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**MEETING MINUTES
WELLINGTON
PLANNING, ZONING AND ADJUSTMENT BOARD
September 8, 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 September 8, 2014 at 7:00 p.m. at the Village Hall, 12300 Forest Hill Boulevard, Wellington, Florida 33414.

I. CALL TO ORDER/ PLEDGE OF ALLEGIANCE

Andrew Carduner called the meeting to order at 7:00 p.m.

Members present: Andrew Carduner; Michael Drahos; Elizabeth Mariaca; Paul Adams; Kenneth Kopp and George Unger.

Staff present: David Flinchum, Planning and Zoning Manager; Laurie Cohen, Village Attorney; Robert Basehart, Senior Project Director; Tim Stillings, Planning, Zoning and Building Director; and Jennifer Fritz, Recording Secretary.

Pledge of Allegiance was done.

Laurie Cohen advised the Board Ms. Coleman has requested to participate in the meeting via phone conference. The Board discussed the merits of allowing Board Members to attend by phone.

A motion was made by Andrew Carduner, seconded by Paul Adams, (2-4) with Michael Drahos, Elizabeth Mariaca, Kenneth Kopp and George Unger dissenting, to allow by the Board Carol Coleman's request to participate via telephone.

Members absent: Carol Coleman.

II. REMARKS BY THE CHAIRMAN

Mr. Carduner spoke in regards to Mr. Adams remarks he had not received his packet for last meeting.

III. APPROVAL OF MINUTES – August 6, 2014

Mr. Carduner commented on adding to the minutes the comments from Mr. Adams not receiving his packet and under Item IV Mr. Bass's stated one postponement is always granted. Mr. Carduner also wanted the remark "super-rich" be included. Ms. Mariaca inquired if there was a standard on minutes

being verbatim. Mr. Adams stated he did receive his packet but did not have the material at his disposal. Ms. Cohen advised minutes are often just a summary of discussion items. Ms. Cohen stated the Board can ask for certain things to be included to reflect what the Board believes is missing. Mr. Carduner withdrew his objections.

A motion was made by George Unger, seconded by Michael Drahos, unanimously approved by the Board (6-0), to approve the August 6, 2014 minutes.

IV. ADDITIONS/DELETIONS/REORDERING OF AGENDA

David Flinchum advised Item C. will be heard at the October meeting. It will also be going to the Equestrian Preserve Committee (EPC) this month.

V. NEW BUSINESS

- A. PZ-0033 ORDINANCE 2014-27: (amending Article 5, Section 5.1.13 "Suspension of Development Review Proceedings" of the Land Development Regulations; authorizing the suspension of the processing and/or consideration of development permit and/or use approval applications for properties with open code enforcement cases and/or outstanding code enforcement liens and/or fines.) AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING ARTICLE 5 DEVELOPMENT REVIEW PROCEEDINGS, SECTION 5.1.13 SUSPENSION OF DEVELOPMENT REVIEW PROCEEDINGS OF THE LAND DEVELOPMENT REGULATIONS OF THE VILLAGE OF WELLINGTON; TO AUTHORIZE THE SUSPENSION OF THE PROCESSING AND/OR CONSIDERATION OF DEVELOPMENT PERMIT(S) 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.**

Tim Stillings, Planning, Zoning and Building Director presented the staff report. Mr. Stillings gave the background of how this was originally presented to the Board as an amendment to Article 14. Staff determined that was not the appropriate section given the limitations under Chapter 162 of the Florida Statutes. Additional language is provided to the Board tonight giving the applicant the option to provide a bond upon filing of a timely appeal.

Kenneth Kopp inquired on the wording "may be suspended" and the new criteria. Mr. Stillings stated the language was already in the code. The criteria would be the review of the violation. The decision would be appealable to the PZAB. Mr. Kopp suggested changing the wording to "shall be".

Elizabeth Mariaca inquired about closing an existing violation. Mr. Stillings used the example of a use and obtaining a permit afterwards to approve the use.

Mr. Carduner inquired on the possible expenses. Ms. Cohen advised the Board of procedural costs, the appeal period and bond language.

