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**MEETING MINUTES  
WELLINGTON  
PLANNING, ZONING AND ADJUSTMENT BOARD  
September 14, 2016; 7:00 PM  
Wellington Village Hall  
12300 Forest Hill Boulevard  
Wellington, FL 33414**

Pursuant to the public notice, a meeting of Wellington Planning, Zoning and Adjustment Board was held on September 14, 2016 at 7:00 p.m. at the Village Hall, 12300 Forest Hill Boulevard, Wellington, Florida 33414.

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

Elizabeth Mariaca called the meeting to order at 7:00 p.m.

**Members present:** Elizabeth Mariaca; Kenneth Kopp; Carol Coleman; Jeffrey Robbert; Tommy Bueno and Stephen A. Levin.

**Members Absent:** Alan Shullman.

**Staff present:** Robert Basehart, Planning, Zoning and Building Director; Laurie Cohen, Village Attorney; Cory Lyn Cramer, Development Review Coordinator; Damian Newell, Sr. Planner and Kelly Ferraiolo, Associate Planner.

**Pledge of Allegiance was done.**

**II. REMARKS BY THE CHAIRMAN**

Ms. Mariaca remarked on the time of year and hoped everyone enjoyed their Labor Day and the luck of the hurricane missing South Florida.

**III. APPROVAL OF MINUTES – August 10, 2016**

A motion was made by Carol Coleman, seconded by Stephen A. Levin, unanimously approved by the Board (6-0), to approve the August 10, 2016 minutes.

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

Robert Basehart advised the Board staff had received notification today from the applicant of postponing the Winding Trails requests. Mr. Basehart stated the applicant is on her way to the meeting. Laurie Cohen advised the Board the applicant for Winding Trails thought the Village

Attorney could request a postponement. The applicant has been advised they must be present to request the postponement.

## **V. SWEARING IN OF SPEAKERS**

Ms. Cohen advised at this time there is no need for swearing in. The oath would need to be done if the Winding Trails petitions are heard. Ms. Cohen advised the public that if the Winding Trails petitions are postponed comments can be made during public comments, but it will not be part of the official record of the proceeding. Ms. Cohen stated the public would need to come back when the request is heard.

## **VI. DECLARATION OF EX-PARTE COMMUNICATION**

Ms. Cohen advised the Declaration is also not necessary at this time.

## **VII. OLD BUSINESS**

**A. PZ-0097 | ORDINANCE NO. 2016-08 (MIXED USE COMPREHENSIVE PLAN TEXT AMENDMENT) AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL; APPROVING A COMPREHENSIVE PLAN TEXT AMENDMENT (PETITION NUMBER 15 – 80 / 2015 – 47 CPTA) TO THE VILLAGE OF WELLINGTON COMPREHENSIVE PLAN LAND USE ELEMENT POLICY 1.3.25. MIXED USE; AMENDING THE REQUIREMENT FOR PARCELS WITH MIXED USE FUTURE LAND USE MAP DESIGNATION, REQUIRING BOTH COMMERCIAL AND OFFICE LAND USE FOR MIXED USE PROJECTS MORE THAN 30 ACRES, DELETING THE 60 ACRE MAXIMUM LAND AREA AND REQUIRING FIVE (5) LAND USES FOR MIXED USE PROJECTS MORE THAN 60 ACRES; AUTHORIZING THE MANAGER TO AMEND THE COMPREHENSIVE PLAN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Damian Newell, Sr. Planner advised the Board the petitioner is requesting to amend the Land Use Element to delete the maximum 60 acre land area limit and to amend the requirement for developments 30 acres or more. The Zoning Text Amendment is to amend Article 6, Zoning Districts for Mixed Use Planned Development (MXPD) for developments 30 acres or more. The request is to clarify both commercial and office land uses are required when a project is more than 30 acres with a minimum land area allocation of 10% and a minimum building square footage allocation of 25% for commercial and 25% for office. Also to require one (1) additional land use when a project is more than 60 acres. Mr. Newell reviewed the additional staff proposed changes. Mr. Newell introduced Chip Carlson, representative for the applicant.

