

**PLANNING AND ZONING COMMISSION MINUTES  
REGULAR MEETING  
May 9, 2017**

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

**ATTENDANCE:** Chair Patrick Rutter; Vice Chair Ankur Patel; Comms. MB Hague, Brett Leone, Peter Robbins, Larry Roberts, Cheryl Schneider, David Flinchum (1<sup>st</sup> Alternate), James Cordeiro, (2<sup>nd</sup> Alternate); John Sickler, Director of Planning and Zoning; Stephanie Thoburn, Assistant Director of Planning and Zoning; David Kemp, Principal Planner; Peter Meyer, Senior Planner; Chang-Jen Lan, Traffic Engineer; Thomas Baird, Attorney; Valerie Hampe, Secretary.

**MINUTES:** Regular Planning and Zoning Commission meeting, April 13, 2017.

Comm. Schneider asked that her comment regarding Cornerstone on Page 3 be replaced with "Comm. Schneider asked how this project could be viewed as a large scale PUD when it is less than one acre in size and stated that she did not believe that the project was eligible for bonus points from the construction of a dock on public land".

Vice Chair Patel moved to approve the minutes as amended; seconded by Comm. Hague. The minutes were approved unanimously by consensus.

**MISCELLANEOUS:** Comm. Schneider suggested changing the format of Planning and Zoning agendas to allow for comment and discussion of items not on the agendas. Mr. Baird said he would look into whether that would be possible.

**CITIZEN COMMENTS:** None.

**CONSENT AGENDA:**

A. **OLD BUSINESS:** None.

B. **NEW BUSINESS:**

1. **Historic and Archaeological Protection Regulations** – Town-initiated zoning text amendment to Division 35 of Chapter 27 to provide for an alternate member to the Historic Resources Board. (PZ# 2404)

Town Council consideration:

June 6, 2017 – 1<sup>st</sup> rdg  
August 3, 2017 – 2<sup>nd</sup> rdg

Comm. Robbins moved to recommend approval of the Consent agenda; seconded by Vice Chair Patel. The Commission was polled and the motion carried unanimously (7-0 vote).

Flinchum – Y	Hague – Y	Robbins – Y	Roberts – Y
Schneider – Y	Patel – Y	Rutter – Y	

**REGULAR AGENDA:**

**A. OLD BUSINESS:**

2. **Housing Element Comprehensive Plan Text Amendment** – To modify Policy 1.2.10 associated with mandatory requirements of the Workforce Housing Program. (PZ# 2333) ***Acting as the Local Planning Agency***  
Town Council consideration: June 6, 2017 – 1<sup>st</sup> rdg  
August 3, 2017 – 2<sup>nd</sup> rdg

David Kemp, principal planner, answered questions asked at the April meeting and said there had not been any changes to the application since then.

Comm. Roberts asked if the calculations were based on infill properties. Mr. Kemp said the calculations included infill properties, vacant land and redevelopment areas.

Comm. Schneider asked if Staff had considered the size of projects in determining workforce housing requirements as she had requested in April. Mr. Sickler replied that the ten unit threshold is used to be consistent with Palm Beach County policies. Comm. Schneider asked about expanding the base to spread the burden. Mr. Sickler said there is a linkage fee for non-residential projects.

Vice Chair Patel asked how the Town's workforce housing funds are being used and Mr. Sickler said that has not yet been decided but land acquisition is being considered.

Comm. Hague asked about the workforce housing program in Abacoa. Mr. Kemp said the units need to remain affordable for people with up to 120% of the median income for a period of up to five years. There are no income qualifications.

Chair Rutter opened the floor to public comment.

Dick Witham said the 12% workforce housing requirement for projects which require a land use change is too burdensome. He suggested a six percent requirement across the board, including commercial developments.

Emily O'Mahoney of 2GHO made suggestions for the Comprehensive Plan including giving relief to projects that require a land use change and permitting higher density when workforce housing is built on site.

Comm. Flinchum asked Staff if percentages were rounded up when calculating requirements. Mr. Sickler said yes, for decimals 0.5 and above.

Comm. Hague suggested using different funding mechanisms for the workforce housing program to spread the burden more fairly. She also wanted the Cornerstone requirement to be six percent.

Comm. Schneider said the policy needs to be changed but we don't currently have a suitable substitute. Land use changes should not be treated differently than zoning changes if six percent is going to be used. She wanted to see the threshold raised to exempt smaller projects.

