

MINUTES

REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL

**Wellington Village Hall
12300 Forest Hill Blvd
Wellington, FL 33414**

**Tuesday, September 24, 2019
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, September 24, 2019, commencing at 7:00 p.m. at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

Council Members present: Anne Gerwig, Mayor; Michael J. Napoleone, Vice Mayor; John T. McGovern, Councilman; Michael Drahos, Councilman; and Tanya Siskind, Councilwoman.

Advisors to the Council: Paul Schofield, Manager; Laurie Cohen, Attorney; Jim Barnes, Assistant Manager; Tanya Quickel, Director of Administrative and Financial Services; and Chevelle D. Nubin, Village Clerk.

- 1. CALL TO ORDER** - Mayor Gerwig called the meeting to order at 7:00 p.m.
- 2. PLEDGE OF ALLEGIANCE** – Audience member, Mark Hilton, led the Council in reciting the Pledge of Allegiance.
- 3. INVOCATION** – Deacon Vince Muller, St. Therese de Lisieux Catholic Church, Wellington, delivered the Invocation.
- 4. APPROVAL OF AGENDA**

Mr. Schofield indicated staff recommended approval of the Agenda as presented.

A motion was made by Councilman McGovern, seconded by Vice Mayor Napoleone, and unanimously passed (5-0), to approve the Agenda as presented.

- 5. PRESENTATIONS AND PROCLAMATIONS**
 - A. 19-3183 PRESENTATION BY MANAGER OF GOVERNMENT AFFAIRS FOR PALM TRAN CONNECTIONS**

Mr. Schofield introduced this item.

Mr. Shawn Hall, Manager of Governmental Affairs, and Ms. Anna Bielawska, Senior Transit Planner, of Palm Tran Connections, updated Council on service changes regarding routes affecting the Village.

Mr. Hall thanked Council, as at their August 27, 2019 meeting they approved an Interlocal

Agreement that allowed Palm Tran to continue paratransit service for Village of Wellington residents located outside the core ADA service area. He said this agreement has been going on since 2003 and they are looking forward to that continued partnership.

Mr. Hall stated they are updating Council on their September service changes and what they continue to improve upon.

Mr. Hall indicated Palm Tran provides about 9 million rides per year, which makes them the most used transportation mode in Palm Beach County. He said that includes 32 routes across the county and over 2,900 stops.

Mr. Hall explained that Route Performance Maximization (RPM) was an initiative that Palm Tran took on in 2018 to revamp the system, to ensure they were providing a reliable and efficient service to the people of Palm Beach County.

Ms. Bielawska provided a brief overview of current Palm Tran Services in the Village of Wellington. She stated there is currently five routes traversing the Village boundary: routes 40, 43, 46, 52 and 62. She said there are about 25 Palm Tran stops in the Village of Wellington with annual boardings of over 292,000.

Ms. Bielawska stated Palm Tran did a major overhaul of its fixed route network services last September and continues to make improvements. She said they made improvements on the routes that were not touched last year with the goal of improving ridership and weekday and weekend frequency on some routes. She said they also extended a route and added weekend services. She stated this had a positive impact for the Village of Wellington, because they improved frequency on route 46, which is the Forest Hill Boulevard corridor that goes from West Palm Beach to the Mall at Wellington Green. She said it used to have a thirty minute frequency in the AM and PM and hourly in the midday. She stated route 46 will now have a frequency of thirty minutes all day and a weekend frequency improvement of 45 minutes as it used to be hourly.

Ms. Bielawska stated they were also extending route 62, which goes from the Mall at Wellington Green to Lake Worth. She said it will go all the way to the beach in Lake Worth, but this change will not be effective until January 2020.

Ms. Bielawska stated there are a lot of other exciting projects going on at Palm Tran. She said they are currently working on a new bus shelter Request for Proposal, which is expected in the fall of 2019. She stated with this project they are trying to replace their aging shelters and install new shelters in unincorporated counties, unincorporated Palm Beach County, and other municipalities. She indicated there are currently twelve bus shelters in the Village of Wellington.

Ms. Bielawska stated Palm Tran also has a simme seat program expected in the fall of 2019. She said simme seats are two-seat benches that attach to a bus stop pole. She stated they are cost effective and easy to install. She said they will be looking to install them at fifty to one hundred locations annually in the county and some in the Village of Wellington.

Ms. Bielawska stated Palm Tran is also working on improved development reviews in municipalities. She said this means they are trying to engage municipalities to have a formal site review process with Palm Tran to set aside locations for future bus shelters and infrastructure improvements.

Mr. Hall stated transit is evolving every day. He said Palm Tran has to keep up with the technology and be competitive across the state. He stated they are working with their partners to the south, Broward and Miami Dade, as well as Tri-Rail to implement a fair median that is usable across all counties and systems. He said they know people are traveling from Palm Beach County to Miami-Dade and they want to make sure it is easy and accessible across the board.

Mr. Hall stated right now their administrative headquarters is located in West Palm Beach, but they are moving to a new facility in Delray Beach. He said it is a fully federally funded building at \$25 million. He indicated there will be electric bus charging stations. He stated they continue to expand and push the boundaries of public transit and do what they can to best serve the residents of Palm Beach County.

Mayor Gerwig asked if every bus stop that currently does not have shelter will have a simme seat. Ms. Bielawska stated they are looking at boardings to see where to put the simme seats. She said a lot of the stop locations that currently do not have a bench or shelter will have a simme seat. She indicated they will be installed over the course of several years. She stated they expected to have about 500 simme seats eventually.

Mayor Gerwig stated at the C-51 canal, just north of their border at Forest Hill, she sees people waiting for the bus there and she does not think there is a seat there. Ms. Bielawska said she would make a note of it.

Council thanked Palm Tran for their presentation and congratulated Mr. Hall on his new position.

6. CONSENT AGENDA

- A. 19-3296** MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF AUGUST 13, 2019 AND AUGUST 27, 2019
- B. 19-3113** AUTHORIZATION TO CONTINUE UTILIZING A CITY OF PLANTATION CONTRACT WITH ALLIED UNIVERSAL CORPORATION FOR THE PURCHASE AND DELIVERY OF SODIUM HYPOCHLORITE
- C. 19-3207** RESOLUTION NO. R2019-64 (CONSTRUCTION MANAGER AT RISK (CMAR) FOR TOWN CENTER BOARDWALK) AND AUTHORIZATION TO AWARD A CONSTRUCTION MANAGER AT RISK (CMAR) CONTRACT FOR THE CONSTRUCTION OF THE TOWN CENTER BOARDWALK

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE SALES SURTAX FUND CAPITAL BUDGET FOR FISCAL YEAR 2018-2019 BY ALLOCATING FUND BALANCE FOR THE TOWN CENTER BOARDWALK; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield stated staff recommends approval of the Consent Agenda as presented.

Mr. Schofield indicated no public comment cards were received on the Consent Agenda.

A motion was made by Councilman McGovern, seconded by Councilman Drahos, and

unanimously passed (5-0), to approve the Consent Agenda as presented.

7. PUBLIC HEARINGS

A. 19-3295 SECOND PUBLIC HEARING TO ADOPT THE FY 2019/2020 MILLAGE RATE AND ANNUAL BUDGET FOR WELLINGTON

I. RESOLUTION NO. R2019-61 (MILLAGE RATE)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING THE TAX LEVY AND MILLAGE RATE FOR WELLINGTON FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020; AND PROVIDING AN EFFECTIVE DATE.

II. RESOLUTION NO. R2019-62 (WELLINGTON BUDGET)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING A BUDGET FOR THE VILLAGE OF WELLINGTON FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. He indicated there are two resolutions: Resolution No. R2019-61 regarding the millage rate and Resolution No. R2019-62 regarding the budget.

Ms. Nubin read both resolutions by title.

Ms. Quickel indicated this is the second Public Hearing to adopt the FY 2020 annual budget and millage rate. She stated the total 2020 proposed budget is \$106.3 million, which is \$9.4 million higher than the current year's budget of \$97 million. She said the Acme, Solid Waste, Water & Wastewater, and LWPC budgets were adopted August 13, 2019.

Ms. Quickel stated the budget increase of \$9.4 million is from approximately:

- \$5.3 million in Utility debt service, capital projects, and operations;
- \$1.6 million in personnel costs, equipment replacements, and operations;
- \$1 million in building, permitting and inspections to meet demands of continued high building permit activity;
- \$500,000 in Law Enforcement Services for the 2% contract increase, plus two new deputies; and
- \$1 million in indirect cost and transfers of which gas tax is the largest portion of transfers after the indirect cost allocation.

Ms. Quickel stated they started this budget process at 2.48 mills. She said they are now at 2.47 mills following Council's concerns at the first public hearing. She stated using the 2.47 mills and their long range financial planning, staff projects potential millage rate changes may be necessary starting around FY 2023 to comply with the fund balance policy. She said the final adoption of the millage rate is now presented to Council at 2.47 mills, which is a decrease of .01 mill from the current rate. She stated the rollback rate is 2.401 mills.

Ms. Quickel explained that the rollback rate is the rate that provides the same ad valorem

revenues as the prior years, plus the revenues provided by the value of new construction.

Ms. Quickel indicated the money comes from the revenues:

- 23% comes from charges for services that include Water & Wastewater, Services, Recreation Revenues;
- 19% comes from Ad Valorem Property Taxes of approximately \$20 million based on the millage rate;
- 17% comes from Reserves and Transfers;
- 12% comes from Utility, Local, Fuel & Use Taxes;
- 8% comes from Non Ad Valorem Assessments;
- 8% comes from Permits, Fees & Assessments;
- 7% comes from Sales Taxes and Intergovernmental Revenues; and
- 5% comes from Impact Fees, Misc., and Interest.

Ms. Quickel stated the money goes to expenditures:

- 19% goes to General government, which includes Administration, Finance, IT, Planning, Code Enforcement, Building, Community Services, Senior Programs and Neighborhood Grants;
- 18% goes to Public Works;
- 17% goes to Utilities and Solid Waste;
- 16% goes to Capital Projects;
- 16% goes to Transfers and Debt Service;
- 9% goes to Public Safety, which is primarily PBSO; and
- 5% goes to Culture and Recreation.

Ms. Quickel stated the Village conducts a Budget Challenge every year. She said the five most important areas that consistently show up in the Budget Challenge include: Law Enforcement; Neighborhood Safety; Flood Control, Drainage and Surface Water Management; Other, which includes the amphitheater events; and Code Enforcement.

Ms. Quickel stated the top priorities in the proposed budget are Law Enforcement, with the contract increase and the addition of two deputies; Neighborhood Safety, which includes the Great Neighborhoods Rehab Grants, neighborhood block parties, assigned neighborhood code enforcement officers, funding for community walk & talks, and senior symposiums; and Flood Control/Drainage Management, which includes Acme Renewal & Replacement Program, neighborhood pipe lining program, pump stations, canal maintenance, aquatic weed control and road drainage.

Ms. Quickel the budget also includes amphitheater and lake front events for Parks & Recreation; remote pump station operation system for Surface Water; senior programs; code enforcement; educational school grants, including the Keely Spinelli program; neighborhood rehab grant program; Public Works road repaving, guardrail and sidewalk repairs; Public Safety and the community senior transportation program and paratransit subsidy.

