

**PLANNING AND ZONING COMMISSION
FINAL AGENDA AND MINUTES
REGULAR MEETING
March 10, 2020**

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

ATTENDANCE:

Vice Chair Schneider; Comms. David Flinchum, Frank Fore, MB Hague, Cameron May, Daniel Zuniga; John Sickler, Director of Planning and Zoning; Stephanie Thoburn, Assistant Director of Planning and Zoning; David Kemp, Principal Planner; Martin Schneider, Principal Planner; Garret Watson, Senior Planner; Peter Begovich, Planner; Thomas Baird, Town Attorney; Valerie Hampe, Secretary.

MINUTES:

Regular Planning and Zoning Commission meeting, February 11, 2020.
Comm. Hague moved to approve the minutes; seconded by Comm. Zuniga.
The motion carried unanimously by consensus.

CITIZEN COMMENTS: None.

REGULAR AGENDA:

OLD BUSINESS: None.

1. Future Land Use Element Text Amendments – Town-initiated Comprehensive Plan Text Amendments to: (PZ# 4170)

- Policy 1.13.5 to modify the completion date for adopting a new mixed-use zoning district for properties 100 acres and less in size; and,
- Objective 1.18 to modify the completion date for developing transit-oriented criteria for properties within ½ mile of a public transit stop.

Acting as the Local Planning Agency

Town Council consideration:

April 7, 2020 – 1st rdg
June 16, 2020 – 2nd rdg

David Kemp, principal planner, said Staff recommended approval of the proposed text amendments to extend the deadlines from December 2020 to December 2023. He noted that both the policy and objective were adopted as part of the 2008 Evaluation and Appraisal Report (EAR) for the Comprehensive Plan.

Comm. Fore asked why Staff proposed moving back the date for Objective 1.18 if the Tri-Rail infrastructure completion was being moved up. Mr. Kemp said this will give the Town an opportunity to work with the Treasure Coast Regional Planning Council and the

Future Land Use Element Text Amendments – cont'd

South Florida Regional Transportation Authority to plan changes that may need to happen. Mr. Sickler noted that Town Council had not established this as a strategic priority. He added that a transit stop was now being considered for the hospital area rather than Indiantown Road and Alternate A1A which is more congested.

Comm. Hague supported pushing back the dates. She noted that the citizen survey indicated that residents consider increased traffic due to new development a problem. The survey also showed that residents were concerned with too much housing density being allowed. She said the substance of the amendments should be worded carefully to maintain the character of Jupiter for the benefit of residents.

Comm. Flinchum liked the redevelopment scenarios that Staff had included.

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

Comm. Fore said Indiantown Road is an “F” road and doing anything to encourage density seems counterproductive. Ms. Thoburn said the Jupiter Medical Center, one of the largest land owners along Toney Penna, wants to expand their campus and wants a presence on Toney Penna so they need time to finish their master plan. The hospital also wants to make sure the land on Toney Penna will allow medical uses and potentially housing for their staff.

Comm. May was in favor of pushing back the completion deadlines. He wanted to make sure any redevelopment with a potential to become mixed use is looked at closely for the traffic and other impacts it would have.

Comm. Hague said the changes have to be put into place carefully and wanted to keep rents affordable for small businesses.

Comm. Zuniga agreed that traffic and overdevelopment are issues for Jupiter.

Vice Chair Schneider supported extending the completion dates so the Town would have more time to evaluate the changes. These changes are significant and this will allow for a more thoughtful approach.

Comm. Zuniga moved to recommend approval with Staff recommendations; seconded by Comm. Flinchum. The motion carried unanimously by consensus.

2. **Cornerstone** – Site Plan amendment to change the architectural style of a previously approved mixed-use building from Mediterranean to a Coastal/Postmodernist style, on a 1.0± acre property, located at 50 South U.S. Highway One. (PZ# 4160)

Town Council consideration:

April 21, 2020

March 10, 2020

Cornerstone – cont'd

Mr. Baird conducted the swearing in of witnesses for this item. Vice Chair Schneider asked for ex-parte disclosures. Comms. Flinchum and Zuniga said they drove by the site and the remaining commissioners said they had nothing to disclose.

