

MEMORANDUM

To: Planning, Zoning, and Adjustment Board

From: Cory Lyn Cramer, AICP

Date: September 19, 2023

Subject: The Wellington North – Public Comment

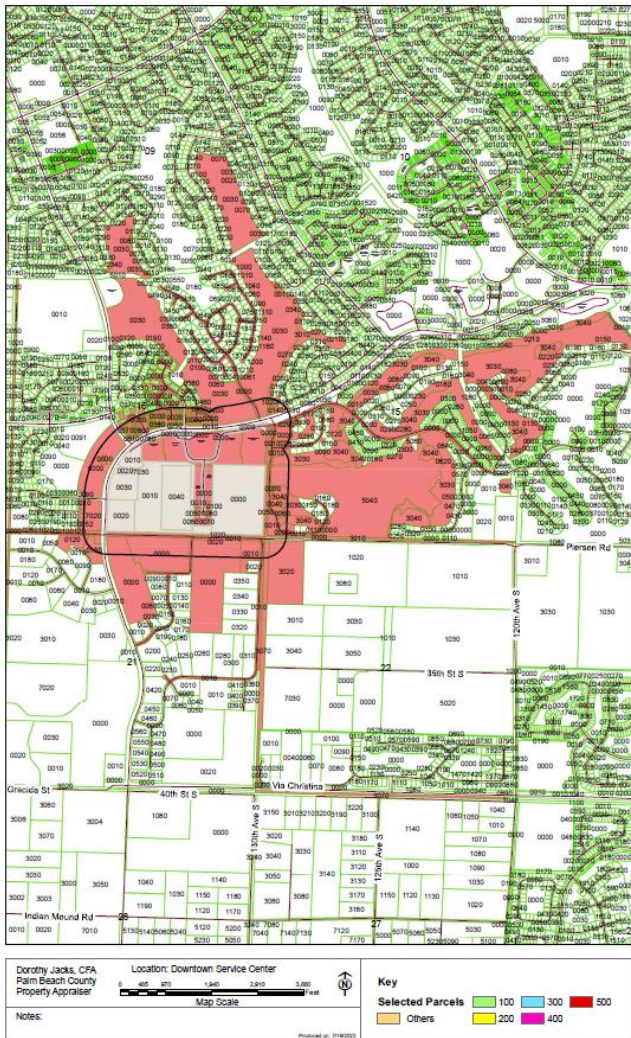
Shortly after the August 16, 2023 Planning, Zoning and Adjustment Board (PZAB) meeting, we received a call from a resident in Palm Beach Polo inquiring as to why they did not receive a mailer notifying them of the PZAB meetings in July. Staff reviewed the file and determined that the list of properties to receive notification for The Wellington North, which was provided by the agent, did not include properties within a 500-foot radius of the east property line and portions of the north and south property lines for the White Birch parcel. This resulted in 49 property owners not receiving the mailed notification for the PZAB meeting.

The agent submitted the original set of mailers with the applications in October 2022. At that time, the map and list of owners within 500-feet of the project were reviewed by staff and the list included all properties for The Wellington North proposal. Between the time of the October submittal and the required mailing date for the July 2023 PZAB meeting, the postage for certified mail increased. This required the agent to either update the proper postage or replace the mailers with updated postage. The agent elected to replace the mailers, which were generated from a different (incorrect) map that did not include the White Birch property within the project area. The original 2022 map for the mailers and the map used for the replacement mailers are provided for reference below. Unfortunately, the error was not noticed until staff received the resident's inquiry.¹

