

MINUTES

REGULAR MEETING OF THE WELLINGTON COUNCIL Wellington Village Hall 12300 Forest Hill Blvd. Wellington, Florida 33414

**Tuesday, August 26, 2014
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, August 26, 2014 commencing at 7:00 p.m. at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

Council Members present: Bob Margolis, Mayor; John Greene, Vice Mayor; Matt Willhite, Councilman; Howard K. Coates, Jr., Councilman; and Anne Gerwig, Councilwoman.

Advisors to the Council: Paul Schofield, Manager; Laurie Cohen, Esq., Attorney; Awilda Rodriguez, Clerk; and Jim Barnes, Director of Operations.

1. **CALL TO ORDER** – Mayor Margolis called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE** – Mayor Margolis led the Pledge of Allegiance.
3. **INVOCATION** – Pastor Larry Mayer, LifeChurch, Wellington, delivered the Invocation.
4. **APPROVAL OF AGENDA**

Mr. Schofield presented the agenda recommending approval noting the following change(s): 1) move Consent Item 6E - Resolution No. R2014-48 (Wellington Charter School Plat) to the Regular Agenda as Item 8B; and 2) add Authorization to Replace an Existing Drainage Culvert in Palm Beach Polo at the C7 canal to the Regular Agenda as item 8C.

Due to concerns of a lengthy meeting, Councilman Willhite asked Council if public comments could be moved before the agenda items on a trial basis since a policy was not yet in place. Council agreed to Councilman Willhite's suggestion.

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed (5-0), approving the Agenda as amended.

5. PRESENTATIONS AND PROCLAMATIONS

- A. 14-608 PROCLAMATION PROCLAIMING THE MONTH OF AUGUST AS
“FIREFIGHTERS APPRECIATION MONTH” IN THE VILLAGE OF
WELLINGTON**

Mr. Schofield presented this item. Ms. Rodriguez read the proclamation.

Ms. Kaitlin Harris, a representative from the Muscular Dystrophy Association (MDA) thanked the Village and the citizens for their support on behalf of the children and adults in Palm Beach County who received MDA services. She recognized the firefighters for the money they raised for the Muscular Dystrophy Association. Battalion Chief Arena, on behalf of Palm Beach County Fire Rescue, thanked the public for their support. He reminded everyone the firefighters would be collecting donations this weekend in support of this cause.

Vice Mayor Greene recognized and thanked Councilman Willhite for his service as a Council member as well as a firefighter. Councilman Willhite stated it was an honor to serve in both capacities and work with the great people in the Village. He spoke in support of MDA and how it benefited his own family. Mayor Margolis thanked Chief Arena for his service and indicated Councilman Willhite was a 5th generation firefighter. Councilwoman Gerwig stated her nephew was just hired by Palm Beach County Fire Rescue and she was proud to have him serve in that capacity.

Chief Arena spoke about the new fire truck and equipment that was stationed at Greenview Shores as well as the equipment that had been replaced at the Wellington Trace Station and at the Stribling Station. He indicated all trucks were in line to get replaced, so Wellington will have state-of-the-art equipment, medical gear, and new firefighting gear. Chief Arena reminded the community the fire stations were there to serve the citizens and they could stop in to take a tour.

6. CONSENT AGENDA

- A. 14-625 MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETING OF JUNE 24, 2014**
- B. 14-614 RESOLUTION NO. R2014-50 (ANNUAL LISTING OF PROCLAMATIONS) A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AUTHORIZING THE MAYOR TO EXECUTE CERTAIN PROCLAMATIONS FOR FISCAL YEAR 2014/2015; AND PROVIDING AN EFFECTIVE DATE.**
- C. 14-215 AUTHORIZATION TO AWARD A SOLE SOURCE CONTRACT FOR THE PURCHASE OF BADGER WATER METERS AND COMPONENTS**
- D. 14-409 AUTHORIZATION OF DISPOSITION OF SURPLUS TANGIBLE PERSONAL PROPERTY**
- E. ~~14-591 RESOLUTION NO. R2014-48 (WELLINGTON CHARTER SCHOOL PLAT): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ACCEPTING AND APPROVING THE WELLINGTON CHARTER SCHOOL PLAT FOR A 8.0483 ACRE PARCEL LYING IN SECTION 19, TOWNSHIP 44 SOUTH, RANGE 42 EAST, VILLAGE OF WELLINGTON, PALM BEACH COUNTY, FLORIDA, BEING A REPLAT OF TRACT 7, BLOCK 25, THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 28 FEET THEREOF, LYING IN SECTION 19, TOWNSHIP 44 SOUTH, RANGE 42 EAST. THIS ITEM WAS MOVED TO THE REGULAR AGENDA.~~**
- F. 14-212 AUTHORIZATION TO RENEW AN EXISTING AGREEMENT WITH PUBLIC FINANCIAL MANAGEMENT, INC. (PFM) TO PROVIDE THE VILLAGE WITH INVESTMENT MANAGEMENT SERVICES**

Mr. Schofield presented the Consent Agenda recommending approval as amended.

A motion was made by Councilman Coates, seconded by Councilman Willhite, and unanimously passed (5-0) approving the Consent Agenda as amended.

PUBLIC FORUM

1. Mark Hilton, 13904 Folkestone Circle, Wellington. Mr. Hilton stated the neighborhood watch groups had concerns that needed to be addressed and asked for a workshop with the Watch Captains, the director of Safe Neighborhoods, and Mr. Schofield within the next 30 to 45 days. Mr. Schofield stated his staff would schedule a meeting at the convenience of the Neighborhoods Watch Groups.

Vice Mayor Greene read the following Comment Card(s) into the Record:

1. Rich Schoenfeld, 1111 Northumberland Court, Wellington. Mr. Schoenfeld requested Council consider Saturday hours to better serve working parents.

7. PUBLIC HEARINGS

- A. 14-574 ORDINANCE NO. 2014-23 (ARTICLE 14 CODE ENFORCEMENT): AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING ARTICLE 14, ENFORCEMENT PROCEEDINGS AND PENALTIES OF THE LAND DEVELOPMENT REGULATIONS OF THE VILLAGE OF WELLINGTON; ELIMINATING REFERENCES TO THE CODE ENFORCEMENT BOARD AND SPECIAL MASTER; ADDING REFERENCES TO SPECIAL MAGISTRATE; REPEALING SECTION 14.4.2; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.**

Mr. Schofield introduced the item. Ms. Rodriguez read the Ordinance by title.

Mr. Stillings indicated this was the second reading of an amendment to Article 14 of the Land Development Regulations changing references regarding the Code Enforcement Board and special master to special magistrate; and to reflect the language used in Florida Statute 162. He said the amendment also repealed a proposed section that authorized non-issuance revocation and/or suspension of permits that do not comply with the Land Development Regulations (LDRs), but that would be addressed later in an upcoming amendment to Article 5 that was going to the Planning Board in September. He indicated staff recommended approval of this proposed Ordinance.

Public Hearing

A motion was made by Councilman Coates, seconded by Vice Mayor Greene, and unanimously passed (5-0) to open Public Hearing.

A motion was made by Councilman Coates, seconded by Councilman Willhite, and unanimously passed (5-0) to approve Ordinance No. 2014-23 (Article 14 Code Enforcement).

At this point, Mr. Schofield indicated that he received a request regarding the item that was pulled from the Consent Agenda for the Wellington Charter School Plat, and as the attorney for the applicant had to attend another public hearing, he requested that they hear that out of order. Council consensus was to hear the agenda item relating to the Wellington Charter School at this time.

- 14-591 RESOLUTION NO. R2014-48 (WELLINGTON CHARTER SCHOOL PLAT): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL**

ACCEPTING AND APPROVING THE WELLINGTON CHARTER SCHOOL PLAT FOR A 8.0483 ACRE PARCEL LYING IN SECTION 19, TOWNSHIP 44 SOUTH, RANGE 42 EAST, VILLAGE OF WELLINGTON, PALM BEACH COUNTY, FLORIDA, BEING A REPLAT OF TRACT 7, BLOCK 25, THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 28 FEET THEREOF, LYING IN SECTION 19, TOWNSHIP 44 SOUTH, RANGE 42 EAST.

Mr. Schofield introduced the item. Ms. Rodriguez read the Resolution by title.

Councilman Willhite stated his main concern was ensuring the plat was correct; however, he was also concerned about traffic backing up on 441. He said Council thought the traffic light would be in by August prior to school starting; however, it now may be November because they did not have the mast arm. Councilman Willhite asked the Mr. Perry, Attorney for the applicant, for his client to do everything possible to ensure the staff at the school expedited traffic because it was backing up on 441. He also requested that his client do whatever was needed to get the traffic signal approved and installed.

Mr. Perry said that he had been assisting Mr. Riebe in expediting certificates of occupancy and getting approvals from the school district. He said he would personally get involved in both issues and would put his attention on the traffic signal and personally deliver the message to the school about traffic backing up on 441.

Councilman Willhite also requested they ensure the access road from the school to Palomino is available for use as another access to and from the school each day. He noted it was in place but under construction. He stated it was a safety issue for the parents trying to get in and out of the school on 441.

Councilwoman Gerwig thought they should be discussing the matter in front of Council. She asked Mr. Riebe if the plat met the requirements and if the technical data was correct. Mr. Riebe indicated it was correct.

A motion was made by Councilwoman Gerwig, seconded by Councilman Coates, and unanimously passed (5-0) to approve Resolution No. R2014-48 as presented.

B. 14-575 ORDINANCE NO. 2014-22 (COMPREHENSIVE PLAN AMENDMENT)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING THE WELLINGTON COMPREHENSIVE PLAN FUTURE LAND USE MAP (PETITION NUMBER 2013-61 CPA 2) BY CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM COMMERCIAL RECREATION TO RESIDENTIAL "E" FOR CERTAIN PROPERTY KNOWN AS PARCEL "V" OF THE LANDINGS AT WELLINGTON PUD, TOTALING 0.26 ACRE, 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; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. Ms. Rodriguez read the Ordinance by title.

Mr. Stillings explained this was a small scale comprehensive plan amendment for Binks Pointe, and outlined the location. The proposed request is to change the parcel's land use designation from Commercial Recreation to Residential "E" and incorporate it into the acreage of Pod "L" by 0.26 acres with the condition that no residential units be assigned to that parcel. He indicated a supportive master plan amendment would be brought before Council at the adoption hearing of this comprehensive plan amendment. He explained Parcel "V" was originally dedicated as a Wellington preserve, but there were no jurisdictional wetlands on the site. He stated it has been reconfigured into the site as a preserve area of 0.3 acres. He showed Council the current and proposed configuration of the preserve, which was slightly different, greater in acreage and shifted slightly to the east. He displayed the future land use map of the comprehensive plan showing the small commercial recreation parcel, which will be designated as Residential "E" with the adoption of this amendment. He indicated staff recommended approval; however, PZAB recommended denial at their May 7th meeting.

Councilman Coates asked if the 0.26 acre preserve was currently separately owned property and if the designated land use was commercial recreation. Mr. Stillings indicated that was correct. Councilman Coates expressed concern about changing the land use designation because he did not want it to be used as residential in the future. He questioned if instead of changing the land use designation could the preserve boundaries be increased from 0.26 to 3.0, and if not, what type of protection could be placed on that property to ensure it remains a preserve into the future. Mr. Stillings explained a comprehensive plan amendment would still be required, even though they were only changing the legal description, because they would be effectively changing the boundary of that designation as well as the land use designation creating a new commercial recreation parcel. In terms of protection, Mr. Stillings indicated the conditions of the comprehensive plan amendment would not designate any residential units, the master plan approval would identify it as a preserve, and the plat would dedicate it as a conservation easement, all of which would require future action to modify. Councilman Coates asked if the condition to not assign residential units to this Pod could be changed by a subsequent Council and majority vote. Mr. Stillings stated it could be dedicated as a preserve area in perpetuity within the master plan and the plat. He said in the comprehensive plan, the condition would require Council action but it could be changed in the future. Mr. Schofield concurred that a future Council could subsequently change the action of this Council whether they designate it commercial recreation or preservation; however, the degree of certainty Council was looking for could be provided by a conservation easement written in favor of the Village and requiring Council's approval to release. He said that would provide as much protection as a comprehensive plan designation.