Mr. Drahos inquired if amendment would apply to all properties or one property. Mr. Stillings stated one property. Mr. Drahos inquired on taking out of staff hands and leave to the Special Magistrate. Ms. Cohen advised staff took item out of Code of Ordinance (COD) and put into the Land Development Regulations (LDR) due to objections filed which now could be viewed as an additional

penalty under the Code. Ms. Cohen advised Chapter 162 and the guidelines in it. It is better suited to occur under Article 5, instead of Chapter 162 in the COD. Mr. Drahos likes referring to the Special Magistrate removing the politics from it. Ms. Cohen does not recommend putting into Chapter 162. Mr. Stillings advised staff did not research if other municipalities have the same language. Mr. Basehart stated the Palm Beach County does hold applications if the applicant has code violations. Mr. Drahos spoke of his concern on the bond costs. Ms. Cohen stated the appeal and the bond is a good balance. Mr. Drahos inquired on statutory evidence for staff to follow. Ms. Cohen stated could have it presented as a quasi-judicial proceeding but is not necessarily required. Mr. Stillings advised of the new changes since PZAB first heard the item.

George Unger stated no need to give additional time. Currently have up to six months to come into compliance. This is not due to the average homeowner but the large property owners. Mr. Unger stated he believes it is an excellent tool.

Mr. Kopp inquired on how many violations in the past. Mr. Stillings stated a small number. Ms. Cohen clarified this does not apply to building permits just development orders.

Paul Adams stated it is a tool that is needed. Ms. Mariaca inquired on replacing “may be” with “shall be”. Ms. Cohen stated she did not have a recommendation. Mr. Drahos clarified he was not suggesting to add another process. Mr. Drahos prefers “may be” instead of “shall”.

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

Alexander Domb, 10633 Versailles Blvd representing Glen Straub, Palm Beach Polo and his various entities commented not received the new language given to the Board tonight and has problems with the proposed Ordinance.

Mr. Unger inquired if the word “shall” would eliminate any staff discretion. Ms. Cohen advised using the wording “shall” would eliminate discretion and prevent the ability of filing an appeal. Mr. Adams stated he would prefer leaving enforcement to staff and the Special Magistrate and then the applicant can pursue appeal to the Circuit Court.

Mike Nelson with Effective Solutions, 11199 Polo Club Road, representing Glen Straub and his entities, has concerns with the Ordinance citing current issues with Mr. Riebe and Business Tax Receipts.

Ms. Cohen advised the Board not to respond to Mr. Nelson.

Tatiana Yaques P.A., 819 Cindy Circle Lane, representing Wellington Equestrian Partners as well as Equestrian Sports Productions and other affiliates of those entities controlled by Mark Bellissimo, opposes the Ordinance.

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

The Board discussed the merits and replacing the wording “may be” with “shall be” and if the Ordinance addresses only a few cases. Mr. Stillings explained the reasons for the Ordinance and will not affect most of the residents in Wellington. Ms. Cohen advised this Ordinance is legislative in nature and Council can adopt. Ms. Cohen advised the proposed Ordinance is permissible and

defensible. Ms. Mariaca commented this Ordinance appears to be directed to a couple of individuals Ms. Cohen advised any appeal could also be brought to the PZAB. Mr. Stillings explained the differences between the code violation process, suspension of a development application process and where an appeal can be applied. Mr. Kopp pointed out posting a bond does not stop the development and does hurt the small property owner. Ms. Cohen advised the bond is available only when appealing.

A motion was made by Paul Adams, seconded by George Unger, approved (4-2) with Kenneth Kopp and Michael Drahos dissenting, to approve Ordinance No. 2014-27 as written with the wording “may be” and include the additional recommendation of the bond.

