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**MEETING MINUTES
WELLINGTON
PLANNING, ZONING AND ADJUSTMENT BOARD
September 12, 2018
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 was held on September 12, 2018 at 7:00 p.m. at the Village Hall, 12300 Forest Hill Boulevard, Wellington, Florida 33414.

I. CALL TO ORDER/ROLL CALL

Elizabeth Mariaca called the meeting to order at 7:00 p.m.

Members present; Elizabeth Mariaca; Kenneth Kopp; Stephen A. Levin; Alan Shullman; Jeffrey Robbert, Maureen Martinez and Dr. Carmine Priore.

Staff present: Robert Basehart, Planning, Zoning and Building Director; Laurie Cohen, Village Attorney; Cory Lyn Cramer, Development Review Coordinator and Jennifer Fritz, Recording Secretary.

II. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was done.

III. REMARKS BY THE CHAIRMAN

Ms. Mariaca welcomed the Board back and greeted the new Board Members to the Planning, Zoning and Adjustment Board. Ms. Mariaca offered prayers for those in the path of Hurricane Florence and wished Happy Rosh Hashanah to everyone.

Laurie Cohen swore in the new members.

IV. REGULAR AGENDA

A. ELECTION OF CHAIR AND VICE-CHAIR

Jeffrey Robbert nominated Elizabeth Mariaca for Chair. Alan Shullman nominated Stephen A. Levin.

Elizabeth Mariaca and Stephen A. Levin both gave a brief background on their experience. Dr. Carmine Priore asked that each Board Member give a background on themselves.

A motion was made by Jeffrey Robbert, to elect Elizabeth Mariaca as Chairperson. The motion passed (5-2) with Stephen A. Levin and Alan Shullman dissenting.

Ms. Mariaca nominated Kenneth Kopp. Dr. Carmine Priore nominated Stephen A. Levin for Vice-Chair.

A motion was made by Dr. Carmine Priore, to elect Stephen A. Levin as Vice-Chair. The motion passed (4-3) with Elizabeth Mariaca, Kenneth Kopp, and Alan Shullman dissenting.

V. APPROVAL OF MINUTES – April 11, 2018

A motion was made by Jeffrey Robbert, seconded by Stephen A. Levin, to approve the April 11, 2018 minutes. The motion passed unanimously (7-0).

VI. ADDITIONS/DELETIONS/REORDERING OF AGENDA

Each Board Member gave a brief background of themselves. Mr. Basehart stated that during staff comments, Ms. Cohen will give a status update on the Flying Cow applications and Cory Lyn Cramer will give a status update on the International Polo Applications (IPC) applications.

VII. SWEARING IN OF SPEAKERS

Not required.

VIII. NEW BUSINESS

PZ-0175 ORDINANCE NO. 2018-08 (ARTICLE 7 OF THE LAND DEVELOPMENT REGULATIONS) AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL

AMENDING THE WELLINGTON LAND DEVELOPMENT REGULATIONS, MORE SPECIFICALLY, A ZONING TEXT AMENDMENT TO REPEAL AND REPLACE ARTICLE 7, IN ITS ENTIRETY, AS CONTAINED HEREIN; TO ESTABLISH SPECIFIC STANDARDS RELATED TO SITE DEVELOPMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

Cory Lyn Cramer, Development Review Coordinator, advised the Board that staff has been working on the rewrite to the Wellington Land Development Regulations (LDR). To date, the Board has seen Articles 1, 2, 5, 8 and 9, along with the Development Review Manual (DRM). Article 5 and the DRM are currently adopted by Council and are being used by staff. Articles 1, 2, 8 and 9 have all been through first reading at Council and are on hold until the balance of the Articles have been completed. When Article 6, 7 and 3 are complete, staff will take all the Articles back for adoption, along with the DRM to incorporate some of the updates.

This request is to repeal and replace Article 7 of the LDR in its entirety. Article 7 provides regulations for site development standards. The changes include removing duplications, simplifying text, removing obsolete information and reordering the information in a logical manner. The current Article is 100 pages. The proposed rewrite is 59 pages. The lighting standards were relocated and a lighting chapter was created to address the nature of our equestrian areas and large estate lots. Staff found there was a significant lack of standards for Wellington's specific needs. The off-street parking and loading chapter had minor reorganization and simplification. A significant addition is the establishment of Wellington Tree Fund. The Landscape chapter was modified to add graphics, remove conflicting regulations, and add the Tree Fund Program criteria and re-organizing the content. The sign regulations were carefully modified to comply with the U.S. Supreme Court decision and statutory regulations related to context neutrality and branding. The Wellington Tree Fund was established to protect and enhance the overall tree canopy in Wellington. The funds collected would be used to purchase and install trees on Wellington owned property. Staff wanted to find a balance between allowing flexibility with the residential lots and protecting the tree canopy. Staff created criteria that would not create a hardship but also would encourage the on-site mitigation of trees. If a property owner requests to remove a tree that was required and cannot due so to on-site requirements, the property owner could have the option to pay a fee in lieu of replacement at \$100 per tree. If the property owner does not want to replace it and does not have physical constraints, the fee would be \$600 or replace the tree. The funds would be strictly limited to the purchase and installation of trees.

