr. Swerdlin decided to recuse himself, and left the dais. Subsequently, a vote was taken on the pending application. The vote resulted in the Equestrian Village application being adopted unanimously by the Committee by a 4-0 vote, with Dr. Swerdlin abstaining and not present on the dais.

- **Documents Submitted to File**

1. December 13, 2011 email to Dr. Swerdlin, RE: Conflict of Interest Form & Section 2-443 Code of Ethics
2. Committee Meeting Agenda (December 14, 2011)
3. Committee Meeting Agenda (August 24, 2011-actually held August 28, 2011)
4. Committee Meeting Minutes DRAFT (December 14, 2011)
5. Committee Meeting Video (December 14, 2011)
6. Committee Meeting December 14, 2011, 6 pm Transcript of Excerpt (2:36:07 -2:57:07)
7. Equestrian Village Applications (CD)
8. Committee Members Meeting Materials (December 14, 2011)
9. 2010 Winter Equestrian Festival Concession Information (vendor fee schedule)
10. 2010 Equestrian Sports Productions Summer & Early Fall Series publication
11. 2010 Equestrian Sports Productions Fall Prize List publication
12. Sworn Statement of Jeffrey Kurtz dated January 11, 2012 (CD)

- **Legal Analysis**

The Following portion of the PBC Commission on Ethics Ordinance establishes jurisdiction in this inquiry:

Sec. 2-254. Creation and jurisdiction.

The Palm Beach County Commission on Ethics (hereinafter "commission on ethics") is hereby established. The jurisdiction of the commission on ethics shall extend to any person required to comply with the countywide code of ethics, the county lobbyist registration ordinance, and the county post-employment ordinance, and may further extend to persons or entities required to comply with additional ordinances and regulations duly adopted by other county, local, or municipal government and any commission, bureau, district, or other governmental entity located in Palm Beach County as more fully set forth below. The jurisdiction of the commission on ethics is not exclusive. Any person or entity subject to a complaint to the county's commission on ethics may also be subject to a separate complaint to the state commission on ethics or pursuant to a municipality's ethics ordinance. A finding by the county's commission on ethics is not binding on the state and may not be binding on the municipality, depending on the nature of the complaint and whether the municipality's ethics ordinance is more restrictive than the countywide ethics code.

The following portions of the PBC Code of Ethics ordinance are relevant to this Inquiry:

Sec. 2-442. Definitions.

Advisory board shall mean any advisory or quasi-judicial board created by the board of county commissioners, by the local municipal governing bodies, or by the mayors who serve as chief executive officers or by mayors who are not members of local municipal governing bodies.

Customer or client means any person or entity to which an official or employee's outside employer or business *has supplied goods or services during the previous twenty-four (24) months, having, in the aggregate, a value greater than ten thousand dollars (\$10,000).* (Emphasis added)

Outside employer or business includes:

- (1) Any entity, other than the county, the state, or any other federal regional, local, or municipal government entity, of which the official or employee is a member, official, director, proprietor, partner, or employee, and *from which he or she receives compensation for services rendered or goods sold or produced*. For purposes of this definition, "compensation" does not include reimbursement for necessary expenses, including travel expenses; or (Emphasis added)
- (2) Any entity located in the county or which does business with or is regulated by the county or municipality as applicable, *in which the official or employee has an ownership interest*. For purposes of this definition, an "ownership interest" shall mean at least five (5) percent of the total assets or common stock owned by the official or employee or any combination of the official or employee's household members, spouse, child, step-child, brother, sister, parent or step-parent, or a person claimed as a dependent on the official or employee's latest individual federal tax return. (Emphasis added)
- (3) The term outside employer or business shall not apply to an employee who is employed by a certified bargaining agent solely to represent employees.

Sec. 2-443. Prohibited conduct.

- (a) *Misuse of public office or employment.* An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:
 - (1) Himself or herself;
 - (4) An outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business;
 - (5) A customer or client of the official or employee's outside employer or business;
- (c) *Disclosure of voting conflicts.* County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7) above. The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, §112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics. Officials who abstain and disclose a voting conflict as set forth herein, shall not be in violation of subsection (a), provided the official does not otherwise use his or her office to take or fail to take any action, or influence others to take or fail to take any action, in any other manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, as set forth in subsections (a)(1) through (7).

Dr. Swerdlin is a shareholder and Managing Partner of the Palm Beach Equine Medical Center (PBEMC), located in Wellington, Florida. He also provides veterinary services for the yearly Winter Equestrian Festival, which is owned and operated by Equestrian Sports Productions (ESP). According to Dr. Swerdlin, he receives both advertizing for his business and vendor space within the main show grounds from ESP in exchange for these services. PBEMC provides exclusive veterinarian services for the Center and festival events. Based on the substantial value of the services provided to ESP, statements Dr. Swerdlin made to Village Attorney Jeffery Kurtz and publicly at the December 14, 2011 Committee meeting, and the value of the medical services that Dr. Swerdlin provides to ESP during the twelve (12) week Winter Equestrian Festival, ESP is a customer or client of PBEMC under the Code. The value of medical services provided by Dr. Swerdlin to ESP during the Festival exceeds the \$10,000 threshold of the Code for the 24 month period preceding the December meeting.

ESP was the applicant submitting the project before the Committee, and a customer or client of Dr. Swerdlin and his outside veterinary business. Under §2-443(a)(5), Dr. Swerdlin was not permitted to *use his official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he knows, or should know with the exercise of reasonable care will result in a financial benefit, not shared with similarly situated members of the general public* for a customer or client of Dr. Swerdlin and/or his outside veterinary business. By failing to remove himself from the discussions concerning the application of the Equestrian Village project, an application presented by ESP, he knew or should have known that ESP would receive a special financial benefit from the approval of this application. Dr. Swerdlin's participation in the discussion of the Equestrian Village project could have possibly influenced the Committee in their final decision.

Further, the approval of the Equestrian Village project by the Committee may provide a financial benefit to Dr. Swerdlin and to his outside business PBEMC in violation of §2-443(a)(1) and (4), because of his business relationship with ESP. Therefore, if Dr. Swerdlin's participation in the Committee discussion about the Equestrian Village Project would result in a special financial benefit to both ESP and PBEMC, it would meet the threshold for violations of §2-443(a)(1)(4) and (5).

Section 2-443(c) *Disclosure of voting conflicts*, similarly prohibits advisory board members from voting on an issue *or participating in a matter* that would result in a special financial benefit for themselves, their outside employer or business, or a customer or client as previously described. Dr. Swerdlin's participation in the discussion about the Equestrian Village Project while knowing that his customer or client (ESP) would financially benefit from the approval by his Committee indicates that Dr. Swerdlin's actions at the December 14th Committee meeting were in violation of this section of the Code as well. As advised by Mr. Kurtz, under this Code provision, Dr. Swerdlin was required to: 1) disclose the nature of his conflict before the board discussed the issue; 2) abstain from any discussion or vote, or from otherwise participating in the matter that was before the Committee, and; 3) file a state voting conflict form (8B), submitting a copy to the clerk and the Palm Beach County COE. While Dr. Swerdlin did eventually abstain from voting, he both participated in the meeting, and attempted to have an informal recommendation adopted by the Committee prior to doing so.

Video records of the December 14, 2011 meeting of the Committee reveal that Dr. Swerdlin did eventually abstain from voting on the Equestrian Village Project. However, he failed to disclose the nature of his conflict to the Committee before the Committee began to discuss the issue. Further, Dr. Swerdlin chaired the meeting and actively participated in the discussion concerning the Equestrian Village Project during the meeting. Moreover, according to Mr. Kurtz, Dr. Swerdlin attempted to use his position as Chairman of the Committee to influence other committee members to provide an informal recommendation as opposed to a formal vote on the issue.

- **Factual Findings**

Based on a review of the video of the Committee meeting held on Wednesday, December 14, 2011, and interviews conducted under oath with persons having material information in this matter, as well as all other documentary information uncovered during this inquiry, staff makes the following factual findings:

1. Dr. Swerdlin is the official veterinarian for the Winter Equestrian Festival which is owned and operated by Equestrian Sports Productions (ESP).
2. In December 2011, the Equestrian Village project application was submitted to the Village of Wellington for consideration by ESP. The project was scheduled to be discussed and voted upon by the Equestrian Preserve Committee (the Committee) on December 14, 2011.
3. Dr. Swerdlin is the Chairman of the Committee.
4. Mr. Kurtz discussed with Dr. Swerdlin his conflict of interest concerning the Equestrian Village Project prior to the December 14, 2011 Committee meeting. Mr. Kurtz advised Dr. Swerdlin that he would have to recuse himself from participating in discussions of that project at the meeting, and abstain from voting on the Equestrian Village application before the Committee.

5. On December 13, 2011, Dr. Swerdlin was sent an email communication as directed by Mr. Kurtz, and acknowledged receipt of this email. Attached to the email was a copy of a state Conflict of Interest form, as well as a copy of §2-443(c) of the Code, with the relevant portions underlined for emphasis.
6. On December 14, 2011, at the beginning of the Committee meeting where the Equestrian Village Project was to be discussed, Mr. Kurtz advised the Committee members that if any member had a potential conflict of interest, they must declare the conflict, recuse themselves from participation in the discussions of the project, and abstain from voting on the issue.
7. Dr. Swerdlin failed to disclose any conflict of interest, continued to chair the Committee meeting as the Equestrian Village Project was discussed, and actively participated in these discussions, knowing that he had a financial conflict that would require him to abstain from both participating in discussions and voting on this project.
8. Dr. Swerdlin as Chairman of the Committee, attempted to have the Committee offer an informal recommendation to the Village Council concerning this project, in an attempt to circumvent the requirements of the Code.
9. Village Attorney Kurtz admonished Dr. Swerdlin regarding his actions in attempting to obtain an informal recommendation by the Committee, and advised him that the conflict could not be resolved simply by asking for an informal recommendation. Mr. Kurtz further advised Dr. Swerdlin that his request for an informal poll of Committee members would be considered a formal vote on the matter.
10. Following admonishment from Mr. Kurtz regarding his actions, Dr. Swerdlin recused himself and left the dais. He did not vote on the project.

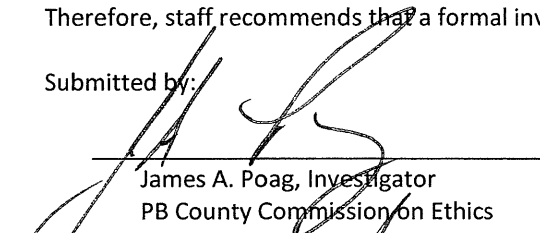
• **Conclusion and recommendations as to legal sufficiency**

Based on the sworn testimony of material witnesses, and other evidence obtained during this inquiry, staff recommends that **legal sufficiency** exists to believe that the actions of Dr. Scott Swerdlin, by participating in the December 14, 2011, Committee discussion of an application presented by ESP, his customer/client, resulted in a violation of §2-443(a) and (c) of the Code of Ethics.

Legal sufficiency exists where there is an allegation of a violation of an ordinance within the jurisdiction of the Ethics Commission, purportedly committed by an individual within the authority of the Ethics Commission, based upon facts which have been sworn to as true by a material witness or witnesses, and if true would constitute the offenses alleged, relating to a violation occurring after the effective date of the code, and filed with the Ethics Commission within two years of the alleged violation.

Therefore, staff recommends that a formal investigation be opened into this matter.

Submitted by:


James A. Poag, Investigator
PB County Commission on Ethics

Reviewed by:


(Initials)


Date


Date

PALM BEACH COUNTY COMMISSION ON ETHICS
MEMORANDUM OF LEGAL SUFFICIENCY

To: Commission on Ethics
From: Alan Johnson, Executive Director
Re: Complaint No. C11-027 – Dr. Scott Swerdlin-Village of Wellington

- **Recommendation**

Regarding Respondent, Dr. Scott Swerdlin, Chairman of the Village of Wellington Equestrian Preserve Committee, the Staff recommends a finding of LEGALLY SUFFICIENT be entered in complaint number C11-027.

Legal sufficiency exists where there is an allegation of a violation of an ordinance within the jurisdiction of the Ethics Commission, purportedly committed by an individual within the authority of the Ethics Commission, based substantially on the personal knowledge of the complainant, relating to an alleged violation occurring after the effective date of the code, and filed with the Ethics Commission within two years of the alleged violation.

- **Background**

This matter came to the attention of the Commission on Ethics' staff via a sworn complaint signed on December 21, 2011 by Ms. Carol Coleman (Complainant). Attached to the sworn complaint form was a letter (Complainant Statement) addressed to the Palm Beach County Commission on Ethics (COE). The Respondent listed under this Complaint is Dr. Scott Swerdlin (Respondent). Respondent is Chairman of the Equestrian Preserve Committee (the Committee), an Advisory Board of the Village of Wellington.

The Complainant alleged, on December 14, 2011, the Committee met to discuss and vote on planning and zoning amendments for the proposed Equestrian Village Project. According to the Complainant's Statement, after the meeting was called to order Mr. Jeffrey Kurtz, Attorney for the Village of Wellington, advised the members of the Committee that if anyone had a conflict of interest in this matter they should recuse themselves from participation in the discussion and abstain from voting on the issue.

The Complainant alleged that Respondent has a known business relationship with Mr. Mark Bellisimo, (applicant for the Equestrian Village Project through Equestrian Sports Production- ESP) and provides veterinarian services to ESP during the Winter Equestrian Festival (the Festival) and thereby gains financially from his relationship with ESP. Despite the conflict of interest admonishment given by Mr. Kurtz to all Committee members, Respondent allegedly participated in the discussion regarding the Equestrian Village Project in violation of Section 2-443(a) *Misuse of public office or employment* and (c) *Disclosure of voting conflicts* of the Palm Beach County Code of Ethics (the Code). The complainant alleged Respondent participated until the point that a vote was called in the matter, at which time he recused himself and did not vote.

The Complainant further alleges that she has personally observed the Respondent at Winter Equestrian Festival performing the function of equine veterinarian at these events including providing a horse ambulance to transport injured horses to his clinic for treatment. The Complainant was present at the December 14, 2011 meeting of the Committee and has personal knowledge of the substantive participation of the Respondent in the Equestrian Village Project matter prior to abstaining from the vote.

- **Initial Inquiry**

Based on the allegations raised in the sworn Complaint, COE staff initiated an initial inquiry. A review of the relevant video of the Equestrian Preserve Committee (the Committee) meeting for Wednesday, December 14,

2011, and interviews conducted under oath with persons having information in this matter, as well as other documentary information resulted in a recommendation of legal sufficiency by the COE investigator.

- **Analysis**

Pursuant to Chapter 2, Article V, Division 8, §2-258(a) of the Commission on Ethics Ordinance, the jurisdiction of the Commission on Ethics extends to the countywide code of ethics, county post-employment and lobbyist registration ordinances. Violations of §2-443(a) and (c) of the Code of Ethics (Prohibited Conduct, financial misuse/Disclosure of voting conflicts) are within the jurisdiction of the Palm Beach County Commission on Ethics. The Commission on Ethics also has personal jurisdiction over Respondent as an appointed official of the Village of Wellington, a Palm Beach County municipality.

The following portions of the PBC Code of Ethics ordinance are relevant to this Inquiry:

Sec. 2-443. Prohibited conduct.

- (a) *Misuse of public office or employment.* An official or employee *shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:* (Emphasis added)
 - (1) *Himself or herself;* (Emphasis added)
 - (4) *An outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business;* (Emphasis added)
 - (5) *A customer or client of the official or employee's outside employer or business;* (Emphasis added)
- (b) *Disclosure of voting conflicts.* County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7) above. The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, §112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics. (Emphasis added)

Section 2-443(a) prohibits advisory board members from using their official position in a manner which they *know or should know with the exercise of reasonable care would result in a special financial benefit not shared with similarly situated members of the general public* for themselves, their outside employer or business, or a customer or client of their outside employer or business. A customer or client is defined as a person or entity to which their outside business has supplied goods or services of a value in excess of \$10,000 over the previous 24 months.

Section 2-443(c) similarly prohibits advisory board members from voting on, or participating in a matter that would result in a special financial benefit attributable to themselves, their outside employer or business, or a customer or client as previously described. If a conflict existed, Respondent was required to 1) disclose the nature of their conflict before the board discusses the issue; 2) abstain from any discussion or vote or otherwise participation in the matter; and 3) File a state voting conflict form (8B), submitting a copy to the clerk and the Palm Beach County COE.

If as alleged, Respondent, Chairman of the Equestrian Preserve Committee, participated in a matter that would result in a financial benefit to a customer or client of his business that is not shared with similarly situated members of the general public, Respondent may have violated §2-443(a) and (c) of the Palm Beach County Code of Ethics.

- **Conclusion**

Because the allegations contained in the complaint allege the elements of a violation within the jurisdiction of the Commission on Ethics, purportedly committed by an individual within the authority of the Ethics Commission, based substantially on the personal knowledge of the Complainant, the Complaint filed in C11-027 against Respondent, Dr. Scott Swerdlin, is LEGALLY SUFFICIENT.

By: 

Alan S. Johnson, Executive Director
Florida Bar # 223352
Commission on Ethics
2633 Vista Parkway
West Palm Beach, FL 33411
561-233-0720


Date

PALM BEACH COUNTY COMMISSION ON ETHICS
MEMORANDUM OF INVESTIGATION

To: Alan Johnson, Executive Director
From: James A. Poag, Investigator
Re: C11-027 – Respondent: Dr. Scott Swerdlin, Village of Wellington Equestrian Preserve Committee

This matter came to the attention of the Palm Beach County Commission on Ethics' (COE) staff via a sworn complaint signed on December 21, 2011 by Ms. Carol Coleman. The Respondent listed under this Complaint is Dr. Scott Swerdlin. Dr. Swerdlin is the Chairman of the Equestrian Preserve Committee (the Committee), an advisory board of the Village of Wellington. All members of this advisory board are appointed to this position by the Village Council, and thus under the jurisdiction of the Commission on Ethics. An initial inquiry was begun after reviewing the Complainant Statement attached to the complaint under case number C11-027, and was completed on January 20, 2012.

On January 25, 2012, the COE Executive Director filed a Memorandum of Legal Sufficiency regarding case number C11-027, recommending that a preliminary investigation be initiated.

Investigation

The Memorandum of Inquiry and the Memorandum of Legal Sufficiency filed under case number C11-027, are incorporated by reference and attached to this Memorandum of Investigation. All video recordings, witness statements and other evidence obtained during the initial inquiry are also incorporated by reference into this Memorandum of Investigation.

On January 27, 2012, I conducted a search of COE Voting Conflict Forms online database seeking to obtain a copy of Dr. Swerdlin's State of Florida Commission on Ethics Conflict Form 8B (Form 8B). According to the Florida Commission on Ethics, these records are not available. On February 7, 2012, I received a return phone call from Ms. Jennifer Fritz, Sr. Administrative Assistant, Village of Wellington. Mr. Fritz informed me that Dr. Swerdlin did not have Form 8B on file with the Village of Wellington Clerk's Office for this Committee meeting. Additionally, a copy of the form had not been sent to the Commission on Ethics pursuant to the Code of Ethics.

Section 243(c) *Disclosure of voting conflicts* of the Code, states in relevant portion, "the official shall publicly disclose the nature of the conflict and *when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B* pursuant to the requirements of Florida Statutes, §112.3143. Simultaneously with filing Form 8B, *the official shall submit a copy of the completed form to the county commission on ethics*" (emphasis added).

Based on the information available, Dr. Swerdlin failed to file the required Form 8B after abstaining from the vote on the Equestrian Village project at the December 14, 2011 Committee meeting, in violation of §2-443(c) of the Code. The Village Clerk has no record of such a filing having ever been submitted. A check of COE records found no copy of this form filed by Dr. Swerdlin with COE.

• **Witness Statements**

During this investigation I made contact with Ms. Carol Coleman, Resident of the Village of Wellington, to set an appointment to speak with her. The appointment was set for February 7, 2012, at 9:00 AM in the office of Palm Beach County Commission on Ethics. I also contacted Craig Galle, Respondent Attorney, to set an appointment to speak with his client, Dr. Swerdlin. The appointment was set for February 8, 2012 and later cancelled at his request. Mr. Galle informed me that he did not see any reason for his client to provide a statement at this time.

Mr. Galle felt that it would be more appropriate for him and his client to address the COE directly at the time of the scheduled hearing.

- Sworn statement: Ms. Carol Coleman (Complainant), Resident of The Village of Wellington

On February 7, 2012, I interviewed Ms. Carol Coleman. The interview took place at the offices of the Commission on Ethics, located at 2633 Vista Parkway, West Palm Beach. The interview was recorded and Ms. Coleman was placed under oath. Mark Bannon, Senior Investigator, Palm Beach County Commission on Ethics was also present during this interview.

Ms. Coleman is a resident of the Village of Wellington. She has served as a board member for the Palm Beach County Sports Commission. She is a recognized Judge of the United States Equestrian Federation and Senior Judge of the Canadian Equestrian Festival. According to Ms. Coleman, she has previously served as a judge for the Winter Equestrian Festival (the Festival), prior to Equestrian Sports Productions (ESP) sponsoring and operating the event. Ms. Coleman is a horse owner who has previously used the services of Palm Beach Equine Medical Center (PBMEC), in which Dr. Swerdlin has an ownership interest. Ms. Coleman's husband also enters horses in shows sponsored by ESP including the Winter Equestrian Festival and at each event he is given an information package which includes a list of fees charged by ESP to vendors for onsite space.

Ms. Coleman stated that she has attended the festival each year. For approximately the last 3 or 4 years Dr. Swerdlin's clinic, Palm Beach Equine Medical Center (PBMEC), has been the official veterinarian of the Festival, and of ESP's other events. According to Ms. Coleman, ESP sponsors the Festival which takes place over a 12 week period. Competitive events at the festival generally begin on a Tuesday and continue through Sunday. PBMEC is also responsible for providing veterinary services for all of the other equestrian events operated by ESP (these weeks overlap at times, because the smaller events are only for a weekend).

According to Ms. Coleman, based on the documents given in the information packet, vendors of the Festival are required to pay a fee associated with space located on the main show grounds. According to the 2010 Winter Equestrian Festival Concession Information fee schedule, vendors were charged \$950 weekly for space located on the main show grounds. During each of the events, PBMEC has an exclusive space located on the main show grounds. In addition, over the past several years she has personally observed that PBMEC has advertisement banners in each of the 12 show rings located on the show grounds. According to Ms. Coleman, approximately 4 years ago she was informed by an individual directly involved with the advertisement for ESP events, including the Winter Equestrian Festival, that these advertisement banners cost \$10,000 each for the 12 week festival.

Employees of PBMEC (both an ambulance driver and veterinarian), are present at every show from at least 8:00 AM when competitive events begin, until the show ends, usually by 5-6 PM. PBMEC also has a horse ambulance that remains on the main show grounds 24 hours per day for the duration of the Festival. Ms. Coleman clarified that there was a \$10 ambulance fee required for each horse entered into the show. She provided an ESP Horse Show Statement from her husband's entry of his horse in the Festival for 01/18/2012 thru 01/22/12 to verify this cost.

The ambulance is staffed by a driver and a veterinarian who are physically present on site while the events are taking place. She stated that she has personally witnessed PBMEC transport horses that have been injured during these events off site. Afterhours, both the veterinarian and the driver are "on call" in case a horse becomes ill and needs medical attention. Ms. Coleman contends that all services rendered on-site are also done by PBMEC.

According to Ms. Coleman, there are approximately 3,000 – 5,000 horses present each week at any given event operated by ESP, including the Winter Equestrian Festival. Ms. Coleman asserts that these figures are based on Economic Study Reports submitted by ESP to the Palm Beach County Sports Commission where she served as a member of the board. Ms. Coleman also contends that PBMEC

- **Documents Submitted to File**

1. Equestrian Sports Productions, LLC Horse Show Statement (Submitted by Complainant)
2. Acknowledgement of Receipt PBC Code of Ethics Training for Municipal Employees and Officials (signed by Dr. Scott Swerdlin, June 13, 2011)

- **Applicable Law**

The Following section of the PBC Commission on Ethics Ordinance establishes jurisdiction in this investigation:

Sec. 2-260. Procedures on Complaints filed.

Upon a finding of legal sufficiency by the executive director, the commission on ethics shall initiate a preliminary investigation.

(d) *Preliminary investigation and public hearing.* A preliminary investigation shall be undertaken by the commission on ethics of each legally sufficient complaint over which the commission on ethics has jurisdiction to determine whether there is probable cause to believe that a violation has occurred. If, upon completion of the preliminary investigation, the commission on ethics finds no probable cause to believe that a violation has been committed, the commission on ethics shall dismiss the complaint with the issuance of a report to the complainant and the respondent. If the commission on ethics finds from the preliminary investigation probable cause to believe that a violation has been committed, it shall set the matter for a public hearing and notify complainant and respondent via certified mail, hand delivery, courier. The commission on ethics may conduct such further investigation as it deems necessary, and may enter into such stipulations and settlements as it finds to be just and in the best interest of the citizens of the county. The public hearing provided for in this section shall be held within one hundred twenty (120) days of the probable cause determination unless extended by the commission on ethics for good cause based on the request of a party or on its own initiative.

The following portions of the PBC Code of Ethics ordinance are relevant to this Investigation:

Sec. 2-442. Definitions.

Advisory board shall mean any advisory or quasi-judicial board created by the board of county commissioners, by the local municipal governing bodies, or by the mayors who serve as chief executive officers or by mayors who are not members of local municipal governing bodies.

Customer or client means any person or entity to which an official or employee's outside employer or business has supplied goods or services during the previous twenty-four (24) months, having, in the aggregate, a value greater than ten thousand dollars (\$10,000). (Emphasis added)

Sec. 2-443. Prohibited conduct.

- (a) *Misuse of public office or employment.* An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:

- (1) Himself or herself;
- (4) An outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business;
- (5) A customer or client of the official or employee's outside employer or business;

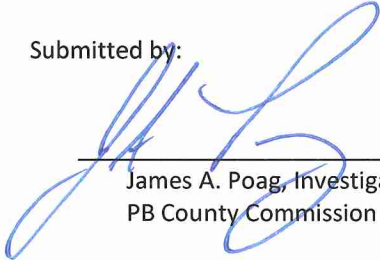
(b) *Corrupt misuse of official position.* An official or employee shall not use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, "corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.

(c) *Disclosure of voting conflicts.* County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a) (1) through (7) above. *The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, §112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics.* (Emphasis added)

- **Conclusion**

Based on the sworn testimony of material witnesses and other evidence obtained during both the initial inquiry and this investigation, staff recommends that **probable cause** exists to believe that the Respondent, Dr. Scott Swerdlin, by using his official position as Chairman of the Committee to benefit his customer/client, ESP and/or Mark Bellisimo, violated §§2-443(a) and (b) of the Code of Ethics. In addition, by participating in the December 14, 2011 Committee discussion of an application presented by ESP and/or Mark Bellisimo, his customer/client, and not submitting the required conflict form to the Village Clerk and the COE, the Respondent violated §2-443(c).

Submitted by:



James A. Poag, Investigator
PB County Commission on Ethics




Date

Reviewed by:



(Initials)



Date

PALM BEACH COUNTY COMMISSION ON ETHICS
MEMORANDUM OF PROBABLE CAUSE

To: Commission on Ethics
From: Joseph Small, Advocate
Re: C11-027 – Respondent, Dr. Scott Swerdlin, Village of Wellington Equestrian Preserve Committee

- **Recommendation**

A finding of PROBABLE CAUSE should be entered in the above captioned matter as to the allegations made in the Complaint.

Probable Cause exists where there are reasonably trustworthy facts and circumstances for the Commission on Ethics (COE) to conclude that the Respondent, Dr. Scott Swerdlin, violated the Palm Beach County Code of Ethics.

- **Jurisdiction**

COE has jurisdiction pursuant to Chapter 2, Article V, Division 8, section 2-258(a) of the Palm Beach County Commission on Ethics Ordinance which states in pertinent part:

Article V, Division 8, section 2-258. *Powers and duties.* (a) The commission on ethics shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided. The commission on ethics shall be empowered to review, interpret, render advisory opinions and enforce the;

- (1) Countywide Code of Ethics;
- (2) County Post-Employment Ordinance, and
- (3) County Lobbyist Registration Ordinance.

The violations for which probable cause is recommended include the following:

COUNT 1: Article XIII, Section 2-443(a), *Misuse of public office of employment*

COUNT 2: Article XIII, Section 2-443(b), *Corrupt misuse of official position*

COUNT 3: Article XIII, Section 2-443(c) *Disclosure of voting conflicts*

- **Background**

This matter came to the attention of the Commission on Ethics' staff via a sworn complaint signed on December 21, 2011 by Ms. Carol Coleman (Complainant), a resident of The Village of Wellington (Wellington), a Palm Beach County municipality. Attached to the sworn complaint form was a letter (Complainant's Statement) addressed to the Palm Beach County Commission on Ethics (COE). The Respondent, Dr. Scott Swerdlin, is a veterinarian and managing partner and shareholder of the Palm Beach Equine Medical Centers (PBEMC). Respondent is also Chairman of the Equestrian Preserve Committee (the Committee), an advisory board of the Village of Wellington. All members of this advisory board are appointed by the Village Council, and thus are under the jurisdiction of the Commission on Ethics as of June 1, 2011.

The Complaint alleges that on December 14, 2011, the Committee met to discuss and vote on planning and zoning amendments for the proposed Equestrian Village Project. After the meeting was called to order, Mr. Jeffrey Kurtz, Village Attorney for Wellington, advised the members of the Committee that if any member had a conflict of

interest in this matter they should abstain from participation in the discussion and from voting on the issue. The Respondent has a known business relationship with Mr. Mark Bellissimo, applicant for the Equestrian Village Project through Equestrian Sports Productions (ESP). Despite the admonishment by Mr. Kurtz to all Committee members the Respondent participated in the discussion regarding the Equestrian Village Project in violation of Section 2-443(a) *Misuse of public office or employment* (b) *Corrupt misuse of official position* and (c) *Disclosure of voting conflicts* of the Palm Beach County Code of Ethics (the Code). The Complaint alleges Respondent participated in discussions until the point that a vote was called in the matter, at which time he abstained from voting.

- **Facts establishing probable cause**

Both the initial inquiry and the investigation into this allegation indicated that the Respondent is a managing partner of PBEMC. The investigation revealed that ESP is the owner of the Palm Beach International Equestrian Center (the Center), and producer of the Winter Equestrian Festival (the Festival). The investigation further revealed that PBEMC was considered the official veterinarian of the Festival and has been providing veterinary services, including the use of a horse ambulance, driver and staff veterinarian, which are on site during all competitions for the entire 12 week Festival, for the past several years. PBEMC also provided services during other ESP sponsored events. PBEMC was given a central show ground vendor booth with banner advertising at all events and additional banner advertising on the show rings. The cumulative value of this advertising was well in excess of \$10,000 based upon published ESP rates for advertising.

Respondent is Chairman of the Equestrian Preserve Committee (the Committee). Video of the December 14, 2011 Committee meeting revealed that Respondent failed to remove himself from the discussions concerning the application of the Equestrian Village project, an application presented by his customer/client, ESP. Respondent actively participated in the discussion of the application submitted by ESP until the point that a vote was called in the matter, at which time he abstained from voting. During his participation, the Respondent attempted to circumvent the Committee vote by suggesting an informal advisory to the Village Council and was further admonished by Mr. Kurtz that an informal recommendation would still constitute a vote in the matter. Respondent also failed to file the required Form 8B after abstaining from the vote on the Equestrian Village project at the December 14, 2011 Committee meeting.

Pursuant to Chapter 2, Article V, Division 8, Section 2-258(a), the jurisdiction of the commission on ethics extends to the countywide code of ethics, county post-employment and lobbyist registration ordinances. Violations of §2-443 of the Code of Ethics (Prohibited Conduct) are within the jurisdiction of the Palm Beach County Commission on Ethics.

