

## **MINUTES**

### **REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL**

**Wellington Village Hall  
12300 Forest Hill Blvd  
Wellington, FL 33414**

**Monday, December 11, 2017  
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Monday, December 11, 2017, commencing at 7:00 p.m. at Wellington Village Hall, 12300 Forest Hill Boulevard, Wellington, FL 33414.

Council Members present: Anne Gerwig, Mayor; John T. McGovern, Vice Mayor; Michael Drahos, Councilman; Michael Napoleone, Councilman; and Tanya Siskind, Councilwoman.

Advisors to the Council: Paul Schofield, Manager; Laurie Cohen, Attorney; Jim Barnes, Assistant Manager; Tanya Quickel, Director of Administrative and Financial Services; and Chevelle D. Nubin, Village Clerk.

1. **CALL TO ORDER** - Mayor Gerwig called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE.**
3. **INVOCATION** - Rabbi Emeritus Stephen Pinsky, Temple Beth Torah, Wellington, delivered the invocation.
4. **APPROVAL OF AGENDA**

Mr. Schofield indicated staff recommended approval of the Agenda as presented.

**A motion was made by Vice Mayor McGovern, seconded by Councilman Napoleone, and unanimously passed (5-0), to approve the Agenda as presented.**

#### **5. PRESENTATIONS AND PROCLAMATIONS**

- A. **17-1742** RECOGNITION OF THE VILLAGE OF WELLINGTON'S PARTICIPATION IN THE 2017 READ-FOR-THE-RECORD COMPETITION

Mr. Schofield introduced the item.

Mayor Gerwig believed that the Wellington Council had read to thousands of children. She stated the City of Boynton Beach has traditionally won Read-for-the-Record, but the Village knocked it out of the park this year. She said each Council member read the story "Quackers" and employees dressed up as a cat and a duck. She indicated the Village won a basket of books for reading "Quackers" to more children than any other municipality in its category.

Councilman Drahos explained this initiative, where each municipality goes out into their community and reads to as many kids as possible, is done every year. He stated the Village came in second last year, so Council put together a plan on how to reach more kids this year. He said in one day they read to 7,219 children. He indicated it took a lot of organization from Council and staff, and a number of employees volunteered as well. He said it was a team effort that he is quite proud of.

Councilman Napoleone stated it was a great experience and even better that the Village beat Boynton Beach.

Mayor Gerwig indicated that Council agreed that the books in the basket will be distributed to the community by Gloria Kelly, as she serves on the Library Board. Mayor Gerwig stated the books range from preschool up to second or third grade. She thanked everyone. She said they have an incredible number to beat next year. She stated they need to do Read-for-the Record during the Fall Festival and other times when lots of children are around.

Vice Mayor McGovern stated when the Village did not win last year, they were more driven to win this year. He said everyone contributed: Council, staff, folks from Parks & Recreation, people from their schools, and people who helped with the Fall Festival. He indicated County Commissioner McKinlay came and read with them as well. He stated fundamentally education is one of the Village's hallmarks and participating in Read-for-the-Record is part and parcel to that. He said Council is very excited, and he thanked everyone for their efforts.

Councilwoman Siskind stated she was proud to be a part of the Read-for-the-Record. She said she was with Mayor Gerwig at the meeting when they found out that they had won. She stated they were overjoyed, because their goal was to beat Boynton Beach who wins it every year.

Mayor Gerwig stated she was very proud of the entire organization. She hoped that next year it will be an equally interesting book. She said "Quakers" is a story about a cat that identifies as a duck and learns it is okay to be different. She thought it was a very good book for everyone.

## **B. 17-1755 PBSO PRESENTATION ON IMPAIRED DRIVING**

Mr. Schofield introduced the item. He stated Lt. Eli Shaivitz and Sgt. Matt DeJoy will make the presentation. He said Sgt. DeJoy is the author of Operation Wild Stallion.

Sgt. DeJoy stated it came to their attention through command staff that the Village wanted law enforcement to address some issues. He said, due to the increase in the population and the season being upon them, there is a demand on law enforcement to take care of certain issues that arise. He explained, based on the statistical information gathered, Operation Wild Stallion was put together to curtail alcohol related crimes, to display a strong presence, and to educate people on some of the issues, one being drinking and driving. He indicated this operation kicked off the first week in December, so PBSO hoped to have some information back to Council at the end of this coming week.

Mayor Gerwig stated this was a very tragic incident, but there were many facets to the story. She said she knows the final report is not done. She indicated PBSO was concentrating on underage drinking.

Vice Mayor McGovern asked Sgt. DeJoy to walk through the highlights of the plan. Sgt. DeJoy indicated the Sheriff's Department brought in their DUI unit to help in the areas where they have

seen crashes and where they believe some of the drinking and driving may be happening. He said it mostly involved the main streets and thoroughfares of the Village, and they have already made several arrests. He explained road patrol is supplementing this effort and is using the same type of tactic during certain timeframes. He said they were also gathering traffic stops. He stated they were putting on a strong traffic presence, and stopping and identifying if there is an issue with these people, whether it is speeding, drinking and driving, or just an education process of what is going on in the Village.

Vice Mayor McGovern asked if there were other components to the plan other than traffic enforcement. Sgt. DeJoy stated they were addressing the possibility of underage drinking. He said a lot of information or intel gathering is taking place to see where that may or may not be going. He indicated once they identify it, they will address it.

Councilman Drahos stated the Village has every confidence in PBSO, as all of the officers do a fantastic job. He indicated each Council member has ridden along with PBSO at night to see what it is like on the streets. He said it is very impressive. He thought they had to be reasonable and understand that PBSO cannot be everywhere at all times. He said if the Village wants them in the MarketPlace, they are in the MarketPlace. If they want them to be out on South Shore, they have to be out on South Shore. He thought the goal should be to establish a reputation that if someone in Wellington is putting their life or the lives of other in danger, PBSO will catch them and they will be prosecuted to the fullest extent of the law. He wished Sgt. DeJoy good luck with this latest initiative, as the Village appreciates all of their efforts.

Councilwoman Siskind commended Sgt. DeJoy and PBSO on their efforts. She indicated she was reaching out to the equestrian community and working with them as well, to come up with ideas to prevent these tragedies from happening in the future. She said this is not just an equestrian problem, as drinking and driving is a problem for everybody. She suggested, if they are talking about underage drinking and driving, reaching out to the schools to create an awareness program. She said she knows some already exist, but if they could get specific with their young people and reach them before they try to purchase alcohol underage and get behind the wheel of a car, which may be middle school.

Councilman Napoleone stated he was glad they had a written action plan, as he had spoken with Captain Silva and the Village Manager about this previously. Councilman Napoleone indicated he was glad they are moving towards a zero tolerance policy, to make sure these people are not on the road and putting their lives and other people's lives in danger. He said, if they are on the road, PBSO is going to get them.

Vice Mayor McGovern stated this problem cannot only be solved by law enforcement. He said this community issue has to be addressed at every level. He stated law enforcement and government is one aspect, business owners and those running establishments and serving alcohol is another element, and the potential underage teenage drinker and their family is another.

Vice Mayor McGovern indicated he asked the Village Manager last week if they could have a noticed public meeting, a community forum or roundtable discussion, with the owners of the bars and establishments where significant alcohol is served until the late hours of the night. He said they need to discuss what PBSO is doing, PBSO expectations, and Village expectations as to what they want to see in this Village going forward. He hoped Mr. Schofield would put together a publicly noticed meeting with those particular business owners in the next week or two. Mr. Schofield stated he would do so.

Mayor Gerwig indicated ride services are available everywhere, and The Grill provides a service as well. She thought if businesses could work together to save lives, the Village was on board. She said it is accountability on every level, as it will never be just government. She thanked PBSO for doing the hard work.

Vice Mayor McGovern thanked PBSO for coming up with the plan as quickly as they did. He thought responsiveness was key here.

## **6. CONSENT AGENDA**

- A. 17-1741** MINUTES OF THE REGULAR WELLINGTON VILLAGE COUNCIL MEETINGS OF OCTOBER 10, 2017 AND OCTOBER 24, 2017
- B. 17-1375** AUTHORIZATION TO AWARD A CONTRACT FOR THE TELEMETRY BACKHAUL SYSTEM UPGRADE PROJECT
- C. 17-1603** AUTHORIZATION TO: 1) AWARD A CONTRACT FOR THE PURCHASE AND DELIVERY OF BROADCASTING/CONTROL ROOM EQUIPMENT; AND 2) UTILIZE AN EXISTING PALM BEACH COUNTY CONTRACT AS A BASIS FOR PRICING FOR THE INSTALLATION OF THE EQUIPMENT
- D. 17-1701** AUTHORIZATION TO CONTINUE UTILIZING AN EXISTING AGREEMENT FOR SUPPORT, MAINTENANCE, LICENSES AND RENTAL OF THE VILLAGE'S TIMEKEEPING AND PERFORMANCE REVIEW SYSTEM
- E. 17-1655** AUTHORIZATION TO AWARD A CONTRACT TO PROVIDE LICENSES, MAINTENANCE AND SUPPORT FOR VARIOUS EXISTING GOVERNMENT SOFTWARE SUITES
- F. 17-1694** RESOLUTION NO. R2017-63 (AGREEMENT WITH THE FLORIDA DEPARTMENT OF CORRECTIONS FOR THE PROVISION OF INMATE LABOR FOR MAINTENANCE OF THE WELLINGTON ENVIRONMENTAL PRESERVE AT THE MARJORY STONEMAN DOUGLAS EVERGLADES HABITAT): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AND AUTHORIZING THE MANAGER OR DESIGNEE TO EXECUTE THE CONTRACT WITH THE FLORIDA DEPARTMENT OF CORRECTIONS TO PROVIDE FOR THE USE OF INMATE LABOR IN WORK PROGRAMS WITHIN THE WELLINGTON ENVIRONMENTAL PRESERVE AT THE MARJORY STONEMAN DOUGLAS EVERGLADES HABITAT; AND PROVIDING AN EFFECTIVE DATE.
- G. 17-1727** RESOLUTION NO. R2017-64 (WELLINGTON PRESERVE REPLAT NO. 3): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL ACCEPTING AND APPROVING THE WELLINGTON PRESERVE REPLAT NO. 3 LYING IN SECTION 34, TOWNSHIP 44 SOUTH, RANGE 41 EAST, VILLAGE OF WELLINGTON, PALM BEACH COUNTY, FLORIDA, BEING A REPLAT OF LOTS 4 THROUGH 8 OF

BLOCK C AND LOTS 15 THROUGH 25, BLOCK C, WELLINGTON  
PRESERVE, AS RECORDED IN PLAT BOOK 100, PAGES 180  
THROUGH 186 OF THE PUBLIC RECORDS OF PALM BEACH  
COUNTY, FLORIDA.

Mr. Schofield stated staff recommended adoption of the Consent Agenda as presented.

**A motion was made by Councilman Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0), to approve the Consent Agenda as presented.**

Mr. Schofield indicated one comment card was received from the public.

1. Mark Hilton, 13904 Folkestone Circle, Wellington. Mr. Hilton spoke against the three sober homes in his neighborhood, as there has been two overdoses and one death in the last eighteen months. He thought the Village could do more to regulate these homes and asked that the Council do something about this issue.

Mayor Gerwig stated she would meet with Mr. Hilton to discuss the sober homes. She asked Ms. Cohen to discuss what the Sober Home Task Force of Palm Beach County was doing.

Ms. Cohen stated the Task Force is focused on the patient brokering aspect of these homes. She said the Village has limitations based on federal law, the Americans with Disability Act, and the Fair Housing Act. She stated staff and Council believe the Village regulations in place are good. However, there is no protection for someone who is actively using, as they are not a protected class. She said if that is occurring in a neighborhood, it is something that can be and should be addressed. She stated these are matters that they can talk about and work on. She said it is unfortunate that this happened.

Mr. Hilton indicated Alan Johnson, with the Palm Beach State Attorney's Office, was at their last neighbor watch meeting. He said Mr. Johnson told them to watch the news and the next day six brokers were arrested. He stated he was glad to hear that, but he thought that was just the tip of the iceberg. He said he realizes nothing in government happens overnight.

Ms. Cohen stated there is a real concerted effort countywide to rein in the sober homes that are abusing the system. She said there are also efforts on the part of Congresswoman Lois Frankel to work with the federal government to get some additional regulatory tools that the municipalities can use.

Vice Mayor McGovern stated, because of the Fair Housing Act and the Americans with Disability Act, the municipalities have to be given additional tools from the federal government and potentially from the state government. He said this Council urged the governor to declare a state of emergency on sober homes and more money is being dedicated to this issue statewide. Vice Mayor McGovern indicated Mayor Gerwig and others have traveled to talk to other municipalities and their leaders about how they can address this issue. He said Council, Commissioner McKinlay, and Congresswoman Frankel hear the residents and they are in agreement. He stated the federal government has to act, because this is an area they control. He said, aside from that, the Village has code enforcement and State Attorney Alan Johnson, as he is leading the Sober Home Task Force and lives in this town.

Mr. Hilton agreed more is happening now than two or three years ago.

Vice Mayor McGovern stated the Council will be back in Tallahassee in January and in Washington after that.

Mayor Gerwig stated Congresswoman Frankel brought the undersecretary of Health and Human Services to Palm Beach County and they took a street tour of Delray. She said people in Washington, D.C., were shocked when they saw people overdosed out on the street. She stated the Village was working on it.

Mayor Gerwig asked if Delray was challenged with the change that was made. Ms. Cohen stated she did not believe so. She thought the other municipalities were following suit. She indicated Delray had done a specific study that supported their case.

Mayor Gerwig stated Council will be talking about it. She thanked Mr. Hilton for bringing up the sober homes issue again. She said it is something they are all thinking about and looking for tools.

Councilwoman Siskind stated Council shares Mr. Hilton's frustration. She thought this was an example of well-intended legislation gone bad, and they all realize that. She indicated, countywide and statewide, they are all making an effort to find a solution for this.

Mayor Gerwig noted that the state is very limited, because it is a federal rule. She stated the federal rules are affecting all of them. She said they are going to the federal government for relief, to make sure they do it the right way.

## **7. PUBLIC HEARINGS**

- A. 17-1763** ORDINANCE NO. 2017-08 (VILLAGE GREEN CENTER COMPREHENSIVE PLAN AMENDMENT): AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A COMPREHENSIVE PLAN AMENDMENT (PETITION 17-043 [2017-029 CPA6]) TO AMEND THE CONDITIONS OF APPROVAL FOR THE COMMUNITY COMMERCIAL DESIGNATION AND AMENDING THE FUTURE LAND USE MAP NOTATION FOR CERTAIN PROPERTY KNOWN AS VILLAGE GREEN CENTER, TOTALING 15.89 ACRES, MORE OR LESS, LOCATED ON THE NORTHWEST CORNER OF STATE ROAD 7 AND STRIBLING WAY/PIERSON ROAD, APPROXIMATELY ONE (1) MILE SOUTH OF FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; AMENDING THE CONDITIONS OF APPROVAL TO ALLOW MEDICAL OFFICE WITHIN THE USE LIMITATIONS; TO REDUCE THE MAXIMUM ALLOWABLE SQUARE FOOTAGE FOR THE PROJECT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item.

### **Staff Presentation**

Ms. Kelly Ferraiolo stated before them tonight was Petition 17-043 (2017-029 CPA6), a comprehensive plan amendment (CPA) for the Village Green Center project that she would like to officially enter into the record. She indicated the presentation will consist of elements and

references to the companion development order amendment (DOA). She noted that the DOA only requires one reading and no formal action will be taken on it tonight. She said this item will be scheduled for the hearing with the second reading of the CPA.

Ms. Ferraiolo indicated the owner/applicant for the petition is W&WV, LLC, and the agent. Mr. Donaldson Hearing of Cotleur & Hearing is here on behalf of the owner.

Ms. Ferraiolo stated the applicant is seeking approval of Ordinance No. 2017-08, a CPA to amend the site specific use limitations for the project to allow medical office as a permitted use and to reduce the overall square footage for the project. She indicated the applicant is also seeking approval of a DOA to amend the conditions of approval to allow for a maximum of four fast food restaurants with drive-thru service and to allow for medical use within Building D.

Ms. Ferraiolo stated the 15.89 acre Village Green Center project is located on the northwest corner of State Road 7 and Stribling Road. She said the project has a future land use map designation of community commercial and is within the community commercial zoning district. She noted the changes in the future land use designation or zoning are before Council tonight.

Ms. Ferraiolo stated Village Green was annexed into Wellington in 2004. She explained the site was designated community commercial on the future land use map in 2007. She said, in 2009, rezoning to community commercial and a master plan for the project was approved. She indicated the original master plan allowed for commercial office, retail and general office uses. She stated, in 2010, a conditional use was approved allowing for two fast food restaurants with drive-thru service. She said, in 2013, a development order was approved allowing for a third fast food restaurant with drive-thru service. She indicated the master plan was abandoned and the conditions were codified into the development order. She said, in 2015, a DOA was approved to allow a maximum of 15,000 square feet of medical office within Buildings A, B, C and E.

Ms. Ferraiolo showed Council the existing site plan for the Village Green project and stated Buildings A, B, C and E are within the main inline retail buildings. She said the approved uses within those buildings are retail, commercial, general office, and up to 15,000 square feet of medical office. She stated Building D is the three-story professional office building with the current approved use of general office. She said this building is not built, but it has received Architectural Review Board (ARB) approval for the elevations and signage.

Ms. Ferraiolo showed Council the three existing fast food restaurants with drive-thrus and the Buffalo Wild Wings restaurant. She said the future bank site with drive-thru is shown as Building F.

Ms. Ferraiolo showed Council the site specific use limitations for Village Green Center. She stated as part of the applicant's comprehensive plan approval, the allowed uses within the project include open space, commercial, retail, restaurant and general office with minimum and maximum size limitations.

Ms. Ferraiolo indicated the applicant is requesting to reduce the maximum square footage for the commercial, retail and restaurant uses by approximately 27,000 square feet, to add medical office within the use table, and to reduce the square footage for the overall project by 37,000 square feet.

Mayor Gerwig stated it was 137,000 square feet and now it is 110,000 square feet. Ms. Ferraiolo stated it was a reduction of 27,000 square feet for the commercial, retail and restaurant, and then the overall square footage on the bottom with the asterisk indicates a reduction of 37,000.

Ms. Ferraiolo stated the request for additional medical use is based on a change in assumption, as growth in the area has altered the characters, such that the proposed amendment is reasonable. She said the rural western communities are expected to grow within the next few years with approximately 55,000 additional residents, which would require additional medical office space, as residents must travel east for care.

Ms. Ferraiolo stated the project is also centrally located along a major corridor within ten miles of four local hospitals - Palms West, Wellington Regional, Bethesda West and JFK - and within one mile of Joe DiMaggio Children's Hospital's satellite office.

Ms. Ferraiolo stated, as she mentioned previously, the DOA is not in consideration tonight, as it only requires one reading and will be heard after the second reading of the comprehensive plan. However, the development order provides information that will be helpful when considering the item before Council tonight.

Ms. Ferraiolo indicated the applicant is also requesting a DOA to amend the conditions set forth in Resolution R2013-15 to increase the allowed fast food restaurants with drive-thru service within the project from three to four restaurants, to allow a medical office within Building D, and to reduce the overall square footage for the project. She stated the request for the fourth fast food restaurant will apply to Building F only and is a logical conversion of the site, as it is currently approved as a bank site with two drive-thru lanes. She said the applicant has tried to secure and develop the bank site unsuccessfully for the past five years. She stated the request for medical office as a permitted use will only apply to Building D, which is the future three-story professional office. She said there will be no square footage limitations as to how much medical will be permitted in the 31,000 square foot building. She indicated medical office is already permitted in the existing main inline building, not to exceed 15,000 square feet, and has the same parking requirements as professional and general office.

Ms. Ferraiolo stated, along with the CPA and DOA, the applicant is requesting a site plan amendment to reconfigure Building F from a bank site to a fast food restaurant with drive-thru service and retail bay. She indicated the site plan was approved administratively by the development review manager and is contingent on the approval of the comprehensive plan and the development order amendment.

Ms. Ferraiolo showed Council the proposed site plan for Building F. She stated the entrance to the 4,600 square foot building is situated on the north side of the drive-thru and wraps around the south side along Stribling and east along 441. She said a zoning text amendment was recently approved by Council, which allows for alternative design modifications to mitigate the visual impact of drive-thrus facing a public right-of-way. She indicated increased landscaping is proposed along Stribling Way and 441 to screen the drive-thru lane and service window from view. She said a condition is proposed to ensure that the landscaping provides adequate screening and is maintained as intended.

Ms. Ferraiolo stated at the November 8, 2017 Planning, Zoning, and Adjustment Board (PZAB) Meeting, the board recommended approval (6-0) of both the CPA and the DOA. She said staff's recommendations are provided in the staff report as part of Council's packet.



Mr. Basehart stated, for the record, staff would like to have the complete file included in the record of the hearing tonight.

### **Applicant Presentation**

Mr. Donaldson Hearing introduced his team: Mr. Adam Kerr with Kimley-Horn; applicant, Ms. Tricia Holloway; and Mr. Al Malefatto. Mr. Hearing stated they have two items before Council. He said first is the CPA, which is a simple amendment, as they are not changing the map designation on the comprehensive plan. He explained how the Village used to develop ordinances for comprehensive plan amendments years ago.

Mr. Hearing indicated the applicant has a subsequent DOA that will come back before Council next month. He stated Council saw a preview of it, as staff touched on it very quickly.

Mr. Hearing stated the Village Green Center is located at Stribling and State Road 7, at the corner of the Wellington Mall next to Whole Foods. He said they also know it as the Trader Joe's center. He stated it has been very successful and many other uses are coming in as well.

Mr. Hearing stated the focus of the DOA is the corner or Building F, which is currently approved for a financial institution with drive-thru service. He said the primary focus of the comprehensive plan map amendment, the footnote amendment, is for Building D, which is an approved 31,000 square foot minimum office building that is located on the site. He stated there has been a lot of interest by the medical service providers. He said the Village has worked for a long time to attract and create a medical hub of excellence in Wellington. He stated some of that is starting to happen now with some great hospitals.

Mr. Hearing indicated, within Village Green Center in the inline facility, Cleveland Clinic will be opening a nice facility in the first quarter of 2018. He stated this request was a logical extension of that with NuVista's Skilled Nursing Facility located to the west. He said with everything that is happening on the corridor, it is just a logical progression. He stated the applicant has the ability and flexibility to lease to both office users as well as medical office users at that location.

Mr. Hearing showed Council pictures of Village Green Center, as it has developed nicely. He stated a variety of different users provide services to the adjacent residential communities. He indicated there are a lot of great spaces, courtyards, and open spaces, which was something specific to the development order.

Mr. Hearing stated this is a map footnote change. He said the total amount of commercial retail and restaurant is reduced to 110,930 square feet and "and medical office" is added into the footnote. He indicated this enables them to have medical office in addition to professional office. He stated the total square footage has been reduced to a total of 146,207 square feet, which includes both the retail components and the office components. He understood it was confusing, but it is a substantial reduction from 182,000 square feet down to 146,207.

Mr. Hearing stated the Village Green Center has a great list of tenants. He said the site plan component, which will be before Council next time, includes a Starbucks, which is considered a fast food restaurant with a single drive-thru. He stated the applicant has spent a lot of time working with staff and looking at other facilities in the Village to make sure there was more than adequate stacking and parking. He said the applicant also worked with its tenant, Trader Joe's, who is also in that area. He stated the applicant is excited to have a great facility. He said he

knows this community and the residents are anxious to see Starbucks at this location, because they call and ask when Starbucks is coming.

Regarding landscaping, Mr. Hearing stated the applicant has added substantial landscaping and open space, particularly the foundation planting area, all the way around the building and out onto State Road 7. He said this is in addition to the landscaping that is already there. He stated there is even a condition of approval that gives staff the flexibility to say if additional landscaping is needed. He said they have really prided themselves on the landscaping at Village Green.

Mr. Hearing stated the applicant is in agreement with all of the conditions of approval. He indicated Village staff has confirmed that this is fully consistent with all of the regulations of the Village as well as its comprehensive plan.

Mr. Adam Kerr with Kimley-Horn & Associates, Inc., 1920 Wekiva Way, West Palm Beach, introduced himself.

Mayor Gerwig asked if the parking use was different for medical, as she was concerned about the building in the back. Mr. Kerr stated there is a small increase in traffic when they go from general office to medical office as well as when they go from the bank to the fast food restaurant. He said all of that was addressed in the traffic study that was reviewed and approved by the Village consultant as well as the county traffic engineer.

Mayor Gerwig asked if there was plenty of parking at the office building if it goes all medical. Mr. Basehart stated the parking requirements in the Village code for medical and general office are the same.

Councilman Drahos asked about parking regarding Starbucks, as it is already a busy shopping center. He stated when adding a three-story medical building and a Starbucks, and the increased traffic, people are going to need to park. He asked if they were meeting the Village's minimum parking requirements. Mr. Basehart stated the parking requirements are being met.

Mr. Hearing explained the applicant was meeting the parking requirements. He said the office building is located in the northwest corner and there is a lot of parking in that corner as well as a large field of parking. He stated the dynamics of the office, medical office and retail actually work well together synergistically. He said typically with the office traffic, the employees come early in the morning 8:00 am – 9:00 am and leave 5:00 pm – 6:00 pm. He stated the clients and/or patients may come in and out, but it works well with the dynamics of the retail that is there. He indicated the entire center is parked at a rate of one space for 200 square feet and the restaurants are parked per seat. He said that rate is actually higher than most municipalities. He stated they park retail at a slightly lower rate, as Mr. Basehart pointed out that the Village parks both office and medical office at the higher rate. Mr. Hearing said they were confident they will have more than adequate parking. He stated the tenants are more concerned than Council, as the applicant has to have approval from Trader Joe's and others to ensure there is adequate parking on the site.

