



**PLANNING & ZONING
STAFF REPORT**

I. DESCRIPTION OF REQUEST

Petitions: **Development Review Procedures and Development Review Manual**

- Ordinance No. 2017-11: Article 5 Zoning Text Amendment
- Resolution No. R2017- 40: Development Review Manual

Applicant: Village of Wellington (Planning and Zoning Department)

Project Manager: Cory Lyn Cramer, AICP

Request: Approval of Ordinance No 2017-11 to repeal and replace Article 5, known as the Development Review Procedures of the Land Development Regulations.

Approval of Resolution No. R2017-40 to adopt the Development Review Manual in accordance with the proposed Article 5.

II. BACKGROUND

Wellington incorporated in 1995. The Village Charter provided that Wellington would adopt the Palm Beach County Unified Land Development Code (ULDC) as the first set of Land Development Regulations (LDR). The first Comprehensive Plan was adopted in 1999. The Comprehensive Plan requires that LDR be established to implement the Goals, Objectives and Policies of the Comprehensive Plan. The Village began to process modifications to the LDR, as needed, to address local community needs and those needs specific to Wellington that differed from Palm Beach County. This reactive approach was the catalyst to the Village's determination that the entire LDR needed to be re-written to continue to be effective and to address the current and future growth and redevelopment of Wellington as we approach build-out.

Article 5 of the LDR provides the review procedures and requirements for all Planning and Zoning applications. It also provides for time limitations, amendments, suspensions, revocations, and appeals related to development orders. In addition to the need to create a LDR that is specific to Wellington now and in the future, the main objective to streamline the process and make it more efficient. This is the single most important objective of the proposed Article 5 Zoning Text Amendment.

On April 26, 2016, Council approved Resolution No. R2016-32 to modify the Calendar of Boards and Committees to move the Equestrian Preserve Committee (EPC) meetings to the first Wednesday of the month with the Planning, Zoning and Adjustment Board

(PZAB) meetings to the second Wednesday of the month. This resulted in a reduced time frame for petitions to move through the public hearing process. In fact, for all petitions required to be reviewed by EPC prior to PZAB, it reduced the overall public hearing process by 5 weeks.

Over the past several years, staff has found that another factor, insufficient applications, was becoming the norm and not the rarity, resulting in a longer average processing time. In the latter part of 2016, the Planning and Zoning Department implemented an in-take meeting process for all site plans/amendments and those applications that required public hearings. Incomplete applications are no longer accepted. Since then, the quality of the applications has improved and the review time by the project manager and other departments has been reduced.

In addition to the above, staff has been given direction from Council to streamline the process. This direction included making changes to certain applications that would remove unnecessary process and provide an administrative review and determination instead of requiring Council approval. This directive was addressed in the proposed LDR amendment. Wellington's objective is to be proactive to community needs, desires, and future reinvestment opportunities. The LDR re-write, and modification to the development process, will be an incentive for growth and redevelopment opportunities, while protecting the health, safety and welfare of the community as a whole.

III. SUMMARY AND ANALYSIS

The summary and analysis of this request will include a summary of modifications to Article 5, a description of the Development Review Manual and an analysis of the required compliance with statutory requirements.

Article 5, as proposed, will accomplish a number of things. The reorganization and simplification of text makes the development review procedures easy to understand and will reduce the need for future interpretation. Currently, the information provided in Article 5 of the LDR goes beyond the development review process and contains information that would better serve in a separate document. This information, such as submittal checklists and justification requirements, was removed and a Development Review Manual was created to supplement the LDR.

As mentioned above, the Planning and Zoning Department has implemented an in-take process for most application types, even though that process is not outlined in the LDR. This request will codify the newly implemented process and align the LDR with the current practice.

Special Use Permits, Equestrian Use Permits, and Extended Hours of Operation for Conditional Uses currently require Council review. This was not always the case. A previous Council requested that they be designated as the decision-making body for these types of applications. The majority of these permits are issued and renewed annually. The current Council has expressed the desire to make these applications administrative once again. This action will further the goal of streamlining the review process, especially for those applicants that request the same annual permit, with little or no increased changes.

