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**MEETING MINUTES
WELLINGTON
PLANNING, ZONING AND ADJUSTMENT BOARD
May 7, 2014
7:00 PM
Wellington Village Hall
12300 Forest Hill Boulevard
Wellington, FL 33414**

Pursuant to the public notice, a meeting of Wellington Planning, Zoning and Adjustment Board was held on May 7, 2014 at 7:00 p.m. at the Village Hall, 12300 Forest Hill Boulevard, Wellington, Florida 33414.

I. CALL TO ORDER/ PLEDGE OF ALLEGIANCE

Craig Bachove called the meeting to order at 7:04 p.m.

Members present: Craig Bachove; Michael Drahos; Elizabeth Mariaca; Paul Adams; Carol Coleman and Andrew Carduner.

Members absent: Tim Shields

Staff present: David Flinchum, Planning and Zoning Manager; Megan Rogers, Assistant Village Attorney; Tim Stillings, Planning Development Services Director; Robert Basehart, Growth Management Director; Damian Newell, Associate Planner; Kelly Ferraiolo, Project Management Assistant and Jennifer Fritz, Recording Secretary.

Pledge of Allegiance was done.

II. REMARKS BY THE CHAIRMAN

Craig Bachove thanked everyone for coming out and to silence their phones.

III. APPROVAL OF MINUTES – April 2, 2014

A motion was made by Paul Adams, seconded by Carol Coleman, unanimously approved by the Board (6-0), to approve the April 2, 2014 minutes.

IV. ADDITIONS/DELETIONS/REORDERING OF AGENDA

David Flinchum recommended the agenda to be reorder to hear Old Business after New Business. The Board agreed.

V. SWEARING IN OF SPEAKERS

Megan Rogers, Assistant Village Attorney administered the oath.

VI. OLD BUSINESS

- A. AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE LAND DEVELOPMENT REGULATIONS TO REVISE THE DEVELOPMENT REVIEW PROCESSES BY REPEALING ARTICLE 5 "DEVELOPMENT REVIEW PROCEDURES" IN ITS ENTIRETY AND ENACTING A NEW ARTICLE 5 "DEVELOPMENT REVIEW" TO ESTABLISH A DEVELOPMENT REVIEW OFFICER, MODIFY SPECIAL USE PERMITS, SEASONAL EQUESTRIAN USES, AND UPDATING THE APPLICATION, REVIEW, AND APPROVAL PROCEDURES FOR DEVELOPMENT PERMITS; AND AMENDING ARTICLE 3 "DEFINITIONS" BY AMENDING CHAPTER 2 "DEFINITIONS" CONSISTENT WITH THE NEW ARTICLE 5 "DEVELOPMENT REVIEW"; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.**

A motion was made by Andrew Carduner, seconded by Carol Coleman, unanimously approved by the Board (6-0), to move to the June 4th PZAB Meeting Date.

VII. NEW BUSINESS

- A. AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING THE SITE SPECIFIC MIXED USE FUTURE LAND USE MAP DESIGNATION (PETITION NUMBER 2013-64 CPA 2) FOR CERTAIN PROPERTY KNOWN AS ISLA VERDE OF WELLINGTON, TOTALING 53.57 ACRES, MORE OR LESS, LOCATED ON THE EAST SIDE OF STATE ROAD 7 AND APPROXIMATELY 1/2 MILE NORTH OF FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO INCREASE THE ALLOWED RESIDENTIAL UNITS FROM 230 TO 360 DWELLING UNITS, UPDATE THE FUTURE LAND USE MAP DESIGNATION TO THE CURRENT MIXED USE (TYPE 1) DESIGNATION AND DESIGNATE THE MAXIMUM DEVELOPMENT THRESHOLD; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

David Flinchum advised the presentations will be combined with the other related Isla Verde petitions tonight.

Damian Newell, Associate Planner presented the staff report. Mr. Newell advised the Board the applicant is requesting to go from 230 townhomes to 360 rental units with a designation of Mixed Use Type 1. Mr. Newell explained how the Comprehensive Plan (CP) was amended in 2006 to now include Type I which allows using 100% of the entire site area. The Rezoning request is from Multiple Use Planned Development (MUPD) to Mixed Use Planned Development (MXPD) which is more compatible with the Village's current zoning designation. The applicant is requesting to go from two story townhomes to three story rental apartments. Since the packets were distributed to the Board, Condition 17 was amended since the property has been platted. Staff has received one objection in reference to the increase in density change to rental aspect, access and the

increase in traffic. The petition complies with the Comprehensive Plan (CP) and Land Development Regulations (LDR), staff is recommending approval. The applicant is in attendance.

