

**PLANNING AND ZONING COMMISSION MINUTES
REGULAR MEETING
February 13, 2018**

Chair Rutter called the meeting to order at 7:03 pm.

ATTENDANCE: Chair Rutter; Comms. MB Hague, Brett Leone, Peter Robbins, David Flinchum (1st Alternate); James Cordeiro (2nd Alternate); John Sickler, Director of Planning and Zoning; Stephanie Thoburn, Assistant Director of Planning and Zoning; David Kemp, Principal Planner; Garret Watson, Planner; Thomas Baird, Attorney; Valerie Hampe, Secretary.

RECOGNITION OF SERVICE:

Councilor Wayne Posner gave posthumous acknowledgement and thanks for the service of former Planning and Zoning Commission Larry Roberts. Mrs. Mary Roberts was present.

MINUTES: Regular Planning and Zoning Commission meeting, January 9, 2018.

Comm. Leone moved to approve the minutes; seconded by Comm. Robbins. The motion carried unanimously by consensus.

CITIZEN COMMENTS: None.

SWEARING IN:

Attorney Baird swore in the witnesses who would testify on the Compass Storage and Fishermans Wharf applications.

REGULAR AGENDA:

A. **OLD BUSINESS:** None.

B. **NEW BUSINESS:**

1. **Abacoa Development of Regional Impact (DRI)** – Amendments to the Development Order (DO) related to the concurrent Compass Self-Storage development applications as follows:

➤ Section 3: Order –

- Decrease the research and development/industrial and retail square footage;
- Decrease the total number of residential units; and
- Add square footage for a new self-storage use;

➤ Condition 130 – Decrease the total number of residential units, and

➤ Map HR – Changes to reflect the proposed modifications to “Section 3: Order.” (PZ# 2602)

Town Council consideration:

April 17, 2018

2. **MXD Self-Storage Use and Floor Area Ratio Regulations** – Zoning text amendment to Chapter 27 to:
- Allow warehouse and limited access self-service storage facilities as a special exception use in the Community Commercial (CC) subdistrict (Sec. 27-990.13 and Sec. 27-1675.1);
 - Allow warehouse multi-access self-service storage facilities as a special exception use in the Workplace Limited (WPL) subdistrict (Sec. 27-990.13 and Sec. 27-1675.1); and
 - Establish a Floor-Area-Ratio for a project that is located within both the CC and WPL subdistricts (Sec. 27-1675.2).

(PZ# 2603)

Town Council consideration:

March 20, 2018 – 1st rdg

April 17, 2018 – 2nd rdg

3. **Compass Self Storage** – Applications for a Workplace Limited (WPL) Amendment, Community Commercial (CC) Subdistrict Amendment, Site Plan, and Special Exception to allow a self-storage facility on a 7.3± acre property located at the southeast corner of Frederick Small Road and Sweet Bay Circle.

(PZ# 2599, 2600, 2601 & 2602)

Town Council consideration:

April 17, 2018

Chair Rutter asked the commissioners to disclose any ex-parte communications on Item 3, Compass Self Storage. Comm. Hague said she had spoken with the Don Hearing, the applicant and the Abacoa Property Owners Assembly (POA). Comm. Leone said he had met with Sam Steinberg of Compass Self-Storage and Amsdell Construction. Chair Rutter said he had met with Don Hearing.

Items 1 through 3 were presented together.

Don Hearing of Cotleur Hearing noted that the following people were present: Sam Steinberg of Amsdell Construction; Jeremy Hubsch of Cotleur Hearing; and Gary Steger, President of New Haven Homeowners Association (HOA).

Mr. Hearing gave a PowerPoint presentation describing the three applications. He reviewed the history of the site and said that it is a difficult location with limited access on a small frontage. The self-storage use would greatly reduce traffic from the approved levels. A train station could be located on the site if necessary in the future.

Mr. Hearing said the applicant is requesting 85 square feet (s.f.) of signage on the building although the Code only allows 40 s.f. He said the building will be screened with landscaping and the applicant has addressed all of the concerns of the New Haven HOA.

David Kemp, principal planner, gave a presentation on the Abacoa DRI Development Order (DO) Amendment application and the Mixed Use (MXD) Zoning Text Amendment application. The proposed DO amendment is consistent with the Comprehensive Plan and will reduce permitted traffic. He said that Staff recommended approval of the applications and noted that the applicant has agreed to retain 3,000 s.f. of future retail use and entitlements for 32 residential units. The applicant has also provided a conceptual site plan for additional parking and access for a potential future Tri-Rail station.

