MINUTES
TOWN OF JUNO BEACH

PLANNING AND ZONING BOARD MEETING

May 18, 2015
Council Chambers
340 Ocean Drive

PRESENT:	DON FELICELLA, BOARDMEMBER MICHAEL STERN, BOARDMEMBER BOB HAMILTON, BOARDMEMBER PAUL SHEA, ALTERNATE BOARDMEMBER
ALSO PRESENT:	RUBEN CRUZ, DIRECTOR OF PLANNING & ZONING LEONARD RUBIN, TOWN ATTORNEY VANESSA DUNHAM, TOWN CLERK ADA OLIVER, ADMINISTRATIVE SECRETARY
ABSENT:	WARREN TURNER, VICE CHAIR JACK KNEUER, BOARDMEMBER

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

Audience: 114

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

1. SEARING IN OF NEWLY APPOINTED BOARD MEMBERS

Town Clerk Dunham swore in all of the Planning and Zoning Board Members.

2. MINUTES / MOTION

MOTION: *Felicella/Hamilton made a motion to approve the March 16, 2015 minutes.*

ACTION: *The motion passed unanimously.*

3. DESIGNATE CHAIR/VICE CHAIR-

Boardmember Stern stated the designation of Chair and Vice Chair will be postponed until the next Planning & Zoning Meeting when all of the Planning and Zoning Boardmembers are present.

4. DISCUSS FRENCHMAN'S CREEK CODE-TEXT CHANGE AMENDMENT

A. Staff Presentation:

Director of Planning and Zoning Cruz stated that the Town received a petition for Zoning Code Text Amendment from Frenchman's Creek, Inc. He stated the applicant seeks to include a "Community Association Owned Beach Club" as a special exception use within

the Residential Multi-Family Moderate Density (RM-2) Zoning District. Mr. Cruz made reference to Staff's Memorandum and the backup materials that were provided to the Board members electronically and by hard copy. (See attachment)

Director of Planning and Zoning Cruz noted that all additional emails and correspondences from citizens that were received after the Board members had already received their hard copy packets have also been provided. These materials will become part of the record of this proceeding and will be included as backup material when the item is presented to the Town Council.

Mr. Cruz asked the Boardmembers if they had any questions.

Boardmember Don Felicella asked Director Cruz to explain what was not being discussed at the meeting. Mr. Felicella stated that some of the emails he had read from citizens were misleading and would like clarification.

Mr. Cruz indicated the application is solely about the Zoning Code Text Amendment and does involve any changes to the existing Beach Club. The Applicant is seeking to add Community Association Owned Beach Clubs to the list of special uses in the RM-2 Zoning District. Beach Clubs are not currently a permitted, special exception or accessory use within the RM-2 District; therefore, the Frenchman's Creek Beach Club is a non-conforming use.

B. Applicant presentation:
Steve Mathison, Attorney for Frenchman's Creek Inc., discussed the history of the property. Mr. Mathison stated Frenchman's Creek is involved in the community and contributes to environmental causes, such as protection of the sea turtles.

Mr. Mathison stated for the record that Frenchman's Creek pays for the services provided to the Beach Club. Mr. Mathison also indicated they have been working with the Property Appraiser for several months and indicated Frenchman's Creek will provide the Town of Juno Beach with a service agreement to pay for all services rendered to the Beach Club.

Mr. Mathison stated they are not asking to expand the Beach Club, build a multi-story parking garage or encroach on nesting turtle areas. He stated that they are asking for fundamental fairness.

Mr. Mathison indicated that the Beach Club is a non-conforming use and if destroyed by 50% or more of its value by a hurricane, the Town's non-conforming use ordinance indicates it can't be replaced, restored or reconstructed. Mr. Mathison stated the applicant is proposing to add a few words to the RM-2 Zoning District regulations. The amendment would allow what's already there to be rebuilt if necessary.

Fred Stern, President of the Board of Governors of Frenchman's Creek, stated they had decided to request the text amendment described by Mr. Mathison after their review of the pertinent documents revealed an ambiguity with respect to their ability to rebuild after a catastrophic event.

Mr. Stern stated the Board of Governors of Frenchman's Creek has discussed the need to improve the Beach Club for its members. Mr. Stern stated at present they do not have plans for expansion or construction. The internal process for the development of a potentially viable plan could take up to approximately two years.

