MINUTES
TOWN OF JUNO BEACH

PLANNING AND ZONING BOARD MEETING

June 27, 2016
Council Chambers
340 Ocean Drive

PRESENT:	MICHAEL STERN, CHAIR 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:	DON FELICELLA, VICE CHAIR BOB HAMILTON, BOARDMEMBER

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

Audience: 11

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

1. PUBLIC COMMENTS

Public Comments opened at 5:31 pm.

Public Comments closed at 5:31 pm.

2. MINUTES / MOTION

Director of Planning and Zoning Cruz read aloud Boardmember Felicella's comment on Item No. 4 (see attached).

Chair Stern agreed with Boardmember Felicella's comment and asked that the minutes be amended accordingly.

MOTION: *Shea/Kneuer made a motion to approve the June 6, 2016 minutes as amended.*

ACTION: *The motion passed unanimously.*

3. PUBLIC HEARING: ORDINANCE NO. 686

A. Staff Presentation

Town Attorney Rubin stated that one of the Town Councils goals at its Goal Setting Workshop was to expand the duties of Planning and Zoning Board. The Town Council requested that the Planning and Zoning Board hear all variance applications prior to consideration by the Council sitting as the Zoning Board of Adjustment of Appeals. The Zoning Board Adjustment of Appeals actually has two functions, they hear both variance requests and administrative appeals. So, if somebody wants to appeal a decision, usually by the Planning and Zoning Director, interpreting the Zoning Code or anything to do with Chapter 34, it goes to the Zoning Board of Adjustment of Appeals as an appeal. This Ordinance includes expands the Planning and Zoning Board's functions to give a recommendation on both and alters the schedule to allow time for the Planning and Zoning Board to meet and give its recommendation. Mr. Felicella asked whether the members of the Planning and Zoning Board who would be sitting on the Zoning Board of Adjustment of Appeals in the event of a conflict with one or more of the Council members would also provide a recommendation. Town Attorney Rubin explained that they would not provide a recommendation because if they are part of the actual decision rendered by the Zoning Board Adjustment of Appeals, they need to keep an open mind and base their decision on the evidence that is presented at the hearing. In such event, on a case by case basis, it will be just the remaining members of the Planning and Zoning Board who will provide a recommendation.

B. Public Hearing

No Public Comments.

C. Planning and Zoning Board Discussion

Chair Stern asked Town Attorney Rubin if that meant the Chair or Vice Chair cannot be present at the meeting.

Town Attorney Rubin stated they could be present, like the Council members can be present, and they can hear anything that is said at a public meeting. They just cannot give their opinion and make up their mind before the hearing. As you can see tonight, three members of the Council are present. They can be present, they just cannot participate.

Chair Stern stated that the reason for the question was that in a court, trial witnesses can't be present until after they testify.

Town Attorney Rubin stated that that's why the procedure is quasi-judicial and not judicial.

D. Planning and Zoning Board Recommendation

MOTION: *Kneuer/Shea made a motion to recommend Town Council to consider approval of Ordinance 686.*

ACTION: *The motion passed 4-0.*

4. **PUBLIC HEARING: ORDINANCE NO. 687**

A. Staff Presentation

Town Attorney Rubin stated this is something that every municipality in the State of Florida has had to do. Starting in 2010, the Florida Building Code started incorporating the floodplain provisions, it didn't used to. They used to take those provisions out of the standard code they used to form the base of the Building Code. Therefore, the State mandated that each local government adopt a model floodplain ordinance. The State actually promulgated the ordinance and they have to approve any changes that are made to the language. The three things that are different than the model ordinance address more stringent standards to satisfy the requirements of the National Flood Insurance Program administered by FEMA. First, is freeboard, which is an increase above the base flood elevation. The Town of Juno Beach has always used 18 inches above base flood elevations that's been incorporated into the ordinance. Second, there is cumulative substantial improvement where you track the cost of improvement repairs and then once you reach 50 percent of the market value of the structure, you have to comply with the code or all the floodplain regulations. Third, there is repetitive loss, where buildings sustain two incidents of damage within a ten-year period for which the cost of repair for each event equals or exceeds 25 percent of the market value of the structure, you have to comply with all the floodplain regulations. These standards enable Town residents obtain a discount on their flood insurance through the Community Rating System. These are all things we have been doing, nothing is changing. We are adopting the model ordinance that we are required to adopt that the State has promulgated and the substantial of improvement, repetitive loss, and freeboard are all things that we have been keeping track of and have been enforcing in the past. There is really not much revision that we can do because if we revise the language then it will have to go back to the State and get approval again. Mr. Felicella had a question about a repair. Town Attorney Rubin stated that he did not believe painting would qualify as a repair and as for market value, it is calculated before the improvement. Town Attorney stated that it is a very technical ordinance.