Ms. Quickel stated the Capital Improvement Projects include Utility Facility Expansions and Water Supply Renewal & Replacement; Village Park field upgrades; Town Center Boardwalk project; Sheriff Substation planning and design; neighborhood park improvements; Wellington Community High School Sports Complex; Acme Renewal & Replacement flood control and

neighborhood pipe lining projects; and ongoing maintenance of infrastructure and facilities.

Ms. Quickel stated the FY 2020 budget includes \$7.8 million in funding for governmental projects in addition to the Utility capital projects new funding of \$9.4 million. She said the total of new funding for capital is \$18.5 million.

Ms. Quickel showed a sample tax bill for a homesteaded property assessed at \$360,000 with a \$50,000 homestead that will pay an additional \$11.00 at 2.47 mills.

Ms. Quickel stated in 2019/2020 Wellington residents will get great services, great schools, great parks, great neighborhoods, and a great hometown. She said Wellington is #78 on Monies List of Best Places to Live 2019, #33 on Florida's 50 Safest Cities according to Safewise, among the Top 100 Places to Live in the U.S., #1 of 8 Best Places to Retire in the U.S., #23 on the list of "Best Cities to Live in Florida in 2019, and remains "The Winter Equestrian Capital of the World."

Ms. Quickel stated this budget funds Wellington's high levels of service and includes great projects with a millage rate decrease. She thanked Council for their consideration.

Mayor Gerwig stated she pulled the Comprehensive Annual Financial Report (CAFR) from last year for this current year, as she referenced it in their last meeting. She said for anyone who is interested, page 95 shows their General Fund reserve at 45%, and the target is 25% to 29%. She indicated it states 30%, but that is a typo as the stated goal everywhere else is 29%. She said on page 3, the unassigned portion of the governmental funds is \$19.2 million, which is an increase of \$2.5 million from the prior year.

Public Hearing

A motion was made by Councilman McGovern, seconded by Councilwoman Siskind, and unanimously passed (5-0), to open the Public Hearing.

There being no public comments, a motion was made by Councilman McGovern, seconded by Vice Mayor Napoleone, and unanimously passed (5-0), to close the Public Hearing.

Ms. Quickel read the mandatory statement at this time: "The 2.47 millage rate is 2.87% higher than the rollback rate of 2.401 mills. The rollback rate is the rate that when applied to this year's total assessed valuation of \$8.69 million yields the same ad valorem tax revenues as the previous year or \$19.81 million adjusted for discounts. Adopting the proposed rate of 2.47 mills generates \$20.38 million adjusted for discounts for an increase of approximately \$734,000 from last year. The proposed millage rate of 2.47 mills for the Village of Wellington governmental budget, including the Acme Improvement District, funds a 7.1% operating increase over the prior year. The proposed millage rate of 2.47 mills for the Village of Wellington governmental budget, excluding the Acme Improvement District and enterprise funds, is a 7.8% operating increase over the prior year."

A motion was made by Councilman McGovern, seconded by Vice Mayor Napoleone, and unanimously passed (5-0), to approve Resolution No. R2019-61 (Millage Rate) adopting the tax levy and millage rate for the Village of Wellington for the fiscal year commencing October 1, 2019 at 2.47 mills.

A motion was made by Councilman McGovern, seconded by Vice Mayor Napoleone, and

unanimously passed (5-0), to approve Resolution No. R2019-62 (Wellington Budget) adopting the budget for the Village of Wellington for FY 2019/2020.

Council thanked staff for all of their hard work.

B. 19-3293 ORDINANCE NO. 2019-05 (COMPREHENSIVE PLAN TEXT AMENDMENT- BUILDING HEIGHT)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING POLICY 1.3.8 OF THE LAND USE ELEMENT OF THE WELLINGTON COMPREHENSIVE PLAN TO MODIFY BUILDING HEIGHT LIMITATIONS FOR PROPERTIES WITH MULTI-FAMILY RESIDENTIAL FUTURE LAND USE MAP DESIGNATIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced items B, C and D, as they are all related. He indicated these items will require three separate votes, but he suggested having a single discussion on them.

Ms. Nubin read the Ordinances by title.

Ms. Kelly Ferraiolo, Planning and Zoning, stated before Council is the first reading of the Comprehensive Plan Map Amendment, Comprehensive Plan Text Amendment, and Zoning Text Amendment for the Player's Club Residences. She said the presentation and Staff Report also include the Master Plan Amendment related to this project; however, it is not up for consideration tonight and is only for reference.

Ms. Ferraiolo indicated the owner is Sperin, LLC, and the agent is Jon Schmidt of Schmidt Nichols. She said the applicant is requesting a Comprehensive Plan Amendment, Comprehensive Plan Text Amendment, Zoning Text Amendment and Master Plan Amendment to convert the existing Player's Club restaurant into a fifty (50) unit multifamily condominium.

Ms. Ferraiolo stated she would like to officially enter into the record petition 2019-003 CPA1, 2019-004 CPA, and 2019-002 ZTA.

Ms. Ferraiolo showed Council a location map of the Player's Club located within the Wellington PUD. She said the 5.58 acre property is located on the south side of the South Shore Blvd and Greenview Shores Blvd intersection. She stated its existing use is a two-story restaurant and it is surrounded by uses of residential to the east, Equestrian Village to the south, and Wellington Professional, which is a vacant office commercial, to the northwest.

Ms. Ferraiolo stated the applicant is seeking a Comprehensive Plan Amendment to amend the future land use map designation for the site from commercial recreation to residential F, which is eight to twelve dwelling units per acre. She said the applicant's request is in compliance with the Comprehensive Plan, as summarized in the Staff Report. She stated the applicant has provided all necessary items to review the application in accordance with the Land Development Regulations (LDR).

Ms. Ferraiolo showed Council the current and proposed land use map for the site. She said the current land use is commercial recreation and the proposed is residential F.

Ms. Ferraiolo stated the next application is a Comprehensive Plan Text Amendment to modify policy 1.3.8 of the land use element of the Comprehensive Plan as it pertains to building height for multifamily properties with a future land use map designation of residential E, F, G & H. She said the applicant has requested 72 feet as the maximum height for these land uses; however, staff recommends 56 feet as the maximum. She indicated the policy also includes some language clean up.

Ms. Ferraiolo stated the last application is a Zoning Text Amendment (ZTA) to modify Sec. 6.5.8.C. of the LDR, which provides for maximum building heights Village-wide. She said, similar to the Comprehensive Plan Text Amendment, the applicant has requested 72 feet, but staff is recommending 56 feet maximum. She indicated the applicant is aware of the recommended changes and is in agreement.

Ms. Ferraiolo stated the ZTA proposes mandatory requirements to be eligible to request additional building height above 35 feet. She said they shall provide additional setbacks, be within a PUD and have a multifamily land use designation, shall not be located directly adjacent to a single family residential property, shall be at least two (2) acres in size and shall be within 500 linear feet of a collector road, and require Council approval.

Ms. Ferraiolo stated there are eligibility requirements for an additional 15% in building height for the multifamily properties. She said to get the additional 15% they would have to meet additional setbacks and be approved by council. She stated the area must be used only for mechanical equipment; have architectural features, common areas, or other non-habitable uses; not exceed the maximum building coverage limitations and incorporate at least three voluntary design criteria.

Ms. Ferraiolo stated the development has to include three of the voluntary design criteria in its design. She said they either have to have a parking structure; reduce the paved area for more green space; provide onsite amenities, such as an outdoor recreation area, benches, gathering spaces, eco roofs, focal points, charging stations; provide privately improved or maintained public amenities on or contiguous to the site; incorporate LEED or Florida Building Design, Inc., exceeding the minimum required by the Florida Building Code; have unique architectural details and exceed the requirements of the LDR; and have enhanced landscape.

Mr. Basehart pointed out that enhanced landscaping is required to even be eligible and that it has been put into the ordinance. He said this would be in addition to that.

Mr. Basehart stated the current code says that without Council approval or anyone's approval, an additional 25% above 35 feet is permitted for non-habitable space. He said, according to the code, the building heights are measured with respect to the roof. He explained a pitched roof is measured at the midpoint between the eave line and the ridge line, and a flat roof it is the roof line. He said mansards are not counted as additional height. He stated height is measured from the roof deck, so parapets and mansards can go beyond the 35 feet. He indicated a number of structures built in Wellington are 40 to 45 feet or so in height.

Mr. Schofield stated, as a matter of practice for the last several years, the Village has been permitting silos to go between 50 and 55 feet for non-habitable space.

Mayor Gerwig asked if this was going to limit all of it to 15%. Mr. Basehart stated it would be 15% above the roof line. Mr. Schofield indicated that would include things that are not currently included, such as the elevator shafts and mechanical equipment which are screened. Mayor

Gerwig said they were tightening the code throughout in that respect.

Ms. Ferraiolo said their GIS planner put in the building heights for the surrounding area and the proposed building as submitted by the applicant. She showed a graphic depicting the view from the north. She said the height was 72 feet as proposed by the applicant and the elevations were what was given upon submittal.

Mayor Gerwig asked if the adjacent buildings were three stories. Ms. Ferraiolo stated they were two stories and measured 35 feet high. Mayor Gerwig stated inside Palm Beach Polo there are three story buildings on the other side.

Mr. Schofield stated in comparison the building height would be about 20% smaller than the largest one. He said that would take it from 76 feet to 56 feet.

Ms. Ferraiolo showed Council a view from the northeast. She said the 72 feet is the center elevator shafts. She stated the area of units to the north is the smaller height.

Councilman Drahos asked if the unit adjacent to the main building had been withdrawn. Mr. Basehart thought the applicant would want to discuss that. He said it is still on the official submittal. He stated the applicant indicated at the Planning, Zoning and Adjustment Board (PZAB) Meeting that they are contemplating removing that building and absorbing the units in that building into the primary structure. Mayor Gerwig noted that the unit count will not change, but the site plan might.

Mr. Schofield stated, looking at the reduced height, the top of the elevator shafts are now at the higher elevation. He said they would drop down to what they are seeing as the top of the buildings now and the building tops would drop down correspondingly. Mayor Gerwig stated they will get another look at it from the applicant, as they probably have different software.

Ms. Ferraiolo indicated a new map was provided in Council's folders. She said the map identifies the properties within 500 feet of a collector road that would be eligible for the building height increase and are currently multifamily uses. She stated the map depicts eligible properties as they exist today and eligible properties upon combination.

Mr. Schofield noted the properties listed as eligible are all currently developed and not vacant parcels. Vice Mayor Napoleone stated someone would have to buy up all of the properties, tear them down, and then build something.

Councilman McGovern stated this map only includes properties that are already zoned residential multifamily.

Ms. Ferraiolo reiterated the Master Plan Amendment is not under consideration tonight, as it only requires one reading and will be heard after second reading of all other petitions. However, the Master Plan Amendment provides information that will be helpful when considering the three items before Council. She said the applicant is requesting a Master Plan Amendment to amend the Wellington PUD to:

- a. Modify the Master Plan designation of Pod 30C, which is 5.58 acres, from Tennis Polo Facility to Multi-Family Residential;
- b. Correct the acreage for the site from 8.3 acres to 5.58 acres;
- c. Allocate 50 dwelling units to Pod 30C; and

d. Add two access points along South Shore Boulevard.

Councilman McGovern asked about the change from 8.3 to 5.58 acres. Mr. Basehart stated there was a surveying error. Ms. Ferraiolo stated this was not part of the application for the Master Plan Amendment that was done a few years ago for Equestrian Village. She said when the acreage was broken up for that part, somehow there was 8.3 acres left, but it is really only 5.58 acres.