Boardmember Michael Stern asked the Board members if they had questions for the applicant.

Boardmember Felicella asked how Frenchman's Creek defines the term "Community Association Owned Beach Club" since it is not currently defined in the Town Code.

Attorney Mathison stated they would work with Staff and Town Attorney Rubin to ensure all concerns are addressed in developing a definition.

Boardmember Hamilton stated that during a disaster historically, the rules and regulations could change.

Attorney Mathison asked if Frenchman's Creek would be able to rebuild the Beach Club in case a hurricane were to destroy the property.

Town Attorney Rubin explained it is unclear whether the Beach Club could be rebuilt if destroyed by an act of God. The non-conforming use exception that allows non-conforming uses to be re-established specifically references residential uses.

Attorney Mathison stated for the record that there are no plans for expanding the Beach Club. He also stated the Beach Club is aging and that someday they would need to apply to the Town for permission to expand, but at a later time.

Boardmember Stern questioned the Beach Club parking.

Mr. Mathison indicated there is a possibility of reducing the width of the current parking stall sizes to allow for additional spaces.

Boardmember Shea conveyed his concern regarding an email that was submitted as backup material which included pictures taken at the Beach Club. He stated the pictures showed approximately one hundred chairs along the sand area.

Director of Planning and Zoning Cruz stated that chairs are not allowed to be stored on the beach. This is a code enforcement issue that the Town will pursue.

Director of Planning and Zoning Cruz read and submitted into record, an email from Vice Chair Turner. (See attachment)

Board member discussions took place regarding Vice Chair Turner's email.

Boardmember Stern read the nine Conditions for Beach Club Special Exception granted to Frenchman's Creek on August 19, 1986.

Boardmember Stern opened the floor for Public Comments.

C. Public Comments:

Donna Holder, President of The Sands - 241 Mercury Road. She stated the Beach Club is very crowded. She also stated that Frenchman's Creek was using the hurricane issue as an excuse to rebuild. Ms. Holder stated she is afraid that they are going to change Juno Beach from the town that it is. If Frenchman's Creek wants something bigger and better, they can build it somewhere else.

Thomas Bright – 450 Ocean Drive # 605. Mr. Bright stated he sees a lot of traffic in and out of Frenchman's Creek. He is concerned the traffic volume will increase. Mr. Bright is concerned with the chairs along the beach. Mr. Bright stated he does not want Juno Beach to change from the wonderful town it is.

Richard Corsini – 80 Celestial Way. Mr. Corsini stated he is confused about the application for Frenchman's Creek. Mr. Corsini also indicated he is concerned with the overflow of parking from Frenchman's Creek. He also stated the stacked chairs on the beach are unsightly. He stated Juno Beach is a wonderful place.

David Schindler – 1715 W. Hemingway. Mr. Schindler stated the applicant does have a desire to protect their property in case it is destroyed by a hurricane and they are unable to rebuild. Mr. Schindler stated his concern that they will at some point sell the property. Mr. Schindler stated he loves Juno Beach.

David Cox – 911 Ocean Drive. Mr. Cox stated his interpretation of the 1987 stipulation agreement does give them the right to rebuild in a causality. Mr. Cox stated that he supported the use of a shuttle bus and believed that back taxes that should be paid to Juno Beach.

Ronald Hosta – 500 Ocean Drive # E11B. Mr. Hosta stated that he did not have much knowledge on the issue except from what he obtained from the Palm Beach Post. Mr. Hosta is concerned if Frenchman's Creek has another agenda in mind from what is being proposed.

Donald Shapiro – 570 Ocean Drive. Mr. Shapiro stated it was brought up that Frenchman's Creek was a good neighbor. Mr. Shapiro stated they do not pay property taxes to Juno Beach, and their beach area looks like Coney Island, with piles of chairs stored on the beach. Mr. Shapiro indicated he would like more information on the service agreement for Frenchman's Creek.

Meg Watson- 500 Ocean Drive #E-5B. Mrs. Watson conveyed to the Board the uniqueness of Juno Beach, small town living. Mrs. Watson stated their beach area is in disregard. Mrs. Watson stated she is against the expansion or alteration of Frenchman's Creek and it should be voted against.