Sec. 2-443. Prohibited conduct.

Sec. 2-443(a). *Misuse of public office or employment*, states in relevant part:

- (a) *Misuse of public office or employment.* An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, *in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit*, not shared with similarly situated members of the general public, for any of the following persons or entities: (Emphasis added)
 - (1) Himself or herself;
 - (4) An outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business;
 - (5) A customer or client of the official or employee's outside employer or business;

Sec. 2-443(b). *Corrupt misuse of official position*, states as follows:

- (b) *Corrupt misuse of official position.* An official or employee shall not use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to

secure a *special privilege, benefit, or exemption for himself, herself, or others*. For the purposes of this subsection, "*corruptly*" means *done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties*. (Emphasis added)

Sec. 2-443(c). *Disclosure of voting conflicts*, states as follows:

- (c) County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7) above. The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, §112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics. Officials who abstain and disclose a voting conflict as set forth herein, shall not be in violation of subsection (a), provided the official does not otherwise use his or her office to take or fail to take any action, or influence others to take or fail to take any action, in any other manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, as set forth in subsections (a)(1) through (7).

- **Conclusion**

Sworn testimony and other competent and substantial evidence provides reasonably trustworthy facts and circumstances for the Commission on Ethics (COE) to conclude that the Respondent, by using his official position as Chairman of the Committee to benefit his customer/client, ESP and/or Mark Bellisimo, violated §§2-443(a) and (b) of the Code of Ethics. In addition, by participating in the December 14, 2011 Committee discussion of an application presented by ESP and/or Mark Bellisimo, his customer/client, and not submitting the required conflict form to the Village Clerk and the COE, the Respondent violated §2-443(c). Therefore, it is my recommendation that probable cause be found as to counts 1, 2 and 3 of this Complaint and the matter be set for final hearing.

By:

Joseph Small, Pro Bono Advocate
Florida Bar No. 0544922

2/10/12

Date

Jeff S. Kurtz

From: Rachel Callovi
Sent: Tuesday, December 13, 2011 5:44 PM
To: sswerdlin@equineclinic.com
Cc: Jeff S. Kurtz
Subject: Conflict of Interest Form and Section of Palm Beach County Code of Ethics
Attachments: Conflict of Interest Form.pdf; Section 2-443 PB County Code of Ethics.pdf

Dear Dr. Swerdlin,

Per your request, Jeff Kurtz asked me to forward on to you the Conflict of Interest form as well as Section 2-443 relative to prohibited conduct from the Palm Beach County Code of Ethics.

Rachel

Rachel R. Callovi
Deputy Clerk
(561) 791-4784

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
COUNTY	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED	MY POSITION IS:
	<input type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20 _____:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- _____ inured to the special gain or loss of my business associate, _____;
- _____ inured to the special gain or loss of my relative, _____;
- _____ inured to the special gain or loss of _____, by
whom I am retained; or
- _____ inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

Section 2-443 "Prohibited conduct" of Palm Beach County Code of Ethics

- (4) An outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business;
 - (5) A customer or client of the official or employee's outside employer or business;
 - (6) A substantial debtor or creditor of his or hers, or of his or her spouse or domestic partner-- "substantial" for these purposes shall mean at least ten thousand dollars (\$10,000) and shall not include forms of indebtedness, such as a mortgage and note, or a loan between the official or employee and a financial institution;
 - (7) A civic group, union, social, charitable, or religious organization, or other not for profit organization of which he or she (or his or her spouse or domestic partner) is an officer or director.
- (b) **Corrupt misuse of official position.** An official or employee shall not use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, "corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.
- (c) **Disclosure of voting conflicts.** County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7) above. The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, §112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics. Officials who abstain and disclose a voting conflict as set forth herein, shall not be in violation of subsection (a), provided the official does not otherwise use his or her office to take or fail to take any action, or influence others to take or fail to take any action, in any other manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, as set forth in subsections (a)(1) through (7).
- (d) **Contractual relationships.** No official or employee shall enter into any contract or other transaction for goods or services with their respective county or municipality. This prohibition extends to all contracts or transactions between the county or municipality as applicable or any person, agency or entity acting for the county or municipality as applicable, and the official or employee, directly or indirectly, or the official or employee's outside employer or business. Any such contract, agreement, or business arrangement entered into in violation of this subsection may be rescinded or declared void by the board of county commissioners pursuant to § 2-448(c) or by the local municipal governing body pursuant to local ordinance as applicable. This prohibition shall not apply to employees who enter into contracts with Palm Beach County or a municipality as part of their official duties with the county or that municipality. This prohibition also shall not apply to officials or employees who purchase goods from the county or municipality on the same terms available to all members of the public. This prohibition shall also not apply to advisory board members provided the subject contract or transaction is disclosed at a duly noticed public meeting of the governing body and the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction.
- (e) **Exceptions and waiver.** The requirements of subsection (d) above may be waived as it pertains to advisory board members where the advisory board member's board is purely advisory and



A Great Hometown...
Let Us Show You!

Equestrian Preserve Committee

August 24, 2011 – 6:00 p.m.
City Hall
12300 Forest Hill Blvd
Wellington, Florida

AGENDA

I. Call to Order

- A. Roll Call
- B. Additions/Deletions/Reordering of Agenda
- C. Approval of Minutes – June 8, 2011 – July 13, 2011

II. Remarks by the Chairperson

III. Declaration of Ex-Parte Communication

IV. Swearing in of Speakers

V. New Business

A. A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING THE MASTER PLAN AMENDMENT FOR PETITION NUMBER 2011-015/MPA4 ALSO KNOWN AS WELLINGTON COUNTRY PLACE PLANNED UNIT DEVELOPMENT LOCATED IN THE EASTERN HALF OF SECTION 20 AND ALL OF SECTION 21 AS DESCRIBED MORE PARTICULARLY HEREIN, TO ADD ACCESS POINTS, TO REALIGN EQUESTRIAN CLUB ROAD, TRANSFER DWELLING UNITS WITHIN THE PUD AND ADD 38 DWELLING UNITS TO POD G FOR A TOTAL OF 479 DWELLING UNITS; AND PROVIDING AN EFFECTIVE DATE.

B. A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING THE CONDITIONAL USE REQUESTS FOR PETITION NUMBER 2011-015/CU1 AND CU2 ALSO KNOWN AS PALM BEACH INTERNATIONAL EQUESTRIAN CENTER (PBIEC) MORE PARTICULARLY DESCRIBED HEREIN, TO DESIGNATE THE APPROXIMATE 85 ACRE PROPERTY AS A COMMERCIAL EQUESTRIAN ARENA AND TO AMEND HOURS OF OPERATION; AND PROVIDING AN EFFECTIVE DATE.

VI. Staff Comments

VII. Board Comments

VIII. Public Comments

IX. Adjournment



A Great Hometown...
Let Us Show You!

Equestrian Preserve Committee

December 14, 2011 – 6:00 p.m.
City Hall
12300 Forest Hill Blvd
Wellington, Florida

AGENDA

I. Call to Order

#

- A. Roll Call
- B. Additions/Deletions/Reordering of Agenda
- C. Approval of Minutes – November 9, 2011

II. Declaration of Ex-Parte Communication

III. Swearing in of Speakers

IV. Presentations

- Equestrian Master Plan Preliminary Report – Michael O'Dell
- Golf Cart Usage Engineering Evaluation Report – Bill Riebe

V. New Business

- A. Equestrian Village Comprehensive Plan Text Amendments
- B. Equestrian Village Zoning Text Amendments
- C. Equestrian Village Wellington PUD Master Plan Amendment
- D. Equestrian Village / Conditional Uses/Commercial Equestrian Arena Compatibility Determination

VI. Board Comments

VII. Staff Comments

VIII. Public Comments

IX. Adjournment

**Wellington
Equestrian Preserve Committee Meeting
December 14, 2011
City Hall
12300 Forest Hill Boulevard**

MINUTES

I. Call to Order

Dr. Scott Swerdlin called the meeting to order at 6:03 p.m.

Dr. Scott Swerdlin wished everyone a Merry Christmas and a Happy Hanukkah. Dr. Swerdlin stated the Committee would like to hear all of the petitions and then have the public comment. Dr. Swerdlin introduced Carlos Arellano as a new member of the Committee.

A. Roll Call Olga Prieto read the roll call.

Members present: Dr. Scott Swerdlin; Michael Whitlow; Dr. Kristy Lund and Carlos Arellano. Myles Tashman arrived during additions and deletions.

Staff present: David Flinchum; Jeff Kurtz and Olga Prieto.

B. Additions/Deletions/Reordering of Agenda

David Flinchum requested the Golf Cart Presentation be postponed until the January 11, 2012 meeting.

A motion was made by Michael Whitlow, seconded by Dr. Kristy Lund, unanimously approved (4-0) to have the golf cart presentation in January.

C. Approval of Minutes – November 9, 2011

David Flinchum stated the minutes were not included in the packet.

II. Declaration of Ex-Parte Communication

Jeff Kurtz explained declaration of ex-parte communication to the Committee.

Carlos Arellano had none to declare. Dr. Kristy Lund had received emails. Myles Tashman had spoken with numerous residents and staff. Michael Whitlow had spoken to numerous people. Dr. Scott Swerdlin had spoken to staff and numerous people.

III. Swearing in of Speakers

Jeff Kurtz stated to start with the Presentation first before swearing in the speakers. Attorney Jeff Kurtz administered the oath before New Business. Mr. Kurtz advised if the Committee has any potential conflict of interest to declare the conflict and the best place to watch is back in the room. It is not sufficient not only not to vote but also not to participate. He requested when anyone comes up to the podium to state they were sworn in and where they reside.

IV. Presentations

- **Equestrian Master Plan Preliminary Report – Michael O'Dell**

Michael O'Dell advised the Committee on the preliminary draft of the Equestrian Master Plan. Dr. Scott Swerdlin asked for Mr. O'Dell to read the first paragraph of the introduction. Dr. Swerdlin thought it was done well and a good thing to start off the meeting. Mr. O'Dell read the introduction and the goals and objectives. Dr. Swerdlin commented on the good job the report is. Michael O'Dell stated the report is available on Wellington's website. Dr. Swerdlin challenged everyone to go to the website. Michael O'Dell pointed out this is the first step of a multiple step process. Michael O'Dell requested the Committee's input in helping craft the next step which is to get out into the public, the focus groups and establish a series of questions. The report is a vision of where Wellington is going. It is important to craft the questions and data gathering. The last step is to put the information into a plan or program that will assist in guiding over the next five, ten or fifteen years. Staff would like to have two workshops with the Committee. If possible use the January 11, 2012 meeting to craft the information from the Committee and help start to formulate the questions. January 20, 2012 staff needs to finish that in order to go out and begin gathering the data by visiting the various venues.

A motion was made by Myles Tashman, seconded by Michael Whitlow, unanimously approved (5-0) to for a workshop on January 11, 2012.

Dr. Swerdlin stated the Committee hopes to get a lot of input from the residents and equestrians in Wellington.

- **Golf Cart Usage Engineering Evaluation Report – Bill Riebe**

Postponed.

V. New Business

- A. Equestrian Village Comprehensive Plan Text Amendments
- B. Equestrian Village Zoning Text Amendments
- C. Equestrian Village Wellington PUD Master Plan Amendment
- D. Equestrian Village / Conditional Uses/Commercial Equestrian Arena Compatibility Determination

David Flinchum advised the Committee Mr. Basehart wrote a memo that is included in the packet which brings up a good point; a project like this was not envisioned when Wellington adopted the Comprehensive Plan (CP) for the Land Use Element and the Equestrian Element. The project is unique and is a work in progress. It is scheduled for the January 4, 2012 Planning, Zoning and Adjustment Board (PZAB) and if it stays on schedule it will go to the Council meeting on January 31, 2012. The petition does have some significant long term benefits for the Equestrian Preserve Area (EPA). Staff does recommend some modification and additional modifications could be requested as the petitions move forward. David Flinchum read Mr. Basehart's memo. David Flinchum outlined the commercial recreation areas in the Equestrian Overlay Zoning District (EOZD). There are besides the one tonight, eight other Commercial Recreation areas in the EOZD. When dealing with Comprehensive Plan Text Amendments (CPTA) and Zoning Text Amendments (ZTA) the requests are Wellington wide. They are not site specific. Any changes apply to those parcels as well. There are three equestrian venues, International Polo, Palm Beach International Equestrian Center (PBIEC) and tonight the third piece. Historically this parcel has been a polo stadium. Overall the parcel is 96 acres, the northeast corner of Pierson and South

Shore Boulevard (Blvd) is known as Parcel 30C on the Wellington Master Plan. Parcel C2 is being proposed to become a retail office with restaurants on the northern portion. A proposed hotel is on the southern portion. Parcel C2 is 16.5 acres. There is an existing opening on South Shore Blvd on the east side. The request tonight is to add a turn out further north. Part of the request would close the connection into the Player's Club property. The other access points along Pierson Road are currently being used but are not shown on the Master Plan (MP). The Parcel C3 is 43 acres in size and located west of the Polo Island community. That will be the commercial equestrian arena. Parcel C4 is a 36.88 acres parcel that will remain as a polo facility, which is owned by White Birch Farms. There are four items tonight: the CPTA has three portions of the text that need to be amended. Under the Land Use Element the request is to amend policy 1.3.7 that limits building heights to 35 feet. The request is to add an exception for hotels within the EPA that have a Commercial Recreation Land Use Designation and are in a Planned Development (PUD). Hotels are vertical and it is common to have them exceed the height. The Hampton Inn at the Wellington Green Mall is four stories and is 54 feet high and has 123 rooms. The second request is to amend policy 1.3.14 for Commercial Recreation in the EPA. This is to allow building coverage to go from 10% to 20% and increase the maximum allowed floor area ratio (FAR) from 10 to 20. The term building coverage is basically anything under a roof. It does not have to have walls. FAR is a combination of square footages on a piece of property. CPTA apply to any Commercial Recreation parcels to increase the building and FAR coverage. The building height would only apply to hotels in the Commercial Recreation Land Use Designation. The third item is in the Equestrian Preservation Element to amend 1.1.c. That limits the type of retail uses in the Equestrian Element. The request is to add to that objective to provide for hotel, restaurants, retail and offices within the EPA with a Commercial Recreation Land Use in a PUD. Provided the hotel has direct access and located at a road intersection with an arterial road.

David Flinchum stated he would like to present all the amendments at once and then hear from the public.

David Flinchum stated the Zoning Text Amendment (ZTA) request is to amend 6.10.6B. This is the table in the EOZD that reference the uses allowed. There is a specific reference that limits the height to 35 feet. The request is to add an exemption for hotels from the 35 foot height, which is a companion to the CPTA. Dr. Swerdlin inquired if staff is identifying the word hotel and condo/hotel. How is staff defining? David Flinchum stated staff has tried to mingle the terms. The focus is the number of units. Dr. Swerdlin wants Council and everyone to understand the definition. David Flinchum stated there is a need for on-site lodging. David Flinchum stated the other request is to amend 6.10.7c Table. This is the use matrix. This would add hotel, restaurants, retail and offices as Conditional Uses in the Commercial Recreation Pods. The current matrix has little uses listed under Commercial Recreation Pod category. The Conditional Use would trigger public hearings that have to be approved by Council. Staff also added restrictions to the Conditional Uses. A hotel must have direct access to and located at a road intersection with an arterial road. Additional standards for restaurants are limited to a maximum of 5,000 square feet. The final request is to not have the standard that limits a single tenant to no more than 25,000 square feet to apply to hotels. Staff has not made a determination on the height of the building. The Master Plan Amendment (MPA) goes back to the 96 acre parcel. It is to add access points, to change designation from Polo and Tennis to Uniform Commercial Recreation for all 96 acres. The final request is for the Compatibility Determination for the Covered Equestrian Arena (CEA). There is currently activity on the site. The uses were approved at staff level at the Development Review Committee (DRC) meeting. These are permitted use by right. The Committee must determine if the facility/CEA meet the standards.

Dr. Swerdlin with the assistance of David Flinchum went over the issues: one is the change in the CPTA; the MPA which is to go to Commercial Recreation and add access points; the ZTA is to change the limit of commercial uses and the fourth request is the CEA and the Conditional Uses for hotel, retail, restaurant and offices. Jeff Kurtz stated the Committees needs to think of the overall concept. The current rules do not allow this intensive development.

Mark Bellissimo, the applicant, addressed the Committee on the unique and interesting project. The discussion today is almost a concept phase and what and why are they doing it. One of things the applicant has tried to do is create something unique in the world. The term they have use is an equestrian lifestyle designation. Wellington Equestrian Partners (WEP) that consists of himself as the largest shareholder and managing partner of a group of about 20 equestrian families. There is no private equity or private investment that does not have a direct interest and actual ownership. Every one of those families has a property that they own within this community. It is a group of people who have a vested interest in the outcome of the community. The goal is to transform the community from a horse show community to an industry that benefits not only a small group of people, but to open it up to benefit the community. Mark Bellissimo gave credit to Gene Mische for his vision. Gene Mische had little support and was not making money. The showgrounds had little investment when WEP took over. Mark Bellissimo gave a brief explanation of putting the footprint into place and his vision. The outcome is a market that grew 73%. They took a losing business and is now a profitable business. There is a tremendous growth from around the world and is a great indicator of what they have done. To bring horses from thousands of miles away than two hundred miles from Los Angeles to Palm Desert is a tremendous statement. The fact is about perspective and seeing things differently. The challenge today is the uncertainty of the outcome of change. The uncertainty is the lack of understanding, which turns into fear and that fear turns into people challenging what you are doing. There is a fundamental goal to make the transition to the community that will be profound. The single most important conceptual concept is as a community to make a decision within the concept of the EOZD. Do you want to be a horse show community or an economic engine that brings 5,000 horses from 49 states and 30 countries? This is unlike anything else in the world. There is an amazing opportunity to take the next five year plan. The Winter Equestrian Festival (WEF) is regarded as one of the two top events in the world. Part of the next challenge is; what is the void in the market place? We have a great hunter/jumper world, a great polo world, and the dressage world has been an orphan. There is an opportunity for dressage that is the one void. The second large void is engaging the community. The environment was a playground for the wealthy. It was not relevant to the community; most do not know where the equestrian center is. It is critical to engage the community. Other voids are there is no riding academy in the town and a world class hotel/condo. The component thought of as critical is to create something called Equestrian Village. That is the core of the requests. It is the first time it is not in the heart but at the gateway of the community. It is an entrance point that is accessible to a broad range of people with a broad sense of interest. The Equestrian Village to them has five components: place in the community an introduction point; second piece is to have a world class riding academy; the third is the anchor component which is the dressage facility; another component is to educate the community and the fifth component is the covered arena. The last piece is the world class hotel that is a gateway land mark architectural feature that represents the beauty of Wellington. The biggest issue is to transition this economy. To create jobs; creating a bigger tax base and to bring in more sponsors and tourist. The Palm Beach Sports Convention Bureau did a study this past year to evaluate the impact of all sports in Palm Beach County. In the report they had convened WEF had double the economic impact in the worst economic environment in our lifetimes. One of the underlining statistics was the number of hotel beds generated. The WEF generates 47,400 bed nights. The majority of the bed nights, not including people who rent homes, are traveling on the roads to come in and out of Wellington. Their perspective is to put them into Wellington and have them use our restaurants and stores. The critical issue is bringing new people to the sport. Mark Bellissimo asked the Committee to think through the opportunity. His perspective is to take what is a three or four month market and turn it into a seven to eight month market. If there is a resort type of hotel it opens up the opportunity to do conferences that may fill the rooms and other rentals that sit dormant for months of the year. Mark Bellissimo asked to not think of it as a horse show and think of it as an industry. Mark Bellissimo stated to challenge ourselves to overcome the criticisms and what is here. The dressage will attract people from all over. We can take this community to the next level. Those commercial elements are what will allow us to take it from four months to eight months.

Michael Sexton, agent for the applicant, reviewed through the technical issues. For the MPA there are three parcels for the new designations, change of the boundaries and add access points. The

CPTA basic goal is preservation and protection of the neighborhood and the equestrian industry. The applicant working with those goals is to tweak to the Comprehensive Plan and the EOZD to make this project viable within the regulations. The first was the building height to allow hotels in a PUD to exceed 35 feet in height. Another is an amendment to the FAR and building coverage to make it .2 and 20%. One of the things important is to understand this particular CPA is that the FAR is consistent with the current EOZD. The Comprehensive Plan is being amended to be consistent with the EOZD regulations. The objective 1.1c is to provide for a hotel, restaurants, retail and offices within the Equestrian Preserve that has to be within a Commercial Recreation Land Uses. The ZTA is to exempt hotels from the maximum 35 foot building height, and add hotel and retail/offices as Conditional Uses in Commercial Recreation Pods. They are proposing hotels only in a Planned Unit Development (PUD), having direct access to an arterial road and to be located at the intersection with an arterial road. The applicant is also looking to limit the size of any individual restaurants and limit the retail and office uses to predominately equestrian/agricultural products and services. The Conditional Use application is specific to the site. The Conditional Use application is only for the two western parcels. The applicant has prepared a plan that shows what is being proposed to be built as part of the CEA. The Conditional Use includes the CEA and the hotel, retail, restaurants and offices. A preliminary site plan was done on the concept. The hotel would be in the southwest corner, just north would be some of the retail and offices with the CEA and show arena to the east of that. Michael Sexton reviewed an illustration of the hotel. Michael Sexton stated the 66 foot height is from the center of predominate roof line.

Michael Stone president of Equestrian Sport Productions read a letter into the record from Dennis Shaughnessy, Chairman of the FTI a leading sponsor supports the applications.

Dr. Swerdlin opened the public hearing.

Victor Connor authorized to speak for the Wellington Chamber of Commerce. The Chamber of Commerce reviewed the proposal and voted to support. A personal comment from Mr. Connor he supports the project.

Robert Dover has represented the United States on six Olympic teams in dressage, supports the project.

Mat Forrest Executive Director of the Wellington Equestrian Preservation Alliance, they are pro-Wellington and support the dressage ideas but is against the project. Dr. Swerdlin inquired to the members of the Alliance. Mat Forrest stated the Alliance is a growing group. Mat Forrest stated the Committee did not ask for the members of the Chamber of Commerce. The Alliance consists of: President Lou Jacobs; Neil Hirsch; Michael Whitlow; Barbara Richardson; Margaret Door and the list is growing. He requested the members of the Chamber of Commerce be listed on the record. Dr. Swerdlin asked staff to list the members of the Chamber of Commerce for Mr. Forrest.

John Flanagan resident of Wellington, advised the Committee during the high performance dressage meeting all the licenses and applications were granted for the old facility not the new facility. Dr. Kristy Lund stated she is not aware of rules applying to the new facility versus the old facility and the dates. Mr. Flanagan stated at the meeting the Committee would never approve dates for a facility that is not constructed. Michael Whitlow inquired would the Committee approve the dates once the facility is constructed. Mr. Flanagan stated a new approval process would have to be done. Michael Stone stated the USCF that allocates the dates are given to the license holder. They are the license holder. The final approval will not be given until they inspect the facility. Mr. Flanagan stated the comment made by George Williams was they would never approve a facility that is not built. They are not opposed to the new dressage facility, but personally he is opposed to the commercial aspect in the Preserve Area.

Terri Kane owns Diamonte Farms which is a 12 acre dressage facility on Indian Mound Road and owns two houses in the Polo Club. Supports.

Robert McKean 2761 Appaloosa Trail was casual supporter until he received the brochure from Wellington Equestrian Alliance, now fully supports.

Tom Panza representing the Wellington Equestrian Alliance, they filed a letter outlining the elements. The Alliance support dressage but does not want to change the fundamental fabric of the community. That will happen by putting a major commercial facility in the middle of the Equestrian Preserve Area. Opposes

Robin Hummel-Johnson 14596 Belmont Trace and owns two or three other properties in Wellington. Supports the dressage facility, opposes the commercial aspect.

Glen Straub hears everyone is in support. He does not believe the property is in the Equestrian Preserve. Supports

Dr. Swerdlin read into the record the comment cards.

Mason Phelps	Opposes and comments against any commercial development.
Robert Ross	Supports and comments the proposed dressage facility has already doubled my business this year and will be an asset to the community.
Annette Compson-Goyette	Supports
William Pearson	Supports and comments this project will further Wellington as an international equestrian destination.
Janet Richardson-Pearson	Supports and comments no town stays the same, either grows or dies. The land will eventually be built on. This project is a superior use of the land.
Louise Smith	Supports and comments to be a world class venue the existing dressage facility will not suffice. The proposed dressage facility will not suffice. The proposed dressage facility is tactfully designed and will be a valuable addition to the economy of the community.
Leslie Valente	Supports and comments if the town can propose and make happen the hotel and adjunct offices in a different way I can live with it. But without a hotel we will not attract the international community to Wellington. That said, I fully support this facility as presented this evening.
Joanne Stoudenmire	Supports and comments I support the dressage facility, hotel and commercial. As a former owner and owner of 20 acres I totally support this project.
Mr. and Mrs. Bruce Miller	Support and comments Ellen and I look forward with great excitement for the new dressage facility and equestrian village.
Mr. and Mrs. Frederic Boyer	Supports and comments We look forward to the new dressage facility and equestrian village as proposed. 100 percent supports.
Stephanie Zilo	Supports
Barbara Stegan	Supports
Yvonne Losas de Muniz	Supports
Jennifer Benoit	Supports
Michael Pineo	Supports
Alexander Zilo	Supports
Arlene Page	Supports
Sal Spano	Gathering information for the Master POA wants to be copied on all materials on this matter.
Vaneli Bojkova	Supports and comments it creates jobs, equestrian industry is vital to this region's economy.
Tara Stegan	Supports
Cherise Gasper	Supports
Karen McKean	Supports
Anne Cizadlo	Supports
Richard Wainwright	Supports

Jane Springer	Supports
Mary Cutler	Supports
Anne Caroline Valtin	Supports
Brooke Bidgood	Supports
Javier Berganza	Supports

A motion was made by Myles Tashman, seconded by Dr. Kristy Lund, unanimously approved (5-0) to close public hearing.

Michael Whitlow inquired on Parcel 30C-2N and Parcel 30C-2S on how many acres are the parcels together. David Flinchum answered 16.5 acres. Michael Whitlow inquired on the total facility acres. Mark Bellissimo answered 59.5 acres.

Dr. Scott Swerdlin inquired on Pierson Road and the turn lanes. Mark Bellissimo answered there is a turn lane coming in from South Shore to Pierson Road going east. Essentially it is a left turn lane that will extend to the east, only due to having to create a buffer for people coming in from South Shore. The primary entrance for the facility is intended to be South Shore with exhibitors entering the Pierson Road entrance. Dr. Swerdlin inquired on how far down the canal do you intend to culvert. Michael Sexton answered starting at Pierson Road there will be some culverting, possibly to the existing driveway that is there. The final design has not been done. Not more than 150 feet south of that which covers where the new driveway going to be coming in. Dr. Swerdlin inquired on an opportunity to culvert that down to Southfields Road and put in a golf cart lane and possibly a dedicated bridle path. Right now there is no dedicated bridle path. That is something that could be done jointly with the City or Southfields. Michael Sexton stated the Master Plan does address a bridle path along the north side of the canal along the 59 acres. As far as looking at any projects with Southfields that are beyond the extent of this project, he would suggest the Southfield people set up a conference with the Village Engineer and see how they would look at something like that. Dr. Swerdlin stated his question is more related to the traffic pattern of horses coming from Southfields. Right now the horses go on a bridle path down Pierson Road on the south side and Mr. Sexton is suggesting there will be a crossover on the bridle path that can go on the north side on that access. There is not already an existing easement on that. Michael Sexton stated the Master Plan shows that there would be a crossing basically at the new driveway connection, connecting up to Southfield. Dr. Swerdlin inquired if the culvert will have a cross walk. Michael Sexton answered with the new driveway the culvert will be extended for that. But it will be perpendicular to Pierson Road and will cross Pierson Road with striping and pavement markings. It will connect up to Southfields property where they have their own bridle path. Dr. Swerdlin inquired on the entrance way on the previous plat had the crossing going across from where Santa Barbara entrance is. Does it go down there now? Michael Sexton answered no, that access point has been eliminated from the project. There will not be an access at that location. Jeff Kurtz stated the Master Plan shows three entrances off of Pierson Road, this Committee could make a recommendation and condition the Master Plan on that.

Dr. Kristy Lund inquired on the office space. Mark Bellissimo answered it is equestrian related office space. The office space is a small number. It could be a group that is equestrian related. Dr. Lund inquired if it is a condominium or hotel rooms. Mark Bellissimo stated it is intended to be a condo/hotel. A condo/hotel is just a financing vehicle from the perspective of how it is structured. It will have some resident capability but it would be intended to be something that would allow for hotel services. It is important to have a hotel component a good number of the units available for use and will vary. They need to have a good number of those units to support the sponsors. One of the strategies is to bank a certain number, so each week they can provide to the supports. One of the biggest objections they get from world class sponsors are where do I bring the people. Some had to go to the Breakers which is inconvenient to travel forty minutes before and after the show. Dr. Lund inquired if the parking is contained on the premises for spectators, hotel people and trailer parking. Mark Bellissimo answered yes in terms of drive in trailers. It would probably be drop off trailers similar to Palm Beach International Equestrian Center (PBIEC). There will be some short term parking available. Dr. Lund inquired to staff that this is the perfect spot but the

recommendation can now apply to any other Commercial Recreation places in the EOZD. David Flinchum stated when changes are made to the Land Use Regulations, whether it is the comprehensive plan level or zoning level that unless it is very specific in the criteria or the location, it can apply anywhere. In this case you have Commercial Recreation. That is why there has been additional language. Mark Bellissimo stated there are only two properties that satisfy it. Mark Bellissimo stated if another property wanted they would have to go through this process again. David Flinchum stated there are eight commercial recreation parcels in the EOZD. Dr. Lund inquired if hotels could go on them. Jeff Kurtz suggested if a concern but generally in favor of this concept but only at this location; the Committee could recommend the provisions be strength to isolate the regulations that would allow this use. It would be only this location. Michael Whitlow inquired if that could be done legally. Jeff Kurtz answered to evaluate if it works at this location and then take a look at what makes it work here compared to another place. Then focus in on regulations that would allow that. Jeff Kurtz stated Mr. Bellissimo has been very open about how he intends the hotel to operate and what it is. The hotel is more known as a nightly rented condominium. That is a concept that is out there at other resort communities. Mark Bellissimo disagrees; the hotel would have banquet facilities and conference rooms which is critical to this hotel. The projects that Mr. Kurtz referenced rarely have that type of facilities it is important to have. This would be something they would have in a hotel network like Leading Hotels of the World or certain resorts that are private labeled that have a management company that manages it. Jeff Kurtz stated it is a hybrid and may want to come up with a definition for that particular use as it has been described. Staff can be specific to what has been suggested assuming that what has been suggested is favorably incline towards.

Carlos Arellano inquired on the time table for the project. Mark Bellissimo answered the goal is to try to break ground this year. Mr. Arellano inquired on the hotel completion. Mark Bellissimo answered he hopes the hotel would be ready by December 2013. Mr. Arellano inquired on the Players Club being able to look at the polo fields and being part of this development. Mark Bellissimo stated there is ongoing conversation. Mr. Arellano inquired on the property on Polo Island being able to view the polo fields and lights and buffers. Mark Bellissimo stated they had met with some of the representatives of Polo Island; their goal is to work with the homeowners. Wellington has photometric requirements for the lights.

Michael Whitlow inquired if the applicant would consider putting the hotel and facilities across the street. Mark Bellissimo stated the importance of this property is this is a connected property. It is essential to be an integrated product, to be connected directly and immediate access to the barns and covered arenas. It will be unique in the world.

