

AGENDA
TOWN OF JUNO BEACH, FLORIDA
PLANNING AND ZONING BOARD MEETING

December 1, 2014 4:30 pm
 Council Chambers
 340 Ocean Drive

NOTICE: If any person decides to appeal any decision of the Planning and Zoning Board at this meeting, he will need a record of the proceedings and for that purpose, he may need to ensure that a verbatim record of the proceedings is made, such record includes the testimony and evidence upon which the appeal is to be based. The Town does not prepare or provide such record. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact Vanessa Dunham, Town Clerk, at least 48 hours in advance to request such accommodations.*

- ~ CALL TO ORDER
- ~ PLEDGE OF ALLEGIANCE TO THE FLAG
- ~ ADDITIONS, DELETIONS, SUBSTITUTIONS TO THE AGENDA

1. PUBLIC COMMENTS

2. MINUTES

Staff recommendation: Consider a motion to approve the Planning and Zoning Meeting minutes of November 3, 2014.

3. SPECIAL EXCEPTION/SITE PLAN APPLICATION- (NORTH EXPANSION-LOGGERHEAD MARINELIFE CENTER)

4. DISCUSS THE UPDATE OF CHAPER 34, ARTICLE V AND VI (ZONING CODE)

5. COMMENTS FROM STAFF

6. COMMENTS FROM THE BOARD

7. ADJOURNMENT

DECEMBER 1, 2014	PLANNING AND ZONING BOARD MEETING	4:30PM
DECEMBER 5, 2014	CHRISTMAS BY THE LAKE	6:00 PM
DECEMBER 10, 2014	TOWN COUNCIL MEETING	5:30 PM
DECEMBER 15, 2014	PLANNING AND ZONING BOARD MEETING	4:30PM
DECEMBER 16, 2014	HANUKKAH CELEBRATION	5:30 PM
DECEMBER 25, 2014	CHRISTMAS HOLIDAY – TOWN CENTER CLOSED	
DECEMBER 26, 2014	CHRISTMAS HOLIDAY – TOWN CENTER CLOSED	

MINUTES
TOWN OF JUNO BEACH
PLANNING AND ZONING BOARD MEETING

November 03, 2014

Council Chambers

340 Ocean Drive

PRESENT: SYDNEY VICKERS, CHAIR
WARREN TURNER, VICE CHAIR
MICHAEL STERN, BOARDMEMBER
DON FELICELLA, BOARDMEMBER
JACK KNEUER, BOARDMEMBER
BOB HAMILTON, ALTERNATIVE BOARDMEMBER

ALSO PRESENT: RUBEN CRUZ, PLANNING AND ZONING DIRECTOR
LEONARD RUBIN, TOWN ATTORNEY
ADA OLIVER, ADMINISTRATIVE SECRETARY

Chair Vickers called the Planning and Zoning Board Meeting to order at 4:30 pm.

Audience: 2

- ~ CALL TO ORDER
- ~ PLEDGE OF ALLEGIANCE TO THE FLAG
- ~ ADDITIONS, DELETIONS, SUBSTITUTIONS TO THE AGENDA – None

1. PUBLIC COMMENTS- None

2. MINUTES/MOTION

MOTION: Kneuer/Turner *made motion to approve the October 20, 2014 minutes.*

ACTION: *The motion passed unanimously.*

3. DISCUSS THE UPDATE OF CHAPTER 34, ARTICLE V AND VI – (ZONING CODE)

Director of Planning and Zoning Cruz indicated to the Board that it would be continuing its review of Chapter 34 at Article V.

Director Cruz entered into record written comments submitted by Boardmember Felicella. (See attached)

Boardmember Hamilton asked in reference to the hours of operation for convenience stores in Juno Beach.

Town Attorney Rubin stated that the definition of the term convenience store references extended daily hours, up to 24 hours per day.

Chair Vickers indicated that she was concerned with the unloading of cars (Section 34-985) by transport vehicles that park along the side of the road on A1A and obstruct traffic flow. Chair Vickers recommended that a possible assigned parking location be made available the unloading of vehicles, such as the old Town Hall property.

