

**PLANNING AND ZONING COMMISSION MINUTES
REGULAR MEETING
March 14, 2017**

The meeting was called to order by Chair Rutter at 7:00 p.m.

ATTENDANCE: Chair Patrick Rutter; Comms. Ken Duke, David Flinchum, MB Hague, Ankur Patel, Larry Roberts, Nilsa Zacarias (1st Alternate), Peter Robbins (2nd Alternate); Mr. John Sickler, Director of Planning and Zoning; Ms. Stephanie Thoburn, Assistant Director of Planning and Zoning; Mr. David Kemp, Principal Planner; Mr. Martin Schneider, Senior Planner; Mr. Thomas Baird, Town Attorney; Ms. Valerie Hampe, Secretary.

MINUTES: Regular Planning and Zoning Commission meeting, February 14, 2017.

Comm. Flinchum asked that his first bulleted suggestion on Page 3 regarding Wendy's be changed from "...and the width should be increased from 12 feet..." to "...and the width of the exit to the community center should be increased from 12 feet..."

Comm. Hague moved approval with the correction; seconded by Comm. Patel. The minutes were approved unanimously by consensus.

CITIZEN COMMENTS: None.

CONSENT AGENDA:

A. **OLD BUSINESS:** None.

B. **NEW BUSINESS:**

CONTINUED TO 4/13/17

- **Housing Element Comprehensive Plan Text Amendment** – To modify Policy 1.2.10 associated with mandatory requirements of the Workforce Housing Program. (PZ# 17-2333)
Town Council consideration: May 16, 2017 – 1st rdg
July 18, 2017 – 2nd rdg

CONTINUED TO 4/13/17

- **Fisherman's Wharf Residential and Research & Development** - Applications for a Large Scale Planned Unit Development with three waivers, a special exception application for a marina, and a site plan for 36 residential units and a two story research and development use, on a 5.2± acre property, located north of Indiantown Road between Fishermans Way and the Intracoastal Waterway. (PZ# 2038, 2039 & 2040)
Town Council consideration: May 16, 2017 – 1st rdg
June 20, 2017 – 2nd rdg

CONSENT AGENDA – cont'd

Comm. Flinchum moved to schedule the next Planning and Zoning meeting on April 13, 2017; seconded by Comm. Duke. The motion was approved unanimously by consensus.

Comm. Hague moved to continue the Housing Element Comprehensive Plan Text Amendment to April 13, 2017; seconded by Comm. Duke. The motion was approved unanimously by consensus.

REGULAR AGENDA:

A. OLD BUSINESS:

1. **Center Park** – Applications for a 7.3+/- acre parcel of land located at 114 Datura Street (approximately 220 feet south of Center Street between Hepburn Avenue and Old Dixie Highway) to include:
 - A. Small Scale Future Land Use Map amendment from Commercial to General Industrial; (PZ# 16-1910)
 - B. Zoning Map amendment from General Commercial (C-2) on 1.8+/- acres and Restricted Commercial (C-4) on 5.5+/- acres to Industrial Park Light Industry (I-1) for the entire 7.3+/- acres. (PZ# 1911)

Town Council consideration:

April 20, 2017 – 1st rdg

May 16, 2017 – 2nd rdg

2. **Center Park** - Application for a large-scale Planned Unit Development (PUD), a Site Plan, and Special Exceptions for a redevelopment of 11.6± acres to allow self-storage, warehouse, office, retail, restaurant, medical office, indoor recreation and accessory residential use at 114 Datura Street. (PZ# 1913, 1914 and 1916)

Town Council consideration:

April 20, 2017 – 1st rdg

May 16, 2017 – 2nd rdg

Nicole Plunkett of Cotleur Hearing noted that Rick Gonzalez, architect, and Harvey Oyer, attorney, were part of the applicant's team. She added that Jeff Iravani, civil engineer was also present.