Councilwoman Gerwig questioned who the responsible party would be to maintain the preserve if it was dedicated as a conservation easement to Wellington, and how would they ensure it was being maintained. Mr. Stillings indicated the applicant has submitted a preservation management plan as part of the conservation easement, which will be approved as part of the master plan and site plan. He said that would dictate the mitigation and maintenance methods. However, any monitoring would be reported to the Village by them, which is typical of most preservation management plans.

Councilwoman Gerwig asked if the preserve was a wetland, as it was never a jurisdictional wetland but it had been considered a wetland in some conversations. Mr. Stillings explained their preservation natural resources section of the Land Development Regulations did not differentiate between uplands, wetlands or preserve areas, as they were all treated the same and required the same manner of protection, preservation and management plan. Councilwoman Gerwig questioned the current management plan of the preserve. Mr. Stillings did not believe there was a management plan as it was a commercial recreation parcel.

Councilwoman Gerwig asked if the zoning designation was more intense and if this was a more proper land use. Mr. Stillings stated that was correct, as the zoning was still under the Landings at Wellington PUD.

Councilwoman Gerwig asked if this was a better boundary for any existing trees and if someone evaluated the trees on the site. Mr. Stillings indicated it was in the applicant's proposed development plan and change to the master plan. He said he did not evaluate the specimen trees himself, but noted that the applicant submitted a tree survey with their application and the Village provided for mitigation. He indicated the applicant submitted mitigation plans, which will be part of the overall landscape plan that is approved with the site plan once the master plan is approved. Councilwoman Gerwig asked where she could find the tree survey. Mr. Stillings indicated the environmental assessment and tree survey were on page 230. Councilwoman Gerwig thought it was for the overall site and not specific to the preserve. Mr. Stillings believed they surveyed the overall project site because of the number of trees on the site.

Councilman Willhite stated page 246 of 524 identified a section of the preserve as a pond. He questioned designating this area residential versus commercial when they clearly stated they needed a mitigation plan for the maintenance plan. He said maintaining it as a wetland area and designating it as residential did not correlate and thought the preserve should be zoned as a recreational area. Mr. Stillings explained it was the land use designation, which was consistent with other developments where the overall designation is PUD and there are designated Pods within the residential Pods. He stated the preserve areas were part of the overall residential land use but were designated on the plat and master plan as preserve areas, which is the direction staff took with this particular site. He said it was not originally changed when the 90 units were proposed because the property owner did not own it or have permission to change the land use, but it was now owned by the same entity.

Vice Mayor Greene asked why a separate designation was not granted at the time the preserve was converted from commercial recreation to residential. Mr. Stillings explained it was not owned by the golf course entity at the time they processed the land use change. He stated it was dedicated to the homeowner's association who subsequently sold it to the current owner. Vice Mayor Greene thought it was odd to have a ¼ acre in this site held back because it was not part of the sale or designated as a different land use; however, he wanted to protect it and control the density. He felt that if Council restricted the density it would be more difficult for the applicant to dedicate or convert the preserve from conservation land or preservation to more residential development. He asked if they could incorporate that protection. Mr. Stillings stated they were recommending that no residential units be assigned.

Councilman Coates questioned if they could add that this property not be considered for purposes of density calculation. Mr. Stillings stated this site was restricted to the 90 units currently approved as part of the development agreement for the parcel, so there are other changes that need to happen and other approvals that Council would need to make to change the unit count or the density in particular.

Vice Mayor Greene indicated if the land use changed, the ratio could change potentially. He thought they should restrict the density to where it is and make the land use designation from commercial recreation to residential, as he did not want to award additional density rights. Councilman Coates agreed with Vice Mayor Greene. He said the applicant was not seeking an increase in density and he liked the layout better, but he wanted to protect the situation. He did not want the ¼ acre, if zoned residential, used as a basis to build increased density elsewhere within the development. He stated they could have the preserve permanently dedicated within the plat. However, he was also concerned

as to why they needed a comprehensive plan amendment, but if this was the way to clean it up and get protection through the plat dedication, he was fine with it. Mr. Schofield explained they could add a condition, stating that for the purposes of density calculation the preserve not be included, to the master plan approval or to the zoning when rezoning is part and parcel of the comprehensive plan amendment. He noted the condition could be added at the zoning stage but it would be more appropriate to add it at the master plan approval.

Ms. Jennifer Vail with Land Design South introduced herself and stated she was representing the applicant, SBBG, LLLP. She stated they were before Council for the Binks Pointe comprehensive plan amendment for Parcel V of Pod L, Landings at Wellington PUD. She said the site was approximately ½ mile south of Southern Blvd on the west side of Binks Forest Drive. She provided the background history and overall approval for the property. She pointed out the approval dates in the site plan and FPL agreement were due to the fact the 90 units were integral part of the golf course renovation; however, she believed no one realized the economy downturn was going to happen at that time, so the 90 units were never built and the site sits vacant today. Ms. Vail noted that when her client purchased the property one year ago, they had two options at that time: (1) to build the approved plan for the 90 two and three story condo ownership townhomes; (2) or propose a revised plan, which is the option they chose. She indicated that the first step in that process is the comprehensive plan amendment to change the 0.26 acre Parcel V from commercial recreation to residential E. She explained commercial recreation development potential was limited to one dwelling unit per acre. The proposed land use change to residential E permitted 5.01 to 8 dwelling units per acre and Parcel V was entirely surrounded by residential E property. She said the incorporation of Parcel V into Pod L brought the total acreage of the Pod to 15.53 acres. She noted the maximum density generated by the 0.26 acre property at the residential E land use designation was two dwelling units; however, the overall density of 90 dwelling units remained unchanged, and the applicant voluntarily committed not to add any additional units as part of the request. She mentioned the intent and character of the development remained unchanged as a result of the request and adequate public facilities would be available to serve the site. Ms. Vail showed Council the approved master plan for the Landings at Wellington with the existing Pod L identified as 15.27 acres on the west side of Binks Forest Drive. She reiterated the preserve parcel was under separate ownership and owned by an HOA elsewhere within the Landings at Wellington PUD when Pod L was originally approved. She indicated her client was proposing to incorporate the 0.26 acres into the overall Pod L, which would have a total acreage of 15.53 acres. She noted 15.27 acres and 90 units were approved with a density of 5.89. However, with the additional land area and no change to the units, the density reduced to 5.79. Ms. Vail then reviewed the benefits of the redesigned site plan, i.e., reorient the buildings away from the FPL power lines north of the property and create a larger recreation area with more amenities, a larger clubhouse than what was approved in 2008; they would also supplement the preserve area by removing the invasive plant material, plant new native plantings, provide a raised boardwalk for nature viewing and increase the area from 0.26 acres to 0.32 acres, they will shift the preserve parcel to the east to capture the majority of that material as well as enhance it with additional plantings because the bulk of the native vegetation was on the eastern edge of the existing preserve area. She also pointed out that the proposed plan had increased interconnectivity, and her client was reducing the two and three story condo ownership townhomes into two story townhomes that would be fee simple and more compatible to what was currently surrounding the property in the PUD.

Ms. Vail stated that they had met with the neighbors who had concerns about the views through the adjacent golf course into the neighboring property of the 90 units. She stated the large canopy tree plantings and existing vegetation on the elevated sections of the golf course would remain; however, her client would increase the landscape plantings along the southern property line as well as increase the setbacks of the proposed buildings. She indicated the widest point was 82 feet to the south of the property, the fairway was 170 feet, and another 50 foot buffer was on the south side of the fairway

adjacent to the existing homes. She said the narrowest point was a 75 foot buffer on the south adjacent to the existing residential with an open fairway of 75 feet. She stated there was a ten foot landscape buffer within the golf course and her client was proposing an additional ten foot buffer within their property and additional plantings within the rear yard lots. Ms. Vail said mentioned they looked at the understory plantings to provide additional screening across the fairway and not impede upon the views that exist today but that will block the views of any residents in the 90 units of Pod L.

Ms. Vail concluded by asking Council for their support noting that staff recommended approval.

Councilwoman Gerwig noted the previously approved proposal did not show the preserve area. Ms. Vail stated the ownership of the preserve was not included in the approved plan because it was owned by a separate entity. Councilwoman Gerwig stated the plan on page 236 showed a unit on top of the preserve. Ms. Vail explained that was the old line of the preserve at the back of the unit, which was where most of the exotics exist today. Councilwoman Gerwig indicated the applicant's tree inventory map showed a different layout of the units and asked if it was part of something they were doing now. Ms. Vail stated they were not doing that and she assumed it was from an earlier iteration.

Public Hearing

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene, and unanimously passed (5-0) to open Public Hearing.

1. Alan Zangen, 12008 South Shore Blvd, Wellington. Mr. Zangen spoke on behalf of The Preserve, the neighborhood immediately south to Binks Pointe. He stated the preserve area of 0.26 acres was originally owned by The Preserve and sold to the golf course in 2008, not the current owner. He outlined the concerns and requests of The Preserve: (1) protection of the 0.26 preserve from becoming residential or parking if it is rezoned; (2) input when the master plan was discussed; (3) construction to be between 7:00 a.m. and 6:00 p.m. with no construction on Sundays; (4) construction access via Flying Cow Road and not Binks Blvd; (5) input when discussing the landscape buffer; (6) limitation of rentals with have no leases for the first year after an owner buys it, and that any rental after the first year is a minimum term of one year, not six months, not seasonal; (7) concerned if the traffic study indicated a traffic signal was necessary as they felt it should be located further south at The Preserve and Binks Estates intersection; and (8) signage that indicated no U-turns.
2. Frank Ventriglio, 581 Cypress Green Circle, Wellington. Mr. Ventriglio indicated The Preserve was promised landscaping years ago with a 15' wide buffer that narrowed down to 10' and 3' to 5' high ground shrubs. He said it was indicated that a buffer would be put on the community side, so his community would not be able to see the condos. He asked Council to protect his community and give them the landscaping, so their homes do not devalue.
3. Neal Taslitz, 15560 Cedar Grove Lane, Wellington. Mr. Taslitz raised concerns about traffic particularly at the curve when leaving the Preserve; and the bus stop on the northbound side. He felt they could not allow egress/ingress of the construction trucks off Binks. He believed a traffic study should be done. His other concerns were the tunnel under the road where it is elevated, as he did not know if it would hold the heavy equipment; that the construction stops early on Saturday; strict penalties if project was not completed on time; and no rentals for the first year.
4. Bart Novack, 15670 Cedar Grove Lane, Wellington. Mr. Novack raised several concerns: (1) the applicant would come back to rezone more; (2) the cost of maintaining the preserve which has not been kept clean; (3) it should stay as a preserve; (4) the applicant could reduce the housing by two units and still build; (4) The Preserve community was entitled to a quality of life; there should only be a two-year build out; the applicant did not have the money in hand to complete this project, but would do it house by house; (5) schools being overcrowded; (5)

requested that the landscaping be done and approved by his community before any CO is granted; and (6) the Council should deny the application.

A motion was made by Councilman Coates, seconded by Vice Mayor Greene, and unanimously passed (5-0) to close Public Hearing.

