

**MEETING MINUTES  
WELLINGTON  
PLANNING, ZONING AND ADJUSTMENT BOARD  
February 10, 2021  
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 February 10, 2021 at 7:00 p.m. at 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; Maureen Martinez; Jeffrey Robbert; Sal Van Casteren; Ron Herman and Adam Rabin.

John Bowers arrived late.

**Staff present:** Laurie Cohen, Village Attorney; Cory Lyn Cramer, Planning and Zoning Manager; Tim Stillings, Planning Director; Damian Newell Senior Planner and Jennifer Fritz, Recording Secretary.

**II. PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was done.

**III. REMARKS BY THE CHAIR**

Ms. Mariaca asked for all of the participants to wear their mask. Ms. Mariaca asked if any of the participants wish to speak or have their comments read into the record, to please fill out the comment card and submit to the recording secretary.

**IV. APPROVAL OF MINUTES**

**PZ-0224 DECEMBER 9, 2020 PLANNING, ZONING AND ADJUSTMENT BOARD MINUTES**

A motion was made by Ron Herman, seconded by Adam Rabin, to approve the December 9, 2020 Planning, Zoning and Adjustment Board minutes with corrections. The motion passed unanimously (6-0) with John Bowers absent.

## **V. ADDITIONS/DELETIONS/REORDERING OF AGENDA**

None.

## **VI. DISCUSSION**

### **PZ-0227 DISCUSSION OF 2021 RECREATIONAL TRAILS PROGRAM (RTP) GRANT APPLICATION IN THE AMOUNT OF \$400,000 FOR IMPROVEMENTS TO THE WELLITON ENVIRONMENTAL PRESERVE (SECTION 24).**

Tim Stillings, Planning Director, advised the Board that Wellington is applying for a grant for \$400,000 to reconstruct two of the bridges at the Marjory Stoneman Douglas Environmental Preserve area. One of the requirements of the grant is to place the item on an agenda of one of Wellington's Boards. Ms. Mariaca asked if the Board needed to take an action. Mr. Stillings stated that no action from the Board is required.

## **VII. SWEARING IN OF SPEAKERS**

Laurie Cohen administered the oath.

## **VIII. DECLARATION OF EX-PARTE COMMUNICATION**

Sal Van Casteren, Adam Rabin, Jeffrey Robbert, Elizabeth Mariaca, Ron Herman and Maureen Martinez all declared speaking with staff. Adam Rabin spoke with Councilman McGovern. Elizabeth Mariaca spoke with Councilman Drahos. Ron Herman spoke with Councilman McGovern. Maureen Martinez spoke with Councilman Napoleone. Mrs. Cohen confirmed that all the Board members can be fair and impartial on the items being presented.

Mrs. Cohen explained to the public why the meeting was held in person and not via Zoom.

## **IX. NEW BUSINESS**

### **PZ-0225 ORDINANCE NO. 2021 – 06 WELLINGTON GREEN CPA**

**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING AN AMENDMENT TO THE FUTURE LAND USE MAP (FLUM) OF WELLINGTON'S COMPREHENSIVE PLAN, (PETITION NUMBER 2020-0001-CPA), TO MODIFY THE LAND USE DESIGNATION FOR TRACT W-5 (CONSERVATION), TOTALING 17.62 ACRES, MORE OR LESS, AND THE LAND USE DESIGNATION FOR POD B (RESIDENTIAL F), TOTALING 25.96 ACRES, MORE OR LESS, TO REGIONAL COMMERCIAL/LARGE SCALE MULTIPLE USE (RC/LSMU); TO DELETE THE MAP NOTATION FOR PROPERTIES DESIGNATED LSMU; TO DELETE THE SITE**

**SPECIFIC TABLE THAT INDICATES THE MINIMUM AND MAXIMUM ACREAGE THRESHOLDS FOR EACH USE TYPE FOR THE SUBJECT SITE, KNOWN AS WELLINGTON GREEN, TOTALING 456.30 ACRES, MORE OR LESS, LOCATED ON THE SOUTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Cory Lyn Cramer, Planning and Zoning Manager, thanked the public for coming out. Ms. Cramer explained the difference between the previous request and the current request being heard tonight. Ms. Cramer explained the master plan application was already approved by the Planning, Zoning and Adjustment Board (PZAB) and will be heard by the Council at a future date. Any public comments related to the master plan amendment will need to be provided at the Council hearing in order to be part of the record for the master plan amendment.

