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**MEETING MINUTES
WELLINGTON
PLANNING, ZONING AND ADJUSTMENT BOARD
March 5, 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 March 5, 2014 at 7:00 p.m. at the Village Hall, 12300 Forest Hill Boulevard, Wellington, Florida 33414.

I. CALL TO ORDER/ PLEDGE OF ALLEGIANCE

Tim Shields called the meeting to order at 7:00 p.m.

Members present: Tim Shields; Elizabeth Mariaca; Carol Coleman and Dr. Marcia Radosevich.

Members absent: Craig Bachove, Mike Drahos and Paul Adams

Staff present: David Flinchum, Planning and Zoning Manager; Laurie Cohen, Village Attorney; Tim Stillings, Planning Development Service Director; Robert Basehart, Growth Management Director and Jennifer Fritz, Recording Secretary.

Pledge of Allegiance was done.

II. REMARKS BY THE CHAIRMAN

Tim Shields had none.

III. APPROVAL OF MINUTES – December 4, 2013

Dr. Marcia Radosevich inquired on the sensitivity analysis regarding the percentage of trucks in the equestrian area. She would like the recent memo made part of the minutes. Laurie Cohen commented the memo could be included as part of the minutes. Carol Coleman stated she did not receive the report and inquired if the analysis used a 20% truck factor. Dr. Radosevich asked for the memo to be explained. Tim Stillings explained the CMA abbreviation, the various increases listed in his memo and the suggestions given. Ms. Coleman inquired on status of her suggestion of a committee to review the goals, objectives and policies of the Equestrian Element and the FAU data collection. Mr. Stillings advised FAU data collection in regards to the equestrian area is posted on the website related to the stalls counts and estimates on horses. FAU has done several studies for the Village but nothing to do with the Evaluation Appraisal Report (EAR).

A motion was made by Dr. Marcia Radosevich, seconded by Elizabeth Mariaca, unanimously approved by the Board (4-0), to approve December 4, 2013 minutes with the attached December 18, 2013 memo to Mr. Stillings from Ms. Troutman regarding the traffic sensitivity analysis.

IV. ADDITIONS/DELETIONS/REORDERING OF AGENDA

None.

V. NEW 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.**

Mr. Stillings introduced Robert Basehart who will assist in the presentation. Mr. Stillings advised the Board of the proposed amendments to the Land Development Regulations (LDRs) with the basic goal to clean up Article 5 and update the process. Mr. Stillings reviewed the changes including the addition of a rectified plan where any plan that is part of a rezoning, conditional use or other approval that comes to this Board or the Council is the final plan resubmitted after the approval. The plan has to be the same plan that was presented as part of the approval including any conditions of approval or changes required. Other changes include: special permit and the equestrian special use permit thresholds and modifying the Development Review Committee (DRC) to Development Review Officer (DRO). The reason for the DRO is to avoid any potential issues required under Sunshine Law. It does not change other public review processes. Ms. Coleman stated she has a problem with the DRO. Ms. Coleman inquired to Ms. Cohen if a staff member can violate the Sunshine Law. Ms. Cohen stated only when on a Committee or Board. Ms. Coleman pointed out the difference between Council and Staff. A discussion of what has happened with other municipalities and the opinion from the Attorney General. Mr. Stillings advised the Board Wellington took their model from Palm Beach County. The DRO meeting and its decision are posted on the website. There is a 30 day appeal process. The DRO is not the only person reviewing the application. The DRO is simply the project manager who is not prohibited from speaking with other staff personnel. Dr. Radosevich stated she is not convinced if there is an issue. Dr. Radosevich commented on investing authorization to one person due to transparency and questioned the need for this change at all. Dr. Radosevich stated the Chair from Equestrian Preserve Committee (EPC) disagrees they had approved these changes during their recent meeting. Mr. Basehart advised EPC reviewed the code amendments affecting only the equestrian area. The EPC does not always see every zoning revision. Ms. Coleman stated the EPC vote was