Compass Self Storage – cont'd

Stephanie Thoburn, assistant director of Planning and Zoning, said Staff recommended approval of the Compass Self Storage applications with the conditions listed in Exhibit 1 of the staff report. The conditions were generally about colors and site access. She noted that the applications were contingent upon the approval of the DO amendment and the Zoning Text amendment.

Ms. Thoburn said Staff recommended the signage be limited to what is currently allowed by Code. The applicant may submit an application to change the Sign Code but Staff is not supportive of having a lighted building sign face Alternate A1A, which is primarily single-family residential.

Comm. Flinchum asked if there are other properties that fit the description in the proposed language for Sec. 27-1675.1 for self-storage as a special exception. Mr. Sickler said there are other properties but not within 600 feet of the railroad as stated in the proposed language. Comm. Flinchum asked about the proposed right-turn lane on Frederick Small Road. Mr. Hearing said it was included at the request of New Haven residents to make traffic less inclined to turn in to Sweet Bay Circle.

Comm. Cordeiro asked if there are any unresolved issues with New Haven. Mr. Hearing said the applicant has addressed all of the New Haven board's concerns but some residents in New Haven may not concur with the board.

Comm. Hague asked the following:

Why is Staff recommending approval when this is a single use on mixed use land and the New Haven residents do not want multiple uses? Mr. Sickler said Staff wants to retain the option for other uses.

Why is Staff providing a location for a train station here? Mr. Kemp replied that it is identified as a potential train station location in the Comprehensive Plan and the Abacoa DRI Map HR shows the site as a community building blue dot and potential train station.

Why does the applicant's justification statement say that current market conditions do not provide for retail, office and other uses? Mr. Hearing replied that the limited accessibility and proximity to the train make it undesirable.

Comm. Hague said the storage facility would be near Admiral's Cove which is residential and she noted that the Comprehensive Plan calls for compatibility with surroundings. Mr. Sickler said that the resounding response from the community is in favor of this use rather than something that would provide a mix of uses on this particular property.

Comm. Leone asked if Fire Rescue is okay with having one access to the site. Mr. Hearing said yes. The New Haven residents did not want any access to Sweet Bay Circle from the site so the applicant worked with Fire Rescue in designing the site plan. Fire Rescue has signed off on the plan.

Chair Rutter opened the floor to public comment.

Gary Steger, president of the New Haven HOA, said their board unanimously supported the project. Herb Evans and Carol Watson also spoke in support of the project.

Compass Self Storage – cont'd

John Turner, resident of New Haven, said Staff had recommended denial of a similar project on this site a few years ago. He said this would not be compatible with the surroundings. He was in favor of mixed use and noted that Botanica townhouses are located just a few miles north on a similar site abutting the train tracks. Debroslan Hajek and Ben Pittard also spoke in opposition to project.

Comm. Hague said she would not support the application because it is a single use rather than a mixed use. There are residential uses all around the site and storage units are not appropriate in this location. The Town needs more multi-family housing and this would be a suitable location.

Comm. Flinchum supported the application and said they would be a quiet neighbor. He was not in favor of a sign on the tower element and said the ground sign should be low-key in size and lighting. He suggested pre-construction fences on the north, east and west sides to encourage animals to go southward.

Comm. Robbins supported the project. He said the unanimous support of the New Haven board after working with the developer is significant. He liked the site design and the provisions to keep traffic off Sweet Bay Circle. Comm. Robbins concluded by agreeing with Comm. Flinchum about signage.

Comm. Leone said this is a compatible, quiet use and the patrons will be local. He suggested only recording the easement for the train station when it becomes needed, if that is possible. He said there should at least be a sign on the east side of the tower element and possibly one on the north side.

Chair Rutter said the Abacoa development order is a living, changing document affected by market changes and what is actually developed in the community. Modifications will occur in response to changing needs.

Comm. Robbins moved to recommend approval of the amendments to the Abacoa DO. The motion died for lack of a second.

Comm. Leone moved to recommend approval of the amendments to the Abacoa DO. Comm. Robbins seconded the motion. The Commission was polled and the motion carried (5-1 vote).