B. Public Hearing

No Public Comments.

C. Planning and Zoning Board Discussion

Boardmember Kneuer stated that he was in Juno Beach 15 years ago and they had 24 inches of rain in 24 hours and everything was flooded around the area. The lake was flooded, it went over its boundaries and through the parking lot into Seminole. He

asked what areas within the Town are flood areas where flood waters would cause damage to buildings and structures.

Director of Planning and Zoning Cruz stated that there are flood zones and floodplains or floodways. A floodway is where there is a designated body area of water that rises. So in those areas, such as the Intracoastal Waterway, are considered floodways. So with each flood zone there are different categories. There is what is called base flood elevation, which is determined on the base elevation of the land. When FEMA created the elevation TOPO survey, they determined certain elevations. Now they have redone those maps, and that is where the big controversy is going on as certain zones are going to change in intensity and requirements. So, in Juno Beach, we are pretty high up because we have a ridge but we do have properties that slope down. Pelican Lake, for example, is about 3-4 feet deep. Mean sea high level is 7.5 feet, which is established by our code. So, anything below that has a possibility of flooding in this area or as the water rises. An example, the houses along the lake, when they were originally built, they were below 7.5 feet, and on the flood zone map it actually calls a number to base the flood elevation on of 6 feet. You have to be above that in order to be approved. So when they come in to build or do anything they have to be above that for the Town to approve the building permit. If not, the property owner must raise the floor elevation, which is what was done for the new green house.

Planning and Zoning Director Cruz stated that he had to become a floodplain manager in order for the Town to get CRS credit so it can be high rated. The Town is one of the top 2 in the state in our classification. The Town has to make sure that people are meeting the minimum requirements for the flood zone that they are located in and that the structure is located in. Do the Town have areas that flood? Visually, yes and no, depending on how high the water is going to rise and how heavy the storm event is. In the natural area, there is actually a floodway because the water rises as in comes in from the Intracoastal. The project by Toll Brothers, there is a flow, so when those houses were proposed they stayed out of that. Their plan stayed on a higher ground so they don't have that issue. Their base flood elevation is at 10 feet. The Town always uses the common practice of 18 inches above the base flood elevation for the finished floor. When a rain event occurs, the Town will have standing water for 24 hours. The idea is not to have something last more than 24 hours. A flood will usually last longer than that and that's where we have an issue. Everything is designed here to a minimum flood regulation which is a five-year, 24 hour storm event in the lower areas of Town and a 3-year, 24 hour event in the higher elevations in town. That way you're required to maintain that water on site. Once you meet that volume of water, then it goes out into the street. The lake is capable of holding a certain amount of water. If that was to overflow, then we would have a flood. It is imperative for condos and property owners to always make sure their drainage systems are clean, up to date and in good standing maintenance order.

Boardmember Kneuer stated that he can't picture any house in Juno Beach that has to have flood insurance.

Director of Planning and Zoning Cruz stated that's based on when you come to buy a property. If you pay cash, typically, you don't need flood insurance but if you have a mortgage, the mortgage company will say that you need to have flood insurance based on your flood zone. Sometimes you don't need it because you're in a higher flood zone, they don't see it as a risk but they are the ones who determine if you need it or not.

Boardmember Shea asked why page 36 starts off with section 3 but there is no section 1 or 2.

Town Attorney Rubin stated that sections 1 and 2 are on page 2.

Boardmember Shea asked what the numbers 1612.4.1 meant on page 37, line 27.

Town Attorney Rubin stated that is a reference in the building code – the Ordinance is amending that section of the building code.

