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**MEETING MINUTES
WELLINGTON
PLANNING, ZONING AND ADJUSTMENT BOARD
April 19th, 2023
7:00 PM
Wellington Village Hall
12300 Forest Hill Boulevard
Wellington, FL 33414**

Pursuant to the public notice, a meeting of Wellington's Planning, Zoning and Adjustment Board held on April 19, 2023 at 7:00 p.m. at Village Hall, 12300 Forest Hill Boulevard, Wellington, Florida 33414.

I. CALL TO ORDER/ROLL CALL

Jeffrey Robbert called the meeting to order at 7:00 p.m.

Members present: Jeffrey Robbert; John Bowers; Ron Herman; Maureen Martinez; and Adam Rabin.

Members Absent: Tracy Ciucci and Dr. Satesh Raju

Staff present: Laurie Cohen, Wellington Attorney; Tim Stillings, Planning and Zoning Director; Cory Lyn Cramer, Planning and Zoning Manager; Kelly Ferraiolo, Senior Planner; and Danielle Monson, Interim Recording Secretary.

II. REMARKS BY CHAIRMAN

None.

III. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was done.

IV. APPROVAL OF MINUTES

PZ-0295 MARCH 15, 2023, PLANNING, ZONING AND ADJUSTMENT BOARD MEETING MINUTES A motion was made by John Bowers, seconded by Ron Herman, to approve the March 15, 2023 PZAB Meeting Minutes. The motion passed unanimously (5-0).

V. ADDITIONS/DELETIONS/REORDERING OF AGENDA

None.

VI. SWEARING IN OF SPEAKERS/DECLARATION OF EX-PARTE COMMUNICATIONS

Laurie Cohen administered the oath.

Board Member Maureen Martinez had no ex-parte. Board Member Adam Rabin, spoke with Councilmen McGovern about background information on this item but stated he can be fair and impartial. Board Member John Bowers spoke with Councilman McGovern about background information on this item and also staff about the history of the site but stated he can be fair and impartial. Board Member Jeffrey Robbert spoke with the applicant over the phone and had a brief conversation about the application and what they would be seeing at the meeting and has driven by the site. Mr. Robbert stated he could be fair and impartial. Board Member Ron Herman had a brief conversation with Councilman McGovern regarding the site and the history. Mr. Herman stated he could be fair and impartial.

VII. NEW BUSINESS

PZ-0293 ORDINANCE NO. 2023-05 (FARRELL WEST COMPREHENSIVE PLAN AMENDMENT AKA PARCEL B OF POLO HOUSE AT PALM BEACH POLO AND COUNTRY CLUB POA, INC. AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING COMPREHENSIVE PLAN AMENDMENTS TO WELLINGTON'S FUTURE LAND USE MAP [PETITION NUMBER 2022-004-CPA] TO AMEND THE LAND USE DESIGNATION FOR CERTAIN PROPERTY KNOWN AS PARCEL B OF POLO HOUSE AT PALM BEACH POLO AND COUNTRY CLUB POA, INC. FROM OPEN SPACE RECREATION TO RESIDENTIAL C (1.01 DU/AC TO 3.0 DU/AC), LOCATED ON THE SOUTHWEST CORNER OF FOREST HILL BOULEVARD AND POLO CLUB ROAD, AS MORE SPECIFICALLY DESCRIBED HEREIN, TOTALING 22.983 ACRES, MORE OR LESS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Kelly Ferraiolo, Senior Planner, presented the request for both a Comprehensive Plan Amendment and a Master Plan Amendment. Public comments were received and Petition 2022-004-CPA and 2022-006-MPA were officially entered into the record. Cory Lyn Cramer, Planning and Zoning Manager, clarified that any other comments that they received after the 5pm deadline would be included in the packet and made part of the file for the next Public Hearing.

Mrs. Ferraiolo spoke on the request to amend both the Future Land Use Map Designation and the Wellington PUD Master Plan and to approve the Farrell West Project Standards Manual (PSM). Mrs. Ferraiolo spoke on the background of Palm Beach Polo and also the southern portion of the North Course.

Mrs. Ferraiolo spoke on the Comprehensive Plan request that would amend the Future Land Use Map designation of the property from Open Space Recreation to Residential C. Mrs. Ferraiolo then spoke about the staff's Comprehensive Plan analysis. The analysis complies with the Land Use and Community Design Policy (LU &CD 2.1.2) A Master Plan Amendment request would amend the Wellington PUD Master Plan to create residential Pod 80, assign 27 single family DU to Pod 80, and approve the Farrell West Project Standards Manual (PSM).