Councilman Coates thought the public comments indicated they might be taking away property rights already vested. He asked if Council does not approve this or go in the direction of the new modified conceptual plan, if the applicant could build the project approved in 2008 and if they had to come back before Council for site plan approval to address the issues raised tonight. Mr. Stillings indicated the site plan and master plan were certified in 2008. He stated the applicant received a new traffic statement based on the 90 units, so they could effectively go forward with the project as approved. Councilman Coates understood they could currently build without any further entitlements from the Village what was reflected on the site plan and master plan that provided for 90 units. He assumed the site plan provided an existing buffer along the south edge of the development. Mr. Stillings stated that was correct.

Councilman Coates asked if there were any conditions to the approval of the original site plan or master plan regarding the timing restrictions on construction of the homes or on the build out of the project. Mr. Stillings thought the approved traffic statement from Palm Beach County provided a build out date of 2017 or 2018. Ms. Troutman indicated that traffic study was redone and the build out date was extended to 2018 or 2019. Councilman Coates questioned if they could shorten the build out date. Ms. Troutman stated they have projected traffic to that year from a traffic perspective, but it would not affect the traffic if they wanted to build out faster. Councilman Coates asked if there was a build out date currently in place as a condition to the site plan approval or master plan approval. Ms. Troutman said there was as condition, but it had wording that the build out date could be extended with a new traffic study, which they have done. Councilman Coates understood the applicant's current right to build out was four to five years based on the new traffic study, and that if they broke ground tomorrow on the currently approved site plan and master plan, they would have until 2018 or 2019 to complete it. Ms. Troutman indicated it would be December 31 in 2018 or 2019. Mr. Stillings noted that build out was allowed through the traffic approval by Palm Beach County, which provided that in terms of a traffic concurrency or traffic reservation; however, as part of the master plan, Council could shorten that date from Wellington's perspective and give the applicant two or three years.

Councilman Coates indicated the buffer on the south end of the development could not be changed under the current scenario because it was approved as is and the master plan had been approved. He thought the way to persuade the applicant to increase that buffer was to agree to the changes being requested tonight, which would then require a passage of a new site plan or site plan amendment. Mr. Stillings stated the land use change would not require that. However, to move forward with the development, the applicant would need to do a master plan amendment, which is where Council would address the buffer. Councilman Coates stated he would only support this if there was a site plan amendment based on the applicant's revised site plan. Mr. Stillings explained there was a master plan amendment that Council would see represented as a site plan; however, if the applicant were to build what they were approved for today, they would not need to do this. He said when Council considers the adoption of this amendment, they will also see that the master plan proposes and incorporates that area into the plan.

Councilman Coates clarified the public concerns Council heard tonight could not be addressed under the current scenario, as the applicant could build what was on the site plan and master plan. Mr. Stillings stated that was correct. Councilman Coates said the applicant would come back for a master plan amendment if Council passed this amendment. He asked if they would designate the preserve

area in perpetuity after the approval of the master plan and when the property was re-platted. Mr. Stillings indicated it would be represented on the master plan as the preserve area.

Councilman Coates asked if there had been a historical practice or precedence set by the Village of imposing build out dates for developments and controlling construction times. Mr. Stillings said, in reviewing some projects, staff tends to use the build out deadline imposed by the traffic statement from Palm Beach County, and did not recall seeing any that recommended or conditioned a different build out date. Regarding the restrictions on construction times, Mr. Stillings stated they typically referred to the Code of Ordinances which provide for that limitation. Councilman Coates thought there was precedence potentially in the Ordinance.

Councilman Coates asked about the feasibility of requiring construction utilize Flying Cow versus Binks Forest. Mr. Stillings stated the challenge would be access through the golf course property and FPL property. He said it was feasible, but it would take permission and some coordination on the applicant's part to accomplish it. Councilman Coates indicated it would be a condition that would be applicable to property the Village did not control. Ms. Vail pointed out that the construction access from Flying Cow Road was worked out as part of the FPL agreement approved in 2009, and was already agreed to it and presented it to the neighbors.

Councilman Coates asked Ms. Vail if she or her client had a particular problem with any of the comments from the public, such as increasing the buffer on the southern end of the development or abiding by the construction timeframes in terms of days and hours they could do the build out. Ms. Vail stated the build out was December 31, 2018 and they would request to be able to abide by that. She said the Village's code limits the construction hours and no construction is permitted on Sunday. She indicated they were proposing increased landscaping as part of the site plan approval. She stated her client was willing to meet with the neighbors to review the landscape plan and material with them.

Councilwoman Gerwig wanted the hours of construction to be tightly controlled in Wellington. She did not want to give the residents a false impression that Council had done anything other than reconfigure and protect that preserve area. She said all other concerns would come up at meetings, so the residents needed to be aware and follow that process.

Councilman Coates questioned what would trigger the need for a master plan amendment. Mr. Stillings said a master plan amendment was still required on what the applicant was proposing even if Council did not approve this amendment. Councilman Coates asked if the applicant could go back to their original project. Mr. Stillings stated they could.

Mayor Margolis believed the residents who spoke tonight had been through this process for about eight to ten years. He said the residents had overwhelmingly supported that a certain number of townhomes would be dedicated in order for the golf course to be rebuilt. He stated the golf course was rebuilt and playable but had some issues now. Mayor Margolis believed there would be a number of neighborhood meetings with the various homeowners associations. He wanted them to understand the golf course was in perpetuity and could only be a golf course, and there would have to be a referendum in order for it to be changed. Councilwoman Gerwig pointed out that many properties had turned over since that time, so some people were not involved in the original plan. Mayor Margolis stated they would work as a Council and a community to make sure those meetings happen and that their concerns are heard.

Vice Mayor Greene asked Ms. Troutman if there was enough separation between the entrance and the traffic light to the north that would allow a traffic light at the entrance. Ms. Troutman indicated the

typical spacing was ½ mile spacing; however, the volume from 90 townhomes did not warrant a signal as only 27 vehicles made a left in the p.m. peak hour. She said typically a signal warranted 70 vehicles per hour for eight hours. Vice Mayor Greene thought they could make a site plan come to Council as a condition of approval at a later date, if they were concerned the applicant had not met the conditions or the requests of residents. Mr. Stillings stated that was correct, but not something they would typically do with a comprehensive plan amendment. Vice Mayor Greene clarified that they could add it when they get to the master plan. Mr. Stillings thought the master plan the applicant presents to Council would be in sufficient detail and they would not need a subsequent site plan approval.

Councilwoman Gerwig clarified they were reconfiguring the preserve area and making sure no entitlements are added.

A motion was made by Councilwoman Gerwig, seconded by Vice Mayor Greene, and unanimously passed (5-0) to approve Ordinance No. 2014-22 as presented on First Reading.

- C. 14-576 RESOLUTION NO. R2014-35 (EQUESTRIAN VILLAGE SITE PLAN): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING THE SITE PLAN FOR PETITION 2014-029 SP1, TRACT 30C-2 OF THE WELLINGTON PLANNED UNIT DEVELOPMENT (PUD), ALSO KNOWN AS EQUESTRIAN VILLAGE, LOCATED ON THE NORTH SIDE OF PIERSON ROAD AND EAST SIDE OF SOUTH SHORE BOULEVARD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

Mr. Schofield introduced the item and read the Resolution by title. Ms. Cohen administered the oath to those individuals who intended to provide testimony.

Ex-Parte Communications

Councilman Coates: Councilman Coates disclosed he spoke with staff and a conversation with Mr. Mat Forrest.

Councilman Willhite: Councilman Willhite disclosed he talked with staff and Mr. Mat Forrest contacted him.

Mayor Margolis: Mayor Margolis disclosed he had spoken with staff, a conversation with Mr. Mat Forrest, and a conversation with Ms. Huber.

Vice Mayor Greene: Vice Mayor Greene disclosed he spoke with staff and that Mr. Mat Forrest contacted him.

Councilwoman Gerwig: Councilwoman Gerwig disclosed she spoke with the applicant, their representatives as well as staff. She said no one else requested to speak with her.

Ms. Cohen asked Council, notwithstanding their communications, if they could still be fair and impartial with respect to this application and site plan approval. All Council members agreed they could.

Mr. Stillings presented the staff report explaining that this was the site plan for the Equestrian Village and the applicant's, Equestrian Sport Productions, representatives were in attendance along with their agent, Michel Sexton, who will make a presentation.

Mr. Stillings noted the location of the property, and showed Council the proposed site plan. He indicated he would review the changes made since the conceptual site plan, which was part of the master plan and compatibility determination. He stated the site plan was being brought back to Council for approval based upon a condition that was applied to the commercial equestrian arena approval. He indicated five different areas of the site plan had modifications:

- Addition of the 20-foot paved access road, which was also a condition of the commercial equestrian arena approval, connecting the parking lot west of the derby arena to the drive and asphalt parking area to the east.
- Addition of paddocks for the riding academy which were installed and permitted previously.
- Inclusion of a maintenance and storage area with appropriate landscape screening to screen the area from view from South Shore and Pierson Road.
- Addition of a 400 square foot administrative office, just behind the show office building to the north of the covered arena.
- He said the area to the east of the temporary stabling tent the manure bin and horse wash facility and restrooms were shown in reverse, so the manure bin was at the north end and the restrooms at the south end and they have switched those from the original conceptual plan.

Mr. Stillings noted the commercial equestrian arena approval required a five foot fence as additional screening and staff's opinion was that the arena installed had grown sufficiently and the fence was unnecessary. He indicated 400 square feet were incorporated into the site data on the site plan and that all changes in square footage and parking requirements related to that increase. He stated the proposed site plan had eleven conditions of approval, but the major conditions required included: a deadline for constructing the northern roadway, a recorded re-plat of the property, paving requirements for some aprons of the grass parking areas, and constructing the roadway section to the south, with the future turn lane and raised curve but prohibiting use at this time until approved by the Village Engineer. Mr. Stillings said staff was recommending approval of the site plan before Council.

Vice Mayor Greene pointed out that Council had been very clear on the conditions they approved last October with a 4-1 vote, and questioned why some items were coming back before them again tonight after they had debated, took public discussion, heard from all interested parties and voted. Vice Mayor Greene thought the monitoring could be interpreted as waiting until the end of 2017 and then a decision would be made, yet it seemed a decision had already been made to build the turn lane. Mr. Stillings indicated the turn lane was conditioned as a monitoring requirement of the access point and there was no condition prohibiting the turn lane, and it was submitted here as a condition to construct the area with the turn lane using a raised curb or landscape median, so construction would already be done should there be a need in the future. He stated Mr. Riebe could also speak to this, as this was a specific engineering condition that he and Ms. Troutman discussed in depth.

Mr. Riebe indicated the condition was written to provide a queuing analysis prior to December 31, 2015. He said in an attempt to prevent congestion in future years, they did some traffic counts last season, he watched 50 hours of video tapes from different dates and times, looked at any issues with stacking or queuing problems at that intersection and the Pierson Road access drive as well as counting vehicles on camera so they would have historical data. He stated improvements were going to be made to Pierson Road and the South Shore intersection, and it would be better to do it now as one project to minimize disruption should that ever be needed in the future. He said they were not

advocating a left turn lane right now, but from an engineering standpoint it made sense to provide the typical section now.

Vice Mayor Greene thought Council had provided clear direction to staff, and he found it frustrating when items they have already discussed and voted on come back before them. He did not believe staff was directed to start changing the significant characteristics of the site. Mr. Stillings explained in the reconstruction for the intersection improvements, they would have the left turn lane heading west on Pierson and the three lane section would continue to the east to the access drive. However, until such time the engineer believed it was warranted, they would have a median with some additional landscaping or some protection for the left turn lane heading to the west. He noted they were not advocating for a turn lane.