Town Attorney Rubin stated Chair Vickers recommendation can be directed to the Town Council for a decision.

Group discussions on Chair Vickers recommendation.

Director Cruz indicated that a citation could be issued to commercial transport vehicles that were improperly parked.

Chair Vickers asked if there were any additional questions.

4. **COMMENTS FROM STAFF-None**

Director of Planning and Zoning Cruz stated to the Board that upon completion of its review of Chapter 34, a review of the Comprehensive Plan will continue by sections. Director Cruz stated that the entire revised Comprehensive Plan will be brought back to the Board for final review.

Director of Planning and Zoning Cruz stated the next meeting will be held on November 17, 2014.

5. **COMMENTS FROM THE BOARD- None**

6. **ADJOURNMENT** 5:02pm

Chair Vickers adjourned the meeting at 5:02pm

Chair Sydney Vickers

Ada Oliver, Administrative Secretary

Memorandum

From the Town of Juno Beach Planning and Zoning Department

To: Planning and Zoning Board
From: Ruben Cruz, Director of Planning & Zoning
Date: November 20, 2014
Subject: Request for Special Exception Approval for a Major Amendment to an Approved Site Plan

Background

The subject property is known as Loggerhead Marinelife Center, it contains an existing primary building with 11,094 square feet, the project is located on an approximately 2.39 acre parcel of land within 17.26 acre parcel land (Loggerhead Park) north of Saturn Lane between Ocean Drive and U.S. Highway One within the town's Public Recreation (REC-PUB) Zoning District. In 2007, the Loggerhead Marinelife Center moved to its current location from its past location in the south end of Loggerhead Park.

The applicant is seeking to expand its facility to the north in order to house additional educational/multi-purpose areas, to relocate some of the existing administrative services and freeing up the existing areas for additional research/turtle care area. The applicant is proposing an addition of 27,518 square feet. The proposed addition is composed of a two-story structure which encompasses classroom/multi-purpose rooms, a display room, an expansion to the existing gift shop on the first floor, administration offices, classrooms, lecture hall and an open terrace on the second floor.

The Development Review Committee (DRC) reviewed this project two separate times. The applicant made a number of modifications to the project based on DRC comments. The DRC ultimately determined that the application met all technical requirements. Prior to the project being presented to the Planning and Zoning Board, the applicant made changes to their existing wall signs and is proposing an additional free standing sign, a new banner sign and a new directional sign.

Discussion

With respect to the Special Exception approval for a Major Amendment to an approved Site Plan, the project generally meets the site area requirements of the Public Recreation (REC-PUB) Zoning District:

- ✓ The project will be similar in character to the existing facility, which includes a similar façade, metal roof and similar color;
- ✓ Provide a total of 51 parking spaces, the minimum number of required parking spaces;

- ✓ Provide landscaping for the entire site that is consistent with the Town's landscaping requirements; and
- ✓ The applicant's Site Plan indicates a building height of 41.42'.

There will be egress and ingress to the proposed expansion from the existing road (Erickson Way), the applicant has provided a Traffic Performance Standards Review approval letter from the Department of Engineering and Public Works which indicates that the proposed Loggerhead Marinelife Center expansion project meets the Traffic Performance Standards of Palm Beach County.

The proposed freestanding sign meets the Town's code for permitted number of signs for a structure that is located on U.S. Highway 1 and has a frontage greater than 600 feet, as there shall be a minimum separation of 250 linear feet between signs (proposed separation is 300.62') that are within the REC-PUB Zoning District. There is a total of 4 existing wall signs, two of the wall signs are proposed to be relocated to the new east and north façade of the building, both signs being higher than the maximum allowable height of 20 feet (21.83' and 24'). The applicant is also proposing a new banner sign on the west façade of the project and a directional sign on Erickson Way.