Emily O'Mahoney of 2GHO gave a PowerPoint presentation and noted that Dick Witham, the property owner, was present. Ms. O'Mahoney said the application was to change the architectural style which would result in the loss of a parking space and a slight modification to the building height. The changes were requested in response to feedback from the real estate market.

Mr. Whitham said the change in the roof structures was to preserve the view and create more shadow. Awnings will also help shade the building.

Ms. O'Mahoney said the changes have no impact on the approved site plan or bonus points. She added that the applicant is seeking Gold certification from the Florida Green Building Association.

Garret Watson, senior planner, said the reduction of one parking space and 0.2-foot height increase are within the approved bonus program. He noted the mix of Mediterranean, Coastal, Craftsman and Stick architectural elements will serve as a transition between Jupiter Yacht Club and Harbourside.

Comm. Flinchum liked the changes and said he was glad the applicant is responding to the market.

Comm. Hague asked if green roofs are included in the bonus program. Mr. Watson said no, but said it is an option as part of a Green certification, which would allow applicants to get bonus credits as part of a small scale Planned Unit Development (PUD).

Comm. Hague said she had concerns about the public boat docks with regard to boats that are anchored nearby. Mr. Witham said he believed that no one would be able to moor a boat within 155 feet of the docks.

Comm. May asked the following:

What caused the increase in building height? Ms. O'Mahoney replied that it was details such as raising the parapet wall around the air conditioners.

What caused the loss of the parking space and will that result in wider parking spaces? Ms. O'Mahoney said the placement of columns resulted in the loss of a space. She added that they usually try to have 10-foot or wider spaces.

Comm. Fore said the applicant should consider Comm. May's suggestion to widen the parking spaces. Mr. Whitham agreed.

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

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Cornerstone – cont'd

Comm. Hague said the applicant had done an amazing job. He pushed the building away from the bridge, covered it with green and made something beautiful for residents to go by.

Comm. Fore liked the change and said the Town had gotten too dense with Mediterranean style architecture. Said Green building practices should be encouraged and it would be good to work that into the Town's overall point system.

Vice Chair Schneider said this continued to be one of her favorite projects. She still would have liked bonus points to be given for the green roof and objected to requiring the applicant to construct public docks. She also had concerns about requiring retail space rather than allowing the applicant to construct an amenity for the building.

Comm. Flinchum moved to recommend approval; seconded by Comm. Hague. The motion carried unanimously by consensus.

3. **850 Parkway Street** – Site plan amendment to change the use of a 6,537 square foot office building to medical or dental clinic uses on a 0.7± acre property located at 850 Parkway Street. (PZ# 4016)

Town Council consideration:

April 21, 2020

Mr. Baird conducted the swearing in of witnesses for this item. Vice Chair Schneider asked for ex-parte disclosures. Comms. Flinchum, Hague and Fore said they drove by the site. The remaining commissioners said they had nothing to disclose.

Alex Ahrenholz of Cotleur Hearing gave a PowerPoint presentation on behalf of the applicant, Turtle Realty. The building is currently vacant and the owner is seeking a change in use to medical or dental in response to tenant interest. The location is at the terminus of Parkway Street so there isn't any passing traffic.

Mr. Ahrenholz said the change in use will result in 137 additional daily trips; slightly more than the 100 trip threshold. He described the site plan changes including landscape islands, a dumpster on site and a cross-access easement to Alhambra. There is no change in square footage and the site will be upgraded with landscaping to become completely compliant with the approval.

Martin Schneider, principal planner, said that when less than 10% of the square footage is changed, the Code requirement is for reduction of nonconformities and provision of pedestrian and vehicular cross access. Medical and dental uses are allowed in this zoning district, C-2. He said intensive treatment facilities are not specifically called out in the C-2 district, but are sometimes allowed with restrictions to daytime hours and no dispensing of medication.