Councilman Drahos and Councilman Napoleone asked about the design and stacking of the drive-thru. Ms. Cramer stated the proposed stacking for the Starbucks site actually exceeds Village code requirements. She said Starbucks has their own requirement based on their level of service from the time a customer is at the menu board until they get to the service window. She stated Starbucks requires more stacking than the Village Code and the site plan meets both requirements.

Councilman Napoleone asked how many cars are allowed to stack. Mr. Hearing stated a total of nine cars can stack. He said more cars can stack out into the parking area, before they even get into the main parking area of the center. He stated it is an efficient flow of circulation, including a bypass around the service window.

Vice Mayor McGovern asked about stacking into the parking area. Mr. Hearing stated nine cars could be stacked to the tree, and then additional stacking could be out to the crosswalk. He said that is above and beyond what is required, so it exceeds the code. He stated it has been carefully laid out to ensure there are no issues.

Councilman Napoleone thought they were all familiar with the Dunkin' Donuts on Forest Hill and what that causes every morning and all afternoon. He wanted to make sure they were not going to have similar problem here. Mr. Hearing stated Village staff had the applicant study that several times. He said it was designed to totally avoid that situation.

Councilwoman Siskind asked if it was a single or double lane drive-thru. Mr. Hearing stated it is a single lane with a bypass. He said there is an ability for a car to go around, so no one is stuck in the queue.

Mayor Gerwig said they have not noticed a backup at the other Starbucks near the Dunkin' Donuts. She thought it had to do with the products they each offer, as Starbucks has prepared products and Dunkin' Donuts has sandwiches. Mr. Basehart thought that was part of the issue, but a lot has to do with the efficiency of the employees at the facility. He stated some McDonald's and Burger Kings have identical stacking, but the cars stack up at one restaurant and not the others. He indicated Village code requires five stacking spaces, three before the order board, and two between the order board and the delivery window. He said this plan has nine, so it almost doubles the Village code stacking requirement.

Councilwoman Siskind asked if anything was proposed for the approximately 2,200 square feet next to the Starbucks. Mr. Hearing stated the applicant anticipates that being a retail venue and not a restaurant, which will be synergistic to the types of things seen at Starbucks.

Mayor Gerwig asked if there was a detriment to not having a bank in that location. She thought there was a bank inline there. Ms. Cramer stated a new bank recently came in as a tenant in the inline, but there is no drive-thru. Mr. Hearing stated the world of banking is rapidly changing, particularly as it relates to drive-thrus. He said he cannot remember that last time he went to the bank via a drive-thru, as he does not go to the bank anymore.

Vice Mayor McGovern asked what was before Council tonight and what was coming before them. He stated there has been some discussion of the items that would meet up at second reading. Mr. Basehart stated this is the first reading for the CPA. He said it is a text change for a condition of approval. He explained it is not changing the land use designation of the property. He stated a CPA has to have a first reading and then it gets transmitted to the state. He said the state has thirty days to review it and make their comments. He stated the site plan amendments cannot be approved until the comprehensive plan is done. He said when the response comes back from the state, Council can have all three final votes in the same evening.

Mayor Gerwig asked if the thirty days included the holidays. Mr. Basehart stated there is no extension in the state law for holidays. He said staff knows what the response is going to be,

because now the Department of Economic Opportunity is only allowed to make comments if a statewide impact is identified. However, they have to go through the process.

### **Public Hearing**

A motion was made by Councilman Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0), to open the Public Hearing.

1. Bobby Munden, 14551 Halter Road, Wellington. Mr. Munden spoke against the cramming the shopping centers full and changing plans that were hashed out in an organized way. He thought Council needed to look at the other communities that have allowed all these fast food restaurants to clog up the area and make the town less desirable. He said they also might want to see what happens at K-park before they start making changes to the shopping center next door.

There being no further comments, a motion was made by Councilman Napoleone, seconded by Vice Mayor McGovern, and unanimously passed (5-0), to close the Public Hearing.

Mayor Gerwig stated the Village asked the owner previously if there was any way to get a bank on the site, and she is not sure if there was any progress with that. She asked, from a planning perspective, if there was a benefit to having a bank over having a Starbucks and retail. Mr. Basehart thought it did not matter if a bank does not want to go there. He stated there is a benefit to having a viable center in which all of the space is occupied and providing services that the public demands. He said to pick and choose what they want to go there is kind of like trying to restrain a trade. He stated it is a permitted use and it provides a service that the community desires or the service provider would not want to go there.

Councilman Napoleone stated this was not cramming anything else into the plaza that was not already planned, as there was already a plan to construct a building with a drive-thru on this site. He said, instead of a multilane drive-thru with a bank, it is a single lane drive-thru with a Starbucks that will be able to absorb the stacking. He explained defunct bank sites are hard to convert to any other use and most banks do not want to take over existing bank sites. He thought this was a much more adaptable use in the future, if the Starbucks changes to something else.

Councilman Drahos thought anytime the Village could bring medical talent to the community, it would benefit the residents. He said there will be conveniences associated with that, as people's physicians or specialists will be close by. He thought they should bring them here as opposed to letting them go somewhere else. He said he was fine with this as long as it is not going to affect traffic or parking. He stated staff has assured him that that will not be a problem.

Vice Mayor McGovern stated he agreed with Councilman Drahos. He said he had more concern over the bank than the Starbucks, as he is not sure of the future in that industry. He thought putting a bank at that location would be more of an albatross than the Starbucks. He believed there was always a plan to have something there.

Vice Mayor McGovern asked if the site plan was coming to Council next, so they could work through all of the aspects at the next meeting. Mr. Basehart stated the DOA is coming next. Vice Mayor McGovern understood the DOA will come back to Council at second reading, which will be in thirty days once it goes to Tallahassee. Mr. Basehart stated that was correct.

Vice Mayor McGovern thought for the purpose of today, Council should vote for this Ordinance and send it to Tallahassee, so they can then look at the entire proposal together. He agreed the significant medical office growth along the 441 corridor is the kind of growth and business development they want happening there, whether it be Joe DiMaggio, the Cleveland Clinic, etc. He said if they allow medical office at this office building, it will be an immediate neighbor to the Cleveland Clinic. He stated he looks forward to seeing the specifics and what is coming in the early part of next year.

Councilwoman Siskind stated she agreed with all of Council's comments, especially the medical office. She said it has always been planned and they are not drastically changing anything.

Mayor Gerwig stated she would like some diversification in the office structure, as far as the appeal. However, she agreed they could not force it if only medical is coming in. She said that was not a bad thing.

**A motion was made by Councilwoman Siskind, seconded by Councilman Napoleone, and unanimously passed (5-0), to approve Ordinance No. 2017-08 (Village Green Center Comprehensive Plan Amendment).**

At this point, Mayor Gerwig addressed the audience in the Council Chambers. She explained all of the noises and conversations can be heard very clearly up front due to the acoustics in the room. She indicated that sometimes these hearings can be lengthy, contentious, and emotional. She asked everyone to respect the speakers and staff as well as to abide by their rules of discussion throughout the meeting. She asked everyone to refrain from heckling and side conversations, including cheering or any other outbursts that would disrupt the proceedings, as it usually delays the entire night. She said everyone will be given time to address and be heard by the Council.

**B. 17-1477** RESOLUTION NO. R2017-46 (WELLINGTON PUD MASTER PLAN AMENDMENT - PALM BEACH POLO GOLF AND COUNTRY CLUB): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A MASTER PLAN AMENDMENT [PETITION NUMBER 17-097 (2017-054 MPA 4)] AMENDING THE WELLINGTON PUD MASTER PLAN FOR CERTAIN PROPERTY KNOWN AS PALM BEACH POLO AND COUNTRY CLUB, TOTALING 410.91 ACRES, MORE OR LESS, LOCATED ON THE NORTH AND SOUTH SIDE OF FOREST HILL BOULEVARD WITHIN PALM BEACH POLO AND COUNTRY CLUB AND ON THE EAST SIDE OF STRIBLING WAY, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO CREATE POD 80 AND 81; TO ALLOCATE 57.1 ACRES TO POD 80 AND 25.5 ACRES TO POD 81; TO REMOVE REFERENCE TO THE "WELLINGTON CYLDESDALE FACILITY" TO THE PROPERTY FKA THE POWERLINE PROPERTY; TO ADD ONE (1) ACCESS POINT ALONG FOREST HILL BOULEVARD, ONE (1) ACCESS POINT ALONG BIRKDALE DRIVE AND ONE (1) ACCESS POINT ALONG ROYAL FERN DRIVE TO ACCESS POD 80; TO ADD TWO (2) ACCESS POINTS ALONG POLO CLUB DRIVE TO ACCESS POD 81; TO ADD TWO (2) ACCESS POINTS ALONG STRIBLING WAY TO PROVIDE ACCESS TO THE PROPERTY FKA THE POWERLINE PROPERTY; TO MODIFY THE MASTER PLAN DESIGNATION OF POD 80, POD 81, THE ENTIRE PALM BEACH POLO GOLF COURSE AND THE PROPERTY FKA THE

POWERLINE PROPERTY TO OPEN SPACE - RECREATION/GOLF COURSE/FIELD SPORTS & EQUINE SPORTS"; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. Ms. Nubin read the updated Resolution by title:

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AMENDING A PORTION OF THE WELLINGTON PUD MASTER PLAN AMENDMENT FOR CERTAIN PROPERTY KNOWN AS PALM BEACH POLO AND COUNTRY CLUB, TOTALING 410.91 ACRES, MORE OR LESS, LOCATED ON THE NORTH AND SOUTH SIDE OF FOREST HILL BOULEVARD WITHIN PALM BEACH POLO AND COUNTRY CLUB AND ON THE EAST SIDE OF STRIBLING WAY, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO APPROVE THE REMOVAL OF THE REFERENCE TO THE "WELLINGTON CLYDESDALE FACILITY" FOR THE PROPERTY EAST OF STRIBLING WAY; TO APPROVE THE ADDITION OF TWO (2) ACCESS POINTS ALONG STRIBLING WAY TO PROVIDE ACCESS TO THE PROPERTY; TO APPROVE THE MODIFICATION OF THE MASTER PLAN DESIGNATION OF THE PROPERTY TO OPEN SPACE – RECREATION/GOLF COURSE/FIELD SPORTS AND EQUINE SPORTS; TO DENY THE REQUEST TO CREATE PODS 80 AND 81; TO DENY THE REQUEST TO ADD ACCESS POINTS ALONG BIRKDALE DRIVE, ROYAL FERN DRIVE, FOREST HILL BOULEVARD AND POLO CLUB DRIVE; TO DENY THE REQUEST TO MODIFY THE MASTER PLAN DESIGNATION, TO INCLUDE FIELD SPORTS AND EQUINE SPORTS, FOR THE ENTIRE PALM BEACH POLO CLUB GOLF COURSE; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Gerwig asked if the Resolution had been updated. Mr. Basehart thought the updated Resolution was put in the packet. Ms. Ferraiolo stated the updated Resolution was just read. Mayor Gerwig said it did not match what was in her book.

At this point, Ms. Cohen explained this hearing and the next hearing are quasi-judicial, meaning that the Council is not really sitting as a judge, but they are required to base their decision on the evidence and testimony presented at tonight's hearings. She stated under Florida law the Village is required to have the witnesses who want to come up and speak either swear or affirm they are going to tell the truth. She said the Council members also need to disclose their ex-parte or one sided communications with anyone who has been for or against this particular project.

Ms. Cohen indicated they will be hearing the Palm Beach Polo Golf and Country Club application first. At this time, she swore in those individuals who intended to speak on this agenda item.

### **Ex-parte Communications**

**Councilman Napoleone:** Councilman Napoleone disclosed he met with the applicant's attorney, Alec Domb; met with Clifford Hertz, Matthew Pisciotta, Ken Valdespino; met with Andrew Carduner, Neil Schiller; met with John and Angela Lacy; spoke with Mark Elie; spoke with Frank Gonzalez; spoke with Matt Willhite; spoke with Michael Bach; spoke with Al Malefatto; as well as reviewed the dozens of emails and letters received. Councilman Napoleone stated everyone spoke about the negatives of the application, except for Mr. Domb, as he discussed the positives. Councilman Napoleone indicated he also spoke with Steve Levin.

**Councilman Drahos:** Councilman Drahos disclosed he met with Matt Pisciotta; Clifford Hertz; Ken Valdespino; Neil Schiller; Andrew Carduner; Alec Domb; and he spoke to John Lacy over the phone. Councilman Drahos stated, with the exception of Mr. Domb, all of these people expressed concerns relating to this project. He said Mr. Domb spoke as an advocate for the project. Councilman Drahos indicated he also spoke with Jane Cleveland, and he spoke with Gary Fellers a long time ago.

**Mayor Gerwig:** Mayor Gerwig disclosed she spoke to Pat Evens, Mark Elie, Kathy Jones, Cookie Pounds, Sharon Lascola, Pat Varney, Alec Domb, Matt Pisciotta, Neil Schiller, Clifford Hertz, Ken Valdespino, Mo Thorton. Mayor Gerwig stated they discussed the issues, why they were looking at it, why it was being presented, what the implications were, the process. Mayor Gerwig indicated she spoke with Gary Fellers a long time ago. She said she also spoke with Larry Sweetwood. Mayor Gerwig stated she knows she has spoken to more people than she has mentioned. She said she tried to keep a list and stay as current as she could.

**Vice Mayor McGovern:** Vice Mayor McGovern disclosed, in addition to speaking with staff and reading all of the letters, emails and submissions, he met or spoke with John Greene, Mike Nelson, Al Malefatto, Tom Wenham, Regis Wenham, Ken Valdespino, Neil Schiller, Andrew Carduner, Neil Hertz, Bobby Ewing, Larry Sweetwood, Jennifer Vail, Gary Fellers, Clifford Hertz, Matt Pisciotta, Alec Domb, Dan Bachi. Vice Mayor McGovern thought he also spoke with or got a phone message from Charles Robinson, and he spoke with Michelle Quesada from Channel 5 today. Vice Mayor McGovern stated in that there was a lengthy list of reasons and folks who were opposed to the proposal other than Ms. Vail, Mr. Fellers, Mr. Nelson and Mr. Domb. Vice Mayor McGovern thought he also spoke with Pat Varney. He said he did speak with Jane Cleveland, Rachel Eidelman, Kathleen Gannon, all from the Equestrian Preserve Committee (EPC). He also spoke with Alan Shullman, Jeff Robbert, Steve Levin from the Planning, Zoning, and Adjustment Board (PZAB).

**Councilwoman Siskind:** Councilwoman Siskind disclosed, in addition to the letters and emails, she met with Pat Varney, Gary Fellers, Jeanette Sassoon, Matt Pisciotta, Clifford Hertz, Ken Valdespino, Neil Schiller, Andrew Carduner, Alec Domb, Rachel Eidelman, Jeff Robbert, Jennifer Vail, and Shawna Foyer, who she thought was for Polo West. Councilwoman Siskind stated they discussed the implications of the proposal. Councilwoman Siskind indicated she made a site visit to the Birkdale access point.

Ms. Cohen asked the Council, given that they have met with people both for and against the application, if they feel they can be fair and impartial and base their decision on the evidence being presented tonight. Each Council member stated they could.

### **Staff Presentation**

Ms. Kelly Ferraiolo with Planning and Zoning, Village of Wellington, introduced herself. She stated before Council tonight is Petition 17-097 (2017-054 MPA4), an amendment to Wellington's PUD Master Plan for the Palm Beach Polo Golf Course and powerline property, which she officially would like to enter into the record.

Ms. Ferraiolo indicated the owner/applicant for the petition is Palm Beach Polo, Inc. and Marina Funding Group, Inc. She stated the agent, Jennifer Vail from WGI, was there on behalf of the owner.

Ms. Ferraiolo stated the applicant is seeking a Master Plan Amendment to the Wellington PUD to:

- create Pod 80 and Pod 81;
- add multiple access points to access the golf course and the powerline property;
- remove the reference of “Wellington Clydesdale Facility” on the Master Plan from the powerline property; and
- modify the master plan designation of the entire golf course and the powerline property to Open Space – Recreation/Golf Course/Field Sports & Equine Sports.

She indicated at the October 11, 2017, Planning, Zoning, and Adjustment Board (PZAB) Meeting, the applicant withdrew their request for an access point along Sunnydale Drive to access pod 81, which is no longer a part of tonight’s request.

Ms. Ferraiolo showed Council the Palm Beach Polo Golf Course and the powerline property. She stated the golf course is located on the north and south side of Forest Hill Boulevard within Palm Beach Polo Golf and Country Club and the powerline property is located along the east side of Stribling Way from Forest Hill Boulevard to the roundabout. She said both properties are within the Wellington PUD.

Ms. Ferraiolo stated the subject property was originally approved as part of the Wellington PUD in 1972 and included over twenty individual subdivisions, a 9-hole golf course formerly known as the north course, two 18-hole golf courses, clubhouses and a driving range. She said the north course has been defunct since 2000 and the east course was converted to a single polo field, which has been used for weekly Sunday soccer games.

Ms. Ferraiolo showed Council a portion of the proposed Wellington PUD master plan with the entire Palm Beach Polo Golf Course and the powerline property. She indicated the current Master Plan Use designation for the properties is Open Space – Recreation/Golf Course. She said currently there is no legal vehicular access to the north course, east course or powerline property. She stated the image shows the proposed Master Plan designation of the properties as Open Space – Recreation/Golf Course/Field Sports & Equine Sports. She said the red arrows indicate the proposed access points to the properties.

Ms. Ferraiolo showed Council the proposed Pod 80, also known as the north course. She stated the master plan amendment will allocate 57.1 acres to Pod 80. She noted the applicant is also requesting three access points to Pod 80.

Ms. Ferraiolo showed Council the conceptual site plan for the proposed access point along Birkdale Drive, which would be used as a service entrance. She stated the conceptual site plan shows a 30 foot distance between the narrowest portion leaving approximately 5 feet from the edge of pavement of a 20 foot roadway to the nearest single family property line. She said staff feels this is not sufficient room and that it will have a negative impact on the adjacent residential properties.

Ms. Ferraiolo showed Council the conceptual site plan for the Royal Fern Drive and Forest Hill Boulevard proposed access points. She stated staff does not support the location of the Royal Fern Drive access point, as it will be located on Village property with no public purpose. She said staff does support the location of the Forest Hill Boulevard access point. She indicated the approval of the access point is for the general location, as the exact location and design will be determined during site plan and land development approval.



Ms. Ferraiolo showed Council the proposed Pod 81 located south of the north course. She said the master plan amendment will allocate 25.5 acres to Pod 81. She stated the applicant is requesting two access points on Polo Club Drive to access the pod. She said the northernmost entrance on Polo Club Drive exists today to access the sales office and parking area, and it is both an ingress and egress point. She stated the requested change will make the existing access point ingress only, a new access point will be constructed before the gatehouse for egress only, and the median along Polo Club Drive will be realigned.

Ms. Ferraiolo explained, although the access points on the master plan are conceptual and the exact locations are determined at site plan review, staff is concerned the proposed access points will not meet minimum parking, circulation and intersection separation requirements of the Land Development Regulations (LDR). She stated staff will not support the proposed access points, as a conceptual site plan was not provided showing that the access points meet LDR requirements.

Ms. Ferraiolo showed Council the conceptual site plan for Pod 81. She noted it shows six soccer fields which currently exist. She said no structures are proposed for this property.

Ms. Ferraiolo showed Council a portion of the powerline property. She stated the master plan amendment will allow for two access points, which currently do not exist, along Stribling Way to provide for legal access to the 30 acre property. She said this property is limited in its use, as the property is inclusive of mainly FPL easements, which prohibit the construction of any structures.

Ms. Ferraiolo stated that since 2000, Palm Beach Polo has been utilizing portions of the golf course and driving range for activities other than golf by the issuance of a Special Use Permit. She said if the amendment to the Master Plan designation is approved, it will allow field sports and equine sports activities on the property without the need of a Special Use Permit. She stated the owner will still be required to obtain a Special Use Permit for events that include spectators, temporary facilities, vendors, outdoor entertainment and anything ancillary to the golf course/field sports and equine sports designation.

Ms. Ferraiolo stated the proposed request is not changing the underlying Future Land Use Map (FLUM) designation and no increase in density or intensity is proposed or included in this request. She said a FLUM designation is the official Comprehensive Plan designation of the property, which will remain Commercial Recreation. She stated the Master Plan designation identifies the specific use of the property limited by the original development order. She indicated, in this case, the current designation does not reflect the activities occurring on the property. She noted changing the designation will not allow for development or the construction of buildings or stables. She said additional approvals will be required should the applicant make such a request in the future.

Ms. Ferraiolo stated both the EPC and PZAB recommended approval of the two (2) access points and the requested amendment to the Master Plan designation for the powerline property only. She said staff's recommendations are provided for in the Staff Report.

Mayor Gerwig asked about the time limitations. Ms. Cohen indicated the applicant is allotted twenty (20) minutes for their presentation and any interested parties, as she believed the HOA has indicated it wants to be an interested party, would be allotted fifteen (15) minutes. She stated the Council could always vary that if an extension is requested. She said there is additional time for cross examination and an additional five (5) minutes each for closing.

Vice Mayor McGovern asked about the number of interested parties. Ms. Cohen indicated the HOA was the only interested party for the first hearing. She stated Mr. Fellers, the HOA and the applicant will be speaking on the next item.

### **Applicant Presentation**

Ms. Jennifer Vail with WGI, agent for the applicant, introduced herself for the record. She stated before Council tonight is the request for a Master Plan amendment to the Wellington Planned Unit Development (PUD) Master Plan to identify the boundary for a new Pod 80 and to indicate proposed points of ingress and egress to that Pod; to identify the boundary for a new Pod 81 and to indicate points of ingress and egress to Pod 81; to remove the reference to the Wellington Clydesdale Facility and to indicate two proposed points of ingress/egress to that property; to identify Stribling Way, which is just a cleanup item; and to further define the existing open space/recreation/golf course areas within the subject property to include golf course, field sports, and equine sports. She indicated this site encompasses approximately 411 acres. She said the existing master plan use is identified as Open Space – Recreation/Golf Course except for the powerline property, which is just Open Space - Recreation.

Ms. Vail stated the future land use is Commercial Recreation for all properties and is proposed to remain as is. She said the existing zoning for the property is Planned Unit Development (PUD) and will remain as is. She indicated for Pod 80 and the existing Acme and Wellington owned properties the one proposed ingress/egress point is for service only from Birkdale Drive; a right in/right out only is proposed along Forest Hill Blvd; and an egress only to Royal Fern Drive will exit from the subject property to the signalized intersection. She stated Pod 81 has an existing ingress point, which is currently being utilized for the office, and a proposed egress point that would get traffic further from the intersection of Forest Hill and Polo Club Drive. She said the powerline property has existing FPL poles as staff pointed out and the majority of the property is encompassed with overhead FPL powerlines. She indicated there is a proposed ingress/egress point in the northern section of the property and one more to the central area.

Ms. Vail indicated that currently the Wellington PUD Master Plan has several parcels identified as Open Space – Recreation. She stated the types of uses on these properties include the Village of Wellington monument signs, FPL easements, bridle paths, upland preserves, wetland preserves, canals, lakes, community parks, neighborhood parks, golf course and driving range, tennis facility, and the Wellington Clydesdale Facility. She said only the golf course properties that are a part of the subject request tonight are identified further with golf course.

Mr. Alec Domb noted for the record that these requests have staff approval, with the exception of the access point at Birkdale and behind the library for Fern Drive. He said, notwithstanding the Resolution in Council's package, which was prepared and delivered to him this morning at 8:23 a.m., because apparently there is a policy that the Resolution is to be prepared based upon the result of PZAB's recommendation and not staff's recommendation. He stated in so far as these applications are concerned, staff has recommended approval for changing the designation to Open Space - Recreation/Golf Course/Field Sports & Equine Sports and has recommended approval for access to the north course off Forest Hill Blvd.

Mr. Domb stated golf is a dying industry, and the Village has studied this several times. He said in 2010, the Village created a Midtown concept, which included the north course and field 3. He indicated in 2013, a visioning session came to the conclusion that equine uses are valid uses for dead or dying golf courses. He said, likewise, the 2014 Directions Workshop took into

consideration the fact that Wellington has four-and-a-half golf courses that have changed hands several times. He stated it was also discussed that golf was a declining activity and the land associated with it needed to be explored for additional uses.

Mr. Domb stated tonight Palm Beach Polo is asking Council to approve their application for additional uses. He said they were not asking to build or construct anything. He stated they were asking simply to allow open green space property to be used for open green space activities, including field sports and equine sports.

Mr. Domb stated the applicant was also asking for access. Looking at the Wellington PUD map, he explained when it comes to the north course, they are asking for an access point from Forest Hill Blvd into the north course. He said right now there is no access to the property. He indicated there has been litigation with the Village over that issue, and actually the Village has agreed that the logical access point to the north course is from Forest Hill Blvd.

Mr. Domb recalled that Mr. Riebe, the former Village Engineer, with respect to his deposition regarding access to the north course, was asked the following question: With regard to the Palm Beach Polo property that was referred to as the north course, do you know where the access is for the vehicular traffic to that polo property? Answer: The legal access is Forest Hill Blvd. Question: Where on Forest Hill Blvd? Mr. Domb stated Mr. Riebe goes on to explain that a 900 foot stretch of Forest Hill Blvd is contiguous to the north course property from the end of the library property to the beginning of the Coventry Green property.

Mr. Domb stated, as of right now, all the applicant is asking for is access from Forest Hill Blvd to the north course. He said he believed that the Village believes and believed back then that the applicant is entitled to it.

Mr. Domb stated with respect to the other request, the applicant is asking for permission to play sports, which they are doing now, subject to a Special Use Permit allowing soccer to be played on what would be Pod 81. He said they have also configured that through the use of a cut and fill permit for polo. He indicated polo matches, practices and stick & ball have been played there. He stated the applicant is really asking to change the 1972 PUD, bring a 45 year old land development order into the 21<sup>st</sup> Century, and allow activities other than golf to take place on the property.

