

**TOWN OF JUPITER
PLANNING AND ZONING COMMISSION MINUTES
REGULAR MEETING
January 10, 2023**

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

ATTENDANCE: Chair Teri Grooms, Vice Chair MB Hague, Commissioners Frank Fore, Ashlyn Held, Kevin Kirn, Ankur Patel and Richard Dunning (2nd Alternate); Stephanie Thoburn, Planning & Zoning Assistant Director; Peter Meyer, Senior Planner; Brett Lashley, Acting Town Attorney; Josie Nicolas, Secretary.

MINUTES: Regular Planning and Zoning Commission meeting, December 13, 2022.

Vice-Chair MB Hague moved to approve the minutes; seconded by Comm. Fore. The motion carried unanimously by consensus (7-0 vote).

CITIZEN COMMENTS: None.

REGULAR AGENDA:

A. **OLD BUSINESS:** None.

B. **NEW BUSINESS:**

550 Bush Road

Small scale planned unit development (SSPUD) application to request a two-unit per acre increase in density; Site plan application to construct 35 multi-family residential units with five workforce housing units, and a request for a workforce housing density bonus on a 2.93 +/- acre property, located at 550 Bush Road. (PZ# 5225 and 5226)

Town Council consideration: February 07, 2023

Laura Cahill, Town Clerk, conducted the swearing in of the witnesses.

The applicant, Mr. Rich reviewed his presentation. Mr. Rich gave a background about Rich Properties and stated he represents Rich Properties. He stated Rich properties builds and manages their own properties. He noted they will be enforcing the parking restrictions through their lease and property inspections.

He discussed the income limit for a family in Palm Beach County and the maximum monthly rent that will be charged. He stated that most of the green theories and techniques that the Florida Green Building Coalition uses are already being integrated into their townhome units.

Peter Meyer, senior planner, presented staff's recommendation from the staff report.

Chair Grooms asked the Commissioners to disclose any ex-parte communications. Comm. Fore disclosed he drove by the property. Comm. Dunning disclosed he drove by the location, used Google maps, and spoke with staff. Comm. Dunning stated he spoke with staff about the proposed density requirement, workforce housing, ADA requirements, and asked question about possible precedents. Comm. Held disclosed she drove by the property and viewed the site on Google earth. Vice-Chair disclosed she drove by the property. Comm. Kirn disclosed he drove by the site and spoke with staff about adequate right-of-way on Bush Road and Toney Penna for the contemplated capital improvements bioswales in other projects in Jupiter. Comm. Patel disclosed he drove by the site, used Google maps and spoke with staff about workforce housing, code on green building, parking, and mitigation fees on green building. Chair Grooms had no disclosures.

Chair Grooms opened the floor to the Commissioners to ask the applicant and staff questions.

Comm. Patel asked staff if the units could be condominiums. Mr. Meyer responded that the applicant would need to go to Town Council for approval to change from rental to condominium.

Comm. Patel asked staff as part of the green building requirement, are we putting something in place so in the future it remains the same since it is a public benefit. Mr. Meyer stated that the code does not require a re-certification program. He mentioned once they receive the certification, that is the only code requirement.

Comm. Patel asked staff about the condition of the green building mitigation fee and what the fees are. Mr. Meyer stated it is five percent of the construction cost. Comm. Patel asked staff if they contemplated construction mitigation that would arise in the area from construction. Ms. Thoburn stated those issues are typically handled during pre-construction meetings with our Town engineers.

Comm. Patel asked the applicant what measures they are taking to slow traffic down right at the point of entry, that is, crossing from the sidewalk to the pool house. Ms. Thoburn stated they can look at it with the Town Engineer prior to the Town Council reviewing the application.

Comm. Fore stated he would like to discuss traffic. He stated that the traffic statement says that traffic-related impacts to the surrounding roadway networks and neighboring communities are insignificant; which he does not see as plausible. Ms. Thoburn read the daily and peak trips from the traffic statement. Comm. Fore asked if it was safe to say as density increases number of trips increases. Ms. Thoburn said yes. Mr. Rich stated traffic on Indiantown Road is a concern, but out of his control. The project is in compliance with zoning standards, and there are plans to improve the Bush Road intersection with Toney Penna.

Comm. Fore stated that the workforce housing is great and he thinks it is in a good location.

Comm. Fore asked if the applicant is administering the maintenance of traffic. Mr. Rich stated his utility contractor is the one who orders the maintenance of traffic.

Comm. Fore asked if there were any provisions for making any of the units accessible to ADA compliant. Mr. Rich stated no, not that he is aware of.

Comm. Dunning asked the applicant if they were going to have hurricane windows or shutters. The applicant stated they are going to have hurricane impact windows.