Ms. Plunkett gave a PowerPoint presentation and discussed the requests. She said the project will reduce lot coverage, be consistent with existing uses and provide an entry to the project. She said the applicant and Staff have resolved all of the issues that were discussed in January and are in agreement with all of the proposed conditions of approval.

David Kemp, principal planner, said Staff recommended approval of requests for change in land use and rezoning. Martin Schneider, senior planner, listed some of the conditions to which the applicant had agreed that were not discussed by Ms. Plunkett; including paying the linkage fee for workforce housing. He concluded by saying that Staff recommended approval of the Planned Unit Development (PUD), site plan and special exceptions with the stated conditions of approval.

Comm. Robbins asked Staff if the applicant had agreed to all of the proposed conditions and Mr. Schneider said yes.

Comm. Zacarias asked about the timing of the development phases and Mr. Schneider said the last building will be built after the others are up and running. Ms. Plunkett said Phase 1 will include the construction of a new air conditioned storage facility so the storage tenants can be moved before the current building is redeveloped.

Comm. Roberts said he liked the project and it would improve the infrastructure. He asked if the truck rentals would be only for tenants or for the general public. Ms. Plunkett said only for the tenants.

Comm. Patel asked if the limitations on business hours would disappear when the zoning is changed from C-4 to I-1 and Mr. Schneider said yes. Comm. Patel asked if there was any concern about businesses taking advantage of the lack of restrictions. Mr. Sickler said most districts do not state business hours and it is typically not an issue. Special exception uses have had hours restrictions assigned on a case-by-case basis.

Comm. Patel asked if the Town wanted to reserve the right to keep the easement for an access point in case the property in the front is ever redeveloped. Mr. Sickler said Staff recommended that it no longer be required; adequate circulation around the block exists.

Comm. Hague said the strategic plan had been updated to include an initiative to identify, protect, redevelop and create historic districts. Council asked Staff to identify structures with historic significance in the Center Street area.

Comm. Hague listed sections in the Comprehensive Plan and Town Code regarding compatibility and historic preservation of structures. Ms. Thoburn noted that the subject property was developed in 1988 and doesn't meet the requirements of the historic resources ordinance.

Comm. Duke asked how many storage units are currently on the property and how many there would be after redevelopment. Mr. Hearing said there are approximately 900 units now and there would probably be 1000 to 1200 in the future. Comm. Duke asked if that would impact traffic and Mr. Hearing said self-storage is one of the lowest traffic generators.

Mr. Schneider there would be about 80 additional daily trips resulting from the site plan. The apparent decrease shown in the staff report is the result of changing the future land use from Commercial to Industrial. Ms. Thoburn clarified that the land use change and rezoning are more permanent because the site plan may never actually be built.

Comm. Flinchum stated that Mr. Hearing had telephoned him at his office and he told Mr. Hearing that he would prefer to have any discussions in the Chambers. He then asked if the Commission had up-to-date site plans. Mr. Hearing said yes; except for the ADA ramps and additional landscape along the foundation.

Comm. Flinchum questioned whether Conditions 9, 10a, 11c and 13 had been resolved between Staff and the applicant. Mr. Hearing said the applicant has agreed to all of Staff's conditions. The only new information is additional greenspace in front of the two commercial buildings.

Chair Rutter opened the floor to public comment and the following people spoke:

Hank Gonzalez said he is a commercial real estate broker and a long-time tenant of the storage facility. He said this would be an improvement and he was in favor of the project.

Cheryl Schneider said there has been a growing desire among residents and some members of Council to preserve the history of the Center Street area. She said it would be unfortunate if the industrial zoning footprint for this property is expanded while Council and residents are formulating a new concept for this area. She asked that the applications be tabled.

Jason Testa of Miller's Ale House said they have been a tenant there for 29 years and would like to see the project go forward.

Chuck Bale said he has a custom door shop with two spaces in the front and seven in the back. He said the property is well taken care of and he supported the project.

Gary Snyder said he lives at the corner of Center Street and Marlin Drive. He was not in favor of the zoning change since it would bring I-1 zoning within 200 feet of his home.