Proposed request must conform with zoning standards. The Site Plan, Landscape Plan, and Circulation Plan were reviewed by staff for compliance with LDR. Staff recommends approval of Ordinance No. 2023-05 to amend the Future Land Use Map Designation from Open Space Recreation to Residential C. Staff also recommends approval of Resolution No. 2023-11 to amend the Wellington PUD Master Plan to create residential Pod 80 B, transfer 27 dwelling units (DU) from Pod 65B to Pod 80, and to approve the Farrell West PSM. There will be 19 Conditions of Approval for Resolution No. 2023-11.

Neil Schiller, from Government Law Group, representing Farrell Building Company was introduced and presented the request for consideration of approval on a Comprehensive Plan Map Amendment (2022-0004-CPA) and a Master Plan Amendment (2022-0006-MPA).

Michael Sanchez, who oversees land entitlements for Farrell Companies Florida projects, was introduced. Mr. Sanchez stated he is a resident of Wellington for the last 12 years. Mr. Sanchez gave a brief description about Farrell Building Company. Mr. Sanchez touched on the existing site conditions. He then spoke briefly about the existing land use/master plan designation. Mr. Sanchez spoke about the proposed Site Plan. He pointed out the buffer area that have landscaping between the site and the golf cottages. Mr. Sanchez reiterated that this project is a low-density development in keeping with the character of Palm Beach Polo (PBP) that respects surrounding developments. He also reminded the Board that the land was privately owned and not owned by PBP or the Village. Mr. Sanchez stated that the Farrell East application was withdrawn on April 17, 2023.

Neil Schiller concluded the presentation on behalf of Farrell. He reminded the Board that loss of view is not protected by Florida laws. Mr. Schiller also stated that they meet all criteria for both a Comprehensive Plan and a Master Plan.

Board member, Ron Herman asked Mr. Sanchez how the time line is looking. Mr. Sanchez said if the Board approves they are looking at starting close to the end of the year. Mr. Herman then asked if the homes would be gated. Mr. Sanchez stated that the development itself is not gated within PBP. Mr. Sanchez then showed on the map how residents will come through the existing gate and where the temporary construction entrance will be in relation to the gates.

Maureen Martinez asked how fluid the plans were for the landscaping buffers. Also, was Farrell ready to make a commitment to that buffer. Mr. Sanchez said yes, they would provide the landscape buffers he spoke about, which exceeds the requirements of the LDR.

John Bowers asked about the timing of the closing and the entitlements to the applicant. Mr. Sanchez replied that seller must cure any title defect and Farrell has a contract to purchase the property. Mr. Bowers then asked if a condition of sale in the contract was that Farrell has full entitlement and approval of site plan approval. Mr. Sanchez said they have the option to close prior but the contract is such that it would be after securing entitlements. Mr. Schiller added that Farrell's content is to continue on with the process and to not only close but to build it.

John Bowers then asked if the unit economics are still supportable in spite of losing the additional units through the other application. Mr. Sanchez replied yes.

Adam Rabin asked in the event the title defects were not cured in light of foreclosure proceedings does the developer have the right to terminate? Mr. Schiller doesn't believe so.

The developer has the ability to terminate early he added. Mr. Rabin asked Laurie Cohen what is the feasibility that these title issues with respect to the foreclosure proceeding that reaches this property will be cured and if there's any risk there. Ms. Cohen answered to her understanding there is an escrow agreement. In the foreclosure action the final judgement does require posting a bond or some other security in the event PBP intends to appeal. She believes a bond will be need to be deposited with the Clerk of the Court or the parties will agree to an escrow agreement that would be approved by the court. Mr. Rabin then asked Ms. Cohen would either one of those contingencies be the sufficient securities so this project can go forward and if nether one occurs could it go forward notwithstanding. Ms. Cohen from her perspective, as to the foreclosure if they post that security either in an escrow account or with the Court, the Village would be comfortable that we would be protected. That would be up to the parties if that security was sufficient enough to close. Mr. Schiller added that all defects become mandatory cure items at closing. Mr. Rabin asked if that was a remedy that they have against the seller. Mr. Schiller answered yes.

John Bowers asked Laurie Cohen if Wellington could convey without title exceptions? Ms. Cohen answered that there is no prohibition against conveying property subject to a lien. She also stated to transfer the Village's lien to a bond that would be placed with the Clerk of the Court or an escrow agent of the parties' choosing. Ms. Cohen reminded the board that their decision is not based on the foreclosure action and that it is on what is being presented to you regardless who the property owner is.

Laurie Cohen asked who will be doing the financing. Jack Doyles, general partner in the deal, answered that the purchase was being financed with one hundred percent equity from himself and a number of partners.

Jeffrey Robbert wanted to know according to the site plan if they knew what the name of the street would be. Mr. Sanchez replied no, that would be part of the platting process.