Another change in the proposed article is to eliminate the Development Review Committee (DRC). The DRC is made up of a representative from several departments and agencies, including Planning and Zoning, Engineering, Building, Utilities, Traffic, and Palm Beach County Fire Rescue. The applications are received and processed by a project manager from the Planning and Zoning Department. The project manager is responsible to review the application for sufficiency and then route the application to the DRC. Comments and/or conditions from all reviewers are compiled and provided to the applicant by the project manager. A DRC meeting is set so the applicant has the opportunity to discuss the comments/conditions with the respective department or agency. The meeting will result in a certification, certification for public hearings or denial. Often times, department representatives will meet internally to review or discuss a project. Other times, meetings with more than one department and the applicant are requested to discuss, clarify or resolve items that may hinder the review of the request. This process is typical of most municipalities. In recent years, many municipalities have modified their administrative review process to ensure compliance with Florida's Government-in-the-Sunshine Law, without reducing the level of service provided to those seeking development orders. It has been argued that DRCs function as committees since members vote on the issues before them. In accordance to sunshine regulations, committee members are only permitted to discuss those items they will take formal action on at an advertised public meeting. Even though the Attorney General of State of Florida provides the sunshine regulations "establish a basic right of access to most meetings of boards, commissions, and other governing bodies..." municipalities are moving away from using a committee as a precaution so that they may continue to function in a manner that is efficient, effective, and in compliance with sunshine regulations.

The elimination of the DRC will not reduce the level of transparency Wellington promotes and provides to the community. All applications, staff reports, comment letters, supplemental information, etc. are public record and will remain easily accessible on the website and at Village Hall. The process itself will change very little. All applications will still be reviewed by all applicable departments and agencies. A Development Review Manager (DM), currently known as the project manager, will still be responsible to manage and compile all comments and/or conditions and provide this information to the applicant, generate staff reports, presentations, and process the application from start to finish. If a meeting to discuss the project is necessary and/or requested by the applicant or staff, then it can be schedule at any time. There will no longer be a "committee" or DRC meetings. The formal action to certify, certify for public hearing, or deny an application will be designated to the DM. This role is not designated to a specific position or employee. This role shall be undertaken by the assigned planner for each application or project. The determination by the DM to certify, certify for public hearing, or deny an application will be based on the required review criteria and input from all applicable departments and agencies. The DM will implement the Development Review Manual. The elimination of the DRC and DRC meetings will provide for full opportunity to streamline the process since the administrative action can be done at any time during the Village's hours of operation and not restricted to a bi-monthly schedule. The elimination will also ensure compliance with Sunshine regulations, by allowing employees of other departments to discuss the proposed application collectively or otherwise to maintain, if not increase, the quality of the review for each project.

The Development Review Manual categorizes the types of Planning and Zoning applications. For each type of application the general criteria upon which the request shall be considered is outlined. The required documentation for each type of application and the standards that shall be used in the preparation of those documents is identified. The manual includes other helpful information, such as flowcharts, the fee schedule, and checklists, all of which will facilitate an applicant's ability to submit a quality application that is sufficient to be received and reviewed. This manual contains information specifically related to Article 5 - Development Review Procedures. With the continuation of the LDR re-write, the manual provides an opportunity to compile other information, such as typical plan details or graphic depictions of standards as they related to the zoning regulations and supplemental standards found in other LDR articles. The manual will require Council approval to be amended, except for those references to Florida Statute numbers or LDR section cross-references that may change upon an adopted of a zoning text amendment in the future.

Florida statutes require that each local government adopt LDR to implement the Comprehensive Plan. The LDR must contain public notifications standards consistent with the state requirements. The regulations must also be consistent with the goals, objectives and policies of the comprehensive plan, including intergovernmental coordination and review. Finally, they must be internally consistent from section to section. The proposed amendment is consistent with Florida Statutes and the intent of Wellington's Comprehensive Plan. The Development Review Manual is consistent with the proposed Article 5.

IV. BOARDS AND COMMITTEES

- A. On August 2, 2017, the Equestrian Preserve Committee reviewed those sections of Article 5 and the Development Review Manual that pertain to the Equestrian Preserve Area or equestrian activities and uses. The Committee recommended approval of Ordinance No. 2017-11 and Resolutions No. R2017-40 with a unanimous vote (4-0). Sergio Guerreiro and Carol Cohen were absent. There is currently one vacancy on the Committee.
- B. On August 9, 2017, the Planning, Zoning and Adjustment Board recommended approval of Ordinance No. 2017-11 and Resolutions No. R2017-40 with a unanimous vote (5-0). Carol Coleman and Stephen Levine were absent.

V. STAFF RECOMMENDATION

Staff recommends approval of Ordinance No. 2017-11 to repeal and replace Article 5, known as the Development Review Procedures, in its entirety, along with Resolution No. R2017- 40, adopting the Development Review Manual to implement Article 5 and streamline an effective development review process.