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**MEETING MINUTES
WELLINGTON
PLANNING, ZONING AND ADJUSTMENT BOARD
October 19, 2022
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 October 19, 2022 at 7:00 p.m. at Village Hall, 12300 Forest Hill Boulevard, Wellington, Florida 33414.

I. CALL TO ORDER/ROLL CALL

Jeffrey Robbert called the meeting to order at 7:00 p.m.

Members present: Jeffrey Robbert; Adam Rabin; Tracy Ciucci; John Bowers; Maureen Martinez; Ron Herman; and Satesh Raju.

Staff present: Laurie Cohen, Wellington Attorney; Tim Stillings, Planning, Zoning and Building Director; Michael O'Dell, Assistant Planning, Zoning and Building Director; Cory Lyn Cramer, Planning and Zoning Manager; Damian Newell, Senior Planner; Christian Santa-Gonzalez, Planner; and Jennifer Fritz, Recording Secretary.

II. REMARKS BY CHAIRMAN

None.

III. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was done.

IV. APPROVAL OF MINUTES

PZ-0271 SEPTEMBER 13, 2022 PLANNING, ZONING AND ADJUSTMENT BOARD MINUTES

A motion was made by John Bowers, seconded by Adam Rabin, to approve the September 13, 2022 Planning, Zoning and Adjustment Board minutes. The motion passed unanimously (7-0).

V. ADDITIONS/DELETIONS/REORDERING OF AGENDA

None.

VI. SWEARING IN OF SPEAKERS/DECLARATION OF EX-PARTE COMMUNICATIONS

Laurie Cohen administered the oath.

Ron Herman had represented the applicant in the past and will remove himself from the meeting. Adam Rabin had no declaration. John Bowers declared he had spoken with staff; Maureen Martinez spoke with Councilman Napoleone; Jeffrey Robbert spoke to Councilman Siskind, Tracy Ciucci had received emails and those emails are part of the record; Dr Satesh Raj spoke with staff.

VII. NEW BUSINESS

PZ-0273 CINDY DRIVE WELLINGTON PUD MASTER PLAN

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, FOR A MASTER PLAN AMENDMENT (PETITION NUMBER 2022-0003-MPA) AMENDING THE WELLINGTON PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN FOR A CERTAIN PARCEL KNOWN AS PALM BEACH LITTLE RANCHES EAST OPEN SPACE AND RECREATION (A.K.A. 977 CINDY DRIVE), TOTALING 0.23-ACRE, MORE OR LESS, LOCATED APPROXIMATELY A HALF-MILE SOUTH OF ACME ROAD AND CINDY DRIVE INTERSECTION AT 977 CINDY DRIVE, AS MORE SPECIFICALLY DESCRIBED HEREIN; TO ADD ONE (1) DWELLING UNIT WITH SITE-SPECIFIC DEVELOPMENT STANDARDS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mrs. Cohen explained that Tatiana Yaques will be representing the Property Owner Association (POA) and has been given additional time to speak.

Damian Newell, Senior Planner, presented to the Board the request to amend the Wellington PUD Master Plan to add one (1) dwelling unit to the Palm Beach Little Ranches East pod and to allow site-specific development standard for the parcel. Mr. Newell reviewed the history of the property, location and the Palm Beach Little Ranches East development standards. Staff finds the request not consistent with the characteristics and lot size of the Palm Beach Little Ranches East and the lot was not intended to be developed as a residential lot with a single-family dwelling unit. The applicant was informed the parcel has no development approvals or entitlements. Staff recommends denial. Mr. Newell asked for the file be entered into the record.

Mr. Neil Winer, applicant, advised the Board that he was advised there was no open space in Palm Beach Little Ranches. Although the property size does not meet the setback requirements, he designed a home that will have the appearance of a barn, and become part of the neighborhood. The originally five-foot setbacks were requested, but now asking for 10-foot setbacks. He wishes to build his dream home. The property has not been utilized 15 years and the path has been used by dirt bike riders. Denying the request will create a hardship and the hardship is not self-created. There is open space and recreation at the entrance of the development. In addition, the document from May 2003, the Neighborhood Plan for Palm Beach Little Ranches on page seven states there are no open space and

recreation in Palm Beach Little Ranches. His property was not listed as a bridle trail on the illustrations of the trails in Palm Beach Little Ranches.

Tatiana Yaques, 819 Cindy Circle Lane, attorney for the POA and is a resident in the community. The POA is volunteer association, explaining the diversity of the community. Ms. Yaques stated the request is part of the 1974 Wellington PUD approval and that parcel is part of that pod. All lots are three to five acres and is supposed to be an equestrian development. The plat shows that parcel as open space recreational and is meant for a public space. The original developer never paid taxes for the parcel and it was probably overlooked. Mr. Winer purchased the parcel from a tax deed sale. The only way to connect the western to the eastern parcel is by the bridle path. Mr. Winer put up a fence which has created problems. Wellington treated the parcel as a public parcel, it was never intended to be anything else. Mr. Winer previously owned a parcel in Little Ranches. Mr. Winer had listed this parcel for sale, claiming a barn could be built on the parcel. It has to comply with the standards for Palm Beach Little Ranches Overlay Zoning District (PBLROZD). There is an important safety issue for obtaining water in the case of fire.