Adam Rabin asked staff if in the event there was an approval and during the construction the builder wanted to sell the balance of the property to other builders, is the approval tethered to this builder or once approved can anybody develop it. Cory Lyn Cramer stated that the approval would run with the land. So, if there were any changes they would still have to meet all the conditions that were approved through the Master Plan, Site Plan, and Projects Standard Manual. If they wanted to change that they would have to submit applications for review.

John Rabin asked Kelly Ferraiolo if the models will be full custom. Mrs. Ferraiolo responded that the homes will be custom to an extent. ARB approval is required for the elevations. Mr. Sanchez stated that every house will be different so they will need to go to ARB for every house.

Andrew Carduner, President of PBP Club provided a presentation. Mr. Carduner spoke on the positive outcome of the Farrell proposal. Jeffrey Robbert asked Mr. Carduner if the POA ever thought about purchasing the property outright. Mr. Carduner said that wasn't an option when this came about. He did not realize the property was for sale. Ron Herman asked Mr. Carduner what the residents thought the land should be. He answered that the residents voiced concerns on the amenities on the other project (Farrell East).

Adam Rabin asked when the proposed Farrell East was withdrawn. Mrs. Ferraiolo answered Monday, April 17th, 2023. Jeffrey Robbert verified that another group can come in and started an application in the past. Mrs. Ferraiolo confirmed. Mr. Schiller added to this by stating that someone would have to come to terms with the existing property owner. Mr. Robbert agreed but reinstated that it could be done. Adam Rabin asked staff if the East project is withdrawn does an approval of the West project have any bearing or influence on whether the East project would ever be approved. Cory Lyn Cramer stated no and that they are two separate parcels. Ms. Cramer said that any project would be reviewed on an individual basis and on its merits.

John Bowers asked Mr. Carduner what the designation of the Dunes was. Mr. Carduner said it was designated preserve. Also stated they intended to keep it that way. Mr. Bowers asked staff about banked units. Asked how many units originally PBP was designed for. Asked about the East site and whether it was a membership amenity. Mr. Carduner said it wasn't a part of PBP. It's rented by an outside vendor.

Laurie Cohen administered the oath for those that wished to speak but came in late.

A motion was made by John Bowers, seconded by Adam Rabin, to open public comment. The motion passed unanimously (5-0).

Susan Labriola, 2620 Muirfield Court: Opposed.
Victor Kiarcis, 11267 Pond View Dr B204: Opposed.
Pat Stecker, 2140 Wightman: Opposed.
Sherri Wolff, 2215 Las Casitas Dr: Opposed.

Laurie Cohen interjected to the board that there is no rezoning before them tonight. Factors to consider are only what is in the staff report.

Garrett Law, 11397 Pond View Dr E102: Opposed.
Melinda Rockwell, 2425 Golf Brook Dr: Opposed.
Robert Pozzo, 11364 Long Meadow Dr: Opposed.
Andrea Neves, 11818 Rene Lacoste Pl: Opposed.
Juliet Hubbard, 11223 Pond View Dr A101: Opposed.
Zenon Avery, 11223 Pond View Dr A203: Opposed.
Kristine Avery, 11223 Pond View Dr: Opposed.
Susanne Hanson, 2691 Sheltingham: Opposed.
Thorson Rockwell, 2425 Golf Brook Dr: Opposed.

John Bowers read the comment cards below for the residents that wished not to speak:

John Boyzok, 11842 Pebblewood Dr: Opposed.
Cathy Bray, 11209 Isle Brook: Opposed.
Judith Adams, 11223 Pond View Dr A104: Opposed.
Karen Kiarsis, 11267 Pond View Dr. B204: Opposed.

A motion was made by Maureen Martinez, seconded by Adam Rabin, to close public comment. The motion passed unanimously (5-0).

Jeffrey Robbert called on Neil Schiller for final arguments. Mr. Schiller made it known that no member of the PBP Board of Directors has any financial interest or any interest in this project. Mr. Schiller reminded everyone that this project will have a stormwater master plan, which it currently does not have.

Laurie Cohen explained to the Board that the first application to be voted on would be the Comprehensive Plan. Then the Master Plan is voted on the competency of evidence. Adam Rabin asked Ms. Cohen to clarify their responsibility as a Board member. Ms. Cohen explained what the steps would be depending on how they vote. Board members make the recommendation and Council makes the final decision. Mr. Rabin questioned the staff report and making sure the criteria was what they are bound to apply. Ms. Cohen explained it depends which plan you are discussing. She then explained the plans and the criteria. John Bowers reviewed the site and history of the land use. Mr. Bowers asked the grounds for declining from open space golf to recreation. Kelly Ferraiolo mentioned they did not meet many of the standards. Mr. Ron Herman verified that the owner could put a fence on the property and the residents aren't permitted on the property. Mrs. Ferraiolo confirmed this.