850 Parkway Street – cont'd

Mr. Schneider concluded by saying that Staff recommended approval with the conditions listed in Exhibit 1 of the staff report.

Comm. Fore asked what is on the west side of the building and Mr. Ahrenholz said that would be a staff entrance. Comm. Fore said the public should be able to enter there, if there is going to be a handicapped parking space on that side.

Comm. May asked if there will be an emergency vehicle staging area. Don Hearing of Cotleur Hearing replied that they could stripe out an area in the drive aisle.

Comm. Hague asked if a laboratory diagnostic service or something similar could be located there and said that would bring more daily trips. She noted that A1A is already Level of Service D and said another evaluation of the area would be needed before another project could be approved.

Comm. Flinchum said medical facilities, particularly those with a diagnostic component, have more staff and patients spend longer times in the parking spaces. He suggested dedicated employee parking.

Comm. Zuniga and Comm. Flinchum had concerns about the potential for the building becoming a type of medical practice that would raise concerns. Comm. Flinchum asked why there were no conditions limiting hours and prohibiting dispensary. Mr. Sickler said that such a use is not allowed by right, so it would be subject to interpretation. The applicant would be required to request a letter of zoning determination and may be required to apply for a site plan amendment. At that point, Staff would make the conditions part of the site plan approval.

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

Mr. Baird noted that Staff recommended a condition of approval for the applicant to conform to their statement of use. If they wanted to change to a different type of use, they would have to come back for review.

Comm. May moved to recommend approval with Staff recommendations; seconded by Comm. Hague. The motion carried unanimously by consensus.

4. **Generation Church** – Site Plan amendment application to modify the phasing plan for the construction of parking, to modify the site and landscape plans, and minor architectural elevation changes for an existing church on a 2.4± acre property, at 510, 430, 418, and 412 Center Street. (PZ# 4206)

Town Council consideration:

April 21, 2020

March 10, 2020

Generation Church – cont'd

Mr. Baird swore in the witnesses and Vice Chair Schneider asked for ex-parte disclosures. Comms. Flinchum, Hague, May and Vice Chair Schneider said they drove by the site. Comm. Zuniga and Comm. Fore had no disclosures.

Don Hearing of Cotleur Hearing noted that the following people were present: Melissa Kostella, planner; Ben Pierce, pastor; Robert Gomez, contractor; and Jon Olson, architect.

Mr. Hearing said the requests before the Commission were to modify the phasing plan and approve modifications to the following: color of the trim, roof material, and windows, including the stained glass window. Pastor Ben Pierce described the improvements and said the church is in agreement with all of the proposed conditions of approval.

Peter Begovich, planner, said that Staff recommended approval of the requests with the conditions listed in Exhibit 1 of the staff report. He discussed the phasing and conditions of approval.

Comm. Flinchum noted that the painting and roof replacement had already been done. He said he was concerned that there was no date for the parking to be completed. Mr. Hearing said they will target completion within three years. Comm. Flinchum suggested replacing the Washingtonian palms in the southwest corner of the play area with smaller shade trees and Mr. Hearing said that it was a good suggestion.

Comm. Hague said the church is asking for forgiveness for the work that has already been done; particularly the painting. The Historic Resources Board had decided that the exterior of the building should look as close to the 1924 building as possible since this is historic preservation.

Comm. Hague asked who had chosen caviar for the trim color and Mr. Hearing said it was the architect because it was considered more historical. Comm. Hague said she did some research and did not find any other buildings in South Florida from that era with black trim. She did not find the trim color acceptable.

Comm. May asked if it would be more cost effective to construct Phase 3, the western parking lot, first. Mr. Begovich said that keeping the western parking lot as Phase 3 may require fewer spaces to be paved.

Comm. Fore noted that seating will be constrained during each of the parking phases and asked the applicant to stay within Code requirements. Mr. Hearing said they would.

Comm. Fore was concerned that the paint color had been changed without approval. Pastor Ben Pierce said he met with Jamie Stuve and got her verbal approval for the color change after the Town Council approval.