Mr. Basehart indicated the applicant is asking for two additional access points at South Shore Boulevard. He said the LDR for the Village require that PUD access to all pods from a primary roadway, like a collector or arterial street, be shown on the master plan and be approved by the Village Council. He said somehow, someway, predating the Village's incorporation, the two driveways being proposed are already there.

Mr. Schofield stated the Council approved the driveways when South Shore Boulevard was repaved. Mayor Gerwig said Council approved them, but the Master Plan was not modified.

Mr. Basehart stated this was just a housekeeping issue. Mayor Gerwig thought they should make it right while they are doing it.

Ms. Ferraiolo showed the Wellington PUD Master Plan that will be amended upon Council approval. She also displayed the proposed Conceptual Site Plan. She said the site plans are approved and will be reviewed by staff to ensure compliance with the proposed ZTA should it be adopted.

Ms. Ferraiolo showed the setback of the building in relation to the building height. She stated the taller the building, the more that portion of the building is setback. Vice Mayor Napoleone indicated the setback to height ratio is what creates the wedding cake affect.

Ms. Ferraiolo showed the proposed elevations from the north and south views, based on the original application. Mayor Gerwig stated the building is taller than what will be presented by the applicant.

Ms. Ferraiolo also showed the east and west elevations as well as the proposed renderings that were provided by the agent.

Ms. Ferraiolo indicated the PZAB recommended approval on August 14, 2019 on all items before Council tonight. She said the vote was 7-0 for the Comprehensive Plan Amendment, which is the map amendment, and 6-1 for the Comprehensive Plan Text Amendment, Zoning Text Amendment and Master Plan Amendment.

Mr. Schofield stated regarding what is in front of Council this evening, the PZAB vote for the Text Amendment was 6-1, Zoning Text Building Height was 6-1, and Future Land Use Amendment was 7-0.

Mayor Gerwig stated there is a rule for height within the 441 corridor and asked how far that extended into the Village. Ms. Ferraiolo stated it extends one mile.

Mayor Gerwig stated if is located within a mile from 441 they get the maximum height, and then if it meets the other criteria they get the maximum height. Mr. Basehart stated the

Comprehensive Plan provides that it is 72 feet in the State Road 7 corridor, which is defined as one mile on each side of State Road 7.

Mayor Gerwig asked how far this location was from the State Road 7 corridor. Mr. Basehart indicated this site is approximately two miles from State Road 7. He stated the mall property itself is basically a section of land, so it is one mile. He said then there is Stribling and the Polo development, and then it extends to South Shore at the east end.

Ms. Ferraiolo stated staff recommends approval of Ordinance 2019-05, Ordinance 2019-06 and Ordinance 2019-07.

Mr. Basehart stated staff made two changes to the proposed Zoning Text Amendment as discussed at the Council Workshop. He indicated on page 101, section 6.5.8.C3a, separation from single family development, staff added “non-collector streets and canals are not considered separation.” He stated on page 102, section 6.5.8.C3b(iv) refers to one of the criteria for considering additional height and LEED based design. He said staff added a provision that states “which exceeds minimums required by the Florida Building Code.”

Councilman McGovern asked what staff meant by exceed in #4 where they added “which exceeds the minimum required by the Florida Building Code.” He said in #5 and #6 that follow, it states the applicant can get the additional height if they exceed the multifamily architectural design regulations or exceed the landscape enhancements of Article 7 of the LDR.

Mr. Basehart stated exceed is exceed. He said if someone is an inch above the requirement, they would have to come before Council. He stated Council would consider the substance of the increase when deciding whether or not to grant such an application. He said if it is substantial, there is certainly a bigger benefit and bigger justification for what they are asking for than if it is minimal. He stated staff did not say exceed by a certain percent, so they just said exceed.

Mayor Gerwig asked about the LEED based design, as there is a standard like silver or platinum. She asked what they were talking about a certain standard here or if it was just applying the LEED code.

Mr. Schofield stated the Florida Building Code does not have a specific standard. He said they are usually looking at silver, gold or above that. He stated the Florida Building Code in its current iteration brings most governmental and commercial buildings to silver and residential buildings get very close to that. He said his recommendation for this would be that it is silver or silver plus.

Mayor Gerwig stated she wanted to make sure they do not say that it is the bottom of the limit. Mr. Schofield indicated the Village Hall is a LEED's gold standard.

Mayor Gerwig stated silver is a step down. Mr. Schofield explained that silver is a better residential standard. He stated the Building Code has the energy efficiencies to provide more energy efficient buildings than it did previously, but silver is a step up from that. He said, if it is a concern, his recommendation is that it would at least require a LEED silver.

Vice Mayor Napoleone stated he raised this issue yesterday about exceeding the Building Code. He asked if Council should articulate silver and be more specific than just “exceeds.”

Mayor Gerwig suggested they insert "LEED based design silver." She said silver is a public building.

Mr. Schmidt stated he noticed when he was in the hallway that the Village Hall is Florida Green Building certified. He said he did not know if the Village went for LEED or not. He stated the commissioning is expensive in the LEED process and they were proposing the Florida Green Building certificate. He said there are options. Mr. Schofield stated they will get the same benefit.

Mayor Gerwig stated she thought staff's language was sufficient. She said they were applying LEED energy and design to a non-public building, so it is not subject to it.

Applicant

Mr. Jon Schmidt, agent for the applicant, introduced himself. He thanked Council for their consideration of this high end project. He indicated the other team members include Cotton & Co. and DK Design. He said Alonso Stromberg is the architect. He stated the team has been working with staff on this for ten months and submitted their application in December 2018.

Mr. Schmidt stated he would provide a project overview, a site aerial and the request that staff had mentioned. He said he would show some images of what the team is asking for and what this code change will produce particularly on this property.

Mr. Schmidt stated this project is a concierge service, ultrahigh, in-depth luxury condominium. He said his team feels they are responding to a niche that is void in the Wellington market for a luxury, lock and leave, building. He stated they believe this will eliminate the attrition of ultrahigh net worth people who are looking to enhance their lifestyle, as there are no current offerings like this in Wellington.

Mr. Schmidt stated this project will receive national and international exposure. He showed Council some images of the site. He said the top pool deck was where his teams was asking for the extra height and an issue they had to work through with staff. He also showed Council some images of the proposed lobby and the finishes that would be happening on this property.

Mr. Schmidt stated his team also believes the high tax climate in the northeast continues to motivate buyers to move down to Wellington. He said his team is proposing a low density project with fifty (50) residences, which is nine (9) units to the acre. He indicated the Comprehensive Plan designation allows a range from eight (8) to twelve (12) units to the acre.

Mr. Schmidt stated the building is a four-story tiered, wedding cake, design. He said, as they move from the outside in, it goes higher. He stated this project has considerably higher setbacks and green space. He said it is directly adjacent to the Equestrian Overly Zoning District (EOZD) and creates a walkability to that prime venue. He stated this project will have a reduction in traffic by over 500 trips a day versus the facility reopening as a restaurant.

Mr. Schmidt stated the assessed value of the project is \$140 million, with over \$1 million in impact fees to Wellington. He said it would create 500 construction jobs and over twelve (12) full-time employees at completion. He stated the project would be a low impact to the services already here, as water, sewer and fire protection are already in place. He said these services could be used to their maximum. He indicated ad valorem taxes to the Village and the county would be \$4 million, and taxes just to the Village alone would be \$1.5 million. He thought that

would help the loss from Nordstrom's leaving.

Mr. Schmidt showed Council an aerial of the 5.5 acres, which is directly adjacent or across the street to commercial. He stated Residential E to the northeast, which is eight (8) units to the acre. He said Residential D is directly to the east, which is five (5) units to the acre. He indicated his team is asking for Residential F, which is a compatible density.

Regarding the Comprehensive Text Amendment, Mr. Schmidt stated the existing text limits multi-families to 35 feet, but along the corridor it allows up to 72 feet. He indicated his team is proposing two simple changes: 1) to allow additional height in Residential E, F, G & H; and 2) for all buildings exceeding 35 feet, there is subjectivity that they have to approve to allow it. He said this allows the Village Council to look at projects on a case-by-case basis and apply these codes.

Mr. Schmidt stated the additional zoning text is to add one foot of additional setback for every foot in height. He said, although these are general code changes, this particular project exceeds all of what is being proposed by six feet. He stated this project is not directly adjacent to residential, is over five acres, and is within 500 feet of an arterial collector roadway.

Mr. Schmidt showed Council a copy of staff's maps indicating the locations and limitations of where this can happen, such as already developed properties within the Village or where they could raise and rebuild. He said some of the properties would have to be combined together.

Mr. Schmidt stated, regarding the additional code amendment to get to that 15% above 56 feet, they are limited to what that area can be on top of a building. He said it should be limited to common areas and non-occupied areas. He stated when his team was designing the building to the 72 foot height, they had gyms and workout centers on the top of the building and they were starting to push up to those limits. He said they have been working with staff to get to the lower numbers.

Mr. Schmidt stated the building is also limited to how much the footprint can be with that additional height. He said a maximum of 50% of the building can exceed that and this project is at about 11%. He stated looking at the entire deck, which is the area that exceeds the height, the footprint is pretty limited.

Mr. Schmidt stated the building also has to meet additional setbacks, just in the areas that are exceeding the height. He said, it has a wedding cake design, so the areas exceeding the heights require additional setbacks of 1½ feet for the area over 56 feet in height.

Mr. Schmidt stated the building has to have at least three or more of the criteria that staff discussed earlier, e.g., the structured parking which is going to produce much more green space on the property. He said it is expensive, but it produces a much nicer and appealing project. He indicated the site has to have amenities such as outdoor recreation, eco-roofs, focal points, charging stations. He said they are providing all of this as well as privately improved and maintained amenities. He stated this includes widening the walkways, public art, open space and pedestrian walkway enhancements.

Mr. Schmidt stated LEED based design or Florida Green certified include architectural details that are unique and exceed the multifamily for recess and projections as well as increased landscaping. He said increased landscaping in this particular project would include installing material at 14 and 16 feet high, if the code is a minimum of 12 feet high. He stated all of the

mature oaks along South Shore Boulevard will be preserved. He said the sidewalks and landscaping will be redone, so there will be a considerable amount of green space. He stated the quality and quantity of the material going in will be at a higher standard, as this project will far exceed the minimum code in terms of landscaping.

Councilman Drahos asked if this project intends to meet all six criteria. Mr. Schmidt stated his team plans to meet at least three, but they are striving to meet all six. He noted that the commissioning for the silver or gold standard for LEED is considerably expensive.

Councilman Drahos stated he wanted to know the specifics about each of the six criteria. Mr. Schmidt indicated:

1. All of the required parking will be within or below the building, with a couple of service spaces out front.

Councilman McGovern asked if that included parking for guests. Mr. Schmidt stated there are guest spaces as well underneath. He said when people pull up, a valet service will take their car below. He stated common spaces will be used by staff and visitors. He said there are garage spaces for each individual unit. He stated about six spaces will be outside and all required parking will be under the building.

Staff agreed that this meets criteria #1.

Councilman Drahos stated this will be the first of its kind in Wellington. Mr. Schmidt stated one of the hospitals could be considered similar.

2. Proposed site amenities such as outdoor recreation, benches, gathering spaces. Mr. Schmidt stated this project has a considerable amount of gathering spaces and focal points, which can be seen in some of the images. He said there are fountains at the arrival court and charging stations for the common area as well as at each individual unit within the building.