Ms. Cramer clarified that the zoning is not changing, the request is for a master plan amendment.

Mr. Winer inquired to Mrs. Yaques that the Palm Beach Little Ranches Neighborhood Plan was created by Palm Beach County. Mrs. Yaques stated Ms. Cramer made that statement. Mr. Winer inquired on the lot size and pointed out there are lots in Palm Beach Little Ranches that are two acres in size. Ms. Yaques stated the older part of the development had smaller lots and there are various lot sizes and in the current code is five-acre lot size. Mr. Winer inquired when the five acres was created. Ms. Cramer stated in 2019. Mr. Winer inquired on the setbacks and his request is only for the side setbacks. Mrs. Yaques stated he does not meet the side setbacks. Ms. Cramer explained that the overlay neighborhood plans were incorporated into the Land Development Regulations.

A motion was made by John Bowers, seconded by Dr. Satesh Raj, to open public comment. The motion passed unanimously (6-0) with Ron Herman excused.

John Bowers read into the record the comment cards. All comment cards read were opposed.

A motion was made by John Bowers, seconded by Adam Rabin, to close public comment. The motion passed unanimously (6-0) with Ron Herman excused.

Maureen Martinez inquired on what the Board is to consider. Mrs. Cohen reviewed the criteria on their review and focus on the standards and is it consistent with Wellington's Comprehensive Plan and with Palm Beach Little Ranches Overlay District.

Mr. Rabin clarified that the applicant must establish that the request complies with the standards.

A motion was made by John Bowers, seconded by Tracy Ciucci, to recommend denial of item PZ-273. The motion passed unanimously (6-0) with Ron Herman excused. Motion was withdrawn after closing arguments.

Mr. Winer stated he did not get to address the comments and objected to being treated unfairly. Ms. Cohen stated this Board is a recommending body to Council. Council makes the ultimate decision.

Mr. Winer stated his constitutional rights are being denied. Mr. Winer explained why he regrets selling his Palm Beach Little Ranches property. He never heard from the residents on access. He fenced the property and explained what his dream house is. The hardship is not a result of his actions. Is it better for a lot not be used for anything? Mrs. Ciucci inquired if he had seen the recorded plat showing it was designated open space and recreation before he purchased the property. Mr. Winer thought it could be a residential lot. Mr. Winer stated he will pursue further action. Mr. Rabin inquired on the motion and reopen the motion. Ms. Cohen stated the Board should reconsider their action.

Mrs. Taques stated plats back in the 70s had hand written notes on the plats.

Mr. Winer stated Wellington has more green space at the entrance and he is trying to fit in with the neighborhood and would be willing to bring in city water if he could build a single-family home. He has found another home built that was 20 feet wide and like the blueprint for what they created.

Mrs. Cohen inquired if anything changed the Board's opinion. Mr. Bowers withdrew his motion with Mrs. Ciucci agreeing to withdraw the motion.

Mrs. Martinez inquired if anything could be built on the lot. Mr. Newell stated it could have a ring but no barn or stabling.

Mr. Bowers stated none of the standards are being met. Mr. Bowers commented the tax deed which listed the parcel as open space. Mr. Rabin stated it is important that everyone be heard. Mrs. Martinez inquired on the open space at the entrance of the community. Mr. Newell stated it was for the realignment of the road and not designated as open space. Dr. Raj stated the rules are in place.

A motion was made by John Bowers, seconded by Tracy Ciucci, to recommend denial of item R2002-64. The motion passed unanimously (6-0) with Ron Herman excused.

PZ-0272 RESOLUTION R2022-66

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, ADOPTING THE BLUEWAYS MASTER PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Cramer introduced Michael O'Dell and Christian Santa-Gonzalez to present the Blueway Master Plan.

Michael O'Dell, Assistant Planning, Zoning and Building Director presented to the Board the request to consider the adoption of a Blueways Plan, which is the first step of a process in making improvements to Wellington's overall recreational uses. This is the first step and staff would incorporate into the Comprehensive Plan.

Christian Santa-Gonzalez, Planner, illustrated the location of the waterways and gave a background of the lake areas and activities. This plan would create connectivity between the waterways. The Plan's goals and objectives are to interconnect the two lakes, expand targeted culverts to increase additional navigable canals from the lakes. Also, to create a sense of place along Wellington's waterways. The plan of action is to build a bridge on Wellington Trace over the C canal and install three box-culvert. Mr. Santa-Gonzalez explained to the Board what a box-culvert is.