Vice Mayor Greene indicated part of that discussion was about the roadways inside the EOZD and what was allowed within their code in terms of roadways, design and expansion, and he would be cautious about expanding roadways inside the EOZD because of safety concerns. He mentioned people had spoken tonight regarding the different developments and about the traffic problems and poor line of sight with large trucks and trailers. He thought that was the reason Council took a position last October to not have a turn lane. At this point, there was no evidence indicating there has been an increase in traffic to warrant a turn lane and the South Shore Road construction has not been completed. He stated he appreciated the observation and analysis of the video tapes, but he did not think it was fair study as the other improvements had not been met.

Councilman Willhite indicated it said the queuing analysis would come back to them prior to December 15th and the monitoring shall continue until December 31, 2017; however, it did not say to build a left turn lane. He felt Council was rehashing something they had already discussed. Even though staff might think it is a good idea, Councilman Willhite said Council did not give them that direction. He said the applicant's site plan shows a left turn lane on the eastbound section until it hits the horse crossing, and then it shows it as a raised striped section separating it which he interpreted as showing a left turn lane.

In regards to safety, Councilman Willhite stated they would have to do something about the close proximity of the horses and cars at the horse crossing. He stated that was why Council gave staff direction to do South Shore, do the analysis, get it in place, utilize it, monitor it and then bring it back so they could start evaluating. He said he would not approve this where the horse crossing is. He indicated there was controversy about the light and having a deputy until the light was in place. He stated they wanted to make sure the light was in place because the residents were concerned about the horse crossing there. He said in his opinion they could take the widening of Pierson Road off the table until December 31, 2017 and look at the rest of the site plan, as direction has been given in the master plan and compatibility as well as in the conditions Council had already provided.

Councilwoman Gerwig questioned if Council had already approved the horse crossing or if they could rescind it at this point. Ms. Cohen stated they were not revisiting the conditions of the master plan amendment or the compatibility determination, as they were there to approve or consider a site plan. She said one condition Council requested was that it be in substantial compliance with the conceptual site plan. So if the site plan is in substantial compliance, Council was completely able to impose some conditions as long as they were related to making sure the site plan was consistent with the comprehensive plan. She noted Council was circumscribed to a certain extent, because they had already addressed these issues.

Councilwoman Gerwig recalled they had a lengthy discussion about the horse crossing and thought the proposal for the horse crossing was already presented and complied with. Mr. Riebe stated it

complied noting there was a lengthy conversation about the location of the horse crossing and one path needed to be separated from the intersection. He indicated he was going to defer to the experts and traffic engineers, but based on their thoughts and recommendations, it was more appropriate to place the horse crossing at that intersection with proper signaling.

Councilwoman Gerwig said she would accept the recommendation of not requiring fencing, but was concerned the areca would not block the headlights. Mr. Riebe indicated the areca palms and existing landscaping are so thick at this point that fencing is not required.

Councilwoman Gerwig said it was represented to her at the Agenda Review that the grassy parking spaces along Pierson were not grass or in shape to use, but she went to the grassy parking area and found it completely green. She asked if they were talking about the same area. Mr. Riebe explained it has been contemplated to pave the south end along the canal because those spaces are used every day during equestrian season and within proximity to the barns. He stated this site could eventually be used year around. Councilwoman Gerwig stated she would agree if that were the case, but it was completely green. She stated she preferred grass rather than pavement, and did not want to implement paving the parking spaces at this point.

Mayor Margolis questioned the cost of the recommendation and who would pay for it. Mr. Riebe indicated the \$30,000 to \$50,000 would be paid by the developer and it would cost \$200,000 if they widened the section. Mayor Margolis thought they were asking the developer to pay for a left turn lane that may never get built. Mr. Riebe said although it may never get used as a left turn lane, there was a two-prong test for a left turn lane, and they met the first prong. He stated the second prong was the traffic volume on Pierson Road and the number of gaps to make left turn movements, but the queuing analysis and criteria has not been met yet, which was why they were recommending it. Mayor Margolis was surprised the developer would agree to spend \$200,000 or \$400,000 for something that may never get built unless they knew it was going to get built because applicants don't usually volunteer to build something they may never use.

Councilman Coates stated Council spent a lot of time going over the site plan a year ago, and thought there were 37 conditions in the compatibility determination that provided staff with good detail in terms of what Council expected on a site plan. He was not inclined to debate everything they considered a year ago. Councilman Coates indicated the compatibility determination conditions did not restrict a left turn into the facility on Pierson Road. He stated they could currently turn left and just have the center median based on the site plan. He said he was in favor of the left turn there, but thought the issue was with expanding the road. He stated he was not going to debate that tonight; however, he thought Council decided to specifically exclude item F from section 19 of their conditions, and could not understand how staff could have put it back in. He did not want staff putting them in a position to where they have to re-debate and reanalyze issues already decided. Putting aside the left turn lane issue, Councilman Coates asked Mr. Riebe if any other parts of the site plan did not comply with the conditions imposed with the compatibility determination in October. Mr. Riebe did not believe so.

Councilman Coates asked how the north perimeter road met the spirit and intent of what they were imposing and how it improved the circulation pattern throughout the property. Mr. Riebe stated the purpose of the perimeter road along the north property line was to provide circulation, provide another way to access the parking area on the very east side of the site, and provide access to the barns. In addition, it was a way for horse trailers to get separated from the spectators coming in. He indicated the route on the site plan before Council meets the intent and provides a good access for emergency vehicles.

Councilman Coates stated there was no requirement for the perimeter road to be paved and by paving it they were actually putting in a higher quality road than what might have otherwise been required. Mr. Riebe explained emergency vehicles and horse trailers would have access, and they also wanted to be sensitive to the neighbors to the north who had dust issues from shell rock roads.

Councilman Coates wanted an assessment as to whether the existing location of the horse crossing on the site plan they were being asked to approve substantially complied with the compatibility determination and the conditions imposed. Mr. Riebe stated they had several discussions at staff level about the location and his opinion was to separate it, but others felt the horse crossing was more appropriate where it is. Councilman Willhite clarified his concern was its location and if it was widened and putting in the left turn lane thus making this a larger intersection. He thought that once they started putting in separations, medians and raised and left turn lanes, there would be more traffic and more concerns.

Councilman Coates asked about the size of the stable on the far eastern side and how many horses it would stable. Mr. Stillings indicated it was 31,930 square feet and could stable 160 horses. Councilman Coates knew there has been a lot of discussion and debate about the size being limited to 20,000 square feet or not. He asked what Council contemplated the size of this particular stable would be when they passed the compatibility determination. Mr. Stillings stated it would be the same. He said the conceptual site plan (located on page 419 of the agenda packet) was the conceptual site plan that was submitted as part of the commercial equestrian arena approval and the square footage is 31,930 and 160 stalls. Councilman Coates felt Council would be revisiting and potentially changing the decision they made in October if they were being asked to change the square footage or to change the amount of horses permitted in this stable.

Councilman Coates stated he saw a maintenance area that was part of this site plan; however, he did not recall that was specifically addressed in the compatibility determination. Mr. Stillings stated that was correct explaining it was something they had identified in working with the property owner's representatives. He indicated the applicant had a lot of the storage and equipment up in the concrete pad area and to the north of the site, and they wanted them to provide a designated area for that with the appropriate screening. Councilman Coates stated that sounded like something that was specifically requested by staff. Mr. Stillings stated it was one condition of the commercial equestrian arena approval that storage would be screened from view from all public rights of way, so this location with the proposed screening meets the applicant's needs as well as provide for that condition.

Councilman Coates said in the proposed site plan on the far east side that the restrooms and manure bin were reversed, and found that to be an improvement in terms of the location of the manure bin. He asked how this change came about. Mr. Stillings stated it was consistent with the area of the manure bin to the west, so he believed from an operational standpoint they thought it would be easier to access those two manure bins and to move them further away from the residential to the east.

Councilman Coates indicated that when he looks back at the requirements of parking, they just had to comply with section 7.2.3. He asked, in terms of the grass parking that was reflected on the site plan, if it complied with their applicable sections that were cited in the compatibility determination. Mr. Riebe stated there were several grass parking areas, one immediately west of the covered arena, the event overflow parking, an area that is right up against South Shore Blvd for trailer parking that is grass, and another grass area was along the southern boundary of the site. He indicated the grass parking spaces along the south boundary line needed to be paved as they were actually provided for in the stormwater management plan. He said those were considered to be paved now and considered to be impervious from the overall site plan.

Councilwoman Gerwig showed Council the pictures she took of the grass parking area along the southern border.

Councilman Coates thought as long as they complied with what their regulations and ordinances say they have to comply with for grass parking, he was not sure there was much for Council to do on it. He asked if there was any opinion in terms of the benefits of grass versus paved parking in a facility like this. Mr. Riebe stated it was an equestrian area and horses do much better on a grass surface or something that is not paved and it is safer for them, but at the same time they have to comply with stormwater management and water quality, so those issues need to be addressed as well.

Mr. Riebe indicated he had received a revised grass parking statement the previous day, but did not have a lot of time to review it. He said they addressed a lot of the issues, and they conceited to the areas to the south. He stated the areas in question are the event parking to the west of the covered arena and then the trailer parking. He said they have done soil borings, permeability testing and determined percent voids. He indicated they have also done some testing in the northeast corner of the site where it is still field in its natural state. He stated based on the preliminary data he had and a cursory review, the percent voids or void ratio is important because that tells them how much water can be stored which is a critical component of the storm water management plan. Mr. Riebe said the spacing between the soil particles provides that area for that water to be stored. He said they found that the area to the northeast is very similar to the grass parking areas immediately west and immediately over towards South Shore Blvd. He stated at this point in time from a stormwater management standpoint, it appears that the compensating storage and water quality could be met with grass parking the way it is set up. He said the issue was more of turf management. He said the last thing was the viability of the turf and erosion control, so they do not have mud holes on the site. He thought they were almost there through the land development process. In short, he thought the grass parking was a good idea in these types of venues.

Ms. Cohen mentioned any site visits would be considered ex-parte, which has now been disclosed, and the photographs that Councilwoman Gerwig took would also be ex-parte, so she wanted to make sure to the extent they have viewed that, that their decision tonight was not based upon that. Vice Mayor Greene indicated it was public record if anyone wanted to see it. Councilwoman Gerwig stated she would e-mail the pictures to Ms. Rodriguez. Mr. Riebe noted the applicant agreed to comply with the code and were not arguing it.

Mayor Margolis said Council approved this on October 24, 2013 pointing out that on page 419 there were revisions at the bottom, and it appeared the DRC certification was on 08/28/2013. He said the DRC determined that barn 3 came in as a revision on the 19th and Council approved it on the 24th and then DRC approved it on the 28th. He said on page 421 under revisions, he saw a DRC certification on the 22nd. He found the maps to be confusing and asked for clarification. Mr. Stillings stated the revision date was a notation on that plan and he was not sure where that date came from, but it was August which was prior to the Council decision.

Mayor Margolis addressed barn 3 and asked what an open air barn was. Mr. Stillings explained the roof is like a pole barn and the interior stalls are cubes that are put in that are independent of the covering, the roof structure. Mayor Margolis asked if it had to be built to a certain standard, i.e., hurricane. Mr. Stillings stated that barn was limited to December through March so it should not be a risk.

Councilwoman Gerwig asked why the administrative office was different, as she thought that had previously been approved. Mr. Stillings stated there was a show office building right next to it and this was an additional structure.

Vice Mayor Greene referred to the EOZD table and permitted used, and asked that where professional and business offices, under commercial recreation, is left blank, it is a prohibited use. Mr. Stillings stated that was correct. Vice Mayor Greene asked if there was anything based on the site plan showing these office buildings that conflicts with what is inside the EOZD. Mr. Stillings said that was referring to a professional office such as Ms. Troutman would rent for her business. He stated this was an office building for the commercial equestrian arena. He stated they could have just called it an administrative building for that matter.