Jeffrey Robbert asked Cory Lyn Cramer if future residents were to look at a Land Use Map and the Master Plan and see green space shouldn't future residents rely on those maps. Ms. Cramer explained that the uses for the land would have to comply with the land use and zoning designations, which can change through this same process. Ms. Cohen also explained that there's no vested right to remain green space forever simply because you purchased your property and it was green at that time.

John Bowers wanted confirmation on the setbacks between the existing golf cottages and the proposed property. Mr. Bowers wanted staffs' opinion on the fifteen-foot landscape buffer and whether that was provided by applicant. Mrs. Ferraiolo acknowledged it is provided by the applicant. This is a proposed plan; the details of the landscape plan are reviewed at the site plan level.

Maureen Martinez asked Laurie Cohen for verification on the comprehensive plan. Mr. Rabin asked a follow-up question about the standard of the Comprehensive Plan to which Ms. Cohen answered "fairly debatable".

Ms. Cohen explained if the Board denies the Comprehensive Plan Amendment then they will not move on to the Master Plan Amendment. Mrs. Cramer stated that at Council the CPA will be heard twice and the MPA will not be heard until the second reading of the application. Tim Stillings then commented to the Board that if the CPA was denied that they should also deny the MPA. There is no other option, but at least Council gets both recommendations when they hear the proposed requests.

Mr. Rabin spoke on the traffic impact statement. He asked how the numbers were added up with peak and off-peak traffic. Mrs. Ferraiolo stated that Exhibit P, which is the traffic consultants' letter, provided a recommendation based on the data submitted. Mr. Rabin spoke on the drainage statement. Ms. Cramer stated that as one goes through this part of the process a drainage statement is required; however, if approved they will have to provide full engineering plans that meet all standards and regulations.

John Bowers asked about limitations if land owner wants to apply for special use permits. Mrs. Ferraiolo answered with information on the time limits for special use permits as well as conditions. Mr. Bowers spoke on standards on transfer of units on the site.

Mr. Rabin asked if the Board does not approve and another applicant came in and wanted to build on the site what would happen. Mrs. Ferraiolo stated they too would have to go through the whole process as well. Mr. Rabin confirmed that a higher density could be applied for. Mrs. Ferraiolo confirmed this.

Maureen Martinez thanked everyone for coming out and speaking and that everyone was heard. She reminded everyone that the Board has obligations they are bound by and have to be fair. Mr. Rabin then also thanked everyone for being there and showing their passion for their community.

A motion was made by Ron Herman, seconded by John Bowers, to recommend approval of Ordinance No. 2023-05. The motion passed (4-1) with Jeffrey Robbert opposing.

PZ-0294 RESOLUTION NO. R2023-11 (WELLINGTON PUD MASTER PLAN AMENDMENT - FARRELL WEST AKA PARCEL B OF POLO HOUSE AT PALM BEACH POLO AND COUNTRY CLUB POA, INC.) A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, FOR A MASTER PLAN AMENDMENT (PETITION NUMBER 2022-0006-MPA) AMENDING THE WELLINGTON PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN FOR CERTAIN PROPERTY, KNOWN AS PARCEL B OF POLO HOUSE AT PALM BEACH POLO AND COUNTRY CLUB POA, INC., TOTALING 22.983 ACRES, MORE OR LESS, LOCATED ON THE SOUTHWEST CORNER OF FOREST HILL BOULEVARD AND POLO CLUB ROAD, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO CREATE RESIDENTIAL POD 80; TO TRANSFER 27 DWELLING UNITS (DU) FROM POD 65B (BLUE CYPRESS TRACT G-1) TO POD 80; TO ASSIGN 27 SINGLE FAMILY DU TO POD 80 WITH AN OVERALL DENSITY OF 1.17 DU/ACRE; TO ADOPT THE FARRELL WEST PROJECT STANDARDS MANUAL; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A motion was made by John Bowers, seconded by Jeffrey Robbert, to recommend approval of Resolution No. 2023-11. The motion passed (4-1) with Jeffrey Robbert opposing.

Ms. Cramer made an announcement that there will be a special Council meeting May 23, 2023 (tentative to change). If it goes to a second meeting that will be heard in June or July. Mr. Bowers reminded the residents to come to the meetings and to be involved in the process.

VIII. COMMENTS FROM PUBLIC

Melinda Rockwell, 2425 Golf Brook Dr: spoke again on application and opposed. Mrs. Cohen explained that this was general public comment and that only her previous comments will be made part of the record for the items under New Business.

IX. COMMENTS FROM STAFF

Ms. Cramer advised the Board of potential upcoming items.

X. COMMENTS FROM THE BOARD

None.

XI. ADJOURN

The meeting adjourned at 9:27 p.m.

APPROVED: _____
Date

Jeffrey Robbert - Chair

Jennifer Fritz - Recording Secretary