MINUTES
TOWN OF JUNO BEACH

PLANNING AND ZONING BOARD MEETING

June 6, 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: 10

~ 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: *Stern/Hamilton made a motion to approve the May 16, 2016 minutes.*

ACTION: *The motion passed unanimously.*

3. CONTINUATION OF THE REVIEW OF CHAPTER 34 REVISIONS

Director of Planning and Zoning Cruz reviewed the changes that had been made to Chapter 34 since the last meeting (see attached).

Town Attorney Rubin stated that there was a correction to the cross reference in 34-3(a), the number was incorrect.

Director of Planning and Zoning Cruz continued going over the revisions to Chapter 34.

Town Attorney Rubin stated the reference to Chapter 429 in the definition of "group home" was eliminated based on the deletion of "adult day care home."

Vice Chair Felicella asked if they had added the term frontage.

Director of Planning and Zoning Cruz explained that the definition had been modified to read more clearly.

Town Attorney Rubin explained that the distance requirements for adult entertainment establishments had been changed back to 250 feet. If the distance requirements were increased, there would be no location in the Town at which such an establishment could be located. The Town is legally required to have at least one possible location.

Director of Planning and Zoning Cruz clarified that there are associated charts and pictures that go with Chapter 34. Staff will have to address them at a later date, and they may need to be out-sourced. Statutory references are always updated.

Town Attorney Rubin stated that Staff will eventually be bringing back a revised sign code. Based on a recent Supreme Court decision, the entire sign code will need to be revamped. It should be completed in a couple of months.

Vice Chair Felicella asked if the Board will get an opportunity to look over the diagrams.

Director of Planning and Zoning Cruz stated yes because it is still considered a code amendment.

Town Attorney stated that no motion was required at this time. The revisions will be brought back to the Board in Ordinance form.

Vice Chair Felicella asked if Staff was able to take a look at the issue of the "towers" that was brought up by a resident.

Director of Planning and Zoning Cruz stated that Staff included these revisions because the Town had already been allowing these towers. He informed the resident that the towers were already allowed – the language is being put in the Code so there is no question.

Town Attorney Rubin stated the Board will conduct a public hearing on the proposed Ordinance when it comes back.

Director of Planning and Zoning Cruz stated that staff will work on the ordinance and will bring it back to the Planning and Zoning Board for the final approval and recommendation to Town Council.

4. **CONTINUATION OF DISCUSSING THE METHOD OF OBTAINING PUBLIC INPUT FOR OLD TOWN HALL SITE**

Chair Stern stated that a direct e-mail should be sent to the Town residents and asked if there were any comments from the Board.

Board member Shea stated that the e-mail should be sent to the e-mail list maintained by the Town.

Chair Stern stated that the survey should go on the Town's website and asked the Board if it should go anywhere else.

Board member Shea stated that they could also ask the Juno Beach Civic Association to e-mail it to their list. He also stated that if people wanted information on this, then they should sign up on the Town's email list.

Chair Stern asked the Director of Planning and Zoning Cruz if they could do that.

Director of Planning and Zoning Cruz stated that the Town has a blast e-mail list and, with the Planning and Zoning Board's recommendation, can request to get a list from the Civic Association. We will use the in-house information that we have.

Chair Stern stated that there is no such thing as too much notice.

Board member Shea stated that he does not believe that the survey should be sent by regular mail.

Director of Planning and Zoning Cruz stated that it's for the Board to decide if it should be sent out through the mail or only sent out electronically. He informed the Board that not everyone has an e-mail address.

Chair Stern agreed with Planning and Zoning Director Cruz and asked for additional thoughts from the Board.

Director of Planning and Zoning Cruz stated that some people would like a hard copy.

Chair Stern asked the Board if they had any thoughts or if someone wants to make a motion.

Board member Shea stated that the information should be here at the Town Center, on the website and sent through an e-mail blast.

Chair Stern agreed that it could be published on paper.

Director of Planning and Zoning Cruz stated that he provided a draft survey and would like some clarification from the Board.

Vice Chair Felicella stated that on page one, there should be a graphic scale added with dimensions of the property. He created an alternative survey because he did not believe the proposed survey was specific enough. He added the types of activities residents would like to see whether it was an active park or a passive park. He also indicated that there should be a return date.

Chair Stern stated that the Board will discuss further and let Town Council know and see where the sentiment lies.

Board member Shea stated that there should not be any additional parking at the site because it will be used for additional beach parking.

Chair Stern agreed and stated a parking lot would mean a smaller park.

Board member Shea asked if they could give direction for a passive park and not an active park.

Chair Stern agreed and stated that the Board should come up with what they think the best use would be: Do we want to preserve it as public space? What kind of public space?