Myles Tashman inquired to staff on Mr. Straub's statement on not being in the EOZD. David Flinchum stated the entire 96 acres is in the Equestrian Preserve. Dr. Swerdlin commented that PUD for Palm Beach Polo and Country Club preceded the EOZD. The question is legally do the rights of the owner of that land exist with the PUD, does that trump the EOZD. Jeff Kurtz stated the simple answer is no. One could go back and look at what the rights for this piece of property might have had as part of the Wellington PUD. What is proposed is in accord with what was previously approved as part of the Wellington PUD.

Dr. Swerdlin stated there are three issues to consider and advise. Dr. Swerdlin inquired on the barns and stabling how many are permanent and how many are trailered in. Mark Bellissimo stated it would be 50/50. The first issue is the CEA and stabling, which is fine with the existing zoning. David Flinchum stated the commercial stables are a permitted use by right. Dr. Swerdlin stated all the stables in the equestrian aspect of it are permitted and don't require any comment from the Committee. Jeff Kurtz stated as part of the CEA the Committee has to make a Compatibility Determination. Dr. Swerdlin inquired to the Committee if the existing request for the equestrian venue and stabling be a recommendation that it is a permitted use and compatible. Myles Tashman inquired if looking for a motion. Dr. Swerdlin stated just looking for their advice. Myles Tashman stated yes, Michael Whitlow stated not sure, but it is compatible; Carlos Arellano and Dr. Lund agreed. Dr. Swerdlin stated there are five recommendations that it is compatible.

Jeff Kurtz stated the way to generally operate is by motion. Dr. Swerdlin stated he does understand. Jeff Kurtz stated we would the Committee's recommendation as a motion in favor of. Dr. Swerdlin stated he does not believe so, this is an advisory Board and they are advising. Dr. Swerdlin knows what Mr. Kurtz wants and is not sure they can give him what he wants tonight. Jeff Kurtz stated the way the Committee is set up is that you will consider items by motion and vote on them. Dr. Swerdlin stated he has asked for that documentation on how and where and it does not exist to his knowledge. Jeff Kurtz stated it is in the general rules with respect to all the Boards and Committees. It is specifically in reference to the formation of the Equestrian Preservation Committee. Dr. Swerdlin asked for it to be emailed to him. Jeff Kurtz stated he is telling him now that when you say yes then it is our advice and poll that is effectively a motion and you have effectively voted and cannot get away from that presumption.

David Flinchum inquired on the Compatibility Determination there are conditions, some are requirements and some are above and beyond and have used for the PBIEC facility to keep in mind. The Committee to make sure the conditions are accepted by the agent and endorsed by this Committee. David Flinchum stated there are 33 conditions. Dr. Swerdlin stated the Committee just got the package and some people did not really have the time to delve into it. Dr. Swerdlin stated in theory move along and then to hold a workshop. Michael Whitlow agreed; he would like to study this more. He has some strong reservations about a number of items while supporting the concept of a dressage center. This is a good plan to bring the dressage up to the level of the international hunter/jumper level, stating he does have some site specific concerns about this particular plan. He would like to have more time to do through the details. Jeff Kurtz inquired if the Committee wants a motion to continue. Dr. Swerdlin inquired to the applicant. Mark Bellissimo stated he does not understand what is going on. He is hopeful with respect to the people who came out this evening that the Committee will evaluate what was presented by Wellington. Dr. Swerdlin stated there are thirty-one conditions. David Flinchum stated the conditions are very standard. The conditions are almost identical to what was applied to PBIEC, staff recommendation is to accept the conditions and move forward to Planning, Zoning and Adjustment Board (PZAB). Dr. Swerdlin stated to the Committee staff looked at the conditions and found it compatible. Their recommendation is it is compatible. The Committees recommendation is it is compatible and now go to the next issue. Mark Bellissimo stated they do accept the conditions.

Myles Tashman stated he is clear on the conditions, but not clear on the direction that is being taken as opposed to a recommendation as opposed to a vote, which to him is a recommendation. People and himself have been here and spent their time and does not want waste his time. He does not want to make an informal recommendation. That is not what Council is telling the Committee on the procedure. Why is the Committee breaking from the formalized basis? The applicant is entitled to have something going forward which is meaningful or not meaningful. Dr. Swerdlin inquired if as a group advice the Council the compatibility issue is fine, recommending as a group. Jeff Kurtz stated Dr. Swerdlin recuse himself before do to some sort of relations with either ESP or another entity that is related to PBIEC. Dr. Swerdlin is under the impression and Mr. Kurtz does not think it is a correct impression that if the Committee does not take a vote that under the rules as established by the Palm Beach County Ethics Ordinance that he can participate in the matter. Mr. Kurtz has suggested to him, that it is his reading that if you have a conflict of interest with perspective to a matter, you are not only prohibited from voting but prohibited from participating in the matter. It is always your individual choice as a Committee Member knowing what the total circumstances are of your involvement in with respect to a project. You make the determination whether or not you have a conflict. That is not something that the staff can determine for you; that is not something Mr. Kurtz can determine for you. Mr. Kurtz does not think it is appropriate to play a semantic game as to whether or not when you ask for everyone's agreement. You are pretending you are not voting on the matter. Mr. Kurtz stated he suspects that is the reason Dr. Swerdlin is trying to put forth that. Dr. Swerdlin believes under his mistaken impression, but it is his impression and he is entitled his impression that if there is not a formal motion and vote somehow the ethics obligation is not triggered. Dr. Swerdlin stated he has not understood the ethics position. If everyone has an issue, he is the veterinary but does not charge;

they have a nice table and are promoted. They are the veterinary facility WEF and if that puts him personally in a position that he has to recuse himself there is probably other members that would have to recuse themselves. There might not be a quorum, so as an advisory board as he asked before; can they as an advisory board make recommendations without voting and have a majority/minority recommendations to Council. He has not found anything yet in the documents that say you have to conduct a meeting and vote. It happened before where there was no quorum with three people voting on it. Dr. Swerdlin is asking how they remain and how does this group if everyone has some experience in this industry which is everyone in the room be able to be in this situation. Jeff Kurtz stated it has been discussed and understands and probably agrees it does not make a lot of sense, but that is the rules. The rules were not made by the Wellington Council; they were made by Palm Beach County pursuant to the Charter Amendment and apply to us. It is something Wellington will explore with the County when they open the ordinance up for discussion and revision. Mr. Kurtz and Dr. Swerdlin agree it does not make a lot of sense that people on an advisory committee in a very particulate industry should be precluded because they have business relationships as long as they disclose those business relationships. Those are the rules. As to the votes, the way the Committee members whether a poll or write down you are voting on the matter. You cannot get away from it; that is a function of this Committee. You as a Committee member vote on matters. When the Committee says yes, it is affectively voting on a motion and will not change that fact. It is clearer when a motion has been made and seconded and clearly voted upon. Carlos Arellano stated he thinks the project is fine and is needed.

Dr. Swerdlin stated he has disclosed his interest and is going to recuse himself from any further participation. Jeff Kurtz stated there is still a quorum and because the Committee is a recommending body even if a quorum was lost for the vote; staff would still take the recommendation.

Michael Whitlow asked for Mr. Kurtz to outline what the Committee needs to vote on now. Jeff Kurtz referred to David Flinchum. David Flinchum stated the first motion would be to approve the Compatibility Determination for the Commercial Equestrian Arena with the staff recommended conditions.

A motion was made by Myles Tashman, seconded by Dr. Kristy Lund, unanimously approved (4-0), to approve the Compatibility Determination for the Commercial Equestrian Arena with the staff recommended conditions.

David Flinchum stated the next item is to approve the Conditional Uses for the hotel, retail, restaurant and offices with the staff recommended conditions. Dr. Lund inquired if that included the height. David Flinchum stated there is no specified height for the hotel in the conditions; that is in the Zoning Text Amendment later on. The plans do show a 66 foot height. Jeff Kurtz stated the support for the conditional uses are predicated on support for later code amendments and comprehensive plan amendments. Carlos Arellano stated he does not see a problem if the Hampton Inn is 57 foot in height. Dr. Lund stated the Hampton Inn is not in the EPA. David Flinchum suggested as part of the motion the Committee could give direction of the height. Jeff Kurtz stated if a motion is generally in favor of the conditional uses assuming that the textual changes were made the height can be address with the textual changes. Carlos Arellano inquired if the Committee could vote a height referencing only a drawing. It should have an architectural review. Jeff Kurtz stated the question is based on the drawing and setting the Committee has seen and does it look like something the Committee could consider. Dr. Lund inquired why staff recommended that the height was an issue and what is staff proposing the height should be. David Flinchum stated staff is not getting into the specifics of the height. The height may change due to the architecture of the building and the ceiling clearance, mechanical spaces and would encourage not having a specific height right now. Dr. Lund stated in the recommendation staff thought the height was too high. David Flinchum stated the number of floors is out of scale. There is room for comprise maybe not five stories, maybe four stories. Carlos Arellano inquired on the size of the commercial building on the 18 acres. David Flinchum stated the commercial building is two stories; the height is around 30 feet. David Flinchum stated staff check around the Hampton

Inn is 54 feet; staff check with the Chairman of the Architectural Review Board (ARB) who designed the Wellington High School Auditorium and that is 54 feet. David Flinchum discourages the Committee on specific height building. Dr. Lund stated she is trying to balance the hotel with the equestrian lifestyle. She does not want 66 foot high hotels going up in the EOZD. She wants the hotel only in the Equestrian Village and not to happen in other Commercial Recreation land. David Flinchum stated that is the reason for the additional language. Another layer is only one hotel is allowed at an intersection that meets the requirements. Carlos Arellano inquired on other location options for hotels. Jeff Kurtz suggested if the opinion is the hotel is appropriate here and this is the only place it should be. Staff could take a look at a distance requirement and a number of ways to get the result the Committee would like. If the Committee thinks this is an appropriate location. David Flinchum stated the Committee could require the hotel must have an on-site equestrian venue. Jeff Kurtz stated staff has been evaluating the proposal of the applicant without a Board recommendation. When putting on conditions, staff can come up with what the Committee is looking for. David Flinchum stated hotels are conditional uses and any other hotel if it meets the requirements would have to come back through the public hearings.

Jeff Kurtz inquired if there is a motion in favor of the Conditional Uses with direction to staff to limit this to this particular location and only this location within the EPA. Michael Whitlow expressed concern before the vote that if there is 16 acres devoted to the commercial and hotel that is 27% of the entire facility. That leaves 43 acres, a lot of it will be taken up in stabling and parking and Mr. Whitlow is concerned that there will not be enough room for the equestrian functioning. Mr. Whitlow would like to see more space devoted to the horses. Mr. Whitlow would like to see the commercial located on the other side of the street. Dr. Lund stated there are six rings, referencing Devon that has two rings and one warm up for the entire show. The shops are right there. Dr. Lund stated as a dressage person she is thrilled with the space.

A motion was made by Dr. Kristy Lund, seconded by Carlos Arellano, unanimously approved (4-0), to approve the Conditional Uses with direction to staff to limit this to this particular location and only this location within the Equestrian Preserve Area.

David Flinchum stated the next motion is for the Master Plan Amendment. That is for the entire 96 acres to change from the Polo/Tennis facility to Commercial Recreation of which 59 acres on the west side of Polo Island would be CEA and the remaining 38 acres on the east side of Polo Island would be a Polo facility. It is the current polo fields that they have now. Jeff Kurtz stated including to the access points.

A motion was made by Dr. Kristy Lund, seconded by Myles Tashman, unanimously approved (4-0), to accept that proposal.

David Flinchum stated the next item is the CPTA. These are the most complicated ones that reference policies and objectives. This is to allow for an exception for hotels to the building height restriction of 35 feet; to add different type of uses in the Equestrian Element, more commercial types for hotels provided they have direct access to the road intersection to an arterial road; allow for hotels, restaurants, retail and offices in the EPA; the Land Use Element in the Comprehensive Plan would also besides the height exception for the hotel include an increase in building coverage from 10 to 20 percent and an increase in FAR from 10 to 20 percent. David Flinchum stated going through the number the proposed plan; right now their lot coverage meets the 10% in the Comprehensive Plan. What the applicant does need is the FAR, primarily due to the square footage of the hotel being stacked up. The current code limits Commercial Recreation parcels to only 10 FAR; staff recommends going to 15. The applicant does not need the 20 as the origin application included. Michael Sexton stated the applicant can live with the 15. The .2 was part of the EOZD existing criteria. The applicant does have a problem with the .1 for building coverage. The applicant would like that to be .15. David Flinchum stated that would be fine. Michael Whitlow inquired if that changes the FAR for all of the EOZD. David Flinchum stated the CPTA is EOZD wide. Michael Whitlow inquired if it can be made for this specific site. David Flinchum stated the Land Use Element in the Comprehensive Plan limits properties with a Commercial Recreation

designation in the EPA to only 10% and .1. Elsewhere in the EOZ you can go up to 20 that is already in there. The EOZD regulations that were adopted in 2010 allowed for 20% lot coverage and .20 FAR with a note except as provided in the Comprehensive Plan. If you go to the Comprehensive Plan you will see Commercial Recreation in the EPA is only 10% and 10, so there is a little bit of a conflict. It still keeps those Commercial Recreation parcels in the EPA at a much lower intensity than anywhere else in the EOZD.

A motion was made by Dr. Kristy Lund, seconded by Carlos Arellano, unanimously approved (4-0), to accept the staff's recommendation for the Comprehensive Plan Text Amendments and in limiting to the .15.

David Flinchum stated the last item is the Zoning Text Amendments which are a companion of the CPTA. The request is to add to Table B, which is the use table for exception to hotels to exceed the 35 foot building height; add to Table C hotels and restaurants, though staff is recommending making restaurants a Conditional Use; offices would be added as a Conditional Use in Commercial Recreation Pods and retail; that staff also recommends as a Conditional Use. The hotel must have direct access to the road intersection with an arterial road; restaurants are limited to a maximum of 5,000 square feet of tenant space for the individual restaurant; the retail must be limited to an equestrian or agricultural related services or products. Those would all be Conditional Uses. Dr. Lund inquired on how to protect if a building comes in at 150 foot high. Carlos Arellano stated to say not over 65 feet. David Flinchum suggested hotels must be part of a Development Order approval. That way when the hotel is coming through; the Committee has the ability to address the height issue. Jeff Kurtz suggested staff to come up with standards with respect to hotels that exceed the 35 feet and subject to the ARB. Michael Whitlow inquired if the Committee could leave it at 35 and then specifically change it on a specific site. Jeff Kurtz stated the Committee has already said to have staff limit to this site. Staff is going to come up with criteria. Jeff Kurtz suggested in order to go over 35 feet, there has to be some architectural features and have that subjected to the ARB. David Flinchum stated part of the ZTA is to exempt hotels from the current 20,000 square feet maximum allowed for a commercial use. Michael Whitlow again asked if the Committee could put in a top limit. David Flinchum stated the hotel presented today is 220,000 square foot, which includes the banquet halls. That does not include the retail or offices. Jeff Kurtz stated the Committee could have a limit for hotels to go up to 225,000 or something like that. The Committee would know it would not get bigger than what the Committee has seen at this time. Michael Whitlow stated that would be acceptable to him.

David Flinchum stated the motion could be based on the plans submitted by SP Architects that was presented at this meeting. If the exhibit changes, staff knows the Committee's basis was on the height shown and the square footage. It could never go greater than that, it can always be equal to or less than what was shown today. Jeff Kurtz stated the regulations would be based on these specifications instead of listing them all out. David Flinchum stated the level of detail would be referred to the ARB. Jeff Kurtz stated this would be a guide for staff.

A motion was made by Carlos Arellano, seconded by Dr. Kristy Lund, unanimously approved (4-0), to the proposed the five story; 100 unit; 220,000 square feet hotel be consistent with the elevations as presented.

Michael Sexton thanked the Committee.

VI. Board Comments

VII. Staff Comments

VIII. Public Comments

IX. Adjournment

A motion was made by Myles Tashman, seconded by Dr. Kristy Lund, unanimously approved (5-0) to adjourn.

Adjourned at 9:35 P.M.

Dr. Scott Swerdlin, Vice-Chair Date

Jennifer Fritz, Recording Secretary

DRAFT

Wellington Equestrian Preserve Committee Meeting

December 14, 2011 – 6:00 pm

Transcript of excerpt of meeting (2:36:07 – 2:57:07)

Dr. Swerdlin: Thank you very much Mr. Belissimo.

Dr. Swerdlin: Alright, I think there is three issues here that we need to kind of consider and advise the village of. The first thing is the umm . . . the . . . as far as I understand, the equestrian arena and the stabling. . . and that was one question that we, I didn't ask. . . um, Mr. Sexton, how many stalls are the barns?

Michael Sexton: 96

Dr. Swerdlin: 96?

Michael Sexton: in each barn.

Dr. Swerdlin: 96, and this is one question I could probably ask Mr. Stone. Out of those barns, you know cause you're gonna have people trailering in and you're gonna have people staying at the show and then they will be leaving. How many do you intend to be permanent stables for permanent residents, and how many do you intend to be available for people to trailer in or to come in and stay from other areas, Jupiter? Does anybody have that answer?

Michael Sexton: I don't know that, but I know there will be some

Dr. Swerdlin: 50/50?

Michael Sexton: 50/50.

Dr. Swerdlin: Perfect. Close enough. Ok, well that's what I thought, but I just wanted to ask that question because that's an important component of . . . of . . . and I think that, that was Dr. Lund's request is for people to be able to trailer in, park their trailer, show

1 and then leave. And I think that, that . . . you answered that question that yes, there
2 will be people . . . there will be trailering spaces available for people to trailer in,
3 park their truck and trailer and then go out and show and then leave. Is that your
4 question?

5 Dr. Lund: Yes

6 Dr. Swerdlin: Ok, good. Alright, so um, the first thing we want to kind of advise is as I understand
7 it back to my original statement, is that the equestrian stabling really . . . is all fine
8 with the existing zoning regulation. So we really can just say hey, that's a nice idea,
9 we will split it 50/50 and we did a good job.

10 David Flinchum: The commercial stables are permitted use, by right.

11 Dr. Swerdlin: Right, absolutely. So all the stables in the equestrian aspect of it are permitted and
12 don't require really any comment from the board except we're excited that, that's
13 going to happen, correct?

14 Jeffrey Kurtz: Both. As a part of the commercial equestrian arena, and it . . . and it's presented as
15 an overall commercial equestrian arena, you have to make a compatibility
16 determination.

17 Dr. Swerdlin: Ok, so would we advise as a board, and I just want to take this in terms of your
18 advisement that the existing, um, request for the commercial, excuse me, for the
19 equestrian venue and stabling . . . the recommendation that it's permitted use and
20 um . . . what was your compatibility . . . that it was compatible, could we have a
21 recommendation to the village council that that's a yes?

22 Myles Taschman: Are we looking for a motion or, uhh, a . . . just a . . . a vote

23 Dr. Swerdlin: I just want your thoughts, your advice. What's your advice?

24 Myles Taschman: My thought is yes.

1 Dr. Swerdlin: your thought?

2 Myles Taschman: I'm not sure, but I think it is compatible. Absolutely, it's compatible.

3 Dr. Swerdlin: So, yes, yes, yes. There's five recommendations that, um, it is compatible.

4 Jeffrey Kurtz: The way you generally operate is by motion.

5 Dr. Swerdlin: I understand that. Next. Is the height

6 Jeffrey Kurtz: Then, then, then what we will take that then is . . . is that there was a motion in favor

7 of the commercial . . .

8 Dr. Swerdlin: I don't believe so, Mr. Kurtz. I think that we are an advisory board and we are

9 advising. I know what you want. I'm not sure that we have that ability to give you

10 tonight what you want. We need more direction another day. Ok?

11 Jeffrey Kurtz: You want to bring this back another day?

12 Dr. Swerdlin: No, I think we are advising fine. We are getting a lot of good information. And

13 advising as an advisory board is what we should be doing.

14 Jeffrey Kurtz: Well, we need. The way you are set up is that you will, um, consider things by

15 motion and vote on them.

16 Dr. Swerdlin: And I have asked you for the documentation on how the board where that is. And

17 that is something that doesn't exist, to my knowledge.

18 Jeffrey Kurtz: It is in the, um, a . . . , it is in our general rules with respect to, um, all our boards and

19 committees, and I believe it is specifically in reference to, umm, the formation of the

20 equestrian preservation committee.

21 Dr. Swerdlin: The next time, if you could just email me that, I'll be happy to do it.

22 Jeffrey Kurtz: Umm, Dr. Swerdlin, I am telling you right now that, umm, when you all say yes, then

23 this is our advice, and you go and pole, that is effectively a motion, and you have

1 effectively voted, and you will not get away from that presumption. And there is no
2 reason to go there.

3 Dr. Swerdlin: I didn't want to go there. We should discuss this later. I'm sure we will. Umm, as
4 far as . . .

5 David Flinchum: Dr. Swerdlin?

6 Dr. Swerdlin: Yes.

7 David Flinchum: Just to make sure, when you are talking about the compatible determination, and I
8 apologize for not getting into the detail, but there are conditions, umm, some are
9 requirements and some are above and beyond. We've used from the PBIEC facility
10 down the street. And those are on page 5. So you kind of want to keep those in
11 mind, and then if we can make sure that the conditions be recommended or
12 accepted by the agent and are endorsed by this committee.

13 Dr. Swerdlin: on page 5 of what document are we talking about?

14 David Flinchum: It would be in the document

15 Dr. Swerdlin: Commercial Development Standards?

16 David Flinchum: No, it would be the document, umm, that starts outs with the CU1 and talks about
17 the hotel and the commercial equestrian arena, and there are 33 conditions.

18 Dr. Swerdlin: Let me ask the board this? This seems like it's gonna be quite tedious to go through
19 each one of these conditions. We're just trying to give P&Z and also the village
20 council what our thoughts are as an advisory board.

21 David Flinchum: And we understand. This is a work in progress. It's gonna change between now and
22 the PZB meeting, but if there is something that is really glaring that either the agent
23 objects to or you object to, umm, if you see it in the list of conditions, just let us
24 know.

1 Dr. Swerdlin: I think that unfortunately, and Mr. Whitlow mentioned this, and I didn't want to
2 bring this up, but this . . . we got this package a few days ago, and some people just
3 didn't have enough time to really delve into it and go through it. Is that . . .

4 Myles Taschman: I agree with you entirely

5 Dr. Swerdlin: So, so, is that something that . . . do we want to just in . . . in theory, or in concept,
6 move this along, and then we have a workshop?

7 Myles Taschman: I would agree with that entirely. I, I would like to study this a lot more. I've some
8 real strong reservation about a number of items on this thing, but. While. . .

9 Dr. Swerdlin: Well let me ask the others . . .

10 Michael Whitlow: While supporting the concept of a dressage center. I, I, I, well . . . a hundred
11 percent, a thousand percent, I mean . . . years and years ago when I was talking to
12 Gene Mission, I told him on more than one occasion, and more than . . . over many
13 years that I was very concerned that . . . and these are my exact words . . . was that
14 the a dressage people, the dressage world were treated as children of a lesser god.
15 And I thought that was a terrible thing, and that the dressage world needed to be
16 really well taken care of. And I still feel that way, and I think that this is an
17 extraordinarily good plan to bring the dressage up to the level of the international
18 hunter-jumper world. Umm, I just have some site specific concerns about this
19 particular plan. That's where I would really like to spend some more time and
20 actually have a chance to look at it because I really have not had the time to, and I
21 don't believe Dr. Lund has, and I don't know about anybody else on the committee
22 but. . . have you really had a chance to go through these details, anybody?

23 Jeffrey Kurtz: Do you want to have a motion to continue? Is that what this is?

24 Michael Whitlow: I'm not sure.

1 Dr. Swerdlin: Let me ask the applicant. Umm, a question. Then we can have Mr. We closed
2 public comment, so maybe you could relay that information. *(talkover)*

3 Myles Taschman: I think this is appropriate again.

4 Dr. Swerdlin: No. The applicant gets the . . .

5 Myles Taschman: That's what I meant.

6 Mark Bellissimo: I'm not sure I understand what's going on because I feel like there's a . . .

7 Myles Taschman: I don't either.

8 Mark Bellissimo: Scott, if you feel like there's an issue *(talkover)*

9 Dr. Swerdlin: No, there's no issue.

10 Mark Bellissimo: I've done this for 5 years, and you seem to be complicating a process. Because, I
11 mean, I'm hopeful out of respect for the 30 or 40 people that came out here this
12 evening, and what I have seen on a number of different occasions that you will
13 evaluate . . . evaluate what was presented by the . . . the . . . the village, and if . . . you
14 know, you don't feel comfortable voting . . . and I'm hoping, and I don't want to be
15 disrespectful, but I'm hopeful that, you know, you will be respectful of all the people
16 who do have a . . . a . . . that do have a sincere interest *(talkover)*

17 Dr. Swerdlin: I couldn't agree with you more. And I want to go on.

18 Mark Bellissimo: in getting a result.

19 Dr. Swerdlin: What I am having a little difficult, little . . . little . . . little check here with the double
20 bridal, is there's . . . there's 31 conditions . . . 31? How many were there?

21 David Flinchum: But I understand, these conditions are very standard. There almost identical what
22 we applied to PBIEC down the road. It has to do with . . .

23 Dr. Swerdlin: Is the staff recommendation is that we accept all those conditions?

24 David Flinchum: Yes, sir. And move this forward to PZB.

1 Dr. Swerdlin: Ok, then . . . then does everyone understand now that staff looked at the conditions
2 and they find it's compatible. There's nothing out of . . . out of use here that we
3 would have a problem with according to staff. So their recommendation is . . . is
4 that it is compatible and we've make the recommendation that it's compatible.
5 Now we got to go to the next issue.

6 Mark Bellissimo: And we are accepting the conditions? Thank you.

7 Dr. Swerdlin: Ok, and they are accepting the conditions. You want to just briefly tell, because I am
8 looking here and my good friend, Mr. Tashman's confused.

9 Myles Taschman: I'm not confused.

10 Dr. Swerdlin: Ok.

11 Myles Taschman: Ahhh, I'm befuddled.

12 Dr. Swerdlin: Ok.

13 Myles Taschman: Ahhh, ahhh . . .

14 Dr. Swerdlin: I'm sorry, he's not confused, he's befuddled.

15 Myles Taschman: Which, trust me, is not the same thing.

16 Dr. Swerdlin: Alright, can . . .

17 Myles Taschman: Ummm . . .

18 Dr. Swerdlin: Do you want to read those conditions real quick?

19 Myles Taschman: Nope, no. I'm, I'm, I'm . . . absolutely clear on the condition. Ahhh, I'm not clear on
20 the direction that you are taking. As opposed to a recommendation as opposed to a
21 vote and, which is a recommendation. Ahhh, again . . . I agree with what Mark said.
22 Ahhh, people have been here and have spent their time. I have been here and
23 spent my time. I don't want to waste my time. If I'm going to do something, it's
24 going to be relevant and going to have meaning. Otherwise, I don't want to be

1 here. I can only speak for myself. I can't speak for anybody else. Ahhh, but I am
2 not prepared, unless there is something that I don't know about . . . ahhhh . . . to
3 just say oh, we'll just make an informal recommendation. That is not what counsel
4 is telling us is the procedure, and if we have to adjourn for five minutes, and talk
5 about this, I, I, I'd like to do that.

6 Michael Whitlow: Follow with adjourning

7 Myles Taschman: What?

8 Michael Whitlow: I said I don't follow your point about adjourning. I'm not sure I understand what
9 you are saying.

10 Myles Taschman: I don't know why we are breaking with . . . ahhh . . . the motion practice and doing
11 something on a formalized basis. I'm, I'm sure whether we come up with something
12 yea or nay . . . ahhh . . . I can't speak for ahhh . . . Mr. Bellissimo, and as he knows,
13 we have had our disagreements in the past.

14 Dr. Swerdlin: Well, I understand that. But, but, but . . .

15 Myles Taschman: But, that's not the point. The point is, I'm sure the applicant is entitled, uhhh, to
16 have something going forward, which is either meaningful or not meaningful.

17 Dr. Swerdlin: It is meaningful, that we as a group advise council that we feel the compatibility
18 issue is fine. That we feel, that we're recommending, as a group that the
19 compatibility issue is fine.

20 Myles Taschman: I think that's certainly, ahhh . . .

21 Jeffrey Kurtz: Dr. Swerdlin, why don't we be frank with what is going on here. Dr. Swerdlin, when
22 PBIEC came before this body, I believe he recused himself because ummm, there
23 was some sort of relationship with ahhh ESP or another entity that is related to
24 PBIEC. Dr. Swerdlin, I think is under the impression, umm, and I do not think it is a

1 correct impression, that if you do not take a vote, that under the rules as
2 established by the Palm Beach County Ethics Ordinance, that he can participate in
3 the matter. Umm, I have suggested to him that it is my reading that if you have a
4 conflict of interest, with respect to a matter, you are, ummm, not only prohibited
5 from voting, but prohibited from participating in the matter. It is always your
6 individual choice as a board member knowing what the total circumstances are of
7 your involvement, in or . . . or not in with respect to a project, that you make the
8 determination as to whether or not you have a conflict. That is not something that
9 the staff can determine for you. That is not something that I can determine for you.
10 But, what I do not think is appropriate is that you try and play a semantic game as to
11 whether or not when you ask for everybody's agreement you are pretending you
12 are not voting on the matter. And I suspect . . . Dr. Swerdlin is free to contradict me.
13 I suspect that is the reason he is trying to put it . . . put forth that. Because he, as I
14 said, I believe is under the mistaken impression, but it is his impression, and he is
15 entitled to his impression, that if there is not a formal motion and vote, somehow,
16 the ethics obligations are not triggered. And that is my perception of what is going
17 on. If I am incorrect in that, Dr. Swerdlin can certainly advise us.

18 Dr. Swerdlin: No, I think you are perfectly correct. I just . . . the problem is, is that I have not
19 understood the ethics position whatsoever. If we all have an issue here, and I'll be
20 frank with you, we are the veterinarians. We don't charge. We have a nice table.
21 We get promoted. We are the veterinarians for the winter equestrian festival for
22 WEF. And if that puts me personally in a position that I have to recuse myself,
23 there's probably other people on this board that would have to recuse themselves,
24 ummm, in order to vote. I'm not sure the people, if we have a quorum. So what, as

1 an advisory board, I asked the question some time ago, can we make
2 recommendations without voting and have a majority recommendation and a
3 minority recommendation to council and let them know without us having to sit
4 there and vote, and I haven't found anything yet in the documents that say you
5 have to conduct a meeting and you have to vote. You did that a month ago or two
6 months ago with another piece of property and we didn't have a quorum, and we
7 only had three people voting on it. So, I'm asking you right now, is that how to we
8 remain, and how do you have this council or how do you have this group if everyone
9 who has some experience in this industry, which is everybody in this room, ummm,
10 be able to be in that situation.

11 Jeffrey Kurtz:

We have . . . we have discussed this. We, we, umm, understand that, ahhhh, and
12 you and I probably agree that it doesn't make a lot of sense that that is the rules,
13 but the . . . the . . . the rules were not made by the Wellington Village Council. They
14 were made by Palm Beach County in pursuant to the Charter Amendment they
15 apply to the . . . to us. Umm, it is something, umm, that we will explore with the
16 County the next time they open the ordinance up for discussion and revision.
17 Ummm, but at this point in time, and you and I agree that it doesn't make a lot of
18 sense, that , that people on an advisory committee, especially an advisory
19 committee about a very particularized industry, umm, should be precluded because
20 they have business relationships with folks from commenting on things, so long as
21 they disclose those business relationships. But those are the rules, as unfortunate
22 as that may be. As to your votes, the way you as a committee member, ummm,
23 whether . . . whether you say, ummm, I'm gonna take a pole, whether. . . ummm
24 you're gonna have people write down whether you are going to do something by

1 acclimation and have the opportunity to, ummm, descent. You are voting on the
2 matter. Umm, and you just . . . you can't get away from . . . that is the function of
3 this board. And you, as a board member, is to vote on matters. Whether you want
4 to call it a recommendation, whether you want to call it ahhh, anything else.

