

**PLANNING AND ZONING COMMISSION MINUTES**  
**REGULAR MEETING**  
**February 11, 2020**

Chair Patel called the meeting to order at 7:00 p.m.

**ATTENDANCE:**

Chair Ankur Patel; Vice Chair Schneider; Comms. David Flinchum, Frank Fore, MB Hague, Daniel Zuniga; John Sickler, Director of Planning and Zoning; Peter Meyer, Senior Planner; Garret Watson, Senior Planner; Peter Begovich, Planner; Thomas Baird, Town Attorney; Valerie Hampe, Secretary.

**MINUTES:**

Regular Planning and Zoning Commission meeting, December 10, 2019  
Comm. Hague moved to approve the minutes; seconded by Comm. Zuniga.  
The motion carried unanimously by consensus.

**CITIZEN COMMENTS:**

None

**SWEARING IN:**

Mr. Baird conducted the swearing in of witnesses for the Casa Tequila and Harbourside applications.

**CONSENT AGENDA:**

1. **Coastal Management Element and Conservation Element Text Amendments** –  
Town-initiated Comprehensive Plan Text Amendments to:
  - Policies 2.6.4 and 2.6.5 of the Coastal Management Element to modify completion dates for implementing climate policies and adaptation action areas; (PZ# 4169) and,
  - Policies 1.10.2 and 1.10.4 of the Conservation Element to modify the date for green local government certification and support for community gardens. (PZ# 4173)

***Acting as the Local Planning Agency***

<u>Town Council consideration:</u>	April 7, 2020 – 1 <sup>st</sup> rdg
	June 16, 2020 – 2 <sup>nd</sup> rdg

Vice Chair Schneider pulled the application from the Consent Agenda and asked for a presentation.

**REGULAR AGENDA:**

**1. Coastal Management Element and Conservation Element Text Amendments –**

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Town Council consideration:                     April 7, 2020 – 1<sup>st</sup> rdg  
  June 16, 2020 – 2<sup>nd</sup> rdg

Garret Watson, senior planner, summarized the proposed changes which included timeline updates for various policies and how the Comprehensive Plan addresses community gardens.

Vice Chair Schneider noted that the language in Policies 2.6.4 and 2.6.5 states that “the Town shall investigate by December 2023”. She was concerned about pushing the dates back and asked if that meant that the investigation needed to be concluded by then or started by then. Mr. Watson said that would be when a report would be completed showing possible changes. The date corresponds with the Evaluation and Appraisal Report (EAR) amendments to the Comprehensive Plan.

Vice Chair Schneider asked why the attempt to write land development regulations for community gardens is being dropped. Mr. Sickler said that the Town’s current rules have been sufficient for establishing community gardens.

Comm. Hague asked which sea level rise map the Town had chosen and if the map would be kept current. Mr. Watson said the Town chose the one-foot, two-foot, three-foot rise scenario based on the Southeast Florida Regional Climate Compact. Their action plan and maps will be updated in 2022, which will correspond with the Town’s EAR-based Comprehensive Plan amendments in 2023.

Chair Patel opened the floor to public comment and there was no response.

Comm. Fore moved to recommend approval; seconded by Comm. Flinchum. Vice Chair Schneider asked if the motion could be amended to change the language in 2.6.4 and 2.6.5 to “shall investigate and report”. Comm. Fore and Comm. Flinchum agreed to the amendment.

The motion carried unanimously by consensus.

2. **Casa Tequila** – Site plan application to construct a 5,000 square foot restaurant with outdoor seating on a 2.24± acre property, located on the northeast corner of Indiantown Road and Caprice Court. (PZ# 4074)

Town Council consideration: April 7, 2020

Chair Patel asked the commissioners for disclosures of ex-parte communications. Vice Chair Schneider had a discussion with Staff regarding the colors and materials for the building. Comms. Zuniga, Hague, and Fore had nothing to disclose. Comm. Flinchum walked the site and Chair Patel drove by the site.

Fernando Prieto with Team Architecture gave a PowerPoint presentation in which he discussed the site plan and elevations. He asked that the landscaping be reduced or clumped at the edge of the greenspace in back so that it can be used by the restaurant for special events.