Staff agreed that this meets criteria #2.

3. Privately improved and maintained public amenities contiguous to the road such as widening of sidewalks, adding improvements, bus shelters, public art, and open space. Mr. Schmidt stated this project will have a considerable amount of open space, almost 50% on the site with the additional building. He said the sidewalks will be widened along South Shore Boulevard.

Staff agreed that this meets criteria #3.

4. Mr. Schmidt stated this project will meet the Florida Green design standards, which are architectural details unique to multifamily architecture. He said the code requires minimal recesses and projections for the building. He stated, in their application that was submitted in December, the buildings were particularly kind of flat. He said Council will see the recesses and projections on the porches and roof line on the renderings, as they far exceed the minimum code.

Councilman Drahos asked who decides if the architectural details meet this criteria. He said they were not seeing it today, so how would they determine this if they did not have the other three criteria.

Mr. Basehart stated conceptual elevations were submitted and the final approval will be by staff. He said what has been submitted demonstrates that those kinds of architectural features that are intended by this criteria are met.

Councilman Drahos asked what would happen if this was approved today, and then two weeks from now staff receives a letter indicating the applicant is taking out that architectural detail. Mr. Basehart stated the applicant would have to come back to Council for reconsideration.

Mayor Gerwig stated arches, trellises and the like are architectural features. She said if anything is substantially changed from that, the applicant would have to bring it back to Council.

Councilman Drahos stated he was considering this project and future projects. Mr. Schmidt indicated that his team also has to go in front of the Architectural Review Board (ARB). Councilman Drahos stated he wanted to avoid some project down the road where he and Councilman McGovern are arguing over whether something is an architectural feature. He asked who would decide that, unless it is a majority.

Mr. Basehart explained these criteria are required to be met to be considered for additional height. He stated staff will review and evaluate them and make a recommendation, but ultimately Council decides on whether additional height is granted. He stated said if an applicant post approval decides to make substantial changes, staff would require them to come back to Council.

Mayor Gerwig stated the applicant is not necessarily bound to the site plan, but they are bound to the architectural details.

Vice Mayor Napoleone stated the applicant would have to meet the criteria that would be approved by whatever Council is approving the application. He said if things change between Council approval and submission, then the applicant could come back to Council.

Mayor Gerwig thought if the Village was going to use this criteria as a tool for redevelopment, many areas could benefit from it. She stated she did not want to make it so that no one would ever be able to do this. She said the criteria does have to stay a bit subjective. She stated if they are looking at areas that are blighted or under different conditions, this is not that. She said this applicant is hitting it out of the park as far as the details. She stated she wanted to make sure if Council is passing this criteria for a purpose Village-wide, they get what they want out of it. She asked if it would preclude someone from redevelopment.

Mr. Basehart stated he did not think this criteria would preclude someone from development. He said staff prepared the criteria based on the Planning and Zoning Departments objectives for reinvestment in the community and replacement of some older or dysfunctional buildings. He stated staff wrote these provisions to accommodate the objectives they have for the long term for the Village. He said it just so happens that this applicant seems to be able to meet all of the criteria.

Councilman Drahos asked for the architectural design standards of the LDR. Mr. Basehart stated the architectural design standards of the LDR require no more than a certain number of feet of flat wall before a break in the elevation of the building, banding, coining, certain types of roof treatments in pitches, corner stones, and the like.

Mayor Gerwig stated her house was too flat when it was permitted. She said she was given

extra credit for the pediments in the keystones on the windows, because her salt box design did not meet the criteria. Mr. Basehart stated that is what he is talking about.

Mr. Schmidt stated it could also be material changes, so it is not just one monolithic stucco building. He said there has to be a change in textures, colors, materials, along with recesses and projections. He stated not only horizontally as the building kind of moves along the front, but also vertically. He said there cannot be one straight roof line along the whole thing.

Mayor Gerwig stated that is why the roof lines on multi-family have different features. Mr. Basehart said it is to prevent bland buildings.

Councilman Drahos asked if the applicant comes to staff saying they do not want to do the arch anymore but do more of a square, if that was considered an architectural detail. He asked if it now needed to come before Council because the detail they approved is now being changed.

Mr. Basehart stated staff would allow tweaking or minor changes. He said if something was proposed to be added to or eliminated from the appearance of the buildings, so that it materially changed the appearance, staff would require it to come back to Council. He stated that would be a judgement call on staff's part.

Mayor Gerwig stated she thought that is where Council struggled yesterday. She said where is the judgement call and how do they know when a change is something material. Ms. Ferraiolo indicated that is done with the Architectural Review Board (ARB).

5. Landscaping. Mr. Schmidt stated their landscaping is beyond code now. He said they have not gone into final design, but all of the oak trees along South Shore Boulevard are all preserved and in place. He stated considerable height differences in here and material changes as well as numbers far exceed the minimum code.

Councilman Drahos stated it seemed that preserving the existing oak trees do not count as a landscape enhancement, as they were preserving them and not enhancing them. Mayor Gerwig indicated it was difficult to work with existing trees. She said the builders usually take everything out and start all over, because it is easier than working around them.

Mr. Basehart stated staff's objective is to, where possible, preserve trees. He said some builders work harder at it than others. He stated fortunately in this case, with the mature row of oak trees existing along South Shore Boulevard, one design objective of the applicant is to preserve them and they will certainly adhere to that. He said the question is if the applicant decides to replace the oaks with palms. He stated that would require staff approval, which he could guarantee would not get approved.

Mayor Gerwig stated it is difficult to maintain trees when doing earthwork around them. She said the applicant is going to make the effort to maintain these mature trees. She stated it is much more difficult than it would be to knock them all down, start over and add more things from a construction standpoint. She said the applicant is going to be committed to maintaining these trees.

Councilman Drahos asked what if they were moving the dirt around to preserve a queen palm. He asked if that was considered a landscape enhancement, as an oak tree and a queen palm are not of the same value.

Mr. Basehart thought if a proposed change in the landscape plan would materially reduce the value, beauty or aesthetics of the site, then staff would not approve something like that. He said it would have to be appealed and ultimately come back to Council.

Mr. Schofield stated Wellington's code contains pretty stringent landscaping standards. He said a queen palm does not count as a tree. He stated he was not sure under the new state standards what that really means. However, there are standards in terms of the types of vegetation, the number of trees that have to be planted, the distance they are spaced apart, the minimum planting height, the type and size of shrubs, the type of ground cover. He said those things all have to be done. He stated the applicant cannot go back to the minimums and the minimums are clearly spelled out in the code.

Mr. Schofield stated preserving the oak trees is no small feat, because they really cannot fill around them. He said if they fill around a native pine, it will die. He stated a lot goes into this.

Mr. Schofield stated the landscape and architectural standards in the Village code are clear and stringent. He said applicants do not get to come in with a plan and later say they do not like that plan and then do something less. He stated in order to get increased height or above 35 feet, they have to come to Council. He said they will have to present the elevations and enhanced landscaping during the master planning process. He stated if these change in any material way, as the code defines material as being between 5% and 10%, the applicant is coming back to Council.

Vice Mayor Napoleone stated some of it is subjective, as indicated in 6.5.8.C.3.b. He said it details exactly the maturity of the trees, the height, and how many have to be there to fit that standard.

Councilman McGovern stated when they get to 6.5.8.C.3.b.v. on page 103, they take out the sentence "The only palm tree types to be used are royal palms and coconut palms." He asked why that sentence was eliminated.

Mr. Schofield stated certain types of palms are developing issues, notably royals and queens. He said staff is trying to encourage the use of foxtails, because they are very wind resistant and sturdy and do not grow up to heights that are difficult for the building to deal with. He stated when planting a royal or some of the other palms, they look really good for the first four or five years when the green part of the tree is down in the front of the building. He said the Village is trying to encourage palms that are more in keeping with the architecture of the building and the character of the land that it surrounds.

Mr. Schofield stated royals and Washingtonians tend to have fronds that fall from great distances and they can be difficult to deal with. He said the Village is trying to encourage palm trees that are more resistant to wind and rain and do not create the hazards that really tall trees do, both in terms of falling and dropping debris.

Councilman McGovern stated the Village would be taking out any control over any kind of specific palm, as it just says "palm" now. Mr. Schofield explained that often times the Village goes back to the state landscaping standards. He said certain types of trees are prohibited here. He stated the Village is not looking for queen palms, as they are mostly being impacted by disease today. He said royal palms have disease resistant species now. He stated it comes down to the size of the building and the character of the land around it. He said until they see what that is, it is hard to determine what kind of tree they want.

Mayor Gerwig asked about the eco-roof. Mr. Schmidt stated his team was not proposing an eco-roof, but eco-roofs allow for planting and reduce the heat island effect. He said they will have some of that around the pool deck, but not the entire roof.

Mr. Basehart indicated some eco-roofs include lawns. Mayor Gerwig stated that was her question early on, as there was some green on top of the building. She said that is one item applicants can get points for.

Mr. Schofield stated there are some examples of lawn eco-roofs in downtown West Palm Beach. He said more often they will find trees and planters, and a large amount of green and shade on the roof. He stated he is willing to take everyone downtown to look at them. Mayor Gerwig said the eco-roofs will cool people off a little.

Mr. Schmidt stated his team's original application was for 72 feet, which was mentioned in the proposal. He said they have been working with staff on their design to get this building down and more compatible, so they can agree with where staff is on this.

Mr. Schmidt showed Council a depiction of the 35 foot range. He stated the third floor is at 38 feet and the fourth floor is up to 56 feet. He said they had to go through the additional criteria to get the common area that is non-occupied. He stated there are no sleeping quarters or enclosed fitness center up there, but it is very limited to where that is. He said it is also the wedding cake center, so it would be further separated from any neighbors.

Mr. Schmidt stated based on complying with the Village's adopted comprehensive goals and policies; rejections; and staff's report, findings and recommendation of approval; his team respectfully requests Council's consideration for approval this evening. He said Mr. John Green will close on a couple of items that may be of concern.

Ms. Cohen indicated these agenda items are legislative in nature. She said Council can hold all three public hearings together, as long as they make that clear to the public.

Mr. Green handed Councilman Drahos some renderings. He said when they met, Councilman Drahos did not have the privilege of seeing some of the new color renderings. He stated they specifically address the landscape. He said Councilman Drahos' concerns are valid.

Mr. Green stated for the record that he was with Douglas Elliman, 11199 Polo Club Road, Wellington. He said he had the privilege of meeting with each of the councilmembers to talk about this project. He stated staff has been terrific. He said they have been holding his team's feet to the fire and making sure they are doing everything the right way.

Mr. Green stated this has been a difficult process. He said his team has been working on this for over a year. He stated they have great partners who have worked hard to make sure what they are bringing to Council is the right project. He said a project like this potentially changes the landscape and what this community has been. He stated it does not open Pandora's Box, but it does set the standards high.

Mr. Green stated Council should take a great deal of confidence from the people who are involved with this project. He said these people have high standards in their personal lives, in investing in their own residences, and in investing in this community. He stated he hopes this sets a standard that meets what Wellington should have and brings additional reinvestment to

the Village.

Mr. Green stated this project was never about an out-of-town real estate developer trying to exploit an opportunity to cater ultra-high net worth individuals who winter in Wellington. He said this team has lived in this town for a long time. Mr. Green stated that he, himself, lives right next door to the subject property and will be one of the most impacted residents in Wellington by this project. He said Mr. Hirsch lives adjacent to the property.

