

MINUTES
TOWN OF JUNO BEACH
PLANNING AND ZONING BOARD MEETING

May 2, 2016
Council Chambers
340 Ocean Drive

PRESENT: DON FELICELLA, BOARDMEMBER
MICHAEL STERN, 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
VANESSA DUNHAM, TOWN CLERK
CAITLIN COPELAND, ADMINISTRATIVE SECRETARY

ABSENT:

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

Audience: 22

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

1. PUBLIC COMMENTS

Don Shapiro, 570 Ocean Drive, stated that he wished to speak about the old Town Hall site. He wanted to put his name on record and that the property should remain as open space and not be developed.

David Cox, 911 Ocean Drive, stated that it's a pleasure to see the Planning and Zoning Board in full attendance and hoped that it can perform and provide good suggestions to Council.

Board member Stern stated that the discussion about the Planning and Zoning Board not being involved in the rezoning of Seminole Plaza is incorrect. The question of where such rehabilitation centers should be permitted did go to the Planning and Zoning Board, and the Board made a motion to designate Seminole Plaza. The Town Council accepted this recommendation.

Board member Hamilton asked whether it was brought to the Council's attention that it would have the potential for 250 plus beds.

Board member Stern stated no, because it was just to designate the area that could be zoned in order to comply with the American with Disabilities Act and the Fair Housing Act. Someone bought the property and turned it into a sober plaza.

Town Attorney Rubin stated that it was called a substance abuse treatment facility.

Anne Bosso, 765 Hibiscus Avenue, stated that she was on the Planning and Zoning Board at the beginning of the rezoning, and it was just for location. Nobody advised us that 277 could be built. We were not advised to limit it to 1500 square feet and so many beds but to give up 17 and go to 277. We would not be here today discussing it had we been advised.

2. **MINUTES / MOTION**

MOTION: Felicella/Kneuer made a motion to approve the April 11, 2016 minutes.

ACTION: The motion passed unanimously.

3. **SWEARING IN NEWLY APPOINTED PLANNING AND ZONING BOARD MEMBER ALTERNATE – GORDON SNAVELY**

Town Clerk Mutchnik swore in newly appointed Alternate Planning and Zoning Board member Gordon Snavely.

Town Attorney Rubin stated that Mr. Snavely would not be voting because all five regular members are present. He could, however, participate in the discussions.

Board member alternate Snavely stated that he understood.

4. **DESIGNATE CHAIR/VICE CHAIR**

Town Attorney Rubin opened nominations for the position of Chair and Vice Chair.

Nomination: Board member Felicella made a nomination to designate Michael Stern as Chair. There being no further nominations, Michael Stern was appointed Chair.

Nomination: Chair Stern made a nomination to designate Don Felicella as Vice Chair. There being no further nominations, Don Felicella was appointed Vice Chair.

5. **REVIEW OF CHAPTER 34 REVISIONS**

Director of Planning and Zoning Cruz stated that the Planning and Zoning Board will be reviewing the revisions to Chapter 34 of the Town Code based on comments from the

Board and Staff. He also stated that Town Attorney Rubin referenced some of the state statutes to make sure that they were current and up to date. (See attachment)

Director of Planning and Zoning Cruz opened up the meeting for discussion by the Board on any questions, concerns or suggestions that they might have.

Director of Planning and Zoning Cruz stated that a colored Zoning Map was provided to the board for reference.

Director of Planning and Zoning Cruz began going through the Chapter 34 revisions by page.

Town Attorney Rubin stated that on page 3, he wanted to clarify that an Adult Day Care Home does not exist under Florida Statutes. The Statutes provide for Adult Family Care Homes and Adult Day Care Centers. Therefore, Staff is recommending removal of Adult Day Care Homes.

Board member Shea stated that if we remove Adult Day Care Homes, we have no coverage for that use.

Town Attorney Rubin stated that the Town Code allows Assisted Living Facilities. We could allow Adult Family Care Homes, but they provide services twenty-four hours a day.

Chair Stern asked if they were commercial establishments.

Town Attorney Rubin stated that Adult Family Care Homes are not necessarily commercial establishments; however, they are more commercial than residential.

