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**MEETING MINUTES
WELLINGTON
PLANNING, ZONING AND ADJUSTMENT BOARD
March 13, 2019
7:00 PM
Wellington Village Hall
12300 Forest Hill Boulevard
Wellington, FL 33414**

Pursuant to the public notice, a meeting of Wellington's Planning, Zoning and Adjustment Board held on March 13, 2019 at 7:00 p.m. at the Village Hall, 12300 Forest Hill Boulevard, Wellington, Florida 33414.

I. CALL TO ORDER/ROLL CALL

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

Members present; Elizabeth Mariaca; Stephen A. Levin; Alan Shullman; Jeffrey Robbert, Maureen Martinez and Dr. Carmine Priore.

Members Absent: Kenneth Kopp.

Staff present: Robert Basehart, Planning, Zoning and Building Director; Laurie Cohen, Village Attorney and Jennifer Fritz, Recording Secretary.

II. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was done.

III. REMARKS BY THE CHAIRMAN

Ms. Mariaca welcomed the Board back, stating in 2018 the Board had only met twice. Ms. Mariaca pointed out the work this Board does is important and the item presented tonight is an example of that.

IV. APPROVAL OF MINUTES – September 12, 2018

A motion was made by Alan Shullman, seconded by Stephen A. Levin, to approve the September 12, 2018 minutes. The motion passed unanimously (6-0) with Kenneth Kopp absent.

V. ADDITIONS/DELETIONS/REORDERING OF AGENDA

Not required.

VI. NEW BUSINESS

PZ-0178 | ORDINANCE NO. 2019-03 (NIGHTCLUB) AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING ARTICLE 3 (DEFINITIONS); AMENDING ARTICLE 6, TABLE 6.4-1 (USE REGULATION SCHEDULE), TABLE 6.8-2 (PLANNED DEVELOPMENT DISTRICT USE REGULATION SCHEDULE), AND TABLE C (EOZD PERMITTED, CONDITIONAL AND PROHIBITED USES); AMENDING SECTION 6.4.4 (SUPPLEMENTARY USE STANDARDS) OF THE LAND DEVELOPMENT REGULATIONS OF THE VILLAGE OF WELLINGTON, FLORIDA, RELATING TO USES; TO REGULATE THE LOCATION OF NIGHTCLUB BUSINESSES AND CREATE OPERATION STANDARDS AND REQUIREMENTS; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

Robert Basehart, Planning, Zoning and Building Director, advised the Board that Ordinance 2019-03 is referred to as the "Nightclub Ordinance". The genesis of this Ordinance is from Village Council's efforts to deter some of the negative impacts experienced from businesses, generally termed as nightclubs. Wellington is not alone in having a problem with traffic accidents and fatalities that involve intoxicated people and even underage drinking. Wellington started a program called Wild Stallion to identify underage drinkers or patrons who may have had too much to drink and should not drive. The Palm Beach County Sheriff's Office (PBSO) approached the Village suggesting we adopt an ordinance that specifically regulates nightclubs. Mr. Basehart wrote the Ordinance that is before this Board tonight. Staff also presented the Ordinance to the Public Safety Committee and the Equestrian Preserve Committee, both of which recommended approval unanimously. Staff notified all businesses that might be affected by the Ordinance. Staff narrowed the list of businesses to 16 that could be affected. Mr. Basehart only received two calls regarding the notification. Mr. Basehart reviewed the three basic elements in the LDR that need to be updated, which includes Article 3 – Definitions, Article 6 – Use Regulations and Supplemental Standards. In the Supplemental Standards, criteria was added for defining a Nightclub, security requirements and provisions for minimum age restrictions with certain exemptions. The use matrix tables in Article 6 were modified to add Nightclub as a use type and require any new nightclub businesses obtain a Conditional Use approval. This

article also provides an exemption for any existing businesses from having to obtain a Conditional Use approval; however, existing businesses would still have to meet the requirements in the Supplemental Standards.

Dr. Carmine Priore inquired if the proposed regulations are inclusive of businesses that sell only hard liquor. Mr. Basehart confirmed. Dr. Priore inquired about a one-day special use such as a party or a wedding with alcohol and if the regulations will apply. Mr. Basehart stated no, this is for businesses, not a private single event.

Stephen A. Levin used Coral Sky as an example and inquired if it would be considered a nightclub. Mr. Basehart stated yes, but if built in Wellington, it would have to get Council approval.

Alan Shullman inquired about operating during the day and whether it should be termed differently. He also inquired on the minimum security requirements. Mr. Basehart stated the business could request a reduction from the minimum security standards annually, if they had less than 5 law enforcement calls the previous year.

Maureen Martinez inquired about PBSO responding when the establishment has private security and not contacting PBSO, how can the Village address. Mr. Basehart stated that is a decision of the establishment. Hopefully, an off duty police officer or certified licensed security personnel have been trained to know when to make the call. There is no definition on the use of a law enforcement response.

Ms. Mariaca asked for clarification on the existing establishments being grandfathered in. Mr. Basehart stated those businesses in operation are exempted from going to the Council for approval. Ms. Mariaca inquired on financial responsible. Mr. Basehart stated there is no annual fee with this Ordinance. Any new establishments will have to go through the public hearing process.

Dr. Priore stated that he would prefer law enforcement for security; pointing out without police power security does not have the authority to stop an intoxicated driver. Dr. Priore asked for any thoughts requiring PBSO. Mr. Basehart stated that licensed security personnel is to keep order, ensure no underage drinking or intoxication. They should be contacting PBSO when needed for additional assistance. Ms. Cohen stated the security would not leave the establishment and they would have to call PBSO for backup. Mr. Levin read the requirement on security personnel from the Ordinance.

Jeffrey Robert inquired about the security personnel not being an employee of the business, but contracted with a third party. Mr. Basehart stated that there is no provision on that. Ms. Cohen stated the personnel could be employed by the business but none of the businesses probably has the required security personnel on staff.

A motion was made by Dr, Carmine Priore, seconded by Stephen A. Levin, to open public comment. The motion passed unanimously (6-0) with Kenneth Kopp absent.

A motion was made by Dr. Carmine Priore, seconded by Alan Shullman, to close public comment. The motion passed unanimously (6-0) with Kenneth Kopp absent.

A motion was made by Alan Shullman, seconded by Stephen A. Levin, to approve Ordinance 2019-03. The motion passed unanimously (6-0) with Kenneth Kopp absent.

VII. COMMENTS FROM PUBLIC

None.

VIII. COMMENTS FROM STAFF

Mr. Basehart advised the Board that staff is working on Article 6 and the last Article presented to the Board will be Article 3. There are applications for the Player's Club for a Comprehensive Plan Text and Map amendments, Zoning Text Amendment, Master Plan amendment and Site Plan Amendment to build a condominium. The text amendments are related to increasing the building height. There is another application soon to be filed, on what has historically been known as the Fina property, for a mixed-use project.

IX. COMMENTS FROM THE BOARD

None.

X. ADJOURN

A motion was made by Alan Shullman, seconded by Dr. Carmine Priore, to adjourn. The motion passed unanimously (6-0) with Kenneth Kopp absent.

The meeting adjourned at 7:40p.m.

APPROVED: _____
Date

Elizabeth Mariaca-Chairperson

Jennifer Fritz-Recording Secretary