Donaldson Hearing, Coteleur and Hearing agent for the applicant, stated his entire project team is in attendance for any Board questions. The applicant is trying to be consistent with the CP and making the site compatible. The site is about 53 acres on the east side of State Road 7. Dillman Road is not planned to be connected to State Road 7 from Lyons Road. The Rezoning is to be consistent with the MXPDP. The change is the number of units. The density proposed is 6.72 units to the acre which is below the density allowed of 12 units. The project will be the first National Association of Home Builders (NAHB) Gold LEED project in Wellington. Mr. Hearing explained the land use allocation. The applicant has reached out to the residents of Whippoorwill Community. The buildings on the perimeter are in the exact same location as the approved Master Plan (MP). Mr. Hearing explained the NAHB inspection and requirements. There will be a wall on the south and east boundary with an eight foot high wall along the preserve area to maintain the wall height for those areas without a perimeter berm. On the east would be a two or three foot berm and upsized the trees along the boundary. The applicant is agreeable to providing landscape in the private right of way (ROW) if allowed to accommodate the residents of Whippoorwill. Mr. Hearing illustrated the proposed landscaping and the buildings and the amenities. Mr. Hearing advised of the project size, unit mix and demographic profile. The increase in traffic is only five percent.

The Board declared their ex-parte of communication with Mr. Bachove stating he had spoken with staff.

Ms. Mariaca inquired on the traffic and the additional capacity. Chris Heggens with Kimberly Horn and Associates explained the trip generation rates on the traffic reports. The study was based on peak season volume from January and March. The Board discussed concern with traffic backing up to State Road 7. Ms. Mariaca inquired on the rent. Mr. Hearing stated around \$1.25 a square foot which is market rate. The rent would be around \$2300 to \$2400 a month. The entire project would be built in 16 months. Mark Wiener Architect for the project explained the different type of units.

Michael Drahos inquired on the history of the property. Mr. Newell explained the previous requests from the applicant. Ms. Rogers explained in rebuttal the Section 8 voucher program and advised not conditioning the developer. Mr. Carduner inquired on maintaining the preserve. Mr. Hearing advised the master association will maintain the preserves and the developer would manage the entire community. A discussion of the total parking space requirements and not allowing commercial vehicles to park overnight. Ms. Coleman commented on using the entire site for the density. Mr. Hearing explained the rezoning is being made consistent with the Village's codes. This residential developer is separate from the Isla Verde commercial developer to the west.

Mr. Bachove inquired where the additional units are going. Mr. Hearing stated they are the same building footprints; the buildings are mostly placed in the same place as the original approved MP. The roads, preserve and lakes are the same, the setbacks are increased to 30 feet. The units that face the perimeter are two stories and on the backside are three stories. Mr. Bachove referenced the applicant's letter for 40 feet. Mr. Newell explained the measurement is 40 feet instead of 50 feet due to the roof height. Mr. Bachove inquired on the CP. Mr. Newell explained the process for comprehensive plans. Mr. Flinchum commented on the need for updating each of the approved MUPD projects to be changed to MXPDP to be consistent. Mr. Carduner inquired on a garbage

truck passing a car parked on a 24 foot wide street. Mr. Heggens explained there is sufficient room and explained the traffic requirements. Ms. Mariaca inquired on any communications staff received on the project. Mr. Newell stated staff received only one communication.

A motion was made by Carol Coleman, seconded by Andrew Carduner, approved unanimously (6-0) to open public comment.

Sean O'Shea, 933 Whippoorwill Trail, opposes.

Thomas McCauley, 958 Whippoorwill Way, opposes.

David Mills, 1573 Stonehaven Estates Dr., President of the Stonehaven HOA asked to delay the petition.

Mr. Flinchum responded to the Board all notices went out and signs were posted in time. Mr. Newell stated the mailing went out on April 22, 2014 and the 500 feet requirement was used for notification. The signage was posted on April 22, 2014.

Jay French, 969 Whippoorwill Trail, opposes.

Timothy Sargent, 909 Whippoorwill Blvd, opposes.

Kimberly Helms, 9443 Granite Ridge Lane, opposes.

Scott MacKenzie, 9412 Granite Ridge Lane, opposes.