Comm. Roberts supported the six percent requirement and said the program should be funded in a way that doesn't punish small developers. He said workforce housing is important in high net-worth areas such as Jupiter.

Chair Rutter said there was a lot of cost analysis in the staff report but no offset analysis of the benefits provided. He supported the 20% requirement for land use changes.

Vice Chair Patel moved to recommend approval with Staff recommendations; seconded by Comm. Flinchum. The Agency was polled and the motion carried (5-2 vote).

Flinchum – Y      Hague – Y      Robbins – Y      Roberts – Y  
Schneider – N      Patel – Y      Rutter – N

**3. Transportation Element Comprehensive Plan Text Amendments - Modify the following:**

- Table 1 to include road segment of Island Way south of Indiantown Road;
- Road Level of Service (LOS) Tables and Figures pertaining to existing and short-term (2020) and long-term (2035) future traffic levels on the following Town-maintained road segments:
  - A1A from US1 to Jupiter Beach Road;
  - Island Way south of Indiantown Road.
- Policy 3.1.2 pertaining to adopting the LOS standard D for the above A1A road segment;
- Delete Policy 3.2.11 that pertains to establishing an adopted daily LOS standard for the above A1A road segment.

*(PZ# 2268) Acting as the Local Planning Agency*

Town Council consideration:

June 6, 2017 – 1<sup>st</sup> rdg  
August 3, 2017 – 2<sup>nd</sup> rdg

Comm. Schneider asked that the voting be separate for A1A and Island Way. Chair Rutter said that could be addressed in the motion.

Mr. Kemp noted that Chang-Jen Lan, traffic engineer for the Town was present. He reviewed the proposed changes as outlined in the staff report.

Comm. Leone arrived at 7:54 p.m.

Comm. Robbins asked for clarification of why Staff was recommending Level of Service (LOS) D for that section of A1A when LOS C is recommended elsewhere. Mr. Kemp said Staff did not find evidence of any discussion about changing the LOS from Palm Beach County LOS D to Town of Jupiter LOS C, when the Town took over that section of roadway.

Comm. Schneider asked if each component of the multi-modal evaluation for A1A needs to be evaluated separately. Dr. Lan, Town traffic engineer, said that is correct. He said the average of the pedestrian, vehicular and bicycle standards is LOS C. The vehicular component cannot be less than D to have overall LOS C.

Comm. Schneider asked why steps have not been taken to mitigate the deficiencies in A1A since it is nearing capacity. Mr. Sickler replied that Council decided to redevelop that section of roadway in keeping with the character of Inlet Village and do a study to address the resulting LOS challenges. Adding another lane or lanes would be inconsistent with Council direction and the interests of the community.

Comm. Schneider asked what kinds of steps have been considered for future mitigation. Mr. Sickler said remote parking and making residential uses easier to develop in the south part of Inlet Village to lessen the traffic there.

Comm. Hague noted that different volumes on various roadways were considered LOS C and asked if that was due to variables such as number of driveways and crosswalks; Dr. Lan said yes. Comm. Hague noted that the Community Redevelopment Agency (CRA) had given away all of the trips for LOS C on A1A between Indiantown Road and Jupiter Beach Road so there couldn't be any further development unless the road was changed to LOS D.

Comm. Hague observed that the Average Daily Trips (ADT) for vehicular traffic on A1A would exceed the allowable amount for LOS C when the trips for the approved Love Street plan are added. Dr. Lan explained the calculations and said the traffic performance standards allow for volumes to exceed the allowable maximums by ten percent.

Comm. Flinchum asked if the Interlocal Plan Amendment Review Committee (IPARC) or Palm Beach County had any comments and if any objections were expected from the Department of Economic Opportunity (DEO). Mr. Kemp said no.

Comm. Leone asked what the LOS for A1A would be if Inlet Village was fully built out with its current zoning. Mr. Sickler said probably LOS F, the Floor Area Ratios (FARs) would be difficult to reach. The proposal is to bring the road to LOS D by Town standards using the multimodal evaluation process. Comm. Leone supported LOS D to allow for further development of the area.

Chair Rutter asked if asked proportionate share would prevent an application from coming in if it would make the road fail. Mr. Sickler said no.

Chair Rutter opened the floor to public comment.

Don Hearing of Cotleur Hearing expressed concerns about the future road capacity and said the Town made a conscious decision to build A1A as it is. This is creating an unrealistic threshold. LOS C is not an appropriate level for Island Way South; it may exceed that as soon as it is built.

Comm. Hague said that the development rights of small land owners need to be protected and noted that the Comprehensive Plan requires the Town to mitigate future deficiencies.