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Generation Church – cont'd

Vice Chair Schneider noted that the church has a much larger capacity than the parking, so there would need to be extra services and extra programming. She asked if Staff had looked at a traffic analysis that took that and the closing of the U.S. One bridge into consideration. Mr. Sickler said no; the uses are primarily out of peak hour so they didn't rise to a level of concern.

Vice Chair Schneider opened the floor to public comment.

Dick Witham said the church is currently his tenant and they are the best tenant he's ever had.

Rick Ratliff spoke of how the church helped his family and said he was proud that the church recognized that the building's historic value and is keeping it that way. He appreciated the Town's help and asked that the church be allowed to defer the major expenses of parking construction.

Kevin Kustarz said he is head of the parking team at Generation Church. The parking team is made up of adults and has a good relationship with the Police.

Mary Brickman said she and her husband have been part of the church since it began 11 years ago. She spoke about how the church improved her family's lives and the lives of other.

Josh Brown said he is on the parking team and the volunteer spirit of the church makes it welcoming. He assured the Commission that, with respect to the timing of completion dates, no one wants the project to move faster more than the church members and Pastor Pierce.

Jason Banchoff said he moved here from Maryland to head up various teams at the church including the parking team. He said the church is doing community outreach.

Julie Bullard completed a comment card but did not wish to speak. Ms. Hampe read her comments in support of the application.

Comm. Zuniga understood the Commission's concern about changes being made without approval but said he liked to leave things up to the architects and designers to make decisions. He did not mind the delay and said it is a project worth doing.

Comm. Hague said she supported the church but noted that this is historic preservation; not just remodeling. She supported everything but the trim color and said it should be restored to the high reflective white.

Comm. May reminded the applicant that changes need to be approved before they are made in the future.

March 10, 2020

Generation Church – cont'd

Comm. Fore was glad that the church was being improved and asked the applicant to keep up the good work.

Vice Chair Schneider commented on the parking and architectural changes. She understood the need to phase parking improvements but said there needs to be an end date. She suggested three years since the applicant had said they hoped it would be done by then. If the target date could not be met for some reason, the applicant could come back for an extension.

Vice Chair Schneider said the integrity of the public process was paramount and she could not accept that changes were made without approval. She questioned what would happen with other applications if the Commission agreed that these changes were alright without public approval. She concluded by saying the building should go back to what was presented to the public.

Comms. Fore, Hague and May discussed the possibility of painting the bronze window frames white and concluded that it would be prohibitively expensive. Comm. Hague suggested returning all of the other trim to white.

Comm. Zuniga said it sounded like the Historic Resources Board and the architect were okay with the changes and that they were in keeping with historic preservation. He said he just wanted the project to be finished. The church is already having issues with cost and there haven't been any public complaints about the changes.

Vice Chair Schneider said that her objection was that the applicant did not come through the Commission to make the changes. The public should have been allowed to participate. The Code does not make exceptions for the process.

Comm. Fore said requiring the windows to be replaced could put the church out of business. Vice Chair Schneider suggested requiring the trim to be repainted as a compromise; which would be closer to what was approved.

Comm. Flinchum said he was not in favor of requiring the additional time and expense of repainting. Mr. Olson, the architect, had said the dark trim was indicative of the period. Comm. Hague disagreed that it was consistent with the architecture of the time.

Vice Chair Schneider said the building looked commercial and does have the same character it was supposed to. She did not want to reward the applicant for ignoring the process; particularly since they had an advisor.

Comm. Hague moved to recommend approval with Staff recommendations and these additional conditions:

- Trim color to be restored to high-reflective white; and
- A three-year end date on the phasing of the parking lot.

Generation Church – cont'd

Comm. Fore suggested that “trim” be changed to “all paintable surfaces” and Comm. Hague agreed. Comm. Fore seconded the motion. The Commission was polled and the motion carried (5-1 vote).

May – Y Hague – Y Fore – Y Flinchum – Y

Zuniga – N Schneider – Y

ADJOURN:

9:40 p.m.

Valerie Hampe, Secretary

CHERYL SCHNEIDER, VICE CHAIR