Board member Kneuer asked if the Town Code could allow Adult Family Care Centers.

Town Attorney Rubin stated that the Code could provide for this use, but such facilities operate 24/7.

Chair Stern asked if The Waterford would be considered an Adult Family Care Center.

Town Attorney Rubin stated that The Waterford is an Assisted Living Facility.

Chair Stern agreed.

Board member Shea asked how it differed from an Assisted Living Facility.

Town Attorney Rubin stated an Adult Family Care Home is located in an individual person's residence as opposed to a commercial facility like The Waterford.

Vice Chair Felicella stated that they haven't had a need for it up to this point.

Town Attorney Rubin stated that the Town never had one.

Vice Chair Felicella stated that if a problem comes up then we can address it at that time.

Chair Stern stated that you could end up with a commercial enterprise in a residential zone.

Town Attorney Rubin stated that you should not have a commercial enterprise in a residential zone.

Chair Stern questioned about the definition of “commercial”.

Town Attorney Rubin stated that unlike Family Day Care Centers, which the Florida Statutes state must be permitted in residential zoning districts, there is no requirement that a municipality allow an Adult Day Care Center in a residential zoning district.

Board member Hamilton asked about outside decking in regards to the definition of building height on page 5.

Director of Planning and Zoning Cruz stated that they are known as tower features and they are only permitted in certain zoning districts.

Board member Shea pointed out to Director of Planning and Zoning Cruz that the term “design quality” was used in the definition of “ornamental feature.”

Director of Planning and Zoning Cruz stated that because the term “design quality” will be removed, Staff will take a look into rewording the other areas.

Vice Chair Felicella questioned the reasoning for using the term “exterior” instead of “interior” in the definition of “floor area” on page 8.

Director of Planning and Zoning Cruz stated that they measure outside wall to outside wall.

Town Attorney Rubin stated that the definition of “frontage” was reworded for clarification.

Town Attorney Rubin stated that Town Staff is proposing a change to the definition of “lot coverage” to include only roof structures because of a situation with a screen enclosure.

Vice Chair Felicella asked if they should be concerned about the structure area.

Town Attorney Rubin stated yes.

Chair Stern questioned the percentage of landscaped open space that must be obtained.

Director of Planning and Zoning Cruz stated that for residential it’s a minimum of 25% for landscaped open space.

Board member Hamilton questioned the percentage of the Town's residential community that is non-conforming.

Director of Planning and Zoning Cruz stated that he could not give an honest estimate.

Vice Chair Felicella confirmed with Director of Planning and Zoning Cruz that they were speaking of legally non-conforming structures.

Planning and Zoning Director stated that they will take a look at all the charts and remove the term "pioneer zone".

Vice Chair Felicella stated that he was not comfortable with the definition for "tree" and asked if they would take a look into it.

Director of Planning and Zoning Cruz stated that they will look into it.

Board member Shea questioned about gender neutrality in the code.

Town Attorney Rubin stated that the code should have gender neutrality.

Director of Planning and Zoning Cruz clarified the proposed change to the expiration of site plans on page 30.

Boardmember Shea questioned how the number of handicapped parking spaces is determined.

Planning and Zoning Technician Davila stated that you have one handicapped parking spot for every seven regular parking spots. It is a Building Code requirements.

Vice Chair Felicella asked why multi-family districts are allowed to have tower features.

Director of Planning and Zoning Cruz stated that here merely carried over the language from the single-family districts into the less restrictive zoning districts.

Town Attorney Rubin stated that on page 130, when the adopted the Medical Commercial Zoning District, we took all of the regulations applicable to the Commercial General District and rolled them into the CG District. Due to an error in the numbering, the site area development modification option for the CG District was inadvertently changed to reference the MC District. Staff has proposed revisions to rectify this error.

Director of Planning and Zoning Cruz stated that all the charts and maps will be updated.

Chair Stern stated that they will move on to the next topic and continue from page 180 at the next meeting on May 16, 2016.

6. **DISCUSS METHOD OF OBTAINING PUBLIC INPUT FOR OLD TOWN HALL SITE**

Director of Planning and Zoning Cruz stated that Staff is requesting that the Board determine how it wishes to receive public input and make recommendations for the Old Town Hall site.