Mr. Green stated when looking at the twenty plus years that Mr. Hirsch has been in this community, look no further than what he has done, the standards he has applied to himself personally, and the projects and the charities he has been associated with. He said this is a selfless endeavor that has never been about maximizing profits, as it is about creating something that has never been done in Wellington.

Mr. Green stated there is a bit of an attrition rate in Wellington, as people are aging and looking to downsize from larger estates. He said equestrians come into this community looking for a lock and leave product. He stated this is a lifestyle play and before now there has never been an option for them to consider.

Mr. Green indicated this team has been involved with some tremendous success in other projects in West Palm Beach: The Bristol, LaClara, and Forte, which is a new development that is coming in on Flagler. He said it is setting records. He stated on a national level, because of the strong economy and higher taxes in other markets, people are flocking to Florida.

Mr. Green stated the equestrian community is the economic engine that drives their local market. He said this project is going to put Wellington on the map outside of the equestrian community. He stated these are really special apartments. He said as the information trickles out, there is tremendous demand for them. He stated whether it is an equestrian or an individual wanting to enjoy the lifestyle that Wellington affords, this is the right kind of project for them.

Mr. Green stated he thinks the Village should apply the criteria and hold everyone accountable to these same standards. He said what Council sees before them today is the project his team is going to move forward with. He stated they are not going to come back a month from now and say it is now a chrome and glass building. He said the illustrations he provided to Councilman Drahos show the quality and the standards that this team hopes to apply to this project.

Mr. Green stated one of their tag lines is "set the standard and keep the tradition." He said that is what this team hopes to do, as they understand the character of this community is important. He stated there is a look and a feel represented in this project. He said the team wants to set a new standard, raise the bar, and let people know that Wellington has more to offer when it comes to luxury living. He stated there has never been a project like this or any significant new development at this price point in Wellington. He said it is long overdue. He stated this team thinks this is the right project with the right people in place.

Mr. Green indicated the current valuation on this site is about \$3.5 million. He said they will raise about \$140 million in new tax base with the sellout of this project.

Mr. Green explained that many times with development, a certain level of sales have to be made before the financing kicks in. He said that causes the development to look like it is been

going on and on, and then it never breaks ground. He stated once the entitlements are in place, this team plans to move forward very quickly with construction. He said it is not contingent upon financing or getting to 50% sold. He stated they would like to keep this process moving. He said the team would love to have Council's support tonight, get it to the state, and come back November 12, 2019, for the second reading.

Councilman McGovern asked for the anticipated length of construction. Mr. Green stated the team is hoping for two years from about this time, which will be late fall of 2021. He said that is important for the selling season, because folks will be coming in January. He stated the team would like to have everything in place and have the entitlements, so they can start the process and not lose that season.

Mr. Green stated if the public, residents or press need more information, the team is there to help and cooperate. He said they like the project obviously and they want it to be done the right way.

Ms. Cohen explained that this is a transmittal hearing. She stated the application will come back to Council after the 30 days the state has to review it. She said there will be a second hearing on the comprehensive plan amendments. She stated there will be an appeal period for that and then the applicant will come back for a third hearing for the zoning text amendment.

Mr. Basehart stated they will do the PUD master plan amendment at that time as well. Ms. Cohen said the master plan amendment only requires one reading for the resolution. She stated that hearing will be quasi-judicial.

Mr. Green stated once this project had some momentum to it, the team was approached by an out-of-town developer and a significant offer was made to purchase this opportunity. He said that deal did not happen, because Mr. Hirsch was concerned it would not be done to the standards that are right for this town. He stated Mr. Hirsch was not going to allow someone to come in, value engineer something, and create a second class product based on profits. He said Mr. Hirsch's heart is in this project and the team has worked hard. He stated Council can count on this project being done the right way.

Councilman Drahos stated he was glad Mr. Green made that statement. He said he had asked Mr. Hirsch, if Council granted this project, if he would sell it to some developer tomorrow who would create the same product, does not have the same reputation, and does not have the same brand. He indicated Mr. Hirsch said that he was committed to doing this project from beginning to end. Councilman Drahos asked Mr. Green, as Mr. Hirsch's representative this evening, if he was saying before the community of Wellington that Mr. Hirsch is committed to starting this project and seeing it all the way through to the end. Mr. Green said Mr. Hirsh is 100% committed.

Councilman Drahos stated Mr. Green shared where he lived. He asked if Mr. Green was aware of any opposition by any of his neighbors or anyone in the Palm Beach Polo community to this project. Mr. Green stated he was not. He said one neighbor reached out because there was a postponement on the original Planning, Zoning and Adjustment Board (PZAB) schedule. He stated he did not know this neighbor's position on the project. He said he and this neighbor talked about it, and this neighbor has had more questions. He stated he has educated this neighbor.

Mr. Green stated those who live in close proximity to this site, understand what season is like on

Sunday nights until 4:00 AM. He said they are happy to see that lifestyle come to a close and have multimillion dollar residences next door to them. He stated it is good for values and it changes the narrative as to what goes on every time they pick up the paper on Monday morning. He said no matter what happened that was negative in Wellington, the assumption was that it must have come from the Players Club. He stated that was not always the case, but the team is looking forward to changing the activity on that site and doing something more responsible.

Mayor Gerwig asked if the condominium documents will control what happens at this site. Mr. Green stated their condominium documents are very strict. He said the team will be happy to share them with Council, once they get the documents back from the state. He stated this is not going to be a rental community. He said residents will be moving in at a price point ranging from \$2.5 million to \$6 million, so this is not a party crowd. He stated there is no night club, entertainment or public access. He said the level of security that will go into this building will separate it from most other residences.

Mr. Green stated in order for this team to be successful in selling this product, they have to be able to offer a product unique to anything that they have experienced. He said these are second and third homes for most of the buyers. He stated it is high level service with privacy, a concierge, and garages underground. He said a private garage within a private garage will take them to a private elevator up to their private luxury apartment. He stated they are not going to tolerate that kind of activity. He said their bylaws and documents will provide protection.

Councilman McGovern asked if rooftop parties are going to be prohibited. Mr. Green said he could not tell them that people are not going to have friends over, but they were not going to see rap concerts going on.

Mayor Gerwig stated they need to make sure it does not have a negative effect in that way, so the Village is going to look for this team to partner with them on that. Mr. Green agreed. He said there is no intent for this project to be anything other than a luxury, quiet lifestyle that affords people the opportunity to enjoy their life in Wellington in a very simple carefree way.

Mr. Green indicated there is a kitchen for the board room, as they know the people residing here will be more philanthropic. He said the team has created an environment for them to continue to do the good things they do in this town. He stated everyone he has talked to who has expressed interest in this project are major contributors to the charities throughout the season in Wellington. He said the team expects to have many of them as residents.

Councilman McGovern stated there was discussion in the staff presentation regarding the Coach House on whether it was going to be done or incorporated into the main structure. Mr. Green stated it was on the original application, which is why they are seeing it tonight. He said the team has not modified that application. He stated they have looked at various renderings. He said the team liked the amenities moved to the rooftop at the 72 foot elevation. He stated they had to make some concessions based on what staff would approve and support. He said the team has considered moving the secondary building offsite and moving those suites into the existing building, but no formal decision has been made on their part. He stated the Village obviously has some say on what they like. He said they like that it opens up the green space, which is currently at 50%. He stated the team wants the building, but they have not decided if they are going to do it if it is an issue. He said it is on the original application and they can have that discussion.

Councilwoman Siskind asked if it will still be 50 units. Mr. Green stated it would be. He said the team worked on floor plans and moving those secondary units into the main building. He stated they will adjust programming based on that.

Vice Mayor Napoleone asked if Mr. Green said they might move the other building offsite. Mr. Green stated they would remove it all together and the number of units would remain the same at 50 DU. He said the team would just modify floor plans and some of the programming in the main building.

Councilman McGovern asked if the amount over 56 feet is 11%. He stated the height change that has been given to Council suggests that the area proposed to exceed the maximum building height shall be limited to 50% of the building coverage. He said he was looking on page 101, 3.D.2, line 81. He asked why the Village was allowing for 50% versus 30%.

Mr. Basehart stated staff believes it is important that the additional height be limited to only a fraction. He said 50% was chosen because they thought it was a reasonable number. He stated that means no more than half of the upper level can be as big as the levels below it. He said it could be 30%, as there is nothing scientific about it.

Councilman McGovern expressed concern about the amount going up and over the 56 feet. He said he understands the elevator shafts and other things are required. He asked staff for the smallest fraction that would be workable to exceed the height requirement for mechanical equipment, architectural features, etc. Mr. Basehart stated the lowest number would be to limit it to elevator shafts and stair towers.

Vice Mayor Napoleone asked for the compromise number, the number between that limitation and the 50%. He asked if there was a number that was workable. Mr. Basehart stated staff was comfortable with 50% and think it should be at least 30%.

Mayor Gerwig stated this is not site specific. She said the Village is wanting redevelopment. Councilman McGovern stated they were talking about the part over 56 feet. He said he supports 56 feet, because he knows that is likely necessary for redevelopment.

Mayor Gerwig stated the applicant may need an amenity on top of that, because it lets them use the rest of the property differently. Councilman McGovern said he understood.

Councilman McGovern stated a lot of people are concerned over how high this building is going to be in the core of Wellington. He said this project talks about all of that being able to fit in 11%. He stated he would feel more comfortable if that number was like 35%.

Mr. Basehart stated he thought the answer to that as whatever he was comfortable with. He said the one concern he has about making it too small of an area, is that the portions of the building or structure that exceed the 56 feet will look unnatural from a design point-of-view. Councilman McGovern stated they are doing it at 11% and it is going to look fine.

Mr. Schofield stated, with the exception of the Future Land Use Map Amendment, none of this is site specific. He said he does not look at the criteria as it relates specifically to this building, because it is large enough to take into account the mechanicals - that 10% or 11%. He stated with a smaller building, something that has a footprint of only 2,500 square feet and has multiple stories, the mechanicals up top could take up 6% or 8%.

Mr. Schofield stated he understands staff's recommendation of 50%. He said he thinks the difference at 35% is a workable number. He stated, if for some specific reason it has to be higher than that, the applicant can always go through the technical deviation process. He said if Council is comfortable with 35%, it will provide for stairwell shafts, the mechanicals and some gardening up top. He stated he thinks the smaller buildings could live within the 35% footprint but not the 11% like this building is.

Mr. Green stated his team's plan originally had significant amenities on the rooftop, including a spa and a lot of the programming. He said it was give and take, and trying to understand what staff was going to support. He stated the team tried to reduce the area exceeding the 56 feet as much as possible.

Councilman McGovern stated Council wanted to provide flexibility for redevelopment while staying as close as possible to the current Wellington standard. He said they have been trying to work that out.

Mr. Green stated if staff applies the same standards and discussion that his team had to go through to any other project, Council could take some comfort in knowing they are not going to have something that is out of proportion or exceeding Council's comfort level. He said staff was great to work with. Councilman McGovern stated it will not always be this team and it will not always be this staff.

Mayor Gerwig reminded everyone that they are looking at redevelopment. She said if they need to make it 35%, she thinks that is fine. She stated someone could do a technical deviation from that if they needed to. She said it is not always going to be limestone, arches, and fountains. She stated there are other areas that are not going to border the Equestrian Preserve and are not going to have the site specific amenities that this project has, but the Council still wants to encourage that. She said she did not want to get in a zone that takes away the flexibility to intrigue redevelopment.