5 Dr. Swerdlin: Well, do you have a problem with calling it a recommendation?

6 Jeffrey Kurtz: It doesn't . . . I don't have a . . . I don't have a problem with calling it a
7 recommendation. I am telling you that when you all say yes, ummm, you are
8 effectively voting on a motion, and it will not change that fact. And it is . . . it is
9 more clear to us from a, ummm, processing standpoint when we have a motion that
10 has been made and seconded, ummm, and clearly voted upon, as to exactly what
11 you were voting on.

12 Dr. Swerdlin: Ok. I stand corrected. I was looking for something. I'll, umm . . .

13 Myles Taschman: Carlos, did you have a question?

14 Carlos Arellano: Yes, ummm, I'm the new one over here, so I don't know all this politics, but I hate to
15 come and waste time. And . . . and if I'm gonna go to the beach, I want to be in a
16 hotel that is right in front of the beach. I think this project is fine. I think that we
17 need the hotel right there in front of the horses. Ummm, I don't see why we should
18 continue, you know, going back and forth. We had 10 speakers out of which 7 were
19 pro, 3 were against, 2 of those were with the Wellington Equestrian Alliance. We
20 had 33 cards, 32 in favor, 1 against it. Ummm, I don't see anything wrong with the
21 project that cannot be fixed if . . . if there is something wrong with it. I think the
22 idea of having a hotel and the horses and the competition and making dressage an
23 important . . . ummm . . . part of Wellington like Polo and like the jumpers is
24 needed, so I am pro for it, and I am ready to vote in favor of it.

- 1 Dr. Swerdlin: I've disclosed my interest, and I'm going to . . .
- 2 Jeffrey Kurtz: Recuse yourself from . . .
- 3 Dr. Swerdlin: Recuse myself from any further. . .



TO: Equestrian Preserve Committee Members

FROM: David Flinchum, ASLA, AICP, Planning & Zoning Manager
Olga M. Prieto, Associate Planner

Petition Number: 2011-033 CU1

Request: To allow a hotel, retail, restaurants and offices as Conditional Uses in Commercial Recreation Pods and to provide a Compatibility Determination for a Commercial Equestrian Arena in the Urban Service Area with recommended conditions to mitigate potential incompatibility issues.

Agent: Michael F. Sexton, P.E.
Sexton Engineering Associates, Inc.
110 Ponce de Leon Street, Suite 100
Royal Palm Beach, Florida 33411

DATE: December 14, 2011

Background:

Staff has received a request to amend the Wellington Land Development Regulations and the Comprehensive Plan Text specifically as noted above in order for the owners of Wellington PUD Tract 30C-2 and Tract 30C-3 to allow development of a 59.3 acre Commercial Equestrian Arena with a hotel, restaurants, retail and offices at the northeast corner of Pierson Road and South Shore Boulevard. The purpose of the companion proposed Comprehensive Plan Text Amendments and Zoning Text Amendments are to allow the development of a 5-story 100 unit 220,000 square feet hotel with below grade parking garage, a separate 75,000 square feet commercial complex consisting of 20,000 square feet of combined restaurants, 25,000 square feet of retail and 30,000 square feet of offices. The owner is currently doing initial site work and construction of permitted uses that will be part of the proposed Commercial Equestrian Arena. The proposed facility will have a total of 3,500 seats for an outdoor Derby Arena and main Equestrian Ring, multiple secondary equestrian rings, a 210' x 360' covered practice ring and four commercial barns.

Hotel, retail, restaurants and offices as Conditional Uses in a Commercial Recreation Pods.

Request - To allow a hotel, retail, restaurants and offices as Conditional Uses in Commercial Recreation Pods (Tract 30C-2 and 30C-3 of the Wellington PUD).

Staff Analysis –Adding hotel, retail restaurants and offices as Conditional uses in a Commercial Recreation Pod would allow a process especially in the Equestrian Preserve Area to regulate a proposed project to ensure compatibility with other uses. It would allow individual review of the Conditional Use location, design, configuration, intensity and density of use, structures, and also allow imposition of conditions to ensure the appropriateness and compatibility of the use at a particular location.

Staff Recommendation - The request to allow hotel, retail, restaurants and office as separate Conditional Uses in the Equestrian Preserve is not currently consistent with Wellington's Comprehensive Plan Land or Equestrian Preservation Element which requires several companion text amendments. The proposed development of a 5-story 100 unit 220,000 square feet hotel with below grade parking garage, a separate 75,000 square feet commercial complex consisting of 20,000 square feet of combined restaurants, 25,000 square feet of retail and 30,000 square feet of office is currently too intense and raises concerns with compatibility and consistency with Land Use Element Objective 1.1 of land uses in the community as reflected on Wellington's Future Land Use Map. The proposed application is not in keeping with the Equestrian Preserve Area development pattern, intensity, building height and uses. Staff will recommend the hotel be considered possibly a residential condominium (59 maximum units) and the ancillary proposed commercial uses redesigned or clearly limited as an equestrian related component of the 59.3 acre Commercial Equestrian Arena Complex.

Commercial Equestrian Arena

Request – To provide Compatibility Determination to allow a Commercial Equestrian Arena on Tract 30C-2 and 30C-3 with recommended conditions of approval to mitigate incompatibility issues.

Staff Analysis - Designating the 59.3 acre Equestrian Village site as a Commercial Equestrian Arena is consistent with Goal 1.0 and will ensure the preservation of the equestrian industry by allowing the property owner to provide a permanent Commercial Equestrian Arena for competitive horseshows, a covered riding ring, commercial stable and other ancillary equestrian uses. Historically, Tract 30C2 and 3 was the original site of the Polo stadium and community events. The Commercial Equestrian Arena designation will expedite future building permits and establish the site as a permanent Equestrian Venue with definitive boundaries and specific hours of operation. The request for a Commercial Equestrian Arena will also continue to promote ancillary commercial

related activities in the equestrian community, the goals of the Equestrian Preserve Element and the economic stability of Wellington.

Staff Recommendation – Staff recommends approval to allow a Commercial Equestrian Arena with conditions of approval. The companion residential hotel or condominium needs to be integrated into the Commercial Equestrian Arena Complex along with the ancillary commercial uses. Staff has also recommended additional standards under Section 6.10.7.B to ensure these uses are supportive of long term stability and economic development in the Equestrian Preserve Area.

Commercial Equestrian Arena Compatibility review:

Article 6, Chapter 6.4.4.41 Equestrian Arena, Commercial – means an establishment engaged in spectator activities involving equestrian events, but excluding any establishment engaged in pari-mutual betting. An Equestrian Area use shall comply with the following:

Staff analysis -

Location: The Commercial Equestrian Arena is located on the northeast corner of South Shore Boulevard (arterial road) and Pierson Road (collector road).

Setbacks: The proposed riding rings and buildings are proposed at a minimum of 100 feet from the property lines.

Operation: Activity at the rings shall not occur prior to 7:00 am or later than 10:00 pm. due to its location in the Equestrian Preserve Area.

Lighting: All lighting shall be confined to the arena and shall not spill over to the neighboring properties as adjacent roadways.

Loudspeaker: Loudspeakers shall not be used after 10:00 pm.

Urban Service Area: Tracts 30C-2 and 30C-3 are within the Urban Service area and greater than 5 acres.

Staff recommendation - Staff determined the Commercial Equestrian Arena with a reduction to the proposed scale, mass height and square footage of the commercial uses could be compatible with the surrounding equestrian and residential land uses. Staff also would recommend the hotel be designated as Condominiums (maximum 59 units) and the ancillary commercial uses be vertically incorporated into the first floor or as a separate ancillary commercial complex located so both the residential and commercial traffic are limited to South Shore Boulevard. Internal connections for pedestrian and golf cart

circulation would also need to be considered as well as incorporating both on site equestrian and pedestrian amenities.

Public Notification/Comments.

Presentation of this application at the Equestrian Preserve Committee does not require public notices but is required to be reviewed at one (1) public hearing before the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency per Florida Statutes, and at one (1) public hearing before Council. The companion Comprehensive Plan Text Amendments and Zoning Text Amendments will require two (2) public hearings before Council with an interim period for transmittal to the new State Department of Economic Opportunity (Division of Community Planning) and possible delay for appeals before final adoption.

Staff recommended approval conditions are as follows:

1. Commercial Equestrian Arena hours of operation shall be limited from 7:00 am to 10:00 pm.
2. Commercial activities shall be operated entirely within enclosed buildings.
3. Outdoor seasonal activities for commercial, equestrian or agricultural in nature shall be subject to a Special Use Permit and limited from 7:00 am to 10:00 pm.
4. All parking lot lighting shall be limited to a maximum of 15 feet in height.
5. The use of amplified sound systems and equipment is prohibited in permanent barns or temporary stabling tents except to advise riders and exhibitors of upcoming competitive events.
6. For monitoring purposes, properly identified Wellington staff including Building Inspectors, Code Compliance Officers and PZB staff shall be allowed unrestricted access to the site.

ENVIRONMENTAL

7. All hoses and hose bibs shall be equipped with an automatic shut off nozzle to restrict water flow.
8. Filter fabric or similar equipment to reduce debris from entering the storm water system shall be installed and maintained or replaced as necessary or as directed by Wellington.
9. All facilities, operations and improvements on the site shall comply with the most recent Best Management Practices (BMPs).
10. Approved horse hair separators shall be used on horse wash facilities, laundry facilities and equestrian support facilities as required prior to discharge into the public sanitary sewer collection system.
11. Manure shall be removed from the premises on a daily basis and disposed in a manner approved by the Palm Beach County Health Department. Manure shall be collected and transported by a registered commercial livestock waste hauler or registered livestock self-hauler. Owner/Operator shall coordinate with Engineering Division to register the name of the manure hauler annually prior to November 1st. Manure shall be removed daily during major events.
12. Livestock waste storage structures shall be elevated in accordance with BMP regulations and shall comply with the design standards of Chapter 30, Article V, of the Wellington's Code of Ordinances.
13. Livestock waste storage structures shall be constructed so that no rainfall is allowed to enter and no liquid is released. Temporary tents may be utilized as

covers for the waste storage structures, as approved by Wellington's BMP Officer and the Building Division.

BUILDING AND FIRE RESCUE.

14. The applicant shall obtain permits for all structures and tents that are subject to regulations by the Florida Building Code, including the Fire Code.
15. All tents shall be inspected by the Palm Beach County Fire Rescue Department (PBCFRD) for compliance with applicable Federal, State, County, or Municipal fire protection standards. Tents shall be inspected and approved prior to occupancy.
16. All food vendor tents and facilities shall be inspected, as applicable by Wellington, PBCFRD and the Palm Beach County Health Department (PBCHD) prior to beginning operations.

VENDORS.

17. Applicant shall submit a list of all proposed vendors two weeks prior to major events. All vendors shall also obtain a Business Tax Receipt (formerly Occupational License) from Wellington prior to selling or offering services for more than a two week period.
18. Vendors selling food shall obtain PBCHD inspection and approval prior to commencing sales.

SANITARY SERVICES.

19. Applicant shall provide handicap accessible sanitation facilities and portable sanitation stations throughout the Commercial Equestrian Arena show grounds for peak events as noted on the site plan. The applicant and Wellington shall continue a cooperative effort in the collection and disposal of recyclable materials.

TRAFFIC

20. In order to comply with the mandatory Traffic Performance Standards, in place at the time of this approval, no building permits for the site shall be issued after December 31, 2016. A time extension for this condition may be approved by the County Engineer based on an approved Traffic Study which complies with the mandatory Traffic Performance Standards in place at the time of the request.

- 21.** The County traffic concurrency approval is subject to the Project Aggregation Rules set forth in the Traffic Performance Standards Ordinance.
- 22.** The proposed northern South Shore Boulevard driveway to Parcel 30C-2N shall not be constructed until the driveway to Parcel 30C-1 is closed and shall be constructed to include the following:
- A minimum 50 foot throat distance measured from the right-of-way on South Shore Boulevard.
 - Ingress and egress lanes at a minimum of 12 feet.
 - Minimum pavement return radii of 35 feet.
- Construction shall begin prior to the first building permit and shall be completed prior to the first Certificate of Occupancy.
- 23.** The existing South Shore Boulevard driveway to Parcel 30C-2S and Parcel 30C-2N shall be maintained or improved to include the following:
- A minimum 100 foot throat distance measured from the right-of-way on South Shore Boulevard.
 - Egress lane at a minimum of 12 feet.
 - Ingress lane at a minimum of 14 feet.
 - Minimum pavement return radii of 40 feet.
- Construction shall begin prior to the first building permit and shall be completed prior to the first Certificate of Occupancy.
- 24.** The proposed Pierson Road driveway to Parcel 30C-3 shall be constructed to include the following:
- A minimum 50 foot throat distance measured from the edge of pavement on Pierson Road.
 - Dual egress lanes at a minimum of 12 feet each with appropriate marking.
 - Ingress lane at a minimum of 12 feet.
 - Minimum pavement return radii of 35 feet.
 - Located no closer than 660 feet from the edge of pavement of South Shore Boulevard.
- Construction shall begin prior to the first building permit and shall be completed prior to the first Certificate of Occupancy.
- 25.** Prior to the first building permit, construction shall begin for the following turn lane:
- Eastbound left turn lane at the proposed Pierson Road driveway to Parcel 30C-3 with a minimum of 280 feet of storage and a 50 foot taper.
- Construction of the turn lane shall be completed prior to the first Certificate of Occupancy.
- 26.** Prior to the first building permit, construction shall begin on the east and west approaches of the intersection of Pierson Road and South Shore Boulevard. At a minimum, the geometry of the intersection shall include the following:

East Approach	West Approach
Separate left turn lane with 280 feet of storage	Separate left turn lane with 370 feet of storage
Shared through and right turn lane	Shared through and right turn lane

Construction of these improvements shall include any required signal modifications and right-of-way acquisition. Construction shall be completed prior to the first Certificate of Occupancy.

27. Prior to the issuance of building permits for the hotel, retail, office or restaurant uses, applicant shall submit a queuing analysis of the southbound left turn lane on South Shore Boulevard for the driveway to Parcel 30-2N and Parcel 30-2S and the northbound left turn lanes at the intersection of Greenvew Shores Boulevard and South Shore Boulevard. The analysis will be based on existing peak season counts and queuing data at the time of building permit request. If deficiencies are found for either turn lane, the turn lane shall be extended. The monitoring shall continue on an annual basis until 24 months after the last Certificate of Occupancy for the project. If the queues ever cannot be accommodated, no additional building permits shall be issued.

TRAFFIC AND PARKING.

28. Traffic and parking control attendants may be employed on-site for non-peak events. PBSO shall be provided on-site during peak events expected to draw more than 1,000 spectators. PBSO shall be provided with anticipated start and stop times for the event along with the estimated number of participants and spectators at least two weeks prior to the peak events.
29. Adequate ingress and egress directly to and from South Shore Boulevard and Pierson Road shall be maintained at all times and shall not disrupt normal traffic circulation patterns.

SIGNS

30. The owner shall submit a Master Sign Plan for review and approval by staff and Wellington's Architectural Review Board (ARB).

PLATTING

31. The owner shall record the plat of the 59.3 acre property for the Commercial Equestrian Arena prior to March 31, 2012 .

INFRASTRUCTURE

- 32.** Any improvements within easements to be dedicated to Wellington or within public canals and/or road right of ways shall require 110% surety prior to commencement of construction. (ENGINEER)
- 33.** The Commercial Equestrian Arena and all permanent structures shall be subject to Section 6.5.19.I Design Standards and Section 6.10.11 Commercial Development Standards in the Equestrian Overlay Zoning District.



Transportation Consultants



2005 Vista Parkway, Suite 111
West Palm Beach, FL 33411-6700
(561) 296-9698 Fax (561) 684-6336
Certificate of Authorization Number: 7989

December 7, 2011

Ms. Olga Prieto
Wellington
Planning, Zoning & Building Department
12300 W. Forest Hill Boulevard
Wellington, FL 33414

Re: Equestrian Village - #PTC11-008L
Conditional Use Hotel, Retail, Restaurant and Office

Dear Ms. Prieto:

Pinder Troutman Consulting, Inc. (PTC) has completed our review of the resubmittal documents for the above applications received via email on November 23, 2011 for the November 28, 2011 DRC meeting. Specifically, we have reviewed the Traffic Study from MTP Group dated November 16, 2011. The project is summarized below:

Proposed Uses:	100 Room Hotel
	30,000 SF General Office
	25,000 SF Retail
	20,000 SF Restaurant
	400 Stall Stables
	3,500 Seat Equestrian Complex*
New Daily Trips:	3,269
New Peak Hour Trips:	190 AM (123/67), 288 PM (126/162)
Buildout Date:	December 31, 2016

* It has been presented that traffic generated by this use will not occur during the weekday peak hours and therefore is not included in the trips shown above.

Based on our review, we have determined that the proposed development meets the Traffic Performance Standards with the following Conditions of Approval:

Conditional Use for Hotel, Retail, Office and Restaurant

1. In order to comply with the mandatory Traffic Performance Standards, in place at the time of this approval, no building permits for the site shall be issued after December 31, 2016. A time extension for this condition may be approved by the County Engineer based on an approved Traffic Study which complies with the mandatory Traffic Performance Standards in place at the time of the request.
2. The County traffic concurrency approval is subject to the Project Aggregation Rules set forth in the Traffic Performance Standards Ordinance.

Letter Prieto 11-008L Conditional Use 12-7-11 **Pinder Troutman Consulting, Inc.**

3. The proposed northern South Shore Boulevard driveway to Parcel 30C-2N shall not be constructed until the driveway to Parcel 30C-1 is closed and shall be constructed to include the following:
 - A minimum 50 foot throat distance measured from the right-of-way on South Shore Boulevard.
 - Ingress and egress lanes at a minimum of 12 feet.
 - Minimum pavement return radii of 35 feet.Construction shall begin prior to the first building permit and shall be completed prior to the first Certificate of Occupancy.
4. The existing South Shore Boulevard driveway to Parcel 30C-2S and Parcel 30C-2N shall be maintained or improved to include the following:
 - A minimum 100 foot throat distance measured from the right-of-way on South Shore Boulevard.
 - Egress lane at a minimum of 12 feet.
 - Ingress lane at a minimum of 14 feet.
 - Minimum pavement return radii of 40 feet.Construction shall begin prior to the first building permit and shall be completed prior to the first Certificate of Occupancy.
5. The proposed Pierson Road driveway to Parcel 30C-3 shall be constructed to include the following:
 - A minimum 50 foot throat distance measured from the edge of pavement on Pierson Road.
 - Dual egress lanes at a minimum of 12 feet each with appropriate marking.
 - Ingress lane at a minimum of 12 feet.
 - Minimum pavement return radii of 35 feet.
 - Located no closer than 660 feet from the edge of pavement of South Shore Boulevard.Construction shall begin prior to the first building permit and shall be completed prior to the first Certificate of Occupancy.
6. Prior to the first building permit, construction shall begin for the following turn lane:
 - Eastbound left turn lane at the proposed Pierson Road driveway to Parcel 30C-3 with a minimum of 280 feet of storage and a 50 foot taper.Construction of the turn lane shall be completed prior to the first Certificate of Occupancy.
7. Prior to the first building permit, construction shall begin on the east and west approaches of the intersection of Pierson Road and South Shore Boulevard. At a minimum, the geometry of the intersection shall include the following:

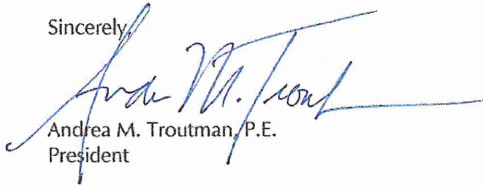
East Approach	West Approach
Separate left turn lane with 280 feet of storage	Separate left turn lane with 370 feet of storage
Shared through and right turn lane	Shared through and right turn lane

Construction of these improvements shall include any required signal modifications and right-of-way acquisition. Construction shall be completed prior to the first Certificate of Occupancy.

Ms. Olga Prieto
Re: Equestrian Village - Conditional Use - #PTC11-008L
December 7, 2011
Page 3

8. Prior to the issuance of building permits for the hotel, retail, office or restaurant uses, applicant shall submit a queuing analysis of the southbound left turn lane on South Shore Boulevard for the driveway to Parcel 30-2N and Parcel 30-2S and the northbound left turn lanes at the intersection of Greenview Shores Boulevard and South Shore Boulevard. The analysis will be based on existing peak season counts and queuing data at the time of building permit request. If deficiencies are found for either turn lane, the turn lane shall be extended. The monitoring shall continue on an annual basis until 24 months after the last Certificate of Occupancy for the project. If the queues ever cannot be accommodated, no additional building permits shall be issued.

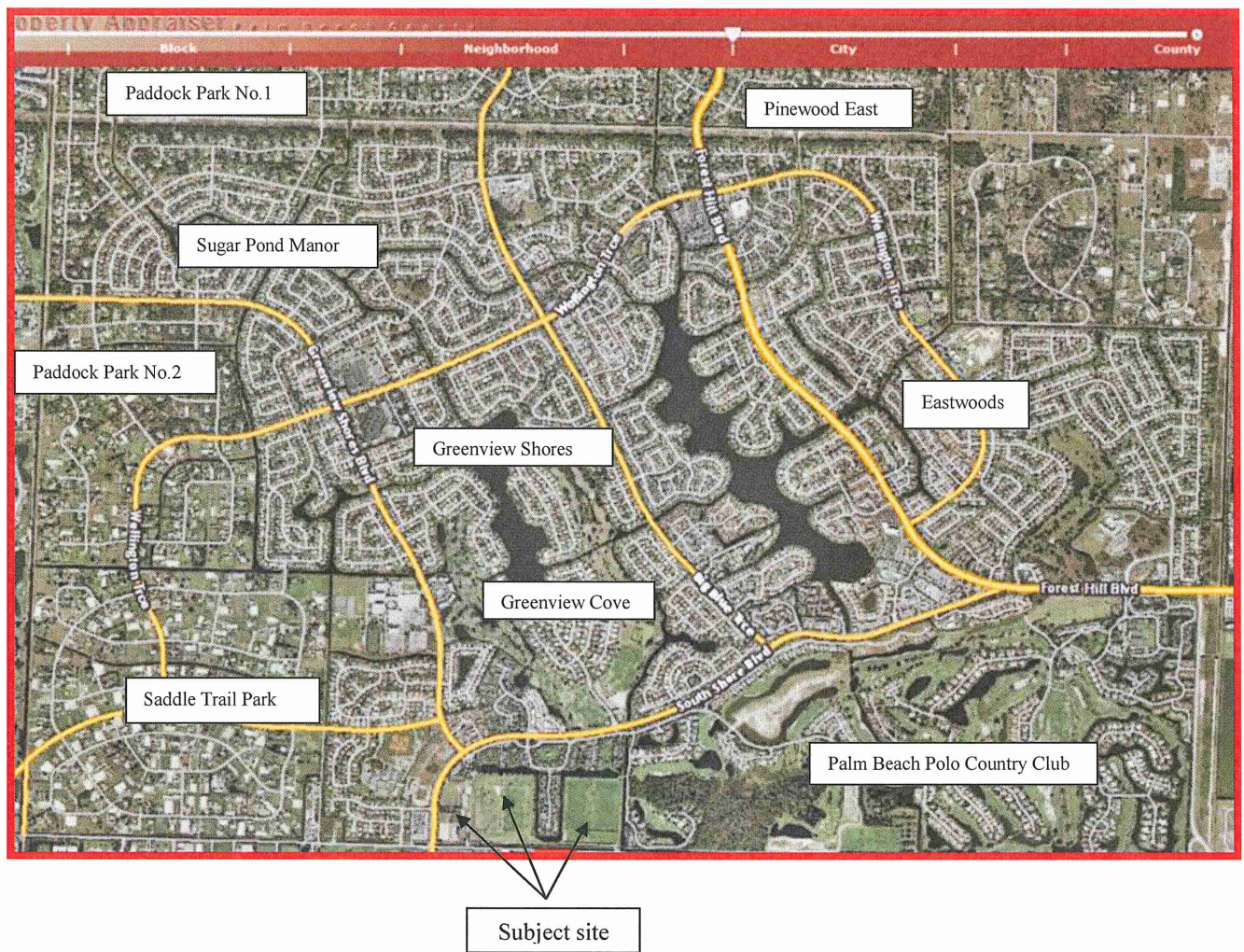
Sincerely,



Andrea M. Troutman, P.E.
President

cc: David Flinchum, AICP, ASLA
Bill Riebe, P.E.

Letter Prieto 11-008L Conditional Use 12-7-11





To: Equestrian Preserve Committee Members

From: David Flinchum, ASLA, AICP, Planning & Zoning Manager
Olga M. Prieto, Associate Planner

Date: December 14, 2011

Petition Number: 2011-033 CPTA

Request: Wellington Equestrian Partners LLC is seeking approval of Comprehensive Plan Text Amendments to Wellington's Comprehensive Plan as follows:

Land Use Element

- Amend Policy 1.3.7 that limits building height to 35 feet in all Land Use Categories to add an exception for Hotels within the Equestrian Preserve Area (EPA) with a Commercial Recreation Land Use designation in a Planned Development; and
- Amend Policy 1.3.14 for Commercial Recreation in the Equestrian Preserve Area to increase the maximum allowed building coverage from 10% to 20% and increase the maximum allowed Floor Area Ratio (FAR) from 0.10 to 0.20 and

Equestrian Preservation Element

- Amend Objective 1.1.c to provide for hotel, restaurants, retail and offices within the Equestrian Preserve Area with a Commercial Recreation Land Use in a Planned Development provided the Hotel has direct access to and located at a road intersection with an arterial road.

Agents: Dean Turney

Michael F. Sexton, P.E.
Sexton Engineering Associates, Inc.
110 Ponce de Leon Street, Suite 100
Royal Palm Beach, Florida 33411

Background:

Staff has received a request to amend the Comprehensive Plan Text specifically as noted above in order for the owners of Wellington PUD Tract 30C-2 and Tract 30C-3 to allow development of a Commercial Equestrian Arena with a hotel, restaurants, retail and offices at the northeast corner of Pierson Road and South Shore Boulevard. The purpose of the proposed text amendments are to allow the development of a 5-story 100 unit 220,000 square feet hotel with below grade parking garage, a separate 75,000 square feet commercial complex consisting of 20,000 square feet of combined restaurants, 25,000 square feet of retail and 30,000 square feet of offices. The owner is currently doing initial site work and construction of permitted uses (2 commercial barns and a covered practice ring) that will be ancillary to the proposed 59.3 acre Commercial Equestrian Arena. The proposed facility will have a total of 3,500 seats for an outdoor Derby Arena and main Equestrian Ring, multiple secondary equestrian rings, a proposed 210' x 360' covered practice ring and four commercial barns.

Requested Comprehensive Plan Text Amendments

The proposed text amendments to Wellington's Comprehensive Plan are to amend the following:

Land Use Element

Request - Amend Policy 1.3.7 that limits building height to 35 feet in all Land Use Categories to add an exception for Hotels within the Equestrian Preserve Area (EPA) with a Commercial Recreation Land Use designation in a Planned Development.

Staff Analysis – The exception to allow an increase in building height for hotels is understandable due to their vertical nature and thereby allowing aesthetic views and preserving open space. Due to their unique nature hotels may possibly need to exceed the 35 feet but the proposed hotel's 66 foot height is not appropriate in the Equestrian Preserve Area.

Staff Recommendation - Policy 1.3.7 to remain the same will preserve the intent of the Equestrian Preserve Area as it relates to mass, scale and height. Staff understands the need for possible on-site accommodations but only if in scale with the rural, agricultural and equestrian character of the Equestrian Preserve Area. Staff would recommend the applications consider residential condominiums as provided with the underlying Category B with a companion transfer of units within the Wellington PUD. An exception for hotels to exceed in height may be appropriate in other Commercial designations if specifically approved by Council in a public hearing. It should be noted the Hampton Inn and Suites at the Wellington Green Mall is 4 story (123 rooms) and 57'-6" in height.

Request - Amend Policy 1.3.14 for Commercial Recreation in the Equestrian Preserve Area to increase the maximum allowed building coverage from 10% to 20% and increase the maximum allowed Floor Area Ratio (FAR) from 0.10 to 0.20.

Staff Analysis – The Commercial Recreation Land Use designation is specifically noted in the Land Use Element with reduced 10% maximums in building coverage and maximum 0.10 FAR. The application implies the latest EOZD revisions to allow 20% and 0.20 create an inconsistency with the LUE Policy 1.3.14. but do not acknowledge the deliberate intent to reduce intensity on the Commercial Recreation properties in the Equestrian Preserve Area.

The requested text amendments to Land Use Element Policy 1.3.14 would allow more intense development to Commercial Recreation properties in the Equestrian Preserve Area. The current application does not meet Objective 1.1 to maintain the density and intensity of the land uses in the community as reflected on Wellington Future Land Use Map specifically Commercial Recreation in the Equestrian Preserve Area. The increase in building coverage and allowed Floor Area Ratio does raise concern for Commercial Recreation properties especially in the Equestrian Preserve Area.

Staff Recommendation – Policy 1.3.14 to remain the same in order to maintain the intent of the Commercial Recreation specifically in the Equestrian Preserve Area. The limited commercial intensity is a critical element in the Equestrian Preserve Area and subject to opposition and legal challenge. Staff would recommend the proposed application be reduced in height and scale to allow the Commercial Equestrian Arena development within current building coverage and FAR thresholds. There are also allowances for equestrian structures like barns to not be calculated as square footage depending on their internal supports and location of interior walls for individual stalls.

Equestrian Preservation Element

Request - Amend Objective 1.1.c to provide hotel, restaurants, retail and offices within the Equestrian Preserve Area with a Commercial Recreation Land Use in a Planned Development provided the Hotel has direct access to and located at a road intersection with an arterial road.

Staff Analysis – The addition of hotels and other non-equestrian related commercial restaurants, retail and offices within the Equestrian Preserve Area would allow an increase to adopted density and intensity of land uses.

Staff Recommendation – The proposed amendment to Equestrian Element Objective 1.1 to replace limited commercial uses with hotel and ancillary commercial uses clearly need to be associated with the Commercial Equestrian Arena. The policy to remain the same will preserve the intent of

the Equestrian Preserve Area as specified in Equestrian Element Goal 1.0 and Policy 1.1.c. The proposed amendments could provide limited on-site commercial uses which would support the Commercial Equestrian Arena and equestrian activities and services without creating an incompatibility with adjacent uses. The proposed hotel should be reduced in both height and scale and be possibly a condominium for on-site residential accommodations. The restaurant, retail and offices can also be located and incorporated into the proposed structures, additional text regulations for setback, buffer, heights, hour of operation, etc. which can also be used to address compatibility concerns.

Public Notification/Comments.