Vice Mayor Greene stated the third barn that was on the site plan has 31,000 square feet and it was presented to Council last October. He said they approved that conceptual plan with that barn at 31,000 feet. He indicated he did not recall it being presented as a permanent barn with different material and architecturally different. Mr. Stillings stated it was not a permanent barn but a temporary tent and the site data did illustrate the same information in terms of the floor area at zero and the square footage and coverage at 31,930. He believed it was indicated as a different type as temporary tent, but he would have go back and look. Vice Mayor Greene asked if it was erected in November. Mr. Stillings said a special permit was approved for this season only, otherwise the temporary tent was limited to use by participants only during the months of January through March. He said a one month extension may be granted administratively when a request is submitted and the tents may be erected up to one month prior to use and taken down within two weeks of the expiration of the period approved.

Vice Mayor Greene asked what the designated use was for the covered equestrian ring. Mr. Stillings stated it was a riding ring or equestrian ring. Vice Mayor Greene asked if it had been designated as that because he thought it was only a shelled permit at this point. Mr. Stillings said if he was talking about the occupancy or a building permit that was correct, as it has only been permitted as a shell structure and roof. He stated there has been no occupancy in terms of an assembly that has been approved for that structure and that is why he believed the only activity that occurs is the school and training. Vice Mayor Greene thought that was occupancy if there were people inside it. Mr. Stillings stated it was not assembly in the same terms that the building code defines assembly, and it was no different than any other riding ring. He stated a pole barn was just simply a roof structure. Vice Mayor Greene asked if there would be no further requirements for permitting. Mr. Stillings stated it would be necessary if they wanted to have spectators and other use of that facility beyond simply riding horses under it noting they have been notified that they need to apply with the Building Department to change the occupancy of that structure. Vice Mayor Greene asked how that affected parking, if after the site is developed and a designation is changed for the covered equestrian ring, and it becomes an event's tent or structure, they would have some issues with parking and restrooms at that point. Mr. Stillings indicated that was incorrect. He said that was covered under the limitation of the number of spectators for the site at 3,000, which covers the parking. He said that was regardless where they put them on the site, if it is under this ring or in the center ring or on the derby field. He said they were limited to that same number. He stated the use of this facility does not increase their capacity on site.

Vice Mayor Greene wanted to breakdown some of the other parking numbers based on structures. He said if it is an overall maximum capacity with a certain number of parking spaces, and everything else seems to be broken down, but there is no breakdown on the covered equestrian ring. Mr. Stillings stated the covered equestrian ring if it was turned into a spectator arena it would be seating which would be a number under the 3,000. He said the other use is the parking ratio is by square footage and number of stalls if it is a barn, so that is why they see it broken out and there is a difference between those facilities and the number of spectators related to parking. Vice Mayor

Greene asked if they could hold events, riding school, and it is not an issue under the current permit they have. Mr. Stillings stated that was correct.

Councilman Willhite supported moving the fence if it was not needed, but asked if it had been installed. Mr. Stillings said that it had not been installed noting that it was a condition that had not been met. Councilman Willhite said that he was fine with the arecas, but they did not extend to the end of the property line because of a culvert, there are horse trailers parked there, and there are still visual aspects of the screening that were not being met for the Polo Island people. Mr. Riebe said that they would work on providing screening there. Councilman Willhite noted that the paddocks were already constructed that were shown on the site plan which he thought was a good use, as it removes some concerns of things being built there although there could still be parking there. Mr. Riebe explained that the site plan did not show it as either event parking or overflow parking. Mr. Stillings added that they wanted to identify areas where they would park, and parking has been relocated to other portions of the site. Councilman Willhite noted his support of the following: show office, horse washing and relocating of the manure bin. He said they previously discussed a northbound shellrock perimeter road; however, they were now putting a 20 feet paved roadway through there. He expressed concern that on the eastern side of the property there is a 60 foot setback to a roadway; however, there is a very small setback on the north side. Councilman Willhite wanted there to be the same setback everywhere to protect the surrounding area. He thought it sounded like it would be for maintenance when it was a shellrock road; however, now it was 10 feet on either side of a lane to drive and they were not just talking about a simple driveway. Mr. Stillings explained that a change would be needed in that area as it was not clearly identified. He said that the Coach House is in that area so it does turn into the residential portion and they get back to the 60 feet, the smaller setback is adjacent and is in play near the commercial use. Councilman Willhite questioned if the 20 feet would also be a bridle path or would it be 20 feet from the bridle path to the existing property owner. Mr. Stillings explained that the bridle path is part of the buffer which is already in place. Councilman Willhite said as he had discussed at the Agenda Review, he has consistently stated that he does not support back out parking spaces within any commercial areas on any major thoroughfares or driveways. He did not support the back out parking spaces in the area designated as "Employee Parking Only" located at the main entrance. He was concerned about stacking on South Shore Blvd and the impact it would have on traffic. Councilman Willhite then referred to the size of the two signs (4x20 and 8x10) noting that at the Agenda Review it was indicated a master sign plan was needed. Mr. Stillings stated the signs would need to be removed from the site plan noting that during the approval of the Special Use Permit, the 4x20 was for a temporary banner sign and the 8x10 was an event sign. He said that has expired and they will have to come forward for a master plan for any future signage. He noted that the site plan does not include those two signs as part of this.

Councilman Willhite referred to the third barn which he thought was temporary in nature, and asked if that was the case here noting that he had heard it was a riding arena type roof with temporary paddocks put on it. He asked if it would have a permanent concrete slab, walls and roof and not have the stalls touching the roof so it wasn't considered in the FAR, but in the lot coverage or was it still a temporary tent that has stakes, poles and ropes that is taken down for each season. Mr. Stillings said that it was both explaining that even though it was a temporary structure it still was counted toward lot and building coverage. He noted that it is temporary in construction and is only put up for up to five months of the year. Mr. Stillings believed it will have a roof, but the tent structure is temporary and the stall can be removed and used elsewhere. The concrete can't be removed which was why it was counted toward coverage. With regard to maintenance and storage areas, Councilman Willhite asked if that was a structure, a fenced in area, or hedged area. Mr. Stillings said that there was hedging and other landscape screening. He noted that they may put shellrock or other material to stabilize the parking equipment, but there was no other construction.

Mr. Dan Rosenbaum stated that the applicant had the compatibility determination and master plan amendment and DRC approvals. He referred to paragraph 22 of the compatibility determination that stated that the Southshore entrance would be designated as the primary entrance to the facility, but access to the site from Pierson Road entrance will not be limited or restricted. He said that many of the issues that Council was revisiting were already issues that were worked out and set forth in the parameters that his client was working with. Mr. Rosenbaum said that there were several DRC hearings some as late as June 2014, July 2014 and today he was working with staff and Mr. Sexton to bring better solutions to some of these issues. With regard to the grass parking area, he believed that everyone would generally agree that grass parking would look better and be more palatable wherever possible. He said that it took many engineering hours to get to the point where they could have grass parking. Mr. Rosenbaum said that although they have some parameters, there were still some moving parts they were working on to make the site plan better. He said that he wanted to point out those areas that were set in stone noting that the compatibility determination took effect at the expiration of the special use permit last April 30th. He noted that the compatibility determination set forth 37 conditions by which the facility will operate in order to be compatible with the adjoining properties which has not changed. He noted that the DRC approved the location of the access point where the horse crossing and where the left turn is off of Pierson Road. Mr. Rosenbaum said that the issue Mr. Riebe was addressing dealt with the stacking lane. He said that Mr. Riebe and staff had suggested a curving that would affect the stacking lane, but because there will also be culvert construction at some point; it made more sense to do the construction as it is proposed. He said that they would not want to spend thousands of dollars needlessly, but it would be a safer and better intersection going forward if the construction is done.

Mr. Rosenbaum said that the compatibility determination that they have talks about immediate access; however, there is a question as to the study having the stacking lane allowing for more trailers to be stacked before they make a left turn maneuver into the site. He said that they could have a discussion whether or not that is a better solution, but those are things that they still have as moving parts. He said that the site plan was done intentionally to be as close to the conceptually approved site plan (Exhibit B) to the approved compatibility determination. He said that the four changes were minor changes, and what is there comes from three years of operation. Mr. Rosenbaum said that they were in a more seasoned position to understand the operation and to fine tune some of their operations. He reiterated that there were still engineering and other matters that could be worked out well, but they were not really site plan issues.

With regard to the perimeter road, Mr. Rosenbaum said that it was suggested to them at the DRC meeting that the road be paved which was not what they really wanted to have. He said that they acceded to that request; however they were fine if Council preferred it to be either grass or shellrock. He said that they were trying to be as flexible as possible, but the issue that they were here on was whether the site plan before them was in substantial compliance with the conceptually approved site plan. At this point, Mr. Rosenbaum called upon Mr. Sexton to present the technical issues.

Mr. Sexton showed an updated aerial of the existing facility as well as a photograph of the derby area, main arenas, covered arena and the two existing barns. He noted that the compatibility determination for the 59.4 acres was approved in October 2013 and the site plan was based on Resolution No. R2013-49. He said that they have the current approved site plan by right that showed four barns, all of the parking area, the covered arenas and such. He said that the site plan being presented would supercede the current plan upon its approval.

Mr. Sexton said that the site plan being presented for approval shows the north perimeter road which they felt made an important connection for the secondary access to the property should there be some issue along the south side, particularly for emergencies. He said that they have the access

connecting to the existing paved roadway in the general area of the main event tent. Also shown was the trailer parking in the northwest corner of the property along with the grass parking directly west of the covered arena. He showed a slide of the east side of the property that shows the finger heading to the east. Mr. Sexton noted that Councilman Willhite had brought up the issue of trailer parking at the hammerhead at the east end of that. He explained that hammerhead is there as a turn around and was not intended to be used for trailer parking which was something they could take care of as an operational item if they missed it in the past. He said they will work with Mr. Riebe if there is the possibility of getting more screening along there noting that there was recent construction replacing the lake culvert in that area. He also showed the grass parking along the south perimeter (green) that Mr. Riebe addressed. To the west side of the property, there is the new location of the driveway connection on Pierson Road which is consistent with the conceptual site plan approved with the compatibility determination. He said that it provides for the driveway connection and will require replacing the storm drainage culvert at that location which they would have had to upside anyway because of the proposed work being done to Pierson Road. In addition, it also addresses the location of the horse crossing which has a flashing amber light as well as a stop signal to allow for a safe crossing.

Councilman Willhite addressed the comment about the access point on Pierson Road and asked if it was in the correct location. Mr. Sexton said that it was at the location it was shown on the previous conceptual site plan, but it was not at its current location. Councilman Willhite said that the access was not approved at this location, but at the current location and asked if this was a suggested new location. Mr. Sexton explained that this was the location it was shown on the conceptual site plan that had been approved, but was not where the existing driveway is located. Councilman Willhite stated that it was not approved at its new location which was why it was still there and there was no left turn lane there. Ms. Troutman pointed out that it was approved to move it to be 660 feet from the intersection of South Shore. She said that even if they don't build a left turn lane into the Pierson driveway, they would still want to move the driveway. Mr. Stillings further explained that in the Master Plan Amendment the location of the access point was illustrated and the condition in the Master Plan approval #5 was at the exact location of the proposed access point on Pierson which shall be approved by the Development Review Committee so it was contemplated that it would move and the precise location would be approved by DRC. Councilman Willhite pointed out that the Council had not approved relocating it because they did not approve the new left turn lane. Mr. Stillings reiterated his comments about it being a part of the Master Plan that it would be a new location and the precise location would be determined and that it would be east of the current location. Councilman Willhite said that then this site plan contemplated the relocation and movement of the horse crossing as well. Councilman Willhite reiterated it was not in its current location to where it was proposed. Mr. Stillings said that was correct.

