MINUTES
TOWN OF JUNO BEACH

PLANNING AND ZONING BOARD MEETING

August 15, 2016
Council Chambers
340 Ocean Drive

PRESENT:
MICHAEL STERN, CHAIR
DON FELICELLA, VICE CHAIR
BOB HAMILTON, BOARDMEMBER
JACK KNEUER, BOARDMEMBER
PAUL SHEA, BOARDMEMBER
GORDON SNAVELY, ALTERNATE BOARDMEMBER (Via Phone)

ALSO PRESENT:
RUBEN CRUZ, DIRECTOR OF PLANNING & ZONING
LEONARD RUBIN, TOWN ATTORNEY
CAITLIN COPELAND, ADMINISTRATIVE SECRETARY

ABSENT:

Chair Michael Stern call the Planning and Zoning Board Meeting to order at 5:30 pm.

Audience: 15

~ CALL TO ORDER
~ PLEDGE OF ALLEGIANCE TO THE FLAG
~ ADDITIONS, DELETIONS, SUBSTIUTIONS TO THE AGENDA - *none*

1. PUBLIC COMMENTS

Public Comments opened at 5:31pm.

Public Comments closed at 5:31pm.

2. MINUTES / MOTION

MOTION: *Shea/Kneuer made a motion to approve the June 27, 2016 minutes.*

ACTION: *The motion passed unanimously.*

3. REVIEW AND DISCUSS OLD TOWN HALL SITE SURVEY

A. **Planning and Zoning Board Discussion:**

Chair Stern stated that he had received numerous telephone calls from people complaining about the date for returning the survey and that it does not afford enough time for people who are out of town.

Director of Planning and Zoning Cruz stated that he too received many calls and questions about the survey.

Director of Planning and Zoning Cruz stated that a couple of the complaints he received were from people who were out of town or believed the reply date was too soon.

Chair Stern asked the board if they received any calls regarding the survey.

Vice Chair Felicella asked Mr. Cruz if they had received any survey responses.

Director of Planning and Zoning Cruz stated that they had received a total of about 158 replies.

Vice Chair Felicella asked Mr. Cruz about the total amount of people who responded versus the amount of people who made comments at the January 13th Town Council Meeting.

Director of Planning and Zoning Cruz stated that staff has not made that comparison.

Chair Stern stated that the September 6th deadline was compromise – some members wanted an earlier deadline and others a later deadline.

Vice Chair Felicella stated that he and Mr. Hamilton were not in attendance at the last meeting.

Chair Stern asked if they should set a later date for return of the surveys.

Boardmember Kneuer stated that the people want a later date.

Director of Planning and Zoning Cruz stated that he also received a complaint about the survey being sent out electronically.

Vice Chair Felicella asked for clarification.

Director of Planning and Zoning Cruz stated that some people felt the survey should have been mailed instead.

Vice Chair Felicella questioned if the Town notifies its residents when the adoption of an Ordinance is being considered.

Director of Planning and Zoning Cruz stated that depending on the type of ordinance, there is a requirement that all property owners within 300 feet be notified by mail. They are also advertised in the newspaper.

Vice Chair Felicella questioned if the date changes will affect those who already took the time to respond. Would these responses still be valid?

Director of Planning and Zoning Cruz stated that the responses would be valid because they are well within the reply date. He also stated that staff will do a new cover letter stating that the return date has been extended.

Boardmember Kneuer asked Mr. Cruz how much it would cost to mail out the survey.

Chair Stern stated that the board had decided send it out electronically.

Boardmember Kneuer stated that the board should set a new date for return of the surveys.

Chair Stern stated that Mr. Kneuer is responding to the will of a lot of the people who called and complained.

Boardmember Kneuer stated that it's what the people want.

Director of Planning and Zoning Cruz stated that a rough estimate of the cost to mail out the surveys would be about $2,400.

Boardmember Kneuer asked Mr. Cruz if that amount was based on a 300-foot radius.

Town Attorney Rubin stated that the survey would need to be sent out Town-wide.

MOTION: *Kneuer/Felicella made a motion to set a later deadline date and cancel the September 6th deadline.*

ACTION: *The motion passed 3-2, with Boardmembers Shea and Hamilton opposed.*

MOTION: *Kneuer/Felicella made a motion to establish January 6, 2017 as the new date for return of the survey.*

ACTION: *The motion passed 4-1, with Boardmember Shea opposed.*

B. Discuss Jerry Wilson's Email:

Director of Planning and Zoning Cruz stated that staff received an email from Jerry Wilson posing several questions regarding the survey *(see attached)*.

Director of Planning and Zoning Cruz stated that he spoke to Mr. Wilson over the phone stating that he could not answer Mr. Wilson's questions because the Planning and Zoning Board had not made any recommendation and the Town Council had not made any decision regarding the Old Town Hall site.

Director of Planning and Zoning Cruz stated that the same questions were posed at the past Town Council Meeting, the Council directed the questions to the Planning and Zoning Board.

Chair Stern stated that Mr. Wilson's questions are premature because a decision has not been made and can only be made by the Town Council. He stated that the board first needs to review the responses from the survey and make the recommendation to Council.

Boardmember Shea stated that the Town will follow the proper codes after a decision has been made.

Chair Stern stated that the issues were too premature to discuss.

Director of Planning and Zoning Cruz stated that he will respond to Mr. Wilson and state that the board had a discussion and has not yet reviewed the surveys or made a recommendation.

Chair Stern stated that they will discuss Mr. Wilson's questions at the appropriate time.

Vice Chair Felicella stated that Mr. Wilson has very valid questions and concerns and that they will be addressed not only from the survey but from additional meetings.