Vice Chair Felicella disagreed and stated that they should let the residents decide.

Board member Kneuer stated that they should send out an e-mail and see the reaction.

Chair Stern stated that they should put everything out.

Board member Kneuer stated they should see the reaction from people.

Chair Stern stated that they should not do it too quickly, but not take too long. We can turn over our recommendation to Town Council sometime in October.

Board member Kneuer stated that he does not see a rush on this and they should spend a little more time on it.

Chair Stern stated that the Board can deliberate as much as we want.

Board member Kneuer stated the responses should also come from the people on the outskirts of Town, not just the people living on the ridge.

Chair Stern stated that we will find out and make the survey available to as many people and once we receive the responses, we can go through them.

Vice Chair Felicella stated that he wants to see where all the responses come from.

Director of Planning and Zoning Cruz stated that staff will enter the e-mail addresses into an excel sheet.

Chair Stern stated that he also wants to see it on the Town's website letting people know what's going on.

Director of Planning and Zoning Cruz stated that staff will have it posted on the website as well as copies inside the lobby for people to fill out and leave with staff to provide to the Planning Department. He asked the Board for a deadline for responses. Staff would then tally the responses and bring the information that was acquired back to the Board.

Board member Kneuer stated that again there is no rush and they should wait for the snowbirds to come back down.

Director of Planning and Zoning Cruz asked board member Kneuer about what he wants to do with the survey itself.

Board member Kneuer stated that he wants it given out to the Town.

Director of Planning and Zoning Cruz asked when he wants staff to send the survey out.

Board member Kneuer stated that he wants to get a feeling of what the people want, it's the people's park.

Director of Planning and Zoning Cruz stated that the property is currently a vacant piece of land that is owned by the Town, it is not a park.

Chair Stern stated that the Board's recommendation may not be a park.

Board member Shea stated that the Board needs to decide on what to do with the survey.

Chair Stern stated that the thinks the survey should be published it right away on the website and made available to anybody who wants it.

Board member Shea stated that the Board still needs to decide on a deadline for the responses.

Chair Stern recommended after Labor Day.

Board member Shea stated that they need to know what to send and that he is okay with Vice Chair Felicella's draft that he produced.

Chair Stern asked Vice Chair Felicella if there is something that on Staff's draft that is not on his and stated that the Board should merge the two drafts together.

Vice Chair Felicella stated that he tried to include everything that Mr. Cruz had in addition to expanding it and trying to get the initial reaction as passive, active, leave as is or other.

Chair Stern stated that he will entertain a motion.

Vice Chair Felicella stated that they should wait on the motion for additional input.

Councilmember Ellen Andel, 471 N. Juno Lane, stressed that in January, the Town Council discussed declaring the Old Town Hall site as surplus property. No motion was made, and the issue died from lack of support. No vote was taken. Despite that fact, there still seems to be a great deal of fear surrounding the future of this property, and she felt that the fear was pushing the Town to designate a specific use for this property. There was no demand for any specific use prior to the surplus property issue coming before the Council. Councilmember Andel encouraged the Board to consider foregoing the survey and sending a recommendation to the Council to leave the property as is – vacant Town-owned property. If the Board decides to move forward with the survey, it must understand and foresee unintended consequences and the ramifications of putting such a broad survey out to the general public asking them for their opinion. Be careful what you wish for. Councilmember Andel noted that Vice Chair Felicella's revised survey had a very long list of passive activities and a very long list of active activities. There are costs associated with this. A parking survey would have to be done. We may have to have zoning changes. Keep in mind, the property has not been declared excess property, and there is no chance of the property being deemed as excess.

Councilmember Andel also remarked on many comments that were made that the Town is in good financial shape and doesn't need the money. She stated that she has been on the Council for over seven years, and has worked very hard with her fellow colleagues and wonderful staff to keep this Town in the good financial condition that it is. The Council has have either reduced or maintained the millage rate for the past seven or eight years. The Council has built up the reserves and she had the distinct honor of signing the last debt payment check for the Town so that it is debt free. However, Councilmember Andel stated that the County is coming to the Town and asking the Town to start contributing to beach re-nourishment. This is an expense that the Town is going to have to start planning for. So, the Town is in very good shape right now and must remain vigilant. Councilmember Andel concluded that there is no demand for use of the Old Town Hall site and because the Town needs to remain vigilant, with expenditures for planned beach re-nourishment, she encouraged the Board to send a recommendation to Council to leave the property as is. She indicated that as a Council member, she would support that recommendation.

Chair Stern asked Councilmember Andel if it would not be appropriate then for the Board to pass a motion asking the Council to vote on this before it proceeded.

Councilmember Andel asked for clarification as to what the Council would vote on.