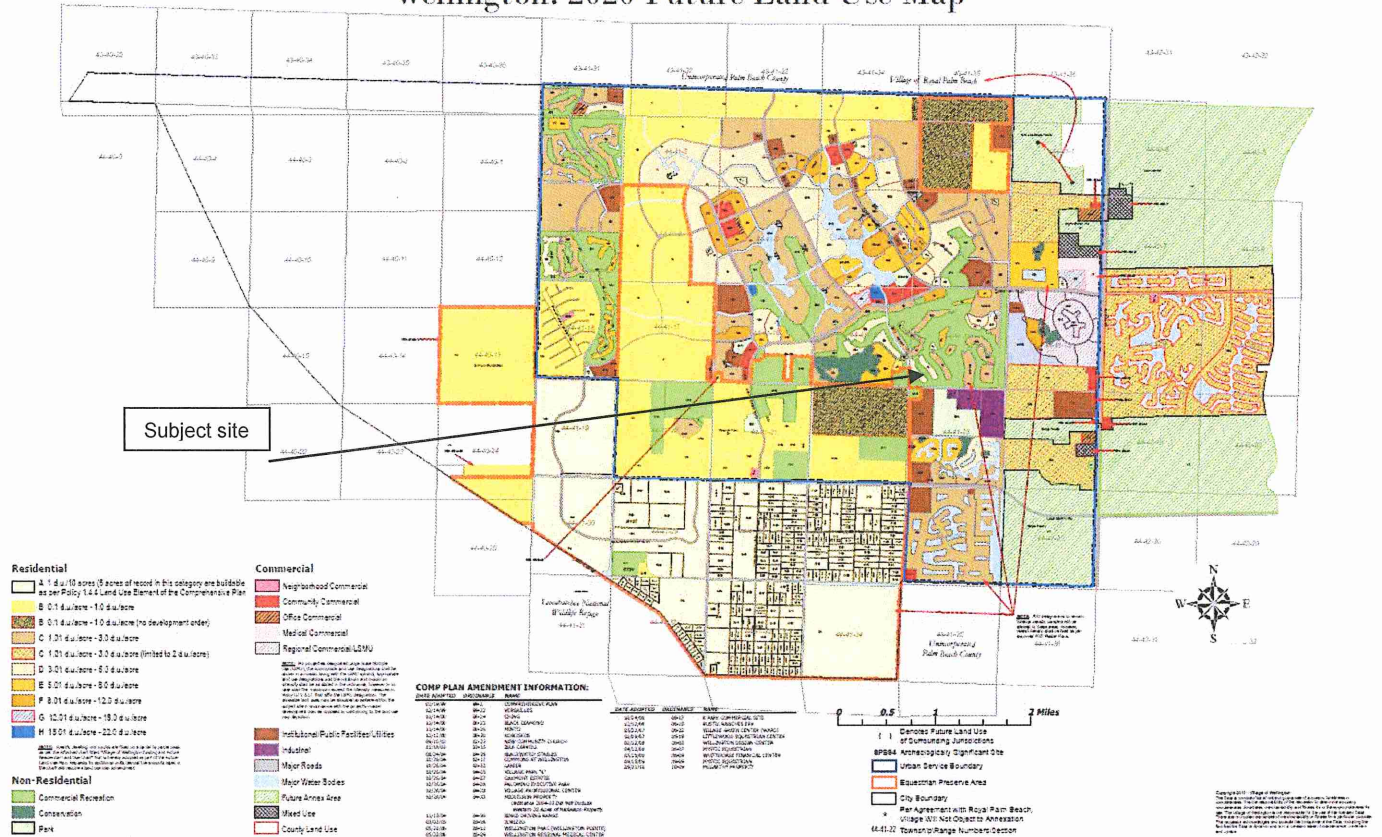
Presentation of these requested Comprehensive Plan Text Amendments to the Equestrian Preserve Committee does not require public notices. The proposed Comprehensive Plan Text Amendments are required to be reviewed at one public hearing before the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency per Florida Statutes, and at two public hearings before Council.

Future Land Use Map

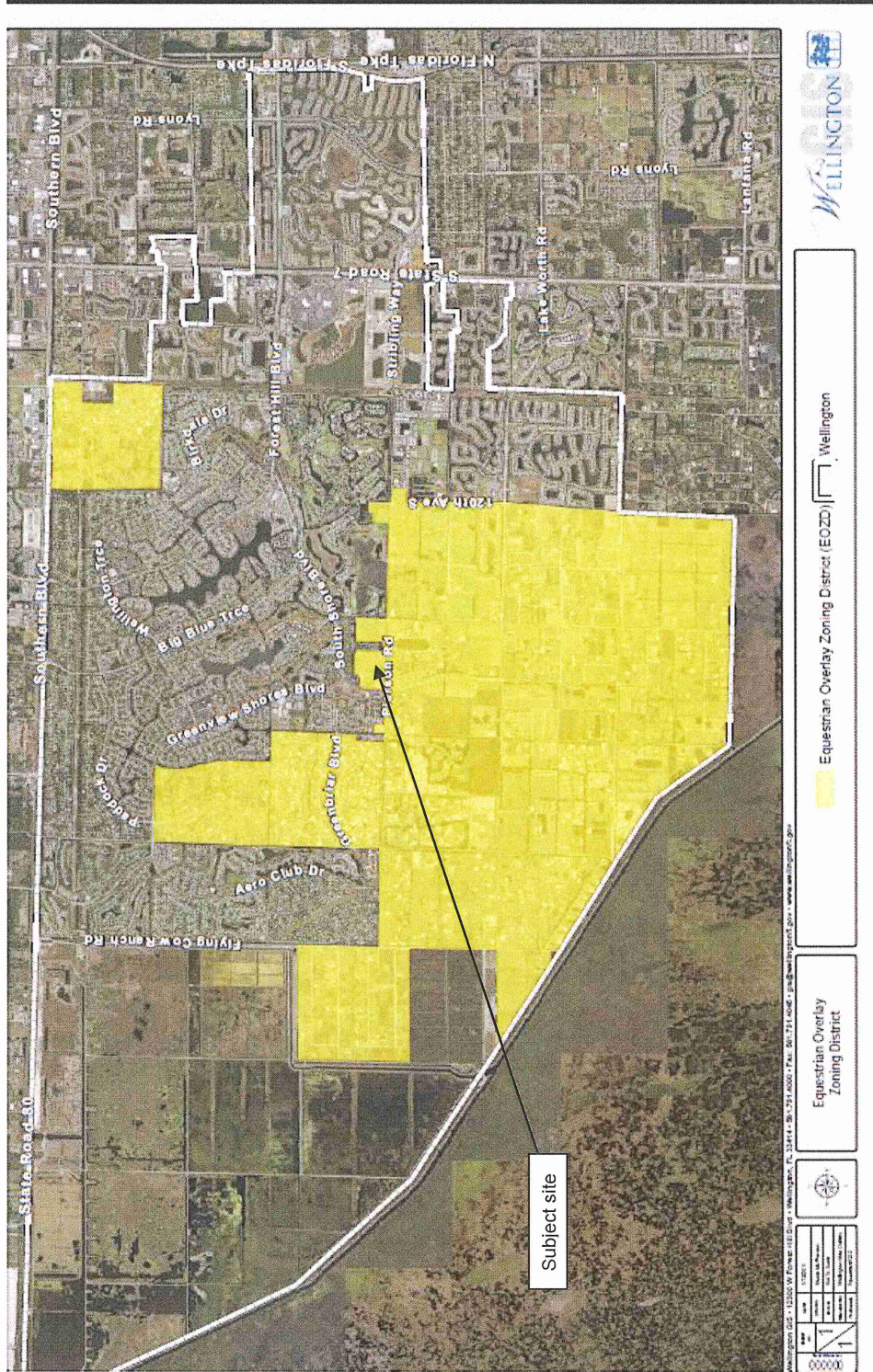
Adopted August 31, 2010, Ordinance 2010-09

Wellington: 2020 Future Land Use Map

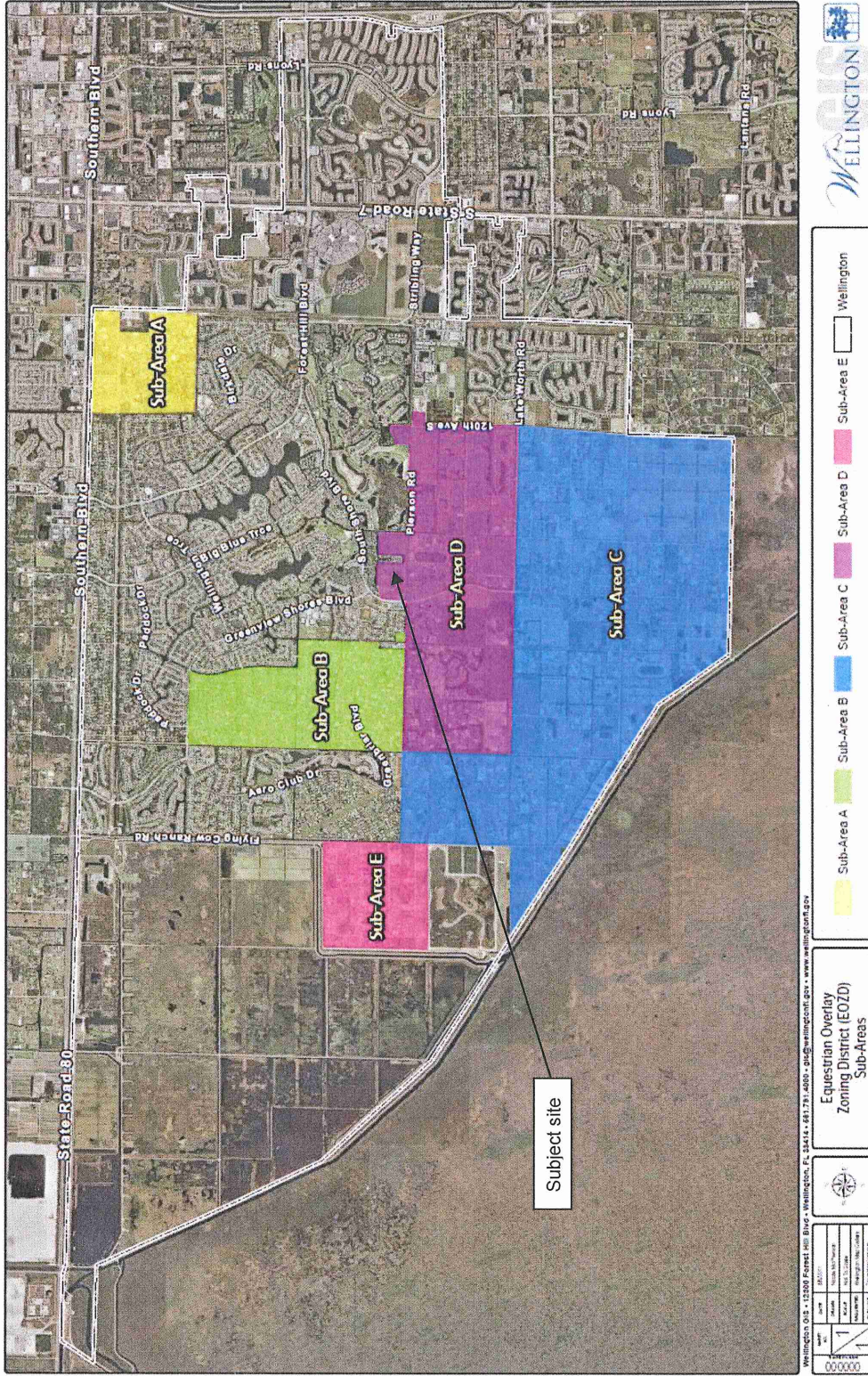
Land Use Element Map No. 1



Equestrian Overlay Zoning



Equestrian Subareas





To: Equestrian Preserve Committee Members

From: David Flinchum, ASLA, AICP, Planning & Zoning Manager
Olga M. Prieto, Associate Planner

Date: November 14, 2011

Petition Number: 2011-033 ZTA

Request: Proposed Zoning Text Amendments (ZTA) to the Equestrian Overlay Zoning District (EOZD) 6.10.6., 6.10.7, 6.10.11 of Wellington's Land Development Regulations

Background:

Staff has received a request to amend Wellington's Land Development Regulations (LDRs) specifically as noted above in order for the owners of Tract 30C-2, Tract 30C-3 to allow the future development of a 5-story 100 unit 220,000 square feet hotel with below grade parking garage, a separate 75,000 square feet commercial complex consisting of 30,000 square feet of office, 25,000 square feet of retail and 20,000 square feet of combined restaurants. Additionally, the owner is currently developing the 43-acre commercial equestrian arena facility that will have a total of 3,500 seats for outdoor Derby Arena and main Equestrian Ring, multiple secondary equestrian rings and a proposed 210' x 360' covered practice ring and two permanent barns with two additional barns in the future.

The above request involves four related applications which were reviewed by the Development Review Committee on September 28, 2011, October 26, 2011 and finally on November 9, 2011 at which time staff certified the applications to proceed to the Equestrian Preserve Committee, Planning Zoning and Adjustment Board and Council hearings.

PROPOSED ZONING TEXT AMENDMENT LANGUAGE

Request - Amend 6.10.6.B. Development Standards Table B to exempt hotel from the maximum 35 feet building height limitation.

Staff Analysis – Amending 6.10.6.B. to exempt hotels from the maximum 35 feet building height limitation would need to be preceded with the companion Comprehensive Plan Amendment to Policy 1.3.7 of the Land Use Element.

Staff Recommendation – Hotels are typically a vertical type land use and structure which may be exempt if specifically approved by Council in a public hearing.

Request – Amend 6.10.7. Table C to add hotels, restaurants, retail and office as Conditional Uses in Commercial Recreation pods.

Staff Analysis – Hotel, restaurants, retail and offices 6.10.7. Table C as Conditional Uses in Commercial Recreation Pods in the Equestrian Overlay Zoning District should be regulated with additional standards.

Staff Recommendation - Include additional standards for Section 6.10.7.B.7 Hotels, Section 6.10.7.B.8 Restaurants and Section 6.10.7.B.9 Retail as outlined below;

Additional standards for Hotel Section 6.10.7.B.7 would be to allow hotels in Planned Developments provided the hotel has direct access to and located at a road intersection with an arterial road.

Additional Standards for Restaurants Section 6.10.7.B.8 would be to allow restaurants limited to a maximum 5,000 square feet of tenant space.

Additional Standards for Retail Section 6.10.7.B.9 would be to allow retail limited to equestrian and agricultural related services or products.

The proposed zoning text amendments are not currently consistent with Wellington's Land Development Regulations. The Equestrian Overlay Zoning District Table B does not currently allow hotel or retail uses in the Table C Use Chart. Allowing additional regulations or standards such as the height, setback, buffer, hours of operation etc. can also be considered. The application also request to exempt hotels in the EOZD from the 20,000 square feet minimum would potentially allow construction of structures not in keeping with the Equestrian Preserve Area and its intended goals and objectives.

Public Notification/Comments.

Presentation of this proposed Land Development Regulation Amendment application at the Equestrian Preserve Committee does not require public notices. The amendment is required to be reviewed at one public hearing before the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency per Florida Statutes, and at two public hearings before Council.

PROPOSED LAND DEVELOPMENT REGULATIONS AMENDMENTS

The proposed amendments to Wellington's Land Development Regulations are as follows:

B. Development Standards.

All development in the Equestrian Preservation Areas shall comply with the Development Standards set forth in Table B.

Table B.
Development Standards for Principal and Accessory Uses

Development Standard	Minimum Dimension or Standard
Minimum Lot Width	300 feet, or as otherwise provided in a current, valid development order.
Minimum Lot Depth	300 feet, or as otherwise provided in a current, valid development order.
Maximum Floor Area Ratio	20%, or as otherwise provided in a current, valid development order or as otherwise provided in the Future Land Use Element of the Comprehensive Plan.
Maximum Building Height	35 feet except that hotels may exceed this height if specifically approved by Council as set forth herein and in the Comprehensive Plan.
Maximum Lot Coverage	20%, or as otherwise provided in a current, valid development order.

(Ord. No. 2009-17, § 2, 1-12-2010)

Principal and Accessory Uses. Uses in the Equestrian Preservation Areas are limited to those uses set forth in Table C below. To the extent that Table C conflicts with Tables 6.4-1 and 6.8-2 of the Land Development Regulations, the provisions of Table C shall control.

Table C.

Permitted, Conditional and Prohibited Uses

Use	Properties with No Current PUD Master Plan	Residential Pods of PUDs	Commercial		Additional Standards (§ 6.10.7.2) and this Section
			Comm. Pods of PUDs & Comm. Plnnd. Devels.	Comm. Rec.	
Legend C = Conditional Use • P = Permitted Use • Blank = Prohibited Use D = Development Review Committee • S = Special Permit					
Groom's Quarters	P	P		P	
Guest Cottage	P	P			
Helipad, Accessory	C			D	
Home Occupations	P	P		P	
<u>Hotels</u>			<u>C</u>	<u>C</u>	<u>See Sec. 6.10.7.B.7</u>
House of Worship	P	P	P	P	
Professional and Business Office		<u>P</u>	P	<u>C</u>	<u>See Sec. 6.10.7.B.6</u>
Recreational Vehicle Park				C	<u>See Sec. 6.10.9.A</u>
Restaurant, General			P	P <u>C</u>	<u>See 6.10.7.B.8</u>
Restaurant, Specialty			P	P	
<u>Retail</u>				<u>C</u>	<u>See Sec. 6.10.7.B.9</u>
Schools	P	P	P	P	
Security/Caretakers Quarters (Bona Fide Agriculture Only)	S	S		S	
Shadehouse, Accessory	P			P	
Stables	P	P	P	P	
Utility, Minor	P	P	P	P	
Veterinary Clinic	D		P	P	
Wastewater, Water, or Stormwater Treatment Plant	C	C		C	

6.10.7. Permitted and Conditional Uses

B. Additional Standards

6. Professional and Business Offices. Professional and business offices shall be limited to equestrian- and agricultural-related services.
7. Hotels - shall be limited to Planned Developments and must have direct access to and located at a road intersection with an arterial road.
8. Restaurant – shall be limited to a maximum of 5,000 square feet of tenant space.
9. Retail – retail sales shall be limited to equestrian and agricultural related services or products.

Sec. 6.10.11 Commercial Development Standards.

Commercial development shall be limited to those uses intended to serve the needs of the surrounding equestrian and agricultural communities and shall be determined by such factors as size of the use and types of goods and services to be offered. In addition, commercial development shall be designed in a manner that recognizes its location within the Equestrian Preservation Areas. Commercial uses may be established subject to the requirements of this Article and these land development regulations. All permitted and conditional uses within a planned development shall be consistent with the requirements of this Section.

A.

Planned Development Rezoning. A rezoning to a planned development district shall be required if a proposed use consists of more than one (1) acre or five thousand (5,000) gross square feet.

B.

Orientation and Scale. The commercial uses shall be oriented toward agricultural and equestrian uses of a community-serving nature. Commercial uses shall be of a scale, intensity, and character that are consistent with and compatible to the equestrian community.

C.

Architecture. The architectural style of commercial buildings and centers shall be of a mass, bulk, and style that is consistent with the equestrian nature of the Equestrian Preservation Areas, such as barns and stables. Building colors and materials also shall be of a nature that is consistent with the equestrian nature of the area. Commercial sites shall integrate a variety of pedestrian and equestrian amenities into overall design, including the following:

1.

Pedestrian Circulation. An overall pedestrian circulation plan.

2.

Equestrian Circulation. An overall equestrian circulation plan.

3.

Pedestrian Walkways. A covered arcade, pedestrian walkway, or similar feature that is a minimum of eight (8) feet in width.

4.

Equestrian-oriented Features. An overall plan to provide hitching posts, fences, corrals, and similar features to provide a temporary location to hold and protect the horses of owners patronizing a commercial establishment.

D.

Size. The gross floor area of any single commercial use shall not exceed twenty thousand (20,000) square feet, including indoor storage, administrative offices, and similar areas **but not including hotels.**

E.

Hours of Operation. Hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m., including delivery of merchandise, restocking, and after-hours cleanup and maintenance. Hours of operation may be extended by either a development order approved by the Village Council or a response to an emergency involving the treatment of human or animal patients.

F.

Lighting. Parking lot lighting shall not adversely affect adjacent residential uses. Parking lot light standards shall not exceed fifteen (15) feet in height.

G.

Outdoor Display and Storage. Outdoor display and storage of merchandise is prohibited, excluding outdoor display in conjunction with a general store.

H.

Buffers. Commercial planned developments shall provide extensive landscape buffers as a means to integrate commercial uses with the predominant equestrian, residential, and agricultural uses present within the EOZD. At a minimum, buffers shall comply with the standards listed below.

1.

Perimeter Buffer. A perimeter buffer of at least twenty (20) feet in width shall be provided along the entire property line.

2.

Opaque Buffer. An opaque buffer of at least five (5) feet in height shall be provided along the entire perimeter, consisting of any combination of berm, wall, or fencing.

3.

Canopy Trees. Canopy trees shall be provided at a rate of not less than one (1) tree per twenty-five (25) feet. Trees shall be staggered along both sides of the berm, wall, or fence. Trees shall be native and representative of native vegetation of the Village. Minimum tree height shall comply with the requirements of Article 7.3.

4.

Hedges. Hedges shall be planted at a height and number as required by Article 7.3.

5.

Native Canopy Trees. Native canopy trees shall be provided within all parking areas at a rate of one (1) tree per eight (8) parking spaces.

(Ord. No. 2009-17, § 2, 1-12-2010)



To: Equestrian Preserve Committee Members

Date: December 14, 2011

From: David Flinchum, ASLA, AICP, Planning & Zoning Manager
Olga M. Prieto, Associate Planner

Petition Number: 2011-033 MPA1

Subject: Request to modify the Wellington Planned Unit Development (PUD) Master Plan for Tract 30C are as follows:

- Changing the designation of an approximate 96.3 acre portion of Tract 30C Tract 30C-2 (16.5 acres), Tract 30C-3 (43.0 acres) and Tract 30C-4 (36.8 acres).
- Changing the designation of these three tracts from previous Tennis and Polo Facility to Commercial Recreation/Commercial Equestrian Arena (Tracts 30C-2 and 30C-3) and Commercial Recreation/Polo Facility (Tract 30C-4).
- Add three (3) access points into Tract 30C – Two (2) access points on the north side of Pierson Road and a new access point on the east side of South Shore Boulevard.

Agent: Michael F. Sexton, P.E.
Sexton Engineering Associates, Inc.
110 Ponce de Leon Street, Suite 100
Royal Palm Beach, Florida 33411

Location: Northeast corner of Pierson Road and South Shore Boulevard and. (Exhibit A)

LAND USE AND ZONING

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:

Direction	Existing Land Uses	Future Land Use	Zoning District
<i>Subject site</i>	Commercial Recreation/Equestrian Facility	Commercial Recreation	Agriculture Residential with a Special Exception for a Planned Unit Development within the Equestrian Overlay Zoning District (AR/SE/PUD/EOZD)
<i>North</i>	Players Club Restaurant and Bagatelle Polo Village	Commercial Recreation Residential D	AR/SE/PUD Wellington PUD
<i>South</i>	Equestrian Facility	Commercial Recreation	AR/SE/PUD/EOZD – Country Place PUD
<i>East</i>	Polo Island and Bridle Path of Palm Beach Polo & Country Club	Residential D	AR/SE/PUD – Wellington PUD
<i>West</i>	Saddle Shops and Professional Center at Wellington	Community Commercial	AR/SE/PUD – Wellington PUD

Site History:

In 1972, the Wellington Planned Unit Development (PUD) was originally approved by Palm Beach County. The PUD consists of 7,562 acres and currently has an approval for 14,648 dwelling units with an overall density of 2.0 dwelling per acre. Tract 30C was originally the center of the Polo industry started by Mr. Ylvesaker back in the 1970's. The site consisted of the original Polo Stadium with four polo fields with Fields 1 & 2 west of Polo Island and Fields 3 & 4 east of Polo Island. The Players Club Tract 30C-1 was originally part of the overall Tract 30-C with pool and tennis facilities but they have since been demolished. In the early days, the polo fields were frequently used for matches and several recreational community events. After Wellington's Incorporation, polo activity was limited and in 2007 the original Polo Stadium was demolished. Polo is now being played competitively at the new International Polo Club on the west side of 120th Avenue. In recent years Fields 1 & 2 have been used for Steeplechase competition, dressage events and temporary stabling.

On December 31, 1995, Wellington was incorporated and on January 19, 1999 Wellington's Comprehensive Plan was adopted. The Comprehensive Plan included an Equestrian Element which required Wellington to create an Equestrian Preserve Area boundary. The majority of Tract 30C (C-2, C-3 and C-4) of the Wellington PUD are within the Equestrian Preserve Area Sub Area D but the Players Club (Tract 30C-1) is not in the Equestrian Preserve Area. Between June 2006 and October 2007 according to the Palm Beach County Public Records Warranty Deeds several of these properties were individually sold to Far Niente Stables II, Polo Field One, LLC, Stadium North, LLC and Stadium South, LLC. A preliminary plat has been recently submitted to combine these properties.

Staff Analysis:

Staff reviewed the proposed Master Plan Amendments to the Wellington PUD for consistency with Wellington's Land Development Regulations and Comprehensive Plan.

Consistency with Comprehensive Plan.

The proposed modifications to Tract 30C of the Wellington PUD Master Plan are consistent with Wellington's Comprehensive Plan Goal 1.0 to ensure the preservation and protection of the neighborhoods which comprise the area, the equestrian industry and the rural lifestyle which exists in the Equestrian Preserve Area. The proposed modification to the Wellington PUD is consistent with Objective 1.1 since the site is within the Equestrian Overlay Zoning District and will continue as a Commercial Equestrian Arena and Polo Facility. The proposed modifications as stated above continue to preserve, promote the equestrian community by redeveloping the site from its previous polo activity to another equestrian venue (dressage and commercial equestrian arena) and providing additional access points for better traffic circulation. The proposed 15 foot bridle path along the north side of the existing Pierson Road Canal and enhanced equestrian signal crossings are consistent with Equestrian Element Objective 1.1 to provide equestrian trails and Objective 1.2 to separate vehicular and equestrian traffic.

Conformity with Zoning Standards.

The proposed modifications to Tract 30C of the Wellington PUD Master Plan are consistent with the Land Development Regulations and the Equestrian Overlay Zoning District. All applications proposed that affect the Equestrian Preserve Area are subject to review by the Planning Zoning and Adjustment

Board (PZAB) shall be reviewed by the Equestrian Preserve Committee prior to review by the PZAB.

Compatibility with Surrounding Land Uses.

The proposed modifications changing the designation of Tract 30C and adding access points to the Tract of the Wellington PUD Master Plan should not have any compatibility impact to the surrounding uses. These proposed modifications and improvements are compatible to the surrounding land uses. The site historically has been used as a polo stadium, community entertainment and equestrian events.

Environmental Resources.

No adverse impacts to the natural environment are expected to occur as a result of the amendments being requested. The site has been in use since 1976. The owner shall obtain all necessary permits or modifications to the existing permits for proposed improvements from all entities with jurisdiction.

Adequacy of Public Services.

The proposed modifications to Tract 30C of the Wellington PUD Master Plan do not affect the adequacy of Public Services since the request is for graphic changes to the Master Plan in order to redevelop the site from the previous Polo Stadium Facility to a Commercial Equestrian Arena and Polo Facility. The request has been reviewed by Wellington's Traffic Consultant (Exhibit D) and found to be in compliance with Wellington's Codes subject to modified conditions as noted below.

Staff recommendation

Staff recommends approval of the proposed Wellington PUD Master Plan Amendment with the following conditions of approval:

- 1) This approval is based on Master Plan date stamped December 1, 2011.
- 2) All previous conditions to the Wellington PUD not specifically amended by this request are still in effect.
- 3) The proposed northern South Shore Boulevard driveway to Parcel 30C-2N shall not be constructed until the driveway to Parcel 30C-1 is closed. **(TRAFFIC)**
- 4) A bridle path of a minimum of 15 feet with appropriate crossing at the project driveways shall be provided on the north side of Pierson Road for approximately 3,200 feet from South Shore Boulevard to the horse crossing on Pierson Road at Southfields. Construction shall be completed prior to the first Certificate of Occupancy or Completion. **(TRAFFIC)**
- 5) Signalized horse crossings with advance pavement markings and signage shall be provided at Pierson Road and South Shore Boulevard intersection and on Pierson Road at the Southfields Road intersection. **(TRAFFIC)**
- 6) The bridle path in Condition 4 shall have 3-board fencing on both sides.