Emelina Rodriquez, 1710 Newhaven Point Lane, opposes.

Adam Norwitch, 1622 Newhaven Point Lane, opposes.

Mr. Drahos read into the record the submitted cards.

Jeff Meehan, 601 Bayshore Blvd, supports.

Ruth French, 969 Whippoorwill Trail, opposes.

Lourdes Alonso, 732 Whippoorwill Trail, opposes.

Shirley Brown, 825 Whippoorwill, opposes.

Eugene Longmire, 966 Whippoorwill Row, opposes.

Karlyce Longmire, 966 Whippoorwill Row, opposes.

Rose Hagopian, 1331 Pebble Ridge Lane, opposes.

Luis Mora, 1338 Pebble Ridge Lane, opposes.

Mauricco Correa, 1339 Pebble Ridge Lane, opposes.

Robert O'Bannon, 897 Whippoorwill Terrace, opposes.

Joe McCarty, 958 Whippoorwill Way, opposes.

Rochelle Casper, 1452 Stonehaven Estates Dr, opposes.

Barry Casper, 1452 Stonehaven Estates Dr, opposes.

Luis Ramirez, 1646 Newhaven Point Lane, opposes.

Indira MacKenzie, 9412 Granite Ridge Lane, opposes.

John MacKenzie, 9412 Granite Ridge Lane, opposes.

Matt Sherman, 864 Whippoorwill Way, stated he opposes.

Continuing with the comment cards.

Jerome Russo, 867 Whippoorwill Row, opposes.
Suzanne Layman, 964 Whippoorwill Terrace, opposes.
Dianne Park, 761 Whippoorwill Terrace, opposes.
Patricia Platt, 663 Whippoorwill Row, opposes.
Lyle Platt, 663 Whippoorwill Row, opposes.
Tobin Notman, 869 Whippoorwill Blvd, opposes.
Brad and Karen Thomas, 9515 Granite Ridge Lane, opposes.
Susan Fortunati, 1347 Pebble Ridge Lane, opposes.
Ellen Korn, 1346 Pebble Ridge Lane, opposes.
Joan Armento, 1575 Newhaven Point Lane, opposes.
Peggy Whitaker, 931 Whippoorwill Terrace, opposes.
Kenneth Whitaker, 931 Whippoorwill Terrace, opposes.
Beth Kugler, 564 Whippoorwill Way, opposes.

Ms. Mariaca inquired on the amount of homes in Whippoorwill and Stonehaven. Staff responded they did not know the exact number of residents.

Michael Lacosture, 9408 Country Lane Ct, opposes.
Jack McGriff, 664 Whippoorwill Trail, opposes.
Gary Zaniwski, 970 Whippoorwill Trail, opposes.
Robert Burwen, 731 Whippoorwill Row, opposes.
Matthew Sherman, 864 Whippoorwill Row, opposes.
Sarah Collins, 868 Whippoorwill Terrace, opposes.

Jared Weiner agent for Pebb Enterprises, who is the owner of Isla Verde, advised of the positive side of the development.

Mr. Drahos continued to read into the record the submitted cards.

Jacqueline and Grif Palmer, 799 Whippoorwill Row, opposes.
Carlos Echeverdas, 15710 Bend Creek Road, opposes.
Jennie Pugh, 822 Whippoorwill Way, opposes.
George Unger, wrote why does the developer get to speak during public comment.

A motion was made by Paul Adams, seconded by Andrew Carduner, approved unanimously (6-0) to close public comment.

Paul Adams stated he sees no need to increase density. There is a difference between rental and condominium owners. He is against postponing the item.

Ms. Rogers advised the Board the applicant does get time to respond.

Mr. Hearing stated the applicant has reached out to Whippoorwill and will be meeting tomorrow with Stonehaven. They are willing to work with the residents. The project has been evaluated by staff. Mr. Hearing asked to review the evidence presented and not base their vote on conjecture.

Mr. Adams stated this request is different from what was originally approved. He cannot support.

Ms. Mariaca inquired on the 100% area for calculations. Mr. Hearing advised the area is 30 acres in size but is based on the overall site of 53 acres. Ms. Mariaca commented on the entrance to the residential and coming through the commercial parking lot. She cannot support but is willing to continue discussions. Mr. Drahos thanked the public for coming out and participating. He would never support. Mr. Carduner commented on the traffic. He cannot support. Ms. Coleman commented if not changing the zoning this density would not be allowed. Mr. Newell corrected the new zoning designation does not effect what is allowed. The 100% calculation is under the land use designation and not the rezoning. Ms. Coleman commented on the project's lack of parking and lack of seniors to use, she cannot support. Mr. Bachove suggested the agent should go back and work out the problems with the adjoining neighbors. Ms. Mariaca stated the original approval is for 230 townhomes and would be in everyone's benefit to work together.