only for the suggestions by staff. The EPC did not receive the final paperwork that had the proposed amendments in it. Mr. Basehart stated the EPC recommendations were incorporated into the document presented to the PZAB tonight. Ms. Coleman stated the EPC never saw the finished work before it was presented to the PZAB. Ms. Coleman believes the January meeting was a workshop not a meeting. Ms. Coleman pointed out the agenda stated workshop. Mr. Basehart stated it was a presentation not a workshop with a final motion and a vote. Mr. Stillings pointed out the motion at the January meeting is in the minutes. Dr. Radosevich stated she misunderstood thinking the entire package was sent to the EPC and is okay with it now. Mr. Shields stated the way the memo was written would make the Board think the EPC saw all of the proposed changes. Mr. Stillings offered to delay the DRO discussion item to the next meeting, citing some other local municipalities' use of DRC as a review team or technical review committee. Dr. Radosevich stated other municipalities are not making changes. Mr. Stillings stated staff is trying to avoid any issues related to it. Dr. Radosevich suggested considering other solutions because of vesting all the power into one person. Mr. Stillings stated currently the DRC is not a vote, it is Village Engineer or Planning and Zoning Manager's decision to certify or deny. Mr. Shields inquired on other due processes for the applicant. Ms. Cohen advised of the current process and the difference being the final authority being vested to one individual as opposed to a number of individuals. Dr. Radosevich cited in history that is called a dictatorship and is not a good idea in United States of America. That much power for one individual making those decisions is not our model of government. It is a horrible idea and to consider other alternatives. Ms. Coleman inquired on the DRC meetings being videoed, minutes taken and audio records. Mr. Stillings stated it is open to the public and is a standard practice to video, audio and summary minutes are also done. Ms. Cohen stated normally the public is not able to comment at DRC meetings but maybe public comment should be heard. Ms. Mariaca inquired on the stages of the application process and the public notice. Ms. Cohen stated her opinion is under the revised laws for public meetings adopted in October 2013, public comment would be allowed on the final decision meetings. Mr. Stillings advised the only applications that go to the DRO would be site plans, subdivision plans, minor amendments to a conditional use and/or master plan. An approval currently under the Planning Director which is being switched to the DRO is special permits, equestrian special permits within their administrative purview and certain hours of operation permits. Mr. Basehart pointed out the DRC or DRO has final approval of final site plan and staff has added the rectified plan concept. The plan after going through the zoning process has to be consistent to what is shown to Council with the exception of changes that have to be made to meet the conditions of approval. Ms. Mariaca inquired on a checklist to review of where a petition is in the process for the public. Mr. Stillings discussed how an application is currently reviewed. The process will not change for the public. Ms. Coleman inquired on removing the term conceptual. Mr. Basehart stated the conceptual plan is going away. The rectified plan will replace it. Dr. Radosevich commented it is bad government to give so much authority to one individual. Mr. Stillings stated there would be a higher level of accountability if left to one individual. Mr. Basehart stated the DRO is being vested with deciding if a petition is ready to start the public process. Mr. Basehart advised the proposed steps for the DRO. Ms. Cohen pointed out the DRC is comprised of many staff members and not able to communicate outside of the public forum. The intent is to still permit input from various departments and remove any potential issues with Sunshine Violations. Dr. Radosevich commented she would like to know other solutions staff looked at and did staff look at other models and alternatives. Mr. Stillings stated staff is trying to cover the technical review component of the application process. Staff also considered just renaming the Committee. Mr. Basehart stated it is a technical review to determine if all code and conditions are met before the applicant is entitled to move forward.

Ms. Mariaca suggested tonight reviewing amendments page by page. Mr. Shields stated currently staff finds it impractical to meet the Sunshine Laws as the process exists today. This is an attempt to modify the process to eliminate the triggers. The Board reviewed proposed amendments by Chapter and Section with discussions on 5.1.3 and the cost for delays, 5.1.6 and timeframe of three working days for written notification of the determination, skipping the sections as requested by PZAB members addressing the determination of the DRO, changing 5.1.8 on the notice for seasonal special use permits, change temporary ancillary equestrian uses to facilities as described in Sec. 5.7.2, Sec. 5.1.16 (Misrepresentation) adding rehearing by the decision making body as well as, Sec 5.1.16 (Development Order Abandonment) which needs renumbering.