Peter Meyer, senior planner, stated that Staff recommended approval of the application with the conditions of approval outlined in Exhibit 1 of the staff report. He discussed several issues:

- **Architecture** – The Planned Unit Development requires Tuscan architecture; not Mediterranean/Spanish as stated by the applicant.
- **Elevations** – Staff has included a condition to enhance the eastern elevation.
- **Greenspace** – Staff can review the applicant's request to see if they can support it.
- **Foam Detail** – The applicant mentioned using foam details above eight feet but Staff has added a condition that foam not be used below ten feet in height.

Comm. Zuniga asked how the restaurant would fit in with the biomedical lab behind it. Mr. Sickler said this site was always designated for restaurant use and the site behind it designated for research and development. Beacon Pharmaceutical was also required to meet the same architectural conditions.

Vice Chair Schneider was surprised to hear the grassy area could be used for events and asked how that would affect the parking calculations. Mr. Sickler said special events would be evaluated on a case-by-case basis. Staff liked the landscape plan because it would prevent the area from being used for overflow parking.

Vice Chair Schneider asked about limitations for a monument sign since that is essentially what the shelter is. Mr. Meyer said it is a pedestrian amenity and the text will meet Code. Mr. Sickler said this type of amenity is helpful in vast areas where the building is set back. It brings the scale of the building down toward the street.

Comm. Hague stated that although the nine-foot parking spaces would meet Code, she questioned whether that would be large enough going forward with future projects.

**Casa Tequila – cont'd**

Comm. Fore asked if why the Electric Vehicle (EV) charging stations were so close to the ADA spaces. Mr. Pietro said that was the best place to make them available to everyone. Mr. Sickler noted that the charging stations are not required.

Comm. Flinchum addressed these issues:

- **ADA spaces and charging stations** - He had never seen ADA spaces and charging stations combined. He suggested moving the charging stations elsewhere and relocating the one ADA space on the east side of the building moved to the west.
- **East landscape buffer** – The deferred parking lot associated with Beacon Pharmaceutical may never be built and the landscaping on the east side of Casa Tequila's property is sparse which will expose the building to the turnpike. He asked Staff to take another look at that.
- **Special Events** – He would like any events not directly related to the restaurant to come before the Planning and Zoning Commission for review.

Chair Patel questioned how the parking configuration could be rearranged in terms of providing charging stations for ADA parking. Mr. Sickler said he didn't see a problem but the parking will have to be reconfigured.

Chair Patel opened the floor to public comment and there was no response.

Comm. Flinchum said he would like to see a solid wall on the east and west sides of the loading area. He did not want any parking on the greenspace.

Comm. Fore asked for long cords on the charging stations so they can be shared.

Comm. Hague was concerned with the large grass area being used for events and activities. Vice Chair Schneider agreed and said the Town will need to make sure there is adequate parking. She also wanted to make sure the employee parking would have enough lighting. Comm. Zuniga concurred with these concerns.

Chair Patel liked the project and said Staff can work with the applicant to figure out the how the charging stations and ADA parking should be configured. Comm. Flinchum wanted whatever details would be on the east side to be replicated on the north side. He also wanted events planned for the grassed area to come back to Planning and Zoning for review.

Comm. Flinchum moved to recommend approval with Staff recommendations and an additional condition for any proposed special events or outdoor sales on the grassed area north of the drive aisle to required Planning and Zoning Commission review and approval. Comm. Fore seconded the motion.

**Casa Tequila – cont'd**

The Commission was polled and the motion carried unanimously (6-0 vote).

Zuniga – Y                      Hague – Y                      Fore – Y                      Flinchum – Y  
  
Schneider – Y                      Patel - Y

3. **Harbourside Place PUD** - Application for a Class “B” Special Permit to hold outdoor concerts known as “John Tesh Live at Harbourside Place and Reggae Sunday”, on February 29, 2020 from 8:00 p.m. to 9:30 p.m. and Sunday, March 1, 2020 from 12 p.m. to 4 p.m., located at the northwest corner of U.S. Highway One and Indiantown Road.

Chair Patel asked the Commission for ex-parte disclosures. Comm. Flinchum and Chair Patel had been to the site. Comms. Zuniga, Fore, Hague and Vice Chair Schneider had no disclosures.