Mr. Sexton continued with his presentation. He said that the driveway location was located within the 660 feet consistent with good traffic engineering principles, and was reviewed and vetted through the DRC process. They have moved forward with that with the only reason being the treatment of the left turn lane at the driveway connection.

Mr. Sexton said that the Circulation Plan was updated to show the additional roadways which were consistent with the conceptual site plan that had been approved with the compatibility determination with the exception of it having the northern loop road connection to the system and it being paved. As was mentioned by Mr. Rosebaum, during the DRC process Mr. Riebe felt that the best surface treatment for that roadway would be to pave it and to provide the drainage swales and such for it which they agreed to.

He noted that they also looked at the Conditions of Approval which they have several issues and concerns:

Conditions #1-3: No issue.

Condition #4: They understand that the plat has to be submitted and recorded, as it was a condition of the compatibility determination or master plan, but questioned whether it should be repeated as a condition in the site plan.

Condition #5: They needed to move forward from the site plan in order to obtain a Land Development Permit and to get the construction done which they believe can be done by December 31, 2014. It also was believed that they can do the construction and establish safe parameters for there to be some activity beyond the property as there may be some minor shows that may be coming in the fall. They were concerned with adding the condition that all access drives shall be paved no later than December 31, 2014 and prior to any use. They felt that prior to any use restricted them to potentially being unable to do anything on the site until January. They didn't understand that requirement and felt that could be worked through the Land Development process with the Village Engineer.

Condition #6: They felt this was too specific for the site plan and suggested another condition that was prepared by staff that they believe addressed all of these issues and provides the Village with the protection needed to ensure the grass parking is constructed and maintained and operated in accordance with Village standards.

Condition #7: No issue.

Condition #8: With regard to the paving of the parking along the south property line in Pierson, they believed the existing grass parking works well. It was designed as part of the original site plan which was by right, provides additional parking beyond what was required for the barns including the third barn. He said that there is paved parking to meet the building permit requirements for all three of the permanent barns. This is just additional parking whose secondary use is trailer parking. As Mr. Riebe said that when the original Land Development Permit was done, they considered it impervious, they built a base underneath it and put grass on top of it and provided irrigation. They have been using it for three years, never had any problems with it breaking down, it functions well, and Code never questioned anything there. They feel it is the best way for this type of facility to handle that issue, and believed that the replacement condition that was prepared by staff will give the Village the ability to make them correct it if there were any problems in the future. They did not feel they should be paving it just for the sake of paving it.

Councilman Willhite questioned Mr. Sexton's concerns about Condition #4. Mr. Sexton said that may be something for Mr. Rosenbaum to address but they felt it was redundant and questioned if it should be a site plan condition because it was already an existing condition in the Master Plan Amendment.

Mr. Sexton continued with his review of the conditions.

Condition #9: No issue.

Condition #10: They felt that the best thing that they could do for the Village and the project was to build the turn lane now with the expansion of the road because that will make the safest intersection. With the horse crossing signal, they felt it was the best solution for this use, location and facility. They monitored the utilization of that left turn lane along with the other during the past season and saw that there were times where more than 30 left turns were made into the facility

during one hour. He said that leads toward a requirement if that combined with the traffic on the roadway that it would become a required improvement. He said that perhaps right now it is not an absolute required improvement, but they don't have to design to minimum standards so they were designing it to current and best engineering standards. Mr. Sexton said that since they have to locate their driveway at 660 feet, they felt it made sense to add a safety left turn lane. They would be willing to put in some curbing until such a time it is determined that the lane should be put into use.

Condition #11: He noted that at the end of the condition where it states "prior to any use" they believe they can safely have some utilization of the property as a commercial equestrian arena.

Mr. Sexton again referred to Condition #6. He said that as the condition was currently proposed, they were being asked to put shellrock in the grass parking area which turns it into mostly a paved area. He said that firstly they did not feel it was necessary because they could maintain that in good fashion, and secondly they use that area for some riding and training. Their concern was they would be removing that area from some multi-use purpose and turning it from a nice grassed area for an equestrian facility into a parking lot.

With regard to Condition #3, Mr. Sexton stated that they have grass parking along the south side of the property which they have been using for three years and have never had any problems. He said that it is mostly used as overflow although there is usage every day, but that parking is in excess of what is required for the barns as exhibitors. He said they felt that it could continue to be monitored and could always be paved in the future if need be.

Mr. Sexton further spoke on Condition #6; they have been working with Mr. Riebe for over a year on this and provided a grass parking statement in late June through the DRC process. He said that they had geotechnical engineers look at what they were proposing for the grass parking. They provided their professional engineering opinion in June and found the grass parking area west of the covered area was sufficient for supporting temporary overflow parking as a grass parking area that the infiltration tests indicated that the surface has a steady state of unsaturated infiltration, and generally has a rapid permeable rate. Mr. Sexton said that they provided their own opinion in addition to that of a much respected geotechnical engineer and developed an alternate design for the grass parking area. This was consistent with the land development code that allows them to do that. He said that with that submittal in June through the DRC process in the later part of July, Mr. Riebe asked them to get additional information from the geotechnical engineer who would address the percentage voids of the soil both in its natural state and in compacted state. Mr. Sexton said they again had the engineers test that area as well as the area where the horse trailers were being shown. He said their opinion said it was sufficient for supporting temporary event horse trailer parking for the grassed parking area and had a rapid permeability rate potential which means it is not impervious. In addition how they plan to incorporate in their stormwater management system was in accordance with general engineering systems, consistent with South Florida Water Management District and consistent with the Village's Land Development Regulations. He then read alternate #6 into the record: *"Grass parking shall be permitted in areas as shown on the final site plan. If at any time the Village determines that the grassed parking area does not meet the standards of Section 7.2.3.J. of the Wellington Land Development Regulations, the Planning Director shall require restoration of the grassed surface or the paving of the grassed area for parking. If paving is required, a land development permit must be obtained."* He reiterated that was staff's condition that the applicant could support and move through the process. He said that this would allow them to get their land development permits, provide Mr. Riebe with a chance to review the latest information that he preliminarily looked at, and the process can continue.

In summary, Mr. Sexton said that the proposed site plan was consistent with the site plan for the Commercial Equestrian Arena that was previously approved, is consistent with the Comprehensive Plan, consistent with the Land Development Regulations, the request is compatible with surrounding areas, the request is compatible with the natural environment, provides for improved safety for the project and the adjoining areas, and that the general layout, the uses, and the intensities are in substantial compliance with the conceptual site plan that had been approved by the Village Council under Resolution No. R2013-49. It was their hope that Council would approve the site plan with the modifications with the conditions as was discussed.

Mr. Rosenbaum concluded that they were trying to be a good neighbor and make this a workable arrangement that is safe and will also be a good attraction to Wellington. He noted that there were some fine tuning issues that they have been working on for the past three years which they will continue to work on which staff has addressed. He said that putting the flexibility in the proposed resolution while ensuring that it is properly meshed with the master plan amendment and compatibility determination will provide for a good project which is their goal. He thanked Council for their time and was available to address any questions.

Public Hearing

A motion was made by Vice Mayor Greene, seconded by Councilman Willhite, and unanimously passed (5-0) to open up the Public Hearing.

1. Richard Schoenfeld, 1111 Northumberland Court, Wellington. Mr. Schoenfeld supported Mr. Bellissimo's Equestrian Village project. He indicated that he was frustrated watching how this has been debated by Council over the past several years. He believed that in addition to making reasonable and rational decisions according to the law, they should be fair and compassionate and also consider what is in the best interest for the entire community. Mr. Schoenfeld believed that this project will enrich the equestrian community, and that a simple road design could have been developed to please everyone. He felt that they needed to move on with this and get back to all the good things the community has been known for.
2. Cynthia Gardner. Ms. Gardner was not in attendance at the time her name was called.
3. Amy Huber, Shubin & Bass. Ms. Huber represented Charles and Kimberly Jacobs and Solar Sportsystems Inc. She referred to Condition #33 of the original resolution for the compatibility determination that required a Circulation Plan to be included and approved with the final site plan. She noted that no such plan had been attached, and requested that Mr. Sexton's Circulation Plan be attached and incorporated into the Resolution. She concurred with Council's earlier comments about not revisiting the issues that had been discussed in October 2013. She felt a lot of time was spent discussing Pierson Road and access points, and Council had ultimately voted against the expansion of that roadway as well as additional improvements and modifications to the canal. The horse crossing at that location was factored into Council's decision to create a safe condition on Pierson consistent with the Comprehensive Plan provisions for the EOZD. She asked Council not to further debate that issue, but to uphold the decision that was previously made with respect to the no left turn lane at this location in order to preserve Pierson Road in its current condition. She noted that Condition #33 required that the site plan presented to Council be substantially in compliance with the site plan that had previously been approved which had removed the turn lane. She said if they included that it would not be in substantial compliance with that approval. She said that any modification that Council would want to make to the original compatibility determination would require modifications to that approval and to that resolution which wasn't before Council. She pointed out that as it was stated, Condition #21 only put in a monitoring requirement, Condition #18 was a specific requirement that required adequate ingress and egress

that had to be maintained at all times in all locations and had a specific requirement for PBSO. Ms. Huber said they believed that the original approval should be upheld, the site plan and circulation plan this evening should remove those provisions that are not in accordance specifically that the turn lane be removed and that proposed Condition #10 be removed.

4. Alice Miller, 2785 Polo Island Drive, Wellington. Ms. Miller said that the greenery was screening the unpleasant view, but that the horses were being braided with people coming and going all night long. She imagined that there was noise from radios, people talking and other noises throughout the night. She felt a solid fence would screen some of the noise for the homeowners. Ms. Miller said that she did not hear any discussion about parking on the northeast corner of the property which is presently used for the paddocks and the exercise area.

Vice Mayor Greene read the following comment card into the record:

1. Michael Whitlow. Mr. Whitlow had attached a letter; however, the policy was not to read letters into the record, but was given to the Clerk to put into the record for the public.

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

Councilman Coates said that he would make a motion to approve the resolution with the removal of the left turn lane because he did not want the inclusion of that to delay this project from moving forward. He said that there was no restriction on the ingress and egress, and with the actual access point being moved where Ms. Troutman was comfortable with was a better position from a traffic standpoint. Councilman Coates said that he would have supported including the turn lane if they had approved it during the Compatibility determination, but he didn't think they could include something that they had explicitly discussed and decided against it.

A motion was made by Councilman Coates, approving Resolution No. R2014-35 subject to the removal of the left turn lane as well as attaching the inclusion of the Circulation Plan.

Councilwoman Gerwig said that she would second the motion if Councilman Coates would add to remove the shellrock as a requirement. Councilman Coates approved adding that to his motion. **Councilwoman Gerwig then seconded the amended motion.**

Vice Mayor Greene referred to Ms. Miller's comments and wanted information on Condition #37 asking why the fence was not installed which directly impacted the people on the south end of Polo Island. Mr. Stilling said that the fence had not been installed to date. He said that at the time the discussion was related to the headlights in the area which was before the arecas had grown in. Staff believed that the arecas were satisfying the intent. He didn't know that the fence was designed to address noise or other impacts. Vice Mayor Greene asked if any photometric studies regarding the light had been done. Mr. Stillings said they had not done any studies. Vice Mayor Greene felt that since this was a condition that the Council imposed and that a resident was now talking about the noise that it was important to comply with what the Council had approved. Vice Mayor Greene asked if Councilman Coates was amendable to adding the fence to his motion.

With regard to Vice Mayor Green's request to add the fence to the motion, Councilman Coates pointed out that the speaker had only indicated that she imagined there was noise, but he did not get the impression that she personally had any issues or had experienced any of the things she alluded to. He asked if a fence was necessary at this point because he believed that a number of residents would probably prefer the landscape buffer that was there. Mr. Stillings said that the fence was to be installed inside the buffer. Vice Mayor Greene added that the fence would be a significant barrier to

lighting while still providing lush landscape. He noted that he was not trying to add anything new as it was a previous condition. In that case, Ms. Troutman said that Council would then have to eliminate Condition #2 of the new resolution.