Due to the potential for town wide impact of public recreation uses, the following criteria shall be considered by the Planning and Zoning Board and Town Council in addition to those required in section 34-116 for all site plans proposed in the REC-PUB Public Recreation Zoning District:

1. Whether or not the proposed development will adversely affect groundwater and surface waters;
2. Whether the proposed development is compatible with land categorized as environmentally sensitive;
3. Whether the proposed development is compatible with adjacent land which is considered environmentally sensitive, considering buffers and mitigation areas along such adjacencies;
4. Whether or not the proposed development will constitute a nuisance;
5. Whether the proposed development will enrich human life in its educational and cultural dimensions;
6. Whether or not the proposed development will positively affect the economy or will create a positive image that will influence the future of the town; and

7. Weighing and balancing the affects and influences the proposed plan presents, whether the plan promotes the general improved economic development, as well as recreation value to the town.

Recreational uses shall be permitted only upon authorization by the Town Council upon recommendation by the Planning and Zoning Board through the special exception use procedure as set forth in section 34-93 of the Town Code, which provides as follows:

The town council may hear and decide only such special exceptions as the town council is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. . . . A special exception shall not be granted by the town council unless and until:

- (1) A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested. The planning and zoning board shall consider the application and conduct a public hearing following the requirements of subsections (3) and (4) of this section on the request. The planning and zoning board shall recommend to the town council either approval, approval with modification, or disapproval of the special exception.
- (2) After receiving the planning and zoning board's recommendation, the town council shall hold a public hearing following the requirements of subsections (3) and (4) of this section.
- (3) Unless otherwise required by state statutes, notice of each public hearing required hereunder shall be published at least 15 days in advance of the public hearing. The owner of the property for which special exception is sought or his agent shall be notified of the public hearing by mail at least 15 days in advance of the public hearing. Notice of each such hearing shall also be posted on the property for which a special exception is sought, and at the town center, at least 15 days prior to the public hearing.
- (4) At the public hearing, the applicant may appear in person, or by appropriately designated agent or attorney. Before taking action on any special exception request the town council shall make written findings of fact addressing the issues of whether the requirements of the section of the chapter described in the application have been met, and whether satisfactory provision and arrangement has been made that the special exception use

will, where applicable:

- a. Provide for ingress and egress to the property and structures with particular reference to automotive and pedestrian safety and convenience, traffic flow and access in case of fire or catastrophe;
- b. Provide for parking and loading areas, refuse and service areas, with particular attention to subsection (4)a of this section and to their effects on surrounding property;
- c. Provide for screening and buffering with respect to type, dimensions and location;
- d. Provide for signs, if any, and proposed lighting;
- e. Provide for required yards and other open space;
- f. Not adversely affect the public interest;
- g. Comply with specific requirements governing the special exception requested;
- h. With conditions and safeguards attached, be generally compatible with adjacent properties and or property within the district;
- i. Not generate excessive noise or traffic;
- j. Not tend to create fire, disease or other equally or greater dangerous hazard;
- k. Be in harmony and compatible with the present and/or future developments of the area concerned;
- l. Conserve the value of buildings and encourage the most appropriate use of the land and water;
- m. Provide adequate light and air;
- n. Promote such distribution of population and such classification of land uses, development and utilization as will tend to facilitate and provide adequate provisions for public requirements, including but not limited to transportation, water flowage, water supply, drainage, sanitation, educational opportunities, and recreation;
- o. Conform to the character of the district and its peculiar suitability for particular uses;

- p. Be consistent with the needs of the town for land areas for specific purposes to serve the population and economic activities;
 - q. Protect the tax base; and not create a financial burden on the town; and
 - r. Not be disruptive to the character of neighborhoods nor adverse to playgrounds, parks, schools and recreation areas; nor adverse to the promotion of the public health, safety, comfort, convenience, order, appearance, prosperity or general welfare.
- (5) Among other conditions and safeguards, the town council may prescribe reasonable time limits within which actions shall commence, be completed, or both.