Dr. Priore inquired on any reference in regards to Homeowner Association (HOA) and the loss of trees due to a Hurricanes and the restriction of time, would that approval be left up to the Council. Ms. Cramer stated staff has been working with the HOAs and as long as the HOA works with staff and supplies a timeline, code violations will not be issued. There is a section in the current code and remained in the rewrite that deals with suspension of landscape regulations due to natural disasters.

Ms. Cramer stated there are several items that will be added to the Development Review Manual (DRM). These items include Landscape Principles, CPTED helpful links and graphic depiction of the sign types. The DRM will be brought to Council for re-adoption when all the articles go to Council for the second reading and adoption. Ms. Cramer recapped the purpose of the LDR rewrite. Staff recommends approval.

Mr. Levin inquired if a property owner does not request to remove trees but clears the land without a permit, what are the consequences? Ms. Cramer stated that removing trees or more than 30% of your required landscaping requires a permit. If you do not apply for a permit, then it will be considered a code case with the fee being multiplied. Ms. Cramer pointed out one change on page 54; the reference to 30% for vegetation removal is going to be modified to 10%. The staff feels this is too high because on larger projects and in Wellington there are a lot of Planned Unit Developments (PUD) that require landscape buffering, 30% of a buffer could equate to a large area being removed so a reduction to 10% will be proposed.

Ms. Mariaca inquired on the damaged tree process and paying the Tree Fund instead of replacing. Ms. Cramer stated the property owner has the option to replace or pay the Tree Fund. If there is not physical constraint, then the property owner can opt to pay the higher fee.

Mr. Robbert inquired about clearing trees on large lots. Ms. Cramer stated a Vegetation Removal Permit (VRP) is required. Mr. Basehart stated you always need a VRP to remove any tree, dead or invasive.

Mr. Kopp inquired how the base line is determined in the 30% rule. Mr. Basehart stated generally in that situation it is in regards to a buffer and staff usually references a lineal measurement. Mr. Basehart asked the Board to include in their recommendation the 10%. Mr. Kopp inquired if a homeowner added a lot of landscape over time and then decided to remove the landscaping, would the homeowner be allowed to remove only 10% of the landscaping? Ms. Cramer stated with the permit an inspection is scheduled and if the lot meets the requirements of the code, the property owner would be exempt from the replacement requirement.

Dr. Priore inquired if Chapter 7 includes preserve area protection and not allowing removal even with a permit. Mr. Basehart stated the preserve provision were not changed.

Ms. Mariaca inquired if there is a difference between the vegetation removal permit and tree removal permit. Ms. Cramer stated they are the same permit.

Dr. Priore inquired if a homeowner is building a swimming pool what is the requirement to replace the landscape. Ms. Cramer stated the property owner has to meet the code

minimum requirements.

Ms. Mariaca commented on the amount of different signs. Ms. Cramer pointed out that staff actually reduced it.

A motion was made by Jeffrey Robbert, seconded by Stephen A. Levin, to open public comment. The motion passed unanimously (7-0).

A motion was made by Jeffrey Robbert, seconded by Stephen A. Levin, to close public comment. The motion passed unanimously (7-0).

A motion was made by Jeffrey Robbert, seconded by Dr. Carmine Priore, to recommend adoption of Ordinance 2018-08 with the stipulation that the number be changed from 30% to 10% for vegetation removal. The motion passed unanimously (7-0).

IX. COMMENTS FROM PUBLIC

None.

X. COMMENTS FROM STAFF

Ms. Cohen advised the Board of the status of the Flying Cow applications. Ms. Cohen gave a history of the various court hearings and the status of the purchaser's contract. The Village is seeking clarification from the court on if the applicant has standing to move the applications forward. Ms. Cramer stated there is the potential for this Board to hear the applications in December.

Mr. Levin inquired on the bankruptcy and the ability to purchase. Ms. Cohen explained there are some investors who are willing to close on the property.

Mr. Robbert inquired on the runaway. Ms. Cramer stated the applicant did receive approval from the FAA, which will be part of the packet that will come to the Board.

Ms. Cramer advised the Board that nothing is scheduled for next month. Staff is currently working on the rewrite of Article 6 and the rewrite will take time before presenting to the Board. The IPC applications submitted revisions but had many comments. There has not been a resubmittal at this time. The applications will have to go back through Development Review Committee (DRC) and all public hearings. Ms. Cohen clarified the reason for going to DRC is the applications submittal was under the old code.

XI. COMMENTS FROM THE BOARD

None.

XII. ADJOURN

**A motion was made by Alan Shullman, seconded by Stephen A. Levin, to adjourn.
The motion passed unanimously (7-0).**

The meeting adjourned at 7:35 p.m.

**APPROVED: _____
Date**

**_____
Elizabeth Mariaca-Chairperson**

**_____
Jennifer Fritz-Recording Secretary**