Jeffery Robbert disclosed that he does business with the Wantman Group. Ms. Cohen recommended to Mr. Robbert that since he does \$10,000 or more in business with the Wantman Group, he could have a conflict and should not participate. Mr. Robbert left the meeting.

Adam Rabin asked for clarification between the prior application and what is being presented tonight. Ms. Cramer confirmed the application for the apartments, which is on the master plan was already heard and approved by the PZAB in 2019 and that request is not being heard tonight.

John Bowers (arriving late) declared ex-parte with staff and Councilman McGovern.

Damian Newell, Senior Planner, presented the request for a Comprehensive Plan Amendment and Development Order Amendment to the Rezoning. Mr. Newell reviewed the history and the location of the requests.

The Comprehensive Plan Amendment request is to amend the land use designations for Tract W-5 from Conservation and Pod B from Residential F to Regional Commercial/Large Scale Multiple Use (RC/LSMU). The request includes deleting the notation for properties designated LSMU on the Future Land Use Map (FLUM) and deleting the site-specific table that indicates the minimum and maximum acreage thresholds for the Wellington Green project in the development order. The review of Tract W-5 and Pod B were amended with no specific ordinance approving the land use conversion to conservation and Residential F. Both properties should still be illustrated as having the RC/LSMU land use on the FLUM. The change will not provide any additional entitlements or allow development on Tract W-5. The Land Development Regulations (LDR) require development entitlement to be shown on the master plan for a given project. Approval of the request would be consistent with the original approval of allowed uses on the LSMU site.

Mr. Newell explained that the second request is to delete all original conditions of approval that were adopted as part of the rezoning by Palm Beach County and to properly illustrate the PUD and MUPD as they were established for the overall 456-acre Wellington Green project. The Development of Regional Impact (DRI) sunset in 2016 and all regional conditions of approval have been satisfied. Mr. Newell stated that staff recommends approval of both requests and asked for the files be entered into the record.

Maureen Martinez asked staff to explain, in layman's terms, what the request means. Mr. Newell stated that the request to modify the FLUM means it would go back to how it was originally approved. The master plan governs what uses you can have on the property. Ms. Cramer stated that the requests do not change the overall approvals of what the applicant can have. Mr. Stillings clarified that the overall Map was designed as one single land use with multiple uses within it. At some point, the map was changed in error and this request is to restore the map to how it was originally approved.

Ron Herman asked if the vote tonight will have any bearing on the building of apartments. Ms. Cramer stated the request for additional units was not part of the items on the agenda and that staff would require this corrective measure be taken prior to approving any other applications related to overall project. Additionally, a recommendation to approve the requests on the agenda does not guarantee that Village Council will approve the master plan amendment to allow additional units on Tract W-5.

Ms. Mariaca asked about when the change to the land use happened. Ms. Cramer stated it could have been during the Evaluation Appraisal Report (EAR) or was part of a general update to the map. Ms. Mariaca pointed out that there was no ordinance to change the designation of those lands.

Mr. Rabin asked to confirm that the request is to correct an error that should not have happened. Mr. Newell confirmed.

Sal Van Casteren inquired as to who discovered the error. Mr. Newell stated the applicant found the error. Ms. Cramer stated the applicant brought it to staff's attention during the 2019 meeting, at which time the applicant withdrew the application to modify the land use and put the master plan request on hold to allow time for further research.

Jennifer Vail, with WGI, the agent for the applicant, advised the Board that when the applicant reviewed the changes over the years to the FLUM they discovered the error. This request is to correct the FLUM error and delete the map notation for properties designated LSMU. Additionally, the development order amendment is to delete the inconsistent conditions of approval that have been modified over the years and the original conditions from Palm Beach County that were not modified to be consistent. The requests tonight are not modifying the wetland or requesting residential approvals and are not modifying the current master plan or land uses.

**A motion was made by John Bowers, seconded by Maureen Martinez, to open public comment. The motion passed unanimously (6-0) with Jeffrey Robbert absent.**

Nicole Deflorio - 12641 Westhampton Circle: opposed.

Patricia Bachi - 2370 Newbury Court: opposed removing the word conservation.

Mark Hofferma - 12425 Old Country Road N: opposed.

Maria Wolfe - 12346 Sawgrass Court: opposed.

Simone Dominique - 12909 Mallard Creek Drive: opposed.

Drew Martin - 720 Lucerne Avenue, Lake Worth Beach, on behalf of the Sierra Club: opposed.