Chair Stern stated to vote on whether the Council wished for the Board to proceed or just to leave the property alone.

Councilmember Andel stated that at the Goal Setting Workshop, the Council gave direction to the Planning and Zoning Board to come to the Council with a recommendation.

Chair Stern stated that it keeps to be going back and forth – when it comes down to it, it's ultimately a Council decision.

Town Attorney Rubin stated that ultimately it is a Council decision; however, the Council wanted the Board's collective input as to what the Board believed would be best use for the property based on the information that is gathered.

Chair Stern stated that one recommendation that appealed to him was that one person wanted to buy the property and lease it back to the Town.

Councilmember Andel stated that, as a fiscal conservative, it appealed to her as well. That would increase the tax base and take the property out of the Town's operating budget but there was no support for that and there was a lot of distrust. Councilmember Andel reiterated that there was no appetite for declaring the property as surplus and selling it. No vote was taken and the issue died. The Town is now going down a path that it may regret. All of these options have some ramifications. It's difficult to get a small population to agree on a broad topic. Therefore, she encouraged the Board to consider recommending to the Council to leave the Property as is.

Vice Mayor Pro Tem Fahy, 840 Ocean Drive, stated that the Board should give the people what they wanted. He appreciated the comments made so far, and it was a good idea to get the input from the community for the piece of the property. The options should be: (1) do nothing; (2) make it a park; or (3) make it a place where we can have historical memorabilia. That is what the Council is requesting from Planning and Zoning. It's a lot easier than what it seems.

David Cox, 911 Ocean Drive, stated that he found the discussion got off from where the Town and Town Council were directing it. Let's look at the issue where the Town needed the money. There is nothing that says the Town couldn't sell the park sometime in the future. We are currently sitting in a place that used to be a church and the Town Hall was up the street. So, there is nothing that would take place based upon a survey or anything that the Board would recommend or the Council would conclude and proceed forward that if we needed the money, that we wouldn't be able to sell it if we needed it. That's point number one. The reason, I believe, at the workshop, there was great skepticism on the part of the Town resident when a developer wanted to buy the land to increase his potential profit and people didn't want that.

Chair Stern asked if there was any discussion from the Board.

Board member Shea agreed with Vice Mayor Pro Tem Fahy on the options he presented.

Chair Stern stated that it did make a lot of sense.

Board member Hamilton agreed and stated that right now its green space, defined as vacant green space.

Chair Stern stated excess property.

Town Attorney Rubin reiterated that it is not excess property, it's a vacant parcel of Town owned land.

Board member Shea stated that there could be a motion made down the road that could make it excess property.

Board member Hamilton stated that they should keep it as a passive piece of property for the benefit of the community for people walking and bicycling, while trying to find the community's vision.

Chair Stern stated that depending on the recommendation, the property could become an expense to the Town. That may need to be explained before we put the survey out. He agreed with Vice Mayor Pro Tem Fahy's recommendation.

Vice Mayor Pro Tem Fahy stated that he didn't think the Council threw the Board a curveball.

Vice Chair Felicella asked what they were charged with from the Town Council. He thought the Board was charged to find what the residents wanted for the property

Town Attorney Rubin stated that the Board was charged with formulating a recommendation to Town Council.

Board member Kneuer stated that the Town Council wants ideas from the Board as to what it wants to do, but the Board wants to see what the people want. The Town should send the e-mails out, get that feedback and put into motion what the Board wants to do. He loved Vice Mayor Pro Tem Fahy's idea but doesn't know if the people want to spend the money for something like they did in Jupiter. Let the people tell the Board and give ideas.

Vice Mayor Pro Tem Fahy stated that unless Board member Kneuer wants to write a check.

Board member Kneuer stated let's find out what the people want and then decide.

Chair Stern stated that they should do more than say what the people want.

Board member Kneuer stated that we want to put it in an email and find out what the people want.

Vice Chair Felicella stated that he thought the Board would try to get something definitive to go back to Town Council.

Chair Stern stated that a park would cost money and may cause problems. In the alternative, the Town could hold the property as vacant property and not sell it or go through the expense of maybe a museum.

Vice Chair Felicella stated that the Town Council did not elect to make a decision.

Board member Kneuer stated that the residents want to do something with the property and beautify it. What the people want is what the Board wants.

Chair Stern stated that they have no idea on the cost but want to hear from the Town and the Board would want to let them know that certain things have expenses. A lot of people just don't want to see it sold.

David Cox, 911 Ocean Drive, stated that talking about expense, there are so many different ways that the Town can raise money, like a donation. Bricks have been sold to generate work around Pelican Lake. A moderate small park, passive or active, is going to cost money.

Board member Kneuer stated that he would donate a nice piece of change himself.