Flinchum – Y	Leone – Y	Robbins – Y	Cordeiro – Y
Hague – N	Rutter – Y		

Comm. Robbins moved to recommend approval of the Zoning Text amendment; seconded by Comm. Cordeiro. The Commission was polled and the motion carried (5-1 vote).

Flinchum – Y	Leone – Y	Robbins – Y	Cordeiro – Y
Hague – N	Rutter – Y		

Compass Self Storage – cont'd

Comm. Flinchum moved to recommend approval with the following changes:

- Modify Condition 6b to limit sign height to five feet for a monument sign of roughly 5'x8'.
- add façade details on the east and west sides of the one-story buildings; and
- add landscaping on the east side gaps facing the canal.

Comm. Cordeiro seconded the motion. The Commission was polled and the motion carried (5-1 vote).

Flinchum – Y Leone – Y Robbins – Y Cordeiro – Y
Hague – N Rutter – Y

4. **Fishermans Wharf Residential** - Applications for a Small Scale Planned Unit Development with two waivers and a site plan for 39 residential units, with an accessory special exception application for a four slip marina, , on a 5.2± acre property, located north of Indiantown Road on both sides of Fishermans Way and up to the Intracoastal Waterway. (PZ# 2635, 2039, 2040)

Town Council consideration:

March 20, 2018

Chair Rutter asked the commissioners to disclose any ex-parte communications. Comm. Leone, Comm. Hague and Chair Rutter said they had met with George Gentile and Dodi Glas of 2GHO. Comm. Robbins said he had met with George Gentile.

Mr. Gentile said the following people were present: Jeff, Daniel and David Spear of the Spear Group; Jennifer Solomon and Miguel Portella of Sololong, Solomon and Hernandez Architects; Sharon Merchant of Merchant Strategy; and Nat Nason and Matt Mullins, legal counsel.

Mr. Gentile gave a PowerPoint presentation and said this would be the first integrated workforce housing in Jupiter. He noted that this is an infill project and said residential would be the best use for the property. There are a number of uses within walking distance.

Ms. Glas discussed the site plan and noted that the buildings would be further from the neighboring single-family house than in the previously approved project. The applicant requested a density bonus for providing all workforce housing units on site. The Mixed Use designation is to foster infill and reduce trip generation, which this project would do.

Garret Watson, planner, said the applicant has made improvements to the plan over the past year. However, there are numerous Comprehensive Plan policies and Town Code requirements that have not been met. The Mixed Use land use requires two or more uses in which none predominates. Although there will be some commercial space in the live/work units, the project is predominately residential.

Fishermans Wharf Residential – cont'd

Mr. Watson said height is another major issue. The buildings would be higher than Cornerstone and Harbourside and would likely leave some homes to the north in shade during the afternoon. The Coastal Contemporary architecture is not compatible with the Mediterranean style of Fishermans Wharf. The property is zoned Commercial which only allows residential as an accessory use in a small scale Planned Unit Development (PUD). Staff recommended denial.

Comm. Robbins asked:

Is the proximity to Indiantown Road and the bridge the reason Staff recommended denial? Ms. Thoburn said no; the recommendation was primarily because of the lack of mixed use.

Why is the applicant seeking a height waiver? Ms. Glas replied that the additional height will provide more open area. She also said the Waters Edge residents want residential use on the site; not commercial.

Ms. Thoburn said the fundamental issue is that this is not a mixed use project but is residential. If the land use and zoning were changed to Residential and R3, respectively, greater waivers would be required for height, density and additional workforce housing would be required.

Comm. Leone asked for clarification on the zoning of the parcel only allowing accessory residential. Mr. Sickler said that unlike a large scale planned unit development, the proposed small scale planned unit development application does not allow the applicant to include residential on a commercial zoned property. Comm. Leone asked if in the live/work units, Commercial was accessory to Residential, or vice-a-versa. Mr. Watson said that the Town code defines a live/work unit as a residential unit with accessory commercial.

Comm. Hague said she had walked the property and the grade is high. She asked if any would be removed so the buildings wouldn't seem even higher than they actually are. Mr. Gentile showed a diagram of the effect where the grade would be changed near the adjacent residential neighborhood. Ms. Glas said that in the context of the site layout and proximity to the bridge, it won't have that much of an effect.

Comm. Hague said the architecture is more Urban Modern than Coastal Contemporary. She asked why the developer still wants to use this style which does not blend with the surroundings. Ms. Glas said this is what is desired in coastal areas and the use of natural materials creates a transition to the surroundings.

