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**MEETING MINUTES  
WELLINGTON  
PLANNING, ZONING AND ADJUSTMENT BOARD  
August 6, 2014  
7:00 PM  
Wellington Village Hall  
12300 Forest Hill Boulevard  
Wellington, FL 33414**

Pursuant to the public notice, a meeting of Wellington Planning, Zoning and Adjustment Board was held on August 6, 2014 at 7:00 p.m. at the Village Hall, 12300 Forest Hill Boulevard, Wellington, Florida 33414.

**I. CALL TO ORDER/ PLEDGE OF ALLEGIANCE**

Carol Coleman called the meeting to order at 7:00 p.m.

**Members present:** Carol Coleman; Michael Drahos; Elizabeth Mariaca; Paul Adams; Kenneth Kopp and George Unger.

**Members absent:** Andrew Carduner.

**Staff present:** David Flinchum, Planning and Zoning Manager; Laurie Cohen, Village Attorney; Robert Basehart, Senior Project Director; Tim Stillings, Planning, Zoning and Building Director; Damian Newell, Associate Planner and Jennifer Fritz, Recording Secretary.

**Pledge of Allegiance was done.**

**II. CONSIDERATION OF REQUEST BY BOARD MEMBER ANDREW CARDUNER TO PARTICIPATE VIA TELEPHONE**

Laurie Cohen advised the Board Mr. Carduner has requested to participate in the meeting via phone conference. Ms. Cohen recommended to the Board not to allow due to several items tonight being quasi-judicial hearings.

Paul Adams inquired on the request of the Administrative Appeal for an extension. Jeff Bass confirmed they would be requesting an extension. Daniel Rosenbaum stated they currently have no position on the postponement. The Board discussed the merits of allowing Mr. Carduner to participate.

**A motion was made by George Unger, seconded by Elizabeth Mariaca, to deny by the Board (4-2) with Carol Coleman and Paul Adams dissenting, Andrew Carduner's request to participate via telephone.**

### **III. APPROVAL OF MINUTES – June 4, 2014**

**A motion was made by Elizabeth Mariaca, seconded by Michael Drahos, unanimously approved by the Board (6-0), to approve the June 6, 2014 minutes.**

### **IV. ADDITIONS/DELETIONS/REORDERING OF AGENDA**

Mr. Bass requested to postpone the Administrative Appeal item to the next scheduled meeting. Mr. Bass explained the reasons for postponing. Mr. Rosenbaum clarified the request for the injunction.

The Board discussed the merits of postponing. Ms. Cohen stated Mr. Carduner would not be able to participate if the Appeal item started tonight and continued to a later date.

**A motion was made by Michael Drahos, seconded by Kenneth Kopp, approved by the Board (4-2) with Carol Coleman and Paul Adams dissenting, to reject the appellants' request to postpone the Administrative Appeal.**

- SWEARING IN OF SPEAKERS/DECLARATION OF EX-PARTE COMMUNICATIONS**

Attorney Laurie Cohen administered the oath.

George Unger declared he had heard from both sides but did not speak with either of them. Mr. Unger did speak with Mr. Basehart. Kenneth Kopp declared he had spoken to Village staff and was contacted via phone by Mr. Rosenbaum's firm but only to confirm receipt of material. Michael Drahos declared he spoke with Mr. Basehart, Kevin Shapiro, Joe McGuire and received a voice mail from Mr. Rosenbaum's office and a brief conversation with Mr. Basehart, Mr. Stillings and Ms. Cohen about the hearing. Ms. Coleman declared she had spoken with Matt Forest, Jacek Tomasik, Mr. Basehart and other members of the staff. Ms. Coleman declared she had requested information on a DVD which would not play on her computer and a call from Mr. Rosenbaum's office for a meeting that did not happen. Elizabeth Mariaca declared she had spoken with Mr. Basehart, Mr. Stillings and a phone call from Mr. Bellissimo representative if she had any questions, which she did not. Mr. Adams declared he spoke with Mr. Basehart, Matt Forest and a phone call from the other side's attorney. Ms. Cohen clarified all ex-parte was in regards to the appeal and not Bink's Forest. Ms. Cohen inquired if the Board can still be fair and impartial. Mr. Unger declared he lives in Bink's Forest but not directly affected by the application.

