

MINUTES
TOWN OF JUNO BEACH
PLANNING AND ZONING BOARD MEETING

May 16, 2016
Council Chambers
340 Ocean Drive

PRESENT: MICHAEL STERN, BOARDMEMBER
DON FELICELLA, BOARDMEMBER
BOB HAMILTON, BOARDMEMBER
JACK KNEUER, BOARDMEMBER
PAUL SHEA, BOARDMEMBER
GORDON SNAVELY, ALTERNATE BOARDMEMBER

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, SUBSTITUTIONS TO THE AGENDA - none

1. **PUBLIC COMMENTS**

Public Comments opened at 5:31pm.

Public Comments closed at 5:31pm.

2. **MINUTES / MOTION**

MOTION: Felicella/Hamilton made a motion to approve the May 2, 2016 minutes.

ACTION: The motion passed unanimously.

3. **CONTINUATION OF DISCUSSING THE REVIEW OF CHAPTER 34 REVISIONS**

Chair Stern stated that if it's acceptable to the Board, Town Attorney Rubin and Planning and Zoning Director Cruz can detail the proposed changes instead of going page by page. Board members can ask about any page on which they have questions or concerns.

Director of Planning and Zoning Cruz explained the revisions that were made on page 257.

Vice Chair Felicella stated that he had a question pertaining to landscaping on page 222. He asked if a site receives initial landscape plan approval and meets the Town's minimum requirements, and the property owner adds additional plants, is the property owner required to replace all plants (including the newly added ones), in the event of a hurricane?

Director of Planning and Zoning Cruz stated that replaced of plants is based on the approved landscape plan.

Vice Chair Felicella questioned whether the landscape plan changes when a property owner improves the landscaping.

Director of Planning and Zoning Cruz confirmed that it does change, but the property owner could go back to the originally approved landscape plan.

Vice Chair Felicella questioned why, on page 239, the Code requires that seagrape trimmings be left on site and not carried away.

Director of Planning and Zoning Cruz stated that it is beneficial to leave those trimmings as nutrients for the seagrapes.

Board member Kneuer questioned if that pertained to a seagrape on someone's property.

Director of Planning and Zoning Cruz stated that the provision would not apply to a single-family home, but would apply to a resident who lives on the dune or at the beach.

Board member Shea stated that the term "pioneer" was being used on page 233 and the term "dune" was misspelled on page 248.

Director of Planning and Zoning Cruz continued reviewing the revisions of Chapter 34 and asked if the Board members had any other questions.

Board member Shea stated that on page 266, the drawing depicts an 8-foot concrete walk north of San Remo, and he walked up there and does not recall it being 8 feet wide.

Director of Planning and Zoning Cruz stated that the diagrams will be updated and Staff will review the verbiage and notations.

Town Attorney Rubin explained the revisions that were made on page 310 in regards to nonconformities. He explained that the Code is currently inconsistent with the

Comprehensive Plan and that the Town Council will need to determine whether to amend the Comprehensive Plan or amend the Code language.

Alternate Board member Snavelly asked if Comprehensive Plan amendments come before the Planning and Zoning Board.

Town Attorney Rubin confirmed that all Comprehensive Plan amendments come before the Planning and Zoning Board for recommendation.

Vice Chair Felicella asked how the numbers were calculated on page 307.

Director of Planning and Zoning explained the formulas, their uses and how they were broken down.

Alternate Board member Snavelly asked when the Board would be looking at the Comprehensive Plan to resolve the inconsistencies.

Director of Planning and Zoning Cruz stated that the Board will be looking at the Comprehensive Plan in June.

Alternate Board member Snavelly asked whether the Chapter 34 revisions would immediately go to the Town Council.

Director of Planning and Zoning Cruz stated no, he and the Town Attorney will go over the revisions and comments and then bring it back to the Planning and Zoning Board for additional review.

Town Attorney Rubin stated that the revisions will eventually come back before the Board for public hearing in the form of an Ordinance.

Alternate Board member Snavelly asked if the Board will receive the whole package to review before it goes to Town Council.

Town Attorney Rubin stated that the only remaining issue was the nonconformity section.

Director of Planning and Zoning Cruz stated the Town Attorney brought the inconsistency issue to the Board's attention so that it could be discussed.

Director of Planning and Zoning stated that he and the Town Attorney will review the Board's additional comments on Chapter 34 and then bring the final version back to the Board for recommendation.