Chapter 2 discussed delay due to lack of quorum on the Boards and Committees. Ms. Cohen stated it was being looked at with the establishment of the Boards and Committees procedures. Ms. Cohen offered to delay making a decision on the proposed changes until there is a complete Board. Mr. Stillings stated this item is not a time sensitive item. The Board agreed to refer to Wellington as a Village. Mr. Stillings suggested any references listed in any section can also be viewed in Municode.

Chapter 5 discussion continued regarding low level activity permits currently required going to Council and reducing the number of permits that require Council approval. The Board had further discussion about giving too much power to one individual and having a Committee or Council to review instead.

The Board took a break.

The Board continued with Chapter 6 pointing out revision to 14 days and the reference to Sec. 5.6.B should be 5.6.2B. All corrections noted will be presented at the next meeting. A site plan approval is generally done by DRC/DRO.

Mr. Shields inquired if the entire Chapter 7 went to the EPC. Staff confirmed the entire Chapter 7 went to EPC. Dr. Radosevich inquired if the definitions went to EPC. Mr. Stillings stated in the notice section the changes were consistent with the changes in Chapter 7. Ms. Coleman disagreed the EPC received all the information. Mr. Stillings clarified the EPC reviews only the code section related to equestrian permit uses. What the EPC received is different due to the changes they had recommended. Ms. Coleman disagreed the EPC voted on this at their January meeting. Mr. Basehart stated the EPC received what staff had proposed and the additional changes in the PZAB packet are different due to the EPC changes which have been included. Ms. Coleman stated the final version has not been presented to the EPC. Mr. Basehart stated it was reviewed, changes were made and the EPC voted to send it on. Dr. Radosevich commented the only thing approved was about specific horse shows, not anything else. There was no reference to Chapter 7. Mr. Stillings pointed out there were no other changes except to the location and the type of permits for the approval process. Mr. Basehart advised at their December meeting it was a discussion about equestrian permitting with a copy of the current code. Dr. Radosevich pointed out the errors in the memo. Ms. Coleman read the motion from the January meeting but stated the vote did not mention Chapter 7. Mr. Basehart stated the motion was for their recommendation to be added to the code. Mr. Stillings read the motion which stated: to approve the staff recommendations for events. That is what Chapter 5 deals with, equestrian events. Mr. Stillings stated while the motion does not reference specifically Chapter 7, that is what was presented to the EPC. Mr. Stillings stated the EPC approved staff's recommendations. Dr. Radosevich stated the Chair of the EPC advised her, this never came before them. Mr. Stillings stated it wasn't in the same form presented to the PZAB. Tonight's PZAB packet has the modified provisions from EPC.

Mr. Basehart stated the copy PZAB has received will be given to the EPC at their next meeting. Mr. Shields proposed to defer on Chapter 7 until EPC can meet and review.