### **V. NEW BUSINESS**

- A. A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A MASTER PLAN AMENDMENT (PETITION NUMBER 2013-61 MPA 2) FOR CERTAIN PROPERTY KNOWN AS POD "L" (BINK'S POINTE F.K.A. RESIDENCES AT BINK'S FOREST GOLF CLUB) OF THE LANDINGS AT WELLINGTON PUD, TOTALING 15.27 ACRES, MORE OR LESS, LOCATED APPROXIMATELY 1/2 MILE SOUTH OF SOUTHERN BOULEVARD ON THE WEST SIDE OF BINKS FOREST DRIVE, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO INCREASE THE ACREAGE OF POD "L" BY INCLUDING PARCEL "V" 0.26 ACRE, DESIGNATE POD "L" AS OPTIONAL RESIDENTIAL (OR) AND AMEND CONDITIONS OF APPROVAL; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Damian Newell, Associate Planner presented the staff report. The applicant is requesting to amend The Landings at Wellington PUD Master Plan by adding 0.26 acre Parcel "V" and designate as optional residential. The request also includes extending the build out date and deleting conditions that no longer are required or have been completed. Mr. Newell reviewed the landscape buffer and berm. Mr. Newell advised of the updates and errors that were listed in the initial staff report. Staff recommends approval.

Jennifer Vail with Land Design South a division of WGI, agent for the applicant reviewed with the Board the location, previous approvals and the background information for the request for the Master Plan Amendment project. Ms. Vail illustrated the design layout of the site plan and the landscape buffer.

Mr. Unger suggested opening public comment first.

**A motion was made by Paul Adams, seconded by Michael Drahos, approved unanimously (6-0) to open public comment.**

Michelle Daniels 570 Cypress Strand Court expressed some concerns.

Louis Cuthbertson 630 Cypress Green Circle not overly opposed but suggested to make restrictions on the rentals.

Michael Hernandez 15540 Cedar Grove Point has questions on the impact of the area.

Neil Dickerman 520 Cypress Crossing expressed concerns on the golf course.

Edward Smith 835 Cedar Cove opposes.

**A motion was made by Paul Adams, seconded by Michael Drahos, approved unanimously (6-0) to close public comment.**

The Board discussed restricting the rentals, keeping the wetlands, parking, the turn lanes and the landscaping. Mr. Kopp commented the vote is on the increase of acreage. Ms. Vail explained the traffic light was on the previous site plan but currently not warranted. Mr. Newell advised a traffic study will be done before the final certificate of occupancy on the traffic signal. Ms. Cohen advised the Village cannot make the restriction on the rentals. Ms. Vail stated the developer privately agreed to add the rental restriction for the first year.

**A motion was made by George Unger to approve.**

Ms. Vail inquired on the pathway condition. Mr. Newell stated staff still requires it to be shown on the overall Master Plan and the applicant needs to work with Bink's Golf Course Owners. Mr. Flinchum stated the existing pathway is there as a FP&L maintenance road and part of the overall study for a needed multi-purpose pathway. The seller of this property and the current golf course was originally in agreement with this condition. Staff will continue working with the golf course owner to use the connection west to Flying Cow Road.

Mike Smolak advised the Board they would agree to construct the path but do not own the property.

Mr. Drahos asked for clarification on the motion and then seconded the motion.

Seconded by Michael Drahos, approved unanimously (6-0) to approve Master Plan 2013- 61 MPA2 and to agree to install the trail and subject to the staff's conditions and with an agreement restricting rentals for a year.

**B. ADMINISTRATIVE APPEAL 2013-075AA: AN APPEAL BY JOHN SHUBIN, ESQUIRE, ON BEHALF OF CHARLES AND KIMBERLY JACOBS DBA SOLAR SYSTEMS, INC., RELATED TO THE INTERPRETATION OF ARTICLE 10, SECTION 6.10.11(d) AND ARTICLE 6, SECTION 6.5.8.C.2. OF THE WELLINGTON LAND DEVELOPMENT REGULATIONS PERTAINING TO THE EQUESTRIAN VILLAGE PROJECT COMMERCIAL USE SQUARE FOOTAGE MAXIMUM AND BUILDING HEIGHT LIMIT FOR COMMERCIAL RECREATION LAND USE CATEGORIES.**

David Flinchum advised the Board of the Appeal and the three interested parties participating in the process.

The Board discussed limiting the amount of time for the attorneys to present including rebuttals to 40 minutes.