Mr. Domb believed, with respect to this particular application, the actual Special Use Permit was included with Council's package of materials for tonight. He indicated paragraph 3 of the Special Use Permit says "This is the only annual Special Use Permit that will be issued for this use on any property within Palm Beach Polo and Country Club. If the owner wishes to continue the use once the permit expires, a Master Plan amendment shall be submitted and approved by Council, prior to the expiration of the permit, to identify the permanent use of the property as a soccer/practice field."

Mr. Domb stated the applicant was here tonight and has been doing this for the past eight months at a cost of \$30,000 in application fees, mailing fees, and so on, to do exactly what staff has asked them to do – apply for a Master Plan amendment in order to designate on the Wellington PUD map the current uses of this property.

Mr. Domb stated, with respect to the issues and concerns of the residents regarding Palm Beach Polo and Country Club, the applicant respects the access control process. He said they do not wish to have anyone entering the property crossing into Palm Beach Polo and Country

Club without going through the gate process to be screened, identified and approved. He stated he did not know how to accomplish that with regard to the end of the property, other than by hedging, fencing or some other process by which they could secure the people who come and play soccer, baseball, field hockey or stick & ball practices, or what other facilities could do so they do not encroach into the County Club.

Mr. Domb indicated the Council has the ability to add conditions to this application. He said if they believe, after hearing from the residents, it is necessary to effectuate a screening process to prevent access to Sunnysdale Drive from Pod 81, the applicant is in agreement with that as long as they have the ability to bring in horse trailers and so on for the events, because they come through the gate, turn on Sunnysdale, and enter the property from the rear. He indicated the people who come in for polo - the horse trailers, the drivers, the grooms - go through the gate for access control now.

Mr. Domb stated the applicant has applied for three specific amendments. He said they were asking to create Pods 80 and 81, and he did not see anything there that would be harmful to anyone. He stated they were also asking for access to Pod 80 from Forest Hill Blvd, which the applicant believes they are entitled to. He said finally the applicant is asking to be able to use the property for recreational purposes. He stated they are asking for the ability to use it for exactly what it is, Open Space – Recreation and increase the use from just golf course to provide for field sports or equine sports.

Mr. Domb indicated he originally submitted a list of things that would be considered sports and recreation activities carried on in the open countryside. He stated, as defined by Google, open field sports include baseball, bocce ball, croquet, football, field hockey, lacrosse, lawn bowling, lawn tennis, softball, soccer, touch football, volleyball, T-ball, and activities of that nature. He said these are not offensive to anyone or the kinds of things that would cause harm to the residents of Palm Beach Polo and Country Club. He stated, in terms of equine sports, they are talking about arena polo, dressage, hunter jumpers, show jumping, reining, and western. He said these kinds of things are not harmful to the residents or anyone.

Mr. Domb stated if Council agrees to expand the definition of this 45 year old development order to include field sports and equine sports, it does not mean the applicant will get to do whatever they want. He said, if they are going to have an inordinate number of people, a lot of traffic, lights or amplified music, or vendors sell things, all of those things are covered in the Village Code and still require the applicant to ask for a Special Use Permit. He stated he wanted Council to keep that in mind as they consider the possibilities of what the applicant can do while still maintaining this property as open green space.

Mr. Domb stated the applicant was hoping that after the Council hears an hour of complaints of what the applicant could be doing wrong, the Council will recognize they still have the ability to dictate what the applicant does and does not do in terms of larger events. However, the applicant should be able to hold smaller events at Palm Beach Polo and Country Club, as long as access control is maintained, without having to come for a Special Use Permit and spend thousands of dollars for a limited time or certain number of events. He said the applicant hopes Council will keep an open mind. Mr. Domb hoped that Council would agree with the applicant in that using this space as open green space, rather than something else, is in the best interest of the Village of Wellington and will be for some time to come.

Mr. Domb stated he would like to move to introduce both the Special Use Permit and the deposition of Bill Riebe into evidence. He indicated he would supply that to the clerk.

Vice Mayor McGovern suggested the entire notebook that was given to Council be submitted into the record. Mr. Domb requested that the entire notebook be submitted into evidence.

Mr. Neil Schiller introduced himself. He stated he was representing the Palm Beach Polo Golf and Country Club Property Owners Association. He said he has a presentation for the record.

Mr. Schiller stated he would also like to introduce two more items into the record for Council's approval and consideration tonight. He said first was the resume of Ms. Michelle Mellgren, his land use planner. He stated she has taken the oath and will be testifying tonight. He said in addition to that is Ms. Mellgren's planning report on this particular property and project, which he would like to enter that into the record as well.

Mr. Schiller asked Mayor Gerwig for permission to have the clock restarted to 15 minutes. Mayor Gerwig agreed to restart the clock at 15 minutes.

Mr. Schiller stated he would also like to reserve any time for rebuttal. He asked that everyone opposed to the application to please raise their hand, as he realized there were a lot of people in the room.

Mr. Schiller showed Council the evaluation criteria. He said the applicant had the burden of proving their application is consistent with the comp plan and the land development code.

Mr. Schiller stated, for the record, that staff is not supporting every request the applicant is making tonight. He said, in fact, staff just said they are not supporting the access points on Polo Club Drive. He reminded Council that their decision tonight has to be based on competent substantial evidence. He said the applicant is requesting two access points and field sports & equine activities.

Mr. Schiller showed Council an aerial view of the property and noted the parcel control number of the subject site. He stated they could clearly see it is owned by Palm Beach Polo, Inc. He said they could also see the accompanying open lien still active on that property. Mr. Schiller indicated as of October 3, 2017, another code compliance case was opened on that particular property, which is part of the application. He noted another PCN with another portion of the property and the \$5,000 fine still outstanding.

Mr. Schiller showed Council another portion of the application that has an active tree removal case on it. He stated, for the record, he believed Council was awarding bad behavior by hearing this application tonight, when they have the ability to suspend it. He said he was not going to belabor that point, because he has limited time.

Mr. Schiller showed Council the proposed access point for which staff is recommending denial. He said it should be denied, as Polo Club Drive is a private road and the Village cannot grant access over a private road. He stated logical access can be granted from Forest Hill, which is a public right-of-way. He noted the proposed access points, where the guardhouse is located, and who actually owns the road, which is his client Palm Beach Polo.

Mr. Schiller showed Council the legal access argument, as Forest Hill is much more appropriate. He noted the current existing access point and showed Council the queueing of vehicles and where some of the vehicles are parking.

Mr. Schiller stated the other portion of the application is golf and field equine sports, which impacts 420 acres +/- of the PUD, not just the 18 acre parcel that fronts Forest Hill.

Mr. Schiller introduced Michelle Mellgren to discuss some of the planning aspects.

Ms. Mellgren stated she was the principal of The Mellgren Planning Group with offices at 3350 N.W. 53<sup>rd</sup> Street, Ft. Lauderdale, FL. She said she will go through her credentials, since they are establishing a record tonight. She stated she has a Master's Degree in Urban and Regional Planning from the George Washington University in Washington, D.C. She said she is certified by the American Institute of Certified Planners, and she has more than thirty years of experience in Planning, Zoning and Land Use. She stated she has also qualified in Circuit Court as an expert in these matters.

Ms. Mellgren stated she has reviewed the subject application and it is her professional opinion that the request is contrary to both the adopted Comprehensive Plan and the Land Development Regulations (LDR). She said they placed the expert report and she will summarize her findings.

Ms. Mellgren indicated the fundamental reason she finds the application does not comply with either the Comprehensive Plan or the LDR, is that the applicant through an amendment to the Master Plan proposes to allow a whole new category of uses, but the Village does not know what those specific uses are. She said Equine Sports is a category that is a bit more definable and it would include various competitions, such as polo, cross country, or eventing. She noted the attorney mentioned western riding, which includes western shooting with guns and targets, as it is an equestrian activity.

Ms. Mellgren stated the category of Field Sports is a whole other creature. She said it can include soccer and golf, but it also includes skeet shooting, archery, paint ball, arrow tag, BMX racing, laser tag and drone racing, to name a few. She stated, under this category of Field Sports, nothing would prevent the owner from aggregating these uses and establishing an extreme sports park. She said no buildings or improvements are needed to establish these uses. She indicated she knows this because she represents a client in the city of Hollywood who owns a defunct golf course and this is exactly what he is doing. She said he is putting in landscaping and will be doing all of these activities if it is approved.

Ms. Mellgren stated if it is a seven day a week operation and it is a regional draw with not just people from Wellington. She stated the applicant is asking the Village to create a category of uses, but they are not really sure what they are. She asked them to keep that in mind as she goes through the criteria that must be used to evaluate the request.

Ms. Mellgren stated:

1. The request violates the Comprehensive Plan. It is not consistent with policy 1.3.15, which requires compatibility with surrounding residential uses, particularly, if the uses are some of the extreme sports she mentioned.
2. The request is not consistent with Goal 1 of the Comprehensive Plan, because it will not preserve or protect the residential character of the land surrounding it. As Mr. Schiller mentioned, the access points proposed traverse private property, so it is illegal access. She questioned whether or not that would violate the Comprehensive Plan.

3. The next criteria is whether or not the request comports with Article 11 of the LDR. The Village does not really know what the proposed broad category of specific uses will be for Field Sports, so it could be anything. The Village does not know the intensity or the frequency, so they could not say one way or the other that it does comply with Article 11.

4. The same is true for Article 9. It must comply with Article 9, as the application must minimize environmental impacts. The Village does not really have a plan, they do not know what the uses are or how often they will occur, so they cannot say it complies with Article 9.

5. The request does not comply with Article 6 of the LDR, which deals with the PUD zoning, as there has to be compliance with the zoning district. The very purpose of a PUD, as stated in the code, is to allow for creative design and in exchange they get some special amenities. In this case, the code provides that the recreational spaces serve the community in which it is located. If the Village allows the Equine Sports and Field Sports, which will be a regional draw, they have actually changed the recreational space from community serving to a regional attraction. Therefore, it violates the code.

6. The next criteria is whether or not the request complies with a design concept that shows how adverse effects are minimized. The application includes a request for additional access points and introduces categories of unknown uses. The proposed access points do not minimize adverse impacts, because they could get access from Forest Hill Blvd. Therefore, she does not feel it minimizes impacts. Furthermore, because the Village does not know the specific uses, frequency or intensity, it does not know whether or not it is minimizing impacts.

7. The next criteria is whether or not the request results in a logical development pattern. The approval of an after-the-fact access point through private property is not logical, because the Village does not know what it is going to be serving. They will not know where it should be until they have the whole picture.

8. The last applicable criterion is whether or not the request meets all of the relevant provisions of the LDR. As detailed above, her professional opinion is that it does not.

Ms. Mellgren concluded by saying based on her experience and expertise in planning and land use, it is her professional opinion that the application before Council is not consistent with the Comprehensive Plan and violates the Land Development Regulations and, as a result, it should not be approved.

Mr. Schiller showed Council some photos taken of the buffer area or what would be a buffer area. He noted the three-slat wood fence that separates the residential or the golf course villas and the proposed commercial recreation. He showed Council a view from Forest Hill that illustrates the lack of buffering and the lack of security provided.

Mr. Schiller stated this application sets precedence in the following ways:

1. By setting after-the-fact access points. He said when a development is built out, allowing driveways through backyards is unconscionable and creates vast uncertainty for future residents and existing residents.

2. This is private property. He said he has not heard any indication from the Village that it is going to assert its eminent domain power to give a private property owner access.

3. With Field Sports, they are adding additional rights to every owner of golf course property in Wellington. He said Special Use Permits are still available and the Village can spoon feed compliance that way. Mr. Basehart at the Planning, Zoning and Adjustment Board (PZAB) Meeting said on the record that this applicant can continue to seek Special Use Permits. Mr. Schiller stated the applicant at the PZAB Meeting said they looked at Wikipedia to define Field Sports. Mr. Schiller indicated he looked at Wikipedia last night and wanted to read it into the record: Field sports are outdoor sports, especially hunting, shooting and fishing. Field sports involve the catching or killing of animals for pleasure and therefore controversial on animal welfare grounds. Mr. Schiller did not think anyone wanted this activity next to their community. He said he did not raise this, as the applicant raised it at the last public hearing. Mr. Schiller reminded Council that this impacts 420 acres +/- of property in the Palm Beach Golf and Country Club and sets a precedent in the Village of Wellington.

Mr. Schiller indicated he has four minutes left, so he is going to ask Council to direct staff to revoke the existing Special Use Permit. He stated the applicant is in violation today, as he has not submitted monthly attendance counts or screened the porta potties as required by the Special Use Permit. He said staff has made the applicant aware and has put them on notice for both violations. He indicated there are e-mails back and forth from Village staff as late as November 21, 2017, indicating that the applicant is not in conformance with the existing Special Use Permit. He noted this Special Use Permit permits traffic at a very unsafe access point that Village staff has said on record will not meet the design criteria standards today.

Mr. Schiller showed Council a photo from one of the soccer matches. He stated this was not the same as a golf course use. He asked Council to please deny the applicant's application based on the inconsistencies with the Comprehensive Plan and LDR; revoke the applicant's Special Use Permit; deny the access points on Polo Club Drive, as Village staff has already recommended; and deny the Master Plan amendment for the Field & Equine Sports. He said the EPC and PZAB both recommended they do so. He stated it is not consistent with the Comprehensive Plan, with the surrounding land uses, or the land development regulations that everybody in this town respects. He said they hope Council continues to respect them and votes to deny this Master Plan amendment and these two access points.

### **Cross Examination**

Mr. Domb asked Ms. Mellgren if she had reviewed the Staff Report with respect to this application. Ms. Mellgren stated she had.

Mr. Domb stated Ms. Mellgren knows staff has suggested that this application is consistent with the Comprehensive Plan. Ms. Mellgren said she has a different professional opinion.

Mr. Domb stated he understood that but Staff's Report suggests it is consistent with the Comprehensive plan and asked if that was correct. He also asked if Ms. Mellgren was aware that staff has suggested there are adequate public facilities. Ms. Mellgren stated she was not quite sure how that was assessed given that there is not a plan or a list of specific uses, but she was aware of it.

Mr. Domb stated the proposed request is in compliance with Article 11 of the LDR, as no increase in density or intensity is proposed for this project and would not cause additional need for additional public facilities. He asked if that was correct. Ms. Mellgren indicated the Staff Report says that but there is no way to know that.



Mr. Domb stated the Staff Report also says the application is in compliance with environmental standards and asked if that was correct. Ms. Mellgren said the Staff Report says that but there is no way to know that.

Mr. Domb stated the Staff Report says the application is in compliance with Article 6 of the LDR and asked if that was correct. Ms. Mellgren said the Staff Report says that but, again, there is no way to assess that. She believed staff was really struggling, because there was such a lack of information.

Mr. Domb stated he was going to move to strike that. He said he just needed Ms. Mellgren to answer his question. Ms. Mellgren stated she had the right to finish her answer. Mayor Gerwig informed Mr. Domb that they would keep it all on the record for now.

Mr. Domb stated the design minimizes adverse impacts and asked if that was correct. He asked if that was what the Staff Report says. Ms. Mellgren asked what design. She said that is what the Staff Report says, but she did not think that was at issue. She thought her professional opinion was at issue.

Mr. Domb thought Ms. Mellgren's professional opinion was contrary to the Staff Report and the Staff Report is the standard by which these things are measured by this Council. He asked if that was correct.

Ms. Cohen informed Mr. Domb this was for cross examination.

Mr. Domb stated the Staff Report suggests this is consistent with applicable neighborhood plans and asked if that was correct. He asked if the Staff Report said that. He asked if Ms. Mellgren read the Staff Report. Ms. Mellgren indicated she read the Staff Report and that she answered that question already. She said that is what the Staff Report says.

Mr. Domb stated the applicant is not proposing any development at this time and is requesting access points at the proposed locations. He asked if that was correct. Ms. Mellgren asked Mr. Domb to show her where and what page he is referring to. Mr. Domb stated he did not have page numbers. He asked Ms. Mellgren if she had the Staff Report, as she was there to testify as an expert.

Ms. Cohen stopped Mr. Domb.

Mr. Domb asked if any buildings were proposed in this application. Ms. Mellgren stated there were not.

Mr. Domb asked if Ms. Mellgren was aware of the amended and restated Bylaws of Palm Beach Polo and Country Club, Inc. Ms. Mellgren said she was not aware. Mr. Domb stated that she did not know that the developer of Palm Beach Polo and Country Club, Inc. has full access, easement rights, over all property owned by the POA. Ms. Mellgren said she did not know that.

Mr. Domb asked if it was true that based on applying for a Master Plan amendment, the applicant does not need to actually ask this Council to approve access over a private road. Ms. Mellgren stated she was not familiar, as this was a legal question for legal counsel and not for the planning expert.

Mr. Domb stated he had a question for counsel. Ms. Cohen informed Mr. Domb that he does not get to question counsel. Mr. Domb stated counsel has made representations that are not true. Ms. Cohen said counsel is not being examined, as counsel has not testified. Mr. Domb stated counsel made representations to this Council. Ms. Cohen indicated attorney argument is not testimony. Mr. Domb said the applicant screened in the porta potties and opposing counsel showed a picture and argued the applicant had not. Mr. Domb said it was not true.

Mayor Gerwig asked Mr. Domb to get through this for now. She said it is all on the record, and they understand his point. She stated he will have time to do his final closing, which is time limited.

At this point, Mr. Schiller asked Ms. Vail if she had reviewed the Staff Report. Ms. Vail stated she had reviewed it.

Mr. Schiller asked Ms. Vail if she heard staff's presentation tonight indicating that they did not support the access points at Polo Club Drive. Ms. Vail stated she did.

### **Public Hearing**

A motion was made by Councilman Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0), to open the Public Hearing.

Council called on those people who wished to speak.

	<b>Did Speak</b>	<b>For</b>	<b>Against</b>
1.	Aaron Coven, 1436 Old Cypress Trail, Wellington.		X
2.	Carolyn Tribble, 12629 Mallet Circle, Wellington.		X
3.	Tom Carney, 11250 Islebrook Court, Wellington.		X
4.	Andrew Carduner, President of the Palm Beach Polo POA, 2864 Winding Oak Lane, Wellington.		X
5.	Eric Richman, 1965 Canterbury Circle, Wellington.		X
6.	Melinda Rockwell, 2425 Golf Brook Drive, Wellington.		X
7.	Judy Mencher, 2900 Bent Cypress Road, Wellington.		X
8.	Paul Ryberg, 12130 Sunnysdale Drive, Wellington.		X
9.	Bobby Munden, 14551 Halter Road, Wellington.		X
10.	Timothy S. Pompos, 1421 Old Cypress Trail, Wellington.		X
11.	Maitena Newman, 2385 Golf Brook Drive, Wellington.		X
12.	Norma Saunders, 2579 Fairway Island Drive, Wellington.		X
13.	Lawrence Sweetwood, 1583 The 12 <sup>th</sup> Fairway, Wellington.		X
14.	William McCue, 11564 Whitemarsh Drive, Wellington.		X
15.	Robert M. Pozzo, 11364 Long Meadow Drive, Wellington.		X
16.	Cliff Janssen, 1422 Old Cypress Trail, Wellington.		X
17.	D. J. Stinson, M.D., 11878 Tilden Place, Wellington.		X

	<b>Did Not Speak</b>	<b>For</b>	<b>Against</b>
1.	Arlette Ravet-Rigby, 2450 Players Court, Wellington.		X
2.	Dagmar Roldan, 11780 Marblestone Court, Wellington.		X
3.	Nic Roldan, 2872 Winding Oak Lane, Wellington.		X
4.	Lupe Roldan, 11823 Pebblewood Drive, Wellington.		X
5.	Charles Mothon, 11365 Long Meadow Drive, Wellington.		X

6.	Raul Roldan, 13329 Polo Club Road, Wellington.		X
7.	Theresa Rassas, 12590 Sunnysdale Drive, Wellington.		X
8.	Johanna Vandenboomer, 2415 Vista Del Prado Drive, Wellington.		X
9.	Debbie O'Brien, 2950 Twin Oaks Way, Wellington.		X
10.	Jacobus Hovius, 2415 Vista Del Prado Drive, Wellington.		X
11.	Kathy & Tom Baldwin, 2478 Muir Circle, Wellington.		X
12.	Kim Labriola, 2620 Muirfield Court, Wellington.		X
13.	Susan Labriola, 2620 Muirfield Court, Wellington.		X
14.	Bob Hinckley, 2598 Muir Circle, Wellington.		X
15.	Bettina Hinckley, 2598 Muir Circle, Wellington.		X
16.	Kathy Baker, 2474 Players Court, Wellington.		X
17.	George Violin, 12953 Mizner Way, Wellington.		X
18.	Joan Violin, 12953 Mizner Way, Wellington.		X
19.	Ashley Baker, 2415 Muir Circle, Wellington.		X
20.	Alice T. Mothon, 11365 Long Meadow Drive, Wellington.		X
21.	Don Michalek, 2442 Players Court, Wellington.		X
22.	Charmaine Brower Foufas, 11932 Longwood Green Drive, Wellington.		X
23.	Jean Van Gysel, 2328 Golf Brook Drive, Wellington.		X
24.	Caryl Philips, 2401 Golf Brook Drive, Wellington.		X
25.	Gail Brudner, 2288 Golf Brook Drive, Wellington.		X
26.	Daniel Tzivanis, 2288 Golf Brook Drive, Wellington.		X
27.	Frederick and Leslie Snyder, 2830 Bent Cypress Drive, Wellington.		X
28.	Philip S. Robitaille, 2791 Twin Oaks Way, Wellington.		X
29.	Richard Desich, 12110 Sunnysdale Drive, Wellington		X
30.	Germaine Harmon, 11380 Long Meadow Drive, Wellington.		X
31.	Kris Szabo, 11223 Isle Brook Court, Wellington.		X
32.	Marlene Streit, 2611 Muirfield Court, Wellington.		X
33.	Cynthia Small, 2841 Twin Oaks Way, Wellington.		X
34.	Jane Dribben, 103 Pacer Circle, Wellington.		X
35.	Glen Fleischer, 15635 Palma Lane, Wellington.		X
36.	Karen Long Dwight, 2971 Bent Cypress Road & 15635 Palma Lane, Wellington.		X
37.	Lisa Gaylord, 13334 Polo Club Road, Wellington.		X
38.	Cynthia Bonvino, 2411 Players Court, Wellington.		X
39.	Michael Gottsegen, 2419 Players Court, Wellington.		X
40.	Sandy Coven, 1436 Old Cypress Trail, Wellington.		X
41.	Jane Lee, 501 Whipporwill Trail, Wellington.		X
42.	Barbara Whiatt, 12599 Mallet Circle, Wellington.		X
43.	Karen Lloyd, 12482 Cypress Island Way, Wellington.		X
44.	Rop McRae, 12482 Cypress Island Way, Wellington.		X
45.	Susan B. Acton, 12576 Mallet Circle, Wellington.		X
46.	Judith Behren, 2417 Golf Brook Drive, Wellington.		X
47.	Lori Custer, 13388 Polo Road West, Wellington.		X
48.	Olga Lopez-Belio, 2148 Sunderland Avenue, Wellington.		X
49.	Lisa Ellis, 11798 Wimbledon Circle, Wellington.		X
50.	Inell Weisberg, 2899 Winding Oaks Lane, Wellington.		X
51.	Kathy Weaber, 11155 Pine Valley Drive, Wellington.		X
52.	Hildegard Donovan, 1600 Grautham Drive, Wellington.		X

53.	Deborah Lubell, 2305 Golf Brook Drive, Wellington.		X
54.	Lance Goodvan, 12635 Mallet Circle, Wellington.		X
55.	David Gurberg, 2800 Bent Cypress Road, Wellington.		X
56.	Tricia & David Foley, 11867 Pebblewood Drive, Wellington.		X
57.	Jody Morrison, 2443 Windsor Way Court, Wellington.		X
58.	John Caligiuri, 2459 Players Court, Wellington.		X
59.	Kathleen Birmingham, 2691 Twin Oaks Way, Wellington.		X
60.	Elizabeth Tyler, 2442 Muir Circle, Wellington.		X
61.	Christopher & Patricia Crouser, 2076 Wightman Drive, Wellington.		X
62.	Ronald Buchanan, 13254 Polo Club Road, Wellington.		X
63.	Russ Pichette, 2871 Twin Oaks Way, Wellington.		X
64.	Marilyn B. Wheeler, 2735 Polo Island Drive, Wellington.		X
65.	Bernard Azoulay, 11152 Isle Brook Court, Wellington.		X
66.	Ronald Kowalski, 11265 Isle Brook Court, Wellington.		X
67.	Louise & Lester Armour, 2922 Winding Oaks Lane, Wellington.		X
68.	Emily T. Marschok, 11955 Polo Club Road, Wellington.		X
69.	Whitney Baldwin, 2433 Golf Brook Drive, Wellington.		X
70.	Javier Rieskamp, 1426 The 12 <sup>th</sup> Fairway, Wellington.	---	---
71.	Debra Smith, 1755 Dorchester, Wellington.		X
72.	Charlie Jacobs, 2730 Polo Island Drive, Wellington.		X
73.	Christian Urreiztieta, 2360 Golf Brook Drive, Wellington.		X
74.	Cristina Urreiztieta, 2350 Golf Brook Drive, Wellington.		X
75.	Philippe Urreiztieta, 2360 Golf Brook Drive, Wellington.		X
76.	Trisha Landsdorf, 12630 Mallet Circle, Wellington.		X
77.	R. Michael Landsdorf, 12630 Mallet Circle, Wellington.		X
78.	Jennifer Richardson, 2604 Muirfield Court, Wellington.	---	---
79.	Richard Hartnott, 12330 Sunnydale Drive, Wellington.		X
80.	Ann Hartnott, 12330 Sunnydale Drive, Wellington.		X
81.	Barbara Martin, 2891 Bent Cypress Road, Wellington.		X
82.	James Kravitz, 2891 Bent Cypress Road, Wellington.		X
83.	Salvador Urreiztieta, 2360 Golf Brook Drive, Wellington.		X
84.	Edward Marshall, 2860 Bent Cypress Road, Wellington.		X
85.	Joe Budd Maniscalco, 2610 Muir Circle, Wellington.		X
86.	Barbara & Howard Cherry, 2905 Winding Oak Lane, Wellington.		X
87.	Romio & Cody Quaena, 2568 Sheltingham Drive, Wellington.		X
88.	Lawrence Weisberg, 2898 Winding Oak Lane, Wellington.		X
89.	Marshall Hirsh, 2484 Players Court, Wellington.		X
90.	Fernando Gomez Prada, 13368 Polo Road, Wellington.		X
91.	H. Whitney Bailey, 2291 Las Casitas Circle, Wellington.		X
92.	Michael Schultz, 2830 Long Meadow Drive, Wellington.		X
93.	Michael & Cornelia Futterman, 2361 Golf Brook Drive, Wellington.		X
94.	Anne Speiser, 11349 Long Meadow Drive, Wellington.		X
95.	Michael Waring, 2279 Las Casitas Drive, Wellington.		X
96.	Randolph V. Aversano, 2731 Sheltingham Drive, Wellington.		X
97.	Jane Aversano, 2731 Sheltingham Drive, Wellington.		X
98.	Maurice & Joyce Grodensky, 2344 Golf Brook Drive, Wellington.		X
99.	Alison Greene, 13307 Polo Club Road, Wellington.		X
100.	Eve Willis, 11784 Marblestone Court, Wellington.		X
101.	Peter Willis, 11784 Marblestone Court, Wellington.		X