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

Chair Stern stated that the Town Council had asked the Planning and Zoning Board to gather information and suggestions for use of the old town hall, site as well as develop a protocol for soliciting ideas and obtaining a timeline.

Director of Planning and Zoning Cruz stated that at the last meeting, the Board had requested information from the Town Council meeting at which the Council considered whether to declare the old town hall site as surplus property. These materials were provided to the Board. The Board also needs to select a date for the public hearing.

Chair Stern asked the Board if they had an idea of a method on how to proceed and opened Board discussion.

Board member Hamilton stated that based on his discussions with members of the community and the comments made at the Council meetings, most residents want to keep the area like a park. In his opinion, it should be maintained as green space for people who are walking through the community.

Vice Chair Felicella stated that from the backup, he noticed that a park was mentioned several times and the Board needs to ask the citizens to be more definitive about the type of park they would prefer, either passive or active.

Vice Chair Felicella stated that Vice Mayor Pro Tem Fahy said that there was a method to send out emails to obtain information and opinions from citizens.

Chair Stern stated that he wasn't sure if the email system would reach a majority of the residents.

Vice Chair Felicella stated that if all communication methods were used, newsletters, organizations and email, then a majority of the residents would be reached.

Board member Hamilton asked Director of Planning and Zoning Cruz if he could make a recommendation on how to communicate with the residents.

Director of Planning and Zoning Cruz stated that it's a decision for the Board to propose but from what he noticed from listening to the Board is that the consensus appears to be to obtain input using all available methods.

Chair Stern stated that they should have a protocol for defining a format submission rather than having people speaking their opinions. He also stated that from what he read from the backup, there was a consensus that the area should be preserved as a green space.

Chair Stern asked if a zoning change or variance would be necessary if the site were to become a park.

Director of Planning and Zoning Cruz stated yes, if the decision was to make it a park, then the Code would require a land use change as well as a zoning change.

Board member Kneuer stated that it was a beautiful piece of land and that they should want to get the residents' input on how it should be used.

Vice Chair Felicella stated that, in his opinion, the area is a historical site, but the Board should receive conceptual uses from the residents.

Board member Kneuer stated that it is a beautiful part of Juno Beach.

Vice Chair Felicella stated that he was not sure where the anticipated funding would be if the area was made a park.

Chair Stern stated that someone had suggested buying the property and leasing it back to the Town, but if that's done, then property becomes "taxable" and the tax revenue could help fund and maintain the property.

Board member Shea stated that they should still obtain input from the Town.

Chair Stern stated absolutely.

Board member Shea stated that maybe the Board should obtain resident input over the summer and then categorize the input into three main ideas.

Chair Stern asked the Board members to decide on a date for the submissions to be collected.

Board Member Shea recommended the end of June.

Chair Stern stated that not many people are here during the summer.

Board member Shea stated that the email should be able to reach them.

David Cox, 911 Ocean Drive, stated that he is a visual person and believes that it would help people send in submissions if a graphic of the property was made available on the website with all the setbacks and details.

Board member Hamilton asked if the property is excess property.

Town Attorney Rubin stated that the Council did not declare it as excess property, it is just Town owned property.

Board Member Hamilton asked if it would be appropriate for the Planning and Zoning Board to determine that the property should just remain future green space.

Director of Planning and Zoning Cruz stated that to move forward, the Board would need to select a date and a survey would need to be produced.

Alternate Board member Snavelly asked where they should start.

Director of Planning and Zoning stated that they should start by setting a date for a Public Hearing but be mindful that the Board is only giving a recommendation to Town Council.

Chair Stern asked Director of Planning and Zoning if he would be able to provide the board with a draft of a survey.

Director of Planning and Zoning Cruz stated that he will need to track one down.

Alternate Board member Snavelly wanted to clarify with Director of Planning and Zoning Cruz that the Board will start off by sending everyone a survey.

Director of Planning and Zoning Cruz stated that there will be a packet that will go out with the survey.

Chair Stern stated that they could deliberate with a survey.

Board member Shea asked if the packet had to go out by mail.

Director of Planning and Zoning Cruz stated that it is up to the Board to decide how to disseminate it.

Vice Chair Felicella stated that the backup had a lot of emails in it from people who have expressed their thoughts and concerns.

Board member Shea recommended putting the information up on the website.

Board member Kneuer stated that the important thing was to include the dimensions of the property as David Cox had mentioned.

Director of Planning and Zoning Cruz stated that staff will come up with a survey.

Chair Stern suggested that a Public Hearing be set for after the summer.

Board member Shea stated that they should not have to wait that long.