Councilman Coates accepted adding to his motion the elimination of Condition #2. Councilwoman Gerwig supported the amendment.

Mr. Riebe supported the alternate language to Condition #6 as proposed by the applicant. Councilman Coates said that the request was to have his motion accept the alternative language that was suggested by Mr. Sexton.

Councilman Coates agreed to amend his motion to include that the alternative language suggested by Mr. Sexton relative to grass parking. Councilwoman Gerwig accepted the amendment.

Councilwoman Gerwig asked if Councilman Coates was agreeable to striking Condition #8. She said that there were two areas discussing grass parking and she wanted to ensure that parking spaces along the south side of the property line on Pierson Road don't get paved unless they needed to be.

Councilman Coates asked why they could not keep that as grass parking because he believed that it was better to have less paving. Mr. Riebe concurred with that, but said that his opinion was based on the uses at other equestrian venues. He said that from an erosion control and from a maintenance standpoint they needed to be paved because of the permanent usage of those spaces. Councilman Coates asked if the Council imposed a requirement when they approved the compatibility determination that those parking spaces be paved.

A motion was made by Councilman Willhite, seconded by Vice Mayor Greene and unanimously passed (4-1) with Councilwoman Gerwig dissenting, approving to go past 11:00 p.m.

Mr. Stillings referred Councilman Coates to page 416 of the agenda packet, Condition #29. Mr. Riebe said that it was a general statement dealing with all parking. He further noted that 7.2.3j addressed grass parking. He noted the problems with it because of its regular use. Councilman Coates said that he accepted the amendment because he believed it exceeded what was required in the compatibility determination. Councilwoman Gerwig said that they could monitor it, and if it doesn't meet the code for grass parking then it could be paved. Mr. Riebe said that he was recommending this condition because it becomes an enforcement issue and they try to reduce the involvement of the Village as enforcers. He said if this becomes a year-round facility, then those grass spaces become even more vulnerable. Mr. Riebe felt instead of battling it next year, they should address it now. Councilman Coates asked Mr. Riebe what his remedy would be as the Village Engineer if in a year there was a problem. Mr. Riebe said that the remedy would be that they would have to pave it. Mr. Stillings explained that they would do that by issuing a code citation for a violation of that section of the parking code. The remedy would be to obtain a Land Development permit to either correct the issue and fix the grass area or if it was fixed and was repeatedly damaged, they would be required to pave it or put shellrock or some material other than grass. Councilman Coates said if this was passed without requiring the parking spaces to be paved then staff still had the right to make the determination going forward that there is a problem. He said that the applicant is also alert to the issue and can circumvent any problem so that the decision is made to require paving. Ms. Cohen added that if a code citation was issued it was then in the Special Magistrate's hands which could be difficult which was probably why the condition was placed.

Mr. Stillings also wanted to be sure that in addition to removing conditions from the resolution that the site plan reflects the changes as well.

Councilman Willhite expressed his opposition to the 20 back out parking spaces. With regard to Mr. Riebe's comments about grass versus paved parking, Mr. Riebe was saying that with his experience and knowledge of other equestrian venues he was worried that the spaces would be utilized to their maximum and was concerned about dealing with the code violations, Special Magistrate, etc. He also questioned who the site plan would come back to for approval if additional changes were requested. Mr. Schofield said that since the original approval was set up for the site plan to come to Council for approval, any subsequent changes above 5% would have to come back to them as well.

Vice Mayor Greene raised concerns with the area in the main entrance off of South Shore that was designated as "employee parking" because he felt that was a very busy area. Mr. Sexton said it was a principle area, but they defined it as "employee only" so that during those big events the employees who are out there setting up will have parking. He indicated that those parking spaces, which will be designated "employee parking only" won't be used by the general public, but for those employees who won't be backing out when people are coming in or leaving. Vice Mayor Greene asked Mr. Sexton if he thought that was a best flow for traffic. Mr. Sexton believed it was a reasonable flow that was out there, and 95% of the time there is no traffic backed up at that location. Vice Mayor Greene asked Mr. Sexton if it would be a major issue if those 20 spaces were relocated. Mr. Sexton said that it would be removing them which they would hate to do as the other parking is designated for spectators and they don't want their employees to park there. Vice Mayor Greene asked Mr. Riebe if there would be any place to move those spaces or if they removed them would that create a compliance issue. Mr. Schofield indicated that it would not be a compliance issue because there is a surplus of 96 spaces. Vice Mayor Greene felt if Mr. Riebe has identified the problem, he preferred to correct an existing problem he has identified.

Councilwoman Gerwig said she wanted to leave more green space and if it fails, then the applicant has to pave it.

Vice Mayor Greene asked Councilman Coates if he would entertain an amendment to eliminate the 20 spaces in the front. Councilman Coates asked if that posed a problem for the applicant. Mr. Rosenbaum said that the 20 spots are for employees and it doesn't make sense to move them as there has not been any problem in three years. He said they would be dislocating something that works because of a conceptual problem.

Councilman Coates believed that if Mr. Riebe thought that the 20 spots were a problem that he would have recommended that they be changed before this time. Mr. Riebe said that there was a lot of discussion about them during the DRC process. He said that those spaces are tight. He said as they get into the site plan and get more engineer drawings and detail; those spaces may not physically fit there noting that would happen during the land development process. At this point, Mr. Riebe questioned who would verify that it would be an employee using that space. He felt they set themselves up for failure when they do those types of things, especially adding another level of enforcement to have to monitor. Mr. Riebe suggested leaving the spaces there at this point in time because they were shown on the conceptual site plan and they can work through the issue as they go through the land development process. Ms. Troutman added that from a traffic flow perspective the driveway length is 237 feet before you even get to these parking spaces noting that the County's maximum distance is 100 feet, so they are more than double what the County would have at a major shopping center.

Mayor Margolis asked Mr. Riebe if the applicant had any code violations the past year because of the grass situation. Mr. Riebe said that there has been a lot of forgiveness in order to work through the process, but to his knowledge they have not been cited. Mayor Margolis said that Mr. Stillings had

indicated that if there was a problem this year the remedy would be to have them go through the code enforcement process. Since that process takes a long time and it can be fixed by the time it goes to the Special Magistrate and then the same situation can occur the next season. He was uncomfortable with that, but he did not want to tie up the process because of that issue. He understood what was being done with the paving versus the grass parking, and if the Village was willing to put them through that process if it doesn't work out, then he didn't believe this item should derail them from moving forward. Mr. Riebe said if they could get on the record that the applicant would agree that if the Village determines that the grass parking in that area doesn't work and that it or portions of it need to be paved that the applicant would agree to do whatever is asked by the Village of Wellington. Mr. Rosenbaum believed that was what the motion was. Ms. Cohen said that Council was asking if the applicant would agree to pave it if it doesn't work out rather than to go through the Code Enforcement process. Mr. Rosenbaum said that there were some code enforcement issues which were paid, and that they believe they can make it work which has been working. He said they felt that it was a nice thing to keep that spot green, and it was consistent with the compatibility determination. He said that obviously Mr. Riebe has a different opinion on this; however, the motion was to allow them to try and get this done.

Councilman Coates suggested that there be a one year period to see how this develops, and if the Village Engineer believes it is not working and needs to be paved, it comes back to Council to decide. Mr. Rosenbaum agreed to that condition.

An amended motion was made by Councilman Coates, approving Resolution No. R2014-35 subject to the following: (1) The Circulation Plan that Mr. Sexton presented be attached as part of the approval; (2) Remove Condition #2 dealing with the solid opaque fence which means that the fence will be a requirement; (3) Eliminate Condition #6 relating to grassed parking in its entirety, and should be substituted with the alternative language presented by Mr. Sexton in his presentation to which the Village Engineer indicated he could work with. "Grass parking shall be permitted in areas as shown on the final site plan. If at any time the Village determines that the grassed parking area does not meet the standards of Section 7.2.3.J. of the Wellington Land Development Regulations, the Planning Director shall require restoration of the grassed surface or the paving of the grassed area for parking. If paving is required, a land development permit must be obtained."; (4) Remove Condition #8 requiring paving all parking spaces along the south edge of the property subject to the following: that there is a one (1) year period of evaluating the efficacy of the grassed parking spaces and whether they could be adequately maintained. If in the Village Engineer's determination he believes another option should be pursued, such as paving those spaces, then a recommendation should be made and brought back to Council after a period of one year; (5) Remove Condition #10 requiring the construction of a roadway section to accommodate a future left turn lane from Pierson Road into the site; and (6) Revise the site plan to reflect the changed conditions.

Mr. Rosenbaum said that he wanted to discuss the prior use issue. Mr. Riebe said that the purpose of having the facilities constructed and in place was to have beneficial use of them. Mayor Margolis said that Councilman Coates made a motion with those issues in there.

Councilwoman Gerwig seconded the amended motion.

Councilman Coates wanted to understand the point that was being made. Mr. Stillings said that the concern was that it could be interpreted to read that no use of the site at all prior to construction or of those drive aprons or no use of that parking are until such time as the drive aprons are installed. He believed that Mr. Riebe's intent was no use of the site. Mr. Riebe said that they issue a land

development permit and there are required improvements that have to be done before you are able to use the facility in its intended use.

Ms. Cohen clarified that the pending motion did not strike out the prior to any use language. Mayor Margolis called the question.

The motion was voted on and was unanimously passed (5-0).

8. REGULAR AGENDA

- A. 14-613** RESOLUTION NO. R2014-49 (REGULAR COUNCIL MEETING SCHEDULE): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ADOPTING A SCHEDULE FOR REGULAR COUNCIL MEETINGS FOR 2014/2015; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. Due to the conflict with the Regular Council meeting scheduled for September 22, 2015 with the Yom Kippur holiday, the Council Meeting was changed to Wednesday, September 23, 2015.

A motion was made by Vice Mayor Greene, seconded by Councilman Coates, and unanimously passed (5-0) approving Resolution No. R2014-49 with one amendment: change the September 22, 2015 meeting to Wednesday, September 23, 2015.

Note: Later in the meeting a motion was made to change that meeting to Thursday, September 24, 2015. **A motion was made by Councilman Coates, seconded by Vice Mayor Greene, and unanimously passed (5-0) to change the September 2015 meeting from September 22nd to September 24th.**

- B. 14-591** ~~RESOLUTION NO. R2014-48 (WELLINGTON CHARTER SCHOOL PLAT): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ACCEPTING AND APPROVING THE WELLINGTON CHARTER SCHOOL PLAT FOR A 8.0483 ACRE PARCEL LYING IN SECTION 19, TOWNSHIP 44 SOUTH, RANGE 42 EAST, VILLAGE OF WELLINGTON, PALM BEACH COUNTY, FLORIDA, BEING A REPLAT OF TRACT 7, BLOCK 25, THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 28 FEET THEREOF, LYING IN SECTION 19, TOWNSHIP 44 SOUTH, RANGE 42 EAST.~~

The agenda was approved to move this item from the Consent to the Regular agenda; however, at the request of the applicant, this item was actually heard earlier in the meeting immediately after Ordinance No. 2014-23.

- B. 14-638** AUTHORIZATION TO REPLACE EXISTING DRAINAGE AT PALM BEACH POLO AND C-7 CANAL

Mr. Schofield introduced the agenda item. He explained that there was a pipe along the C-7 canal that developed a hole that was becoming problematic and the Village was proposing to replace it at a cost of \$147,600. He noted that the money exists in the Surface Water Fund. He noted that it was critical for this to be done.