102.	Barbara Simpson, 2960 Bent Cypress Road, Wellington.		X
103.	Giovanni Management, 2490 Players Court, Wellington.		X
104.	Don Stewart III, 2406 Muir Circle, Wellington.		X
105.	Anonymous, 2 properties in Palm Beach Polo, Wellington.		X
106.	Michael Simpson, 2960 Bent Cypress, Wellington.		X
107.	Nicolette Goldfarb, 2239 Las Brisas Court, Wellington.		X
108.	Cindy Goldfarb, 2239 Las Brisas Court, Wellington.		X
109.	Michael Goldfarb, 2239 Las Brisas Court. Wellington.		X
110.	Susan Humes, 2800 Twin Oaks, Wellington.		X
111.	Patricia Doyle, 11863 Wimbledon Circle, Wellington.		X
112.	Catherine Herman, 12286 Sunnydale Drive, Wellington.		X
113.	W. David McCoy, 2506 Players Court, Wellington.		X
114.	Willard Soper II, 2539 Fairway Island Drive, Wellington.		X
115.	Jeff & Renee Morgenstern, 2061 Wightman Drive, Wellington.		X
116.	Phyllis Rosen, 2337 Golf Brook Drive, Wellington.		X
117.	Millicent Citron, 12076 Longwood Green Drive, Wellington.		X
118.	Sharon Schmidt, 2881 Bent Cypress, Wellington.		X
119.	George Tauber, 2531 Windsor Way Court, Wellington.		X
120.	Millington F. McCoy, 2506 Players Court, Wellington.		X
121.	Michael H. Bassett, 11153 Isle Brook Court, Wellington.		X
122.	Robert Sample, 2514 Windsor Way Court, Wellington.		X
123.	Lauren Hampton, 11772 Marblestone Court, Wellington.		X
124.	Gray Hampton, 11772 Marblestone Court, Wellington.		X
125.	Robin Pavli, 2576 Sheltingham Drive, Wellington.		X
126.	Helen Pichette, 2871 Twin Oaks Way, Wellington.		X
127.	Clara Haefner, 13254 Polo Club Road, Wellington.		X
128.	Marilyn Perakos, 13244 Polo Club Road, Wellington.		X
129.	Cathy Stinson, 11878 Tilden Road, Wellington.		X
130.	Robert Camey, 11858 Rene Lacoste Place, Wellington.		X
131.	Marilyn Camey, 11858 Rene Lacoste Place, Wellington.		X
132.	Wei Wang, 11817 Maidstone Drive, Wellington.		X
133.	Seth Fronaf, 103A Meadow Brook, Wellington.		X
134.	Herman Ruegger, 13307 Polo Club Road, Wellington.		X
135.	Ken & Marianne Springer, 2267 Newbury Drive, Wellington.		X
136.	Ed Durkins, 11863 Wimbledon Circle, Wellington.		X
137.	Juan Carlos Carrera, 12640 Sunnydale Drive, Wellington.		X
138.	Richard Highley, 2387 Windsor Way Court, Wellington.		X
139.	Anne Bobst Highley, 11355 Pond Vitro Drive, Wellington.		X
140.	Steven Herman, M.D., 12280 Sunnydale Drive, Wellington.		X
141.	Annabella Rockwell, 2425 Golf Brook, Wellington.		X
142.	Richard F. Meyer, 2228, Las Casitas Drive, Wellington.		X
143.	Barbara Ackerman, 2861 Long Meadow Drive, Wellington.		X
144.	Christopher Visris, 11751 Maidstone Drive, Wellington.		X
145.	Elizabeth Visris, 11751 Maidstone Drive, Wellington.		X
146.	Julie DeLuca, 2928 Winding Oak Lane, Wellington.		X
147.	Dr. M. DeLuca, M.D., 2928 Winding Oak Lane, Wellington.		X
148.	Laura DeLuca, 2928 Winding Oak Lane, Wellington.		X
149.	Dr. Mark DeLuca, 13368 Polo Road, West, Wellington.		X
150.	Marilynn DeLuca, 13368 Polo Road, West, Wellington.		X

151.	Gina Marie Mondel, 2840 Twin Oaks Way, Wellington.		X
152.	Timothy Coccins, 2690 Sheltingham Drive, Wellington.		X
153.	Marilyn Socha, 2425 Vista Del Prado Drive, Wellington.		X
154.	Allan Levitt, 2394 Golf Brook Drive, Wellington.		X
155.	Craig Bachove, 11125 Isle Brook Court, Wellington.		X
156.	Sylvia Jenkins, 2873 B. Winding Oak Lane, Wellington.		X
157.	Edward D. Trexler III, 2872 Muirfield Court, Wellington.		X
158.	Maigretta S. Trexler, 2901 Bent Cypress Road, Wellington.		X
159.	Morgan Trexler Goodman, 2621 Muirfield Court, Wellington.		X
160.	Thomas & Nephele Domencich, 12300 Sunnydale Drive, Wellington.		
161.	Courtney Boyd, 11916 Longwood Green Drive, Wellington.		X
162.	R. Boyd, 11916 Longwood Green Drive, Wellington.		X
163.	Wallace Growney, 11997 Polo Club Road, Wellington.		X
164.	Richard R. Norris, 2873-D Winding Oak Lane, Wellington.		X
165.	Karen Norris, 2873-D Winding Oak Lane, Wellington.		X
166.	Chris Coffman, 2084 Wightman Drive, Wellington.		X
167.	Pat Stecker, 2140 Wightman Drive, Wellington.		X
168.	Sergio Fernandez, 1572 Grantham Drive, Wellington.		X
169.	Maria Fernandez, 1572 Grantham Drive, Wellington.		X
170.	Sandlewood M. Konthin, 2297 Golf Brook Drive, Wellington.		X
171.	Judy Gustafson, 2418 Players Court, Wellington.		X
172.	Irene Walczak, 2706 Players Court, Wellington.		X
173.	Tony Bartoszak, 2706 Players Court, Wellington.		X
174.	Anthony Brozyna, 2706 Players Court, Wellington.		X
175.	Maitena Newman, 2385 Golf Brook Drive, Wellington.		X
176.	Arlette Ravet Rigby, 7650 Players Court, Wellington.		X
177.	Karl Mollan, 2886 Winding Oak Lane, Wellington.		X
178.	Daniala Mollan, 2886 Winding Oak Lane, Wellington.		X
179.	F.E. Zeiss, 2401 Golf Brook Lane, Wellington.		X
180.	Virginia Greenwood, 2770 Polo Island Drive, Wellington.		X
181.	Tim Dwyer, 11980 Longwood Green Drive, Wellington.		X
182.	Mitch Diamant, 2770 Polo Island Drive, Wellington.		X
183.	Amy Cooper, 12486 Mallet Circle, Wellington.		X
184.	Joe Coobil, 12486 Mallet Circle, Wellington.		X
185.	Charles Mayer, 2891 Twin Oaks Way, Wellington.		X
186.	Claudia Hildebrandt, 2770 Polo Island Drive, Wellington.		X
187.	R. Hildebrandt, 2770 Polo Island Drive, Wellington.		X
188.	Beth Remington, 11831 Pebblewood Drive, Wellington.		X
189.	Jane Carre Fernandez, 2000 Twin Oaks Way, Wellington.		X
190.	Jacquelyn Davis, 13230 Polo Club Road, Wellington.		X
191.	Virginia Robitaille, 2811 Twin Oaks Way, Wellington.		X
192.	Virginia Robitaille, 2801 Twin Oaks Way, Wellington.		X
193.	June Brody, 2615 Muirfield Court, Wellington.		X
194.	Jasmine Castillo, 12110 Sunnydale Drive, Wellington.		X
195.	Harry Silverman, 2911 Winding Oak Lane, Wellington.		X
196.	Janet Rizzo, 2810 Twin Oaks, Wellington.		X
197.	John Avolesse, 13334 Polo Club Road, Wellington.		X
198.	Janet Rizzo, 226/227 Bagatelle, Wellington.		X

199.	Dominique Coffman, 2054 Wightman Drive, Wellington.		X
200.	Janet Rizzo, D203 Golf Cottages PBGCC, Wellington.		X
201.	Olexa Celina Mandelbahr, 2891 Long Meadow Drive, Wellington.		X
202.	Joel Dowley, 13230 Polo Club Road, Wellington.		X
203.	Cheryl Gaydas-Eng, 2395 Players Court, Wellington.		X
204.	Stanley Goldstein, 2831 Longmeadow Drive, Wellington.		X
205.	Merle Goldstein, 2831 Longmeadow Drive, Wellington.		X
206.	Isabelle Wagener, 2650 Players Court, Wellington.		X
207.	Sue S. Cahnars, 11877 Pebblewood Drive, Wellington.		X
208.	Michael Collins, 2600 Fairway Island Drive, Wellington.		X
209.	Elizabeth W. Dixon, 2571 Windsor Way Court, Wellington.		X
210.	Peter B. Dixon, 2571 Windsor Way Court, Wellington.		X
211.	Alina Carta, 13334 Polo Club Road, Wellington.		X
212.	Vivian Carta, 2628 Muirfield Court, Wellington.		X
213.	Janelle Dowley, 13230 Polo Club A106 Meadowbrook, Wellington.		X
214.	Courtney Vince, 11807 Rene Lacoste Place, Wellington.		X
215.	Cheryl Alterman, 12575 Mallet Circle, Wellington.		X
216.	Kimberly Jacobs, 2730 Polo Island Drive, Wellington.		X
217.	Marta Mandelbaum, 2856 Winding Oak Lane, Wellington.		X
218.	Ana Isabel Cahera, 12640 Sunnydale Drive, Wellington.		X
219.	Dana Dribben, 103 Pacer Circle, Wellington.		X
220.	Janet Rizzo, 428/429 Tennis Lodges PBGCC, Wellington.		X
221.	Gertrude Achtermann, 2090 Amesburg Circle, Wellington.	---	---
222.	Marilyn Pollack, 11300 Longmeadow Drive, Wellington.	---	---
223.	R.E. Ginn, 11854 Pebblewood Drive, Wellington.	---	---
224.	Robert Pollack, 11300 Long Meadow, Wellington.	---	---
225.	Judith Gottsegen, 2419 Players Court, Wellington.	---	---
226.	Richard Rood, 13230 Polo Club Road, Wellington.	---	---

A motion was made by Councilman Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0), to close the Public Hearing.

### **Council Questions**

Councilman Napoleone stated he has read all of the materials, binders and e-mails. He said he has also heard all of the comments, including everything tonight and at the prior two meetings, and the applicant. He said he is still struggling with the overall concept of how this application to the change the Master Plan is in the public interest of Wellington, its residents or those who reside in the PUD.

Councilman Napoleone asked how the proposed change to the Master Plan from Golf to Golf/Field Sports and Equine Sports is not a change in intensity. Mr. Domb stated all of their discussions with staff, with respect to this application for the Master Plan amendment, have been driven by the notion that the uses to which the property will be placed are going to be no more intensive than that of golf.

Councilman Napoleone stated when living on a golf course, a foursome may come and move through. But when they are playing soccer, dozens or hundreds of people are in their backyard for a prolonged period of time. He said he did not understand how that was the same intensity and asked Mr. Domb to explain that to him.

Mr. Domb stated eighteen holes and times four equals the number of people who can be on the golf course at any one time. Councilman Napoleone said the golfers would be spread out all over the golf course. Mr. Domb indicated there is also the clubhouse and a number of cars or transportation that comes through. He said it was the same thing, but the soccer is being played location. He stated the numbers are not much different.

Councilman Napoleone thought Mr. Domb was speaking more of a traffic number – the number of people who come to play for the day as opposed to a number of people playing in a given spot for a prolonged period of time and participating in an activity far different than golf.

Mr. Domb explained there are eleven people on each side with four or five separate soccer fields on that one polo field. He said twenty-two times five equals the number of people the residents can see out their window playing soccer. He stated if polo was being played on that field, there would be four horses times four players, which equals thirty-two horses for two teams, plus their trailers, etc. He said it is the same kind of impact. He stated he was not saying it is completely identical, but when they are talking about total use and the intensity, it is not much different.

Councilman Napoleone stated this is the most he has heard at a meeting about public urination. He said the golfers use the restroom facilities on the golf course. He asked if there were permanent facilities on the property where the soccer is taking place.

Mr. Domb stated there are at least two or three porta potties on the soccer field right now. Councilman Napoleone asked if they were screened from view or if the residents could see them from their homes. Mr. Domb stated they were screened and suggested that he ask staff if the porta potties were screened.

Ms. Cramer indicated that Code was sent out to verify that the porta potties had been screened. She said they were moved behind trees to be screened from the adjacent properties, but initially they were not screened. Councilman Napoleone stated they were initially not screened, but they were moved to be screened when someone complained. Ms. Cramer said that was correct.

Mr. Domb stated the applicant actually installed the trees in order to screen off the porta potties when asked to do so by the Village. He said the applicant then asked the Village to inspect them to prove they did what was asked of them.

Councilman Napoleone thought Mr. Domb had mentioned that the applicant was aware of the residents' concerns about people having access to the property and that they do not presently have a way to control access to it. He asked if that was correct.

Mr. Domb stated they could put up a fence, but access control and security are two different things. He said having a gated community does not mean there is no access around the perimeter of the community. He stated that people access the community off Pierson Road, come across the canal, and come around the canal embankment because it is not fenced or gated. He indicated the applicant is suggesting that the access from Pod 81 be across through Sunnydale. He said if they fence that area, there will be no access from Pod 81 into the Club.

Mr. Domb stated he did not know, with respect to access off Polo Club Road, it was still a part of the application. He said the applicant does not need a Master Plan amendment to access the



property from Polo Club Road, as it is not something the Council has to vote on. He indicated, as the master developer of Palm Beach Polo Golf and Country Club, the applicant has easement rights over Polo Club Road and every other property owned by the POA within Palm Beach Polo Golf and Country Club within the documents to access their property.

Ms. Cohen informed Mr. Domb that this was not another opportunity for him to argue. Mr. Domb stated he was trying to explain. Ms. Cohen said he was going beyond the question. She asked him to stick with the question that has been asked.

Councilman Napoleone stated Mr. Domb also asked to change the Master Plan use from Golf to Field/Equine Sports to not just what they are calling Pod 80, which is the north course, and Pod 81, which is where the soccer is being played, but to the entirety of the golf course within Palm Beach Polo. Mr. Domb indicated it was all one parcel and he did not know to separate it out. He stated if the Village knows how to do that and chooses to separate it out to Pod 80 and Pod 81 that is fine. He said right now the ownership and the Open Space – Recreation designation covers all golf courses, including the nine holes that are no longer used at Pod 80 and Pod 81 if they choose to create it, plus the other two courses or thirty-six holes. He stated the application included all of the golf courses within Palm Beach Polo Golf and Country Club, because they are contiguous.

Councilman Napoleone asked if Council approved the application as written, if they would be giving the applicant access to play field sports on every golf hole in the community. Mr. Domb stated that was correct.

Councilman Drahos asked Mr. Domb if he agreed that his client and Village staff are not on the same page as to the definition of field sports. Mr. Domb indicated he submitted a definitional list of what might be included when the application was first made. He said they were actually looking for a change in the definition of Open Space – Recreation, but that was not how it ended up. He stated instead they went with Field Sports & Equine Sports without narrowing the focus to baseball, field hockey, tennis or soccer. He said he could not give them a better answer than that.

Councilman Drahos asked why Mr. Domb put this Council in that position. He said all he has heard today is how there is an interest in being able to play soccer. He thought Mr. Domb should have presented Council with a proposal that says soccer. He asked him why it is so vague, as no one knows ultimately what the fields sports could end up being. He believed having that level of uncertainty would invite litigation among the parties.

Mr. Domb stated the applicant has used the property over the last twenty-six years for a variety of activities. He explained they have had car clubs, soccer, exhibition polo matches and stick & ball practices, so it is hard to say soccer when other things can be done with the open/green space that do not require building on the property.

Councilman Drahos suggested that Mr. Domb specifically delineate what the applicant wants to do with the property, so the residents and this Council know exactly what they are deciding tonight. He stated when this went to the EPC, PZAB and staff, all of the negotiations with Mr. Domb reached a consensus as to what exactly is he asking for. He asked why, after all this time, they have not gotten on the same page.

Mr. Domb stated he could not answer that. He said he was asked on the Friday before the Monday hearing to come up with the things he would say are field sports. He thought that did

not make sense, as they have been doing this for eight months. He said they could have defined field sports any number of times, any number of ways, but that is not the application that went through the pre-intake, the DRC Review, and all of those other things, or else they would have. He stated they would be happy to define field sports.

Councilman Drahos asked why that has not been done. Mr. Domb stated he could not answer that because that was not within the applicant's purview. He said they were instructed to prepare the application as Open Space – Recreation, and call it Field Sports and Equine Sports, as they could define it later. He stated he did not know why it was done that way, but the applicant was kind of steered and directed to do it that way.

Councilman Napoleone asked who came up with the term Field Sports, the applicant or staff. He said the applicant wants to change it to Field Sports, but they do not have a defined term for what they are asking Council to do. He stated the burden was on the applicant to tell Council exactly what Field Sports is, as it is their application.

Mr. Domb stated he could provide Council with a list of field sports and equine sports right now. Councilman Napoleone said that was what Mr. Domb thought of on Friday when someone asked him. Mr. Domb stated that was not correct, as it was in the letter he provided to each of the Council members in their packages of April 5, 2017, that he originally provided to staff.

Councilman Napoleone asked him if that was his definition of field sports. Mr. Domb stated it was dated April 5, 2017.

Councilman Napoleone asked who came up with the term Field Sports for the application, Mr. Domb or staff. Mr. Domb stated he did not recall coming up with the Field Sports designation. He asked, if they were not going to say baseball, croquet, field hockey, lawn tennis, etc., what else would they call it if they wanted to lump all of them together. He said that is how it evolved.

Ms. Cramer indicated staff did not receive the list on April 5, 2017, with the application. She said when it was received at that point, staff asked the applicant numerous times to identify which items on the list they would like to limit it to. She stated staff felt the list was very open and not something they would have supported as a definition. She said until this date, they have not received that simplified list.

Councilman Drahos stated it was presented that there are a number of liens on these properties. He asked Mr. Domb if he agreed or disagreed with the accuracy of what was presented to Council, to include code violations, outstanding liens, and outstanding fines. He indicated one was an open lien in the amount of \$16,542.59, according to Mr. Schiller and his client. He asked Mr. Domb if the applicant disputes the validity of Mr. Schiller's representation.

Ms. Cohen informed Councilman Drahos that she did not know if the code provision that has been referenced by Mr. Schiller relates.

Councilman Drahos stated he wanted to know if Mr. Domb was disputing this or not. He said Council was obligated to make their decision based upon competent substantial evidence. He stated this has been presented to them by the opponent, so he would think the applicant would want to respond.

Ms. Cohen thought if the fine was on that particular property control number, it would be a proper consideration. Vice Mayor McGovern stated Council was asking Mr. Domb to tell them just that.

Mr. Domb stated he could not tell them, because he did not know. He asked for the nature of the code violation, the code violation number, how long has it been around, or if it was something they have been negotiating with the Village for the better part of a year as a complete package of code violations that they need to resolve.

Councilman Drahos asked Mr. Domb if he disputed if there are any open violations on this property at the moment. Mr. Domb stated, on the property in question tonight, he disputed that there are code violations on Pod 80 or Pod 81 or the golf courses at this point in time.

Vice Mayor McGovern asked if that was true for outstanding fines that have not been paid. Mr. Domb stated, with respect to these properties, he believed that was correct. He indicated, with respect to the soccer code violations that have been fully litigated, one of the requirements for the applicant to bring the property into compliance was to make the application for the Special Use Permit and the Special Use Permit required them to make the application for the Master Plan amendment.

Mayor Gerwig she said she wanted the public to understand they are here now because the Village told the applicant to come and ask for a Special Use Permit if they wanted to clear all of this up. However, that did not mean they were going to get it. Mr. Domb stated he understood that.

Mayor Gerwig stated the Land Development Director, Mr. Basehart, makes the determination as to whether or not there is anything outstanding that this does not cure. She said if this is curing it, then their Code allows them to make a decision that they should move forward with this. She stated it does not mean Council is going to approve it, but it means they should move forward.

Mayor Gerwig asked if Mr. Basehart had made that determination. Mr. Basehart said he has. Mayor Gerwig asked if he believed this was something the Council should be hearing in this Public Hearing. Mr. Basehart stated the Council should absolutely be hearing this.

Mr. Basehart explained the decision on this application resolves a number of issues. He indicated there are outstanding fines on the subject property for allowing soccer matches without a Special Use Permit.

Vice Mayor McGovern asked for the dates of those fines. Mr. Basehart stated it was a 2015 case, but a court decision has been made since then. He said the determination was made on how to resolve this issue, so the applicant could continue to use the property to play soccer. He stated the answer was to make an application to change the Master Plan, so the use would be permitted without the need for Special Use Permits for the weekly soccer games, but they would still be required for larger events. He said since the application before Council tonight would cure that problem, staff allowed it to move forward in spite of the outstanding fine.

Vice Mayor McGovern asked if the outstanding fine was still valid, due and owing. Mr. Basehart stated it was.

Councilman Drahos stated he would give the applicant one more opportunity to respond to the testimony that has been provided to Council tonight. He said this Council has been asked to

approve a roadway between two residents' homes on Birkdale that is approximately thirty feet. He stated it has been said that if it is approved, it would be within five feet of one resident's property. He asked Mr. Domb if his client dropped the gravel on the exact location for which they are here asking them to put a road and, if so, why.

Mr. Domb stated he did not have an answer for that, as he did not know. He said Mr. Straub could tell them. Mr. Domb stated it has all been litigated and all of the issues have been resolved.

Ms. Cohen stated it was litigated and it was resolved. She said it was what prompted the access lawsuit, but it was not really the subject of the access lawsuit.

Councilman Drahos asked if the applicant admitted to being responsible for dropping the gravel there. Ms. Cohen stated she did not know, but she did not think they particularly disputed it. She thought they believed they had permission to access through Birkdale and that they claimed they were trying to minimize the damage to the grass by putting rock down to protect the grass. She said that was her recollection.

Mayor Gerwig thought that portion of the discussion was settled when the applicant wanted their gravel back. Ms. Cohen agreed. She did not think there was any dispute that they had placed it there or that it was litigated. She said it was not really the subject of the access lawsuit.

Mayor Gerwig stated Condition #3 on the Special Use Permit says the applicant cannot again ask for soccer or field sports on the site. She asked where that condition originated. Mr. Basehart indicated it was imposed as a condition of approval by staff.

Mayor Gerwig asked how the applicant would apply for a Special Use Permit, if Council does not approve this, when the applicant cannot come back and ask for it again. Mr. Basehart stated the intent of that condition was to get the applicant to make this application to resolve that issue. He said if this application is denied and not approved, the Council would have to consider Special Use Permits on the property in the future.

Mayor Gerwig stated Condition #3 was conditioned on this happening tonight. She said whatever the decision is, if there is a use that Council decides is not allowed or an event like the hot air balloon festival, the applicant could come back ask for that. Mr. Basehart stated that was correct.

Vice Mayor McGovern noted that would then be under the new Article 5. He stated the applicant could ask for a Special Use Permit, and depending on its length and terms of Article 5, it may come to Council or it may be a staff level approval. Mr. Basehart said that was correct.

Vice Mayor McGovern stated after that was done the first time, provided the Special Use Permit stayed the same, it could potentially be renewed under Article 5 as it exists in their Code of Ordinances. Mr. Basehart said that was correct.

Mr. Basehart stated the Wellington PUD Master Plan controls the uses on this property. Mayor Gerwig asked what types of uses the Village has allowed on Open Space – Recreation/Golf Course over the years. Mr. Basehart indicated the permanent use of the property is golf, as it is designated Open Space – Recreation/Golf. He stated the Village has granted special use permits on many such properties for temporary uses in the past for a short-term basis, so they could have events. He indicated that has happened numerous times at Polo West. He stated

he did not recall any special use permits other than the soccer being approved on any of the polo courses.