A motion was made by Carol Coleman, seconded by Andrew Carduner, unanimously approved by the Board (6-0), to deny 2013-64 CPA2.

B. AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A REZONING (PETITION NUMBER 2013-64 REZ 2) FOR CERTAIN PROPERTY KNOWN AS ISLA VERDE OF WELLINGTON, TOTALING 53.57 ACRES, MORE OR LESS, LOCATED ON THE EAST SIDE OF STATE ROAD 7 AND APPROXIMATELY 1/2 MILE NORTH OF FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; FROM MULTIPLE USE PLANNED DEVELOPMENT (MUPD) TO MIXED USE PLANNED DEVELOPMENT DISTRICT (MXPDP); PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Megan Rogers reminded the Board they need to base their votes on substantial evidence.

Ms. Coleman inquired if the rezoning has any effect on the increase of density. Mr. Stillings stated that is correct it doesn't change the density. This will make it consistent with the CP and LDR. The other option is doing a glitch bill to fix the MUPD. There are two other sites that need to be updated. Mr. Newell stated eventually their zoning would also have to be changed. The project density is based on the land use designation, not the zoning.

A motion was made by Carol Coleman, seconded by Elizabeth Mariaca, unanimously approved by the Board (6-0), to recommend 2016-64 REZ2.

C. A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A MASTER PLAN AMENDMENT (PETITION NUMBER 2013-64 MPA 2) FOR CERTAIN PROPERTY KNOWN AS ISLA VERDE OF WELLINGTON, TOTALING 53.57 ACRES, MORE OR LESS, LOCATED ON THE EAST SIDE OF STATE ROAD 7 AND APPROXIMATELY 1/2 MILE NORTH OF FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO ALLOW 360 MULTI-FAMILY UNITS AND AMEND CONDITIONS OF APPROVAL; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A motion was made by Carol Coleman, seconded by Andrew Carduner, unanimously approved by the Board (6-0), to deny 2013-64 MPA2.

The Board took a five minute break.

D. AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING THE WELLINGTON COMPREHENSIVE PLAN FUTURE LAND USE MAP (PETITION NUMBER 2013-61 CPA 2) BY CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM COMMERCIAL RECREATION TO RESIDENTIAL "E" FOR CERTAIN PROPERTY KNOWN AS PARCEL "V" OF THE LANDINGS AT WELLINGTON PUD, TOTALING 0.26 ACRE, MORE OR LESS, LOCATED APPROXIMATELY 1/2 MILE SOUTH OF SOUTHERN BOULEVARD ON THE WEST SIDE OF BINKS FOREST DRIVE, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Flinchum advised the Board the applicant has requested to postpone the Master Plan Amendment after the five day window and it is up to the Board to decide.

Mr. Flinchum explained the request for the CP change. Mr. Newell advised the Board of the request to change Parcel "V" from Commercial Recreation (CR) to Residential E with no additional residential units assigned. Mr. Newell presented the staff report. Parcel V is internal to the overall project and is not a jurisdictional wetland. Staff has received comments and inquires on the project. The golf course will not be amended or the landscape buffer. Staff recommends approval of the CPA.

Jennifer Vail, Land Design South agent for the applicant, advised the Board the change is for .26 acre Parcel V. Ms. Vail advised of the location of the entire property and the Parcel L. They are still working on the proposed site plan with staff. The three stories are being removed and will remain at the 90 units. The intent and character remain the same for the site.

Mr. Drahos inquired why the parcel was originally CR. Mr. Flinchum stated a lot of preserve areas were given a green color on the Land Use Map like golf courses. Mr. Newell stated the golf course was also CR. The original owner of Parcel L did not sell the small preserve until recently. It has now been sold by the HOA and a new plat will be recorded with the modified preserve. Mr. Newell explained the original amendment history. Ms. Vail explained the preserve is being reconfigured and the exotics would be cleaned out. Mr. Newell explained the buildings would be built around the area.

A motion was made by Carol Coleman, seconded by Andrew Carduner, approved unanimously (6-0) to open public comment.