Town Attorney Rubin stated that the Town Council discussed this topic at the Goal Setting Workshop and decided to have the Planning and Zoning Board conduct a public hearing and receive public input.

Vice Chair Felicella stated that the Board will need to provide public notice of the hearing.

Town Attorney Rubin agreed.

Director of Planning and Zoning Cruz asked the Planning and Zoning Board what dates it wished to consider.

Chair Stern recommended May 16th.

Vice Chair Felicella disagreed and stated that they should receive backup from the Town Council Meeting before proceeding with a Public Hearing.

Board member Shea and alternate Board member Snavely agreed.

Director of Planning and Zoning Cruz stated that the deadline was one year from now.

Chair Stern requested that meeting dates should be gathered and presented at the May 16, 2016 Planning and Zoning Meeting.

Chair Stern asked Director of Planning and Zoning Cruz about how long it would take to receive the backup.

Director of Planning and Zoning Cruz stated that the Board will have the last Town Council Meeting Backup by the following week.

Chair Stern stated that they will continue to discuss this topic at the next meeting.

Vice Mayor Pro Tem Fahy thanked the Planning and Zoning Board for taking on the job of recommending the best way to proceed with gaining input from the public on property the town owns. He provided three suggestions: (1) issue a bulletin and have a solicitation on the back of it; (2) send emails out to everyone in Town and ask for their views; and (3) ask the organizations in Town, like the Juno Beach Civic Association, to ask for public input as well.

Vice Chair Felicella stated that you always have the property owners to consider.

Anne Bosso, 765 Hibiscus Avenue, stated that she would prefer that the Board make a decision sooner rather than later because there are many people in the Town with opinions and the issue has been dragged out.

Peggy Davies, 460 Atlantic Boulevard, agreed with Anne Bosso and stated that they should discuss the topic sooner rather than later. On May 16th, you still have some people in Town who have not already left for the summer. Obviously through the summer a lot of the residents are gone and they would want to give their input. So, if the board decides not to do something before June then if they could wait and consider doing something in November but then you are into the holidays. She asked Director of Planning and Zoning Cruz if the Chapter 34 revisions were available to the public.

Director of Planning and Zoning Cruz stated that they are available on the Town website.

Peggy Davies, 460 Atlantic Boulevard, asked Director of Planning and Zoning Cruz if chapter 34 was going to be approved by the Planning and Zoning Board then go to Council.

Director of Planning and Zoning Cruz stated that it is a recommendation from the Planning and Zoning Board to Council, who makes the ultimate decision.

Peggy Davies, 460 Atlantic Boulevard stated that the towers that were mentioned earlier in chapter 34 should be looked at because it's a huge issue putting up towers on all the houses and condominiums.

Jerry Wilson, 765 Hibiscus Avenue, asked Director of Planning and Zoning Cruz and Town Attorney Rubin if the comprehensive plan talks about the Old Town Hall site and the future uses.

Director of Planning and Zoning Cruz stated that he would have to check on that.

Jerry Wilson, 765 Hibiscus Avenue stated that upon looking at that site, he would advise the Planning and Zoning Board to look at the prior zoning district and to consider the entire neighborhood.

7. COMMENTS FROM STAFF

Director of Planning and Zoning Cruz stated that at the next meeting they will go over the ethics portion and Town Attorney Rubin will go over the Sunshine Law.

Chair Stern stated that they will also continue going over chapter 34.

Director of Planning and Zoning Cruz stated that he is available for any questions.

8. COMMENTS FROM THE BOARD

Board member alternate Snavelly thanked the Planning and Zoning Board and Staff for their impressive work and looks forward to serving on the board.

Vice Chair Felicella stated that the Planning and Zoning Board should be addressing the issue when someone steps up to speak that they should only be given 2 minutes. He also stated that the Planning and Zoning Board should be wary of those who want to speak for others.

MOTION: Stern/Felicella made a motion to adjourn.

ACTION: the motion passed unanimously.

9. **ADJOURNMENT** - 7:25pm

Chair Stern adjourned the meeting at 7:25pm.

Chair Michael Stern

Caitlin Copeland, Administrative Secretary