Vice Mayor Napoleone stated he is a bit uncomfortable with what right now seems like an arbitrary 15% reduction from 50%, without really understanding what that means going forward in development. He said he is okay with having the discretion to go up to 50% for future projects as long as the Village has the ability to say that is too much. He stated staff recommended 50%. He said he did not want to see giant towering buildings anywhere, but he would like to see some flexibility. He stated when the Village gets into a reinvestment stage, future applicants will have the ability to build a product that the Village wants to see. He said they will not see something that suddenly peaks at the top, because of the 35% or whatever the percentage is. He stated he is not real comfortable with the arbitrary 35%, but if staff and Mr. Schofield think it is workable, he is okay with it.

Mr. Schofield stated since the height restrictions have to come back to Council, the presumption would be 35%. He said they would be able to do a technical deviation to get up to 50%, which would be incorporated as part of the Council approval. He stated that makes Council happy and staff as well. Council agreed.

Ms. Cohen stated the public hearing is combined on these three items (B, C & D). She said anyone from the public who wants to comment on any of the three items, should do so during this public hearing.

Public Hearing

A motion was made by Vice Mayor Napoleone, seconded by Councilman McGovern, and unanimously passed (5-0), to open the Public Hearing on all three items.

Vice Mayor Napoleone stated Alexander Domb has submitted three cards, wishes to speak, and opposes all three items. He said Mr. Domb wants his remarks on item 19-3293 incorporated into the other two items.

1. Alexander Domb, 11199 Polo Club Road, Wellington. Mr. Domb indicated he is an attorney representing Palm Beach Polo, Polo West Golf Club and Marina Funding. He said his client is opposed to the approval of these items. He stated he and his client came before Council and asked for a master plan amendment on commercial recreation to play sports. He said that was turned down. He stated tonight, in order to fix the sins of the Players Club, which has been somewhat of a black eye in this community, Council is actually contemplating allocating or cramming 50 DU onto a 5½ acre parcel of property, creating probably one of the most densely used parcels of land in Wellington; allowing the tallest building perhaps in Wellington; changing commercial recreation to multifamily residential; allowing access points off the property onto South Shore at a time when traffic on South Shore is considerably difficult, feeding from the western exit of Palm Beach Polo and coming from the Polo West construction gate; and some other issues. He said there have been some issues relating to traffic there. He stated his client's position is that the comprehensive plan amendment is inconsistent with the purposes, goals, objectives and policies of the comprehensive plan. He said the proposed development is not compatible with the surrounding land uses and existing development, and violates LDR 5.2.3.b. He stated the proposed requested change is not in compliance with Article 11 of the LDR. He said the proposed request is not in compliance with Article 6 of the LDR. He stated the proposed development is inconsistent with the neighborhood plans and will not result in a logical timely and orderly development pattern. He said the use of the property is excessive and the building is too large. He stated, in these circumstances, his client asks that Council vote no.

Vice Mayor Napoleone stated Council received a lot of comment cards, but no one wishes to speak. He read the cards received by the following people into the record.

	NAME / ADDRESS	FOR	AGAINST
1.	John Headden, 11894 Suellen Circle, Wellington,	X	
2.	Brad Snoor, 11730 St. Andrews, #103, Wellington.	X	
3.	Jeff Kruger, 1948 Derby Trail, Wellington.	X	
4.	Juliza Kramer, 2205 Telogia Court, West Palm Beach.	X	
5.	Cindy Findley, 12594 Mallet Circle, Wellington.	X	
6.	Laura Kruger, 1948 Derby Trail, Wellington.	X	
7.	Robert Gerstt, 2075 Hermitage Drive, Wellington.	X	
8.	Karen Gerstt, 2075 Hermitage Drive, Wellington.	X	
9.	Charles Campbell, 2804 Shaughnessy Drive, Wellington.	X	
10.	Vanrios Manolis, 2908 42nd Ave, S., West Palm Beach.	X	
11.	John Darrah, 1646 Chapparel Way, Wellington.	X	
12.	Kathy Campbell, 2804 Shaughnessy Drive, Wellington.	X	
13.	Don Montello, 1646 Chapparel Way, Wellington.	X	
14.	Tommy Blake, 13745 Norwick Street, Wellington.	X	
15.	Tammy Greeley, 13250 Pierson Road, Wellington.	X	
16.	Timothy Godbold, 2707 Sheltingham, Wellington.	X	
17.	Bishop Wright, 15439 94 th Street, N., West Palm Beach.	X	

18.	Martine Diaz, 2562 Bedford Mews Drive, Wellington.	X	
19.	Darlene Brown, 11910 Suellen Circle, Wellington.	X	
20.	Ann Diaz, 2562 Bedford Mews Drive, Wellington.	X	
21.	Danielle Gilbert, 1646 Chapparel Way, Wellington.	X	
22.	Lisa Menard, 1185 Raintree Lane, Wellington.	X	
23.	Mark Norman, 8378 Rosalie Lane, Wellington.	X	
24.	Sharon Loayza, 13516 Fountain View Blvd, Wellington.	X	
25.	Julie Deluca, 2928 Winding Oak Lane, Wellington.	X	
26.	Marilynn Deluca, 2345 Golf Brook Drive, Wellington.	X	
27.	Dr. Michael Deluca, 2928 Winding Oak Lane, Wellington.	X	
28.	Thomas Murray, 255 Atwell Drive, West Palm Beach.	X	
29.	Jeff Cohen, 267 Caravelle Drive, Jupiter. (lobbyist)	X	
30.	Marcus Schult, 13368 Polo Road, W, 203C, Wellington.	X	

Mayor Gerwig asked if it was Council's practice to take cards of people who are not there. Ms. Cohen stated they typically do not do that. Mayor Gerwig said it seems like they have more cards than they have people there.

Ms. Cohen stated typically the people would need to be present to fill out a card. Councilman McGovern said in the past they have let people fill out cards and, then if they left as the meeting went on, they still read them. Ms. Cohen stated Council has read the cards if the people were present and filled out the card.

Mayor Gerwig stated Council has more cards than people who have been in the room all night. She said Council will keep going, but in the future they may need to have a rule or a policy.

Councilman McGovern stated cards should be turned in one card at a time by the person filling it out.

There being no further public comments, a motion was made by Councilman McGovern, seconded by Councilman Drahos, and unanimously passed (5-0), to close the Public Hearing.

Mayor Gerwig asked if a traffic count was required for any of this. Mr. Basehart stated that all applications for development approval require the submittal of a traffic analysis. He said, in the case, the 50 unit condominium project that is proposed will generate substantially fewer trips per day and at peak hour than the existing use on the property.

Mayor Gerwig asked if there was a question whether the existing use was ever permitted based on the fact they did not exactly have driveways. Mr. Schofield stated he guessed that when the original application was approved in 1973, a detailed traffic analysis was not done for the Wellington PUD. He said upon adoption of the Traffic Performance Standards (TPS) and the incorporation of Wellington, a number of trips were vested to every approved development and the Wellington PUD got those number of trips approved. He stated a vested number of trips are assigned to this site based on its restaurant/night club use. He said that is based on the Institute of Traffic Engineers (ITE) Manual. He stated they have sites for it. He said the actual traffic generation rates for this type of restaurant are higher than the residential equivalent here.

Mayor Gerwig stated this was not previously designated as a restaurant. Mr. Schofield said, in any time since the adoption of the TPS, it has been designated as a restaurant.

Mayor Gerwig asked what it was originally called on the master plan. Mr. Basehart stated it was originally a clubhouse. He said prior to the Traffic Performance Standards and prior to the time that Wellington incorporated with county approval, the facility was transitioned to commercial.

Mayor Gerwig stated it has been established that this is a less intense use, so the applicant will not have to present a new traffic count. Mr. Basehart stated the applicant has presented it and it is a reduction in traffic.

Councilman Drahos stated Mr. Domb had three minutes to cover a lot of things and could not provide all of the details. He said he wanted to address some of the points made by Mr. Domb.

Councilman Drahos stated Mr. Domb indicated the Village reviewed his client's application pertaining to the golf course and it was denied. He thought Mr. Domb was inferring that if his client was denied, the Village should be denying this application as they are both commercial recreation.

Councilman Drahos asked if the Village was now obligated to deny this application, because it denied the application relative to the golf course even though it is commercial recreation space. He asked, in the reverse, if Council grants this application tonight, are they obligated in the future to grant an application pertaining to one of the golf course properties.

Mr. Basehart stated absolutely not. He said every application for a comprehensive plan amendment is looked at individually on its own merits and based on what the Village is required to look at as a part of its review process. He stated these applications were apples and oranges.

Ms. Cohen stated what they are doing tonight is legislative. She said the Master Plan Amendment that was submitted on behalf of Mr. Domb's client was quasi-judicial. She explained legislative actions apply to all properties. She said quasi-judicial matters, like a Master Plan Amendment, take that general rule of law and apply it to the specific property. She stated there will come a time when Council is going to consider the Master Plan Amendment, which will be quasi-judicial, and they will apply these standards or new standards, if adopted, to that application. She said that is not what this hearing is about right now. She stated, in addition, this is a transmittal hearing.

Mr. Schofield indicated specific technical criteria was not met on the applications Mr. Domb previously addressed. Such as, some of the intersections that were proposed did not meet the minimum intersection distance that is established in the code and some of the access points were proposed off roadways where they did not have the permission of the actual underlying owner to use. He said in one case there were limited access easements that had not been lifted. He stated when the Village gets to the master plan for this project, it will get a recommendation of denial as well if any of the technical criteria is not being met.

Mr. Basehart stated, beyond that, the Village looks at the impact of what is being asked for in a comprehensive plan amendment on the quality of life standards in the comprehensive plan and in the LDR. He said staff evaluates each and every one of those. He indicated the quality of life standards are often referred to as concurrency requirements. He said they also look at the compatibility of the proposed land use with the adjacent land uses.

Councilman Drahos stated another point made by Mr. Domb was that this project is inconsistent

with the comprehensive plan because it is not compatible with the surrounding uses. He asked why staff disagreed.

Mr. Basehart stated staff disagreed. He said the surrounding land use to the northeast is the Bagatelle Condominium project, which is multifamily residential and essentially the same density category as is being requested at this location. He stated to the northwest is an existing condominium and apartment complex, which again is multifamily and the same as what is being requested here. He said to the south and southeast is open space and the Equestrian Village, which is a commercial equestrian competition facility. He stated the other exposure is basically to the southwest, which is an existing commercial site that is PUD commercial and mostly empty at this point. He said it has one office building on it and it is approved for expansion. He stated the surrounding land use is either commercial recreation, general commercial or multifamily. He said to put a multifamily use on this site is simply not incompatible in his opinion with the surrounding land use.

Mr. Schofield stated development parcels within Polo itself have densities up to twenty units to the acre. He said the density in Saint Andrew is significantly higher, so these are certainly compatible with the land uses within Polo.

Councilman Drahos stated another point made by Mr. Domb was that this project was inconsistent with Article 6 and Article 11 of the LDR. He asked staff to provide a brief overview of these Articles and whether or not they agree the project is inconsistent.

Mr. Basehart stated Article 6 is development standards, setback requirements, densities, lot size requirements. He said staff has looked at what is proposed here with respect to Article 6 and it is entirely consistent with Article 6.