Boardmember Shea asked about the numbers R322.32 on page 39.

Town Attorney Rubin stated they were all building codes references.

Boardmember Shea stated that he had a number of errors he found and he will give it to the Secretary.

Town Attorney Rubin stated that he could give them to him.

D. Planning and Zoning Board Recommendation

MOTION: *Shea/Kneuer made a motion to recommend Town Council to consider approval of Ordinance 687 as amended.*

ACTION: *The motion passed 4-0.*

5. REVIEW OLD TOWN HALL SITE PROPOSED USE SURVEY

Chair Stern stated that he noticed the term "excess property" was used but there was some discussion that we decided to define the property as "surplus," not presently used.

Boardmember Shea stated that he agrees with Boardmember Felicella's comments on the survey stating that we should add something that says "it includes being subject for sale" and he indicated that he would like to add a reference stating that the property is zoned RMT, Residential, transient, and multi-family – moderate density. So, if the property is sold, it would be subject to the permitted uses.

Director of Planning and Zoning Cruz clarified that they stated "and it could be subject for sale under the RMT".

Boardmember Shea stated that the property is zoned RMT and the survey should state what RMT zoning is.

Chair Stern wanted clarification that they were not wanting to strike anything out, just add.

Boardmember Shea stated that that was correct.

Chair Stern stated that the property is always available to sell if the Council determines it is excess property.

David Cox, 911 Ocean Drive, stated that he differed with the interpretation that the Council failed to take any action on declaring the property excess property. If an item that's on a Council agenda fails because it does not have anyone make a motion, then he would say that that item failed. It did so by declaring silence and that is just as deafening as a vote 3, 2, 4 whatever the majority is. Second, he thanked the Board for putting on the website the dimensions of the property. He added that it would be helpful to people who have not been part of this process since the very beginning and may be away to see a picture of the property from across the street, or whatever vantage point you want, on ground level showing the slope. It gives a feel for it. He thought that it would be helpful and since the Town is not sending things out by newsletter, it's by website, it doesn't cost anything to do that. His third comment is that the Board is asking people to choose one of those things to include on the survey and also included an "other" category. He asked to include the agenda, back up materials and minutes from the Town Council meeting so people filling out the survey could see what was said in the past and make an informed decision. To ask people who don't know much about it to come up with one of those answers may be asking a lot.

Boardmember Shea recommended making a motion to add the words for excess property, but also add a picture from ground level and the minutes from the January 12th Town Council meeting.

Director of Planning and Zoning Cruz stated that staff had some recommendations for wording on the cover letter.

Town Attorney Rubin stated that it's currently known as the Old Town Hall Site but he also suggested the for sale language that Boardmember Shea articulated.

Chair Stern asked if staff would be able to get a photo to show ground level.

Director of Planning and Zoning Cruz stated that staff can get a photo as well as the backup material. Staff will take one from the east side looking west and one from the south side looking north. He asked the Board if the statement that the survey "will not be valid" if not signed was okay.

Chair Stern asked if it should say "discarded".

Boardmember Shea asked how residents should vote by email. Should they print it out and bring it back?

Director of Planning and Zoning Cruz stated yes.

Boardmember Shea stated he thinks its fine to mail it back or bring it back to Town Hall.

Director of Planning and Zoning Cruz stated that the Board must choose a suitable date for return of the survey.

Chair Stern asked for clarification if the survey can be returned by email.

Town Attorney Rubin stated that it can be scanned and emailed, mailed or hand delivered.

Chair Stern stated that is should come back from the email that was addressed to, clearly stating the signature or who is returning it. It needs to be a resident of our Town. It is obviously not open to people who are not residents of the Town. Chair Stern asked whether residents only included those owning property.

Town Attorney Rubin stated that a resident is someone who resides in the Town, it is not limited to property owners.

Town Attorney Rubin suggested that the survey state that it "will not be considered" if the name, address and signature are not included.

Chair Stern asked for it to be put in a form of a motion and staff can draw up the rules for returning it.

Boardmember Shea asked about the date of return.

Chair Stern stated that that would be a separate discussion.

Boardmember Shea asked when the survey can go out.

