

MINUTES
TOWN OF JUNO BEACH
PLANNING AND ZONING BOARD MEETING
April 3, 2023
Council Chambers/YouTube
340 Ocean Drive

PRESENT: DIANA DAVIS, CHAIR
 JIM FERGUSON, VICE CHAIR
 MICHAEL STERN, BOARDMEMBER
 NANCY WOLF, BOARDMEMBER
 JANE LE CLAINCHE, ALTERNATE BOARDMEMBER

ALSO PRESENT: FRANK DAVILA, DIRECTOR OF PLANNING & ZONING
 CURT THOMPSON, PRINCIPAL PLANNER
 ISABELLA HICKEY, PLANNING TECHNICIAN
 CAITLIN E. COPELAND-RODRIGUEZ, TOWN CLERK
 YASMIN FAVARETTO HAMEL, ADMINISTRATIVE SECRETARY
 SUSAN M. GARRETT, ASSISTANT TOWN ATTORNEY

ABSENT: LAURE SHEARER, BOARDMEMBER

Boardmember Ferguson called the Planning and Zoning Board Meeting to order at 4:00 pm.

Audience: 15

- ~ CALL TO ORDER
- ~ PLEDGE OF ALLEGIANCE TO THE FLAG
- ~ ADDITIONS, DELETIONS, SUBSTITUTIONS TO THE AGENDA - *None*
(Time Stamp is based off of [YouTube video](#)) (Time: 1:20 – 1:55)

1. **SWEARING IN PLANNING & ZONING BOARD MEMBERS** (Time: 1:56 – 3:17)
(Town Clerk Copeland-Rodriguez)

Town Clerk Copeland-Rodriguez swore in the newly appointed members of the Planning & Zoning Board.

2. **PUBLIC COMMENTS** (Time: 3:18 - 28:27)

*All Non-Agenda items are limited to three (3) minutes. Anyone wishing to speak is asked to complete a comment card with their name and address prior to the start of the meeting as well as state their name and address for the record when called upon to speak (prior to addressing the Board). **Planning & Zoning Board will not discuss these items this evening.** Any issues will be referred to Staff for investigation; a report will be forwarded to the Planning & Zoning Board; and citizens may be contacted.*

Public Commented Opened at 4:01pm.

Town Clerk Copeland-Rodriguez read a comment into the record (*see attached*).

Dimi Kalivas, 140 Ocean Drive, expressed concerns that she and her neighbor have about the property being built at 120 Ocean Drive, inquired about the building permits, and stated that a petition has been signed.

Boardmember Ferguson explained the process for public comments and recommend that the public contact staff with their questions and concerns.

Boardmember Wolf disagreed and encouraged the public to appeal directly to Council.

Andy Spilos, 140 Ocean Drive, expressed concerns that he and his neighbor have about the property being built at 120 Ocean Drive.

Beverly Gibel, 451 Olympus Drive, expressed concerns that she and her neighbors (Fred Wine and Mark Szalkiewicz) have about the property being built at 120 Ocean Drive as well as the approval process.

Peggy Wheeler, 460 Atlantic Blvd., suggested that the Planning & Zoning Board could discuss these concerns at the end of the meeting.

Assistant Town Attorney Garrett explained that there is a potential legal concern as the permits could be appealed as the residents had mentioned and advised the Board to not discuss this matter.

Ms. Wheeler inquired about a procedural standpoint to address the residents' comments.

Assistant Town Attorney Garrett stated that the residents could contact staff.

Director of Planning & Zoning Davila stated that staff has reached out to some of the residents to schedule meetings to discuss.

Boardmember Davis inquired about the permits that have been issued for this project.

Director of Planning & Zoning Davila explained the demolition permits for the project.

Boardmember Wolf inquired about permits being required to add fill.

Boardmember Ferguson suggested that a public meeting be held to discuss this project.

Jacob Rosengarten, 1613 E. Hemingway Dr., commented on the petition mentioned and stated that the issue is the scale requirement of a project.

Public Comments Closed at 4:27pm.

3. **DESIGNATE CHAIR/VICE CHAIR** (Time: 28:28 - 32:19)
(Acting Town Attorney Garrettt)

A) Selection of Chair

Assistant Town Attorney Garrett opened nominations for the position of Chair.

Boardmember Stern nominated Boardmember Ferguson for the position of Chair.

Boardmember Wolf nominated Boardmember Davis for the position of Chair.

With no further nominations, Town Clerk Copeland-Rodriguez conducted a roll call vote.

Boardmember Ferguson voted for himself.

Boardmember Stern voted for Boardmember Ferguson.

Boardmember Davis voted for herself.

Boardmember Wolf voted for Boardmember Davis.

Alternate Boardmember Le Clainche voted for Boardmember Davis.

Boardmember Davis was elected Chair with a 3-2 vote.

B) Selection of Vice Chair

Assistant Town Attorney Garrett opened nominations for the position of Vice Chair.

Chair Davis nominated Boardmember Ferguson.

With no further nominations, Town Clerk Copeland-Rodriguez conducted a roll call.

Boardmember Ferguson voted for himself.

Boardmember Stern voted for Boardmember Ferguson.

Boardmember Davis voted for Boardmember Ferguson.

Boardmember Wolf voted for Boardmember Ferguson.

Alternate Boardmember Le Clainche voted for Boardmember Ferguson.

Boardmember Ferguson was elected Vice Chair with a unanimous vote.

4. **ANNUAL REVIEW OF SUNSHINE LAWS** (Time: 32:20 - 47:16)
(Assistant Town Attorney Garrett)

Assistant Town Attorney Garrett provided the annual review of the Sunshine Laws to the Board and asked the Board if they had any questions. She also advised that the Board not discuss 120 Ocean Drive due to a potential appeal that was brought up during public comments.