Mr. Basehart stated Article 11 is the subdivision code. He said he has no idea what Mr. Domb is talking about.

Mr. Basehart indicated Mr. Domb also mentioned that this project is inconsistent with the neighbor plan. He said there is no neighborhood plan in this area.

Mayor Gerwig noted that the Council is not revising the Master Plan tonight.

Mayor Gerwig asked if the Council decided on the 50%. Vice Mayor Napoleone stated he thought they had clarified the language. Mr. Schofield indicated the entitlement would be up to 35% with the ability for a technical deviation to reach 50% with Council approval.

Councilman McGovern asked how staff came up with the six criteria to get the additional height and if there could have been other criteria.

Mr. Basehart stated staff came up with the criteria and vetted them with the applicant. He said they kept the applicant advised of what they were doing. He explained staff looked at the long range objectives of the Village for reinvestment and redevelopment as well as the kinds of things they felt were appropriate and should be done in order to mitigate granting additional height. He said it is a Cause and Effect type of analysis.

Councilman McGovern stated he understood. He said this is what he is looking at and the reason for his question. He asked, as the Village is looking at long term redevelopment, if this standard could be effectively used in other places in the Village where they want redevelopment

of older properties just like this one. He said criteria #1 is a parking structure that results in reduced paving, parking and additional open green space. He stated he thought that might be a very hard criteria to use on a smaller site. He indicated, when it is said the applicant needs to have three, they now need to have three out of five. Mr. Basehart stated that was correct.

Councilman McGovern asked if there was other criteria the Village should be including here. He said while it may not apply or be involved in this project at all, it might be important and useful at other sites throughout the Village. He stated they are trying to put in place a framework that is future looking and encourages or at least increases the potential for future redevelopment. He indicated he intended to vote yes tonight, but he would like to see additional possible criteria there.

Vice Mayor Napoleone stated, on the enhanced landscaping component, he would like to see that include some kind of potential screening, so it is seen less from the road when driving by. He said with St. Andrews most people do not even know there are three story buildings back there.

Councilman McGovern stated the Village should potentially have more criteria. He said when he originally read this he thought the applicant should be required to have four of the criteria if there were ten of them.

Vice Mayor Napoleone stated if Council was just talking about this project specifically, it would probably be easier to deal with. He said they know what they are doing tonight is going to have implications for other parcels in the community.

Vice Mayor Napoleone stated to him one of the most important things that Council has to consider is the map with the purple. He said it shows the potential for future reinvestment to occur and how staff has limited and then limited again the available parcels where this could happen. He stated for it to happen initially, someone would have to buy up the existing properties. He said all of the purple parcels on this map where this could happen are already built out. He stated someone would have to acquire them, tear them down and then build something.

Vice Mayor Napoleone stated he understood the need to give people additional incentive if they are going to go through the expense, as they cannot start with raw land. He said they have to start with land that is already built up.

Vice Mayor Napoleone stated the Village is requiring a buffer between any multifamily building that will be taller than what they customarily have to not be adjacent to single family residential. He said that is very important to him.

Vice Mayor Napoleone stated the purple map to him is key to being able to approve this project. He said this project in a vacuum, he has less problems with. He stated, when looking at how it applies Village-wide, he thinks what staff has done with adding additional criteria as to where these future heights will be available is going to protect the residents from having tall multifamily buildings towering over their swimming pools. He said he thinks this does a very good job at doing that.

Vice Mayor Napoleone stated he also likes the fact that future applicants are looked at on case-by-case basis. He said they will look at location, appearance, height, landscaping, and how it impacts the neighborhood where it wants to be built. He thought that was an important built-in

part of this to make sure that whoever the Council is when these applications come, is looking at the holistic approach of how a future applicant and development would impact the character of the community where they want to build it.

Vice Mayor Napoleone stated he thought staff had done a very good job at making sure the Village does not see a proliferation of tall multistory buildings. He said they accounted for the fact that they do have some aging housing stock that will need reinvestment in the future. He stated no one is going to tear down something that is two stories to build something that is two stories, as the economics do not make sense. He said code enforcement on some of the older buildings will only go so far, before people are spending more money to fix something than they are ever going to realize out of it.

Vice Mayor Napoleone stated as much as people do not necessarily like change, some change has to happen for Wellington remain the place that they love. He said he thinks the Village has done a good job at making sure that when and if this change ever does come, they have limited it in such a way that it is going to protect existing residents, benefit Wellington and increase people's property values.

Vice Mayor Napoleone stated he loved the project that the applicant is proposing, but, more importantly, it is how it impacts the future of Wellington. He said he thought the applicant had done a great job in taking care of the issues that he was most concerned about.

Councilman McGovern stated he thought the same rigorous evaluation process that has gone on here for a year, would be what the Village would require if someone wanted to do something like this on another commercial parcel and switch it to residential. Mr. Basehart said that was correct.

Councilman Drahos stated he thought Vice Mayor Napoleone's comments were right on point. He said that was a concern of his as well. He asked if they were inviting a Trojan horse and, if that is a threat, what are they doing now to prevent that from ever occurring.

Councilman Drahos stated he was satisfied, after having listened to staff's presentation and hearing all of the answers to their questions tonight, that the Village has been responsible and smart about how they are going about this. He said this is a concept that did not come about overnight. He stated he did not think Mr. Hirsch's project spawned this discussion. He said Council has talked about this in more than one visioning session, about what can they do to be forward thinking and recognize that some of these communities are closing in on forty to fifty years old and need to have some sort of future plan. He stated in order for the Village to be able to attract redevelopment, it needs to have a plan.

Councilman Drahos thought what was best about this is that the stars have aligned here. He said they have a very good applicant who is going to be the first of its kind and set the benchmark for every other redevelopment project that will come before Wellington. He stated they are all going to be compared to Mr. Hirsch's project. He said that is why he had that question for Mr. Green and why he asked it privately and publicly. Councilman Drahos stated it is important for him that the first person who does this is someone who has a brand and who is going to do it right. He said he is confident after hearing this presentation tonight that this is a good step in the right direction.

Councilwoman Siskind stated she agreed with those comments as well. She said these are the standards they want in Wellington as they look to reinvest or redevelop. She stated this is

setting the bar high. She said she thinks it is a beautiful project and very complimentary to Wellington. She stated she is very confident that the Village is protected here and is not opening itself up for future disasters. She said there is a lot of protection in staff's guidelines, extra mandatory requirements, and design criteria. She stated she thinks it is well thought out and it will be good for the future of Wellington.

Mayor Gerwig stated she believed it was 2011 when the Neighborhood Renaissance came before this Council with the attempt to incentivize redevelopment. She said it failed before the Council at that time, because she thinks it did not give enough incentives. She stated even if Council had accepted that process back then, she does not think it would have incentivized development enough. She said she wanted to make sure they keep that in mind.

Mayor Gerwig stated what is happening here is so site specific. She said if it was in a different position, Council would not be looking at fountains, verandas and a lot of the architectural features that they see here.

Mayor Gerwig stated she liked the fact that there is a number of criteria that the applicant has to do without having to do all six. She said the criteria is attainable and could be used elsewhere in the community in the future.

Mayor Gerwig indicated that a sustainable design is to go up and not out to prevent wasting of open space. She said it is about using the open space they have and going up. She stated she thought part of the problem was that the community was developed in a scheme that is different and a bit dated. She said it is going to be difficult as they look at these changes, but she thinks it is important. She stated they are moving towards a sustainable environmental process and hopefully it will be used greatly by this applicant and others in the community.

A motion was made by Councilman Drahos, seconded by Vice Mayor Napoleone, and unanimously passed (5-0), to approve Ordinance No. 2019-05 (Comprehensive Plan Text Amendment - Building Height) as amended.

C. 19-3294 ORDINANCE NO. 2019-06 (ZONING TEXT AMENDMENT- BUILDING HEIGHT)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING ARTICLE 6, CHAPTER 5, SECTION 6.5.8.C, BUILDING HEIGHT, OF THE WELLINGTON LAND DEVELOPMENT REGULATIONS BY MODIFYING THE BUILDING HEIGHT REGULATIONS FOR PROPERTIES WITH MULTIFAMILY RESIDENTIAL FUTURE LAND USE DESIGNATIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Refer to item 7B for the discussion summary.

A motion was made by Councilwoman Siskind, seconded by Vice Mayor Napoleone, and unanimously passed (5-0), to approve Ordinance No. 2019-06 (Zoning Text Amendment – Building Height).

D. 19-3292 ORDINANCE NO. 2019-07 (COMPREHENSIVE PLAN AMENDMENT – FUTURE LAND USE MAP DESIGNATION FOR THE PLAYERS CLUB

RESIDENCES)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A COMPREHENSIVE PLAN AMENDMENT [PETITION NUMBER 19-003 (2019-002 CPA1)] TO AMEND THE FUTURE LAND USE MAP DESIGNATION FOR CERTAIN PROPERTY KNOWN AS THE PLAYERS CLUB (F.K.A. EQUESTRIAN POLO VILLAGE AND COMPLEX OF PALM BEACH POLO AND COUNTRY CLUB), TOTALING 5.58 ACRES, MORE OR LESS, APPROXIMATELY LOCATED ON THE SOUTHWEST CORNER OF SOUTH SHORE BOULEVARD AND GREENVIEW SHORES DRIVE, AS MORE SPECIFICALLY DESCRIBED HEREIN, FROM COMMERCIAL RECREATION TO RESIDENTIAL F (8.01 DU/AC TO 12.0 DU/AC); PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Refer to item 7B for the discussion summary.

A motion was made by Councilman McGovern, seconded by Vice Mayor Napoleone, and unanimously passed (5-0), to approve Ordinance No. 2019-07 (Comprehensive Plan Amendment - Future Land Use Map Designation for the Players Club Residences).

8. REGULAR AGENDA

9. PUBLIC FORUM

1. Ms. Christina Waters, 389 Knotty Wood Lane, Wellington. Ms. Waters asked Council to reconsider the cancellation of the Green Market for this year. She said she owns Christy's Bakery and a lot of people have asked her what happened to it. She stated she did not know how the Village could cancel something so important. She said she has been after Council for a few years to make improvements, as she feels the Green Market has not represented Wellington's potential or its local people. She stated Council supports local business, but she is not seeing that support with the Green Market. She said she knows it was canceled because of the construction of the boardwalk and they have talked about using it as a venue for the future Green Market.

Ms. Waters stated she has been a vendor and a business owner. She said she is an equestrian and has been coming to this town for thirty years and has lived here for 19 years. She stated she knows so many people in this Village who have come to her year after year. She said the Village has allowed the other vendors, who are not residents of Wellington, to come and operate the Green Market. She stated these people have no other agenda other than putting the fees in their pocket and they do not kickback to the community. She said whenever the Village needs something from her to honor someone, she is there.

Ms. Waters asked that Council in the future consider the people who are running the Green Market. She said there are only 20 or 30 vendors. She stated she would like to have an opportunity to operate the Green Market. She said she was disappointed that the public was not notified or asked their opinion.

Mayor Gerwig stated people were contacting her about the Green Market. She said this year they have the difficulty with the construction there. Mr. Schofield stated construction is going to start relatively quickly and there will be heavy machinery in and out of that area.

Vice Mayor Napoleone asked if Wellington Green Mall was trying to do a Green Market this year and if there were opportunities at the mall for Wellington's current vendors.