Exhibit A
Location Map

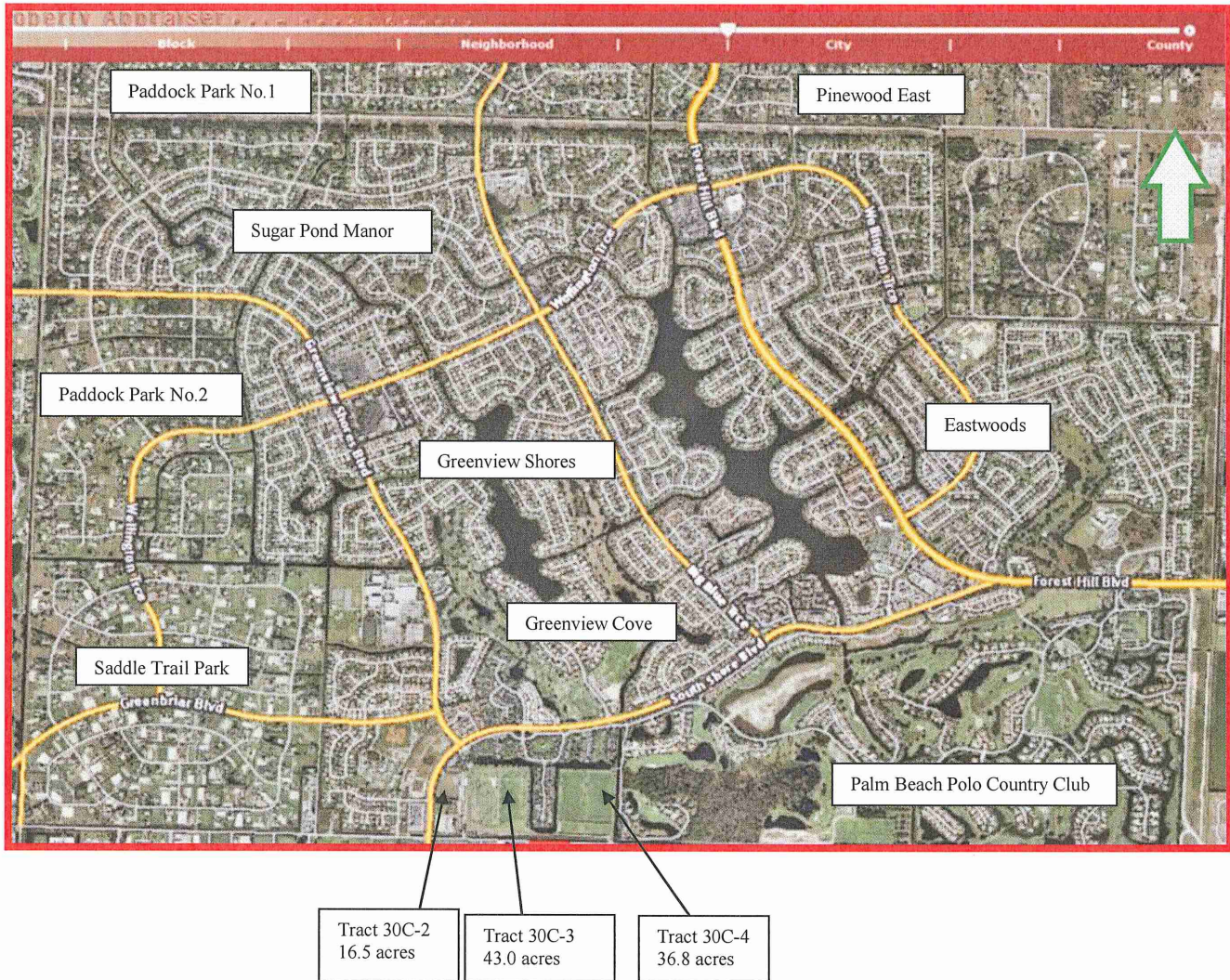


Exhibit B

LEGAL DESCRIPTION PLAT OF POLO VILLAGE II

A PARCEL OF LAND LYING IN PART OF SECTION 16, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 16; THENCE NORTH 01°09'54" EAST ALONG THE EAST LINE OF SAID SECTION 16, A DISTANCE OF 50.00 FEET; THENCE NORTH 89°37'54" WEST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°37'54" WEST ALONG A LINE 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 16, SAID LINE ALSO BEING THE NORTH LINE OF ACME IMPROVEMENT DISTRICT CANAL C-23, A DISTANCE OF 3299.28 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE FOR SOUTH SHORE BLVD; THENCE NORTH 00°51'23" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 702.42 FEET TO A POINT OF CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1440.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°29'05", A DISTANCE OF 514.84 FEET TO A POINT, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF TRACT "A", EQUESTRIAN/POLO VILLAGE AND COMPLEX OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D. AS RECORDED IN PLAT BOOK 35, PAGE 187, PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE SOUTH 90°00'00" EAST, ALONG THE SOUTH LINE OF SAID TRACT A, A DISTANCE OF 398.12 FEET; THENCE NORTH 00°00'00" EAST, ALONG SAID TRACT A, A DISTANCE OF 2.18 FEET TO A POINT ON A NON TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 1080.00 FEET, A RADIAL BEARING TO SAID POINT BEARS NORTH 60°50'26" WEST; THENCE NORTHEASTLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°12'37", A DISTANCE OF 79.36 FEET TO A POINT ON A SOUTH LINE OF SAID TRACT A; THENCE SOUTH 90°00'00" EAST, ALONG SAID SOUTH LINE OF TRACT A, A DISTANCE OF 68.82 FEET; THENCE NORTH 51°06'56" EAST, ALONG SAID TRACT A, A DISTANCE OF 204.71 FEET; THENCE NORTH 38°53'04" WEST, ALONG SAID TRACT A, A DISTANCE OF 118.38 FEET TO THE SOUTHWEST CORNER OF TRACT "B" OF SAID EQUESTRIAN/POLO VILLAGE AND COMPLEX OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D.; THENCE SOUTH 89°37'54" EAST, ALONG THE SOUTH LINE OF PARCEL B AND C, OF SAID EQUESTRIAN/POLO VILLAGE AND COMPLEX OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D., A DISTANCE OF 952.69 FEET TO A POINT OF CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 175.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND THE SOUTH LINE OF SAID PARCEL C, THROUGH A CENTRAL ANGLE OF 31°00'10", A DISTANCE OF 94.69 FEET TO A POINT OF REVERSE CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 175.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND THE SOUTH LINE OF SAID PARCEL C, THROUGH A CENTRAL ANGLE OF 31°00'10", A DISTANCE OF 94.69 FEET; THENCE SOUTH 89°37'54" EAST, ALONG SAID SOUTH LINE OF PARCEL C, A DISTANCE OF 3.00 FEET TO A POINT AT THE NORTHWEST CORNER OF LOT 1 OF SAID EQUESTRIAN/POLO VILLAGE AND COMPLEX OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D.; THENCE SOUTH 00°22'06" WEST ALONG SAID PLAT OF EQUESTRIAN/POLO VILLAGE AND COMPLEX OF PALM BEACH

September 2, 2011

POLO AND COUNTRY CLUB WELLINGTON - P.U.D. AND THE WEST LINE OF POLO ISLAND OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D., AS RECORDED IN PLAT BOOK 50, PAGE 155, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 1290.00 FEET TO THE SOUTHEAST CORNER OF SAID POLO ISLAND OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D.; THENCE SOUTH 89°37'54" EAST, ALONG THE SOUTH LINE OF SAID POLO ISLAND OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D., A DISTANCE OF 390.00 FEET TO THE SOUTHEAST CORNER OF SAID POLO ISLAND OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D.; THENCE NORTH 00°22'06" EAST, ALONG THE EAST LINES OF SAID POLO ISLAND OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D. AND EQUESTRIAN/POLO VILLAGE AND COMPLEX OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D., A DISTANCE OF 1290.00 FEET TO A POINT ON THE SOUTH LINE OF PARCEL E OF SAID EQUESTRIAN/POLO VILLAGE AND COMPLEX OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D., SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 18; THENCE SOUTH 89°37'54" EAST, ALONG SAID PARCEL E, A DISTANCE OF 3.00 FEET; THENCE NORTH 00°22'06" EAST ALONG SAID PARCEL E, A DISTANCE OF 17.50 FEET; THENCE SOUTH 89°37'54" EAST ALONG THE SOUTH LINE OF PARCEL E AND PARCEL F OF SAID EQUESTRIAN/POLO VILLAGE AND COMPLEX OF PALM BEACH POLO AND COUNTRY CLUB WELLINGTON P.U.D., A DISTANCE OF 1098.10 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL F; SAID POINT ALSO BEING 50.00 FEET WEST OF THE EAST LINE OF SAID SECTION 16; THENCE SOUTH 01°09'54" WEST, ALONG A LINE 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 16, A DISTANCE OF 1467.64 FEET TO THE BEGINNING.

CONTAINING 96.11 ACRES MORE OR LESS



Transportation Consultants



2005 Vista Parkway, Suite 111
West Palm Beach, FL 33411-6700
(561) 296-9698 Fax (561) 684-6336
Certificate of Authorization Number: 7989

December 7, 2011

Ms. Olga Prieto
Wellington
Planning, Zoning & Building Department
12300 W. Forest Hill Boulevard
Wellington, FL 33414

**Re: Equestrian Village - #PTC11-008L
Wellington PUD Master Plan Amendment**

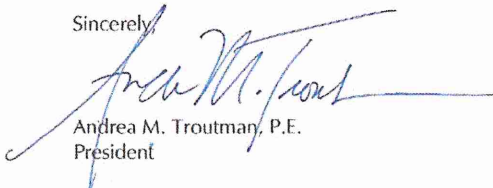
Dear Ms. Prieto:

Pinder Troutman Consulting, Inc. (PTC) has completed our review of the resubmittal documents for the above application. Based on our review, we have determined that the Master Plan Amendment can be approved with the following Conditions of Approval:

Wellington PUD Master Plan Amendment

1. The proposed northern South Shore Boulevard driveway to Parcel 30C-2N shall not be constructed until the driveway to Parcel 30C-1 is closed.
2. A bridle path of a minimum of 15 feet with appropriate crossing at the project driveways shall be provided on the north side of Pierson Road for approximately 3,200 feet from South Shore Boulevard to the horse crossing on Pierson Road at Southfields. Construction shall begin prior to the first building permit and shall be completed prior to the first Certificate of Occupancy and shall include signalized horse crossings on the east approach of the Pierson Road and South Shore Boulevard intersection and on Pierson Road at the Southfields crossing.

Sincerely,



Andrea M. Troutman, P.E.
President

cc: David Flinchum, AICP, ASLA
Bill Riebe, P.E.

Letter Prieto 11-008L MPA 12-7-11

Pinder Troutman Consulting, Inc.

TALLAHASSEE

215 South Monroe Street
Suite 320
Tallahassee
Florida 32301
(850) 681-0980
Fax (850) 681-0983



PANZA, MAURER & MAYNARD P.A.

Attorneys and Counselors at Law
Bank of America Building
3600 North Federal Highway, Third Floor
Fort Lauderdale, Florida 33308-6225
954-390-0100 (Fax) 954-390-7991
Please reply to Fort Lauderdale Office

WEST PALM BEACH

505 S. Flagler Drive
Suite 1450
West Palm Beach
Florida 33401
(561) 253-3233
Fax (561) 253-3230

December 7, 2011

Via Email: dflinchum@wellingtonfl.gov

Equestrian Preserve Committee
c/o Mr. David Flinchum, Staff Liaison
Village of Wellington
12300 Forrest Hill Blvd.
Wellington, FL 33414

Re: "Equestrian Village" Petitions - Dec. 14th Equestrian Preserve Committee

Dear All:

As you are likely aware, this firm represents the Wellington Equestrian Preservation Alliance (the "Alliance") with respect to its opposition to Wellington Equestrian Partners' ("WEP") commercial development of the Village of Wellington's Equestrian Preserve Area under the pretense of promotion of the equestrian community. Specifically, I am writing to express the Alliance's strong opposition to the petitions that have been placed on the December 14, 2011 agenda of the Equestrian Preserve Committee.

The proposed petitions are necessary for WEP's proposed "Equestrian Village" development, which would include a hotel and intense commercial elements, to move forward. While the Alliance is supportive of a dressage facility at the corner of South Shore Boulevard and Pierson Road, the incorporation of a hotel and non-equestrian-related commercial elements is incompatible with the property's Commercial Recreation land-use designation, as well as the property's inclusion in the Equestrian Preserve. In fact, such a development is completely contrary to the very nature and character of the Equestrian Preserve, as is evident from a reading of the plain language of the Equestrian Preservation Element of the Comprehensive Plan. As such, the Alliance vehemently opposes the proposed "Equestrian Village" development to the extent it would include a 100-room hotel with intense commercial and retail elements. Such a development would completely change the nature of the Equestrian Preserve and, as such, is unacceptable to my client. Thus, the Alliance opposes the petitions on the Equestrian Preserve Committee's agenda for December 14th to the extent they would serve to increase the maximum building coverage and FAR for properties designated Commercial Recreation within the Equestrian Preserve or otherwise allow for commercial and retail elements that should not be permitted within the Equestrian Preserve.

Thomas F. Panza
Susan Horovitz Maurer
Zollie M. Maynard, Jr.
Mark A. Emanuele
Richard A. Beauchamp
John F. Hotte

Pascale Achille
Diane Lindstrom Beach

OF COUNSEL

Brian D. Ballard
Laurence A. Maurer

GOVERNMENTAL RELATIONS

Sandra S. Harris

Benjamin P. Bean
Caroline E. Bissett
Anne E. Brown
Domenica Frasca
Holly L. Griffin
James H. Horton, IV
Dana Panza Macdonald
Gregory L. McDermott
Elizabeth L. Pedersen

I. Wellington Equestrian Partners, LLC has filed four separate petitions, approval of each is necessary to allow for the hotel and retail elements of its proposed commercial development.

Wellington Equestrian Partners filed four separate petitions; approval of each is necessary to construct the hotel with commercial and retail elements of the proposed “Equestrian Village” development on the property which is currently designated as Commercial Recreation. The petitions are listed below for ease of reference:

1. 2011-033 CPTA/ZTA (HTE - 11-061) - “Equestrian Village Comprehensive Plan Text Amendment and Zoning Text Amendment”
 - These amendments would:
 - Allow building height for hotels of more than 35 feet in Commercial Recreation Land Use and Planned Development;
 - Allow maximum FAR of .20 for properties designated Commercial Recreation in the Equestrian Preserve Area and allow maximum Lot Coverage of 20% for properties in the Equestrian Preserve Area; and
 - Allow single commercial uses greater than 20,000 square feet.
2. 2011-033 CU1 (HTE - 11-061) - “Equestrian Village Conditional Use”
 - This petition would allow for a Commercial Equestrian Arena (500 seats) and Hotel (100 units).
3. 2011-033 MPA1 (HTE - 11-061) - “Equestrian Village Master Plan Amendment”
 - This petition would modify the Wellington Planned Unit Development to:
 - Designate a portion of Parcel 30C from “Commercial Recreation Polo and Tennis Facility” to “Commercial Recreation with a Commercial Equestrian Arena;” and
 - Add 2 additional access points on Pierson Road and 1 on South Shore Blvd.
4. 2011-033 SP11 (HTE - 11-061) - “Equestrian Village Site Plan”
 - This petition would locate 5 equestrian rings, a practice ring, a 210’ x 360’ covered equestrian ring, 2 equestrian stables, a storage building with roofed deck, an elevated concrete deck, a show office trailer, paved parking and support facilities.

The above petitions, which are extensive, have been carefully drafted and submitted with the specific intent to shoehorn an intense commercial property where none was intended. However, of most critical concern would be Petition 2011-033 CPTA/ZTA, which would amend the Village’s Comprehensive Plan and zoning regulations. These amendments would not only affect the northeast corner of South Shore Blvd. and Pierson Road, they would affect the entire Equestrian Preserve Area and the Village of Wellington as a whole. Turning to those proposed Comprehensive Plan text amendments specifically, WEP requested the amendments because, in

its current form, the Village's Comprehensive Plan would not allow for the hotel and commercial and retail elements of WEP's proposed development.

Policy 1.3.14 of the Comprehensive Plan currently limits the building coverage on property designated Commercial Recreation to 10% and the FAR to .10. Therefore, amendment of the Comprehensive Plan to increase the potential building coverage and FAR is necessary for WEP to build a hotel, retail shops, office space, etc.

Similarly, WEP has requested an amendment to Policy 1.3.7 to exclude "hotels or motels located in a Planned Development" from the category of buildings limited to heights of 35 feet or less. Currently, only properties in the Regional Commercial/LSMU Plan Category, public facilities in zoning districts and buildings with certain uses in the State Road 7 Corridor are exempted from the requirements of the 35 foot limit. If WEP's proposed amendment were to be adopted by the Village, hotels or motels greater than 35 feet in height would be allowed in any Planned Development in Wellington.

II. Policy 1.3.14 of the Land Use Element of Wellington's Comprehensive Plan restricts maximum building coverage to 10% and maximum FAR to .10.

Petition 2011-033 CPTA/ZTA (HTE - 11-061) would, among other things, amend Policy 1.3.14 of the Land Use Element of Wellington's Comprehensive Plan, which deals with the Commercial Recreation land-use designation. Policy 1.3.14, in its current form, is provided below in full.

Policy 1.3.14 Commercial Recreation -- Properties designated Commercial Recreation support commercial uses which are recreational in nature and are compatible with residential and rural development patterns. Uses such as equestrian arenas, stadiums and show rings, golf courses, clubhouses, tennis houses, pools and other private recreational facilities are consistent with this designation. There are also a variety of quasi-commercial uses such as veterinary clinics, feed stores, tack shops and commercial stables scattered throughout the Equestrian Preservation Area of Wellington that are ancillary to the equestrian community and will be permitted in the Commercial Recreation Land Use Plan Sub-category. Commercial Recreation properties shall retain a Category B underlying Land Use Plan designation. Maximum building coverage 10%. Maximum FAR .10.

As evident through an analysis of Policy 1.3.14, properties designated Commercial Recreation are to be used for *equestrian arenas, golf courses and other outdoor recreation facilities compatible with residential and rural development patterns*. It should be noted that, while the Policy mentions "quasi-commercial uses such as veterinary clinics, feed stores, tack shops and commercial stables... ancillary to the equestrian community," it does *not* allow for intense commercial

developments such as hotels, spas or office space, all of which are contemplated in WEP's proposed "Equestrian Village" development. It logically follows that, because of the nature of the uses contemplated by the Commercial Recreation designation, the maximum building coverage and FAR would be lower than other land use designations. The lower building coverage and FAR ensure that properties designated Commercial Recreation support uses that are recreational in nature and compatible with residential and rural development patterns. Hotels and other more intense commercial uses would necessitate higher building coverage and FAR and would be inconsistent with the Commercial Recreation land use designation.

III. Amendment of Policies 1.3.14 and 1.3.7 is not necessary and would cause the Comprehensive Plan to lose its internal consistency.

In order to adopt an ordinance amending the Comprehensive Plan, an applicant must demonstrate the necessity of such an amendment based on one or more of six factors: (1) Changed projections; (2) Changed assumptions; (3) Data errors; (4) New issues; (5) Additional detail or comprehensiveness; or (6) Data updates.¹ In addition, the amendment must *not* cause the Comprehensive Plan to lose its internal consistency.²

First, there is no demonstrated basis of necessity for an amendment to the Comprehensive Plan. WEP's petition provides no reasonable justification for the necessity of its proposed text amendments, other than to say that they would allow WEP to move forward with its project. Further, the WEP's petition specifically seeks to amend the Commercial Recreation land use designation for seemingly no particular reason, without amending the text to increase or decrease the potential building coverage and FAR of the other potential land use categories. Indeed, the proposed language to be added to the end of Policy 1.3.14 is not proposed to be added to any other policy. WEP's petition fails to provide any reasoning for such selective revision of the Village's Comprehensive Plan.

Further, the proposed amendments cause the Comprehensive Plan to lose its internal consistency.

Policy 1.3.14 states that properties designated Commercial Recreation are to be used for equestrian arenas, stadiums and show rings, golf courses, clubhouses, tennis houses, pools and other private recreational facilities compatible with residential and rural development patterns. Yet, this proposed amendment seeks to increase the maximum building coverage and FAR and open the door for a property's use as a hotel or commercial center. The maximum building coverage and FAR for properties designated Commercial Recreation are lower than other land use designations *because* of the nature of the above-described uses contemplated by the Commercial Recreation designation. An amendment increasing the maximum building coverage and FAR for the Commercial Recreation designation would allow for less space for the very uses contemplated

¹ Wellington LDR § 5.2.4.J.

² Id.

by the Comprehensive Plan. Thus, such an amendment is not consistent with Policy 1.3.14 of the Land Use Element of the Comprehensive Plan and should not be adopted.

Similarly, amendment of Policy 1.3.7 to allow for hotels in excess of 35 feet within Planned Developments would open the door to high-rise hotels within the Equestrian Preserve Area. The stated goal of the Comprehensive Plan's Equestrian Preservation Element "is to ensure the preservation and protection of the neighborhoods which comprise this area, the equestrian industry and the rural lifestyles which exist in the Equestrian Preserve." (emphasis added). Policy 1.3.7 is compatible with the Equestrian Preservation Element in that it prevents hotels over 35 feet from being built except within the State Road 7 corridor. WEP's proposed amendment would open the door to hotels in excess of 35 feet, not just at the current proposed development site, but in any Planned Development, including those within the Equestrian Preserve. This would cause the Comprehensive Plan to lose its internal consistency and should therefore not be allowed.

IV. To allow higher density development for properties designated Commercial Recreation within the Equestrian Preserve would be absurd.

The proposed amendments makes even less sense in that they would promote higher density development only in the Equestrian Preserve Area, a primary focus of which is the preservation and maximization of open space. Indeed, amendment of Policy 1.3.14 would be incompatible with the stated goal of the Equestrian Preservation Element of the Village's Comprehensive Plan, which "is to ensure the preservation and protection of the neighborhoods which comprise this area, the equestrian industry and the rural lifestyles which exist in the Equestrian Preserve." (emphasis added).

Further, Objective 1.1 of the Equestrian Preservation Element sets forth the purposes and intent of the EOZD:

- (a) Provide for and encourage the creation of conservation easements to retain open space and paths for equestrian trails;
- (b) Provide for the preservation of greenspace through the use of cluster development, open space zoning or other innovative planning techniques designed to maximize the preservation of open space and the agricultural, rural and equestrian character of the Equestrian Preserve, while maintaining the overall density in the Equestrian Preserve;
- (c) Provide for the limited commercial uses which support the equestrian industry;
- (d) Provide for the preservation of the rural lifestyles and land uses which exist in the overlay areas while ensuring compatibility of land uses; and

- (e) Establish site development regulations that recognize the characteristics of equestrian and similar uses and structures.

(emphasis added).

Far from preserving and protecting the Equestrian Preserve's neighborhoods and the rural lifestyle of its residents, the proposed amendments would result in more intense commercial development of properties that are supposed to be utilized for equestrian arenas, golf courses and other outdoor recreation facilities compatible with residential and rural development patterns within the Equestrian Preserve. The proposed amendments would mean less open space and more intense commercial development, and have a harmful effect on the rural lifestyles of the Equestrian Preserve's residents.

While Wellington Land Development Regulation Code § 6.10.6.B sets the maximum building coverage for all developments within the Equestrian Preserve at 20% and the maximum FAR at .20, this section was surely meant as a restrictive clause on development intensity for all land-use types within the Equestrian Preserve, and was not intended to permit development of greater intensity for properties designated Commercial Recreation. Policy 1.3.14 limits the maximum building coverage and maximum FAR for properties designated Commercial Recreation to 10% and .10, respectively. Such a restriction is primary to the Equestrian Preserve's restriction of 20% maximum building coverage and .20 maximum FAR. Any alternative interpretation of § 6.10.6.B would mean that the allowed development intensity for property designated Commercial Recreation would be higher in the Equestrian Preserve than in any other area of the Village. This would be an absurd result, as the Equestrian Preserve was created for the purpose and intent of retaining open space, preserving greenspace and the rural lifestyles of the Preserve's residents.

Further, there is no justification for the amendment of Policy 1.3.14 without the amendment of the rest of Wellington's Comprehensive Plan, as § 6.10.6.B does not apply only to properties designated Commercial Recreation, but instead places a hard cap on development intensity for all land-use types within the Equestrian Preserve.³ Therefore, there is no reason to specifically target Policy 1.3.14 of the Land Use Element while simultaneously ignoring the other policies that are also affected by § 6.10.6.B.

V. Conclusion


The Equestrian Preserve's current residents have invested significant sums to make their homes within the Equestrian Preserve. In so doing, these residents relied upon the Village's designation of the area as an Equestrian Preserve, with the accompanying standards that go along with that designation. When they purchased or built their homes, they did so with the belief that they were settling in an area that would afford them the opportunity to enjoy a rural equestrian lifestyle and that the surrounding area would emphasize open space with limited commercial uses. Now,

³ See Wellington LDR § 6.10.6.B.

Equestrian Preserve Committee
December 7, 2011
7 | Page

these residents are faced with proposed Comprehensive Plan and Zoning text amendments that would directly contravene those standards by increasing the intensity of development within the Equestrian Preserve specifically. Such amendments would open the door for the very type of intense commercial development the Equestrian Preserve's residents sought to avoid when they chose to settle in Wellington. These amendments would be the first step in a process that will allow for the development of hotels and intense commercial and retail centers, which will forever change the very nature and character of the Equestrian Preserve. As such, the Village should deny the petitions to the extent they seek to amend the Comprehensive Plan and should deny any petitions that would seek to allow for the inclusion of hotels and related commercial and retail elements within the Equestrian Preserve.

Thank you for your time and consideration.

Sincerely,

THOMAS F. PANZA

cc: Mayor Darrell Bowen
Vice Mayor Matt Willhite
Mayor pro tem Dr. Carmine Priore
Councilwoman Anne Gerwig
Councilman Howard Coates, Jr.
Paul Schofield, Village Manager
Jeff Kurtz, Village Attorney

RECEIVED

NOV 10 2011

VILLAGE OF WELLINGTON
PZ & CODE DEPARTMENT

**PROPOSED TEXT AMENDMENTS TO THE
VILLAGE OF WELLINGTON
COMPREHENSIVE PLAN**

SUBMITTED BY: Wellington Equestrian Partners, LLC

SUBMITTED TO: Village of Wellington, Florida

DATE: November 09, 2011

Section 1: Introduction

Since the 1970's, the Village of Wellington has been known for its equestrian assets and the "equestrian lifestyle" that is available in the community. But what started with a local equestrian community and a polo stadium has grown into an equestrian community and venues with world-class status.

As polo continued to prosper, so too did an event that began in the parking lot of the original polo stadium - the Winter Equestrian Festival. Since its beginning in 1979, WEF has grown into the largest annual equestrian competition in the world with over 5,000 horses and with competitors coming from some two-dozen countries.

At present Wellington has two equestrian pillars; International Polo Club Palm Beach, and (show-jumping at) the Palm Beach International Equestrian Center. Wellington Equestrian Partners wishes to add a third pillar: Dressage at Equestrian Village.

The proposed text amendments herein will provide the flexibility that is needed to continue to add the most fundamental of all assets to equestrian sport in Wellington: World-class venues. From equestrian venues come the increased values to equestrian properties, benefits to the economy taxes and fees for governments, among other benefits. Of special importance, however, is that these amendments will allow the enhancement of the equestrian industry while still protecting the character of the Wellington Equestrian Preserve. These amendments would allow hotels of more than 35 feet within a Planned Development.

In addition, this application includes amendments that will implement provisions already contained in the Equestrian Overlay Zoning District: A maximum Floor Area Ratio of .20 and lot coverage of 20% for Commercial Recreation properties in the Equestrian Preserve.

These land development regulations were recommended previously by the Equestrian Preserve Committee and were subsequently adopted by the Village Council for the Equestrian Preserve Overlay Zoning District (Ordinance 2009-17). This process allows an opportunity for these items to be incorporated into the Comprehensive Plan.

Section 2: Background

Equestrian sport in Wellington has experienced dramatic growth during the past two decades and especially this past decade. The Village of Wellington was incorporated in 1995 and soon thereafter began preparing its Comprehensive Plan in accordance with F.S 163. Early on in the process it was decided to have an optional *Equestrian Element* in the Village's Plan. The

Equestrian Element establishes the Wellington Equestrian Preserve Area with a goal, objectives and policies. The proposed text amendments contained herein will help implement a number of these, including:

GOAL 1.0 The goal of this element is to ensure the preservation and protection of the neighborhoods which comprise this (Equestrian Preserve) area, the equestrian industry and the rural lifestyles which exist in the Equestrian Preserve.

Objective 1.1 Within one year of the effective date of this Plan, the Village shall adopt as part of its Land Development Regulations and Zoning Map an Equestrian Overlay Zoning District. There may be several sub-areas defined in this overlay which will allow for the implementation of unique land development regulation for the various neighborhoods which comprise the Equestrian Preserve. Density and intensity measures shall be consistent with those found in the Land Use Element and the Future Land Use Map. This objective shall be made measurable by its implementing policies.

Policy 1.1.1 Within one year of the effective date of this Plan, the Village shall adopt Land Development Regulations that shall contain specific and detailed provisions required to implement the adopted Comprehensive Plan and which as a minimum:

- (B) Provide for the preservation of greenspace through the use of cluster development, open space zoning or other innovative planning techniques designed to maximize the preservation of open space and the agricultural, rural or equestrian character of the Equestrian Preserve, while maintaining the overall density in the Equestrian Preserve;
- (C) Provide for the limited commercial uses which support the equestrian industry;
- (D) Establish site development regulations that recognize the characteristics of equestrian and similar uses and structures.

Wellington's flagship equestrian event, the Winter Equestrian Festival, has grown from about 2,000 horses to nearly 5,000 horses the past two decades. Since 2007, WEF has been produced by Equestrian Sport Productions, a subsidiary of Wellington Equestrian Partners, which has expanded the event from seven to 12 weeks. WEF is a weekly series of hunter-jumper competitions. The Palm Beach International Equestrian Center, which hosts the WEF, was created from the old Palm Beach Polo Equestrian Club. During the past four years, PBIEC has been totally renovated and now has "world class" competition arenas and associated facilities for horses, competitors, vendors and spectators.

The turn of the past decade marked the demise of the original Palm Beach Polo Stadium. To regenerate high-goal polo in Wellington, the International Polo Club Palm Beach was developed and now, in its eighth year, is host to the prestigious U.S. Polo Open every year. Since its demise as a polo venue, the old polo stadium property has been mostly vacant. There has been a great deal of anxiety in all of Wellington about what the future of the property would be. An investment group in 2006 attempted to have the property removed from the Equestrian Preserve and develop it as a strip shopping center. That application was denied.

The property was acquired in 2007 by Wellington Equestrian Partners and there have been occasional special events held there such as steeplechase and derbies.

Wellington currently lacks a permanent dressage venue. Although the vast majority of dressage horses in the area are stabled at farms in Wellington, there is no facility in Wellington that is capable of hosting world-class dressage events. The nearest facility that accommodates dressage events is the Palm Beach County owned Jim Brandon Horse Park several miles east of Wellington. Brandon Park is a fine venue but was not designed with the capacity and amenities to host major events. And it's location requires horses to be trailered out of Wellington (15-20 minutes trailer travel time) for events.

In addition to acquiring the old polo stadium property, WEP has also acquired the licenses for major dressage competition events. This first year, the dressage events will be held in mostly temporary structures at the old polo stadium property. It is WEP's desire to develop this property as the world's premiere dressage venue called Equestrian Village.

The proposed Comprehensive Plan text amendments are needed to make this project a reality. Of utmost importance to create the premier dressage venue in the world is the ability to have lodging and other amenities on-site.

Section 3: Economic Impact of the Wellington Equestrian Industry

Palm Beach County originally included "Agriculture" as a targeted industry for its economic development program. Several years ago, however, this classification was changed to "Agriculture and Equestrian". This was in recognition of the vitality and importance of Wellington's equestrian industry. Among other methods of promotion of the industry is the inclusion of Wellington's equestrian events and venues as part of tourism promotion for Palm Beach County.

Over the years Palm Beach County has undertaken studies of the economic impact of the countywide equestrian industry. Recently completed is a study of the economic impact from the spending by participants in Wellington's equestrian industry. This includes riders, trainers, vendors and others who are involved in the competitions but not including spectators. The study was undertaken by the Palm Beach County Sports Commission with participation by the Village of Wellington.

Below is a summary of the study's preliminary findings on the Winter Equestrian Festival and dressage:

-
- ❖ It is projected that 47,398 hotel room nights were utilized for all 2011 Equestrian events (Winter Equestrian Festival, Dressage at Jim Brandon) in area hotels, with a projected economic impact of \$5,528,767.
 - ❖ It is projected that 47,139 of these room nights were attributed to the Winter Equestrian Festival, with a projected economic impact of \$5,485,609.
 - ❖ It is projected that 259 of these room nights were attributed to Dressage, with a projected economic impact of \$43,158.

- ❖ It is projected that 42,383 rental apartment/condo nights were utilized for all 2011 Equestrian events (37,951 for the Winter Equestrian Festival, and 4,432 for Dressage).
- ❖ It is projected that 4,765 timeshare nights were utilized for 2011 Equestrian events (all 4,765 attributed to the Winter Equestrian Festival).
- ❖ It is projected that 7,412 campground/RV nights were utilized for 2011 Equestrian events (all 7,412 attributed to the Winter Equestrian Festival).
- ❖ Based on estimates, it is projected that the total expenditures (human and horse related) attributed to the 2011 Equestrian Season were \$164,848,579 (+/-4.92%).
 - ❖ It is projected that the total expenditures related to the Winter Equestrian Festival were an estimated \$120,759,093 (+/- 6.54%) and that total expenditures related to Dressage were an estimated \$44,089,186 (+/- 14.07%)

Source: 2011 Equestrian Season Economic Impact Report prepared by Profile Marketing Research for the Palm Beach County Sports Commission & Village of Wellington

Section 4: Proposed Comprehensive Plan Amendments

BUILDING HEIGHT: As shown by the economic impact data, the Wellington equestrian industry generates substantial demand for hotel and other temporary lodging. It is the intent of WEP to capture the demand for luxury and spa accommodations generated by Equestrian Village. As such, the lodging that will be proposed for this project will be considered an "Equestrian Lifestyle Resort" with a full realm of spa and other personal services.

A number of factors contribute to the need for luxury, on-site lodging accommodations at equestrian venues. Many of the sponsors, owners, spectators and others involved in equestrian events wish to have luxury, resort-style accommodations that are convenient. Of particular concern is the increasing demand for these types of accommodations by sponsors. A venue with on-site, luxury lodging accommodations has a competitive edge in the worldwide equestrian industry. With respect to competition within the local lodging industry, the lodging that will be proposed for Wellington Equestrian Village will be competing with the luxury resorts on the barrier islands rather than nearby hotels.

Having on-site lodging accommodations at Wellington Equestrian Village has the added benefit of people staying in Wellington and thereby spending money at local businesses. Again, the economic report demonstrates the high level of spending by the visiting equestrian participants.

From both marketing and land planning perspectives, going higher rather than expanding horizontally has benefits. From a land planning aspect it allows more open space. From a marketing perspective, rooms with good views are desired by guests, and the higher the room the better the view. In the case of the resort at Equestrian Village, the rooms will be oriented towards the "HorseScape" of paddocks, rings, arenas and open space.

Research was undertaken to find the height of luxury hotels and resorts in Palm Beach County that have an on-site or immediately adjacent active amenity such as a golf course or the ocean. The database and categorization system of the Palm Beach County Convention and Visitors Bureau were used. Below is a list of those hotels. Note that based on the number of floors, all are above 35 feet in height. We would like to note that the Equestrian Lifestyle Resort at Wellington Equestrian Village would be considerably smaller in terms of rooms and height than most properties listed in Table 1.