Mr. Stillings advised in Chapter 8 Sec. 5.8.2.C is already covered under Chapter 12, Article 1 of the code so it was removed from this section. The Sec. 5.8.4.B was eliminated due to the current flood zones. Dr. Radosevich inquired on changes of staff titles, responsibilities, functions and the Board further discussed the DRO. Mr. Basehart clarified the DRO will not be a new staff position but a new function of an existing staff member. Ms. Cohen clarified it is a new function to review various items. Ms. Mariaca referred to the definitions. Mr. Shields stated it is a title that is used to delineate a set group of activities. Dr. Radosevich made a derogatory remark and gesture towards Mr. Stillings. Mr. Shields stated that was a bit excessive. Dr. Radosevich stated if that offended Mr. Stillings, she apologized. Dr. Radosevich stated she misunderstood it being a new position but now realizes it's a new set of functions. Mr. Shields clarified the decisions the proposed DRO has is a final decision making authority over what is currently being made at the staff level already. This proposed regrouping is just to clarify that the DRO is to make those staff level decisions. Ms. Cohen added to remove the possibility of any Sunshine issue and permit staff to communicate to gather the information to make the decision. Ms. Cohen stated the DRC is a body that is technically subject to Sunshine Laws. Mr. Basehart stated it is a group process and will not change. Ms. Cohen stated her opinion is the DRO versus Committee; the DRO is not subject to the Sunshine Laws. There would not be a violation. Mr. Stillings clarified the DRC process with the comments from the various departments are given to the applicant before the DRC meeting. The intent of the meeting is to give the applicant an opportunity to address what the comments are. The DRC would become more of a staff meeting. Mr. Stillings reviewed the remaining changes in Chapter 8. Ms. Mariaca suggested to stop flipping back and forth from Growth Management Director and Planning Director. Mr. Shields commented on the late hour and suggested stopping the meeting. Ms. Cohen stated the Board Members not present tonight, if they have a specific issues can raise it at the next meeting.

A motion was made by Carol Coleman, seconded by Dr. Marcia Radosevich, unanimously approved by the Board (4-0), to stop at Chapter 9 and recommence at the next meeting and direction to present Chapter 7 to the EPC.

A motion was made by Carol Coleman, seconded by Dr. Marcia Radosevich, unanimously approved by the Board (4-0), to open public comments.

Mr. Houston Meigs, 16433 Deer Path Lane, commented the EPC should review the entire document and his concern with the DRO and the rectified plan.

Mr. Shields read into the record, Michael Whitlow's comment card the sole purpose of the EPC discussion was to streamline the approval process for the horse shows and only horse shows. There was no carte blanche approval of anything other than the horse shows.

A motion was made by Carol Coleman, seconded by Elizabeth Mariaca, unanimously approved by the Board (4-0), to close public comments.

VI. COMMENTS FROM THE PUBLIC

None.

VII. COMMENTS FROM STAFF

Tim Stillings asked to defer continuing this item to a date certain in May due to the full PZAB agenda in April. Mr. Stillings inquired if it was best to continue to work with the existing document or send out an updated document. Ms. Mariaca stated she would hate to lose any changes made from tonight. Mr. Shields stated his preference to work from an updated copy. Mr. Basehart clarified the rectified plan is a plan that has to be submitted at the end of the process. The plan has to be consistent with what was shown to the Boards and Council. Ms. Mariaca inquired on receiving clarification of the EPC vote. Mr. Stillings stated EPC will be reviewing the item at their next meeting. Ms. Coleman wants the EPC to have the opportunity to read all of it and not only the EOZD material. Mr. Basehart stated the relevant issue is Chapter 7 with references to the EOZD. Mr. Basehart stated to review the entire document is a major task and not relevant to their function. Ms. Coleman suggested giving them the entire document. Mr. Stillings stated the EPC's task is to evaluate equestrian issues only. Ms. Cohen commented it is not in the EPC scope to review items outside of the EOZD. Mr. Stillings stated their review should be limited in scope to Chapter 7. Dr. Radosevich stated the Chair and Mr. Whitlow have a different understanding on what the vote was on. This is not the first time this has happened. There is a communication problem that needs to be resolved. Staff needs to work with EPC to keep this from happening. Ms. Coleman suggested supplying the entire document but not discuss anything but Chapter 7. Mr. Basehart suggested for the EPC to review in April as their March meeting is full. A copy of the version provided to the PZAB has been given to the EPC in their March packet and will also provide a full document. Mr. Stillings stated it will be made clear as to what is being voted on. Mr. Stillings stated staff was under the impression the motion was on the entire Chapter with specific parts being focused on. Dr. Radosevich suggested the EPC minutes to be clearer. Mr. Stillings stated only the motions are verbatim.

VIII. COMMENTS FROM THE BOARD

Ms. Coleman requested to have a disposal bag station at the entrance of the Dog Park.

IX. ADJOURN

A motion was made by Carol Coleman to adjourn.

The meeting was adjourned at 10:42.