The Board reviewed, discussed, and asked staff questions on this item.

The Board confirmed with both Assistant Town Attorney Garrett and Director of Planning & Zoning Davila that the Board should not discuss 120 Ocean Drive as there may be a potential appeal that will come before the Board for a recommendation.

5. **ANNUAL REVIEW OF PLANNING AND ZONING BOARD DUTIES AND RESPONSIBILITIES** (Time: 47:17 – 58:59)
(Director of Planning and Zoning Davila)

Director of Planning & Zoning Davila went over the Town Charter on Planning & Zoning Board/Local Planning Agency duties and responsibilities and asked the Board if they had any questions.

The Board reviewed, discussed, and asked staff questions on this item.

DD Halpern, 410 Apollo Drive, commented on the change in her Planning & Zoning appointees last year.

***MOTION:** Ferguson/Le Clainche made a motion to add the following items as Item #7, #8, and #9 onto the agenda: Discussion on the formation of a committee whose purpose is to discuss anomalies that exist between the Town's Code and Comprehensive Plan; Discussion on reviewing the prioritized agenda item list; and discussion on recommending lecture series speakers.*

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

6. **CONSENT AGENDA** (Time: 59:00 – 59:59)

All matters listed under Item 6, Consent Agenda, are considered to be routine by the Planning & Zoning Board and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A. Approval of Planning & Zoning Board Meeting Minutes for March 6, 2023.

***MOTION:** Stern/Ferguson made a motion to Approve the Consent Agenda.*

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

7. **(ADDED) DISCUSSION ON THE FORMATION OF A COMMITTEE WHOSE PURPOSE IS TO DISCUSS ANOMOLIES THAT EXIST BETWEEN THE TOWN'S CODE AND COMPREHENSIVE PLAN** (Time: 1:00:00 – 1:12:10)

Vice Chair Ferguson explained his reasoning on creating a committee and its purpose to review anomalies that exist between the Town's Code and Comprehensive Development Plan.

Town Clerk Copeland-Rodriguez explained that only the Town Council has the authority to create a committee.

The Board reviewed, discussed, and asked staff questions on this item.

Public Comments Opened at 5:05pm.

John Stelluto, 401 Sunset Way, expressed his concerns on the current approval process for single family homes.

Public Comments Closed at 5:08pm.

The Board gave consensus to proceed with meeting to discuss the anomalies between the Town Code and Comprehensive Development Plan.

8. **(ADDED) DISCUSSION ON REVIEWING THE PRIOTIZED AGENDA ITEM LIST**
(Time: 1:16:00 – 1:41:16)

The Board reviewed, discussed, and asked staff questions on this item.

***MOTION:** Wolf/Ferguson made a motion to have the Planning & Zoning Board of the Town of Juno Beach add items to its own agenda and if such action requires consent of the Town Council then bring the issue to Town Council.*

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

The Board continued to review and discuss the prioritized agenda item list.

The Board gave consensus to have the prioritized agenda list on the next meeting agenda for review.

9. **(ADDED) DISCUSSION ON RECOMMENDING LECTURE SERIES SPEAKERS**
(Time: 1:41:17 – 1:42:46)

The Board reviewed, discussed, and asked staff questions on this item.

The Board gave consensus to have this item placed on the next meeting agenda for discussion.

10. **COMMENTS FROM STAFF** (Time: 1:42:47 – 1:49:11)

Town Clerk Copeland-Rodriguez clarified the process for filling Board member vacancies and went over upcoming meeting and event dates.

The Board gave consensus to change the meeting dates in July, September, and January to the following: Wednesday, July 5th; Monday, September 18th; and Wednesday, January 17th.

Ms. Halpern confirmed that the Council did follow the process to fill the vacant seat on the Board last year.

11. **COMMENTS FROM THE BOARD** (Time: 1:49:12 – 2:37:35)

Boardmember Wolf expressed concern about the removal of site plan review from their duties and the item not being on the agenda this evening per the request of the Council.

Director of Planning & Zoning Davila explained that due to the insufficient amount of time to meet advertising requirements for the proposed ordinance, this item will be brought back to the Board on the May agenda.

The Board asked staff questions on the process to approve/revoke ordinances.

Boardmember Wolf asked for a consensus to recommend that the Town Council direct staff to draft an ordinance to amend the Code to require abutting properties being notified of any surrounding demolitions.

The Board gave consensus to recommend that the Town Council direct staff to form an ordinance changing the code to require abutting properties being notified of any surrounding demolitions.

Boardmember Wolf asked that the Board be provided with legislative updates from the Town Attorney.

Ms. Halpern and Ms. Wheeler commented on the legislative updates matter.

The Board gave consensus to have the Town Attorney provide them with legislative updates.

Alternate Boardmember Le Clainche stated that she looks forward to working with the Board.

Vice Chair Ferguson inquired about a Workshop date to discuss the potential anomalies.

The Board gave consensus to have a Workshop on May 1, 2023 from 9am to 12pm to discuss the Town Code and Comprehensive Plan.

Chair Davis provided her comments to the Board (*see attached*) and asked staff questions.

Mr. Rosengarten asked if the Town could post both the agenda and backup materials for meetings on the Town's website.

Chair Davis asked the Town Clerk why the agenda and backup material cannot be posted on the Town's website.

Town Clerk Copeland-Rodriguez explained concerns about certain materials not being ADA compliant to post on the website but stated that she will reach to surrounding communities on what programs they use to post materials.

12. **ADJOURNMENT** (*Time: 2:37:36 – 2:37:50*)

Chair Davis adjourned the meeting at 6:36pm.

Minutes Approved on May 1, 2023.