Mr. Bowers inquired if the box-culverts are intended for pontoon boat to go through. Mr. O'Dell stated the idea is for canoes and kayaks. The pontoon boats could go through the major bridge on Big Blue Trace. There are culverts there now and there are no water maintenance concerns.

Mr. Bowers inquired on the use of the boats being electric only. Mr. O'Dell stated staff is not changing that. Mrs. Ciucci inquired on any objections. Mr. O'Dell stated staff has not but some residents may, but staff is trying to bring in more recreational use. Staff might be able to utilize grant dollars on the timeframe to achieve and could be in a three to five-year window.

A motion was made by Adam Rabin, seconded by Dr. Raj, to open public comment. The motion passed unanimously (6-0) with Ron Herman absent.

Robert Cassie, supports has a pontoon boat and cannot get under the bridge when his boat is decorated.

Jeff Masters, 12916 Meadow Breeze Drive, supports.

Jack Browns, 12161 Sunset Circle, supports.

John Bowers read into the record the comment cards.

A motion was made by Dr. Raj, seconded by Adam Rabin, to close public comment. The motion passed unanimously (6-0) with Ron Herman absent.

Mr. Robbert inquired on where the boats are located when not in use. Mr. O'Dell stated on the property. Mrs. Martinez inquired on people who do not live on the water where can they park. Mr. O'Dell stated there are docks and will evaluate the use. Mrs. Ciucci expressed appreciate on the residents including more usage and the spirit of Wellington.

A motion was made by Adam Rabin, seconded by John Bowers, to recommend approval of item PZ-272, Resolution R2022-66. The motion passed unanimously (6-0) with Ron Herman absent.

PZ-0274 ORDINANCE NO. 2022-30 (CELL TOWER - ZONING TEXT AMENDMENT TO WELLINGTON'S LAND DEVELOPMENT REGULATIONS)

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE WELLINGTON LAND DEVELOPMENT REGULATIONS, MORE SPECIFICALLY, A ZONING TEXT AMENDMENT TO MODIFY SECTION 6.2.2.G. TRANSPORTATION COMMUNICATIONS INFRASTRUCTURE, OF ARTICLE 6, TO PROVIDE STANDARDS

FOR COMMERCIAL WIRELESS FACILITIES AND APPROVING A WIRELESS COMMUNICATION TOWER MAP WITH THE LOCATIONS OF PRELIMINARY APPROVED TOWERS AND APPROVED TOWERS WITHIN WELLINGTON, AS MORE SPECIFICALLY CONTAINED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

Damian Newell, Senior Planner, explained to the Board that staff was given direction to identify ways to improve cellular/wireless service coverage within Wellington. Wellington is working with the carriers and tower developers on ways to improve wireless service, including the expansion of the wireless infrastructure within Wellington. Expanding the wireless infrastructure will require changes to our regulations and process when it comes to cell towers. Mr. Newell reviewed the issues and challenges on cell tower.

The proposed amendment will include adoption of the Wellington Wireless Communication Tower Map. Mr. Newell illustrated that the map identifies the general locations of preliminary approved tower sites and that sites will require site plan approval. Staff recommends approval.

Mrs. Martinez inquired on using cells at the schools or is it the buildings. Mr. Newell advised of the things that have an impact on the cell service. Mr. Rabin stated his problem with cell usage. Board member pointed out the problems in different areas.

Tim Stillings stated there are no cell towers on school sites but staff is working with them. The pines are the worse trees to the cell signal. Mr. Rabin stated the carrier will pay to host their towers. Mr. Stillings stated staff is talking with a company that will build towers to provide the opportunity.

Mr. Stillings advised the Board about micro-towers and the location and the limits the Village has on them. Mrs. Cohen stated the legislature allows small cell to be installed by the carriers. Mr. Newell reviewed the setbacks for the towers.

A motion was made by John Bowers, seconded by Adam Rabin, to open public comment. The motion passed unanimously (6-0) with Ron Herman absent.

None.

A motion was made by John Bowers, seconded by Adam Rabin, to close public comment. The motion passed unanimously (6-0) with Ron Herman absent.

A motion was made by Adam Rabin, seconded by John Bowers, to recommend approval of Resolution R2022-30. The motion passed unanimously (6-0) with Ron Herman absent.

VIII. COMMENTS FROM PUBLIC

None.

IX. COMMENTS FROM STAFF

Ms. Cramer advised the Board of upcoming items. Ms. Cramer inquired to the Board on moving the December 21, 2022 meeting date to December 15, 2022. The Board is available. Dr. Raj will get back to staff.

X. COMMENTS FROM THE BOARD

None.

XI. ADJOURN

The meeting adjourned at 9:08 p.m.

APPROVED: _____
Date

Jeffrey Robbert-Chair

Jennifer Fritz-Recording Secretary