TABLE 1
LUXURY HOTELS AND
RESORTS IN PALM BEACH COUNTY

HOTEL	FLOORS	ROOMS
Breakers Resort & Hotel Palm Beach	7	540
Boca Raton Resort & Club Boca Raton	24 8	1047
PGA National Resort & Spa Palm Beach Gardens	4	339
The Ritz Carlton Palm Beach Manalapan	6	310
Palm Beach Marriot Singer Island Resort & Spa Singer Island	19	239
Delray Beach Marriot Delray Beach	5	313
Jupiter Beach Resort & Spa Jupiter	8	168
Four Seasons Resort Palm Beach Palm Beach		210
Omphoy Palm Beach	5	130
Seagate Hotel & Spa Delray	4	162

Data Source: Palm Beach County Convention & Visitors Bureau (May 2011)

FAR: Over a period of several months in 2009, the Wellington Equestrian Preserve Committee considered various issues and amendments with respect to enhancement of the Equestrian Preserve and focused on changes to the Equestrian Overlay Zoning District. The EPC adopted recommendations at a hearing on October 14, 2009 that included increasing the maximum Floor Area Ratio from 0.15 to 0.20 for all land in the Equestrian Preserve.

There are inconsistencies with Floor Area Ratios for Commercial Recreation in the Comprehensive Plan's Land Use Element (0.10), the District Regulations of the Unified Land Development Code (0.50) and the *Equestrian Overlay Zoning District* (0.20). The 0.10 FAR set forth in the Land Use Element is unrealistically low for equestrian Commercial Recreation land while the 0.50 contained in the LDR's is excessively high. The Wellington Equestrian Preserve Committee gave considerable attention for establishing an appropriate F.A.R for properties in the Equestrian Preserve. An FAR of 0.20 provides flexibility to allow sufficient diversity and adequacy of facilities while preventing intensive development. And the uses on Commercial Recreation properties in the Equestrian Preserve are very different than in suburban areas of Wellington. Simply stated, in the Equestrian Preserve there are more buildings to accommodate equestrian activities. The uses outlined in the definition of *Commercial Recreation* (below) demonstrate this. By contrast, in suburban areas the vast majority of Commercial Recreation properties are used for golf courses with amenities such as clubhouses and pools that consume a very small part of the property.

LOT COVERAGE: As with FAR, there is an inconsistency between the maximum Lot Coverage for Commercial Recreation land allowed in the Comprehensive Plan (10%) and the EOZD (20%).

Land Use Element Amendment

Over a period of several months in 2009, the Wellington Equestrian Preserve Committee considered various issues and amendments with respect to enhancement of the Equestrian Preserve and focused on changes to the Equestrian Overlay Zoning District. The EPC ultimately adopted recommendations at a hearing on October 14, 2009 that included a number of key changes to the EOZD while leaving others unchanged. The Ordinance provides for maximum FAR and Lot Coverage of 0.20 within the Equestrian Overlay Zoning District to 20%.

The proposals of the EPC were considered by the Planning, Zoning & Adjustment Board, and then approved by the Wellington Village Council in December, 2009 in Ordinance 2009-17.

The changes contained in Ord# 2009-17 never made their way into the Comprehensive Plan. Therefore the following amendment is proposed to the Land Use Element:

For the reasons above, the following amendment s are proposed:

HEIGHT

Land Use Element

Policy 1.3.7 Wellington has adopted regulations that limit building height to 35 feet or less in all categories except for:

(A) Properties in the Regional Commercial/LSMU Plan Category.

(B) Public facilities in all zoning districts.

(C) Hotel or motel located in a Planned Development.

(D) The following uses within the State Road 7 Corridor, which shall be limited to a maximum height of 72 feet:

(1) Colleges or universities.

(2) Employment centers which shall be defined as a non-retail development that employs 100 or more people in predominantly technical or professional occupations.

(3) Government services.

(4) Hospital or medical centers.

- (5) Hotel or motel.
- (6) Medical or dental laboratories.
- (7) Professional or business offices.
- (8) Light industrial and research park uses.
- (9) Congregate Living Facilities.

The State Road 7 Corridor is that area located within one mile of State Road 7 from Southern Boulevard to Lake Worth Road.

Buildings with a height in excess of 35 feet shall be subject to additional setback requirements to be defined in the Land Development Regulations provided that any building in excess of 35 feet shall be specifically approved by the Village Council in a public hearing. These regulations shall be made part of the Village's Land Development Regulations and shall be adopted and implemented consistent with the requirements of Chapter 163, F.S., and Rule 9J-5, F.A.C.

Equestrian Element

Add a Policy (1.1.2) to the Equestrian Element or to the LUE:

It is the intent of this Element to provide for lodging accommodations within the Wellington Equestrian Preserve Area by allowing hotels with a height that exceeds 35 feet. It is the desire of Wellington that persons attending or participating in equestrian events have on-site hotels so as to keep them in Wellington and spending at local business establishments. It is also understood that such hotels can reduce peak-period vehicular traffic generated by equestrian activities. It is understood, however, that the locations need to be limited and controlled. Therefore, hotels within the Equestrian Preserve will be located in accordance with the following:

- Only in Planned Developments in Commercial Recreation properties; and
- Shall have direct access to and located at a road intersection with an arterial road; and
- Maximum building height of sixty-six (66) feet.

FLOOR AREA RATIO & LOT COVERAGE

Policy 1.3.14 Commercial Recreation -- Properties designated Commercial Recreation support commercial uses which are recreational in nature and are compatible with residential and rural development patterns. Uses such as equestrian arenas, stadiums and show rings, golf courses, clubhouses, tennis houses, pools and other private recreational facilities are consistent with this designation. There are also a variety of quasi-commercial uses such as

Council

Darell Bowen, Mayor
Matt Willhite, Vice Mayor
Dr. Carmine A. Priore, Mayor pro tem
Howard K. Coates, Jr., Councilman
Anne Gerwig, Councilwoman

Manager
Paul Schofield

MEMORANDUM

DATE: December 8, 2011

TO: Equestrian Preserve Committee Members

From: Robert E. Basehart, AICP. Growth Management Director

Subject: PROPOSED EQUESTRIAN VILLAGE APPLICATIONS

Attached are the Staff reviews of the four applications that comprise the proposal package for the Wellington Equestrian Village project. While each individual component of the set of companion applications ultimately need to be voted on individually, we feel that it is important that the Committee consider the overall project as a whole and render a recommendation based on its conclusions as to whether the project furthers the interests and viability of the equestrian industry and the Equestrian Preserve Area. It is clear that a project of this scale and intensity, including some of the proposed primary and ancillary uses was not contemplated when the Equestrian Element of the Comprehensive Plan was drafted and the EOZD regulations were subsequently adopted. Staff believes the proposed project is generally consistent with the overall goals and objectives of both. Due to the unique and un-contemplated nature of the project, the proposal clearly does not conform to some of the provisions of the Land Use Element, Equestrian Element and the EOZD Zoning District. Hence, there is a need to consider modifications to all, if the overall project is supported. It is the staff's opinion there is room and ability to compromise. We believe that certain elements of the request are currently not acceptable but with modifications, could become a viable long term economic development in the Equestrian Preserve Area. We believe that the overall project is good for the equestrian industry and good for Wellington and should be approved with modifications.

This memorandum is intended to summarize staff's position on the various portions of the overall application package, which are more comprehensively addressed in the attached materials, as follows:

PUD Master Plan Amendments and Conditional Use with a Compatibility Determination for Commercial Equestrian Arena : Staff supports the redesignation of the overall 96 acre property from its current designation of Polo and Tennis facility to Commercial Equestrian Arena (in part) and Polo facility (in part). The property has been utilized for various equestrian venues for many years and

should continue to support commercial equestrian venues. Approval of the request will give permanent approval to the site for the development of the International Dressage facility and allow for permanent facilities to be created to support that use.

This approval does not create a change to the long standing generic use of the property. We also firmly support the Equestrian Arena Compatibility Determination request.

Text amendments to allow hotel and commercial uses (Comprehensive Plan Text & Zoning Text):
Staff supports the idea of a hotel (or condo units) on the site, but does not believe that the height or intensity proposed is acceptable in the Equestrian Preserve Area. We believe that something possibly more intense and slightly higher than is currently allowed could be acceptable. We recommend the EPC work to consider what an appropriate height limit should be. We are also concerned with allowing the hotel and the commercial activity as permitted principal uses. We feel the related commercial uses should be allowed, as ancillary uses to the principal use of the property as a commercial Equestrian Arena. Therefore, some adjustment should be made to these proposed text amendments to assure that they are dependent on the continued commercial equestrian venue.

INFORMATION

Winter Equestrian Festival
Palm Beach International Equestrian
Center

14440 Pierson Rd.
Wellington, FL 33414
561.793.5867 phone
561.753.7727 fax

DIRECTIONS

The Winter Equestrian Festival is located at the Palm Beach International Equestrian Center in Wellington, Florida.

Approaching the show grounds from the Florida Turnpike, Exit #93, Lake Worth Blvd. Proceed West crossing over 441, 5 miles to South Shore Blvd. Turn right on South Shore Blvd. for 1 mile until you get to Pierson Road (light) turn left. Spectator Entrance: turn left at Equestrian Club Rd. (first left). Exhibitor Entrance: Turn left at Le Dice (fourth left).

Approaching the show grounds from Interstate 95, Exit 66. Go West on Forest Hills Blvd. for 11 miles to South Shore Blvd. Turn left on South Shore Blvd. and follow to Pierson Rd. Turn right on Pierson Road. Spectator Entrance: turn left at Equestrian Club Rd. (first left). Exhibitor Entrance: Turn left at Idle Dice (fourth left).



14440 Pierson Rd.

Wellington, FL 33414

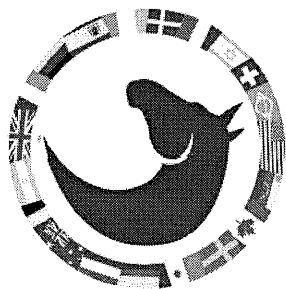
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2010
Concession
Information

Weekly Event Schedule

Subject to change without notice



Venue: Palm Beach International Equestrian Center.
Wellington, Florida

Week 1	Jan. 13-17, 2010
Hunter / Jumper	
Week 2	Jan. 20-24, 2010
Hunter / Jumper	
Week 3	Jan. 27-31, 2010
Hunter / Jumper	
Week 4	Feb. 3-7, 2010
Hunter / Jumper / Dressage	
Week 5	Feb. 10-14, 2010
Hunter / Jumper	
Week 6	Feb. 17-21, 2010
Hunter / Jumper	
Week 7	Feb. 24-28, 2010
Hunter / Jumper	
Week 8	Mar. 3-7, 2010
Hunter / Jumper	
Week 9	Mar. 10-14, 2010
Hunter / Jumper	
Week 10	Mar. 17-21, 2010
Hunter / Jumper	
Week 11	Mar. 24-28, 2010
Hunter / Jumper	
Week 12	Mar. 31-April 4, 2010
Hunter / Jumper	

RATES – MAIN GROUNDS

<u>Vendor Space</u>	<u>Per Week</u>
10 x 10 space	\$950.00
10 x 20 space	\$1,275.00
20 x 20 space	\$1,875.00
20 x 30 space	\$2,350.00
<u>Trailer Space</u>	<u>Per Week</u>
200 sq. feet or less	\$850.00
Over 200 sq feet	\$2.50/extra ft.

* Decks or tented areas outside trailer is considered additional square footage.

Food Vendor

The greater of: (a) minimum rent per week and (b) 25% of total weekly show sales before any deduction of expenses (Gross Sales). Minimum rent follows the same guidelines as Trailer Space above.

RATES – SOUTH GROUNDS

<u>Vendor Space</u>	<u>Per Week</u>
10 x 10 space	\$525.00
10 x 20 space	\$600.00
20 x 20 space	\$700.00
20 x 30 space	\$900.00

Trailer Space

<u>Trailer Space</u>	<u>Per Week</u>
200 sq. feet or less	\$525.00
Over 200 sq feet	\$2.00/extra ft.

* Decks or tented areas outside trailer is considered additional square footage

Food Vendor

Food and beverage vendors will be charged an additional \$150 per week or 10% gross revenue, whichever is greater.

Electric:	
20 amp	\$50.00 per week
50 amp	\$100.00 per week

Flooring:

Per sq. foot	\$2.00
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*One time charge only for multiple weeks

Walls:

Per sq. foot	\$2.00
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*One time charge only for multiple weeks

* Walls come in 4' x 8' sections

* Limited availability

Tables:

6 foot	\$15.00 per week
8 foot	\$20.00 per week
Chairs	\$3.00 per week

*Note: ALL CHARGES are subject to 6.5% sales tax.

SPACE ASSIGNMENTS will be made for applications received by October 15, 2009. Applications received after that date will be processed on a "space available" basis.

LEASE AGREEMENTS sent upon approval of Concession Applications must be completed, signed on the back and returned to Equestrian Sport Productions, 14440 Pierson Rd. Wellington, FL 33414 no later than December 1, 2009.

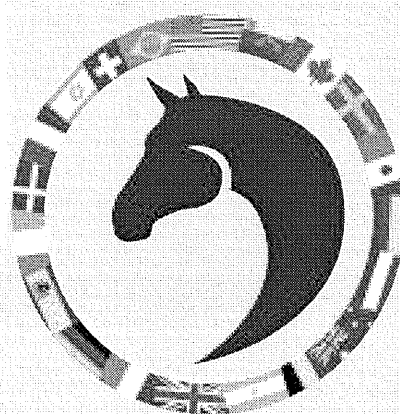
PAYMENT SCHEDULE - A 25% deposit of the total contract amount must be enclosed with the signed application. An additional 25% deposit is due with the returned lease agreement, which will be nonrefundable upon acceptance. *Balance shall be paid upon arrival or prior to opening on Wednesday of each show week.*

OCCUPATIONAL LICENSE & CERTIFICATE OF INSURANCE – Required prior to set-up. Certificate of Insurance requirements are listed in the concession lease agreement.

2010

Equestrian Sport Productions Summer & Early Fall Series

AT
Palm Beach International
Equestrian Center
14440 Pierson Road
Wellington, FL



ALL Shows
USEF, NAL &
MARSHALL & STERLING
LEAGUE
approved

June I #5029 June 4-6, 2010
"A" rated & 3* Jumper

June II #7126 June 11-13
"A" rated & 3* Jumper

ESP Summer III #230675 Aug. 27-29
"A" rated & 3* Jumper

ESP Labor Day #6371 Sept. 3-5
"A" rated & 3* Jumper

ESP September #4049 Sept. 17-19
"A" rated & 3* Jumper

Fl. State Fall #2807 Sept. 24-26
"A" rated & 3* Jumper

Rita & Irish Flynn #4049 Oct. 2-3
"C" rated & 2* Jumper

ESP October #7128 Oct. 8-10
"A" rated & 3* Jumper

Featuring

Early Stall Discount of \$30 per stall (See Details Inside)

Night Classes for Child/Adult Jumpers *\$20,000 June I & Labor Day
(*Review Specs for Additional Information)

\$10,000 Open Stake Class (All "A" shows)

\$5,000 Junior/Amateur Owner Jumper Stake (All shows)

Equitation Classes count towards
Equitation League Finals

NAL - M&S LEAGUE CLASSES

\$500 Children's/Adult Hunter Classics (All Shows)
\$500 Pony Hunter Classic (All Shows)

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Equestrian Sport Productions Staff

David Burton, Jr., Manager
Leanne Gamboa, Secretary & Announcer
Jennifer Glosson, Secretary
Betsy McKenzie, Secretary
Hali Miller, Secretary
Micki Kozich, Accountant
Palm Beach Equine Clinic- (561) 793-1599 (Also closest Surgical Center)
Nigel Hale, Announcer
William (Bubba) Harvey, Security & Grounds Supervisor
Julie Burton, Sponsorships and Stabling 561-239-5271
Drew Golden, Farrier 561-723-4481
Kathy Tessaro, Ribbons



Loxahatchee, FL
Coral Springs, FL
Wellington, FL
Wellington, FL
Coral Springs, FL
Wellington, FL
Wellington, FL
Ocala, FL
Brooksville, FL
Wellington, FL
Rustic Ranches, FL
Wellington, FL

"A" Shows Approved by:
US EQUESTRIAN FEDERATION
SOUTH FLORIDA HUNTER & JUMPER ASSOCIATION
SOUTHWEST FLORIDA HUNTER & JUMPER ASSOCIATION
FLORIDA STATE HUNTER & JUMPER ASSOCIATION
CENTRAL FLORIDA HUNTER & JUMPER ASSOCIATION
NORTH FLORIDA HUNTER & JUMPER ASSOCIATION
THE MARSHALL & STERLING LEAGUE
NORTH AMERICAN LEAGUE

Show Office :
Equestrian Sport Productions, LLC
14440 Pierson Road
Wellington, FL 33414
561-793-5867

Mail entries to:
Equestrian Sport Productions, LLC
Horse Show Office
14440 Pierson Road
Wellington, FL 33414

<http://esp.showgroundslive.com>
Check schedules, results, standings and future shows on the web.

Horse show management:

Equestrians Sport Productions, LLC
David Burton, Jr. Horse Show Operations Manager



Competition
Committee:
Mark Bellissimo
Katherine Bellissimo
Kimberly Boyer
Frederic Boyer
Dave Burton, Sr.
Ginny Burton

David Burton, Jr.
Julie Burton
Dennis Dammerman
Marsha Dammerman
R. Bruce Duchossois
Howard Dvorkin
Gwen Dvorkin
Kelley R. Farish

William Farish
Stuart Goldstein
Susan Goldstein
Danielle Goldstein
Jean Goutal
Toni Goutal
Timothy Hooker
Nancy Hooker

Craig Lindner
Frances Lindner
Caroline Moran
Charles Phillips
Candace Phillips
Justin Sandrian
Lee Kellogg
Sandrian

Roger Smith
Jennifer Smith
Ludwig Sollak
Carol Sollak
Andy Ziegler
Carlene Ziegler

OFFICIALS

EQUESTRIAN SPORT PRODUCTIONS, LLC JUNE I COMPETITION #5029 JUNE 4-6, 2010

HUNTER AND EQUITATION JUDGES: Spencer Chapin of South Salem, New York
Ann Pennington of Ft. Myers, Florida
JUMPER JUDGES: Jennifer Ross of Loxahatchee, Florida
HUNTER & JUMPER COURSE DESIGNERS: David E. Burton, Jr. of Loxahatchee, Florida and Catsy Cruz of Venezuela
STEWARD: Beth Reichenbach of Bradenton, Florida

EQUESTRIAN SPORT PRODUCTIONS, LLC JUNE II COMPETITION #7126 JUNE 11-13, 2010

HUNTER AND EQUITATION JUDGES: George Wallace of Raleigh, North Carolina
Megan MacCallum of Freeville, New York
JUMPER JUDGES: Jason Gates of Tequesta, Florida
HUNTER & JUMPER COURSE DESIGNERS: David E. Burton, Jr. of Loxahatchee, Florida and Catsy Cruz of Venezuela
STEWARD: Mesa Hart of Wellington, Florida

EQUESTRIAN SPORT PRODUCTIONS, LLC SUMMER III COMPETITION #230675 AUGUST 27-29, 2010

HUNTER AND EQUITATION JUDGES: Claudia McQuillen of Wellington, Florida
Gary Duffy of Wellington, Florida
JUMPER JUDGES: Jason Gates of Tequesta, Florida
JUMPER COURSE DESIGNERS: Pablo Gamboa of Coral Springs, Florida and David E. Burton, Jr. of Loxahatchee, Florida
HUNTER COURSE DESIGNERS: Pablo Gamboa of Coral Springs, Florida and David E. Burton, Jr. of Loxahatchee, Florida
STEWARD: Mesa Hart of Wellington, Florida

EQUESTRIAN SPORT PRODUCTIONS, LLC LABOR DAY COMPETITION #6371 SEPTEMBER 3-5, 2010

HUNTER AND EQUITATION JUDGES: Traci Weston of Tampa, Florida
Jim Zulia of Eustis, Florida
JUMPER JUDGES: Jason Gates of Tequesta, Florida
HUNTER & JUMPER COURSE DESIGNERS: David E. Burton, Jr. of Loxahatchee, Florida
STEWARD: Beth Reichenbach of Bradenton, Florida

EQUESTRIAN SPORT PRODUCTIONS SEPTEMBER COMPETITION #4049 SEPTEMBER 17-19, 2010

HUNTER AND EQUITATION JUDGES: Rob Bielefeld of Wellington, Florida
Jim Giblin of Tampa, Florida
JUMPER JUDGES: Jenny Ross of Loxahatchee, Florida
HUNTER & JUMPER COURSE DESIGNERS: David E. Burton, Jr. of Loxahatchee, Florida and Robert McGregor of Wellington, Florida
STEWARD: Mesa Hart of Wellington, Florida

EQUESTRIAN SPORT PRODUCTIONS FLORIDA STATE FALL COMPETITION #2807 SEPTEMBER 24-26, 2010

HUNTER AND EQUITATION JUDGES: Lisa Foster of Dover, Massachusetts
Sabina Chambers-Hutchinson of Shelbyville, Kentucky
JUMPER JUDGES: Jenny Ross of Loxahatchee, Florida
HUNTER & JUMPER COURSE DESIGNERS: David E. Burton, Jr. of Loxahatchee, Florida and Robert McGregor of Wellington, Florida
STEWARD: Tom Hamilton of Ocala, Florida

EQUESTRIAN SPORT PRODUCTIONS RITA & IRISH FLYNN MEMORIAL COMPETITION #315415 OCTOBER 2-3, 2010

HUNTER AND EQUITATION JUDGES: Chris Gilman of Loxahatchee, Florida
Ellen Raidt of Loxahatchee, Florida
JUMPER JUDGES: Jenny Ross of Loxahatchee, Florida
HUNTER & JUMPER COURSE DESIGNERS: Archer "Skip" Bailey of Wellington, Florida
STEWARD: Mesa Hart of Wellington, Florida

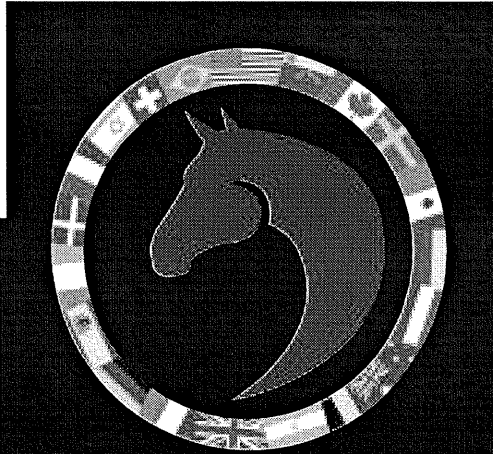
EQUESTRIAN SPORT PRODUCTIONS OCTOBER COMPETITION #7128 OCTOBER 8-10, 2010

HUNTER AND EQUITATION JUDGES: Scott Fitton of Ithaca, New York
George Wallace of Raleigh, North Carolina
JUMPER JUDGES: Jenny Ross of Loxahatchee, Florida
HUNTER & JUMPER COURSE DESIGNERS: Archer "Skip" Bailey of Wellington, Florida
STEWARD: Mesa Hart of Wellington, Florida

2010

Equestrian Sport Productions Fall Prize List

AT
Palm Beach International
Equestrian Center
14440 Pierson Road
Wellington, FL



USEF, NAL &
MARSHALL & STERLING
LEAGUE
approved

Fall II "A" and Jumper 3
USEF #6489
October 22-24, 2010

Fall Finale and Jumper 3
USEF #6963
November 5-7, 2010

Fall III "A" and Jumper 3
USEF #261901
October 29-31, 2010

ESP November "C" and Jumper 2
USEF #7129 "new lower fees"
November 13-14, 2010
Counts for both PBCHA & ESP
Circuits

ESP Pre-Charity
Comp. #316789 (new lower fees)
November 20-21, 2010
Equitation League Finals

Featuring

Early Stall Discount of \$30 per stall (See Details Inside)

\$10,000 Open Stake Class (All "A" shows)

\$2,500 Junior/Amateur Owner Jumper Stake (All shows)

NAL - M&S LEAGUE CLASSES

\$500 Children's/Adult Hunter Classics (All Shows)

\$500 Pony Hunter Classic (All Shows)

Equestrian Sport Productions Staff

David Burton, Jr., Manager
Leanne Gamboa, Secretary & Announcer
Jennifer Glosson, Secretary
Betsy McKenzie, Secretary
Hali Miller, Secretary
Palm Beach Equine Clinic- (561) 793-1599 (Also closest Surgical Center)
Nigel Hale, Announcer
William (Bubba) Harvey, Security & Grounds Supervisor
Julie Burton, Sponsorships and Stabling 561-239-5271
Nick Russo, Farrier 561-662-5187 (on call)
Kathy Tessaro, Ribbons



Loxahatchee, FL
Coral Springs, FL
Wellington, FL
Wellington, FL
Coral Springs, FL
Wellington, FL
Ocala, FL
Wellington, FL
Loxahatchee, FL
Loxahatchee, FL
Wellington, FL

US EQUESTRIAN FEDERATION
CFHJA "A" SHOWS ONLY
SOUTH FLORIDA HUNTER & JUMPER ASSOCIATION
SOUTHWEST FLORIDA HUNTER & JUMPER ASSOCIATION
THE MARSHALL & STERLING LEAGUE
NORTH AMERICAN LEAGUE
PALM BEACH COUNTY HORSEMAN'S ASSOC.
(PBCHA- November 20-21 Only)

Show Office :
Equestrian Sport Productions, LLC
14440 Pierson Road
Wellington, FL 33414
561-793-5867

Mail entries to:
Equestrian Sport Productions, LLC
Horse Show Office
14440 Pierson Road
Wellington, FL 33414

<http://esp.showgroundslive.com>
Check schedules, results, standings and future shows on the web.

Horse show management:

Equestrians Sport Productions, LLC
David Burton, Jr. Horse Show Operations Manager



Competition
Committee:
Mark Bellissimo
Katherine Bellissimo
Kimberly Boyer
Frederic Boyer
Dave Burton, Sr.
Ginny Burton

David Burton, Jr.
Julie Burton
Dennis Dammerman
Marsha Dammerman
R. Bruce Duchossois
Howard Dvorkin
Gwen Dvorkin
Kelley R. Farish

William Farish
Stuart Goldstein
Susan Goldstein
Danielle Goldstein
Jean Goutal
Toni Goutal
Timothy Hooker
Nancy Hooker

Craig Lindner
Frances Lindner
Caroline Moran
Charles Phillips
Candace Phillips
Justin Sandrian
Lee Kellogg
Sandrian

Roger Smith
Jennifer Smith
Ludwig Sollak
Carol Sollak
Andy Ziegler
Carlene Ziegler

OFFICIALS

EQUESTRIAN SPORT PRODUCTIONS, LLC FALL II OCTOBER 22-24, 2010

HUNTER AND EQUITATION JUDGES: Dee Matter of Wellington, FL
Ron Smith of Allentown, PA
JUMPER JUDGES: Jason Gates of Tequesta, FL

HUNTER & JUMPER COURSE DESIGNERS: Robbie McGregor and Skip Bailey

STEWARD: Beth Reichenbach of Bradenton, FL

EQUESTRIAN SPORT PRODUCTIONS, LLC FALL III OCTOBER 29-31, 2010

HUNTER AND EQUITATION JUDGES: Paddy Downing-Nyegard of Thonotosassa, FL
Otis Brown of Wellington, FL
JUMPER JUDGES: Jenny Ross of Loxahatchee, FL

HUNTER & JUMPER COURSE DESIGNER: Skip Bailey and Danny Moore

STEWARD: Mesa Hart of Wellington, FL

EQUESTRIAN SPORT PRODUCTIONS, LLC FALL FINALE NOVEMBER 5-7, 2010

HUNTER AND EQUITATION JUDGES: Betsy Perry of Wellington, FL
Jeff Wirthman of Wellington, FL
JUMPER JUDGES: Jeff Smiley of Lexington, KY

HUNTER & JUMPER COURSE DESIGNER: Danny Moore and Skip Bailey

STEWARD: Beth Reichenbach of Bradenton, FL

EQUESTRIAN SPORT PRODUCITONS, LLC NOVEMBER "C" NOVEMBER 13-14, 2010

HUNTER AND EQUITATION JUDGES: Chris Gilman of Wellington, FL
Ellen Raidt of Wellington, FL
Pam Whiteman of West Chester, PA
JUMPER JUDGES: Pat Duncan of Wellington, FL

HUNTER & JUMPER COURSE DESIGNERS: Skip Bailey and Robbie McGregor

STEWARD: Kiki Umla of Wellington, FL

EQUESTRIAN SPORT PRODUCTIONS PRE-CHARITY NOVEMBER 20-21, 2010

HUNTER AND EQUITATION JUDGES: Ralph Caristo of Saugerties, NY
Lynn Forgione of Summit, NC
Troy Hendricks of Chester Springs, PA
Gary Duffy of Wellington, FL
JUMPER JUDGES: Jeff Smiley of Lexington, KY

HUNTER & JUMPER COURSE DESIGNERS: Danny Moore

STEWARD: Mesa Hart of Wellington, FL





VILLAGE OF WELLINGTON

Planning, Zoning & Building Department

12794 Forest Hill Blvd., Suite 23, Wellington, FL 33414 (561) 753-2430 Fax (561) 753-2439

STAFF USE ONLY
RECEIVED

By Planning and Zoning at 11:05 am, Sep 07, 2011

Fee Paid: _____

Receipt #: _____

Petition #: _____

CONDITIONAL USE APPLICATION

INSTRUCTIONS TO APPLICANTS:

1. Please complete all questions on the application. If not applicable, indicate with N/A.
2. Provide required attachments as shown on the attached checklist.
3. Filing Fees to be paid:

I. PROPERTY OWNER AND AGENT INFORMATION

Address: (SEE ATTACHED LIST) City: _____ ST: _____ Zip: _____

Phone: _____ FAX: _____

Applicant (if other than owner): Michael Stone, Equestrian Sport Productions, LLC

Address: 14440 Pierson Road City: Wellington ST: FL Zip: 33414

Phone: (561) 793-5867 FAX: (561) 258-2395

Agent & Company Name: Sexton Engineering Associates, Inc.

Address: 110 Ponce de Leon Street, Suite 100 City: Royal Palm Beach ST: FL Zip: 33411

Phone: (561) 792-3122 FAX: (561) 792-3168

Consultants: If applicable to your request, please attach a separate list of all consultants that will provide information on this request. You should include the name, address, telephone number, and fax number as well as the type of professional service provided.

II. CONDITIONAL USE REQUEST

Include a brief description of proposed use(s) including density/intensity and summary of request: _____

This application proposes an Equestrian Area and support facilities, a Motel and Commercial Rental and Office Development. Additionally, minor text amendments are requested to the Equestrian Overlay Zoning District.

III. PROPERTY LOCATION

A. Is the subject property located within one mile of another municipality? [] yes [x] no

If 'yes' please specify: _____

B. Property Control Number (PCN): If additional PCNs, list on a separate sheet and attach to the application.

PCN: (SEE ATTACHED LIST)

C. Section: 16 Township: 44S Range: 41E Total Acreage of Subject Property 59.43 acres

D. Project Name: Wellington Equestrian Village

E. Project Address: 13466 South Shore Blvd, Wellington, Florida

F. General Location Description (proximity to closest major intersection in miles or fractions thereof):

This property is located at the northeast corner of South Shore Blvd and Pierson Road.