Mayor Gerwig stated that was under a special use and not a use by right for Open Space, as they would have to mitigate the impacts. She said when they come in to apply for a Special Use Permit, they would lay out the mitigating impacts. Mr. Basehart stated that was correct. He said they require them to have a site plan that they live to and abide by. He stated the conditions of approval are to mitigate any potential adverse impacts.

Mayor Gerwig asked Mr. Schofield for his opinion, as she was looking at the pod on the north side of Forest Hill. She said, given the testimony from Mr. Riebe in the case with Coventry Green, the Village seems to have implied that the applicant should have access along Forest Hill. Mr. Schofield stated the applicant has substantial frontage along a public right-of-way and is entitled to an access to that, should they meet the technical requirements imposed by the Land Development Regulations.

Ms. Cohen stated she was going to disagree slightly with the Village Manager, as that was the subject of a court case. She thought the court said the access through the tunnel was sufficient for their current use of the property, but if they came forward with a master plan and wanted to expand it, then that access would be off Forest Hill. Mayor Gerwig thought that would be difficult, because of the elevation of that roadway due to the golf cart tunnel.

Ms. Cohen believed the Village Engineer testified and the Village Manager testified that it could be done. She stated the court ultimately held that there was no access by necessity or easement by necessity given the current use as a golf course, because the tunnel was sufficient. However, she thought the court said a change in that use or a more intense use would provide a need for access off Forest Hill.

Mayor Gerwig asked what has been happening on the north course since it closed in the year 2000. Mr. Basehart stated just maintenance, as there has been no active land use. Mayor Gerwig asked if it was just open space. Mr. Basehart stated that was correct.

Mayor Gerwig stated an accusation was made that the soccer players were breaking into homes, as there were a couple of home invasions in Palm Beach Polo. She asked if anything indicated it was the soccer players or how the people who did the break-ins gained access. Mr. Basehart and Mr. Schofield indicated they were not aware of any information.

Mayor Gerwig thought PBSO had said they jumped the fence. Mr. Schofield stated PBSO has indicated that people have gone over the fence. He said he did not recall a specific conversation with PBSO where one of the home burglaries was tied directly to a soccer player or visitor.

Mayor Gerwig stated staff's recommendation was to not allow the access through Birkdale and not allow the access through Royal Fern. Mr. Basehart said that was correct. Mayor Gerwig indicated staff thinks that access can be achieved on Forest Hill. Mr. Basehart said that was correct. Mayor Gerwig stated there is a discrepancy as to what the applicant is entitled to, so they will have to get to the bottom of that.

Mayor Gerwig asked if Ms. Cohen has checked the open code enforcement violations on this application. Ms. Cohen stated she has not, because it is not within her purview to do so. She

said that decision is vested in the Planning Director. She indicated he made the decision under the circumstances to not hold up the application and to allow it to move forward.

Mayor Gerwig asked Mr. Basehart if he had any knowledge of the \$16,000 fine/lien. Mr. Basehart stated he understood the \$16,000 fine was actually from an event in 2012, when Palm Beach Polo filled in an existing swimming pool to make a croquet court and then constructed a new pool. He said a building permit was pulled in March 2013. He indicated the main issue is that Palm Beach Polo did not receive a demo permit to fill in the old pool.

Mayor Gerwig asked if the applicant has corrected or applied for the permit to fill in the old pool. Mr. Basehart stated he did not believe the applicant ever got a demo permit, as it had already been done. He said they did get a building permit. He explained the provision in the zoning code in the LDR that enables the Village to not allow applications for zoning approvals, conditional uses and comp plan amendments, etc., does not apply to building permits. Mayor Gerwig asked if that was under the building official. Mr. Basehart stated that was correct. Mr. Domb indicated that had nothing to do with this property.

Mayor Gerwig mentioned the Village of Wellington had talked about a linear park under the powerlines and there were some discussions with Mr. Straub about the Village of Wellington obtaining that property. She asked if a linear park would entitle them to field sports. Mr. Basehart stated it would not be field sports. He said a linear park would generally be trails, pedestrian pathways, bicycle paths, some small amount of play equipment and the like.

Mayor Gerwig indicated the application the Village made for the linear park proposed field sports under the powerlines. Mr. Schofield stated that was correct.

Mayor Gerwig stated the recommendation from PZAB was to allow for that portion. Mr. Basehart said that was correct, as well as the proposed two access arrows.

Regarding the arrow off Forest Hill to the north course, Mayor Gerwig stated they were stuck with the idea of what exactly the arrow gets them to and how it protects security. She thought that issue would be handled at the site plan stage and asked if that was what staff was suggesting. She asked how they would protect the properties that back up to all that if Council allowed for field sports on the north course.

Mr. Basehart explained the PUD section of the LDR says that access from the major roadway system to development pods in a Planned Unit Development have to be approved by the Village Engineer. He stated it traditionally has been done by placing an arrow, as it does not depict an exact location and does not give an automatic driveway or roadway permit as a result. He said if an arrow is there, it means Council has agreed that an access to that property somewhere in that area is okay. He stated it is then a matter of the applicant doing their permitting and showing that they can meet the Village standards for design, etc. He said with a land development permit, a driveway or roadway permit comes from the Village Engineer.

At this point, a motion was made by Councilman Napoleone, seconded by Vice Mayor McGovern, and unanimously passed (5-0) to extend the meeting to midnight.

Vice Mayor McGovern asked Mr. Domb if his client was currently in compliance with all of the conditions of the Special Use Permits that govern the soccer match. Mr. Domb stated they were in compliance with everything other than the issue of attendance counts.

Vice Mayor McGovern asked why the attendance counts have not been done. Mr. Domb stated it is very difficult to nail down the exact number of people attending the event, because it starts at 9:00 AM or 10:00 AM and goes to about 5:00 PM. He said during the course of the day, people rotate in and out as their teams or their divisions replace the former ones. He stated it would essentially require someone to be there with a clicker the entire day and count everybody they see. He said they are not going to see them, because they come in cars, park, and then go off to play. He stated it is very difficult to ascertain, but the applicant has provided an estimate of what they thought the attendance was last month. He said they admit that, in looking at the permit, they did not catch the attendance, but they are now set up to do the attendance every month to the best they can estimate.

Vice Mayor McGovern stated the best they could estimate would be to have someone there with a clicker, as Mr. Domb just said. He asked if that was going to be done. Mr. Domb stated it was almost impossible to do because they would be counting cars, which they have already done.

Vice Mayor McGovern asked if the cars had to stop as they pull onto this property. He asked if they could look inside the cars to count the number of people in them. He asked if that would be hard to do. Mr. Domb stated it may not be the most effective, but it is an approach. He said the applicant has gone in and looked at how many people they felt were in attendance during the course of the rotating day and provided those numbers to staff.

Vice Mayor McGovern stated Mr. Domb just told him the reason it has not been done is because someone would have to be there. He asked Mr. Domb if his client has an employee or representative with decision making authority on the property at all times while this activity is occurring. Mr. Domb stated there is a person there at all times. He said more likely than not they are checking the fence/gate area towards Sunnydale Drive rather than dealing with attendance issues.

Vice Mayor McGovern asked what this person does throughout the day. Mr. Domb stated he would let his client answer that question.

Mr. Glenn Straub stated he was in operations and Mr. Domb was in legal. He said they have three permanent people there on Sunday picking up bottles for six hours. He stated the golf carts are out there to make sure the people stay where they are supposed to. He indicated a maximum of 200 hundred cars can be put on that particular facility, but the 20 acres can hold 1,000 cars when soccer is being played. He said the people coming up here and making statements need to go there. He mentioned a county judge, who happened to be a personal friend, toured the property with him.

Mr. Straub stated he could answer all of the other questions. He said they were in front of a city council and not a county courthouse. He indicated he swore himself in. He stated if the Council wants to do something different, they should come up with the pictures. He said he was there personally. He told Council to come out on Sunday, as they will see it is very controlled.

Mr. Straub thought there was a commissioners meeting on Polo West when someone said they saw urination at a soccer match. He said that was over two-and-a-half years ago. He stated they took the soccer players out of there and put them where there are no houses, other than the twelve homes that look onto this field. He said it is all highway, roadways and the back of their sales center. He stated giving Council concepts is not ideal, as they have to physically go to the site.

Vice Mayor McGovern asked if page 39 of Mr. Schiller's PowerPoint presentation was an accurate representation of how many cars come in and how they are parked. Mr. Straub stated that is exactly what he observed when he was with the county judge that happened to be with him. Mr. Straub said it was better than the polo games that they have been doing for twenty-six years and nothing different than what they do here in Wellington.

Vice Mayor McGovern referred to an unnumbered page called Violation Screening and asked if that was how the porta potties looked in mid-November of this year, which is the date on the photos. Mr. Straub stated he believed so, but they were told to turn them around so the doors would not be facing the houses. He said it was very small, as one-third of the soccer field complex has condos on it. He stated the port potties are completely sheltered, because they have made so many mistakes in the past. He said they put up fences and hedges around the porta potties, so the residents cannot see them. He stated they have done everything staff has asked them to do, and that is what they have been doing for twenty-six years. He said they pay a fine once in a while.

Mr. Straub explained the rock was brought in from Miami, as it is a special stone. He said they have been using it for twenty-six years to go in and out of that road. He stated they mow the grass behind the ex-mayor's house.

Mr. Straub indicated he will expose his company's records that he loses \$1 million a year on the golf courses over there. He said they can no longer make any money in golf. He stated if this does not get resolved in Wellington, they will go public and then they will no longer have golf courses. He said he shut one down four weeks ago and he will continue to shut them down, because he cannot keep losing money. He stated he donated \$26 million to pay for the losing golf courses. He said he makes money by shutting them down. If that is what they want him to do, he is fine with that.

Vice Mayor McGovern stated he was asking about the photos on the right of three different Port-o-lets at three different locations on the property taken mid-November 2017. Mr. Stroub stated he could not see the third phot down. He said they looked like porta johns, but theirs are green. He thought the Port-o-let people changed them, because they change them every week. He stated his people pick up the bottles, cans and everything else before they leave at 5:00 PM.

Vice Mayor McGovern referred to tab "C" of Mr. Domb's notebook. He said Condition #4 of the Special Use Permit that was issued on June 19, 2017, reads "The Special Use Permit does not allow the property owner to erect any temporary facilities larger than 10' x 10' tailgate tents or temporary port-o-lets if needed. Port-o-lets shall be screened from view from the adjacent residential community." Mr. Domb stated that was correct.

Referring to the photos, Vice Mayor McGovern showed them what still existed five months after the permit was issued. Mr. Domb stated the applicant believes they were screened from the residents. However, after the courtesy notice, the applicant put up the twelve foot hedge and turned the port-o-lets around toward Forest Hill Blvd, so that no one can see them now.

Vice Mayor McGovern asked, if they were to change the zoning on all of the golf courses internal to Palm Beach Polo, but do not create Pods 80 and 81, and do field sports on one of the other golf courses, how would people get in and out without disrupting the security of the community. Mr. Domb stated there would be no disruption, as they would go through access control to get inside Palm Beach Polo. He said they would have to show their identification and drive through either the north gate or the west gate, as there was no other way to get inside.



Vice Mayor McGovern thought Mr. Domb would agree, just by looking at the photos of what goes on there, that the intensity would be far greater than golf if soccer were to be played on all of the golf holes. Mr. Domb stated the applicant stages golf tournaments throughout the year and the people who play in the golf tournaments are not club members or residents of Palm Beach Polo. He said the only way for them to access the golf course in order to play in the tournament is through access control and showing their I.D. He stated this was no different than anything else they do.

Vice Mayor McGovern asked if the initial proposed access from Forest Hill was submitted with the application. Ms. Ferraiolo said that was correct. Mr. Domb stated the only part that relates to the Forest Hill Blvd entrance is the stacking on the bottom coming off Forest Hill Blvd. He said the rest of it is the egress that staff has recommended be denied.

Vice Mayor McGovern understood that the stacking and the turn-in somewhere close to the library are all that would be there. He stated there would just sort of be an entrance onto the property. Mr. Domb explained as a conceptual site plan, all the applicant is asking for tonight is the arrow showing that the property does have access off Forest Hill Blvd. He said exactly where that access will be and under what circumstances will be the product of an application for site plan approval through the staff and engineering, so that it meets all code requirements.

Vice Mayor McGovern indicated the deposition of Mr. Riebe that Mr. Domb referenced in his notebook was taken in the latter part of 2015, in the matter of Palm Beach Polo vs. the Village of Wellington and The Coventry Green Homeowners Association and ACME. Mr. Domb stated that was correct.

Vice Mayor McGovern stated in concluding that matter a Final Judgment for the Village of Wellington was entered by Judge Martin Colin on June 23, 2016. Mr. Domb stated that was correct.

Vice Mayor McGovern stated in paragraph 6 of the Final Judgement Order from Judge Martin Colin it says: "Here, the undisputed evidence was that the subject property, which is currently zoned for golf course use, can be accessed with golf carts and maintenance equipment through a tunnel underneath Forest Hill Blvd, a tunnel Plaintiff has chosen not to use in the recent past." He indicated in this instance the Plaintiff is Palm Beach Polo. He asked if that was correct. Mr. Domb stated it can be accessed by golf carts.

Vice Mayor McGovern stated the order continues: "From such tunnel access, the entire golf course property can be reached by vehicle, if Plaintiff so chooses. It is further undisputed that a Master Plan Amendment would be necessary for Plaintiff to make more intense development use of the property - the same type of zoning approval as is necessary for Polo to construct a vehicular access road to its property from Forest Hill Blvd." Mr. Domb stated that was correct, and it is what they are doing there tonight. He said they have a Master Plan Amendment to access the north course off Forest Hill Blvd.

Vice Mayor McGovern stated with the current use as Recreation/Golf Course, there is full access through the tunnel. Mr. Domb said there was no access for vehicular traffic.

Vice Mayor McGovern stated the court already determined there is full access as long as it is a golf course. Mr. Domb indicated paragraph 5 on the bottom of page 2 of 3 of the same Final Judgement says that: ". . . access over the Defendants' lands, immediately abuts Forest Hill

Blvd, a public highway, for a length of approximately 900 feet. The undisputed evidence further shows that Plaintiff could obtain, but has not yet obtained, zoning approval to build road access from Forest Hill Blvd to its golf course property.”

Vice Mayor McGovern stated his point, and what he thinks the court is trying to delineate in paragraph 6, is that the access from Forest Hill would be the same as is required for a Master Plan Amendment to make more intensive development on the golf course in the north course area. He said the procedures would be similar. He explained if the applicant wanted to have a more intense use on the north course, which is what would really necessitate the access, the request for the access and the more intense use, through a master plan or whatever, could be done at the exact same time. He stated they could be done simultaneously at some later date, as nothing would prevent that from happening. He asked if that was correct.

Mr. Domb stated sure. He said the applicant has applied for the Master Plan Amendment for this particular purpose for this evening and that is what is before Council.

Vice Mayor McGovern stated the primary reason they are here today is to comply with the terms of the Special Use Permit for the soccer matches. He said they have added in an access point from Forest Hill Blvd, the Clydesdale Property, and to change the use on all of the golf courses. He stated this has all been thrown in as a group of things that Council could potentially do all in one vote. He asked if that was correct.

Mr. Domb said he did not agree. He stated this application for a Master Plan Amendment was to resolve the soccer code issue and litigation that took two years to resolve. He said it eventually resulted in the application for the Special Use Permit, which told them to apply for a Master Plan Amendment. He stated the Final Judgement, to which Vice Mayor McGovern referred, says that the applicant has access to the property off Forest Hill Blvd. He indicated the former Village Engineer said it and the Village Manager basically said it. He stated the applicant has made application for the access they are supposedly entitled to as a matter of law. He said he did not think they were inconsistent applications. He stated the applicant was not seeking any further intensity/density of use of the north course and asked why they would make an application for that at this point in time.

Vice Mayor McGovern stated Mr. Domb asked if Council wanted additional conditions relative to Pod 81, such as screening, fences, hedges, etc. He asked if any meetings were held between the applicant and the HOA/POA or any of the adjacent landowners to discuss their concerns.

Mr. Domb stated they have not been able to engage in meeting with the Palm Beach Polo POA. He explained his client, as the declarant under the amended and restated Bylaws of Palm Beach Polo and Country Club, Inc., is entitled to be a member of the board and to have an appointee at every committee and subcommittee meeting that takes place at Palm Beach Polo and Country Club, yet this POA, and this particular President of the POA, have denied the applicant of that right for the past three years. He said there is no relationship to be had and no meetings to take place, because they are not invited to any meetings of the POA.

Vice Mayor McGovern stated it would just be an informational meeting with the residents to discuss how this is going, what might make it better, and how the residents would feel safer. He said none of that has occurred. Mr. Domb stated he wished it had, but unfortunately his client is not in a position to be able to do that.

Councilwoman Siskind stated she wanted to go back to what Ms. Cohen said about the access to Forest Hill Blvd to the north course. She said she understood if the designation changes it could be viable, but the access is not necessary if the designation does not change.

Ms. Cohen stated her opinion of the Final Judgement and the testimony that was given by Mr. Riebe and by the Mr. Schofield was that the legal vehicular access would be off Forest Hill Blvd. However, she believed the court in its Final Judgement, which was sustained or affirmed on appeal, said that there is access through the tunnel and that access is suitable at this point for golf use. But, if the applicant wanted to make more intense development of the property, their legal vehicular access would be off Forest Hill Blvd. She did not believe anything in the court's order said the applicant is legally entitled to that access in the absence of some more intense use.

### **Closing Comments**

Mr. Domb stated in conversation with his client, he has agreed to withdraw the Birkdale portion of the application, because of some of the complaints and comments they have heard. Mr. Domb said unfortunately his client does not have an easement agreement with the Village at this time with respect to the library property for the egress. Mr. Domb indicated he requested some information from Mr. Schofield on how to go about doing that, but to date they have not been able to come to an agreement with regard to an easement, so they do not have one. Mr. Domb stated his client understands that staff has recommended denial of the Birkdale access and the Fern Drive egress point.

Mr. Domb stated his client believes, based on paragraph 5 of the Final Judgement, that they are entitled to make application for access to the north course property. He said they are entitled to having someone draw that arrow toward Pod 80, so it shows the property does have access. Mr. Domb explained, whether or not someone says they can drive under Forest Hill Blvd in a 10' x 10' space designed for a golf course, staff will not recommend approval of that being a vehicular ingress and egress onto the north course. He said it does not meet any criteria or width requirements for traffic going into the properties. He stated the court says, in paragraph 5, that if his client makes application properly, they should get access to that property. He said it is a long right-of-way and his client is entitled to access off the right-of-way and into the property.

Mr. Domb thought creating Pod 80 and Pod 81 was a no brainer. He said they were creating two bubbles on the Wellington PUD of 57 acres and 25 acres, which do nothing except create the existence of a unit of property.

Regarding Open Space – Recreation and a golf course that has not been utilized since the year 2000, Mr. Domb stated it costs \$500,000 a year to water and maintain a 9-hole golf course that could be used as a sports field and for equine purposes. He said the Village of Wellington in their original visioning studies said that golf courses can be used for equine purposes, so he did not see why that was an issue. He stated the definition of field sports was unfortunately deliberately made vague, so they could figure out what it is going to be at some point in time in the future. He said that was not the applicant's decision to make. Mr. Domb stated, in the absence of determining what Open Space – Recreation means on the Wellington PUD, what choice do they have. He said it is a 1972 document and it needs to be changed.

Mr. Domb stated golf courses are not necessarily made to be golf courses in perpetuity, except for Binks based on their deed restriction. He indicated that Palm Beach Polo does not have a deed restriction. He stated this developer/owner, his client, owns this golf course, not the

residents. He said the applicant is trying as best they can under these circumstances to not come to Council with a more intense use. He explained they could request to put a hotel on Pod 81, an ACLF on Pod 80 or maybe a hotel on Pod 80. He stated there are a number of things his client can ask of Council, but they are not doing so. He said they are asking to maintain it as green space and that is it. He stated he understood that everyone has an opinion about this and a lot of people do not like soccer. He asked if they would like baseball or field hockey more or less. He said his client is entitled to do something with this real estate, with this green space. He hoped the Council would recognize this and give his client the opportunity to do so.

Mr. Schiller stated he took the oath of telling the whole truth and nothing but the truth, which he does every time he testifies responsibly. He said he does not play fast and loose with the facts. He indicated the fact of the matter is at 12:34 am this morning he looked up the code enforcement issues on the Village of Wellington website. He said he feels like the applicant has played hard and lose with the facts all night long. Mr. Schiller stated a visioning study or a visioning workshop is not law. He said there has been competent and substantial evidence given and presented tonight by his client telling and showing them how the proposed master plan application is not consistent with the Village comprehensive plan or the Village Land Development Regulations. Mr. Schiller thought about 500 people were out there saying no, but they did not know the number as they did not keep the counts. He said the residents were saying they do not want it in their neighborhood, as it violates the intent of why they bought their homes. He stated that was competent and substantial evidence on which the Council can base their decision.

Mr. Schiller indicated the applicant just admitted the definition of Field Sports and Equine Sports was intentionally vague, so the Village cannot enforce it and the applicant does not get code enforced with liens and fines.

Mr. Schiller explained the applicant has the ability to continue to seek Special Use Permits for any events or activities they want to have on the property. He said staff testified to that at the Planning, Zoning, and Adjustment Board (PZAB) Meeting and believed they would testify to that again tonight. He stated, if for one reason or another their code does not allow that, they can change the code. He said they just did it, and they can do it again. He stated a code is a living, breathing thing. He said people invested their livelihoods in this community and the Council is changing it at the behest of one property owner.

Mr. Schiller stated he did not feel the applicant had submitted any competent substantial evidence to justify their application and it continues to change. He said they just amended their application again to remove an access point. He stated he did not know how the Council understands what they are voting on tonight, as every time the applicant speaks the story changes.

Mr. Schiller noted the applicant talks about not being able to ask for another Special Use Permit, yet they continue to violate the provisions of that same Special Use Permit.

Mr. Schiller indicated the applicant said that staff finds consistency with the comprehensive plan as to the field sports and equine activities, yet their agent testified that staff did not find them in compliance with Polo Club Drive and the access points there. He asked if staff was right or wrong. He said he thinks staff is wrong in this instance, as his expert testified with a report and clear and convincing competent substantial evidence that the application before Council, whichever one it is, fails the comprehensive plan and the LDR, and it must be denied.

Mr. Schiller stated the applicant said at the PZAB Meeting that he looked at Wikipedia to come up with a list of field sports. Mr. Schiller indicated Field Sports in Wikipedia is defined as outdoor sports, especially hunting, shooting and fishing. He said no one wants that next to their community. He thought approving the Master Plan tonight, as intentionally vague as the applicant drew it up, would be irresponsible and bad planning and violate the Village code and comprehensive plan.

Mr. Schiller stated the screening of the porta johns is important. He said in many jurisdictions they have to file permits to plant hedges, especially if they are 12 or 14 feet, so he wondered if the applicant did that.

Mr. Schiller asked Council to please revoke the Special Use Permit, vote no on all of the applications tonight, and make the applicant come back with something more specific and enforceable.

Ms. Cohen indicated she wanted to make some comments to give the Council some direction. She stated the applicant has the burden to present evidence that supports their application, that it is consistent with the comprehensive plan, etc. She said Council can rely on staff's recommendation and report as a basis for them satisfying that burden.

Ms. Cohen stated Council also heard countervailing evidence from an expert that was presented by the interested party. She said Council will have to weigh the Staff's Report against the testimony of that expert in their own minds and as part of their deliberation.

Ms. Cohen explained public comment, if it is fact based, is competent substantial evidence, but in general the case law holds that just a general neighborhood opposition without more is not sufficient. She stated Council may have heard some factual testimony tonight, if there were specific incidents that were related, but they may have also heard some general neighborhood opposition. She said to the extent Council is relying on public comment, they should rely on fact based public comment.

Ms. Cohen stated the issue with respect to outstanding fines has come up. She suggested that Council not consider this as a basis for their decision in this instance, because it is not within their jurisdiction. She said it is within the Planning Director's jurisdiction and the decision that it should move forward has been already made, which is why it is in front of Council tonight.

Ms. Cohen stated, with respect to revocation of the Special Use Permit, that issue is not properly before Council. She indicated, even if it had been properly noticed for some discussion tonight, the authority to revoke a Special Use Permit that was administratively issued like this one, lies with the Planning and Zoning Director. She said if the applicant is dissatisfied with the decision and it is revoked, the appeal from that would be to PZAB. Therefore, Ms. Cohen cautioned the Council, as they do not have jurisdiction to revoke the Special Use Permit tonight. She said that was a framework for their discussions and thinking on this issue.

Mayor Gerwig asked when the current Special Use Permit expired. Ms. Cramer indicated it would expire on June 18, 2018.

Councilman Drahos stated he will not be nearly as eloquent as he would like. He said not only is he tired, but he tries to come to these type of proceedings with a clear mind and without prepared comments.

Councilman Drahos stated he was extremely grateful for all of the participation from the residents tonight and over the course of the past few weeks. He said each Council member has had countless letters and e-mails written to them. He stated he has never seen a stack of comment cards that high in all of his experience here. He thought that was a testament to how much their residents love their community. He said the residents' passion was very evident to Council and it was greatly appreciated.

Councilman Drahos stated he understood how frustrating this process has been for those who have not experienced it before. He explained one challenge they face as public servants is that often time's judgements are made of them based on frustrations over just a lack of familiarity with the process. He said they struggle with this continually, not just on this particular issue, but on many other controversial matters. He stated several residents have come up and said why are they here, why are they even here tonight, why do they have to come in and talk on this, it is unfair, why can't Council do something to stop this.