Director of Planning and Zoning Cruz stated that he will provide Mr. Wilson with a copy of the minutes in his email response and will give Mr. Wilson a call and let him know what discussion took place.

4. PUBLIC HEARING: ORDINANCE NO. 688

A. Staff Presentation

Town Attorney Rubin discussed Ordinance 688 *(See attached memo)*.

Boardmember Kneuer asked if he will have to keep his storm shutters open if the ordinance is passed.

Town Attorney Rubin responded in the affirmative.

Boardmember Kneuer stated that he is against keeping the storm shutters open.

Vice Chair Felicella stated that he is against the Ordinance as it reads. He stated that he proposes that the board should eliminate all reference to shutters and refer only to panels. Additionally, the dates in the second part of the ordinance should be removed and let the Police Department determine if the panels are necessary for safety purposes and the Building Department determine if the panels are necessary for structural reasons.

Town Attorney Rubin clarified that the ordinance is only referring to the panels that are installed.

Vice Chair Felicella stated that panels are temporary and shutters are permanently attached.

Town Attorney Rubin asked Mr. Felicella to clarify the second part of his comment.

Vice Chair Felicella stated that the line referring to hurricane season should be replaced by stating that "if you have a structure that is determined by the Police Department for safety reasons or the building department for structural reasons then those panels would be able to stay beyond that period of time" and gave an example.

Town Attorney Rubin stated that the Ordinance is not intended to apply to buildings that are permanently boarded.

Director of Planning and Zoning Cruz stated that in certain cases the Police Department and Fire Department do not like shutters because they prevent entry to a structure in the case of emergency.

Director of Planning and Zoning Cruz stated that there are some residents who keep their shutters up all year long.

Vice Chair Felicella stated that he proposes to eliminate the 7 month period in the ordinance. He stated that he is referring to panels.

Boardmember Kneuer stated that accordion shutters and roll ups should be allowed.

Director of Planning and Zoning Cruz asked Mr. Kneuer if he meant for all year.

Boardmember Kneuer stated yes all year long.

Boardmember Hamilton asked Mr. Cruz if he looked into what other practices are utilized by municipalities similar to the Town.

Town Attorney Rubin stated that the regulations imposed by other municipalities are generally more restrictive.

Director of Planning and Zoning Cruz stated that Principal Planner Davila conducted the research in other communities in the State of Florida; however, the Town Council directed staff to keep the ordinance as simple as possible.

Town Attorney Rubin gave some examples of the restrictions.

Director of Planning and Zoning Cruz stated that staff came up with a hybrid of practices utilized by other communities, while still complying with the Council's direction.

B. Public Hearing

Public Hearing opened 6:12pm.

David Cox, 911 Ocean Drive, stated that he had built shutters, installed them, regulated them but one thing that hasn't been considered is the insurance requirement or policy to have those shutters up during hurricane season. He stated that it is completely unmanageable or ill advised to say they can only be put up for a hurricane or watch or warning. He stated that he thinks it's trying to solve a problem that doesn't exist. He stated that that panels are permitted by the Florida Building Code, but he pleaded for accordion shutters for his building. He stated that some residents use the shutters to save energy. He stated that the Energy code is very important these days and is being forced in the municipalities. He stated that people go away and imposing on them to have someone closing their shutters is ill advised.

Jutta Laukien, 401 N. Juno Lane, stated that the roll down shutters can be on timers. They can be programmed. She stated that she is sure there are other options out there that could resolve this whole issue.

Public Hearing Closed 6:19pm.

C. Planning and Zoning Board Discussion

D. Planning and Zoning Board Recommendation

MOTION: *Felicella/Kneuer made a motion to eliminate the regulation of shutters and have the ordinance only apply to panels.*

ACTION: *The motion passed 5-0.*

MOTION: *Felicella made a motion to delete sub-section 2 of section 2.*

ACTION: *The motion failed for lack of a second.*

5. PUBLIC HEARING: ORDINANCE NO. 689

A. Staff Presentation

Town Attorney Rubin discussed Ordinance 689 *(See attached memo)*.

B. Public Hearing

Public Hearing Opened 6:29pm.

Public Hearing Closed 6:30pm.

C. Planning and Zoning Board Discussion

Vice Chair Felicella questioned about how soon an ordinance goes into effect after being approved by Town Council.

Town Attorney Rubin stated that it goes into effect immediately upon adoption. However, there is a delay in codification from Municipal Code Corporation so the changes will not immediately show up on line.

Director of Planning and Zoning Cruz stated that he will get the codified version from the Town Clerk.

Town Attorney Rubin stated that there will be further revisions at a future date. A recent U.S. Supreme Court decision requires the Town to amend its sign code.

D. Planning and Zoning Board Recommendation

MOTION: *Felicella/Shea made a motion to recommend to the Town Council approval of Ordinance 689.*

ACTION: *The motion passed 5-0.*

6. COMMENTS FROM STAFF

Director of Planning and Zoning Cruz stated that the next meeting will be September 19th and gave an update of upcoming items that will come before the board.

Director of Planning and Zoning Cruz stated that any emails board members receive from residents should be forwarded to Vanessa, the Town Clerk, so that she can disburse them properly.

Town Attorney Rubin stated that the emails are public records and need to be retained for a specified period of time.

7. COMMENTS FROM THE BOARD

Boardmember Kneuer stated that Mr. Cruz has been doing a wonderful job.

Vice Chair Felicella stated that Ms. Copeland had done a wonderful job on the minutes.

Chair Stern agreed.

MOTION: *Stern/Shea made a motion to adjourn.*

ACTION: *The motion passed unanimously.*

8. **ADJOURNMENT -** 6:38pm

Chair Michael Stern adjourned the meeting at 6:38pm.

Chair Michael Stern

Caitlin Copeland, Administrative Secretary