

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Monday, August 25, 2014

3:00 PM

Village Hall

Village Council Workshop

*Bob Margolis, Mayor
John Greene, Vice Mayor
Matt Willhite, Councilman
Howard K. Coates Jr., Councilman
Anne Gerwig, Councilwoman*

1. CALL TO ORDER

Mayor Margolis called the meeting to order at 3:00 p.m.

2. REVIEW OF COUNCIL AGENDA

Mr. Schofield presented the Agenda for the August 26th Council Meeting for discussion and review.

A. [14-608](#)

PROCLAMATION PROCLAIMING THE MONTH OF AUGUST AS "FIREFIGHTERS APPRECIATION MONTH" IN THE VILLAGE OF WELLINGTON

Mr. Schofield presented the item. There were no changes recommended.

B. [14-625](#)

MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETING OF JUNE 24, 2014

Mr. Schofield presented the item. There were no changes recommended.

Councilman Coates stated he noted some typos and would get with Ms. Rodriguez.

C. [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.

Mr. Schofield presented the item.

Councilman Coates wanted to add National Epilepsy Month as well as recognize and present proclamations to PBSO and the teachers in Wellington. Mr. Schofield stated these groups would be added to the list.

Councilman Willhite thought tomorrow's Council Meeting should have been changed to 7:30 p.m. due to the election.

D. [14-215](#)

AUTHORIZATION TO AWARD A SOLE SOURCE CONTRACT FOR THE PURCHASE OF BADGER WATER METERS AND COMPONENTS

Mr. Schofield presented the item.

Mayor Margolis asked for this item to be placed on the Regular Agenda. Mr. Schofield indicated this item would be moved as requested.

E. [14-409](#)

AUTHORIZATION OF DISPOSITION OF SURPLUS TANGIBLE PERSONAL PROPERTY

Mr. Schofield presented the item. He stated every year the Village disposes of

equipment that is no longer functioning, has passed its useful life or costs more to maintain. Mr. Barnes responded to Council questions. There were no changes recommended.

F. [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 presented the item. Mr. Riebe and Ms. Troutman answered Council questions regarding traffic flow and the traffic signal. There were no changes recommended.

Councilman Coates asked what was keeping the Department of Transportation (DOT) from installing the traffic signal, as he thought it was an important safety aspect. Mr. Riebe stated he would have an answer tomorrow.

G. [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 item. Ms. Quickel stated this was the annual renewal for their investment advisory services agreement. There were no changes recommended.

H. [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 presented the item. Mr. Stillings indicated this was the second reading of the zoning text amendment related to enforcement proceedings and penalties. He reviewed the language changes from the first reading with Council and responded to Council's questions. There were no changes recommended.

I. [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 presented the item. Mr. Stillings indicated this was comprehensive plan amendment for a land change within the Binks residential property from commercial recreation to residential E. Mr. Stillings and Mr. Riebe responded to Council's questions regarding the preserve area and multiuse pathway.

Councilman Whillhite said he was concerned about the multiuse pathway on Flying Cow Road leading to nowhere and what value it had to the Village. He thought there should be a condition stating the developer is only obligated to continue the pathway until the last Certificate of Occupancy is obtained. He suggested they contact the golf course to see if they want a pathway. Mr. Stillings did not know if staff looked at getting across the canal as a part of this effort, but they saw an opportunity to provide a connection between Binks Forest Drive and Flying Cow with a multipurpose path. Mr. Riebe thought they could provide an extension of the multiuse path at the culvert crossing just east of Binks Elementary to connect the link into Paddock.

Councilman Whillhite questioned the installation of a traffic light for exiting the development and making a left turn onto Binks, as there were some blind spot areas.

J. [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 presented the item. Mr. Stillings stated as a condition of the Equestrian Village master plan, the site plan was required to come back to Council for approval. He reviewed the changes to the site plan from the

conceptual plan with Council. He, Mr. Schofield and Ms. Troutman answered Council's questions pertaining to the floor area ratio (FAR), stables and commercial use.

Councilman Whillhite outlined several concerns regarding the site plan:

- He stated he has advocated for commercial venues in the Village to not have parking spaces that required backing out near the entrance or access on main thoroughfare roadways. He believed in this case it would create a stacking problem on South Shore Blvd and wanted those spaces removed.
- He asked if the four-way stop at the intersection was sufficient to enter the facility or whether they had to go through the roundabout or turn at the four-way stop.
- He wondered if the required two foot separation between the 20 foot paved access roadway and the property owner on north side provided enough clearance for separation of owners and operations.
- He said the entrance way on Pierson Road was not approved and was taken out of the master plan. He stated the construction of the right turn lane on South Shore had not been completed to know the potential usage versus now designating an access point on Pierson Road. He knew one condition was to raise an island and not allow a left turn lane at this point; however, it may be potentially useful in the future.
- He asked, if a single commercial structure could not be greater than 20,000 square feet, how a barn could be more than 31,000 square feet if 160 stalls help offset the use and are an ancillary part of the commercial venue. He stated Mr. Stillings interpretation was that commercial venue buildings and barns were not the same.
- He asked if a landscaping buffer could be created over the culvert on the eastern portion of the project or if the horse trailers could be moved to the other end.
- He said, if the access point on Pierson was going to be implemented, it should connect straight into the roundabout if alignments and roundabouts were going to be done.
- Regarding the winding road from the four-way stop to the access point on Pierson, he asked if that was its current configuration or just a relocation of the access point on Pierson.
- He asked how a breezeway or walkway to access a stall under a roof was not part of FAR. He was concerned about the interpretation of FAR and what could eventually be constructed on other projects.