Mr. Carlson, representative for the petitioner stated he does not have much to add and supports staff's recommendation.

Kenneth Kopp inquired on the why the 60 acres was chosen. Mr. Newell stated that was decided when the text was written, the largest parcel was 60 acres. Mr. Basehart stated the current staff was not here when the code was adopted and has no answer for the question.

**A motion was made by Carol Coleman, seconded by Tommy Bueno, unanimously approved by the Board (6-0), to open public hearing.**

A motion was made by Carol Coleman, seconded by Tommy Bueno, unanimously approved by the Board (6-0), to close public hearing.

A motion was made by Jeffrey Robbert, seconded by Carol Coleman, unanimously approved by the Board (6-0) to approve with staff recommendations, Ordinance No. 2016-08.

**B. PZ-0098 ORDINANCE NO. 2016-09 (MIXED USE PLANNED DEVELOPMENT DISTRICT ZONING TEXT AMENDMENT) AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL; APPROVING A ZONING TEXT AMENDMENT (PETITION NUMBER 15 – 80 / 2015 – 46 ZTA) TO THE VILLAGE OF WELLINGTON LAND DEVELOPMENT REGULATIONS ARTICLE 6, ZONING DISTRICTS, CHAPTER 8 PLANNED DEVELOPMENT DISTRICT REGULATIONS, SECTION 6.8.7. MIXED USE PLANNED DEVELOPMENT DISTRICT (MXPD); AMENDING THE REQUIREMENT FOR PARCELS WITH MXPD ZONING DESIGNATION, DELETING THE 60 ACRE MAXIMUM LAND AREA AND REQUIRING FIVE (5) LAND USES FOR MXPD PROJECTS MORE THAN 60 ACRES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

A motion was made by Carol Coleman, seconded by Stephen A. Levin, unanimously approved by the Board (6-0), to open public hearing.

A motion was made by Kenneth Kopp, seconded by Carol Coleman, unanimously approved by the Board (6-0), to close public hearing.

A motion was made by Stephen A. Levin, seconded by Kenneth Kopp, unanimously approved by the Board (6-0), to approve Ordinance No. 2016-09.

#### **VIII. NEW BUSINESS**

**A. PZ-0099 ORDINANCE NO. 2016-16 (WINDING TRAILS COMPREHENSIVE PLAN AMENDMENT) AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A COMPREHENSIVE PLAN AMENDMENT [PETITION NUMBER 16-058(2016-021 CPA3)] TO AMEND THE FUTURE LAND USE MAP DESIGNATION FOR CERTAIN PROPERTY KNOWN AS WINDING TRAILS OF THE LANDINGS AT WELLINGTON PUD, TOTALING 65.45 ACRES, MORE OR LESS, LOCATED ON THE NORTH EAST CORNER OF AEROCUB DRIVE AND GREENBRIAR BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN, FROM COMMERCIAL RECREATION TO RESIDENTIAL B (.1 DU/AC TO 1 DU/AC); TO EXTEND THE BOUNDARIES OF THE EQUESTRIAN PRESERVE AREA TO ENCOMPASS WINDING TRAILS OF THE LANDINGS AT WELLINGTON PUD; TO ADD THE PUBLIC AND PRIVATE BRIDLE TRAILS WITHIN WINDING TRAILS OF THE LANDINGS AT WELLINGTON PUD TO THE EQUESTRIAN TRAILS MASTER PLAN MAP AND THE EQUESTRIAN CIRCULATION MAP WITHIN THE EQUESTRIAN PRESERVATION ELEMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Tricia Holloway, applicant stated she was unaware she had to be present to request the postponement. Ms. Holloway requested postponement. Ms. Cohen suggested postponing to a

date certain. Mr. Kopp requested to explain the parameters of postponements. Ms. Cohen advised the applicant would like to be heard by a full Board. Mr. Basehart clarified every applicant has the right to one postponement if requested at least five days prior to the hearing. Since it was not five days in advance it is up to the Board to decide. Ms. Cohen asked the audience to allow the Board to debate the item.