Councilman Drahos stated he cannot stress enough how important it is for every resident in this community to have due process. He said every resident, whether it is Mr. Straub or Mr. Jones, has a right to come in here and petition this Council for a right to use their property. He said it is Council's obligation as their public servants to make sure that process is protected and followed. He stated they have done that tonight, and it is not because Council had some predisposed plan as to how they wanted it to go. He said it is because it is their duty to make sure that every resident is given that right. Councilman Drahos stated that is his approach to this job and that he believed the mandate of this Council is to preserve the safety, security, tranquility and value of the residents' properties.

Councilman Drahos indicated, based on the competent substantial evidence that has been presented to this Council tonight, in his view, the only logical conclusion is an outright rejection of this application from page one to the very last page. He stated he has not heard a bit of evidence here that would justify what has been asked of this Council by the applicant.

Councilman Drahos indicated he has had the privilege of being their public servant for nearly two years now. He stated before serving on the Council, he served six years on the PZAB as a volunteer. He said many controversial issues have come before him and he has had to make many tough decisions. He indicated he has never seen, in all of his years doing this, an application so one sided as this one. He said he has never seen every single resident come in to ask Council to reject something. He stated it was unprecedented and compelling, but certainly the evidence is what carries the day when it comes to making a decision. He thought the evidence presented by the opponents was significant and not rebutted in any convincing way by the applicant.

Councilman Drahos stated, this was not just a no, but an emphatic no. He said it is a message to this applicant that if they want to do business in Wellington and want to work with this Council, they have to show good faith.

Councilman Drahos stated the Village spends quite a bit of money in litigation to protect the residents' rights. He said they do that when they feel the position they have taken is the just and proper one.

Councilman Drahos stated he did not want anyone to think they just make this decision and it is over. He stated there are many battles that go on, not only tonight, but beforehand and on into the future.

Councilman Drahos stated as their councilman, he will always make the decision that he feels is in the best interest of this community. He said he is very confident that the decision he is making in rejecting this application is in the best interest of Wellington.

Councilman Drahos indicated, as Ms. Cohen stated a moment ago, the Special Use Permit that was granted to the applicant, to allow soccer to happen on this particular field, was not granted by this Council but done administratively. He said it is very clear tonight that a number of problems have been created as a result of it. He indicated a number of residents have spoken out very passionately tonight on how this particular application and Special Use Permit has affected their lives in a very negative way. He said he wanted to spend his time, in the four years he has as serving as their councilman, protecting them. He stated his direction to staff, when this Special Use Permit expires, is for this Council to have an opportunity to weigh-in on whether or not this Village is ever going to grant anything like this again.

Councilman Napoleone stated Councilman Drahos covered a lot of what he was going to say, so he was not going to repeat it. He said he wanted to focus on the access point off Forest Hill Blvd. He stated he read the complaint, pleadings, Final Judgement, and depositions that were provided. He said if he believed the Final Judgement required him to grant access off Forest Hill Blvd, he would do what a judgement told him to do. However, the judgement does not say that. He stated the access point is not needed or required to be granted off Forest Hill Blvd at this time. He said he finds himself right back where he was at the beginning, as he still does not see how this application is in the public interest of Wellington, its residents, or the people who live in the PUD. He stated there are too many moving parts and too many unknowns and, based upon all of the competent substantial evidence he heard tonight, he joins Councilman Drahos in rejecting the application.

Vice Mayor McGovern stated it is getting late and he cannot be as eloquent as Councilman Drahos, so he will second his comments and the comments of Councilman Napoleone. He said the fact of the matter is that this is a public trust. He stated each Council member has read all of this; met with any number of residents, attorneys, applicants; and talked to staff, because they take the decisions they make here very seriously. He said this proposal has too many moving parts and it is too unclear and too vague. He thought if Council was voting on these items one at a time, if there had been significant outreach to the surrounding and affected communities such that there was a buy-in, a partnership and a solution, he might see it differently. But based on what Council has seen here for the last four hours, based on the competent substantial evidence that he has seen, and based on the fact based public comment that they have heard there, he said, as it is presented right now with the option to vote for all of it or none of it, he did not see any option other than to vote no.

Councilwoman Siskind stated she echoed the comments of her fellow Council members. She said based on the testimony and evidence she has heard there, the e-mails and the meetings, the EPC and PZAB recommendations, she cannot support the application.

Mayor Gerwig asked if there was a motion on this item.

Councilman Drahos explained that the residents who are there understand what the Council just said and have taken Council's comments into context. However, tomorrow morning, the Palm

Beach Post or the quick news brief might not understand what a non-vote accomplishes. He clarified the message this Council wants to send to the community and **made a motion to reject Resolution No. R2017-08 [R2017-46]**.

Mayor Gerwig asked if there was any issue with prejudice. Mr. Schofield stated under the code, unless Council says otherwise, the denial is with prejudice and carries a timeframe (of perhaps two years) under which the applicant cannot make the same application. It does not mean they cannot make an application.

Ms. Cohen stated that was correct. However, Council was not wrong in their motion, so if there is a second. **Councilman Napoleone seconded the motion made by Councilman Drahos.**

Mayor Gerwig asked for further explanation regarding denying the application. Mr. Schofield stated if Council does not do a motion, it is a denial and that is with prejudice. He said if they do a motion and deny it, it is with prejudice. Councilman Napoleone stated it was functionally the same.

**At this point, Council voted on the motion made by Councilman Drahos. Mayor Gerwig indicated the motion to deny unanimously passed (5-0).**

*Council took a five minute recess, at this time.*

**C. 17-1478** RESOLUTION NO. R2017-47 (WELLINGTON PUD MASTER PLAN AMENDMENT – POLO WEST): A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A MASTER PLAN AMENDMENT [PETITION NUMBER 17-098 (2017-055 MPA 5)] AMENDING THE WELLINGTON PUD MASTER PLAN FOR CERTAIN PROPERTY KNOWN AS POLO WEST (F.K.A. GREENVIEW COVE OF WELLINGTON PUD), TOTALING 150.45 ACRES, MORE OR LESS, LOCATED ON THE NORTH SIDE OF SOUTH SHORE BOULEVARD AT GREENVIEW COVE DRIVE, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO ADD ONE (1) ACCESS POINT ALONG GREENVIEW SHORES BOULEVARD; TO MODIFY THE MASTER PLAN DESIGNATION OF THE GOLF COURSE TO "OPEN SPACE – RECREATION/GOLF COURSE/FIELD SPORTS & EQUINE SPORTS"; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item.

Ms. Nubin read the Resolution by title:

A RESOLUTION OF WELLINGTON FLORIDA'S COUNCIL, DENYING A MASTER PLAN AMENDMENT [PETITION NUMBER 17-098 (2017-055 MPA 5)] TO AMEND THE WELLINGTON PUD MASTER PLAN FOR CERTAIN PROPERTY KNOWN AS POLO WEST (F.K.A. GREENVIEW COVE OF WELLINGTON PUD), TOTALING 150.45 ACRES, MORE OR LESS, LOCATED ON THE NORTH SIDE OF SOUTH SHORE BOULEVARD AT GREENVIEW COVE DRIVE, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO DENY THE REQUEST TO ADD ONE (1) ACCESS POINT ALONG GREENVIEW SHORES BOULEVARD; TO DENY THE REQUEST TO MODIFY THE MASTER PLAN DESIGNATION OF THE GOLF COURSE TO "OPEN SPACE – RECREATION/GOLF COURSE/FIELD SPORTS & EQUINE SPORTS";



PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Ms. Cohen swore in those individuals who would be offering testimony or speaking on this item.

### **Ex-parte Communications**

**Councilman Napoleone:** Councilman Napoleone disclosed he met with the Alec Domb on behalf of the applicant, Clifford Hertz, Matthew Pisciotta, Ken Valdespino, Andrew Carduner, Neil Schiller, John and Angela Lacy, Mark Elie, Frank Gonzalez, Matt Willhite, Michael Bach, Al Malefatto, and Steve Levin. He stated Alec Domb was in favor of the application, and everyone else he listed was generally against it.

**Councilman Drahos:** Councilman Drahos disclosed he spoke with Matt Pisciotta, Clifford Hertz, Ken Valdespino, Alec Domb, John Lacy, and Lawrence Greenberg. Councilman Drahos stated they all expressed concerns about the application, except for Mr. Domb, as he spoke as an advocate for it. Councilman Drahos indicated he also spoke with Jane Cleveland and it was more informative in nature, as he wanted to get her sense of the information she saw at the Equestrian Preserve Committee and her vote.

**Mayor Gerwig:** Mayor Gerwig disclosed she met with Larry Sweetwood, Pat Evens, Mark Elie, Kathy Jones, Cookie Pounds, Sharon Lascola, Pat Varney, Alec Domb, Matt Pisciotta, Clifford Hertz, Ken Valdespino, and Mo Thorton. Mayor Gerwig stated they discussed the application and the implications of the proposed uses to the neighborhood.

**Vice Mayor McGovern:** Vice Mayor McGovern disclosed he spoke with Mike Nelson and Alec Domb, who were in favor of the application. Vice Mayor McGovern stated he believed he spoke with the following individuals who were in opposition to the application: Al Malefatto, Tom Wenham, Regis Wenham, Ken Valdespino, and Bobby Ewing. He said he also spoke with and had a site visit a long time ago with Jennifer Vail and Gary Fellers, who were in favor of the application. Vice Mayor McGovern said he met with Clifford Hertz and Matt Pisciotta. He stated he also spoke with Dan Bachi, Charles Robinson, and Pat Varney as well as the members of Equestrian Preserve Committee (EPC): Jane Cleveland, Rachel Eidelman, and Kathleen Gannon. Vice Mayor McGovern indicated he spoke with Alan Shullman and Steve Levin from the Planning, Zoning, and Adjustment Board (PZAB) and saw both of those meetings. He stated the substance was generally either for or against the technical aspects of the proposal, meaning the changes in use, what is currently happening and the impact on the development, and how they could be both positive and negative.

**Councilwoman Siskind:** Councilwoman Siskind disclosed she met with Pat Varney, Shawna Foyer, Gary Fellers, Jeanette Sassoon, Matt Pisciotta, Clifford Hertz, Ken Valdespino, Neil Schiller, Andrew Carduner, Alec Domb, Rachel Eidelman, Jeff Robbert, Jennifer Vail, and Larry Sweetwood. She said she forgot to disclose Mr. Sweetwood on the previous item. She stated all discussions regarded the application's potential implications, both positive and negative.

Ms. Cohen asked the Council, notwithstanding hearing the varying versions or opinions as to the application, if they believed they could be fair and impartial and base their decision on the evidence they are about to hear tonight. Each Council member stated they could.

## **Staff Presentation**

Ms. Kelly Ferraiolo, Planning and Zoning, stated before Council tonight is Petition 17-098 (2017-055 MPA5) an amendment to Wellington's PUD Master Plan for the Polo West golf course, which she officially entered into the record. She indicated the owner/applicant for the petition is Polo West Golf Club, Inc. She said Jennifer Vail with the Wantman Group is the agent and is there on behalf of the owner.

Ms. Ferraiolo stated the applicant is seeking a Master Plan Amendment to the Wellington PUD to add one access point on Greenview Shores Boulevard and to modify the designation of the golf course to Open Space – Recreation/Golf Course/Field Sports & Equine Sports. She indicated Polo West is located within the Wellington PUD on the north side of South Shore Boulevard in between Greenview Shores Boulevard and Big Blue Trace.

Ms. Ferraiolo showed Council a portion of the Wellington PUD Master Plan along with the Polo West Golf Course and an image of the current Master Plan. She stated the only legal access to the golf course is from Greenview Cove Drive, which is a private road owned by Polo West HOA. She said the image shows the requested modification to the Master Plan with the proposed designation and the access point along Greenview Shores Boulevard.

Ms. Ferraiolo showed Council that the proposed access point will be in alignment with the existing Wellington High School intersection. She said everything shown on the conceptual site plan, with the exception of the access point, is already existing. She stated the actual location and construction details of the access point will be determined at site plan and land development review approval.

Ms. Ferraiolo stated Polo West has been utilizing the polo fields and arena for outdoor equestrian activities and other sporting events by the issuance of a Special Use Permit. She said if the amendment to the Master Plan designation is approved, it will allow field sports and equine sports activities on the property without the need of a Special Use Permit. She noted that the owner will still be required to obtain a permit for events that include spectators, temporary facilities, vendors, outdoor entertainment and anything that is ancillary to the golf course/field sports and equine sports.

Ms. Ferraiolo stated the proposed request is not changing the underlying Future Land Use Map and no increase in density or intensity is proposed. She said a Future Land Use Map designation is the official Comprehensive Plan designation of the property, which will remain Commercial Recreation. She stated the Master Plan designation identifies the specific use of the property limited by the original development order. She said, in this case, the current designation does not reflect the activities that are occurring on the property and changing the designation will not allow for development or the construction of buildings or stables. She noted additional approvals will be required should the applicant make such a request in the future.

Ms. Ferraiolo stated the EPC recommended approval on October 4, 2017, of only the Master Plan Designation modification to Open Space – Recreation/Golf Course/Equine Sports. It did not include the Field Sports addition. She said the PZAB recommended denial on October 11, 2017, of the proposed Master Plan Amendment in its entirety. She stated the staff's recommendation has been provided in the Staff Report.

### **Interested Parties**

Ms. Jennifer Vail with Wantman Group, Inc. (WGI), agent for the applicant, introduced herself. She stated before Council tonight is the request to amend the Master Plan Amendment of the Wellington PUD, to indicate a proposed point of ingress and egress from Greenview Shores and to further define the Open Space – Recreational Golf Course areas within the subject property, to include golf course and equine sports. She indicated they are removing the Field Sports request that was part of the original application.

Ms. Vail indicated the existing property encompasses just over 150 acres and the existing use on the property per the Master Plan is Open Space – Recreation/Golf Course. She stated the Future Land Use designation is Commercial Recreation, but there is no proposed change to the land use designation. She said the current zoning designation is PUD and there is no proposed change to that zoning designation as part of this application.

Ms. Vail showed Council that the property is surrounded primarily by residential uses as well as the Wellington Community High School. She also showed Council that the location of the proposed access point would be aligned with the existing access of Wellington Community High School from Greenview Shores Blvd.

Ms. Vail indicated the Wellington PUD Master Plan currently designates several parcels within the PUD as Open Space – Recreational uses, including such items as the Village of Wellington monument signs, FPL easements, bridle paths, upland and wetland preserves, canals, lakes, community parks owned by Acme, neighborhood parks owned by POAs, golf course and driving range, tennis facilities, and the old Wellington Clydesdale Facility. She reiterated the only use that is further defined on the PUD Master Plan is golf course.

*At this point, a motion was made by Councilman Napoleone, seconded by Vice Mayor McGovern, and unanimously passed (5-0) to extend the meeting past midnight.*

Mr. Domb stated this was not the same situation as the last application and explained the distinction. He indicated, in 2009, Polo West went through a change and added polo fields and an outdoor polo sand arena. He said they also maintained Friday evening polo matches and exhibition polo matches behind the clubhouse and on the driving range. He stated Dressage Under the Stars was held behind the clubhouse for several seasons. He said they essentially have been trying to establish a golf equestrian country club in Wellington.

Mr. Domb indicated the applicant has specifically withdrawn a portion of the application as it relates to Field Sports, because it is inconsistent with the use they are planning for this property. He said Mr. Fellers, who presently leases and manages a portion of the property, will explain more about that.

Mr. Domb stated Mr. Fellers has applied for events and the applicant has made application for events. He said the outdoor arena has been permitted, although it was a long and difficult process partly due to the installation of the outdoor lighting. He stated the applicant worked with the HOA during that process and believed they appreciated some of what the applicant was doing there. Although, unfortunately, they played soccer there two times, two-and-a-half years ago, and the applicant has not lived that down.

Mr. Domb stated most of the folks are there tonight to tell Council why the applicant should not have soccer. He said the applicant agrees. He stated the applicant believes keeping the nine holes, and keeping the other portion for equestrian related events in that part of town, is a good thing. He stated it is consistent with divisioning and consistent with all of the things that were discussed relating to what to do with a golf course.

Mr. Domb stated his client acquired the dead golf course, rebuilt it and enhanced it, and put it out there. He said, unfortunately, as an 18-hole golf course, it was not survivable. He stated as his client cut back and added equestrian events, it has become somewhat more viable. He thought, except for the soccer experience, the overall experience at Polo West has been good.

Mr. Domb reiterated the applicant needs to amend the Master Plan in order for the applicant to allow for equine events on that property. He stated it will also not require the applicant to apply for a Special Use Permit every time they want to do an event, play arena polo, or play polo or stick & ball on the field. He indicated Mr. Fellers is big into riding western and not shooting western, as he thinks that distinction got lost last time. He said there is not going to be any shooting. He stated the applicant is trying to best utilize 150 acres of land in that location for the best of the Village of Wellington, the residents of the community, and the community in general.

Mr. Domb stated the only other part of this request that causes some consternation is the application for access off Greenview Shores Blvd. He explained this property is accessible only over a private road that is owned by the HOA. He indicated an easement agreement with respect to that access provides that the association is entitled to make rules, change rules, and change the ability of the applicant to use that road as they see fit. He stated the request or regulation needs to be reasonable, but what does that mean. How do they obtain reasonableness and how long will it take them to litigate what is reasonable. He believed the Council knew the definition of reasonable - that which is reasonable.

Mr. Domb stated the applicant is asking for an additional access point off Greenview Shores Blvd. He said, in discussions with staff, staff recommended and applicant agreed that because there is already a three-way traffic light there, it would not be that difficult to add a fourth intersection or fourth way for that light, for an ingress and egress into that property. He stated some folks will tell Council that will screw up the existing 9-hole golf course, because where is the road going to go. Mr. Domb said he did not know.

Mr. Domb stated, as with the previous application, the applicant is now asking for the designation that the property has access, because the applicant does not know when the access will be removed from them. He said the applicant is asking for the designation of an access point at Greenview Shores Blvd. He stated, at this point in time and as he has said before, there is no intent to build anything and there is no intent to do anything, other than to keep the property Open Space and to keep it used for golf and equestrian uses with the country club or clubhouse/restaurant and other possible uses that are ancillary to golf and equestrian.

Mr. Domb stated the applicant is asking for this because they believe the creation of a golf/equestrian country club community within that area is a good thing for Wellington, as it enhances Wellington and the experience, and it is good for property values there as well. He said they were not talking about building barns, stables, or any other use. But they will have the horses come and perform either in the arena or on a field - western, cutting, wrangling, polo – which are events not particularly seen elsewhere in Wellington. He stated there is a uniqueness to that in Polo West that will be advantageous for the entire community.

In closing, Mr. Domb stated it is not an 18-hole golf course and the applicant will not be able to use it as an 18-hole golf course. He said they are making ends meet running 9-holes, but the equestrian or equine use will further enhance the property, the experience, and the income to keep it sustainable for time to come. He stated that is why the applicant submitted this request and asked for the permission to do these things. He hoped the Council will see that the applicant has no other way to go with Polo West. He also hoped the residents will acknowledge the fact the applicant has removed the Field Sports in deference to their feelings on the subject and that they will agree that continuing to enhance the golf equestrian themed country club will be advantageous to all.

### **Interested Parties**

Mr. Cliff Hertz stated he will not be presenting on behalf of the POA, as his associate, Mr. Matthew Pisciotta, is now there. However, in view of the fact the other interested party is in alignment with the applicant, he felt it would be best for Mr. Fellers to present, so they can hear what he has to say and adjust their presentation accordingly. Council agreed to hear from Mr. Fellers first.

Mr. Fellers stated he was there to make three points.

1. Mr. Fellers stated his company supports the equestrian and golf use for the property. He explained his company has an escrow purchase agreement and operates 7½ acres of the 151 acre property, which includes the restaurant, clubhouse, cart building, pro shop, maintenance building, and equestrian arena. He said his company also leases and operates the balance of the 151 acres, and has run the golf and equestrian activities on them for the past three years. He stated they agree with the Village's 2013 study that golf is dying and that equestrian is the best replacement use for the economically unviable golf courses. He said they have tried to keep the golf course operational at Polo West by augmenting the revenues with equestrian and other community events to create a viable business. He indicated they are currently the only public golf course in Wellington.

Mr. Fellers stated, in 2009, 9-holes of the Polo West golf course or about 75 acres were converted to three equestrian polo fields. He said the activities that have occurred on that half of the property since then have been primarily, and almost exclusively, equestrian. He indicated this year they are planning to have polo and ridge jumping events as well as other important community supportive activities on these fields, as they have done in the past.

Mr. Fellers stated, in addition to the equestrian polo fields, a lighted equestrian arena was built next to the clubhouse restaurant in 2010. He said in that arena they regularly hold polo, jumping, dressage, western and community events. He stated unlike their equestrian venue neighbors, Winter Equestrian Festival, International Polo Club, and Global Dressage, with large expensive venues and seasonal world class competition, the applicant's events are more down home and local in nature, and are year around. He said the focus at Polo West is more community, family, low key, and fun. He stated they call it vintage Wellington, more like the way things were back when Palm Beach Polo first started.

Mr. Fellers stated their venue provides unique and important community activities that support a well-rounded, strong equestrian and Village community. He indicated they do regular western and Wellington events, including supporting Big Dog Ranch with a weekly Dogs Night Out event. He stated they have a charity fundraiser for Big Dog Ranch Rescue in February as well as support Just World and other numerous charities. He said they support church activities and

allow the local polo club to use their facility at no charge to encourage kids' polo and new players. He indicated they support community clubs and charities at reasonable prices for any size activity.

Mr. Fellers mentioned last month they opened Wellington's newest restaurant, Polo Bar & Grill. He said it features an outdoor polo patio, completely renovated clubhouse restaurant, world class chef and general manager, all accomplished at great effort and expense. He stated the polo patio and layout of the restaurant focus on the unique open space nature of the property and provides a wonderful community focal point in the geographic center of Wellington. He said their menu, their prices, their staff, their focus is all community – a community that includes non-equestrian and equestrian. He stated they want both to feel at home at Polo Bar & Grill, enjoy their facilities, and unite in support of their community.

Mr. Fellers stated he believes their activities and presence add great value to the community and surrounding property values. He said there has been public testimony to this Council that new residents have purchased homes in the adjacent neighborhoods based upon their presence and activities. He stated he believes their interests are in alignment with surrounding property owners in the Village. He said, for these reasons, he requests that Council strongly support the inclusion of equestrian as a permitted Master Plan use designation for the Polo West property.

2. Mr. Fellers stated special use permits and seasonal equestrian permits do not support realistic commercial activities of a year round community business. He said the argument has been made that the addition of equestrian is not needed, because the special use process is cheap and easy and would allow for the events required by their business at Polo West. He stated for the past three years, they have used special use permits and seasonal equestrian permits to conduct event activities at Polo West. He said an SUP or SEP is not a feasible alternative to changing the permitted use designation on the Master Plan, as they are extremely costly, time consuming and restrictive. He indicated last year's application process began in October 2016 and was signed by the mayor on March 4, 2017. He said Polo West paid \$4,210 in SUP application fees and over \$22,000 to land planners and attorneys that were required to provide the supporting traffic studies, site plan diagrams, mailings, and other requirements for the application.

Mr. Fellers indicated their initial application fees for 2019 are \$2,745, the cost for mailing this year's SEP to neighbors is \$3,269.58, and they anticipate subsidiary costs for professional advisors to be in excess of \$20,000 again this year. He said this is in addition to the hundreds of hours of personal and staff time required each year. He stated costs such as these are impossible for a small business to sustain. He said without the supportive staff and Council, for which they are appreciative, the obstacles would be even more onerous.

Mr. Fellers stated, in addition to the prohibitive costs, the SUPs do not support a commercial year-around nature of a community business, as they are limited to a maximum of 180 days to support the big equestrian venues that are seasonal. He again asked for Council's support in adding equestrian to the Master Plan use designation, for Polo West's SUPs and SEPs are not adequate alternative remedies.

3. Mr. Fellers stated it makes no sense to add equestrian to permitted land use and limit commercial activities to golf. He said a commercial recreational land use ties commercial activities to the underlying recreational use of the property. He stated everyone agrees golf is dying and not commercially sustainable and that equestrian is a replacement use of choice. He

said they are working hard to keep golf alive and commercially viable at Polo West, by pairing it with equestrian and other activities. However, they have little control over that outcome, since the golf course is not currently owned by them and they cannot control the declining market.

Mr. Fellers stated, since 2009, the primary use of half of the property of Polo West has been almost exclusively equestrian. He asked why anyone would want to add equestrian as an acknowledged and approved use and tie the clubhouse restaurant activities to only golf. He said the only sensible approach is to change proposed condition of approval #10 to include "golf and/or equestrian or other approved activities" to the conditions of operation for the clubhouse restaurant. He asked for Council's support to include language in point ten that would allow restaurant activities to be tied to any approved land use of the property.

Mr. Fellers appreciated the Council and community for listening to and considering their requests. He respectfully urged the Council to act, as their requests are sensible and in the community's best interest.

Mr. John Metzger of the McDonald Hopkins Law Firm introduced himself and stated he was there on behalf of Mr. Gary Feller's company, PGPW Holdings. He said he wanted to emphasize what Mr. Domb and staff have already said. He stated the applicant was not seeking any change that is not consistent with the existing land use for the property. He indicated the existing land use is commercial recreation. He stated the designation on the Master Plan currently says Open Space – Commercial Recreation/Golf course. He said they want to add the notation "equestrian," which is permitted by right within the Commercial Recreation land use. He explained they were asking to add a use that is already permitted by right under the Commercial Recreation land use. He indicated that this did not have the same issue as the earlier application, where they felt there was some ambiguity in what the use was and the definition of the use. He said here the equestrian uses are well developed in the Wellington Comprehensive Plan and Land Development Regulations

Mr. Metzger also emphasized that if the Council approves an equestrian use, condition #10 of the proposed resolution would need to be amended, so the restaurant use is ancillary to both the golf course and the equestrian use.