Claudio Riedi, attorney for Wellington gave an introduction to the Board.

Mr. Basehart was sworn in by Ms. Cohen.

Mr. Riedi questioned Mr. Basehart on his interpretation. Mr. Basehart explained the three stable buildings, the other facilities and the timeframe of the applications. Mr. Basehart stated the appellant has objected to the interpretation by staff. Mr. Basehart reviewed the timeline for the request and the response to the appellant. Mr. Riedi reviewed with Mr. Basehart the four different appeal requests. Mr. Riedi reviewed Sect. 6.10.11.D with Mr. Basehart and reviewed each of the appeal requests separately.

Mr. Bass objected to the discussions being outside the scope of the appeal. The Board allowed the testimony to continue. Mr. Bass objected again to the order of how the appeal is being heard.

Mr. Riedi continued with his review of the interpretation for the structures and their use. Mr. Basehart reviewed why stables are not considered a commercial use. Mr. Bass objected on the discussion being misleading. Ms. Cohen explained the objection and its place in the quasi-judicial hearing.

Mr. Riedi continued with the vendor and seating areas and the interpretation on single commercial uses. Mr. Basehart explained the different activities and his interpretation on their square footage. Mr. Riedi reviewed the difference between floor area and floor area ratio with Mr. Basehart. Mr. Basehart explained why the arena is not considered floor area but is considered as lot coverage.

Ms. Coleman inquired on the covered arena being a structure or a building and her reading of the Land Development Regulations (LDR) for the definition of a building. Mr. Basehart explained floor area would have walls and the arena does not have walls. Mr. Drahos requested the Board Members to hear the testimony before asking any questions. Ms. Cohen stated it would be a cleaner process to hear testimony before questions. Mr. Riedi stated in order to count as floor area it must have walls. The issue being appealed is the floor area. Ms. Coleman inquired on the

stables being a single commercial use. Mr. Basehart explained his interpretation of a single commercial use. Mr. Adams asked to hear the presentation first before any Board comments.

Mr. Riedi inquired on when the code was adopted. Mr. Basehart stated probably since 1973. When Wellington incorporated Wellington adopted Palm Beach County Code. Mr. Riedi inquired on other buildings in Wellington subject to this interpretation. Mr. Basehart pointed out Dr. Swerdlin's equestrian arena. Mr. Bass objected to the new testimony.

Mr. Riedi commented the seating; vendor and arena all have no side walls and don't count as floor area. Mr. Riedi inquired on the stables being counted as separate single uses. Mr. Bass objected. Mr. Basehart stated the stables are separate single uses. Mr. Riedi reviewed the existing barns being calculated at the lower square footage. Mr. Basehart explained why the patio and breezeways are not counted as floor area.

Mr. Kopp inquired on the appeal process and the information being heard tonight but not given before. Mr. Riedi stated the intent was not to expand but to explain. Mr. Basehart explained his letter of interpretation of each barn. Mr. Riedi reviewed the fourth appeal item on the height of the building. Mr. Basehart explained how staff determines the height of the building. Mr. Basehart stated in the EOZD the height limitation is 35 feet but there is a provision in the code under Sect. 6.10.2 that states the EOZD regulations will govern. Mr. Bass objected to the testimony. Mr. Riedi withdrew the question. Mr. Riedi stated the building complies with the EOZD regulations.

Mr. Jeffrey Bass attorney for Mr. and Mrs. Jacobs cross-examined Mr. Basehart, inquiring on the approvals. Mr. Basehart reviewed the various approvals. Mr. Bass inquired on how many uses were approved. Mr. Basehart stated there was an application for the commercial equestrian arena designation based on the site plan showing the uses on the site. Mr. Bass inquired if a certificate of use was issued. Mr. Basehart stated certificates of occupancy were issued. Mr. Bass inquired on the users. Mr. Riedi objected mixing up users and uses. Mr. Bass inquired if more buildings could be built. Mr. Basehart advised those requests would have to go to Council for approval. Mr. Basehart answered he would have to review a plan for an answer. Mr. Basehart explained the floor area ratio and building coverage limitation on the site. Mr. Bass inquired on Dr. Swerdlin's arena. Mr. Basehart stated he does not have the information on Dr. Swerdlin's arena. Mr. Bass inquired on the rental of stables. Mr. Basehart explained the difference of a commercial stable and commercial use designation. Mr. Basehart used International Polo Club as an example.