Director of Planning and Zoning Cruz stated that at the Public Meeting they can choose dates.

Chair Stern stated that they should send out the survey and then have the Public Meeting.

Director of Planning and Zoning Cruz stated that it has to be advertised properly.

Town Attorney Rubin stated that the survey did not have to be advertised, the decision is what is made at the Public Hearing/Meeting and anyone can come to the meeting and voice their concerns as well.

Chair Stern recommended that that the survey should be submitted before the date of the Public Meeting.

Town Attorney stated that the surveys should be in before then.

Director of Planning and Zoning stated that he needs time to look at them and validate them. The Board needs to designate a return by date.

Boardmember Shea suggested prior to the next meeting.

Director of Planning and Zoning Cruz stated that the next open meeting date is August 15th.

Town Attorney Rubin recommended if the Public Meeting is held on August 15th, the surveys should be in by August 1st.

Boardmember Shea stated that he would go for August.

Boardmember Kneuer suggested having the Public Meeting in September.

Town Attorney Rubin stated that the Board could conduct the Public Meeting on September 19th.

Chair Stern recommended September 19th.

MOTION: *Shea/Kneuer made a motion to amend the survey as discussed -- the addition to the excess property, the additional picture, the minutes from the January Town Council meeting and the addition of the scanned email return.*

ACTION: *The motion passed unanimously 4-0.*

Chair Stern stated that now the Board will address the "return by" date. He also indicated that the Director of Planning and Zoning Cruz has more work coming up.

Director of Planning and Zoning Cruz stated that there was a shutter ordinance coming up, Chapter 34 will be coming back and the Board will get the first elements of the Comprehensive Plan as well. Therefore, he needed to get some meeting dates on the calendar.

Chair Stern stated that September 19th will probably be a better date and recommended to see the survey return date on or before September 19th.

Boardmember Shea stated that it should be a little bit prior to that.

Director of Planning and Zoning Cruz recommended September 6th for the survey deadline. If the surveys were received by the 6th, he would have one week to go through them.

Chair Stern agreed and stated that if there was no opposition, then there was no need for a motion.

Boardmember Shea asked if the public will be able to stand at the microphone and tell us their thoughts that weren't submitted on paper.

Town Attorney Rubin stated that Board is required to take the public comments and that the September 19th meeting will be advertised.

Director of Planning and Zoning Cruz stated that it will be advertised on September 9th.

Town Attorney Rubin stated that it can be advertised in as little as five days. The Town will publish a Notice of Hearing and post it on the website as well.

Chair Stern stated that they should add the date to the survey as well.

Director of Planning and Zoning Cruz stated that he will add "return by September 6th as public meeting on this item will be held on September 19th".

Boardmember Shea asked when this Board will decide to pass it on to Town Council.

Town Attorney Rubin stated that it can be done on September 19th after the comments and the surveys.

Chair Stern stated the Board could also postpone it and continue the discussion to another meeting.

Director of Planning and Zoning Cruz stated that staff will amend the survey as recommended with those dates.

6. COMMENTS FROM STAFF

Director of Planning and Zoning Cruz stated that he was looking for meeting dates because several items will be coming to the Board to provide recommendations.

Chair Stern recommended August 15th.

Boardmember Shea asked about July 11th.

Town Attorney Rubin stated that he cannot attend a meeting on the 11th.

Director of Planning and Zoning Cruz stated that the Town Attorney has conflicts and that date will not work with the advertising requirements. Therefore, it looks like August 15th, which is a regularly scheduled meeting date, will be the next meeting date.

Chair Stern stated that August 15th it is.

Director of Planning and Zoning Cruz stated that the following meeting will be September 19th. Then they will fall back on the regularly scheduled dates. He also verified that the Board was receiving updates electronically. Everyone on the board should be getting the Activity Report. There is another section that if you want information on, then you can request that because we typically just send out the Activity Report.

7. COMMENTS FROM THE BOARD

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

ACTION: *The motion passed unanimously.*

8. ADJOURNMENT - 6:15 pm

Chair Michael Stern adjourned the meeting at 6:15 pm.

Chair Michael Stern

Caitlin Copeland, Administrative Secretary