Mr. Schofield explained how FAR is calculated. He stated it would be changed to account for what was confined within the four walls and aiseways, as that is how it is interpreted. However, he indicated this did not matter for this particular site plan because it was still under the FAR for the building site. He indicated Section 6.10.12 dealt with stables and Section 6.10.11 with commercial development standards, and they were always intended to be separate codes. He believed the code never intended for a structure to not be larger than 20,000 square feet. He said there could be no single use within a building that is larger than 20,000 square feet, but if they had a 40,000 square foot building they could have four 10,000 square foot uses. He noted the rules do not apply to a third of the properties because they were agriculturally exempt, but they did apply in this case.

Vice Mayor Greene also questioned the commercial use of barns and stables.

Mr. Stillings explained the different codes based on acre size, square footage and use.

Ms. Cohen indicated it was Council's prerogative to change the code.

Vice Mayor Greene stated he was also concerned about the left turn lane, especially when Council had decided they did not want a left turn lane. He thought adding more lanes would create a safety issue because stacking would occur and limit the visibility of traffic. He suggested they be consistent with what they want to accomplish inside the EOZD and limit traffic. Mr. Riebe and Ms. Troutman stated there was not enough traffic volume for a left turn lane at this point, but they would prepare for a left turn lane now and not construct it unless a traffic study warranted the need in the future.

Councilwoman Gerwig asked what the minimum setback was for the access driveway. Mr. Riebe thought it was a minimum of two feet from the property line, but he would have to research it.

Councilman Whillhite asked if they could get away from plastic event signs and advance to monument signage that was more appealing and if that was in the site plan or architectural review plan. Mr. Stillings thought one condition of the master plan approval was a master sign plan, which the Village has not seen yet. He said the signs referenced on the site plan were approved.

Councilman Whillhite questioned the sizes and dimensions allowed for signage. Mr. Stillings stated he would have that information tomorrow night. Mr. Schofield stated the 2 x 4 temporary signs constructed with plywood were not allowed, but the need for a master sign plan had to be addressed.

Mayor Margolis asked how staff could interpret the code because he thought that was setting policy. He asked if it would come back to Council for their interpretation to further set policy from the code. Ms. Cohen stated any statute or code could have gray areas requiring interpretation and Council had provided a process in their code for that interpretation to be done by staff.

Mr. Stillings stated when sections of the code require additional clarification even with an interpretation, they will be brought forward to Council as code amendments. He said a code is an evolving document and every time they review it they find it could be written better. He indicated the codes needed to be more explicit so that staff, Council and anyone can understand them or interpret them the same way.

Mayor Margolis stated they could argue this forever, but he wanted it to be a discussion for another time. He said the problem was that staff knows the code and the LDRs, so it is staff's responsibility to inform Council and specify when there is a gray area or when an argument can be made if a 31,000 square foot barn is not allowed.

Mr. Schofield indicated the aisles/breezeways were functionally a part of the barn, as one could not get to or from the stalls without walking through them. He stated the aisles/breezeways could be counted as floor area, but an absolute literal reading of the code would say otherwise. He thought the functional and usable part of the building within the confines or the extension of the four walls should be calculated as part of the floor area ratio. He noted their current

discussion was relating to barns, which does not pertain to this application.

Mayor Margolis stated he was concerned when staff states it is a gray. Mr. Schofield stated the Village was no different than any other level of government, as the interpretation of rules changes from administration to administration.

At this point, Mr. Schofield stated they had a culvert problem developing inside Palm Beach Polo and had a cost estimate for Council. He asked Council if this item could be walked on the agenda for tomorrow's meeting. Council agreed.

Vice Mayor Greene stated he was still concerned about the commercial use and he would apply the code based on what he believed was the original intention. Mr. Stillings thought they needed to better define the difference between commercial activity and commercial use.

Councilman Coates wanted everyone to understand there would never be a perfect code. He thought it was more important to have a predictable and consistent staff interpretation of their position for the Village. He believed it was very risky to have it always evolve at the Council level.

Councilwoman Gerwig stated they needed consistency and the code needed to be corrected, because it created a situation that leaves everyone in the Village at a level of uncertainty. She said a nonconforming use could be determined at any moment. She believed once something was built, there should be a time limit as to when someone can challenge it. Ms. Cohen thought there was some direction or requests from PZAB as well brought forward to Council to consider changing that particular provision of their code. Councilwoman Gerwig stated it should have been changed previously when it was determined they had a problem, as the County code it was based on had been revised.

K. [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 presented the item.

Councilman Coates thought they should accommodate for the meetings held on Jewish holidays.

Mayor Margolis stated their meetings were going extremely long and wanted to discuss not having the meetings extend past 11:00 pm.

3. WORKSHOP

4. ATTORNEY'S COMMENTS

5. MANAGER COMMENTS

6. COUNCIL COMMENTS

7. ADJOURN