Mr. Bass inquired if the building permit plans had walls, with reference to tab E and F. Mr. Bass objected to the witness speaking with the attorney. Mr. Riedi stated Mr. Bass was mistaken and he was not speaking with his client. Mr. Basehart stated the drawings refer to the eave structure and from the drawings there are no walls. Mr. Bass referred to the end wall sheathing. Mr. Basehart stated it referred to the roof structure. Mr. Bass reviewed the arena structure. Mr. Basehart stated there are no walls and therefore it is not floor area. Mr. Bass asked if there was anything further Mr. Basehart would like to say. Mr. Basehart stated no.

Mr. Bass stated he would like to strike Mr. Basehart's entire testimony which will be explained later when he argues his appeal.

Mr. Rosenbaum clarified the roof system and not being a wall. Mr. Basehart agreed. Mr. Rosenbaum clarified there is no floor except a riding ring for the riders. Mr. Rosenbaum stated there are 21 other structures that would be affected by the appealed interpretation.

Mr. Rosenbaum reviewed the vendor seating area being poured concrete and not having a wall. Mr. Basehart confirmed. Mr. Rosenbaum commented on the commercial aspect of the barns referring to Sect 6.10.11.D and the barns measured less than 20,000 square feet. Mr. Basehart confirmed. Mr. Rosenbaum reviewed Sect. 6.10.11 and retail use. Mr. Basehart reviewed his planning experience. Mr. Rosenbaum questioned if the structures were built with building permits as of right. Mr. Basehart confirmed. Mr. Rosenbaum reviewed the structures were also approved at the compatibility determination in 2013. Thirty days later no appeal was submitted. Mr. Basehart confirmed. Mr. Bass objected this being beyond the scope of the witness. Ms. Cohen stated it is up to the Board whether to hear the testimony. Mr. Rosenbaum inquired if the structures are consistent with the LDR. Mr. Basehart stated the structures are. Mr. Rosenbaum stated there was never a request to interpret on floor area from the appellant. Mr. Rosenbaum inquired if Section 1.12.1. of the code might not be part of the Board's mandate. Mr. Rosenbaum inquired on Section 6.10.11.D if it does not apply to commercial arena designation. Mr. Basehart stated no, a commercial arena designation is simply an approval by Council.

Mr. Riedi requested the LDR be available to the Board.

Mr. Bass inquired to the Board what authority Mr. Basehart has to render the code sections that form the bases of their challenge. There is no occasion or need to render an interpretation to a code that is clear. Mr. Rosenbaum objected; the authority of Mr. Basehart is not part of the appeal. Mr. Bass stated Mr. Basehart did not say Section 6.10.11.D. is ambiguous. The question is does one need to stretch the language? It is a violation to add language or negate language. If not ambiguous then there is no opportunity for interpretation. The laws are written clearly. The question asked is there a limit to amount of commercial use in the preserve area and if there is no limit why is there a provision? Is there a height limit, should there be a height limit, the code has a height limitation with Mr. Bass referencing the general code. Mr. Bass stated none of Mr. Basehart's testimony is relevant. The interpretation rendered is erroneous. Mr. Bass introduce Charles Siemon as their expert witness.

Mr. Riedi objected to Mr. Siemon testimony. It is improper to admit expert testimony on interpretation of law. Mr. Rosenbaum also objected to the testimony. Mr. Rosenbaum stated not a matter for Mr. Siemon to testify on if no ambiguity. Mr. Bass explained what Mr. Siemon's testimony would be about. Ms. Cohen stated the rules of evidence that apply in a court of law for this setting are relaxed. The Board may allow it and give the testimony the weight it deserves. Ms. Coleman thinks the Board should hear the testimony. Mr. Riedi stated the Board just heard a statement that nothing that Mr. Basehart said was proper due to no ambiguity and now they have an interpretation. Mr. Unger spoke about the difference of interpretation. Ms. Cohen recommended allowing the testimony.

Mr. Rosenbaum requested a standing objection to the testimony.

Charles Siemon reviewed his experience. Mr. Siemon gave a presentation of the interpretations made and his interpretation of the code. Mr. Drahos commented Mr. Siemon has a different interpretation of the code than Mr. Basehart and doesn't that by itself make the law ambiguous. Mr. Drahos inquired if there is an ambiguity then ambiguities involving land use and zoning codes should be in favor of the land owner. Mr. Siemon stated no it should be the intent of the legislative body. Mr. Drahos commented Mr. Siemon stated it should be respected by the interpreter which is Mr. Basehart. Mr. Siemon stated he thought Mr. Basehart was wrong.