Twig Morris - 2087 Guadeloupe Drive: opposed.

Christine Wood - 12383 Westhampton Circle: opposed.

Sheila Cauldron - 2807 Wades Edge Circle, Greenacres: opposed.

John Bowers read into the record the comment cards for those who did not wish to speak:

Jennifer Heede - 11554 Sunrise View Lane: opposed.

Werner Mueller - 854 Lake Wellington Drive: opposed.

Heike Heise - 12615 White Coral Drive: opposed.

Yandree Rammacher - 11449 Sanderling Drive: opposed.

Michelle Kaplan - 1644 The 12<sup>th</sup> Fairway: opposed.

Pamela Keeven - 12676 Headwater Circle:, opposed.

Dina Cohen - 9783 Herons Nest Court, Lake Worth: opposed.

Devyn Bachi - 2370 Newbury Court: opposed.

The Board discussed reading an email into the record.

Mr. Van Casteren read an email from Scott Zucker, who opposed, into the record.

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

Mrs. Martinez asked Mrs. Cohen what happens if this application is denied. Mrs. Cohen stated this item is a legislative item. Mr. Stillings stated that if the Board's recommendation is to deny the land use change, then the master plan cannot be heard. Mr. Stillings stated Wellington could have requested the change but the applicant was already in the process. Mrs. Martinez stated during the public comments, a lot of comments were about keeping it as a conservation designation and even with Wellington's approval of the request it does not change the South Florida Water Management agreement. Mr. Stillings stated the applicant has to change the agreement with South Florida Water Management District.

Mr. Herman thanked the public for coming out. Mr. Herman asked about the prior application. Ms. Cramer stated the previous application was similar but was withdrawn. The current master plan request was modified by the applicant to removed Tract W-3 from the request, and when Council reviews the master plan, it would only include Tract W-5. Council would hear the master plan application after the adoption hearing of the comprehensive plan.

Mrs. Cohen stated the applicant could not build on the Tract as long as on the map shows the parcels as green (conservation).

**A motion was made by Maureen Martinez, seconded by Adam Rabin, to recommend approval of Ordinance 2021-06 as recommended by staff. The motion passed unanimously (6-0), with Jeffrey Robbert absent.**

**PZ-0226      ORDINANCE NO. 2021 – 07 WELLINGTON GREEN DOA/REZ**

**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, APPROVING A DEVELOPMENT ORDER AMENDMENT (PETITION NUMBER 2020-0001-DOA) TO MODIFY THE OFFICIAL ZONING MAP OF WELLINGTON FOR CERTAIN PROPERTIES, KNOWN AS WELLINGTON GREEN, TOTALING 456.30 ACRES, MORE OR LESS, LOCATED ON THE SOUTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN, TO ILLUSTRATE THE ONE (1) PLANNED UNIT DEVELOPMENT (PUD) AND SEVEN (7) MULTIPLE USE PLANNED DEVELOPMENTS (MUPD) AS ESTABLISHED; TO DELETE ALL CONDITIONS OF APPROVAL THAT WERE ORIGINALLY ADOPTED AS PART OF THE REZONING BY PALM BEACH COUNTY; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

Mr. Rabin expressed concern that the burden of proof for the development order amendment/rezoning has not been met. Mrs. Cohen stated the staff presentation and the agent's presentation could allow the Board to accept that the burden of proof had

been met. Mrs. Martinez stated that the Board did not hear any evidence that disputes staff's evidence and that meets the burden of proof.

**A motion was made by Maureen Martinez, seconded by John Bowers, to recommend approval of Ordinance 2021-07 The motion passed unanimously (6-0) with Jeffrey Robbert absent.**

**X. COMMENTS FROM PUBLIC**

Nicole DeFlorio inquired about the next step for the applications. Ms. Cramer stated the first reading is scheduled for March 9, 2021 and the second reading would tentatively be held on April 27, 2021, which may include the master plan.

**XI. COMMENTS FROM STAFF**

Ms. Cramer advised the Board of the potential applications that would be heard on March 10, 2021.

**XII. COMMENTS FROM THE BOARD**

None.

**XIII. ADJOURN**

**The meeting adjourned at 9:44 p.m.**

**APPROVED:** \_\_\_\_\_  
Date

\_\_\_\_\_  
Elizabeth Mariaca-Chair

\_\_\_\_\_  
Jennifer Fritz-Recording Secretary