A motion was made by Councilman Willhite, seconded by Councilman Coates and unanimously passed (4-0) authorizing the replacement of the existing drainage culvert at Palm Beach Polo and C-7 Canal, at an estimated cost of \$147,600 (includes 20% contingency). Councilwoman Gerwig was out of the room at the time of voting.

9. PUBLIC FORUM

10. ATTORNEY'S REPORT

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

- She announced that the Village had received an offer from Waste Management to extend the deadline exercising the renewal until October 30, 2014. She said that would provide the Village with additional time to negotiate after which time they would bring it back for Council to decide if they wanted to approve the renewal. She said that Council would have to vote if they wanted to accept the offer that would modify the contract to extend the time for exercising the renewal by the one month period.

Mr. Barnes said staff supported the request from Waste Management for the extension because it would afford them the opportunity to prepare the research necessary to come back with the best negotiated proposal. He noted that Waste Management had not yet received the transmittal so staff had not received any formal revision or offer from them. He said that staff recommended this because the additional thirty days would give them time to review it yet not impact their ability to make the appropriate decision to either rebid, renew or pursue another method.

Vice Mayor Greene asked if this was not renewed by September 30th, would the next step be to do an RFP. Mr. Barnes indicated that was correct. Vice Mayor Greene said nothing had been done to prepare an RFP. Mr. Barnes said that was correct noting that based, on the last Council direction, staff was still proceeding with negotiating with Waste Management.

Councilman Willhite raised concern about deviating from the current contract and changing its intent which he did not want to do. He felt that there was still plenty of time to put out an RFP.

Ms. Cohen pointed out that staff obtained input from the Inspector General's Office and their opinion was that as long as there was no material deviations that it would be considered an acceptable renewal under the provisions of the contract. She said that any material deviations, which she considered to be any changes in the scope or increase in price, then the Inspector General's Office would expect that it would be rebid. Ms. Cohen pointed out that the extension to renew the contract was not a material term of the contract, and it would not create any issue if Council chose to modify it in that way. She felt that the more pressing question would be when the contract comes back whether or not there are any significant deviations from the present contract that is in place.

A motion was made by Councilwoman Gerwig, seconded by Councilman Coates, to approve the 30-day extension that was requested.

With regard to Councilman Willhite's concern about deviating from the contract, Councilman Coates asked Ms. Cohen if her opinion was that simply extending the time for the negotiation would not be a material deviation. Ms. Cohen said that she did not believe it would be.

The motion was voted on and failed 2-3 with Mayor Margolis, Vice Mayor Greene and Councilman Willhite dissenting.

Ms. Cohen said that the contract remains the same and the exercise of the renewal has to be by done September 30th. Mr. Barnes indicated that staff would be back to Council on September 9th.

- Ms. Cohen said Mrs. Margolis contacted her requesting that the September 2015 meeting be changed to Thursday, September 24, 2015 as September 23rd would not work.

A motion was made by Councilman Coates, seconded by Vice Mayor Greene, and unanimously passed (5-0) to change the September 22, 2015 meeting to September 24, 2015.

PUBLIC FORUM

At this time, Ms. Cohen said that there was some confusion about whether or not there was public comment at the end of the meeting. She said that Mr. Rosenbaum would like to speak.

Mr. Dan Rosenbaum asked that the motion be clarified because he needed to know if it was the Council's position that the Equestrian Village facility could not be used until all of the required improvements were constructed. He felt that there was some ambiguity about the motion. He believed that there was a special use permit for one event, but there were other matters that are planned and events that are ongoing with respect to the end of the year. He said that the Equestrian Village had been operating on the basis that it would be permitted to continue with planned events; however, if the interpretation of condition #11 was that the facility couldn't be used, it would be in conflict with the compatibility determination which is in effect. He said that would be a deviation from the code which does not permit changes to development orders during the site plan review.

Ms. Cohen said that if the intent was that the entire facility could not be used, then Council should express that which she believed they did, but was not certain. She said if the intent was that it could continue to be used for the limited purposes that it is presently being used for prior to the date, then they can express that. She thought that the motion was clear because it included the limitations that are included in the conditions.

Mr. Riebe explained that the intent was not to prohibit all activities. He said that the uses that are there now and the uses provided in the approved special use permit have been sanctioned by the Council. He said that there are certain required improvements for any development that have to be constructed in order for there to be beneficial use of the subdivision, house, etc. He said that the infrastructure improvements need to be put in place before they have beneficial use of the compatibility determination for using it as a commercial equestrian arena on a permanent basis. He said that was consistent with every development that is done and has been done in Wellington for years.

Mr. Schofield said that there are uses by right that don't require the compatibility determination to allow that they can safely say are acceptable, i.e., stabling, schooling. He said that Mr. Riebe was correct that the activities that are dependent on the infrastructure being in place like the overflow parking and those types of things won't start until after the completion date of this.

Mr. Rosenbaum said that there are events that are planned that have to be advertised ahead of time. He said that this condition was not in the compatibility determination, but was being imposed at site plan review which was inconsistent with the code and was not an appropriate condition. He said that he asked for reconsideration of that and to allow for the continuation of the use of the facility. He reiterated that under the Village's code, a development order cannot be changed at site plan review.

He felt that changed the compatibility determination which allows uses to continue through construction.

Mr. Riebe said that was never the intent. He said that Council approves development orders all the time and they are effective on the date they are approved, but they don't get beneficial use of that development or site until the required improvements are done. He said that they weren't saying that the site can't be used or can't do special use permit types of things. He said if they want to come in and get a special use permit for things other than what they already have, it is up to the Council. He said that what they don't want to see is that there is a venue that is wide open and the improvements haven't been done.

Mr. Rosenbaum said that under the compatibility determination, they have until December 31st plus further dates out in time to do those improvements. He said that if this was literally interpreted, it would interfere and would be in express conflict with the compatibility determination which was why he recommended that the motion be clarified to address that particular issue. He said they don't want to be in a situation where they have a conflict with the compatibility determination.

Councilman Willhite said that the Village Engineer, Village Attorney and Village Manager are all saying that they can utilize everything they have rights to do and that are under special use permits. He felt that they made a motion that was clear.

Ms. Cohen thought that it was made clear that the uses that are currently being used for can continue, and there was no intent to stop the events that are planned. She said that they may actually have to come and get some sort of a special use permit for that, but it was not intended to prevent them from using the property. With respect to Section 5.6.2 of the code, the conditions that can be imposed allow that the site plan has to comply with the code provisions. She believed the intent was that they have to get the improvements done before they can really use it on a permanent basis for the way in which they want to use it. She said if there are events that are planned, no one was looking to hamper them, but they will need to get a special use permit unless the improvements were made.

Councilman Coates said that he had no intention of stopping the applicant from doing what they are doing, and asked if there was anything that they would be precluded from doing. Mr. Rosenbaum said that his understanding was that there are shows that are already planned in the interim period to the end of the year on reliance of the compatibility determination. He said that the earliest date that he believed exists in the compatibility determination or the land development permit for construction of improvement was the end of the year.

Mr. Riebe said that, as you move through the development order process, there were additional conditions that are added at the master plan, site plan and the land development permitting phase depending on the circumstances. He reiterated that the intent was never to prohibit use, but the intent was also not to have a lot of shows without having the necessary improvements. He said that wasn't in compliance with the code.

Mr. Rosenbaum said that he understood this and would have to work it out.

Councilman Coates said that he hoped they had had more discussion on this since this issue was not raised prior to his making the motion. Mr. Rosenbaum said that he believed there was some loss of clarification which was why he came back to address the issue.

11. MANAGER'S REPORT & UPDATES

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

- The next Regular Council meeting was scheduled for Tuesday, September 9, 2014 at 7:00 p.m. in the Council Chambers.
- Village offices will be closed on Monday, September 1st for the Labor Day Holiday.
- The Village will have its Annual Remembrance ceremony on September 11th at 6:00 p.m. at the Patriot's Memorial.
- The Annual Jeff Annas Run will take place on September 13, 2014 starting at 7:30 a.m. at the Amphitheater.
- He indicated that he had spoken to each Council member individually advising them that the Village has the opportunity to refinance their outstanding utility bonds at a lower interest rate which would save the Village about \$150,000. He said that the cost to do this will be about \$15,000. He asked for Council consensus to retain the Bond Counsel to start that process.

Council consensus was to approve refinancing the utility bonds and to authorize Mr. Mr. Schofield to retain Bond Counsel to start the process.

12. COUNCIL REPORTS

COUNCILWOMAN GERWIG: Councilwoman Gerwig presented the following report:

- She thanked the Village for sending her to the League of Cities Conference which she found to be very informative.

VICE MAYOR GREEN: Vice Mayor Green presented the following report:

- He wished everyone a happy and safe Labor Day.

COUNCILMAN WILLHITE: Councilman Willhite presented the following report:

- He noted that the Village had planted a hedge on Greenbriar from Greenview Shores to Yarmouth; however, it was not continued. He said that there has been some concern to have that continued.

Mr. Schofield indicated that there is another piece of fencing in that area that they want to do first which is along Greenview Shores from Greenbriar along the back of the multifamily to the first intersection, and then the other area will get worked into the budget next. Councilman Willhite said that the hedges along the major thoroughfares have been a topic of discussion for a long time. He said that he didn't know where staff was in evaluating that going forward and he wanted to see an analysis of what staff found and what the plan is. Mr. Schofield said that staff had completed the major thoroughfare inspections. He noted that there are 191 homes along the thoroughfares that have a fence or hedge violation which range from very minor to very major. Mr. Schofield said that staff was working on a proposal for a grant program to help with that. He said that Council would be receiving an AT probably in the next day or so on that. Mr. Schofield said that he and Mr. Fleury will review that with Council.

- Councilman Willhite noted that the Jeff Annas Run is a great event for the Village of Wellington noting that it has increased over years. There are approximately 1,300 runners already registered. Mr. John Napolitano will be the speaker at the 9/11 Remembrance whose son lost his life in the 9/11 tragedy.
- Councilman Willhite asked if Public Works could find out why the ATT box at Greenbriar and Greenview Shores was not being changed out.
- He said that he talked to Ms. Cohen about the Council procedures, particularly having the ability to change the start time of the meetings to 6:00 p.m. which she had indicated could be done.

- He wanted to disband the Wellington Community Foundation because he felt it was dysfunctional.

Council discussed the operation and possible dissolution of the Wellington Community Foundation and how the funds would be disbursed. Ms. Cohen recommended that Council hold a meeting of the Foundation to further discuss this issue.

COUNCILMAN COATES: Councilman Coates presented the following report:

- He met with a potential buyer of Wellington Parc that day regarding a modification to their plans for the property which would include changing the Comp Plan and Land Use Designation from Office to Office/Retail. He said that the representative indicated that staff had indicated they were in favor of the change. Councilman Coates did not know if the representative was correct in his statement, but he felt that staff needs to be careful what they tell applicants regarding items that are inherently policy-driven and policy-decided by Council. Councilman Willhite said that he met with that representative as well and that possibly stemmed from input made by Mr. Riebe.

Mr. Schofield said that he understood Councilman Coates' concern, but explained that staff tries very hard not to intrude into policy. He said that they will make recommendations on policy, but when it comes to things such as Comprehensive Plan Amendments, staff will give their professional opinion based on the Code. He said that he was not aware of a conversation where staff would approve retail especially since studies along that Corridor have indicated that retail is not needed.

Mr. Riebe said that applicants come in and talk to them, but staff advises that it has to go to Council. He said that staff was not trying to dissuade or persuade them, but only that something may or may not work. He said that staff understands their place regarding Council-approved items.

MAYOR MARGOLIS: Mayor Margolis presented the following report:

- He wished his wife a Happy Anniversary.
- He wished everyone a Happy Labor Day

Approved

Bob Margolis, Mayor

Awilda Rodriguez, Clerk