Mr. Rosenbaum cross-examined Mr. Siemon. Mr. Siemon stated this Council did not make the code. Mr. Rosenbaum stated this Council approved the conceptual site plan that shows the uses. Mr. Siemon stated if this Council wishes to approve a project like this one the Council should amend the legislation. Mr. Rosenbaum inquired on a 59 acre parcel the only structure to be built would be one barn for the entire property. Mr. Siemon stated if commercial use it would be limited to one 20,000 square ft. building. Mr. Rosenbaum referred to Mr. Siemon's report stating the arena is an enclosure that should count as floor area. Mr. Siemon explained the columns and the fence makes it an enclosure. Mr. Siemon explained how he determined his opinion he used floor area. Mr. Siemon stated all of the uses on the parcel are equestrian. Mr. Rosenbaum commented the Compatibility Determination is a determination by right. Mr. Siemon was unaware of the parcel being permitted as a commercial use. Mr. Rosenbaum inquired on height limit. Mr. Siemon advised on different ways to measure a roof height.

Mr. Riedi inquired on the 25 foot limitation for commercial recreation uses for all of Wellington. Mr. Siemon stated he didn't review all the provisions. Mr. Riedi inquired on a provision that applies only to the EOZD. Mr. Siemon agreed 6.10.2 applies only to the EOZD. Mr. Riedi read 5.8.2C on appeals and the interpretation of the Growth Management or Village Engineer shall be presumed correct.

**A motion was made by Michael Drahos, seconded by Elizabeth Mariaca, approved unanimously (6-0) to extend beyond 11pm.**

Kimberly Jacobs the appellant explained her history and the structures that have been erected, noise, odors and lights. Mr. Rosenbaum objected the testimony is irrelevant on the appeal. Ms. Jacobs stated the Equestrian Village is not in the scale or character and does not comply with the zoning code. Mr. Rosenbaum objected testimony to be prejudicial and begging to the Board. Mr. Kopp inquired on being the aggrieved and affected party. Ms. Cohen stated to consider relevant testimony, if the testimony is not then disregard. Mr. Drahos inquired what Ms. Jacobs was trying to accomplish on this appeal. Ms. Jacobs stated to comply with the code. Mr. Drahos inquired on removing the arena and barns. Ms. Jacobs stated does not comply with the code. Mr. Unger inquired on the odor. Ms. Jacobs stated the horse odor due to the high concentration of horses. Mr. Rosenbaum inquired on the history of the approvals and no appeals filed in thirty days of approvals. Ms. Jacobs stated her intent was for a settlement and did not file an appeal in the thirty days. Mr. Bass stated the administrative appeals were pending. Mr. Rosenbaum inquired on a pending lawsuit to have the Equestrian Village torn down. Mr. Bass objected stating the lawsuit speaks for itself, its remedy speaks for itself and the witness is not going to give an opinion. Mr. Drahos inquired on the remedies Ms. Jacobs is seeking. Mr. Bass stated one of the remedies is to be brought in conformance with the rules. Ms. Jacobs stated it is not for her to conclude what the remedy is but lodged a complaint that she feels it is not within code and that is the bases of the lawsuit. Mr. Rosenbaum inquired in the complaint filed in Palm Beach County Court is asking for the Equestrian Village to be torn down as the remedy. Ms. Jacobs confirmed.

The Board took a brief recess.

Mr. Rosenbaum gave his closing argument on why Mr. Basehart's interpretations are correct. Mr. Rosenbaum stated approving this appeal would allow perpetual challenges on any property in the future. Mr. Rosenbaum reviewed the Compatibility Determination approval and the uses allowed. Mr. Rosenbaum requested to move into evidence the approved Master Plan Amendment and the approved Compatibility Determination.

Mr. Riedi gave his closing argument and believes it is appropriate for the Board to hear and decide on the appeal. Any landowner can request an appeal. The interpretation is correct. Mr. Riedi clarified that Mr. Bass is ignoring the requirement the 20,000 square foot applies to a single use, there can be several uses. It makes no sense. Mr. Bass is ignoring the EOZD regulations on the height limitations.