Comm. Cordeiro asked if the project could be lowered. Ms. Glas said it could be lowered somewhat but it would quickly become too expensive for the project to be worthwhile. Comm. Cordeiro asked if the applicant had satisfied the concerns of Water's Edge residents. Ms. Glas said yes, with the exception of the immediate neighbor. The developer will continue to work with her and the rest of Water's Edge to be a good neighbor.

Fishermans Wharf Residential – cont'd

Comm. Flinchum said he was concerned about the comment in the second paragraph on Page 6 of the staff report which stated that residential use on this corner would no longer be desirable due to bridge noise and Harbourside noise complaints. He said it's a great corner for residential and did not want to see Harbourside used as an excuse for not locating residential there. Comm. Flinchum asked if the previously approved project was still active. Mr Sickler said that it had expired.

Chair Rutter asked if there is a desired ratio of residential to non-residential uses in mixed use developments or if it is site specific. Mr. Sickler said there was a reasonable activity level generated by the mix of uses at Cornerstone which is not seen here. He also noted that live/work units are sometimes completely used for residential.

Comm. Leone asked if the conservation area was considered a use. Mr. Sickler said no; it is a required wetland preserve and not an active use like a park.

Comm. Hague asked what the applicant could do to provide an adequate buffer to the preserve area. Mr. Sickler said they could reduce the slope, provide the minimum requirement and use appropriate plantings. Ms. Glas said the applicant disagrees with Staff's interpretation of the conservation requirement language and they meet the buffer requirement.

Mr. Watson said Staff has asked for updated landscape plans but have not received them. If the applicant has received permits from the Department of Environmental Protection (DEP), they have not forwarded them to Staff.

Nat Nason of the Nason Yaeger law firm cited F.S. 166.0334 which states that a municipality cannot require State or Federal permits before processing a development application.

Chair Rutter opened the floor to public comment.

Leslie Spivack of Water's Edge Estates spoke in support of the application. He said there is plenty of commercial and office space within walking distance of the site; more is not needed here. Residential would be a better use.

Paul Chaney of Water's Edge Estates said residential would be appropriate to mix with the surrounding commercial uses and would bring less traffic.

Elizabeth Munson said the design fits into the small town feeling of Jupiter. This will provide residences within walking distance of commercial uses in keeping with current urban planning practices.

Hollis Cavner of Water's Edge Estates said this would be a nice continuation of their neighborhood; more commercial is not desirable. The Spear Group has been good to work with.

Suzanne Cabrera, president and CEO of the Housing Leadership Council of Palm Beach County, said Jupiter needs workforce housing much more than more commercial uses. The developer has worked hard to integrate this project into the surroundings and is offering workforce housing on site, in a great location.

Fishermans Wharf Residential – cont'd

Matt Wilson had completed a comment card indicating that he wished to speak but was not present when called to the podium.

Ms. Hampe read the comments of the following people; all of whom had completed comment cards in favor of the project but did not wish to speak: Joe Floyd, Joseph Floyd Jr., Linda Gallant, Sharon Dunn, Joy Smykal, and Marsha Duvall. Catherine Cavner completed a card in favor of the project but in opposition to including workforce housing.

Comm. Hague liked the workforce housing and live/work units. She asked that the buffer to the wetlands be resolved and said the architecture does not fit.

Comm. Leone agreed with Comm. Hague regarding workforce housing and architecture. He was also concerned about providing an adequate buffer to the wetland. Residential would be better than commercial here for keeping noise and traffic down.

Comm. Flinchum said he was concerned about the applicant not submitting materials when asked and proximity to the Indiantown Road bridge. He supported Staff's recommendation for denial.

Comm. Cordeiro said residential use would be good in this location. However, the zoning calls for mixed use. He liked the workforce housing and the developer having the support of Water's Edge Estates.

Comm. Robbins liked the workforce housing, open space and the support of the neighbors. Commercial use would be challenging here; the site could not support a lot of traffic. He supported residential use.

Comm. Flinchum moved to recommend approval of Staff recommendation for denial; seconded by Comm. Cordeiro. The Commission was polled and the motion carried (4-2 vote).

Flinchum – Y	Leone – N	Robbins – Y	Cordeiro – Y
Hague – Y	Rutter – N		

ADJOURN:

3/14/18


Chair Rutter adjourned the meeting at 10:38 p.m.

Valerie Hampe, Secretary

PATRICK RUTTER, CHAIR