

MINUTES
TOWN OF JUNO BEACH
PLANNING AND ZONING BOARD MEETING

September 26, 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: 11

- ~ 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: Shea/Kneuer made a motion to approve the August 15, 2016 minutes.

ACTION: The motion passed unanimously.

3. VARIANCE REQUEST BY WEXFORD COURT HOMEOWNER'S ASSOCIATION (220 CELESTIAL WAY)

Town Attorney Rubin advised that Boardmember Hamilton would not be participating in this item due to a voting conflict.

A. Disclosure of Ex Parte Communications- *None*

B. Swearing in of Witnesses

Town Attorney Rubin swore in all parties wishing to give testimony.

C. Staff Presentation

Director of Planning and Zoning Cruz explained the application (*see attached*) and asked if the Boardmembers had any questions.

Boardmember Kneuer asked how the gates are measured because he believed gates in surrounding communities were the same height as the proposed gates.

Director of Planning and Zoning Cruz stated that the other gates were approved through the site plan approval process or the building permit process. He stated that Alicante was approved through the site plan approval process and Beachbound was approved through the building permit process. He stated that staff's interpretation of the Code is that the gate must be 4 feet in height but can slope up 1 additional foot as an ornamental feature. He stated that the applicant's plans did not meet Code and the building permit was denied.

Chair Stern stated they could resubmit the permit to come close to 5 feet.

Director of Planning and Zoning Cruz stated that that was correct. He stated that staff would have approved the permit if the applicant started at 4 feet going up toward 5 feet.

Vice Chair Felicella asked if there were any gates that had been granted a variance.

Director of Planning and Zoning Cruz stated no, but the Board of Adjustment did approve two variances for wall heights for properties adjacent to dune walkovers.

Boardmember Shea stated the Code allows walls on U.S. Highway One to be up to 6 feet in height.

Director of Planning and Zoning Cruz stated that another option for the applicant would be to propose a Zoning Code Text Amendment.

Vice Chair Felicella asked Mr. Cruz if the permit was denied for all three aspects of the request.

Director of Planning and Zoning Cruz responded in the affirmative.

D. Applicant Presentation

Jim Bickel, Wexford Homeowner's Association, 220 Celestial Way, stated that the reason for the variance request is safety. He stated that they are not sure if certain people live there or not and have had ongoing issues with trespassing. He stated that the community just wants a gate that matches the other communities and asked the Board if they had any questions.

Vice Chair Felicella asked Mr. Bickel how a 5 foot gate provides more protection than a 6 foot gate.

Mr. Bickel stated that they have additional backup for the Board (*see attached*).

Donna Hamilton, 220 Celestial Way #6, stated that the information that they provided was submitted with the original application. She stated that the issue was one of safety. Over the past 3 years, she has seen a larger volume of people coming into the area who do not live in the neighborhood. She stated that there was one incident where a couple came up to her and stated that they used to live there and asked if they could see the interior of the house. She also wanted to emphasize that this is not a fence, it is a gate and that she hopes the Board recommends approval of the application.

Boardmember Kneuer asked Mr. Bickel why the gate needs to be 6 feet.

Mr. Bickel stated that size is more intimidating and is in scale.

Boardmember Shea stated that he recommends that the Town change the Code.

Boardmember Kneuer stated that he sees nothing wrong with 6 feet.

Vice Chair Felicella stated that he is opposed and asked Mr. Bickel why they do not elect for a text change.

Mr. Bickel stated that he could not answer that.

Vice Chair Felicella asked Mr. Cruz who he met with at the time the application was submitted.

Director of Planning and Zoning Cruz stated that he met with Mr. Hamilton and Mr. Gibson.

Chair Stern stated that no one has advanced any data or evidence that shows how an additional foot would change anything. He recommended the applicant to follow Mr. Cruz's suggestion.

E. Public Hearing

Public Hearing opened at 5:59pm.

Public Hearing closed at 5:59pm.

F. Planning and Zoning Board Recommendation

***MOTION:** Kneuer/Snavely made a motion to recommend that the Board of Adjustment and Appeals approve the requested variance from Section 34-901(1) of the Town's Code of Ordinances to allow the installation of entry gates for the subdivision exceeding the maximum height of 48".*

***ACTION:** The motion failed 2-3, with Chair Stern, Vice Chair Felicella and Boardmember Shea opposed.*

***MOTION:** Shea/Kneuer made a motion to recommend that the Town Council to look into amending the Code to allow up to 6 foot gates for beachfront property.*

***ACTION:** The motion passed 5-0.*

4. CONTINUATION OF PUBLIC HEARING: ORDINANCE NO. 688

Town Attorney Rubin explained Ordinance No. 688 and its revisions referencing storm panels.

Vice Chair Felicella stated that subsection (2) panels to be in place for 7 months out of the year. He asked if it was more feasible to only allow them if there is a hurricane or tropical storm warning. He also stated that storm panels that cover a window or door that are not visible should be permitted.

Town Attorney Rubin asked if Mr. Felicella meant permitted during hurricane season.

Vice Chair Felicella stated that they should be allowed all the times as long as they are not visible. He proposed the following additional language as subsection (3): "Storm panels that cover windows and doors of unoccupied structures that are not visible from a street, alley, traveled road or adjacent property are permitted."

***MOTION:** Felicella/Kneuer made a motion to include a new subsection (3), stating that storm panels that cover a window or door of an unoccupied structure that are not visible are permitted.*

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

***MOTION:** Felicella/Hamilton made a motion to recommend Town Council consider approval of Ordinance 688, as revised.*

***ACTION:** The motion passed 5-0.*

5. **FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM GRANT (FRDAP)**

Director of Planning and Zoning Cruz stated that this item was required by the Grant Application to be brought before the Planning and Zoning Board for a recommendation at a public meeting (*see attached*).

***MOTION:** Stern/Hamilton made a motion to recommend supporting the Town Council's decision to move forward with the application process for the Florida Recreation Development Assistant Program Grant.*

***ACTION:** The motion passed 5-0.*

6. **COMMENTS FROM STAFF**

Director of Planning and Zoning Cruz stated that the allotted time for people to speak is about 2 to 2.5 minutes. He asked Mr. Stern how much time they should give people who wished to speak.

Chair Stern stated that he thought they had initially adopted 3 minutes.

Town Attorney Rubin stated that they should establish the time limit by motion.

Director of Planning and Zoning Cruz stated there are some concerns where people wish to give their time to speak to someone else.

Chair Stern stated that the board will address that issue as well.

***MOTION:** Shea/Kneuer made a motion to allow public comments of only 3 minutes maximum per person.*

***ACTION:** The motion passed 5-0.*

***MOTION:** Felicella/Shea made a motion to deny yielding time.*

***ACTION:** The motion passed 5-0.*

7. **COMMENTS FROM THE BOARD**

Boardmember Shea stated that he requested a summary of the Old Town Hall Site Survey, revised from the original date of September 6th.

Chair Stern stated that he thinks there were about 150 responses.

Boardmember Shea stated that there were 220 responses and that 98.7 percent of the responses favored a park or leaving the property vacant.

Chair Stern stated that it is clear that the residents do not wish for the parcel to be sold.

***MOTION:** Shea/Kneuer made a motion based on the survey, to change the response date from January 6th to November 6th.*

Vice Chair Felicella stated that he does not recommend changing the date as it has been changed once already.

Boardmembers Shea and Kneuer withdrew the motion.

8. ADJOURNMENT - 6:35pm

Chair Michael Stern adjourned the meeting at 6:35pm.

Chair Michael Stern

Caitlin Copeland, Administrative Secretary

DRAFT