Mr. Bass gave his closing argument and corrected a timeline statement. In 2012 they filed an administrative appeal which is pending. Mr. Bass asked to grant the appeals and reverse the interpretation.

**A motion was made by Michael Drahos, seconded by Paul Adams, approved unanimously (6-0) to open public comment.**

Dean Turney 255 Evernia Street on behalf of Spy Coast Farms clarified the fence enclosure is an arena rail and read a statement from Spy Coast Farms, opposes the appeal.

Mike Nelson 11199 Polo Club Road, as Chairperson of the Wellington Chamber of Commerce Economic Committee expressed concern if the appeal is allowed to stand it could cause a chilling effect.

Alexander Domb, 11199 Polo Club Road, representing Palm Beach Polo Inc. and Palm Beach Polo Holding Inc. expressed concern of allowing anyone to appeal on anyone's property at any time under any circumstances. Mr. Domb asked to vote against the appeal.

Mr. Drahos read into the record comment cards for those who did not wish to speak.

Jack Mancini 1372 Waterway Cover Dr. supports Village and opposes the appeal.

Jane Springer 14322 Draft Horse Lane supports the Village, oppose the appeal.

**A motion was made by Elizabeth Mariaca, seconded by Michael Drahos, approved unanimously (6-0) to close public comment.**

Ms. Cohen reviewed with the Board the consideration of the appeal. The code requires for the Board to presume that staff's interpretation is correct unless the Jacobs team proved it to be incorrect. The Board is to decide which testimony is relevant to the issues and weigh that testimony to make a decision, whether in whole or part or reverse.

Mr. Drahos expressed his concerns on the infighting. This appeal is a tool that can be used and abused. Mr. Drahos stated this appeal should have never moved forward. Mr. Bass objected to the statement of super-rich people. Mr. Drahos stated this tool can be used to challenge his property if he decided to build a pool. Mr. Bass objected to bullying and asked Mr. Drahos to recuse himself. Mr. Drahos stated he will not recuse himself. Mr. Drahos stated he had been on the Board for all the reviews without letting politics get involved. Mr. Drahos stated he did not hear evidence tonight that supports the appeal.

Mr. Unger explained Mr. Drahos's statement on the rich. Mr. Unger pointed out Mr. Basehart and Mr. Flinchum are the longest serving municipal planners in Palm Beach County. Mr. Unger agreed with Mr. Drahos on the appeal having no merit. Mr. Unger proposed the breezeway in the barns should be counted.



Mr. Kopp expressed how things are not plain or cleared in the English language. Mr. Kopp stated given Mr. Basehart's legal authority to interpret the regulations and believed his interpretation is right on the money. Mr. Kopp does agree the Village should have a higher standard to file an appeal. He cannot support the appeal.

Ms. Mariaca expressed concern on giving a green light to aggrieve residents. She does not find competent evidence of Mr. Basehart interpretation being wrong.

Mr. Adams agreed with the Board Members that he did not see any competent evidence that staff was wrong. He would vote to reject the appeal.

Ms. Coleman inquired if the arena structure has been measured since completed and any portion of the roof should be counted. Ms. Coleman objected to the letter Mr. Basehart wrote to Mr. Bellissimo on the buildings built and stated they were not what was submitted for permitting. Ms. Coleman agrees with Mr. Unger the aisles should be counted in the barns. Ms. Coleman considers the height and construction of the stables are incorrect, they are commercial, disagrees with Mr. Basehart's interpretation.

Mr. Unger explained about including the stable aisles in the future. Ms. Cohen explained that was not part of the appeal discussion tonight.

**A motion was made by Michael Drahos, seconded by Kenneth Kopp, approved (5-1) with Carol Coleman dissenting to reject the appeal.**

Ms. Cohen explained the order will be presented to the Chair for signature.

## **VI. COMMENTS FROM THE PUBLIC**

None

## **VII. COMMENTS FROM STAFF**

David Flinchum requested the September 3<sup>rd</sup> Planning, Zoning and Adjustment Board meeting be moved to Monday, September 8<sup>th</sup> due to possible conflicts. Staff will follow up with the Board Members for a quorum.

## **VIII. COMMENTS FROM THE BOARD**

## **IX. ADJOURN**

**A motion was made by Michael Drahos, seconded by Elizabeth Mariaca, approved unanimously (6-0) to adjourn at 11:58p.m.**