Carol Coleman inquired on dates. Mr. Basehart advised of the alternative dates in October. Ms. Cramer stated the regular meeting date in October falls on a religious holiday, which is why the meeting needs to be rescheduled.

Mr. Kopp inquired on why to postpone. Ms. Cohen advised that Mr. Bueno who is the president of Aero Club Homeowner Association (HOA), felt he had a conflict as a Board member of the HOA and the PZAB Board. Ms. Holloway received a text message stating he could not support Winding Trails. Due to being a quasi-judicial process, decisions on voting must be based on the evidence presented at the hearing. The applicant has a due process right. You cannot prejudice an application. Mr. Bueno has been advised to recuse himself including any future meetings on this project. There is also an absent member and the vote must be approved by a majority vote of the Board. Four (4) members would have to vote for approval to move forward the petitions with an approved motion.

Mr. Kopp stated both he, Tommy and Tricia are on the Board for Aero Club and Tommy believed he needed to handle the residential concerns. Ms. Cohen stated there was no Sunshine Law violation. Ms. Cohen stated in fairness to the applicant it should be postponed.

**The Board by consent agreed to move the October 12, 2016 to Monday, October 17, 2016.**

**A motion was made by Kenneth Kopp, seconded by Stephen A. Levin, unanimously approved by the Board (5-0), with Tommy Bueno recusing himself, to postpone the Winding Trails petition to October 17, 2016 Planning, Zoning and Adjustment Board meeting.**

Ms. Cohen advised of the public comment section, but for the comments to be part of the record the comments have to be made at that meeting.

**B. PZ-0100 ORDINANCE NO. 2016-17 (EQUESTRIAN OVERLAY ZONING DISTRICT [EOZD] ZONING TEXT AMENDMENT [ZTA]) AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING ARTICLE 6.10 OF THE WELLINGTON LAND DEVELOPMENT REGULATIONS BY CREATING SUBAREA F OF THE EQUESTRIAN OVERLAY ZONING DISTRICT; ESTABLISHING REGULATIONS FOR SUBAREA F OF THE EQUESTRIAN OVERLAY ZONING DISTRICT; PROVIDING A CONFLICTS CAUSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.**

**C. PZ -0101 ORDINANCE NO. 2016-18 (WINDING TRAILS [FKA THE LANDINGS OF WELLINGTON PUD EXECUTIVE COURSE] REZONING) AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A REZONING [PETITION NUMBER 16-059(2016-022REZ)] FOR CERTAIN PROPERTY KNOWN AS WINDING TRAILS OF THE LANDINGS AT WELLINGTON PUD, TOTALING 65.45 ACRES,**

**MORE OR LESS, LOCATED ON THE NORTH EAST CORNER OF AEROCUB DRIVE AND GREENBRIAR BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO AMEND THE ZONING DESIGNATION FROM AGRICULTURAL RESIDENTIAL/PLANNED UNIT DEVELOPMENT (AR/PUD) TO AGRICULTURAL RESIDENTIAL/PLANNED UNIT DEVELOPMENT/EQUESTRIAN OVERLAY ZONING DISTRICT (AR/PUD/EOZD); TO DESIGNATE WINDING TRAILS AS SUBAREA F OF THE EOZD; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**D. PZ-0102 RESOLUTION NO. R2016-47 (THE LANDINGS AT WELLINGTON PUD MASTER PLAN AMENDMENT [MPA]) A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A MASTER PLAN AMENDMENT [PETITION NUMBER 16-060 (2016-023 MPA 3)] AMENDING THE LANDINGS AT WELLINGTON PUD MASTER PLAN FOR CERTAIN PROPERTY KNOWN AS WINDING TRAILS (F.K.A. EXECUTIVE COURSE, AT THE LANDINGS AT WELLINGTON PUD), TOTALING 65.45 ACRES, MORE OR LESS, LOCATED ON THE NORTH EAST CORNER OF AEROCUB DRIVE AND GREENBRIAR BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO DELINEATE WINDING TRAILS FROM POD "D" BY CREATING POD "D-1"; TO ALLOCATE 29 ACRES TO POD "D-1"; TO ALLOW NINE (9) DWELLING UNITS, NINE (9) BARNES WITH GROOMS QUARTERS AND A MAXIMUM OF 104 STALLS TO POD "D-1"; TO ADD THREE (3) ACCESS POINTS ALONG AEROCUB DRIVE; TO ADD TWO (2) ACCESS POINTS ALONG GREENBRIAR BOULEVARD; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