Jo Ann LaBelle – Juno Shores. Ms. LaBelle read a letter from the Juno Shores Association opposed to the amendment. (See attached)

Marianne Hosta- 500 Ocean Drive. Mrs. Hosta stated that Frenchman's Creek has a small strip of beach and is overcrowded. Mrs. Hosta also stated it is not conducive for turtle breeding season.

Steve Pinard- 370 Apollo Drive. Mr. Pinard stated he is concerned with the back taxes owed to Juno Beach. Mr. Pinard recommended that the applicant's application should be placed on hold until the tax issue is completely resolved.

Ted Spies- 291 Mercury Road # 3. Mr. Spies is also concerned with the same issues as Mr. Pinard as well as the overcrowded beach, the turtle nesting area, and noise and air pollution.

Debra Mitchell- 370 Mercury Road. Ms. Mitchell stated that umbrellas have been placed on the private property beach area behind 370 Mercury Road and she has had to ask them to remove them on numerous occasions. Ms. Mitchell requested the footprint not be increased.

Stuart Katz- 800 Ocean Drive # 601. Mr. Katz stated despite the special exception approved in 1986 for Frenchman's Creek, the residents have had second thoughts. Mr. Katz read a letter opposing the application. (See attached)

Anne Bosso- 765 Hibiscus Ave. Mrs. Bosso stated to the Board that this petition should be denied and stated this was a zoning hearing. Mrs. Bosso inquired about the 50% rule in case of destruction. Mrs. Bosso requested that the Board deny the petition.

In response to a question from Mrs. Bosso, Town Attorney Rubin indicated that the Code is clear that residential properties can rebuild if destroyed by an act of God. The Beach Club is commercial, rather than residential, in character.

John Glidden- 530 Ocean Drive # 203. Mr. Glidden stated that he feels that Frenchman's Creek should have the right to rebuild is destroyed by a storm or hurricane but not to expand in any way because they were a special exception when originally approved.

Carl Sterns- 461 South Juno Lane. Mr. Sterns stated he agrees with items that have been addressed during the meeting with the exception they should be able to rebuild in case of a hurricane. Mr. Sterns stated Frenchman's Creek is his neighbor and he is not opposed.

Barbara Folia – 215 Bay Colony Drive North. Ms. Folia asked if the restaurant was part of the original application when Frenchman's Creek originally applied.

Town Attorney Rubin stated the restaurant was part of the Beach Club.

Roger Whitcomb – 607 Universe Blvd, Villa #12. Mr. Whitcomb requested that the Board to deny the petition.

Joanne Flaherty- 291 Mercury Circle. Ms. Flaherty stated that Frenchman's Creek employees park in the parking lot of her building and that there is a lot of noise.

Attorney Mathison stated that Frenchman's Creek's taxes have always been paid to the tax assessor and that they have always worked with Town Staff.

In closing, Mr. Mathison stated they are not asking for an expansion. He stated that they are requesting to rebuild in case of a casualty.

Boardmember Michael Stern stated the Board has an obligation to the community and that the Town has honored its part.

D. MOTION: Felicella/Shea made a motion to recommend denial the proposed Zoning Code Text Amendment Petition.

ACTION: The motion passed unanimously.

5. DISCUSS SETBACKS FOR THE (RMT) RESIDENTIAL TRANSIENT AND MULTIPLE FAMILY DISTRICT

Director of Planning & Zoning Cruz indicated Item # 6 will be discussed at the next Planning & Zoning meeting as setbacks must be looked at in conjunction with all of the building regulations applicable within the RMT Zoning District. The Town must look at the complete picture before making any decision regarding setbacks.

6. COMMENTS FROM STAFF

Planning and Zoning Director Cruz advised the Board members to plan to attend a Palm Beach County Ethics Training Class June 2nd at 11am at Town Center. He also indicated if they are unable to attend, an online class is available on the Palm Beach County Commission on Ethics' website.

Planning and Zoning Director Cruz asked if there were any questions from the Board.

7. COMMENTS FROM BOARD – None

8. ADJOURNMENT - 7:33pm

Boardmember Michael Stern adjourned the meeting at 7:33pm

Boardmember Michael Stern

Ada Oliver, Administrative Secretary