Mr. Matthew Pisciotta, Attorney with Broad and Cassel, stated he wanted to enter into evidence the documents he already submitted on Friday as well as his presentation that he is about to give this evening and another report from Ms. Mellgren, who is also here representing the Polo West Home Owners Association.

Mr. Pisciotta introduced himself and stated he was there representing the Polo West Homeowners Association, which is opposing the Master Plan Amendment for Polo West. He indicated that Polo West is a 159 home community located between two halves of an 18-hole golf course that is currently owned by Polo West Golf Club, Inc. He stated the property was purchased in 2003 by Broward Yachts, Inc., which subsequently became Polo West Golf Club, Inc. He said, in 2006, the property was transferred from Polo West Golf Club, Inc. to Marina Funding Group and then, in 2009, back from Marina Funding Group to Polo West Golf Club, Inc.

Mr. Pisciotta stated the golf course is currently designated as Open Space – Recreation/Golf Course on the Master Plan. He said that is what it is designated today and that is what it was designated in 2003 when the applicant bought it. He stated the applicant was aware, at the time of the purchase, the property was designated as Open Space – Recreation/Golf Course. He

said there is no expectation that this property could be used for any other use than as a golf course.

Mr. Pisciotta noted, in 2004, Broward Yacht, Inc. entered into a settlement agreement with Greenview Cove Homeowners Association, which is the predecessor in interest to the current HOA. He indicated, as part of that settlement, the HOA gave the current landowner an easement allowing use of the main access drive of Polo West, but restricting that use to golf carts and other vehicles associated with golf course use or maintenance.

Mr. Pisciotta stated the landowners' application is to change the Master Plan designation to Open Space – Recreation/Golf Course and Equine Sports, and to add an access point on Greenview Shores Blvd at the intersection in front of the high school. He said on October 4<sup>th</sup>, the Equestrian Preserve Committee (EPC) voted 5-0 to approve only the Master Plan designation change and to make that recommendation. He stated, about a week later, the Planning, Zoning and Adjustment Board (PZAB) voted unanimously to recommend denial of the entire application. He showed Council an aerial illustrating the location of that access point.

Mr. Pisciotta stated, as Council has heard, the applicant has limited golf to the nine holes on the west side of the course. He indicated they built three polo fields and one polo arena on the east side without permits, but were subsequently permitted. He stated the fields are used for occasional stick and ball polo practices. But over the years, the HOA has consented to a variety of Special Use Permits that have allowed further and more intensive uses such as polo, balloon festivals, polo matches, other outdoor events, western barrel racing, and seasonal equestrian uses. He noted they just signed off on another batch of special use permits that allowed added events including Big Dogs Night Out, which is going on right about now.

Mr. Pisciotta showed Council the access points, current polo fields, arena, and current operating 9-hole golf course. He stated that the landowner/applicant has a checkered history with both Wellington and the HOA. He said the landowner has failed time and again to comply with their maintenance responsibilities for the entry road under the Settlement Agreement referenced earlier. He indicated that the Polo West lettering at the entrance of the community was removed and replaced with plywood that said "Warning - Keep Out;" a temporary fence was erected in the backyard of an HOA board member to block her view; old construction equipment was placed in the clubhouse parking lot in full view of both residents and visitors; the polo fields and arena were built without permits, but subsequently permitted; lights were installed on the arena without a permit, but subsequently permitted; a patio was added to the restaurants; and horse stalls were illegally built in a maintenance barn adjacent to the polo arena and litigation was required to get them removed. He stated other events have been held without special use permits, as they have heard about the infamous soccer matches in 2015.

Mr. Pisciotta stated, in short, there is no reasonable expectation that the landowner/applicant will be respectful of the HOA, its membership or its property, or even Wellington's ordinances, unless forced. He showed Council pictures of the plywood signs saying "Warning - Keep Out" and of the construction equipment.

Mr. Pisciotta stated the landowner's application is incomplete. He said specific criteria in the Village Land Development Code and Development Review Manual is supposed to be considered when considering a Master Plan Amendment. He indicated Ms. Mellgren will speak to that in more detail.



Mr. Pisciotta stated the majority of the criteria cannot be applied, because the application before Council is completely lacking detail. He said it states the plan that has been submitted has no impacts, because not enough information has been given to assess whether there are any impacts, or the impacts will be evaluated as part of some later development program, which is also unspecified. He stated the intent of the code is to apply specific criteria when evaluating Master Plan amendments and deferring any analysis until the development actually proposed effectively bypasses these criteria. He noted the Site Plan review stage has its own set of criteria. He stated, if these criteria were applied to the plan before Council tonight, the plan would fail to meet the criteria.

Ms. Michelle Mellgren stated she needed to go through the litany of her presentation one more time, since she was there to establish a record. She said she wanted to ensure the expert report handed out by the attorney is entered into the record as if it was fully read into it, as her presentation just summarizes it very broadly and quickly.

For the record, Ms. Mellgren again listed her credentials. She said she has a Master's Degree in Urban and Regional Planning from The George Washington University. She stated she is certified by the American Institute of Certified Planners and has more than thirty years of experience in planning, zoning and land use matters. She said she has also qualified in Circuit Court as an expert on these matters.

Ms. Mellgren stated she has reviewed the subject application and it is her professional opinion that the request is contrary to both the adopted Comprehensive Plan and Land Development Regulations. She said they placed the expert opinion report into the record. She noted, as the attorney just pointed out, they just found out minutes before the hearing this evening, that the sports have been removed from the request. She said, because the application has changed at the last minute, portions of her expert report are not necessarily relevant.

Ms. Mellgren stated the fundamental reason she thinks this application does not comply with either the Comprehensive Plan or Land Development Regulations, is that through an amendment of the Master Plan, the applicant proposes a new category of use. She emphasized that equine use is a category and not a use per se. She believed the applicant's attorney misspoke slightly when he said it is already permitted. In fact, she said the Land Use Designation lists specific uses such as equestrian arenas, equestrian stadiums and show rings, but not equestrian uses as a cart blanche.

Ms. Mellgren stated the applicant has represented that western shooting is a sport for people that ride western, and shooting would not occur, but a whole array of things can occur under the term Gymkhana and they really do not know what that is. She said this is compounded by the fact the application is really vague and the Council does not have an idea of what is going on.

Ms. Mellgren briefly went through the nine criteria in the code:

1. She stated the request violates the Comprehensive Plan and is not consistent with policy 1.3.15, which requires compatibility with surrounding residential, because it has unknown types of equestrian uses.
2. She indicated the request is also not consistent with goal one of the adopted Comprehensive Plan, because it will not preserve or protect the residential character. She said they do not know the extent, frequency or intensity of it, as that has not been provided to the Village.

3. Ms. Mellgren stated the request does not comply with Article 11 of the Land Development Regulations (LDR) regarding public facilities, because the Village does not know what uses are in this broad category or the intensity or frequency of them. Therefore, they cannot say it complies.

4. She said the same is true of Article 9, which addresses the minimization of environmental impacts. She stated they do not know the frequency or intensity, so they cannot say it complies with Article 9 without knowing this.

5. She said the same is true for Article 6, as they are required to comply with the zoning district, as it goes back to the idea that the underlying zoning is a PUD. She stated the PUD has certain creative design elements that it seeks to supply and one of those is recreation facilities that serve the residents of the community. She said some of these uses are regional, so they are changing the nature of the recreational space from community serving to a regional attraction.

6. Ms. Mellgren indicated the request does not comply with the requirement to provide a design concept to show how adverse effects are minimized, because they do not know what it is, how often or how intense.

7. She stated the request does not comply with Section 11.1.1 of the LDR, which addresses the required submission materials, because the Village did not get everything that was required to be provided.

8. Ms. Mellgren stated the request does not result in a logical pattern, because the Village does not know logically where the access point should be, if they do not know what is going on internal to the site and exactly how it is going to be laid out.

9. She said the proposed request does not comply with all of the relevant provisions of the LDR.

In summary, Ms. Mellgren stated her professional opinion is that this request does not meet the criteria to be consistent with the Village Comprehensive Plan and LDR.

Mr. Pisciotta stated the landowner has to get a Special Use Permit for any uses beyond polo practice. He said if this is approved, there will be no Wellington oversight over any equine sports events. He stated the applicant will no longer have to get a Special Use Permit, unless the activity proposed includes vendors, tents, bleachers, temporary bathrooms, temporary structures, outdoor entertainment, lighting and/or anything ancillary to the Golf Course/Field Sports and Equine Sports designation. He said that was from the recommendation in the Staff Report.

Mr. Pisciotta stated, forgetting Field Sports, Equine Sports itself is not totally defined either. He said it does not give them any idea of how many horses would be involved, the number of trailers, or any event specifics. He stated the HOA has been a good neighbor and has granted reasonable special use permits in the past. He said they are willing to sit down with the applicant and grant reasonable special use permits in the future. He stated the HOA is understandably concerned about a situation where this landowner is able to put on any events they want without any oversight from Wellington. He said this small community of 159 homes needs Wellington's oversight to protect the HOA members, by putting reasonable conditions on special use permits, such as cleaning up manure from equine uses and shutting off the lights to not bother the residents. He said the HOA understands the landowner has to make use of their

property, and the HOA may consider reasonable redevelopment that would protect residents, but this is a chance to give the applicant a blank check to do what they want with the property, without Wellington being involved to protect the HOA.

Mr. Pisciotta stated the second issue is that the landowner's application contains no development proposal. He said, in short, they have no idea what events will be permitted or how the floating access point will be used, so there is no way to adequately assess the impacts of these events or the access point. He stated it is unclear why the access point is even proposed. He thought initially it would create an ungated, unsecured access to the neighborhood. But if it is intended to facilitate a road or potentially a parking lot, it would require both to go through the 9-hole golf course, which is the only working portion of the golf course right now. He indicated it is unclear what this application could potentially facilitate in terms of future development. He stated it is possible the landowner could close the golf course entirely and seek approval to run the restaurant accessory to an equine use. He thought they had heard the beginnings of that application this evening.

Mr. Pisciotta stated, as a farfetched scenario, the landowner could attempt to make equine use as the primary use of the property and in that way seek to fall under Section 6.4.50 of the Florida Statutes, which state that any nonresidential farm building, farm fence, or farm sign that is located on land used for bona fide agricultural purposes is exempt from the Florida Building Code and any county or municipal code. He said if the landowner were to close the golf course and make the entire use of the property equine uses, it could be considered a bona fide agricultural purpose. He stated, at that point, any development on the property subsequent to that would no longer be governed by Wellington's Land Development Regulations or by any code. He said the landowner is already playing polo events on the property and they previously installed horse stalls, so perhaps this scenario is not as farfetched as it may seem.

Mr. Pisciotta stated, at its core, the HOA does not understand or know what this application is about. He said they have speculated wildly about what the possible land development goals could be here, but they just do not know. He stated they were asking this landowner to come forward with an application that shows their ultimate land development goals, so they can have an open and transparent conversation about those goals, to understand what those goals are and to understand what impacts they can have on this community and, if those goals are appropriate, to understand how they can mitigate those impacts to be respectful of the HOA and of Wellington. He said the HOA asks that the application be denied in its entirety.

### **Cross Examination**

Mr. Domb asked Ms. Mellgren to restate her name for the record. Ms. Mellgren stated her name is Michelle Mellgren.

Mr. Domb asked Ms. Mellgren how many Master Plan amendments she has submitted to the Village of Wellington in her career. Ms. Mellgren stated she has not done work in the Village of Wellington.

Mr. Domb asked Ms. Mellgren how many Master Plan amendments she has submitted that relate to equine uses. Ms. Mellgren stated she has submitted none.

For the record, Mr. Cliff Hertz stated they did not believe the expert for the applicant provided any competent and substantial evidence to use, so there is no reason for cross.

Ms. Cohen stated there was no expert for the applicant. Mr. Hertz said he thought it was Ms. Vail, the qualified planner. Ms. Cohen stated Ms. Vail is an agent and certainly knowledgeable, but she did not know if Ms. Vail was qualified as an expert.

Ms. Cohen asked Mr. Hertz if he would like to ask Ms. Vail any questions. Mr. Hertz said he did not, as he did not believe she put forward any competent and substantial evidence and he did not believe that anyone else did either.

Mr. Metzger stated he did not have any questions.

Mayor Gerwig indicated the staff's recommendation was different, but no one has questioned that yet. Ms. Cohen stated Council could ask questions now or open the Public Hearing. Mayor Gerwig said she would rather hear from everyone first, because the public comment is involved.

Ms. Cohen swore in those individuals who intended to provide public comment and were not sworn in earlier.

### **Public Hearing**

A motion was made by Councilman Drahos, seconded by Councilwoman Siskind, and unanimously passed (5-0), to open the Public Hearing.

Council called on those people who wished to speak.

	<b>Did Speak</b>	<b>For</b>	<b>Against</b>
1.	Glenn Jergensen, 2327 Newbury Drive, Wellington.		X
2.	Charles Robinson, 2057 Greenview Cove Drive, Wellington.		X
3.	Michael Bach, 1866 Staimford Circle, Wellington.		X
4.	Michael Dignelli, 2197 Greenview Cove Drive, Wellington.		X
5.	Stone Weiss, 13343 Burton Terrace, Wellington.		X
6.	John Sheldrake, 2256 Newbury Drive, Wellington.		X
7.	David Pounds, 1810 Staimford Circle, Wellington.		X
8.	Mark Elie, 1698 Grantham Drive, Wellington.		X
9.	Amy Fischer, 2330 Sunderland Avenue, Wellington.		X
10.	Gerard Newman, 2113 Greenview Cove Drive, Wellington.		X
11.	Karen August, 2225 Greenview Cove Drive, Wellington.		X
12.	Lawrence Brownstein, 13319 Wrevham Court, Wellington.		X
13.	Eden Delgado, 2218 Sunderland Avenue, Wellington.		X
14.	Paul Siliato, 2288 Sunderland Avenue, Wellington.		X
15.	Robbie Johnson, 2078 Sunderland Avenue, Wellington.		X
16.	Robert Anslow, 1460 Primrose Lane, Wellington.		X
17.	Bobby Munden, 14551 Holter Road, Wellington.		X
18.	Bruce Hulin, 13183 Halifax Court, Wellington.		X
19.	Andy Anderson, 2389 Seaford Drive, Wellington.		X

	<b>Did Not Speak</b>	<b>For</b>	<b>Against</b>
1.	Marty McNerry, 2898 Hurlingham Drive, Wellington.		X
2.	Michael Korto, 1723 Dorchester Place, Wellington.		X
3.	Lewis Lara, 2077 Sunderland Avenue, Wellington.		X
4.	Klaus Hurme, 2163 Henley Place, Wellington.		X

5.	Sara Hurme, 2163 Henley Place, Wellington.		X
6.	Ronan McGengan, 2323 Greenview Cove Drive, Wellington.		X
7.	Degan & Cassandra Orden, 2293 Seaford Drive, Wellington.		X
8.	Paul Tracy, 2109 Henley Place, Wellington.		X
9.	Kim Pankow, 2329 Sunderland Avenue, Wellington.		X
10.	Jon Pankow, 2329 Sunderland Avenue, Wellington.		X
11.	Amanda Gill, 2211 Alford Way, Wellington.		X
12.	Patricia Huerta, 2689 Fairway Cove Court, Wellington.		X
13.	Vanessa Huerta, 2689, Fairway Cove Court, Wellington.		X
14.	Don Fealkoff, 2225 Greenview Cove Drive, Wellington.		X
15.	Delmar Lara, 2077 Sunderland Avenue, Wellington.		X
16.	Costiuc		X
17.	Patti McCarty, 2198 Greenview Cove Drive, Wellington.		X
18.	R. Levin, M.D., 2134 Sunderland Avenue, Wellington.		X
19.	James Wimur, 3014 Hamblin Way, Wellington.		X
20.	Johnny & Carmen Harrington, 2279 Newbury Drive, Wellington.		X
21.	Helene Tanen, 1684 Grantham Drive, Wellington.		X
22.	Virginia Edwards, 1810 Grantham Drive, Wellington.		X
23.	Alina Latour, 2339 Newbury Drive, Wellington.		X
24.	Carl Brems, 13415 Burton Terrace, Wellington.		X
25.	Mieke Bosma, 13415 Burton Terrace, Wellington.		X
26.	Gladys Navarro, 2400 Newbury Court, Wellington.		X
27.	Rogelio Ulibarri, 1884 Lynton Circle, Wellington.		X
28.	Yolanda Ulibarri, 1884 Lynton Circle, Wellington.		X
29.	Eric Bakerman, 13333 Burton Terrace, Wellington.		X
30.	Stuart Nemser, 2128 Greenview Cove Drive, Wellington.		X
31.	Santiago Alvarez, 2127 Greenview Cove Drive, Wellington.		X
32.	Juan Matute, 2369 Newbury Court, Wellington.		X
33.	Gloria Zakon, 2226 Greenview Cove Drive, Wellington.		X
34.	Alexia Alvarez, 2127 Greenview Cove Drive, Wellington.		X
35.	Graciela Perez, 2754 Linkside Drive, Wellington.		X
36.	T. Fangiola, 13270 Greenshore Place, Wellington.		X
37.	Kristina Gustafon, 2190 Sunderland Avenue, Wellington.		X
38.	MaryAnn Swejkoski, 1768 Grantham Drive, Wellington.		X
39.	Dr. Mohamed Abed, 2204 Sunderland Avenue, Wellington.		X
40.	Mohamed Abed, Jr., 2204 Sunderland Avenue, Wellington.		X
41.	Julius Davis, 2371 Sunderland Avenue, Wellington.		X
42.	J. Ruehle / D. DeMarco, 2315 Sunderland Avenue, Wellington.		X
43.	Maria Glimon, 2309 Newbury Court, Wellington.		X
44.	Iris Richmond, 2682 Fairway Cove Court, Wellington.		X
45.	Kimberley Elie, 1698 Grantham Drive, Wellington.		X
46.	Marcia & Ralph Bradford, 13390 Wrevham Court, Wellington.		X
47.	Cheryl Rudin, 2176 Alford Way, Wellington.		X
48.	James Goldberg, 2287 Sunderland Avenue, Wellington.		X
49.	Lisa Jacquin, 1829 Wiltshire Village Drive, Wellington.		X
50.	Ralph Amodie, Polo West, Wellington.		X
51.	Ellesse Tzinberg, 2302 Sunderland Avenue, Wellington.		X
52.	Claudia Gundersen, 2302 Sunderland Avenue, Wellington.		X
53.	Henrik Gundersen, 2302 Sunderland Avenue, Wellington.		X

54.	Billie Jean Ewing, 2055 Henley Place, Wellington.		X
55.	Hadar Goldberg, 2287 Sunderland Avenue, Wellington.		X
56.	WP Handwerker, 2161 Sunderland Avenue, Wellington.		X
57.	Richmond Damal, 7582 Fairway Cove Court, Wellington.		X
58.	Christy Russ, 2050 Sunderland Avenue, Wellington.	---	---
59.	Greg Landis, 1954 Staimford Circle, Wellington.	X	

	<b>Did Not Speak / Comments Read into the Record</b>	<b>For</b>	<b>Against</b>
1.	Laura Mesconi, 1685 Grantham Drive Wellington.		X
2.	Letha Anderson, 2389 Seaford Drive, Wellington.		X
3.	Stephen Stack, 13546 Staimford Drive, Wellington.		X
4.	Marisol Lopez-Belio, DDS, 2255 Newbury Drive, Wellington.		X
5.	Todd Kolich, 13311 Wrevham Court, Wellington.		X
6.	Ivan & Diane Barin, 2351 Greenview Cove Drive, Wellington.		X
7.	Joyce Bashein, Polo West, Wellington.		X
8.	Conrad & Kimberly Seow, 1824 Grantham Drive, Wellington.		X
9.	Bobby Ewing, 2055 Henley Place, Wellington.		X
10.	Sherri Mauck, 2183 Greenview Cove Drive, Wellington.		X
11.	Dr. Michael Mauck, 2183 Greenview Cove Drive, Wellington.		X
12.	Sandy Myron, 2283 Alford Way, Wellington.		X
13.	Richard Myron, 2283 Alford Way, Wellington.		X
14.	Marjory Hulin, 13183 Halifax Court, Wellington.		X
15.	John Manfredi, 13184 Halifax Court, Wellington.		X
16.	Carol Barin, 2399 Newbury Court, Wellington.		X
17.	Amy Bachmann, 1870 Wiltshire Village Drive, Wellington.		X
18.	Michelle Soriero, 2273 Sunderland Avenue, Wellington.		X
19.	Richard Cybul, 1726 Farmington Circle, Wellington.		X
20.	Peter Piira, 1732 Farmington Circle, Wellington.		X
21.	Douglas Hunbt, 13321 Polo Club Road, Wellington.		X
22.	Dennis Shaughnessy, 11928 Maidstone Drive, Wellington.		X
23.	Kathy Newman, 2113 Greenview Cove Drive, Wellington.		X
24.	Roland Gonzalez, 2400 Sunderland Avenue, Wellington.		X
25.	Brian Foley, 13356 Wrevham Court, Wellington.		X
26.	Chuck Gill, 2211 Alford Way, Wellington.		X
27.	Cheryl Karto, 1723 Dorchester Place, Wellington.		X
28.	Eve Fischer, 2330 Sunderland Avenue, Wellington.		X
29.	Lauren Siliato, 2288 Sunderland Avenue, Wellington.		X
30.	Elizabeth Pinsky, 2280 Newbury Drive, Wellington.		X
31.	Rabbi Stephen Pinsky, 2280 Newbury Drive, Wellington.		X
32.	Devyn Bachi, 2370 Newbury Court, Wellington.		X
33.	Patricia Bachi, 2370 Newbury Court, Wellington.		X
34.	Linda Robinson, 2057 Greenview Cove Drive, Wellington.		X
35.	William Crouse, 2292 Newbury Drive, Wellington.		X
36.	Jane Wade, 2303 Newbury Drive, Wellington.		X
37.	Ken & Bernice Correra, 2035 Sunderland Avenue, Wellington.		X
38.	Mary Simmons, 1503 Grantham Drive, Wellington.		X

A motion was made by Councilman Drahos, seconded by Councilman Napoleone, and unanimously passed (5-0), to close the Public Hearing.

Mayor Gerwig asked why this property was allowed to be used for polo without an SUP. She said it seemed like that was not a standard on the other property. Mr. Basehart stated there has been polo activity on this property since long before he got here and he did not know how it was originally established. He believed there was never a permit to build a polo field, but some build and drainage permits had been issued. He thought the past feeling was that intermittent stick & ball play was not something that would be objectionable.

Vice Mayor McGovern stated the contention in the room was the access point and asked Mr. Domb to explain the need for the access point. Mr. Domb indicated one gentlemen this evening testified about their rights, the ability to control their private road, and what the applicant can and cannot do over their private road. He said, the way he sees it, this property at any moment in time could be landlocked, if they choose to vote to not allow the applicant access to the property. He stated they looked for another location in which to be able to access the property and amend the Master Plan in order to provide for an arrow that shows where the property has access or an access point.

Mr. Domb stated, in their conversations with staff, the logical choice was on Greenview Shores Blvd where the light exists, so it would be easier to provide for the four-way. He said there are other locations further down South Shore, however that is not why they are there today. He explained, it was suggested and the applicant certainly agreed, that it was fine to designate a future access point for them somewhere down the road, should the applicant no longer have allowable access to their property, because whatever it is they are doing is inconsistent with the ancillary use of golf.

Vice Mayor McGovern stated, at present, that access point is not essential. Mr. Domb indicated drawing an arrow on a map does not get the applicant anything. He said it is not essential, but it designates that the property has an access point that is not over a private road owned by and controlled by somebody else. He stated it is important to have an access point designated as part of this application. He said he is not there tonight to tell them they will be in with a site plan in the next two weeks, because right now the applicant has no idea. He stated as a result of having no development plan for this property, they are not site planning it for development, but the applicant wants the ability to access their property in the event they get shut off. He said that is why the applicant is asking for a location on the Master Plan or Wellington PUD that shows this property has access.

Mayor Gerwig indicated the applicant would not be able to access the eastern portion. Mr. Domb stated it would give them access to the property from a main thoroughfare, which would get them into the property.

Mayor Gerwig stated they would not be able to cross over the private road. Mr. Domb said it is dirt, not a building. He stated the applicant could chose to move nine holes to the other side of the reindeer antler and configure polo fields on the western side. He said they could move dirt, fix dirt, change it, and reconfigure it pretty simply into building a nine-hole golf course there as opposed to that side. He stated if they are going to have an issue with access, the applicant needs an access of their own to use if they choose to without being beholden to anyone. He said that was the equivalent of being landlocked.

Councilman Napoleone stated he wanted to follow-up on the access concern Mr. Domb has raised a couple of times. Councilman Napoleone said there was a lawsuit and a Settlement Agreement between Greenview Cove Homeowners Association and Broward Yachts, of which

he was sure Mr. Domb was well aware. Councilman Napoleone indicated in that Settlement Agreement the "HOA grants 'Broward', its successors, assigns, guests, and invitees in perpetuity, the non-exclusive right of use, benefit and enjoyment of, together with the non-exclusive easement for pedestrian and vehicular ingress and egress over and across access drive as described in Exhibit B." He stated this gives the applicant use and access of that private access road in perpetuity over that property.

Councilman Napoleone indicated the next paragraph states, "The HOA may impose reasonable rules and regulations regulating the use and enjoyment of access drive and, thereafter, may modify, alter, amend, rescind or augment any such rule or regulation; provided, however, that association may not impose any rule or regulation restricting the use of access drive by golf carts, and maintenance vehicles servicing and maintaining the golf course; provided, however, that no rule or regulation may be imposed which adversely affects the use of access drive for ingress and egress purposes and activities typically associated with a golf course."