## **IX. COMMENTS FROM THE PUBLIC**

William Paquin 2581 Neaton Court, spoke on the Winding Trails request. He strongly opposes.

Patricia Keeler 2560 Country Golf Drive, spoke on the Winding Trails request and strongly opposes.

Peter Frusciante 2538 Country Golf Drive 38 year resident spoke on the Winding Trails request and strongly opposes.

Judith Byne 2526 Country Golf Drive, spoke on the Winding Trails request and opposes.

Stephanie Plass 2507 Country Golf Drive, spoke on the Winding Trails request and opposes.

Mahvash Hejazi 2441 Country Golf Drive, spoke on the Winding Trails request and opposes.

Susan Jacobs 2410 Country Golf Drive, she had spoken to the applicant yesterday and flew in for the meeting. She inquired on how will she know there will not be another postponement and incur additional flight costs.

Valeria McKinley 2477 Country Golf Drive, spoke on the Winding Trails request and inquired on the agricultural exemption. Mr. Basehart stated the property may be eligible for an agricultural

classification which is given by the Property Appraiser. The Agricultural Exemption is granted under the Florida State Statutes which applies to nonresidential farm buildings. The property may receive an agricultural classification but will not qualify for the agricultural exemption. She requested the meeting to be republished.

Adam Mirsky 2525 Country Golf Drive, spoke on the Winding Trails request and the Equestrian Preserve Committees comments.

Mr. Kopp commented the Board should not answer any questions. Ms. Cohen stated the policy is during public comment questions are not answered. Ms. Cohen pointed out to the audience to come back during the quasi-judicial hearing for their comments to be heard.

Lawrence Byne 2526 Country Golf expressed concern on the grooms for the Winding Trails.

Richard Wilson 2608 Country Golf Drive, spoke on the Winding Trails request and concern on the lakes being proposed, grooms and the space from his house.

**A motion was made by Carol Coleman, seconded by Stephen A. Levin, unanimously approved by the Board (6-0), to close public hearing.**

Ms. Mariaca reminded the audience to come back to the October 17<sup>th</sup> Planning, Zoning and Adjustment Board meeting for their comments to be part of the record. The Board would like to hear from you again.

Ms. Cohen commented a memo went out on the quasi-judicial matters being presented to the Boards. Ms. Cohen stated under Florida Law the Board must disclose any information the Board may have received. Mr. Basehart commented on the mailings for this petition will not be re-advertised due to being postponed to a date certain. It will be on the website. There is no legal requirement to re-notice and spoke on the cost. Ms. Cramer advised due to being postponed to a date certain makes a difference on the noticing.

#### **X. COMMENTS FROM STAFF**

Mr. Basehart advised the Board of Ordinance No.2016-06 reviewing the section of excused or unexcused absenteeism. Ms. Cohen stated staff may amend the circumstances of what is considered an excused absence.

#### **XI. COMMENTS FROM THE BOARD**

Mr. Levin commended the staff on the material. Mr. Levin expressed his pleasure on being a resident of Wellington, commenting on all the activities heard in Wellington.

Ms. Mariaca noted the upcoming Jewish holidays and would be thinking of you at that time.

#### **XII. ADJOURN**

**A motion was made by Tommy Bueno, seconded by Kenneth Kopp, to adjourn.**

The meeting adjourned at 8:20 p.m.

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Elizabeth Mariaca-Chairperson

\_\_\_\_\_  
Jennifer Fritz – Recording Secretary

DRAFT