Comm. Kirn asked the applicant if they were going to put any limitations on how many vehicles

could be parked per unit. The applicant stated yes, and number of people in the units.

Vice-Chair Hague asked the applicant if the workforce housing would be outfitted in the interior with different finishes. Mr. Rich stated absolutely not. The applicant stated no one would know the difference between a workforce housing unit and a market rate unit.

Vice-Chair Hague stated there is a thirty-year covenant for rent to be able to stay as workforce housing. She asked Mr. Lashley, the acting Town Attorney, if the covenant supersede condo conversion or can they convert to condo before the thirty-year with approval from Town Council. The attorney stated that he would need to look at the provisions, but his instinct is no. He stated the deeds would probably prevent the turnover of that before the thirty-year period.

Vice-Chair Hague asked staff if a three-way stop could be implemented as an interim until the construction of the intersection improvements at Bush Road and Toney Penna. Mr. Meyer stated he can ask the traffic engineer and they will have an update for Council.

Chair Grooms stated she thought the package was really fantastic and well put together. She stated she appreciated the explanation on the environmental and how the workforce housing would be administered through provisions for it to stay in place.

Comm. Dunning asked staff how many workforce housing units the Town is trying to achieve . Ms. Thoburn stated that the Comprehensive Plan identifies that the Town is woefully low in the amount of workforce housing.

Comm. Fore asked if there were signage plans. Mr. Rich stated there is currently no street signage plan. He stated he is open to submitting a signage plan.

Public Comment:

Mr. Calazzo and Mr. Lucero talked about the density of the project. Mr. Colazzo mentioned the different densities between Laurel Oaks, Chasewood and Timberwalk. Mr. Colazzo mentioned that there is hardly any green space and his concern about parking. He mentioned the parking issues they have at Laurel Oaks. Mr. Colazzo and Mr. Lucero do not approve of the level of density of the project.

Mrs. Sparapani did not speak, but submitted a comment card about the traffic at Toney Penna and Bush Road.

Mr. Lucero and Mrs. Katzman discussed the traffic on Toney Penna and Bush Road. Mrs. Katzman stated she was at the meeting as the spokesperson for Laurel Oaks and she is the President of Laurel Oaks Homeowners Association. She stated she was the one who wrote the letter along with the Vice President of Timberwalk. When she wrote the letter, she suggested a three-way stop sign there to help with traffic.

Chair Grooms opened the floor for the Commissioners for discussion.

Comm. Patel stated he thinks it is a fantastic project. He stated that the density bonus he is getting is because he's adding an additional five workforce housing, and the workforce housing is something that the Town has been really trying to get. He noted if you take the five workforce housing units out, they will be below the density of Laurel Oaks and Timberwalk.

Chair Grooms stated she liked the mitigation plan for how workforce housing is going to be

administered.

Comm. Patel stated he thinks Council should address the traffic situation on Bush Road in a separate process and figure out a way to deal with it.

Comm. Dunning stated he is in favor of workforce housing. He thinks they should not have it as dense as it was proposed, and should have it at the same levels as Laurel Oaks.

Vice-Chair Hague stated that the development is below the maximum lot coverage and above the minimum green space and they are meeting code. She stated that the Town desperately needs workforce housing. She stated it is a great project.

Comm. Fore asked if there is a way to convince Town Council to make the traffic on Toney Penna and Bush Road a priority. He asked if the Commissioners have it in their authority to make a recommendation to Town Council.

Chair Grooms stated that what happens on Bush Road and Toney Penna is not part of this application. She stated they are addressing the traffic issues on Toney Penna and Bush Road through the Community Investment Program.

Comm. Patel stated that all the Commissioners agree that the intersection on Bush Road and Toney Penna needs to be addressed and it needs to be solved soon. He stated that will be a powerful statement to the Council.

Comm. Dunning stated he agrees with the plan, but not the density level. He mentioned if they can get the density level down a bit, to where it is consistent with the rest of the communities. He will vote against the motion.

Comm. Patel moved to recommend approval with staff recommendations with an additional condition of adding a stop sign at the entry point drive to the project. Vice-chair Hague seconded the motion.

Comm. Patel amended the motion by adding an additional condition to require a signage plan. Vice-chair Hague seconded the amendment. The motion passed. (6-1 vote)

Fore – Y Dunning - N Held – Y Kirn – Y Patel – Y

Vice-Chair MB Hague – Y Chair Grooms – Y

COMMENTS:

None.

ADJOURN:

Chair Grooms adjourned the meeting at 8:43 p.m.

Josie Nicolas, Secretary

TERI GROOMS, CHAIR