Chair Stern stated that there might be a lot of people who would want to attend but cannot be here, and would suggest September or October for the Public Hearing.

Director of Planning and Zoning Cruz stated that the Public Hearing could be held in June to present the information to the Planning and Zoning Board and then the Board can discuss on how to disseminate the information.

Vice Chair Felicella asked if they could have a survey done before the next meeting.

Director of Planning and Zoning Cruz stated that a survey will not be made until a Public Hearing occurs where we can receive the Board's input and options for the survey.

Board member Kneuer asked if staff needed permission from the Board to do a survey.

Director of Planning and Zoning Cruz stated that they have to hear the Public Comments first but if it's the direction from the Board, Staff could prepare a survey with the options of a park (passive or active), leave the property as is, or declaring the site as excess property.

Board member Shea stated no, not excess property.

Vice Chair Felicella suggested that the Board take their time and develop a nice timeline to properly discuss the use of the property.

***MOTION:** Felicella/Kneuer made a motion for staff to prepare a preliminary survey which would be brought back to the Board for review.*

***ACTION:** The motion passed unanimously.*

5. ANNUAL REVIEW OF SUNSHINE LAWS

Town Attorney Rubin went over the Sunshine Law in great detail and asked the Board members if they had any questions.

Board Member Hamilton asked for clarification about emails.

Town Attorney Rubin stated that emails are public records and each member should forward any e-mail received from a resident to the Clerk's office.

Director of Planning and Zoning Cruz stated that our policy is to forward emails from residents to the Planning and Zoning Board and Town Council.

Board member Kneuer asked if it was okay to present his opinions for Juno Beach to other members of the Board.

Town Attorney Rubin stated to be careful of your opinions when discussing Juno Beach to other Board members. Board members cannot discuss any item that may foreseeably come before the Board for action.

Vice Chair Felicella asked about discussions between a Board member and a Council member.

Town Attorney Rubin stated that Board members may speak to Council members.

Vice Chair Felicella asked about a site visit and if it should be disclosed.

Town Attorney Rubin stated yes if you make an observation about the site during the visit, then visit should be disclosed as an ex parte communication.

6. **COMMENTS FROM STAFF**

Director of Planning and Zoning Cruz stated that the next meeting will be June 6th and gave an update of upcoming items that will come before the Board.

7. **COMMENTS FROM THE BOARD**

Board Member Hamilton asked, at the Goal Setting Workshop on April 25th the Council discussed the responsibilities for the Planning and Zoning Board, if anyone could clarify what was discussed.

Town Attorney Rubin clarified that the Council wanted to have variances brought to the Planning and Zoning Board before they go to the Zoning Board of Adjustment (Council) and he is working on the ordinance.

Board Member Hamilton stated that life safety is important and expressed concern about the bed limits for substance abuse treatment center that was also discussed at the Goal Setting Meeting.

Vice Mayor Pro Tem Fahy stated that the bed limits were going to be discussed at the next Council meeting.

Board Member Hamilton asked if the Planning and Zoning Board and Town Council know what the template is for the substance abuse treatment center in the community.

Vice Mayor Pro Tem Fahy stated that the Town Attorney will provide detailed information at the Council meeting.

Town Attorney Rubin stated that he will discuss the density issue at the Council meeting.

Director of Planning and Zoning Cruz stated that the center currently has 50 beds that they are using and Glenn Cohen, the owner, has been working with staff throughout the entire process and is willing to speak with residents as well.

Board Member Hamilton stated that it is important to continue discussing this matter and also brought up the number of medical calls that could occur.

Director of Planning and Zoning Cruz stated that there will be calls and police will go but if it's a medical emergency, then the police will leave unless their assistance is needed.

Chair Stern asked if the facility is still subject to nuisance laws and if there's a recourse in case things run amuck.

Town Attorney Rubin stated yes.

Vice Chair Felicella asked if any change to that zoning district would affect the facility and used parking as an example.

Town Attorney Rubin stated that if the standards changed, they would not apply to the existing use; rather, it would become nonconforming.

Director of Planning and Zoning Cruz stated that hopefully the Planning and Zoning Board can attend the next Town Council Meeting to listen to the Town Attorney's synopsis on this matter.

MOTION: Stern/Felicella made a motion to adjourn.

ACTION: The motion passed unanimously.

8. **ADJOURNMENT** - 7:04 pm

Chair Michael Stern adjourned the meeting at 7:04 pm.



Chair Michael Stern



Caitlin Copeland, Administrative Secretary