John Hamma of Harbourside Place gave the applicant presentation. He elaborated on the requests and said that they were asking for a 10db increase (to 80db) for Saturday and a 5db increase (to 75db) for Sunday at the Harbourside property line.

Peter Begovich, planner, stated that Staff recommended approval of the application with the conditions in the staff report exhibit and reviewed the report and recommendations.

Comm. Flinchum asked why allowable sound levels were not consistent across different events. Mr. Begovich said Class B special events are considered to have larger impacts than Class A permits. Comm. Flinchum asked if the type of music was a factor. Mr. Sickler said the expected number of attendees is considered because it contributes to crowd noise and other impacts, such as traffic circulation and parking needs. Comm. Flinchum supported Staff recommendation.

Comm. Hague asked the applicant why they were not arguing that both events be considered one, such as “Leap Year Festival”, rather than two as indicated by Staff. This would give the applicant three remaining Class B events in 2020 rather than two.

Vice Chair Schneider asked why the applicant could not have an additional 3db since there is a statement in the staff report that an increase of less than 3db is generally not considered to be discernable. She asked why the applicant couldn't have 58db rather than 55db.

Mr. Sickler said the sound limiter is programmed to allow an additional 1.9db before registering an exceedence. He said adding an additional 3db will increase the level of impact, so Staff recommends keeping the levels in Exhibits 1 and 2. Vice Chair Schneider suggested specifying the allowed variance in the permit for clarity.

**Harbourside Place PUD – cont'd**

Vice Chair Schneider asked why Staff did not consider both concerts as one event. Mr. Sickler said that the request for the Reggae concert was submitted days after the John Tesh request. The Reggae request was an amendment to the applicant's already approved Sunday market. The applicant did not show any relationship between the two concerts.

Chair Patel asked the applicant if they would market both concerts under one banner and Mr. Hamma said yes.

Chair Patel opened the floor to public comment and there was no response.

Comm. Hague said both concerts should be considered one event. The rest of the Commission agreed.

Comm. Fore moved to recommend approval of Staff recommendation if the concerts are marketed as a single event.

Mr. Sickler said only the conditions in Exhibit 1 would be necessary if both concerts are to be considered one event. He said Staff can incorporate the times for the Reggae concert into Condition 8.

Comm. Fore moved to approve Staff recommendation if the concerts are marketed as a single event, with the changes stated by Mr. Sickler. Comm. Flinchum seconded the motion.

Vice Chair Schneider asked for an amendment that the 2db grace period for maximum volume be stated in the permit. Comm. Fore and Comm. Flinchum agreed to the amendment.

Comm. Hague said she would like to allow the sound levels which they are requesting. Mr. Baird said that change would not be an amendment but should be a new motion if this motion fails.

The Commission was polled and the motion failed (3-3 vote).

Zuniga – N            Hague – N            Fore – Y            Flinchum – Y

Schneider – Y        Patel - N

Comm. Zuniga agreed with Comm. Hague that the applicant should be allowed the sound levels that they are requesting. Vice Chair Schneider wanted to keep Staff recommendation to minimize complaints. Comm. Fore and Comm. Flinchum concurred.

Harbourside Place PUD – cont'd

Chair Patel said the John Tesh concert would be primarily piano music and less likely to be viewed as noise at a higher decibel level. Vice Chair Schneider it shouldn't be based on whether or not people like the music; it is sound intruding into their homes. Comm. Fore and Comm. Flinchum said allowable levels should be the same for all types of music.

Vice Chair Schneider moved to approve with Staff recommendation with the addition of the 2dbgrace period, the addition of the times for the Reggae concert and consideration of both concerts as a single event. Comm. Fore seconded the motion.

The Commission was polled and the motion carried unanimously (6-0 vote).

Zuniga – Y          Hague – Y          Fore – Y          Flinchum – Y


Schneider – Y      Patel – Y

**DISCUSSION:**

Mr. Sickler said there were no announcements. He asked the Commission if they had any issues to discuss and there was no response.

**ADJOURN:**

9:00 p.m.

  
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Valerie Hampe, Secretary

  
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ANKUR PATEL, CHAIRMAN  
CHERYL SCHNEIDER

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