B. PZ-0034 ORDINANCE 2014-29 (amending the Code of Ordinances, Chapter 62, Sec. 62-9.c.(2)(i) to allow commercial vehicle parking on multi-family residential properties with limitations) AN ORDINANCE OF WELLINGTON, FLORIDA’S COUNCIL AMENDING CHAPTER 62, ARTICLE I, SECTION 62-9.C.(2)(i) OF THE WELLINGTON CODE OF ORDINANCES PERMITTING EXCEPTIONS FOR COMMERCIAL VEHICLE PARKING ON MULTI-FAMILY RESIDENTIAL PROPERTY WITH CERTAIN LIMITATIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

Robert Basehart, Senior Project Director presented the staff report. The proposed amendment would allow commercial vehicles with limitation on size and carrying capacity in certain multifamily residential areas. Mr. Basehart illustrated chronological maps with parking violations indicating an average of approximately 300 cases a year.

Mr. Unger inquired on large signs displayed on vehicles. Mr. Basehart stated they would be allowed under the new code. Mr. Basehart advised commercial vehicles can go to any home to provide on-site services.

A motion was made by Michael Drahos, seconded by Paul Adams, approved unanimously (6-0) to open public comment.

Michael Drahos read into the record:

Roger McGlone, 1136 Staghorn Street, supports.

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

Ms. Mariaca asked to extend the hourly duration for services done at your home. Mr. Basehart stated duration of parking is not part of the request. Ms. Mariaca suggested removing the hour to provide services. Mr. Unger suggested as long as actively engaged in service but cannot park vehicles overnight. Mr. Unger suggested allowing in all residential areas. Mr. Carduner expressed concern on changing the character of Wellington. Mr. Basehart pointed out some homeowner associations do not allow commercial vehicles.

A motion was made by Elizabeth Mariaca, seconded by Paul Adams, approved (4-2) with George Unger and Andrew Carduner dissenting to approve Ordinance No. 2014-29 adding the language to allow service technicians not to have a time restriction while working.

C. PZ-0037 ORDINANCE 2014-28 (amending Chapter 5.7 “Seasonal Equestrian Uses” of the Land Development Regulations) AN ORDINANCE OF WELLINGTON, FLORIDA’S COUNCIL AMENDING CHAPTER 5.8 SEASONAL EQUESTRIAN USES OF THE LAND DEVELOPMENT REGULATIONS OF THE VILLAGE OF WELLINGTON; TO ESTABLISH DEFINITIONS FOR VARIOUS EQUESTRIAN USES AND COMPETITIONS; REVISING THE GENERAL STANDARDS FOR PERMIT ISSUANCE; MODIFYING THE PERMITTED LOCATIONS FOR EQUESTRIAN SHOWS AND COMPETITIONS AND TEMPORARY ANCILLARY EQUESTRIAN USES; MODIFYING THE THRESHOLDS FOR SEASONAL EQUESTRIAN USE PERMITS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE. - POSTPONED

D. PZ-0032 ORDINANCE NO. 2014-25 (REASONABLE ACCOMMODATION POLICY) AN ORDINANCE OF THE VILLAGE OF WELLINGTON, FLORIDA, AMENDING ARTICLE V OF WELLINGTON’S LAND DEVELOPMENT REGULATIONS BY ADDING CHAPTER 13 “REASONABLE ACCOMMODATION”, SETTING FORM A PROCEDURE FOR PERSONS WITH DISABILITIES TO REQUEST ACCOMMODATIONS TO VILLAGE OF WELLINGTON RULES, POLICIES, AND PROCEDURES AND ESTABLISHING AN APPEAL PROCESS; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Cohen advised the Board the purpose for Ordinance No. 2014-25, Reasonable Accommodation Policy. It would allow staff to review accommodations for individuals with disabilities on a case by case basis.

The Board had no questions for staff.

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

None.

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

A motion was made by Michael Drahos, seconded by Elizabeth Mariaca, approved (6-0) to approve Ordinance No. 2014-25.

VI. COMMENTS FROM THE PUBLIC

VII. COMMENTS FROM STAFF

David Flinchum reminded the Board of the October 1, 2014 PZAB.

VIII. COMMENTS FROM THE BOARD

IX. ADJOURN

A motion was made by Elizabeth Mariaca, seconded by Paul Adams, approved unanimously (6-0) to adjourn at 9:10 p.m.