Councilman Napoleone stated his reading of the Settle Agreement, which the applicant or applicant's predecessor signed, says the applicant has access over the access road in perpetuity or forever to access the golf course for golf course purposes. He thought Mr. Domb's fear of the road being taken away from them seemed fairly well unfounded, because the agreement says the applicant is allowed over this road and it cannot be taken away from him. Councilman Napoleone stated this agreement tells him the applicant has no reason to have an access point on Greenview Shores and asked if Mr. Domb agreed.

Mr. Domb stated he did not agree. He said the applicant is asking for additional use and the agreement specifically says that it is for use generally associated with golf. He stated if the applicant wanted to do something else with the property, the HOA has a right to say no.

Ms. Cohen stated she reviewed the agreement, as did staff, to determine whether it provided the applicant with the access they needed in order to use the property in the manner they were proposing to use it. She noted she and staff do not interpret private agreements other than for purposes of seeing whether an application can move forward. She stated based on the language Councilman Napoleone read, indicating the applicant has the ability to use the main entrance for golf and other purposes, they determined the application could move forward. She said if there is a dispute between the HOA and the applicant, the court could settle that through a declaratory if there is some uncertainty as to what their agreement actually means. Mr. Domb stated there is also a way to avoid having to have a court settle any disagreement.

Mayor Gerwig thought that had been settled. She said there is a disagreement about whether or not the applicant has access. She stated Ms. Cohen says the applicant does have access.

Mayor Gerwig stated this golf course property was originally owned by the homeowners in Greenview Shores, as that is what the applicant's agent told her. Mr. Domb believed that was correct. Mr. Cliff Hertz stated this property has never been owned by the homeowners. He said Ken Valdespino, president of the HOA and the historian of the community, could tell Council exactly what transpired.

Mr. Valdespino stated the golf course was owned by Greenview Cove Golf Club, Inc. and had nothing whatsoever to do with the Homeowners Association. He said they are two separate entities.



Mayor Gerwig stated the developer who developed the homes owned the golf course originally. Mr. Valdespino explained the developer built the whole thing, including the golf course and the club, and then split it by keeping the golf club and selling all of the homes. He said the homes had nothing to do with the golf course, as people could belong to the golf course if they paid the dues. He stated it had 260 or 270 outside members who lived all over Wellington, so it was not private.

Mayor Gerwig said she thought it went into foreclosure. Mr. Valdespino stated the Greenview Cove Golf Club sold the golf course in the year 2000 to an LLC, a gentleman and a group of individuals. He said this individual bought this golf course, the Binks golf course and a course in Fort Meyers. He stated he had all three courses for 2-3 years, and then it all defaulted. He said this gentleman sold it to Mr. Straub and the bank note was purchased.

Mayor Gerwig stated there was some discussion about how they got to where they are today and whether or not the Village was in the process of buying it. She said it is privately held and not owned by the homeowners, which is her point. She stated the homeowners who live in there do not own the golf course. Mr. Valdespino indicated the homeowners just own the entrance.

Mayor Gerwig stated she was trying to figure out why this particular property was able to be used for polo differently than the others, and she still does not have that answer. Mr. Domb explained when they bought a home, they got a share in the golf course. He said at some point they sold their share back to the developer and then the developer sold it to someone else.

### **Closing Statements**

Mr. Domb stated a story in the Palm Beach Post on October 11<sup>th</sup> talked about how the Polo Trace Golf and Country Club in suburban Delray was being sold to GL Homes for 318 to 320 single family homes. He said the Fountains Country Club was sold to GL Homes to build between 150 and 200 single family homes as well as 250 to 300 apartments.

Mr. Domb stated the applicant is asking to keep the property a golf course and open space, and to use it in Wellington for both golf and equine uses. He said since 2009 the applicant has used the arena for polo as well as the three polo fields configured on the property for stick & ball, polo exhibition matches, and other matches. He indicated Mr. Fellers has also introduced other forms of equine sports onto the property. Mr. Domb stated they are not excessive or unusual uses, and they are consistent with the uses in Wellington for equine sports. He said that is what the applicant is asking for.

Mr. Domb stated, with respect to the Comprehensive Plan, the Village says the subject property has a Future Land Use Map designation of Commercial Recreation. He said properties designated commercial recreation support commercial uses which are recreational in nature. He indicated uses such as show rings, golf courses, club houses, and other private recreational facilities are consistent with this designation. He stated the applicant is asking for what is consistent with the commercial recreation Future Land Use designation and the Comprehensive Plan.

Mr. Domb stated, regarding adequate facilities and compliance with Article 6 of the Land Development Regulations, there is no proposed development. He said the applicant is consistent with the standards and neighborhood plans, as there is no development pattern at this moment.

Mr. Domb stated the applicant believes the Staff Report and staff's recommendation constitute competent and substantial evidence that this would be a good use for this property and that the Master Plan amendment should be supported. He said, on the contrary, the expert who has never conducted land use planning activities in Wellington and never produced an equine or equestrian plan, does not constitute competent and substantial evidence contrary to the Village staff. Mr. Domb stated there is no ultimate land development plan in place, so he did not know why they were talking about there being one.

Mr. Domb stated it is a public golf course, because it is open to the public as opposed to club members. However, it is a privately owned facility. He said this is land that belongs to an individual and does not belong to the homeowners. He stated there is no right to have a golf course in perpetuity and Winding Trails is a perfect example.

Mr. Domb thought it was interesting that this development is now called Polo West, as it used to be Greenview Cove. He said that happened because his client/the applicant put that name on it, put the arena out there, created the activities of having a polo arena on Friday nights with the clubhouse for use by everyone out there. He stated it has gotten good results.

Mr. Domb asked what they can do with property that is presently a golf course and may not survive as a golf course. He said everything the Village of Wellington has said and done since at least 2010 has been let's see if equine use on a dying golf course is a viable alternative. He stated if the plan is for golf courses then Council should say yes. He said, if it is not, they should stop kidding themselves about the ability to add equine uses to golf courses now and in the future.

Mr. Metzger stated he agreed with Mr. Domb that there is no restriction, deed covenants or HOA covenants that would limit the property owners' ability to use it for equestrian. He thought Mr. Valdespino testified as well that the HOA does not have any control over the golf course. Mr. Metzger believed as a matter of property rights, the applicant has a right to come in here and make such a request.

Mr. Metzger stated the biggest concern he heard tonight was the unknown, which is the basis of the expert's concerns on why the application does not comply with the Comprehensive Plan. He stated the real experts are staff, as they know the code better than anyone, especially the equine element, LDR, and Best Management Practices (BMP). He said he has worked with staff on many equine developments and they have concluded that it is consistent with the Comprehensive Plan, LDR, and current land use.

Mr. Metzger stated, in terms of the unknown, there has been substantial and competent evidence that Mr. Fellers' current operations are going to take place there. He said Mr. Fellers has testified both as to what kind of events he is operating there currently and what he intends to operate there. He stated they also have the history of the special use permits that have been presented, reviewed by staff, and approved by Council in the past, as to what equine uses will be permitted on the property. Mr. Metzger stated this change in designation for the Master Plan amendment seeks to be consistent with that and seeks to be consistent with what is permitted under the existing regulation. He did not think it was fair to say that it is undefined and unknown, as it is very clear and very much defined.

Mr. Metzger stated his client's primary concern is to make a viable operation on the property. He said thus far they have been able to combine golf and equestrian to make it viable. But if

they cannot have the equestrian operations, they cannot continue to be viable with the current SUP process. He understands the homeowners want to have control, as they do not have the covenants or deed restrictions. He said the homeowners want an SUP process in place, so they can object every time and request more conditions of approval. Mr. Metzger stated that is not a viable way to operate a business. He said he is afraid, with the expense, uncertainty and 180 day a year limitation on the special use permits, they will not have a viable business. He stated he knows a lot of people are concerned about their property values and the unknown. However, part of that unknown is what will happen to property values if his client is unable to continue their operations.

Mr. Metzger encouraged the Council to approve this request. He said he would not be concerned about how to control it in the future, as the Village has procedures in place for site plan approvals, permits, etc., and has its BMP in place for equestrian uses, including issues with manure removal, etc.

Mr. Metzger addressed the lake maintenance issue. He said the lakes are maintained by either the HOA or the Village of Wellington, as he thought they were Acme canals. He did not know why they thought Mr. Fellers was responsible for the maintenance of the lakes in the community.

Mr. Metzger urged Council to approve the equestrian designation, so they could continue to try to make this a viable use of the property.

Mr. Pisciotta thought it was important to understand what exactly has been presented in this quasi-judicial hearing. He said they have heard of a plan that is so vague that its ultimate development goals cannot be discerned. He stated the landowner says they want to create a golf and equestrian community, but they are already trying to decouple the restaurant on the property from the golf use, which is against staff's recommendation. He indicated back in 2009 they created polo fields with the intent of creating an equestrian and golf community, but chose not to submit those applications until today, eight years later. He said, up until several hours ago, Field Sports was part of this application as well.

Mr. Pisciotta indicated there are 159 homes in Polo West and he would say they have heard from almost all of them. He stated Council has heard that the plan before them adds an unspecified access point that makes residents feel less safe in their community. He said those same residents are afraid if this plan is approved by Council, it will reduce the value of their homes, which for many of them is their only major investment.

Mr. Pisciotta stated, perhaps most importantly, Council has heard from an experienced planner, Ms. Mellgren, who is the planning director for three different communities, one of which is an equestrian community. He said she gave competent and substantial evidence that the plan before Council violates both the comprehensive plan and the land development criteria, as the plan does not have enough detail to even apply those criteria.

Mr. Metzger stated Council has heard a plan that would allow events to be held without any oversight from the community. He said some of them undoubtedly are for good causes, as Mr. Fellers said, but events for good causes have impacts as well.

Mr. Metzger stated the HOA has been generous in granting special use permits. He said they are asking that the Village continue its role in overseeing these special use permits and not

abdicate its responsibility to protect these people from whatever unspecified equine uses are planned by the landowner and Mr. Fellers.

Mr. Metzger stated Council has heard that the landowner's/the applicant's concern is that the golf course is no longer viable. However, when the applicant purchased the property in 2003, he was aware that it was zoned as a golf course. He said the applicant bought into the program so to speak.

Mr. Metzger noted that the Settlement Agreement was actually traded by the landowner, as he bought into that agreement as well. He stated the landowner bought into a Settlement Agreement that gives him access to the property for golf course purposes. He said the landowner not like it now, but he has that access.

Mr. Metzger urged Council to deny this application in its entirety, as anything less would be bad planning.

Ms. Cohen stated, before the Council begins their deliberations and for purposes of the record, it is the applicant's initial burden to present evidence supporting its application. She said Council could accept the recommendation of their staff as being competent substantial evidence of having met that burden. She indicated where there is conflicting evidence, such as from a countervailing expert, Council will have to weigh that evidence in their deliberations and when thinking through the issue. She stated a list of elements were laid out in their Staff Report along with testimony against those elements. She said Council had some mixed public comments, some fact based and some just general opposition. She stated they are entitled to rely on the fact based evidence. She reminded Council that attorney argument is not competent substantial evidence. She said while it may persuade them, it is not evidentiary in value.

Mayor Gerwig asked if the Village could limit equestrian uses that are obnoxious, if the applicant is given equestrian use. She also asked if it is two parcels divided by a private road. She stated in the last application Council heard that if they allowed something on one piece, they would be allowing equestrian use throughout, as it was all one parcel, and it would not have a restaurant, because the golf club would be no longer in use. She wanted to know what kind of protection the Village has there.

Mr. Basehart indicated both sides of the golf course are all one property control number or one parcel. He said to legally divide them requires a plat, which would be reviewed by the Village and ultimately have to be approved by Council.

Councilman Drahos stated the Council cannot do that tonight. Mr. Basehart said that was correct.

Mr. Basehart explained the issue with the restaurant. He stated the Comprehensive Plan designation is Commercial Recreation and the property is in a PUD. He said uses in a PUD are based on the underlying comp plan designation and the short end of that is that freestanding restaurants are not a permitted use in commercial recreation outside of the EOZD. Therefore, they have to be subsidiary to a permanent use or primary use, and in this case it is golf. He stated it has been staff's position that, if this approval is granted, it would allow the applicant to have equestrian activities on the property now that they have withdrawn the Field Sports. He said staff still maintains that events materially affecting surrounding property owners and the public would be required to get special use permits, if there are vendors, paid admission to the property, paid parking, etc.

Mayor Gerwig stated there would be conditions even if the applicant was getting a special use permit for equestrian use. Mr. Basehart said that was correct.

Mayor Gerwig stated the standard use the applicant has now would not require a special use permit if they had the equestrian use. Mr. Basehart stated that was correct. He said events like arena polo, dressage or Polo Under the Stars would continue to require special use permits. He stated staff explained to the applicant that if he submits an application to rezone the property or change the Comprehensive Plan designation to commercial, and it is approved, a freestanding restaurant would be permitted. He said the applicant actually submitted an application, but some other issues are preventing it from moving forward.

Mayor Gerwig thought lots of other things would be permitted as well. Ms. Cramer clarified that would only be for a portion of it and not for the entire 150 acres. She said the conversations have been about a small portion of that area.

Mayor Gerwig stated it was taking out where the restaurant is and everything else stays commercial recreation. Mr. Basehart said that was seven or eight acres. Ms. Cramer stated that was correct.

Vice Mayor McGovern asked, as this application reads and as it presently stands, in order to make the change that is being requested from golf to golf/equestrian, they have to change it for the entire thing. Mr. Schofield stated the application is requesting it for the entire thing. Mayor Gerwig noted that it would require a plat to separate it or make some kind of condition like that.

Vice Mayor McGovern stated the only item in the staff conditions that would keep golf as a requirement is condition #10, making the restaurant an accessory to golf. Mr. Basehart said that was correct.

Councilman Napoleone stated a lot of argument was heard tonight about dying golf courses. He said it seems like all of these applications are premised upon the statement that golf courses are dying. He did not think they heard any actual evidence to support that other than anecdotal comments by the people who wanted to make them. He stated if someone encloses half of an 18-hole golf course, it cannot be a mystery as to why golf is dying on that course. He thought the whole premise was flawed, because someone cannot base their application on "golf is dying" if they killed the golf course. He said that was his major flaw with this application.

Mayor Gerwig asked if the industry studies were submitted. Ms. Cohen indicated they were not part of the record.

Ms. Cohen responded to the question about nuisance. She explained the Right to Farm Act is a statute that says that if you are an existing farm and residential development happens around you, you cannot be forced to change your farm operation or be charged with a nuisance under the state statutes. She stated that is not the case here, because the residential development pre-existed any equestrian use. She said it is a matter of allowing equestrian activities within an already established residential development and, if it turned out to create a nuisance, the residents would have a private right of action against the developer on that nuisance basis.

Mayor Gerwig stated that did not involve the Village and the residents are looking for protection from the Village. Ms. Cohen indicated there is no right to rely on the Right to Farm Act in terms of this particular application.

Ms. Cohen indicated Statute 604.50 was also mentioned. She stated this statute essentially says that any non-residential farm building, farm fence or farm sign that is exempt on bona fide agricultural commercial use, is exempt from all codes - the building code and all LDR. However, Wellington has litigated this very issue. She said it has always been their position, and so far the courts have agreed, that one cannot defeat the zoning requirements by coming into an area that is not agricultural, or that does not permit non-residential farm buildings, and change the nature of that community by constructing them and then stand behind the statute and say they are exempt. She stated the Village has taken the position that the use and the structure have to be permitted in the zoning district. She said that is the threshold question they would ask, before even getting to the analysis of whether the particular farm building, farm fence or farm sign was exempt. She stated, with respect to that argument, she did not think that was an issue of concern right now. She indicated they have had successful rulings and they are waiting on a decision on a case that is pending on a petition for cert in front of the Fourth District Court of Appeals. She explained the Village has decisions of the circuit level appellate court affirming the special magistrate, which have advanced the interpretation the Village has.

Mayor Gerwig stated the Resolution on page 413 is recommending denial. Councilman Napoleone indicated a new Resolution has been handed to them. He said it is the same number, but it is revised from what is in the book Council received last week.

Councilman Drahos complemented the lawyers for all parties, as he thought they did a fantastic job and were very professional under very difficult circumstances. He said he appreciated the professionalism of the presentations.

Councilman Drahos stated they were lucky to have the equestrian industry in Wellington, as it is a major economic engine and certainly elevates the prestige of their town. However, from his point of view, they do not need to put a horse on every piece of green space in town, and particularly not on that green space, as it is not in the Equestrian Preserve. He said he fundamentally disagreed with the suggestion that the residents of Polo West, or any other surrounding communities on this golf course, do not have the right to a golf course in perpetuity. He stated they bought on a piece of property that is designated as a golf course and it should remain that way.

Councilman Drahos addressed the Winding Trails comment. He said he went out of his way during the Winding Trails meetings to say there would not be any precedential value to that. He stated that circumstance could not be more different than this one. He said that applicant went out of their way to get a lot of community buy-in. He stated residents came in and pleaded with Council to approve that application, and tonight they have heard nothing but unanimous opposition to this application.

Councilman Drahos thought changing this property to an undefined equine sports designation would be a recipe for disaster, given the history that has gone on here. He stated having sat there now for seven-and-a-half hours listening to resident after resident come up to tell one story sadder than the next about their battles with this particular applicant is a tragedy. He said all it has done is strengthen his resolve that the resources the Village has put into litigation are worthwhile and need to be continued. He stated if some positives could come out of tonight, it would be that some thought about if this is truly the legacy this applicant wants to leave behind. He said it was not too late to change the course of this relationship. He indicated the applicant has a Council that is really trying to find some common ground, but they cannot do it under

these circumstances. Councilman Drahos said tonight is a no for him on this, but he has appreciated how hard everyone has worked.

Vice Mayor McGovern stated he agreed with Councilman Drahos, but he has some additional concerns. He thought, based on everything he has heard, the residents of Polo West would like the operation that Mr. Fellers is running to succeed. He also thought Mr. Straub and Mr. Domb wanted that to happen as well as this Council.

Vice Mayor McGovern did not think this application was the vehicle to bring about that success or the partnership with the residents immediately adjoining or the Village. He thought the plan, based upon all of the evidence he has heard tonight, appeared vague and undefined. He said it does not appear to be consistent with the comp plan and the things that need to be happening there. He agreed the equestrian uses, as best as possible, should be in the Equestrian Preserve or Equestrian Overlay Zoning District (EOZD).

Vice Mayor McGovern thought there were additional issues particularly focusing on safety, both inside this community and outside in regards to Greenvew Shores and the adjoining schools of Wellington High School and New Horizons Elementary, and the traffic flow in that area. He said he drives through that area every morning and an arrow on the map, and the evidence and testimony he has heard, does not quell the safety concern he has.

Vice Mayor McGovern thought, as he heard at the end of this discussion, that there is a potential for this property to be platted and divided. He said if they are going to move equestrian uses throughout the Village as they did with Winding Trails, they should move this property into the EOZD and the Equestrian Preserve. He stated those discussions could be had, but this change use is a vague, amorphous, catch-all, undefined category, that he did not think was going to bring about the success, peace, tranquility, and safety that all sides want here. He said, because he does not believe this does that, and based on all of the competent evidence he has seen and the fact based testimony they have heard both from witnesses and residents, he will be a no on this proposal as well.

Mayor Gerwig asked about the zoning, because the Winding Trails property came into the EOZD. She asked if this piece of property would even meet the requirements, as it does not have the edge because it is like an island. Mr. Basehart stated this property is not contiguous to the EOZD, but it is close. He said the Equestrian Village is the closest piece of property in the Equestrian Preserve.

Vice Mayor McGovern stated his concern is about moving equestrian in the Village to areas that are outside of the Equestrian Preserve and EOZD. He said, if this property cannot be brought into there, he did not want to spread permanent non-SUP or SEP equestrian uses to the property.

Ms. Cohen indicated there are other equestrian areas within the Equestrian Preserve Area (EPA) that are isolated. Mayor Gerwig stated she would have to know the zoning standards, but that was for another day.

Mr. Schofield stated the question on this piece of property is, is it something staff would likely recommend to include in the EOZD. He said, given the work staff has done at this point, that answer would be no. He explained it is a different situation than those that are separate. He stated Little Ranches is separate apart from the EOZD, but it is equestrian in nature. He

indicated Winding Trails was added, as it is immediately adjacent to and half of it borders the existing EOZD.

Mr. Schofield stated the problem here is that putting this property into the EOZD and the EPA allows the applicant to make that transition to something that is agriculture. He said there are no circumstances under which he envisions putting it in the EOZD, because they do not want to create the circumstance for any potential agriculturally defined use. He stated everything here would be commercial of some type and this would be commercial recreation. He said it would not have an agricultural definition on it, because there would be a whole series of things the Village would not be able to do if it did. He stated the one thing people talked about is the loss of control if the Village does not use an SUP. He indicated that was not actually the case, but staff would not be recommending putting this property in the EOZD.

Councilman Napoleone stated he agreed with much of what Councilman Drahos and Vice Mayor McGovern have said. He thought they had heard tonight that the residents want Mr. Fellers to be successful and that they like the events. He recalled, when the Village issued a special use permit, the Village wanted Mr. Fellers to succeed.

Councilman Napoleone stated Council wanted Mr. Fellers and the property owner to be good neighbors, to follow the rules, to get along with the people around them and not go rogue on everything. He said the Village has a procedure in place to keep order in the Village and they have to follow it. He indicated, if Mr. Fellers and the property owner do not follow it, it is hard to ask for things. He stated the bottom line is, if they are the good neighbor that they can and should be, they will probably get a lot more cooperation from their neighbors.

Councilwoman Siskind thanked everyone for coming out. She stated she hoped that Mr. Fellers will continue conversations with staff on ways to make the restaurant a success. She said she is very pro equestrian, but she feels this application is very unclear, very vague. She indicated the security for the residents of Polo West is her main concern as well as the safety for the drivers and pedestrians on Greenview Shores. She said it is a very busy intersection, and she does not see how this can work. She stated she cannot support this application.

**A motion was made by Councilman Drahos, seconded by Councilman Napoleone, and unanimously passed (5-0), to deny the application that was submitted in support of Resolution No. R2017-47.**

## **8. REGULAR AGENDA**

There were no Regular Agenda items.

## **9. PUBLIC FORUM**

Mr. Schofield indicated no comment cards were received from the public.

## **10. ATTORNEY'S REPORT**

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

- Ms. Cohen stated she had intended to bring back to Council a proposed fee arrangement with Mr. Friedman on the Florida Municipal Insurance Trust (FMIT) cases, but they took another look at the cases and they still have some time. Mayor Gerwig



indicated she was not in on this discussion. Ms. Cohen said she would bring this back to Council at their next meeting.

## 11. MANAGER'S REPORT

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

- The next Regular Council Meeting will be held on Monday, January 8, 2018, at 7:00 p.m. in the Council Chambers.
- He stated he was hoping to have the contract from Ranger Construction for the repavement of the community center parking lot. He indicated staff withheld about \$50,000 from Pirtle's final payment for the repaving and the cost estimate from Ranger was right at \$40,000. He stated their window of opportunity is to do it next week, when it does not interfere with operations. He said if it is not done next week, it will be some time into March. He stated he would like to get a consensus for him to enter into the contract for \$40,000 and then bring it back to Council for ratification at their January 8th meeting. Ms. Cohen indicated Council could just authorize Mr. Schofield tonight.

Mayor Gerwig asked if they would be interfering with the uses of that building, as it was during season. Mr. Schofield indicated there are two days where there are no uses there, but it will be done at night as to not interfere with daytime uses. He thought the Village got a really good price, because Ranger is not busy those days. Mayor Gerwig stated she would really like to see it done, as it really has been a disappointment.

Ms. Cohen suggested Council make a motion to authorize the manager to enter into that contract.

Vice Mayor McGovern asked for the parameters of the contract. Mr. Schofield indicated Ranger Construction will mill, overlay and repave the irregularities and imperfections in the paving.

Vice Mayor McGovern asked if the amount was going to be less than the \$50,000 the Village withheld from the amount that was paid to Pirtle. Mr. Schofield stated that was correct.

**A motion was made by Councilman Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0), to authorize the Village Manager to enter into a contract with Ranger Construction to repave the community center parking lot.**

- Mr. Schofield indicated he asked the planning staff to stay, so they could hear what he was about to say. He stated he chose not to comment during the hearings, because he did not believe anything he had to say would materially affect the outcome. He said they took this application knowing, no matter what they did, the Village was going to be the subject of litigation. He stated the one word that occurred to him over and over again tonight was obfuscate. He said he read the planning opinion that was given to them and he stands behind his planning staff's work. He stated he believes they are consistent with the code and the state law. He said some of the things and some of the statements made tonight will get challenged if the Village ends up being sued, but his planners did not do this in a vacuum. He stated they did good work. He said he does not normally feel compelled to comment, but the planners got dragged places tonight that they did not deserve. He thanked the planners for their work.

## **12. COUNCIL REPORTS**

**COUNCILMAN NAPOLEONE:** Councilman Napoleone presented the following report:

- He wished everyone Happy Holidays!
- He said Winterfest and the parade was great.

**COUNCILWOMAN SISKIND:** Councilwoman Siskind presented the following report:

- She thought Winterfest and the holiday parade were probably the most well attended she has ever seen.

**VICE MAYOR MCGOVERN:** Vice Mayor McGovern presented the following report:

- He wished everyone a Happy Hanukah and Merry Christmas!

**MAYOR GERWIG:** Mayor Gerwig presented the following report:

- She asked if they were doing the lighting tomorrow at 5:00 pm. Councilwoman Siskind stated they will figure it out tomorrow with staff.

**COUNCILMAN DRAHOS:** Councilman Drahos presented the following report:

- He thanked staff for their nice work, and he thought Council did a good job.

## **13. ADJOURNMENT**

There being no further business to come before the Village Council, the meeting was adjourned at approximately 2:56 AM.

**Approved:**

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**Anne Gerwig, Mayor**

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**Chevelle D. Nubin, Village Clerk**