Vice Chair Patel said he didn't want the mistakes of A1A to be repeated on Island Way. He wasn't sure LOS C was appropriate for Island Way since it will have industrial traffic as well as residential.

Comm. Schneider said changing A1A to LOS D is not really planning. Mitigation factors need to be considered since it is reasonably foreseeable that the roadway segment will run into problems. She said the first-in, first-served method for allocating trips isn't fair to small land owners. She wanted any changes to the LOS to be accompanied by mitigation and a way to protect small land owners.

Comm. Roberts said that he believed Inlet Village would be successful beyond the Town's expectations and did not want the area to be a victim of its own success. He said the strategy should have further consideration.

Comm. Leone said parking outside of Inlet Village would help mitigate the problem and encourage walking. Comm. Robbins was in favor of developing long range mitigation strategies.

Vice Chair Patel moved to recommend approval with Staff recommendations and adding an exception under 3.1.2(b) for Island Way south of Indiantown Road to change the level of service to "D".

Comm. Leone seconded the motion. He requested a clarification of whether the motion was for the regular level or multi-modal LOS D. Vice Chair Patel stated that is was for regular LOS D.

The Agency was polled and the motion carried (4-3 vote).

Hague – N	Leone – Y	Robbins – Y	Roberts – N
Schneider – N	Patel – Y	Rutter – Y	

**B. NEW BUSINESS:**

4. **Abacoa Development of Regional Impact (DRI)** – Amendments to the Development Order (DO) related to the concurrent Cinebowl development applications as follows:

- Section 3: Order –
  - Increase retail square footage, and
  - Decrease the number of movie theater screens and seats;
- Map HR – Changes to reflect the proposed modifications to "Section 3: Order."

(PZ# 2043)

Town Council consideration:

June 20, 2017

5. **Abacoa Town Center Subdistrict** - Amendment to an approved Subdistrict Master Site Plan to reduce the number of theater seats and increase the square footage of the retail on 70.4 ± acres, generally located west of Central Boulevard, east of Parkside Drive, and north of Florida Atlantic University. (PZ# 2044);

Town Council consideration:

June 20, 2017

6. **CineBowl**- Application for an individual site plan and special exceptions to construct a movie theater, bowling alley and restaurant with outdoor seating within Phase II of Abacoa Town Center, located on 1.74± acres at 4688 Main Street.

(PZ# 2045 & 2046)

Town Council consideration:

June 20, 2017

Don Hearing of Cotleur-Hearing noted that Scott Hedge, project planner, and applicants Bruce Frank and Richard Rendina were present. Mr. Hearing gave a PowerPoint presentation explaining the requests and reviewing the history of the site. He said this is considered a "B" location and it would be advantageous to have the facility located in Jupiter rather than in Alton, an "A" location, on the other side of Donald Ross Road.

Scott Hedge discussed how parking requirements in the Town Center subdistrict are being met and will continue to be met. The applicant is working with Palm Beach County to see that their parking concerns are satisfied.

Mr. Hedge said the applicant did not want to remove the median on Main Street because it helps to encourage pedestrians to cross in the appropriate places. He said the applicant was in agreement with the other conditions of approval. They did not object to lowering the architectural element height on the west elevation but had increased it in response to comments from the Abacoa Property Owners' Assembly (APOA).

Mr. Hedge said the applicant would work with Staff on a signage plan and the APOA had signed off on the proposed architecture.

Dave Kemp, principal planner, said Staff recommended approval of the request for the Abacoa Development Order amendment.

Stephanie Thoburn, assistant director of Planning and Zoning said Staff recommended approval of the subdistrict modifications which address uses in Town Center and parking. She said Staff added conditions to address Palm Beach County's concerns with parking. The Town requires 2020 parking spaces in addition to the spaces required for the uses in Town Center. Ms. Thoburn added a condition requiring Aries Land Acquisition to construct 500 parking spaces in Town Center if the lease for 500 stadium parking spaces expires with Florida Atlantic University (FAU).

Peter Meyer said Staff recommended approval of the site plan and special exceptions for the theater, bowling alley and restaurant uses. He mentioned the proposed conditions to address noise and said it has yet to be determined whether outdoor music will require special event permits or if this can be considered an outdoor venue until a plan is submitted. He suggested revising Condition 4b to increase the number of parking spaces allocated in the Phase 2 parking garage to provide the minimum stadium parking.