I. Property Owner and Agent Information

Property Owner(s) of Record of Impacted Properties:

Owner

Far Niente Stables II, LLC
14440 Pierson Road
Wellington, FL 33414

Polo Field One, LLC
14440 Pierson Road
Wellington, FL 33414

Stadium North, LLC
14440 Pierson Road
Wellington, FL 33414

Stadium South, LLC
14440 Pierson Road
Wellington, FL 33414

Manager/Officer

Mark Bellissimo, Managing Member
14440 Pierson Road
Wellington, FL 33414

Mark Bellissimo, Managing Member
14440 Pierson Road
Wellington, FL 33414

Mark Bellissimo, Managing Member
14440 Pierson Road
Wellington, FL 33414

Mark Bellissimo, Managing Member
14440 Pierson Road
Wellington, FL 33414

III. PROPERTY LOCATION

B. Property Control Number (PCN):

73-41-44-16-00-000-5060

73-41-44-16-00-000-5070

73-41-44-16-00-000-5050

73-41-44-16-00-000-5030

73-41-44-16-00-000-5040

IV. LAND USE AND ZONING INFORMATION

- A. Zoning Designation: PUD/EZOD/CR Future Land Use Designation: Commercial Recreation (CR)
- B. Existing Use(s) on Property: Equestrian Arena and Support Facilities
- C. Proposed Use(s): Equestrian Arena and Support Facilities, Motel and Commercial Retail and Office Development

V. PROJECT HISTORY

(List in sequence from first zoning application to most recent – attach additional page if necessary):

Petition Number	Request	Action	Date	Resolution Number

VI. ADJACENT PROPERTIES

Adjacent Property to the:	Land Use Designation	Zoning Designation	Existing Use(s) of Property	Approved Use(s) of Property*	Petition & Resolution Number
NORTH	Comm. Rec/Res.D	PUD/CR/MF Res	Comm./Residential	CR/MF Res.	
SOUTH	Comm. Rec	PUD/EOZD	Equestrian Res.	CR/Equestrian	
EAST	Res. D.	PUD/MF Res	Residential	MF-Residential	
WEST	Community Comm.	PUD/Com	Commercial	Commercial	

- * If adjacent land supports a previous approval by the Village of Wellington, please include a brief description of the approved use(s) and the approved square footage or number of dwelling units.

VII. COMPLIANCE

(Attach additional sheets if necessary)

- A. Is property in compliance with all previous conditions of approval and/or applicable Code requirements? If no, please explain, [X] yes [] no : _____
- B. Code Enforcement Case Number(s): N/A

VIII. TABULAR DATA (See Attached)

PROJECT DATA	LAST BCC OR VC APPROVAL	LAST DRC APPROVAL	REQUIRED PER CODE	PROPOSED	+/- CHANGE
Acreage (total gross)					
Acreage (total net)					
Lot Frontage (ROW feet)					
Lot depth (maximum)					
Lot Width (minimum)					
Total Dwelling Units (du's)					
# of Single Family (SF)					
# of Zero Lot Line (ZLL)					
# of Townhouses (TH)					
# of Multi-Family (MF)					
Density					
Total Sq. Footage					
Commercial SF					

V. Tabular Data					
Project Data				Proposed	
Acreage (total gross site)				59.29AC	
Parcel 30C-2N: Retail/Office Complex				75,000SF	
Restaurant				20,000SF	
Retail/Gen. Commercial				25,000SF	
Office				30,000SF	
Parcel 30C-2S: Hotel Complex				220,000SF	
Hotel Units				100 Units	
Banquet Hall					
Health & Fitness Club					
Meeting Rooms					
Parcel 30C-3: World Dressage Complex				101,080SF	
Equestrian Stables				74,880SF	
Banquet Hall				15,000SF	
Kitchen				1,200SF	
Storage Building				10,000SF	
Covered Equestrian Arena (200'x360')				500 Seats	
Total Floor Are Ratio				0.15	
Total Building Coverage				9.9%	
Impervious Area				20.08AC	
Building Coverage				5.85AC	
Pavement/Concrete				14.23AC	
Pervious Area					
Open Space				39.21AC	
Building Height					
Retail/Office (2 Story)				35' Max	
Hotel (4 story & Covered Parking)				60' Max	
Equestrian Arena				35' Max	
Finished Floor Elevation				17.50FT NGVD Min	
Parking Spaces:		Min. Std.	Quantity	Required	
Parcel 30C-2N					
Retail/Office		1 SP/200SF	55,000SF	275	

V. Tabular Data					
Restaurant		1 SP/80SF	20,000SF	250	
Total Required				525	
Handicap Required				11	
Parcel 30C-2S					
Hotel Units		1 SP/Unit	100 Units	100	
Employees		1SP/Emp.	25 Emp.	25	
Total Required				125	
Handicap Required				5	
Parcel 30C-3					
Stable		1 SP/ 300SF	74,800SF	250	
Stalls		1 SP/3 Stalls	400 Stalls	134	
Total Required				384	
Handicap Required				8	
Total Spaces Required				1,034	
Total Shared Spaces Provided				953	
Utility Tract					
Cell Tower				0.04 AC	

Industrial SF					
Other SF					
# of Rooms					
# of Seats					
# of Beds					
# of Children					
# of Drive-Thru Lanes					
Floor Area Ratio (FAR)					
% Lot Coverage					
Maximum Structure Height					
Impervious Surface Area					
Open Space Area					
Recreation Area					
Preserve Area					
Civic Area					
Institutional Area					
Total Parking Spaces					
Handicap Parking Spaces					
# of Access Points/Roads					
# of Loading Areas/Spaces					
Accessory Structures (% FAR)					
Setbacks: Front/Rear					
Side Interior/Side Corner					

IX. APPLICANT'S STATEMENT OF JUSTIFICATION
(Attach additional sheets if necessary)

The applicant is to explain how the request conforms to the following: (SEE ATTACHED)

A. That the proposed request is consistent with all elements of the Comprehensive Plan.

B. That the proposed request is in compliance with Section 6.6 of the ULDC (Supplementary Regulations).

IX. APPLICANT'S STATEMENT OF JUSTIFICATION

Justification Statement for Conditional Use Approval To Allow Equestrian Village and Motel

Section 1: Introduction

This project includes the original Palm Beach Polo Stadium property and two adjacent polo fields. Because of its location and the polo stadium and fields, this site served as a monumental gateway to Wellington's equestrian community, which was officially established as the Wellington Equestrian Preserve Area upon incorporation of Wellington and adoption of its Comprehensive Plan.

From serving as the defining symbol of Wellington's equestrian industry and its place in the international level of equestrian sport, it ceased to be a major polo venue by the early 2000's and fell into disrepair following the mid-decade hurricanes.

For over a decade the residents of Wellington, equestrians and non-equestrians alike, have been concerned about the ultimate use of this property.

While most in the Village wanted this site to re-emerge as a true venue gateway to the Wellington Equestrian Preserve, many doubted it could be done.

Indeed, in 2006, a group of investors attempted to have the property removed from the Equestrian Preserve Area and have it designated for traditional urban development. Their efforts were supported by some people in Wellington who considered traditional urban development as inevitable for the site. And even some in the equestrian community considered urban development on the site as inevitable.

There were, however, those in Wellington's equestrian community who fought vigorously against the proposed shopping center and the site's removal from the Equestrian Preserve. The Village Council wisely denied the project.

However, even those who organized the opposition to the project wondered if an economically feasible balance of uses could be found that would maintain the site as an equestrian venue.

In 2007, Wellington Equestrian Partners acquired the property but with no firm plan other than to one day establish an equestrian venue as the property's principle use.

Fortunately that day is arriving. It is being proposed that the property become the third pillar of Wellington's equestrian industry: An international dressage venue that will join the International Polo Club and the Palm Beach International Equestrian Center.

Its greatest intangible benefit is that Wellington will once again have an international equestrian venue at the historic gateway to the Equestrian Preserve. And the visual impression the project will generate will be much more impressive than the original stadium. The tangible benefits will be many: Strengthening of property values throughout the Equestrian Preserve, creating a nearby venue for the many dressage farms in Wellington, creating employment and income, generating taxes for Wellington and other governmental entities, and further strengthening Wellington's position in the world of equestrian sport by creating a dressage venue for international competition.

Equestrian Sport Productions, LLC Horse Show Statement

2012 WEF 2 Wellington Equestrian Realty CSI 2* "AA"
 14440 Pierson Road
 Wellington FL 33414
 (561) 793-5867
 From 1/18/12 to 1/22/12

01/21/2012

Entry 4720

Horse MEDRANO

USEF # 4911664

Bill To HARVEY COLEMAN 14224 STROLLER WAY WELLINGTON FL 07446 USEF #: 2974	Prize Money Recipient HARVEY COLEMAN 14224 STROLLER WAY WELLINGTON FL 07446 USEF #: 2974
Rider HARVEY COLEMAN 14224 STROLLER WAY WELLINGTON FL 07446 USEF #: 2974	Owner HARVEY COLEMAN 14224 STROLLER WAY WELLINGTON 07446 USEF #: 2974

Entry Fees

1107 - Training Jumper - .92m [HARVEY COLEMAN]	45.00
1108 - Training Jumper - .92m [HARVEY COLEMAN]	45.00
Subtotal Entry Fees	\$90.00

Other Fees

1/17/12	4:25 PM	Post Entry Fee	1.00	50.00	50.00
1/17/12	4:27 PM	Pre-Paid Stall	1.00	0.00	0.00
1/17/12	4:30 PM	Office Fee	1.00	75.00	75.00
1/17/12	4:30 PM	USEF Fee	1.00	16.00	16.00
1/17/12	4:30 PM	Ambulance Fee	1.00	10.00	10.00
1/17/12	4:30 PM	Zone Support Fee	1.00	2.00	2.00
Subtotal Other Fees					\$153.00
Sales Tax					\$.00
Total Fees					\$243.00

Payments/Credits

Payments	\$.00
Total Due	\$243.00

Placings

Class # Name	Rider	Place	Prize \$	Printed	Applied
--------------	-------	-------	----------	---------	---------

Notes

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Please Note- Prize money will not apply unless there is a Social Security Number or TIN for the prize money

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**ACKNOWLEDGEMENT OF RECEIPT
PALM BEACH COUNTY CODE OF ETHICS
TRAINING FOR MUNICIPAL
EMPLOYEES AND OFFICIALS***


Check those items that apply

I acknowledge that I have read a copy of the Palm Beach County Code of Ethics (printed or posted on the intranet/internet) and completed additional training by:

- ☒ Watching the Code of Ethics Training Program on the Intranet/Internet.
☐ Watching the Code of Ethics Training Program on DVD.
☐ Attending a live presentation given on _____, 20__.

I understand that I am responsible for understanding and abiding by the Palm Beach County Code of Ethics as I conduct my assigned duties during my term of employment. I also understand that the information in this policy is subject to change. Policy changes will be communicated to me by my supervisor or through official notices.

Scott J. Swerdlin, D.V.M.
Palm Beach Equine Clinic
Wellington, FL Lic. # 2157
(Clearly Print Your Legal Name)


(Legal Signature)

EQUESTRIAN PRESERVE COMMITTEE
(Clearly Print the Name of Your Department)

13 June, 2011
(Date)

*Employees: Submit signed form to your Department Head
Department Heads: Submit signed forms to Records, Human Resources
Advisory Board Members: Submit signed forms to appropriate municipal representative*

***This Form is for Municipal Employees and
Elected/Appointed Officials**

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FREE GENERAL ADMISSION AND PARKING

EQUESTRIAN SPORT PRODUCTIONS PRESENTS:



First Annual

The Great Charity Challenge

Pro-Am Show Jumping Event

March 20, 2010 at 6pm

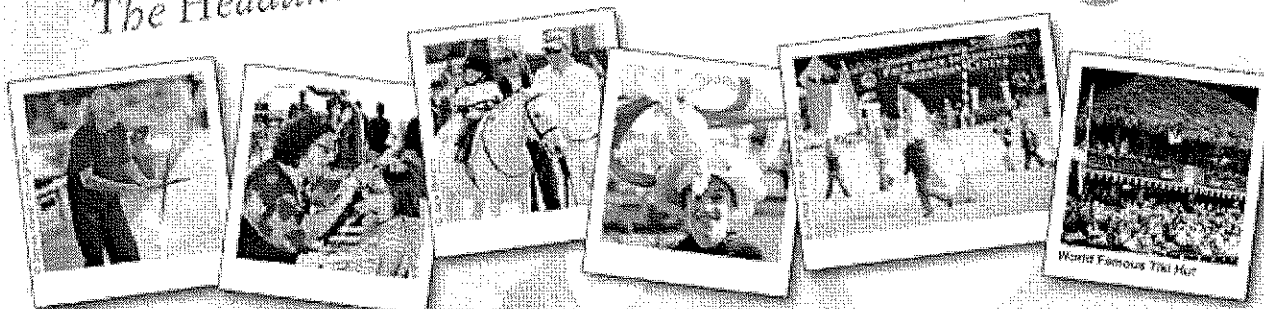
**24 Teams Featuring 10 Olympic Champions
in a first of its kind relay race**

**Raising an estimated \$500,000 for 24 worthy
Palm Beach County based charities.**



**LIVE BAND -
The Headliners**

**Fun for the whole family with
Key West Jugglers, FireBreathers,
& Magicians, Carnival Activities,
Face Painters, Petting Zoo,
Pony Rides, Sky Divers, Bounce House,
Cha Cha, Salsa, & Breakdance Exhibitions.
Food and Beverage Available**



The signature event of the 2010 FTI Winter Equestrian Festival will support the following Charities.

Amada J. Buckley Give A Smile to a Child Foundation
American Red Cross - Greater Palm Beach Area Chapter
A Second Chance Puppies and Kittens Rescue
Boys and Girls Club of Wellington
Candida Centre of Boynton Beach
Children, Hope and Horses
Equestrian Aid Foundation
Families First of Palm Beach County

Firefighters/Paramedics Benevolent Fund
Hannah's Home of South Florida
Hospital of Palm Beach County
Humane Equine Aid and Rapid Transport Center (HEART)
Jewish Adoption and Foster Care Options (JAFCO)
Just World International
Leukemia and Lymphoma Society
Little Seals

MS Care Fund
Pamper Ridge Conservation Center
Police Law Enforcement Fund Assistance Foundation
Right to Play
Stand Down House
Step by Step Foundation
Vincennes Therapeutic Riding Center
YMCA of the Palm Beaches

RED BONUS

IPC and ESP present
**Celebrity Arena
Polo Match**
Thursday, March 18th
6PM at PBICC Showgrounds
to raise funds for GCC
CBO Argentinian Acadia

Buy a
uniquely
numbered
Sequential
T Shirt
to support
your favorite



Purchase reserved stadium seating tickets online
in advance for \$20

Contact Annette Goyette for VIP options
Annette@equestriansport.com

WWW.EQUESTRIANSPORT.COM

125

Equestrian Sport Productions & International Polo Club present



ROCK & ROLL POLO

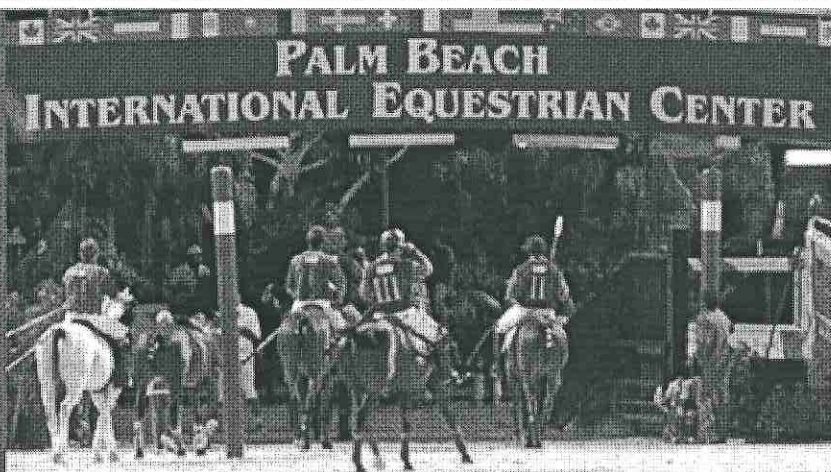
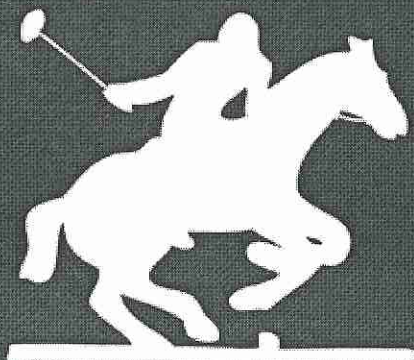


IN SUPPORT OF THE GREAT CHARITY CHALLENGE

THURSDAY
MARCH 18TH
6 P.M.

INTERNATIONALE ARENA
PALM BEACH INTERNATIONAL
EQUESTRIAN CENTER

EQUESTRIAN CLUB ROAD
561.793.5867



6 TEAMS WITH TOP PLAYERS INCLUDING
NICOLAS ROLDAN BRANDON PHILLIPS MIKE AZZARO CARLOS GRACIA

PARTY AT THE TIKI HUT

\$20 PER PERSON (100% DONATED TO CHARITY)

ARGENTINE ASADO

MUSIC BY D.J. JAMES WOOSTER

LIVE AUCTION

ITEMS INCLUDE


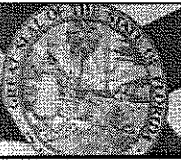
12 PERSON ARGENTINE ASADO WITH CELEBRITY CHEF
NACHO FIGUERAS AT THE WHITE HORSE TAVERN PATIO

PRE PURCHASE VET EXAM BY PALM BEACH EQUINE

TICKETS TO THE JAKOB CONCERT ON MARCH 19TH

POLO LESSONS WITH NICOLAS ROLDAN & MIKE AZZARO

\$1,000 GIFT CERTIFICATE TO TACKERIA

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<u>Florida Limited Liability Company</u>					
WELLINGTON EQUESTRIAN PARTNERS, LLC					
<u>Filing Information</u>					
Document Number L06000000731					
FEI/EIN Number 204099542					
Date Filed 01/03/2006					
State FL					
Status ACTIVE					
Effective Date 01/03/2006					
<u>Principal Address</u>					
14440 PIERSON ROAD WELLINGTON FL 33414					
Changed 04/29/2008					
<u>Mailing Address</u>					
14440 PIERSON ROAD WELLINGTON FL 33414					
Changed 04/29/2008					
<u>Registered Agent Name & Address</u>					
BELLISSIMO, MARK J 13501 SOUTH SHORE BLVD. SUITE 103 WELLINGTON FL 33414 US					
Name Changed: 02/17/2010					
Address Changed: 02/17/2009					
<u>Manager/Member Detail</u>					
<u>Name & Address</u>					
Title MGRM					
BELLISSIMO, MARK J 14440 PIERSON ROAD WELLINGTON FL 33414					
<u>Annual Reports</u>					
<u>Report Year Filed Date</u>					
2009 02/17/2009					
2010 02/17/2010					


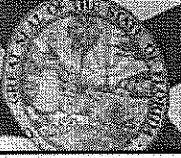
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2011 04/19/2011

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<u>Florida Limited Liability Company</u>					
EQUESTRIAN SPORT PRODUCTIONS, LLC					
<u>Filing Information</u>					
Document Number L07000104594					
FEI/EIN Number 261244017					
Date Filed 10/15/2007					
State FL					
Status ACTIVE					
Effective Date 10/15/2007					
<u>Principal Address</u>					
14440 PIERSON ROAD WELLINGTON FL 33414 US					
Changed 04/29/2008					
<u>Mailing Address</u>					
14440 PIERSON ROAD WELLINGTON FL 33414 US					
Changed 04/29/2008					
<u>Registered Agent Name & Address</u>					
BELLISSIMO, MARK J 13501 SOUTHSORE BLVD. SUITE 103 WELLINGTON FL 33414 US					
Name Changed: 02/17/2010					
Address Changed: 02/10/2009					
<u>Manager/Member Detail</u>					
<u>Name & Address</u>					
Title MGR					
BELLISSIMO, MARK J 14440 PIERSON ROAD WELLINGTON FL 33414					
<u>Annual Reports</u>					
<u>Report Year Filed Date</u>					
2009 02/10/2009					
2010 02/17/2010					

2011 04/19/2011

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<u>Florida Limited Liability Company</u>					
PALM BEACH EQUINE MEDICAL CENTERS, LLC					
<u>Filing Information</u>					
Document Number	L08000033318				
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<u>Principal Address</u>					
13125 SOUTHFIELDS RD WELLINGTON FL 33414 US					
<u>Mailing Address</u>					
13125 SOUTHFIELDS RD WELLINGTON FL 33414 US					
<u>Registered Agent Name & Address</u>					
SWERDLIN, SCOTT J 13125 SOUTHFIELDS RD WELLINGTON FL 33414 US					
<u>Manager/Member Detail</u>					
<u>Name & Address</u>					
Title MGRM					
SWERDLIN, SCOTT J 13125 SOUTHFIELDS RD WELLINGTON FL 33414 US					
Title MGR					
BRUSIE, ROBERT W 13125 SOUTHFIELDS RD WELLINGTON FL 33414 US					
Title MGR					
WHEELER, RICHARD 13125 SOUTHFIELDS RD WELLINGTON FL 33414 US					
Title MGR					
WOLLENMAN, PAUL 13125 SOUTHFIELDS RD WELLINGTON FL 33414					
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Equestrian Sport Productions Announces Partnership with Palm Beach Equine Medical Center to Provide Emergency Care Service to Palm Beach International Equestrian Center



Wellington, FL. Nov 17th 2009. ESP has entered into a strategic partnership with Palm Beach Equine Medical Center in Wellington to provide an emergency response system for both the care and transport of horses injured on the show grounds during competition. The partnership has been formed in an effort to continue to provide the safest and most state of the art competition environment for both riders and horses.

In addition to providing the equine ambulance during the competition days, Palm Beach Equine Medical Center will have a veterinarian on the ambulance staff to care for the horse during the initial emergency response. If necessary, the horse will be transported by the Equine Ambulance to the Palm Beach Equine Medical Center facility located just minutes away from the Palm Beach International Equestrian Center facility. Palm Beach Equine Medical Center, the official Veterinary Practice for the 2010 FTI Winter Equestrian Festival is one of the leading Equine Veterinary Facilities in the United States. The Center has 14 veterinarians on staff as well as many technicians and support staff.

Dr. Scott Swerdlin, partner in the Equine Clinic states "It is an honor to be chosen again by ESP to provide veterinary support, not only as the Show Veterinarians but also to provide continuity for emergency services. We hope that all the participants will appreciate that their performance horse will receive the uppermost care in the event of an emergency. We all rest easier knowing the Dr. Bob Brusie, Board Certified Surgeon is immediately available in the unlikely event of serious injury."

Michael Stone, President of ESP continues that "horse welfare being the top priority, having a veterinarian on board the ambulance is a first for Wellington and will maximize efficiency to treat the most serious injuries with the least delay possible. ESP is grateful to have such world class veterinary care both on the show grounds and aboard the ambulance."

The Equine Ambulance will be available throughout the 2010 FTI Winter Equestrian Festival as well as most of the ESP Show Series.=

The Palm Beach International Equestrian Center
in Wellington -"
Equestrian Sport Lives Here!"

Michael Stone EVP
Equestrian Sport Productions, LLC
14440 Pierson Rd., Wellington, FL 33414

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561-727-9353
michaelstone2811@hotmail.com

EquestrianSport.com

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THE GALLE LAW GROUP, P.A.

Attorneys & Counselors-At-Law

13501 South Shore Boulevard, Suite 103
Wellington, Florida 33414

Tel: (561) 798-1708
Fax: (561) 798-1709

February 14, 2012

VIA FACSIMILE & U.S. MAIL
(561) 835-0547

J.D. Small, Esq.
420 Royal Palm Way
310
Palm Beach, Florida 33480

Re: **Scott J. Swerdlin, DVM**
Case No. C11-027

Dear Mr. Small:

I represent Dr. Scott J. Swerdlin, DVM, the respondent in the above captioned ethics complaint. As I mentioned in our brief telephone conversation last week, there are numerous factual mistakes made by both the individual who filed the complaint, Carol Coleman, and the resulting *Memorandum of Inquiry* authored by James A. Poag. The factual inaccuracies make it clear that an ethical investigation is both unfounded and unwarranted.

I. Carol Coleman's December 15, 2012 Complaint.

In her Complaint, Ms. Coleman contends that "Dr. Swerdlin has a business relationship with the petitioner." This is untrue. The "petitioner" was actually four (4) petitioners – Polo Field One, LLC, Far Niente Stables II, LLC, Stadium South, LLC and Stadium North, LLC. Neither Dr. Swerdlin, nor his veterinary practice Palm Beach Equine Clinic ("PBEC"), have ever done any work with, for, or on behalf of any of these entities.

In her Complaint, Ms. Coleman contends that that Dr. Swerdlin "gains financially from the action taken by the committee." This is untrue. Because Dr. Swerdlin and PBEC have no relationship, business or otherwise, with any of the petitioners, Polo Field One, LLC, Far Niente Stables II, LLC, Stadium South, LLC and Stadium North, LLC, there is no way he could gain financially from any of them.

In her Complaint, Ms. Coleman contends that that "Dr. Swerdlin has a contract with ESP and Mr. Mark Bellissimo."¹ This is untrue. Dr. Swerdlin does not have a contract with ESP or Mark Bellissimo.

In her Complaint, Ms. Coleman contends that that "Dr. Swerdlin's contract conflicts [and] that he also would benefit financially from the change in use for the property that is directly across the street from him." This is untrue. The land subject to the application submitted by Polo Field One, LLC, Far Niente Stables II, LLC, Stadium South, LLC and Stadium North, LLC is not "directly across the street." It is approximately 1/3 of a mile down Pierson Road and, in fact, is in direct competition. If anything, the presence of the Equestrian Village could reduce the number of boarders at the Palm Beach Equine Sports Complex.

The Memorandum of Inquiry.

1.

- a. Paragraph 2: The complaint alleges that on December 14, 2011, the Committee met to discuss and vote on planning and zoning amendments for the proposed Equestrian Village Project.
- b. Page 4, paragraph 4:
 - i. **Not factual.** Palm Beach Equine Medical Centers, LLC is not given space at the Winter Equestrian Festival.
 - ii. **Not factual.** Palm Beach Equine Medical Centers, LLC does not receive space nor has it ever received space on the main show grounds.
 - iii. **Not factual.** Dr. Swerdlin is not the Official Veterinarian for ESP and is not present at every show.
 - iv. **Not factual.** Dr. Swerdlin does not receive a \$75.00 ambulance fee for every horse that is entered into the show.

FACT – Palm Beach Equine Clinic, LLC provides veterinary services on an emergency basis for Equestrian Sports Productions, LLC ("ESP").

FACT – as a result of emergency services provided, Palm Beach Equine Clinic, LLC has not received \$10,000.00 aggregate over the past 24 months.

¹ Presumptively, the "ESP" referred to by Carol Coleman in her complaint against Dr. Swerdlin is Equestrian Sports Production, LLC, who is not one of the four petitioners whose project the Committee was addressing.

2. Interview with Mr. Jeff Kurtz:

- a. **Not factual.** Mr. Kurtz is incorrect. The applicants for Equestrian Village Project were Polo Field One, LLC, Far Niente Stables II, LLC, Stadium South, LLC and Stadium North, LLC. Neither Dr. Swerdlin, nor PBEC have any business relationship with the applicants.
- b. **Not factual.** According to Mr. Kurtz, it was Dr. Swerdlin's estimation that the benefit provided to PBEC was greater than \$10,000.00 over a 2 year period.
- c. **Not factual.** Mr. Kurtz's statement that Dr. Swerdlin would probably have a conflict of interest is incorrect.
- d. Dr. Swerdlin contacted a member of the counsel to determine if the committee members were required to vote. The council member advised Dr. Swerdlin to contact Mr. Kurtz to receive legal opinion on the advisory capacity as regards to the ethics commission.
- e. On December 13, 2011, Dr. Swerdlin called my office and asked me to contact Mr. Kurtz for the following:

"Since Equestrian Preserve Committee is an advisory committee, can the committee advise, including all members opinions, as to what is best for the horse, safety and the community without taking a formal vote?" I called Mr. Kurtz and left him multiple messages at his two offices and on his cell. Mr. Kurtz did not return any of my calls. Additionally, any communication provided by Mr. Kurtz to my client is completely subject to attorney-client privileged information and, as such, Mr. Kurtz should not have violated the legal standard of confidentiality. I request that any statements or interview of Mr. Kurtz be removed from this inquiry.

3. Factual Findings:

- (1.) **Not factual.** Dr. Swerdlin is not the official veterinarian for the Winter Equestrian Festival which is owned and operated by Equestrian Sports Productions, LLC.
- (2.) Factual
- (3.) Factual
- (4.) **Not factual.** Mr. Kurtz did not discuss the conflict of interest with the Equestrian Village Project prior to December 14, 2011. Mr. Kurtz never advised Dr. Swerdlin that he would have to recuse himself from participating in discussions of that project at the meeting, and abstain from voting on the Equestrian Village application before the Committee.

(5.) Factual

(6.) Factual

(7.) **Not factual.** As set forth above, Dr. Swerdlin has no financial conflict that would require him to abstain from participating in discussions or voting on this project.

(8.) **Not factual.** Dr. Swerdlin did not try to circumvent the requirements of the code.

(9.) Factual

(10.) **Not factual.** Mr. Kurtz made a recommendation to Dr. Swerdlin, he did not admonish Dr. Swerdlin. Dr. Swerdlin followed the Village attorney's advice and recused himself.

4. Definitions:

a. Page 10 paragraph 7:

i. PBEC provides veterinary services to ESP; not Dr. Swerdlin.

5. It is a statement of fact that there is no relationship between the applicants of December 14, 2011 which were Polo Field One, LLC, Far Niente Stables II, LLC, Stadium South, LLC and Stadium North, LLC and Dr. Swerdlin. Dr. Swerdlin did not use *his official position, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he knows, or should know with the exercise of reasonable care will result in a financial benefit, not shared with similarly situated members of the general public.*
6. Dr. Swerdlin's participation as the Chairman for the Equestrian Preserve Committee provided no financial benefit to PBEC or Dr. Swerdlin.
7. PBEC, in fact, provides emergency services at a substantial loss and does so to support the community and for the safety and welfare of the horse.

Mr. Kurtz has advised Dr. Swerdlin that at the March meeting in 2012 of the Palm Beach County ethics committee that changes to the provisions would be requested. Mr. Kurtz stated "I agree that it doesn't make a lot of sense that people on an advisory committee, especially an advisory committee about a very particularized industry, umm, should be precluded because they have business relationships with folks from commenting on things, so long as they disclose those business relationships." But those are the rules, as unfortunate as they may be." Dr. Swerdlin recused himself not because of a conflict of interest, but because he did not have a clear understanding if in fact this was a conflict of interest. He followed Mr. Kurtz's advice, since

there is no formal or informal contractual arrangement with a completely separate entity, there is no in fact no conflict of interest.

Participation in an advisory council can be at times confusing. Dr. Swerdlin, through the undersigned, attempted to contact the Village attorney regarding the advisory capacity of the Equestrian Preserve Committee. Village counsel, Mr. Kurtz provided legal advice shortly before or during council meetings. This was insufficient time for Dr. Swerdlin to coordinate with personal counsel due to Mr. Kurtz's schedule. Dr. Swerdlin, chairman of the Equestrian Preserve Committee, will receive no financial benefit, nor will PBEC, as a result of the December 14, 2011 meeting. If the Palm Beach County Commission on Ethics finds that, in fact, an omission occurred, be assured that it was committed as a result of a misunderstanding, certainly not an overt act in order to result in a financial gain for Dr. Swerdlin or PBEC.

I trust that this clears up the incorrect facts and that there will be no further action on this matter.

Sincerely,

THE GALLE LAW GROUP, P.A.

A handwritten signature in black ink, appearing to read "Galle", written in a cursive style.

Craig T. Galle
For the Firm