George Unger, 15590 Cedar Grove Lane is okay with two stories and the Village needs to enforce the preserve will be maintained forever.

Frank Ventriglio, 581 Cypress Green Circle, gave the history of the project and asked for an agreement to protect the Preserve Homes with a berm to be built along the south side.

Ms. Coleman inquired if the berm would be part of the MPA. Mr. Newell confirmed it would be part of the MPA. Based on staff research it did include the berm, there is also a portion to the east. It would be addressed at the MPA level.

Mr. Drahos read the comment cards into the record.

Louis Cuthbertson, 630 Cypress Green Circle, opposes.
Sherly Lebares, 576 Cypress Green Circle, opposes.

Bill Underwood, 750 Cedar Cove Road, spoke the golf course has declined and he opposes.

Mr. Drahos continued reading the comment cards into the record.

Richard Dieker, 787 Cedar Cove Road, opposes.
Michelle Daniels, 570 Cypress Strand Court, opposes.
Glen Daniels, 570 Cypress Strand Court, opposes.
Dean Ernst, 702 Cypress Green Circle, opposes.
Eric Reid, 774 Cedar Cove Road, opposes.
Vincent Paterno, 786 Cedar Cove Road, opposes.
Sarah Hill, 683 Cypress Green Circle, neither supports or opposes.
Sarah Francis, 719 Cypress Green Circle, opposes.
Deborah Klein, 15800 Cypress Creek Lane, opposes.
Bob and Elaine Robbins, 591 Cypress Crossing, opposes.

Mr. Bachove stated a lot of cards were for the MPA and not the CPA. Ms. Rogers advised the public would have to come back when the MP is heard.

A motion was made by Carol Coleman, seconded by Elizabeth Mariaca, approved unanimously (6-0) to close public comment.

Ms. Mariaca inquired on the history. Mr. Flinchum gave a brief history of the golf course. Mr. Flinchum advised only the CPA is being heard tonight which is requesting to change the CR to Residential E. The MPA is with a different building type which is causing a site constraint the applicant is still working with staff on. Mr. Carduner inquired on conditions to maintain the preserve. Mr. Flinchum stated he would work with Land Design. The Village should not be responsible for maintaining the preserve. Mr. Newell advised the Board any change to the golf course property requires a Village wide referendum. Mr. Drahos expressed concern on maintaining the golf course and encourages the public to return when the MPA comes back to the Board.

A motion was made by Elizabeth Mariaca, seconded by Craig Bachove, to approve the Petition No. 2013-61 by changing the Future Land Use Map Designation from Commercial Recreation to Residential E for a certain property known as Parcel "V", was denied by the Board (4-2), .

Mr. Stillings requested if Item F and Item G of New Business could be heard tonight.

A motion was made by Carol Coleman, seconded by Andrew Carduner, unanimously approved (6-0) to extend the meeting time.

- E. A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A MASTER PLAN AMENDMENT (PETITION NUMBER 2013-61 MPA 2) FOR CERTAIN PROPERTY KNOWN AS POD "L" (BINKS POINTE F.K.A. RESIDENCES AT BINKS FOREST GOLF CLUB) OF THE LANDINGS AT WELLINGTON PUD, TOTALING 15.27 ACRES, MORE OR LESS, LOCATED APPROXIMATELY 1/2 MILE SOUTH OF SOUTHERN BOULEVARD ON THE WEST SIDE OF BINKS FOREST DRIVE, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO INCREASE THE ACREAGE OF POD "L" BY INCLUDING PARCEL "V" 0.26 ACRE AND AMEND CONDITIONS OF APPROVAL; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

A motion was made by Paul Adams, seconded by Carol Coleman, unanimously approved by the Board (6-0), to postpone the Master Plan.

- F. AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE VILLAGE OF WELLINGTON BY REPEALING ARTICLE 6, CHAPTER 12, TEMPORARY SUSPENSION OF THE PROHIBITION OF THE USE OF TENTS AS STALLS WITHIN CERTAIN AREAS OF THE EQUESTRIAN OVERLAY ZONING DISTRICT; AMENDING SECTION 6.10.9.D "USE OF TENTS AS TEMPORARY STALLS" TO INCLUDE PROVISIONS FOR NATURAL DISASTERS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

Kelly Ferraiolo presented the staff report repealing Section 6.12 the temporary suspension of tents. The Ordinance also amends Section 6.10.9.D. Mr. Bachove clarified if Council or the Governor needs to declare a natural disaster.