The proposed project is a reasonable use in the REC-PUB zoning district and would be an appropriate use on the previously approved parcel; and is consistent with Staff's review of the project during the development review process; subsequently the applicant should address all recommendations provided by the Development Review Committee and Board in the form of conditions as follows:

1. Final civil engineering and utility/water management plans shall be reviewed and approved by the Town Engineer and the appropriate Utilities prior to any land clearing or grading. Further, surface water management and water use permits shall be subject to approval of the South Florida Water Management District, Department of Transportation; and appropriate NPDES permits through the Town/appropriate agency. Easement creations shall be created subject to the requirements of said district;
2. Developer agreements to the extent not in existence must be completed with the appropriate Utilities to reserve water and wastewater service capacity, respectively, prior to application for building permits;
3. The Town's Community Appearance Standards shall be adhered to, according to appropriate Code Sections. If any part of these treatments that cannot be accomplished as a result of unavailable infrastructure improvements the applicant shall be required to supply the Town with the appropriate funds to incorporate such treatments. This amount must be reviewed and approved by the Town Engineer/Landscape Architect. All areas common and along any created or existing roadways shall be appropriately maintained at all times by the applicant and such language shall be incorporated into the association documents, to be reviewed and approved by the Town Attorney prior to any Certificate of Occupancy;

4. Architectural elevations for any accessory structures shall be submitted, reviewed and approved by the Planning & Zoning Director prior to the submittal of any building permits/applications;
5. The appropriate sum shall be submitted to the Town and maintained by the Town Attorney, in the form of a letter of credit, or other acceptable form (according to the Town Attorney) for surety/bond purposes. The Town Engineer and Director of Planning & Zoning shall ultimately determine the appropriate sum and this shall be submitted to the Town Attorney prior to the application for any building permit, as well as prior to land preparation;
6. Appropriate handicap parking/parking, sign, and other site accessory design details shall be incorporated into the site plan and comply with Town Community Appearance/Parking Standards;
7. Screening of all utility/mechanical equipment features shall be adhered to, as indicated Chapter 34, Town of Juno Beach Comprehensive Zoning Ordinance;
8. Off-site lighting impacts shall be created so as to minimally impact adjacent properties to the south, west and north; and shall be created in accordance with the Town's adopted Turtle Protection Ordinance, and shields used so as to minimally impact any adjacent residences;
9. Specified in Chapter 34, Expiration of Site Plan and Appearance Approval, Town of Juno Beach Comprehensive Zoning Ordinance, this "Site Plan and Appearance Approval shall be valid for two years form the date of such approval. If commencement of development has not begun prior to the date of two years following the approval date, said Site Plan and Appearance Approval shall become null and void. Commencement of development shall consist of:
 - 1) Receipt of a validly issued building permit and first building inspection approval for a minimum of one principal structure or completion of 25 percent of the total cost of the infrastructure (water, sewer, roads, and drainage) on the site. Infrastructure costs for the project shall be reviewed and approved by the Town Engineer prior to Final Engineering Plan approval;
10. Perimeter screening of construction site shall be completed first, in order to maintain acceptable visual impacts during construction phases of the project, as well as OSHA or other determined minimum safety requirements for perimeter treatments during the demolition of the existing structure and throughout the construction of the proposed project; and
11. In granting this approval, the Board and Council relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the

approval to be presented to the Town Council for review under Chapter 34 of the Town's Comprehensive Zoning Ordinance.

With the appropriate conditions, allowing an expansion to the existing Loggerhead Marineline Center in the REC-PUB zoning district is a reasonable use. As the proposed Site Plan meets the general requirements of the Town's Comprehensive Zoning Ordinance and Comprehensive Development Plan; and as the Development Review Committee unanimously recommends approval, staff recommends that the Board recommend that the Town Council approve the proposed Site Plan for Loggerhead Marineline Center, along with all conditions cited above.

Staff Recommendation

Staff recommends that the Planning & Zoning Board recommend approval of the request for a Request for Special Exception Approval for a Major Amendment to an Approved Site Plan with conditions as cited above.