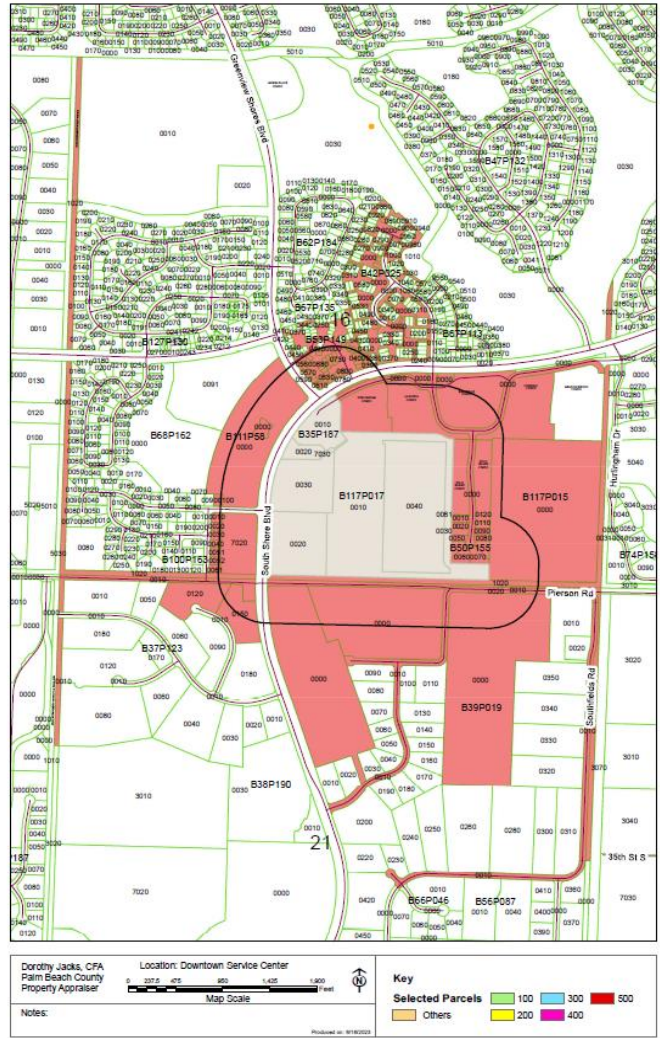
To cure the error and eliminate any potential procedural due process concerns, the appropriate course of action is to reopen the public hearing, at the next available opportunity, for the limited purpose of allowing only those property owners who did not receive the mailer to be heard by the PZAB on this matter. The mailers for the 49 properties that did not originally receive them were sent out on September 9, 2023 and included links to view the videos from the three (3) previous PZAB meetings. The correct map and mailers will be verified again prior to use for the scheduled Village Council meetings.

¹ It is important to note that the resident that inquired about not receiving a mailer was effectively noticed since that resident submitted an online comment for the Wellington North proposal.

Original Map



Incorrect Map



For the September 28, 2023 PZAB Meeting:

- The reopening of the public hearing is listed under old business on the agenda.
- The Village Attorney will provide the Board with instructions on how to proceed with reopening the public hearing and taking public comment.
- The public hearing is limited to The Wellington North proposal and only for public comment from those 49 property owners who did not receive the original mailer. The applicant and the interested parties for The Wellington North will have the opportunity to cross-examine those individuals who participate in the limited public hearing and may present rebuttal evidence. There will be no other presentations or evidence submitted by the applicant, interested parties, or staff.

- After the public hearing is closed, the Board will reconsider its recommendation on The Wellington North and either reaffirm the previous motions or amend them based solely on the testimony presented during the limited public hearing.

The PZAB recommendations at the August 16, 2023 meeting on The Wellington North were as follows:

- **A motion was made by Tracy Ciucci, seconded by Adam Rabin, to deny without prejudice or table Ordinance No. 2023-01, The Wellington North CPA, until such time as the Compatibility Determination for Pod F is submitted and has been heard by EPC and PZAB through the Public Hearing process so that the application can be heard at Council collectively with The Wellington North CPA application. The motion passed (5-2) with Maureen Martinez and Dr. Satish Raju dissenting.**
- **A motion was made by Tracy Ciucci, seconded by Adam Rabin, to deny without prejudice or table Ordinance No. 2023-02, The Wellington North Rezoning, until such time as the Compatibility Determination for Pod F is submitted and has been heard by EPC and PZAB through the Public Hearing process so that the application can be heard at Council collectively with The Wellington North Rezoning application. The motion passed (5-2) with Maureen Martinez and Dr. Satish Raju dissenting.**
- **A motion was made by Tracy Ciucci, seconded by Adam Rabin, to deny without prejudice or table Resolution No. R2023-01, The Wellington North MPA, until such time as the Compatibility Determination for Pod F is submitted and has been heard by EPC and PZAB through the Public Hearing process so that the application can be heard at Council collectively with the Wellington North MPA application. The motion passed (5-2) with Maureen Martinez and Dr. Satish Raju dissenting.**

If you have any questions, please contact our office directly.