A motion was made by Carol Coleman, seconded by Elizabeth Mariaca, approved unanimously (6-0) to open public comment.

A motion was made by Carol Coleman, seconded by Elizabeth Mariaca, approved unanimously (6-0) to close public comment.

A motion was made by Elizabeth Mariaca, seconded by Andrew Carduner, unanimously approved by the Board (6-0), to approve Ordinance 2014-06.

- G. AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING ARTICLE 14, ENFORCEMENT PROCEEDINGS AND PENALTIES OF THE LAND DEVELOPMENT REGULATIONS OF THE VILLAGE OF WELLINGTON; TO PROHIBIT THE ISSUANCE OF BUILDING PERMITS AND ALLOW SUSPENSION OF ISSUED PERMITS, ALLOW SUSPENSION OF THE CONDUCTING OF INSPECTIONS AND/OR THE GRANTING OF CERTIFICATES OF COMPLETION OR OCCUPANCY FOR PROPERTIES WITH OPEN CODE VIOLATION CASES OR OUTSTANDING CODE ENFORCEMENT LIENS OR FINES; TO PROHIBIT**

THE PROCESSING AND CONSIDERATION OF LAND DEVELOPMENT AND/OR USE APPROVAL APPLICATIONS FOR PROPERTIES WITH OPEN CODES ENFORCEMENT CASES AND/OR OUTSTANDING CODE ENFORCEMENT LIENS AND/OR FINES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

Mr. Basehart presented the staff recommendation and entered into the record the staff report and materials from the file. A similar ordinance had previously been proposed that affected any other property owned by the cited properties. The Board thought the ordinance might be court tested. Staff has removed that provision this would affect only property with outstanding code fines. Some of the references to departments the Village no longer has have been updated.

Ms. Coleman inquired if it could include temporary certificate of occupancy (TCO). Mr. Basehart stated it would apply and the reference to certificate of occupancy (CO) would make the intent clear. Mr. Drahos inquired on the process. Mr. Basehart explained the process on a development being compliant in order to receive any permits.

A motion was made by Carol Coleman, seconded by Andrew Carduner, approved unanimously (6-0) to open public comment.

Mike Nelson, 11199 Polo Club Road, expressed his concern on the Ordinance not being clear and taking away due process.

A motion was made by Carol Coleman, seconded by Michael Drahos, approved unanimously (6-0) to close public comment.

Mr. Drahos express concerned on disputes and the ability to challenge. Mr. Basehart stated while challenging the property owner would still have to wait to obtain permits. Mr. Basehart read into the record what a code case means. Mr. Drahos commented on the appeal and the Village pulling their right without a review of the Special Magistrate ruling. Mr. Carduner stated there is no other way to cure violators and using it as a cost of doing business is unacceptable and owners continuing not to comply. Mr. Basehart stated currently the fines levied are not reaching the limits that exist presently. Ms. Coleman commented it would force violations to be corrected and get a resolution. Mr. Drahos expressed concern with the building permit aspect. Mr. Basehart stated it would start only when the Special Magistrate finds a violation.

A motion was made by Carol Coleman, seconded by Andrew Carduner, unanimously approved by the Board (5-1) with Michael Drahos dissenting, to approve Ordinance 2014-23.

VIII. COMMENTS FROM THE PUBLIC

IX. COMMENTS FROM STAFF

David Flinchum gave an update on the Article 15 traffic petition which was approved by the Council. David Flinchum thanked the Board for their service to the PZAB. Mr. Carduner asked for a workshop for the old business item. Mr. Stillings stated the June meeting will have new Board members. The June 4th meeting will consist of orientation and on June 30 there will be a special meeting to hear an appeal. Mr. Stillings stated their review for Article 5 can be done in small bites and can take as many

meetings as needed to review. Ms. Rogers stated the Board members can also meet individually with staff. Ms. Coleman requested full size maps to review projects.

X. COMMENTS FROM THE BOARD

Ms. Mariaca thanked staff for their work. Mr. Bachove commented on enjoying his time served on the Board. Mr. Bachove urged all Wellington residents to get involved.

XI. ADJOURN

A motion was made by Carol Coleman to adjourn.

The meeting was adjourned at 11:36 pm.

APPROVED:

6/4/14
Date

Carol Coleman
Chairman

Jennifer Fritz
Jennifer Fritz – Recording Secretary