Comm. Flinchum, Comm. Cordeiro and Comm. Hague expressed concern about parking issues not being resolved yet. Comm. Hague asked if there had been any community outreach to Charleston Court and Island of Abacoa homeowners' associations. Mr. Hedge said no but they did have a meeting with the Town of Jupiter and Town Center at the Abacoa Golf Club.

Vice Chair Patel asked questions about the layout of the building with regard to the kitchens and restaurants. Mr. Frank explained. Vice Chair Patel asked if patrons would be able to move from one facility to another with alcoholic beverages. Mr. Hedge said the intent is to contain them within each facility and there would be security. Mr. Hearing said that would be part of the rules of conduct.

Vice Chair Patel then asked about the stadium parking spaces in Phase 2. Mr. Meyer said the spaces reserved for limited time periods do not count toward stadium parking. The number of spaces in the Phase 2 garage will have to be increased to provide the minimum stadium parking or the parking management plan will have to be revised.

Comm. Schneider asked about enforcing rules for unaccompanied minors. Mr. Frank said he lives here and he assured the Commission that they will enforce their rules of conduct to prevent problems. Comm. Schneider asked if the applicant would coordinate their outdoor entertainment with the APOA. Mr. Hedge said the music would just be one musician and there are conditions which require the applicant to further define the type of entertainment.

Comm. Roberts liked the project and said this project may make downtown Abacoa the success that it was intended to be. The parking will work out; there's plenty of space.

Comm. Leone said Cinebowl goes hand in hand with the stadium as an entertainment venue and it would increase the tax base for the Town. Mr. Hedge said it would also provide employment for kids in the community.

Mr. Rendina said they contacted more than a dozen theater operators with a request for proposals and Mr. Frank was the only one who responded. This is Jupiter's opportunity to get another theater to complete the Town's vision by bringing entertainment back to Abacoa.

Comm. Robbins suggested the applicant work with the Jupiter Police Department proactively to prevent problems with kids hanging out in the area. He liked the project but said it seemed a bit rushed with so many conditions.

Josh Simon of FLF supported the application and having live music to keep the entertainment atmosphere. He said parking is not a problem; it is just spread out in the community.

Eric McClellan, Director of Strategic Planning for Palm Beach County Facilities Development and Operations, said this is a great application but the County has not yet resolved all of the parking issues associated with it. He clarified that they were not asking for a postponement but wanted the Commission to be aware that there are some outstanding issues. The County would be happy to have CineBowl in this location, they just want take the necessary steps to plan for the success of all of Town Center.

Carol Watson suggested that the Abacoa entertainment district and the Harbourside/Inlet Village entertainment district be connected with a trolley system. She suggested taking some parking spaces in front of Cinebowl and making them into a transit pickup/dropoff.

Chair Rutter said the parking needs to be ironed out but this much commercial activity in Abacoa is a great problem to have.  
Comm. Schneider emphasized the need to coordinate with the APOA and reach out to adjacent neighborhood homeowner associations.

Comm. Hague said she would like the architecture to fit in with the surrounding buildings a little bit more. She also wanted downtown Abacoa to be called one name rather than different subdistricts and phases.

Comm. Flinchum said this is a great location. He did not want a lighted monument sign to face Charleston Court and suggested moving it toward the Abacoa Golf Club. He said the 30-foot deep sliver along University Boulevard should have more landscaping than planned and there should be more handicapped parking in front along Main Street.

Vice Chair Patel moved to recommend approval of the DRI amendments with Staff recommendations; seconded by Comm. Leone. The Commission was polled and the motion carried unanimously (7-0 vote).

Hague – Y	Leone – Y	Robbins – Y	Roberts – Y
Schneider – Y	Patel – Y	Rutter – Y	

Vice Chair Patel moved to recommend approval of the Abacoa Town Center subdistrict amendment with Staff recommendations; seconded by Comm. Leone. The Commission was polled and the motion carried unanimously (7-0 vote).

Hague – Y	Leone – Y	Robbins – Y	Roberts – Y
Schneider – Y	Patel – Y	Rutter – Y	

Comm. Leone moved to recommend approval of the site plan and special exception applications with Staff recommendations. The Commission was polled and the motion carried unanimously (7-0 vote).

Hague – Y	Leone – Y	Robbins – Y	Roberts – Y
Schneider – Y	Patel – Y	Rutter – Y	

**ADJOURN:**

Chair Rutter adjourned the meeting at 11:26 p.m.

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**Valerie Hampe, Secretary**

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**PATRICK RUTTER, CHAIR**