Jeff Orr of J-Town Bikes said he has leased from Center Park properties for over 25 years. The project is important to Jupiter and will help the property owner remain competitive.

Brett Leone said it is important for towns to preserve their historic industrial areas.

Ernie Fianza owns property on Center Street and has participated in preservation efforts. The project site is not a historic property and a storage facility would not be a new use. He said he supported the applicant's requests. He added that he had texted Vice Chair Klug during the meeting and that he was also in support of the project.

Comm. Roberts said for the most part, the opportunities for preservation exist on the north side of Center Street. He said he did not want the Commission to be perceived as having a disregard for preservation but the changes on the south side of Center Street have already taken place. He supported the project and said the property needs to be redeveloped.

Comm. Patel said the Town is making a significant effort for historic preservation. There is a lot of room for improvement in the area south of Center Street and north of Indiantown Road, west of the train tracks. Most of what is happening there is industrial.

Comm. Patel said he was previously uncomfortable with the idea of rezoning to industrial because of some of the uses that would be allowed but with the applicant's assurances, Staff's recommendation and the policies that are in place, he now supports it. The greenspace plans still need to be clarified and the height is still an issue but there will no longer be second floor residential. He supported the project and noted that this is behind Center Street rather than on Center Street.

Comm. Hague did not object to a storage facility but did not like the proposed height. The building would be looming and massive. She could not support the project with the proposed building height; especially while Council is trying to figure out what to do with the area from a historic preservation perspective.

Comm. Duke said he visited the site and agreed that the area needed a facelift. On the other hand, he understood the concern of residents with removing the commercial buffer between an industrial area and residential area. The storage building would be too large and would not be in keeping with a small-town feel. He concluded by saying that better projects will come along if the Town waits.

Comm. Flinchum noted that the plans were still not showing the islands on the foundation and the ADA spaces and accessible routes. An L-shaped design or T ramps would be an easy fix. ADA is a public safety issue and there would be significant liability with the current plan.

Chair Rutter said the area needs redevelopment and on balance, the positive aspects of the project outweigh the negatives. There would be even greater concerns if the site was developed as office space. Although nothing is perfect, this is a great opportunity.

Comm. Flinchum asked which application allows the height to increase. Mr. Sickler said the zoning change from C4 Commercial to I1 Industrial allows a height increase for self-storage.

Comm. Duke moved to recommend denial of the Future Land Use Amendment application; seconded by Comm. Hague. The Agency was polled and the motion failed (3-4 vote).

Patel – N	Roberts – N	Zacarias – N	Duke – Y
Hague – Y	Flinchum – Y	Rutter - N	

Comm. Patel moved to recommend approval of the Future Land Use Amendment application; seconded by Comm. Roberts. The Agency was polled and the motion carried (4-3 vote).

Patel – Y	Roberts – Y	Zacarias – Y	Duke – N
Hague – N	Flinchum – N	Rutter – Y	

Comm. Zacarias moved to recommend approval of the rezoning application; seconded by Comm. Roberts. The Commission was polled and the motion carried (4-3 vote).

Patel – Y	Roberts – Y	Zacarias – Y	Duke – N
Hague – N	Flinchum – N	Rutter - Y	

Comm. Patel expressed concerns about the possibility of the storage facility expanding out toward Center Street in the future with the additional height allowed for self-storage in the I1 zoning district. Mr. Sickler said the front area where Ale House is located has C2 zoning and the applicant is not proposing a change there.

Comm. Zacarias moved to recommend approval with modifications; seconded by Comm. Roberts. The Commission was polled and the motion carried (4-3 vote).

Patel – Y	Roberts – Y	Zacarias – Y	Duke – N
Hague – N	Flinchum – N	Rutter - Y	

ADJOURN:

Chair Rutter adjourned the meeting at 7:52 p.m.

Valerie Hampe, Secretary

PATRICK RUTTER, CHAIR