Mayor Gerwig stated the difficulty was the vendor, Pirates of the Treasure Coast, moved the event in Royal Palm to Saturday. She said the Village would either have to change its Green Market to Sunday, which was not very successful in the past, or come up against those vendors. She stated staff will be working on this.

Mr. Schofield stated staff has been trying to address a series of issues. He said that resulted in the vendor electing not to renew and it was done so late that staff did not have an opportunity to do anything. He stated they will address the issues as part of the proposal next year.

Vice Mayor Napoleone stated he was hopeful that the Village will be able to have an enhanced Green Market next year with the boardwalk there. He said the Green Market was successful when it was moved over to that side even though there were some challenges.

Mayor Gerwig thanked Ms. Waters for her comments. She said staff will continue to work on it until they come up with the right solution.

Councilman McGovern stated the mall thinks it's Green Market and the one in Royal Palm can happen at the same time. He said this will give the Village a chance to see how that goes.

10. ATTORNEY'S REPORT

MS. COHEN: Ms. Cohen presented the following report:

- She indicated the opioid litigation that has been brought by various counties and cities in the country has been consolidated in the Northern District of Ohio. She said the federal court has certified a negotiation class of litigants to attempt to negotiate settlements. She stated there are RICO claims and controlled substances claims in the multidistrict litigation.

She stated the class has been certified solely for considering a vote on any future settlement offers. She said, as a municipality, the Village is a member of that class. She indicated there are thirteen defendants, manufacturers, and distributors of opioids. She stated under the negotiation it calls for certification standards. She said if 75% of the class support a proposed settlement, it will be presented to the federal court.

She indicated, in Florida, the Village has some representatives, as Broward County, Delray Beach, Escambia County, and Palm Beach County are part of the representative class. She stated there are no claims brought by state governments in this litigation. She said this is just cities, counties, boroughs, municipalities, etc.

She explained the Village has received a notice and, like any other class action, they can either remain part of the class or opt out. She said if they opt out, the Village will not be a part of any settlement that is ultimately negotiated. She stated the Village would have the option of bringing its own claims, but she has never received any indication

from anyone on this Council that this is something they want to pursue. She said her recommendation is that the Village stays in as a class member.

She stated the deadline for opting out is November 22, 2019. She said the Village could certainly opt out and bring its own lawsuit, but she is not sure if that would ultimately benefit the Village since it is already a member of the class. She stated any settlements would be distributed to the counties. She said the counties and the municipalities have to agree on how the money will be disbursed. She stated there is a process in place if a municipality and the county cannot agree. She said she thought overall it would be expensive, as the cost might outweigh any benefit the Village might receive if it were to individually bring an action against the companies. She stated her recommendation is for the Village to stay in the class.

Mayor Gerwig asked about the Arkansas lawsuit that was brought about by the state. Ms. Cohen stated it could be a state action, but this litigation does not affect any litigation that has been brought by a state.

Mayor Gerwig asked if there was a down side for the Village to stay in the class. Councilman McGovern stated the down side is the Village could not sue on its own.

Councilman McGovern stated he would like some time to discuss this with Mr. Schofield, Ms. Gibbons and some other folks. He said they have two months.

Councilman Drahos stated he agreed, as he would like to talk about this some more.

Ms. Cohen stated she would send out the notice the Village received, as it includes questions and answers. She said she thought it would helpful for Council to see how the process is structured, as it is complex. She stated one of the seminars she went to at the conference over the weekend was put on by some of the lawyers representing the cities in this class action lawsuit. She said it was timely and interesting. She stated it is probably one of the most complex cases that has ever been filed in the United States. She said it is the formula for how these matters will be addressed.

Councilman Drahos asked if the notice has the names of all of the defendants. Ms. Cohen stated it has the names of all defendants and many of the manufacturers and distributors. She said Publix, Walgreen's and CVS are characterized as distributors of opioids and not retailers. She stated the defendants are identified in the question and answer piece.

Mayor Gerwig stated there may be people who have conflicts, if they work for those distributors. She said the notice needs to be read all the way through. Ms. Cohen stated she would send it to Council.

11. MANAGER'S REPORT

MR. SCHOFIELD: Mr. Schofield presented the following report:

- The next Regular Council Meeting will be held on Monday, October 7, 2019 at 7:00 p.m. in the Council Chambers. This meeting had previously been rescheduled from October 8, 2019 in observance of the Yom Kippur holiday.

- The Agenda Review is scheduled for Thursday, October 3, 2019 at 4:00 p.m. in Conference Rooms 1E/1F. His said this information will be put on the website, channel 18 and social media. Councilman McGovern asked that Ms. Aldrich send calendar invites to Council.
- He provided an update on the CVS drugstore, which has been under a partial stop work order since May. He said most recently the Village has some concerns about the column pours and a structural engineer is checking them this week. He stated the Village should know if the walls are structurally sound by Friday. He said CVS has cleaned up the outside, put in the windows and done some wall painting. He stated right now staff is most concerned about the walls. He indicated it is moving forward to the Special Magistrate. He said the Village is not using the magistrate process for the daily fines, but because CVS is failing an inspection usually once a day now, their daily fines are about \$250.

Mayor Gerwig stated the businesses in that plaza have been suffering, as the parking has been wiped out from this process. Mr. Schofield indicated the parking spaces closer to the main building have been paved and striped.

Councilman Drahos stated he was glad staff was keeping their eye on this property. He said he thought there was a big misunderstanding in the community, as this project never came before this Council. He asked Mr. Schofield to explain to the community why CVS is entitled to build this building without Council approval.

Mr. Schofield explained the master plan for that, including the out parcels, was approved as part of the original 1973 master plan approval for the Wellington PUD. He said it provided the locations for those buildings. He stated there has always been buildings in that location, they just have not been that size. He said they are operating under their 1973 approval, which they are perfectly entitled to do. He stated CVS has to meet the new Village landscaping and paving requirements, but in terms of the building locations, sizes and setbacks, those have not changed since the original approval. He said the Village is precluded by state law from voiding a valid development order that existed prior to the Village's incorporation.

Mayor Gerwig asked if CVS needed a variance. Mr. Schofield stated CVS only required a drive-through variance.

Councilman Drahos stated it went to Planning & Zoning, but it never came to Council. Mr. Schofield said it only goes to the Planning, Zoning and Adjustment Board (PZAB).

Mr. Schofield stated putting in the drive-through is a conditional use and not a variance. He said a variance has very strict standards and a conditional use is a zoning use. He stated a set of criteria has existed in the zoning code in that way since the Village incorporated in 1996. He said an applicant meeting those criteria will get their approval and CVS did.

12. COUNCIL REPORTS

COUNCILWOMAN SISKIND: Councilwoman Siskind presented the following report:

- She commended Ms. Paulette Edwards and Community Services for the Bahamas Relief Effort on Saturday. She stated it was great to see kids out volunteering.
- She stated the Peace Ceremony was beautiful. She congratulated all who participated and those who received an award or scholarship. She said it is always nice to hear the kids read their poems or essays.

COUNCILMAN MCGOVERN: Councilman McGovern presented the following report:

- He stated that Council talked to the Civics 101 students about registering to vote and it being their first opportunity to have their voice heard. He indicated that today is National Register to Vote Day, so he hoped that people, particularly in Palm Beach County, will register to vote.
- He stated that one of the consent items approved tonight was the Town Center Boardwalk, which is something this Council wanted done. He hoped this project will be an important additional amenity to this overall property.
- He indicated the Village of Wellington was ranked as the 78th top city in the United States in Money Magazine and the only South Florida city to be listed. He said he thought that was a testament to what the Wellington standard is and to the work everyone has been doing over the last couple of years. He stated the residents should be very proud of this.
- He announced that there has been a resignation from the Construction Board of Adjustments & Appeals and a new applicant for an At-Large member for same.

Councilman McGovern did not know if Council wanted to appoint the new applicant, Mr. Charles Hernicz, or wait to solicit additional applicants. Councilman Drahos recalled that Mr. Hernicz is a construction law attorney and would meet the criteria for the Construction Board of Adjustments & Appeals.

Vice Mayor Napoleone stated he knew Mr. Hernicz and that he would be a good fit, if Council wanted to discuss him now.

Mayor Gerwig stated there is some concern about the criteria to serve on the Construction Board of Adjustments & Appeals. She asked that Ms. Cohen be prepared to discuss the criteria, duties, etc., for the Construction Board of Adjustment & Appeals at the October 3, 2019 Agenda Review Meeting. She said she thought Mr. Hernicz would be fantastic.

Councilman McGovern stated if other people want to apply between now and then, whether they are general contractors, engineers, architects, now is the time to go to the Village Website or contact the Village Clerk. Ms. Cohen indicated the list contained in the code is not an exhaustive list.

COUNCILMAN DRAHOS: Councilman Drahos presented the following report:

- Councilman Drahos invited everyone to the Young Professionals of Wellington (YPOW) Halloween Costume Party (WICKED) to be held at Wellington National Golf Club on October 26, 2019. He said tickets are available at ypwellington.com.

VICE MAYOR NAPOLEONE: Vice Mayor Napoleone presented the following report:

- Vice Mayor Napoleone stated he attended the Palm Beach County Literacy Coalition Luncheon along with Gloria Kelly from Community Services. He said the book for Read for the Record this year is entitled, "Thank You, Omu" and the event will be held on November 7, 2019. He indicated the Read Together Palm Beach County book is entitled, "The One-in-a-Million Boy."
- Vice Mayor Napoleone encouraged everyone to walk or bike their child to school on October 2, 2019, which is National Walk or Bike to School Day.

MAYOR GERWIG: Mayor Gerwig presented the following report:

- She stated she attended the Seniors Luau today. She thanked Wellington Regional for sponsoring the luncheon and staff for making it a lot of fun for the seniors. She said she met a new resident at the luau who stated he moved here after seeing Wellington listed as one of eight best places to retire. She stated she thought that was good, as the Village is getting good press, good responses and people who want to be a part of the community.
- Mayor Gerwig stated the Art Show was today and it was very well done.
- Mayor Gerwig indicated she completed her evaluations for the Village Manager and Village Attorney. She said she will give the evaluations to the Village Clerk. She asked the other Councilmembers to complete the evaluations as well and turn them in.
- Mayor Gerwig stated she visited the house this morning and it is difficult for neighbors to deal with this in terms of the hoarding, common walls, smells, etc. Mr. Schofield provided an update about the house and code enforcement.

Ms. Cohen stated the Building Code does not give the Village the authority to go in and repair. She said the code does give the Village the authority to demolish, but it is a multiunit building. She stated through the Code Enforcement process and Florida Statutes Chapter 162, the Village can obtain a ruling from the magistrate that declares the public health, safety and welfare at risk, and then the Village would be permitted to go in and repair.

Mayor Gerwig stated the Village would then know that it was done properly. She said the Village has to apply its code evenly throughout. She stated the process is so difficult for those having to endure it. She said whatever the Village can do to make it easier, as these people do not necessarily have a lot of resources. She thought as a Great Hometown, the Village needed to bring it any way they can that is proper.

Mr. Schofield stated the house has a contractor and an engineer. He said staff has been out there and will stay there, and they are moving it forward as fast as they can.

13. ADJOURNMENT

There being no further business to come before the Village Council, the meeting was adjourned at approximately 9:45 PM.

Approved:

Anne Gerwig, Mayor

Chevelle D. Nubin, Village Clerk