Board member Shea stated that the Juno Beach Civic Association would get involved as well.

Vice Chair Felicella stated that we could simplify this whole survey, take everybody's input, and just send out and ask if the residents are for excess land, vacant parcel or improve the land as a park.

Chair Stern agreed.

Town Attorney Rubin stated that he would not use the term "excess property."

Vice Chair Felicella stated that it is still in question because the Council did not take a vote on it.

Town Attorney Rubin stated that the property remains status quo.

Board member Shea stated that it could be brought up again.

Vice Chair Felicella stated yes and everything the Board does could be ignored.

Chair Stern stated that the Board could wait for the responses, but if there is no response, then no one cares and the property would remain status quo.

Felicella stated that you could say that status quo is one of the options.

Board member Kneuer asked for clarification if the Council wants to know what the Board wants to do with the property.

Director of Planning and Zoning Cruz stated that the Council is seeking a recommendation from the Planning and Zoning Board.

Vice Chair Felicella asked if that's what the Town Council asked for.

Director of Planning and Zoning Cruz stated that the Council made the request very general – if the Board makes a decision now, it would not need to move forward with the survey.

Chair Stern stated the options.

Director of Planning and Zoning Cruz stated that based on the Board's discussion, the Board can add to number one and include: (a) public park/public recreation; (b) leave as is; (c) consider as excess property; and (d) other.

Chair Stern stated that we can drop the excess property.

Vice Chair Felicella stated that he thinks it should be included because there may be people who want to the property to be sold.

Chair Stern stated that from what he heard, a lot of people didn't want it to be sold to a developer. The term excess property may raise some flags because excess means it could be sold.

Town Attorney Rubin stated that that was correct.

Chair Stern stated that the status quo would protect that.

Vice Mayor Pro Tem Fahy asked the Town Attorney whether a 2-2 vote means that an issue is defeated.

Town Attorney Rubin stated that there was never a motion to declare the property as excess, it died from lack of a motion.

Vice Mayor Pro Tem Fahy confirmed with the Town Attorney that the property was left in the condition it was in.

Town Attorney Rubin replied affirmatively.

Vice Chair Felicella clarified the term 'status quo' and stated that they should include excess in the survey.

Town Attorney Rubin stated that if excess is put in then it must be clear.

Vice Chair Felicella agreed, stating that the Board needed to be clear on each one.

Board member Shea stated that he thought the Council already looked at the excess property issue. Although they did not vote, it was pretty clear that the Town did not want to declare the property as excess property.

Chair Stern stated that there was no vote so it wasn't a 'no'.

Vice Chair Felicella stated that based on the number of residents compared to the number of residents who got up and spoke, the greater number of residents just want to leave it as is.

Board member Shea stated that now the Board has a choice of as is or public rather than excess.

Vice Chair Felicella stated that he doesn't anticipate they will get many for excess but he believed it should be put out there as a choice.

Vice Mayor Pro Tem Fahy stated that the term excess property has a very definite legal meaning – if the property is excess, it could be sold.

Chair Stern stated that that is a Council decision.

Town Attorney Rubin confirmed that excess property means it could be sold.

Board member Shea stated that the survey should have just a public park or leave as is.

Director of Planning and Zoning Cruz stated that if the Board wants to get a survey of what the people want, then it should provide all the options that are available.

David Cox, 911 Ocean Drive, stated that when people respond with an e-mail, it is not a vote. If you want people to make a choice, it should be put to referendum. The survey will just provide ideas for the Board to make a decision.

Chair Stern stated that the Planning and Zoning Board has no authority to declare a referendum.

David Cox, 911 Ocean Drive, stated that the people are not voting, they are making a suggestion.

Chair Stern stated that that is correct, the survey is just acting as a guide to the Board.

MOTION: *Felicella/Kneuer made a motion to reduce the survey that staff has provided and requesting what the residents would like to see for the vacant parcel. The options*

would include: (a) leaving the vacant parcel as is; (b) improving the property for a public facility, such as a park; or (c) declaring the parcel as excess land, which would allow it to be sold.

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

5. COMMENTS FROM STAFF

Director of Planning and Zoning Cruz stated that when a Board member makes a request, please make sure they request the information from him, not other members of staff. Also, the Board members need to sure that they are adhering to the Sunshine Law and asked for a meeting date after June 27th.

Chair Stern recommended July 18th. The date can be discussed at the next meeting.

6. COMMENTS FROM THE BOARD

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

ACTION: *The motion passed unanimously.*

7. ADJOURNMENT - 6:46 pm

Chair Michael Stern adjourned the meeting at 6:46pm

Chair Michael Stern

Caitlin Copeland, Administrative Secretary