

**PLANNING AND ZONING COMMISSION MINUTES
REGULAR MEETING
June 12, 2018**

Vice Chair Patel called the meeting to order at 7:00 pm.

ATTENDANCE: Vice Chair Ankur Patel; Comms. David Flinchum, MB Hague, Brett Leone, Peter Robbins, Cheryl Schneider; Erasmo Haibi (1st Alternate); Frank Fore (2nd Alternate); Stephanie Thoburn, Assistant Director of Planning and Zoning; David Kemp, Principal Planner; Peter Meyer, Senior Planner; Garret Watson, Senior Planner; Peter Begovich, Planner; Thomas Baird, Attorney; Valerie Hampe, Secretary.

MINUTES: Regular Planning and Zoning Commission meeting, May 8, 2018.

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

ELECTION OF OFFICERS:

Comm. Hague nominated Vice Chair Patel for Chair; Comm. Leone nominated Comm. Robbins. Chair Patel was elected by a show of hands (4-3 vote).

Comm. Hague nominated Comm. Schneider for Vice Chair; Comm. Leone nominated Comm. Robbins. Vice Chair Schneider was elected by a show of hands (4-3 vote).

CITIZEN COMMENTS: None.

REGULAR 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 add two at-large members to the Historic Resources Board and amend Board member qualifications. (PZ# 2910)
Town Council consideration: June 19, 2018 – 1st rdg
July 17, 2018 – 2nd rdg

David Kemp, principal planner, reviewed the application and stated that Staff recommended approval.

Comm. Hague asked when the Code had been modified to allow non-residents to serve on the Board as long as a majority of Board members were Jupiter residents. Mr. Kemp replied that it was changed in 2013.

Historic and Archaeological Regulations – cont’d

Comm. Leone asked why the language had been changed to allow non-residents to serve on the Board. Mr. Kemp replied that there were people who lived in unincorporated areas who were qualified and wanted to serve. Ms. Thoburn added that there had been difficulty in finding qualified Jupiter residents.

Comm. Hague suggested changing the language to limit the qualification to areas that are adjacent to Jupiter. Comm. Leone said it seemed unlikely that Council would appoint someone from too far away.

Comm. Leone moved to recommend approval; seconded by Vice Chair Schneider. The Commission was polled and the motion carried (7-0 vote).

Schneider – Y	Flinchum – Y	Hague – Y	Haibi – Y
Leone – Y	Robbins – Y	Patel - Y	

2. **113 Old Jupiter Beach Road** – Variance request to Section 27-1397(4)(a) entitled “Shoreline Stabilization” to install a seawall waterward of the mean high water line on an unarmored portion of the waterfront, located at 113 Old Jupiter Beach Road. (PZ# 2876) ***Acting as the Zoning Board of Adjustment***

Chair Patel asked the Board to state disclosures. Comms. Haibi and Hague said they had visited the site. Chair Patel and Comms. Robbins and Flinchum drove by the site.

Mr. Baird conducted the swearing in of witnesses.

Ken Valdivia, property owner, said he had proof that the seawall extended across the boat ramp area in 1975 and was later made into a boat ramp. He disagreed with Staff’s interpretation of the boat ramp as a natural shoreline. The Army Corps of Engineers and Florida Department of Environmental Protection have approved his plan to build across the boat ramp and provide riprap along the entire length of the seawall. He provided pictures to the Board showing the area at high tide and low tide.

Mr. Watson, senior planner, displayed diagrams of the applicant’s request, the Code-complaint design, and Staff’s recommended design if the Board determines that the applicant has met all seven variance criteria. He reviewed the reasons Staff did not consider Criteria 3 and 4 to be met.

Comm. Flinchum said the Staff interpretations of Criteria 5, 6 and 7 seem to indicate it would be better to build the seawall straight across the boat ramp area. Mr. Watson replied that the boat ramp is not currently an ecotone and wherever the wall is placed, the riprap will improve that situation. Comm. Flinchum asked about the property next door and how it would interact with the subject property’s seawall. Mr. Watson said that the neighbor has not applied for a seawall permit yet so the seawall location was just conceptual.

113 Old Jupiter Beach Road – cont'd

Comm. Fore asked if the proposed notch would affect future development of the subject property with respect to the required building setback from the water. Mr. Watson said yes; the setback requirement follows the mean high water line or property line, whichever is closer.

Comm. Hague noted that Staff's response to Criterion 3 indicated that riprap could be stepped down to the water in the boat ramp area. This would stabilize the property and allow for a kayak launch. Comm. Hague asked if there was a compromise on the property to allow for the beach area to remain, but allow a wall to be installed. Mr. Watson replied that the compromise recommended by staff was to install the wall on the mean high water line.

Comm. Haibi asked if the plan had Staff prepared would meet the setback and Mr. Watson said no. Comm. Haibi asked the applicant if he had concerns with the wall encroaching into the property and the proximity to the upland retaining wall on the property. Mr. Valdivia said yes.

Comm. Leone asked about a previously approved variance application on the north side of the FEC canal. Mr. Watson stated that the property didn't have a seawall and that the Zoning Board of Adjustments approved the variance with a zero foot setback from the mean high water line.

Comm. Robbins asked if there would be a significant cost difference in constructing the seawall as proposed by the applicant versus Staff's suggestion. Mr. Valdivia said yes; the wall would be about \$300 per linear foot so the additional length would be significant.

Chair Patel asked if the 20 percent requirement for mangroves includes any mitigation for the existing mangroves. Mr. Watson clarified that the condition was to have an overall percentage of shoreline covered with mangroves of 20 percent which includes existing and proposed mangroves.

Chair Patel opened the floor to public comment.

Tony Hernandez said he was the property owner directly to the west. He was in favor of the applicant's request to build the seawall straight across the boat ramp area, but had some concerns with the location of riprap affecting his future seawall placement.

Comm. Robbins stated that the subject variance is fixing a condition that is unfavorable and moving the wall back would create a significant cost for the applicant. As a compromise, Comm. Leone suggested moving the wall in the boat ramp area five feet landward from where it would be required per the code versus continuing the seawall straight across the boat ramp. Chair Patel said it was difficult to know where the wall should be without knowing the placement of the wall on the property to the west.

Comm. Robbins moved to approve the variance request as submitted. Comm. Flinchum seconded the motion for discussion and asked if it the motion included Attachment H, Staff's proposal. Comm. Robbins said no and Comm. Flinchum withdrew his second. The motion died for lack of a second.

113 Old Jupiter Beach Road – cont'd

Comm. Leone moved to place the wall in the boat ramp area 12 feet waterward from the location of the existing mean high water line. Vice Chair Schneider asked if the motion included Staff's recommendation to plant 20% of the shoreline with mangroves and Comm. Leone said yes. Vice Chair Schneider seconded the motion.

The Commission was polled and the motion carried (5-2 vote).

Schneider – Y	Flinchum – N	Hague – N	Haibi – Y
Leone – Y	Robbins – Y	Patel – Y	

3. **Harbourside Place** - Application for a Class "B" Special Permit to hold an event known as "July 4th Celebration on the Waterfront!", that includes fireworks on the Building 3A Parking Garage on July 4, 2018, located at the northwest corner of U.S. Highway One and Indiantown Road. (PZ# 2925)

Chair Patel asked the Commission to state disclosures and there were none. Comms. Haibi and Hague said they had visited the site. Mr. Baird conducted the swearing in of witnesses.

John Hamma, marketing and events manager for Harbourside, gave a PowerPoint presentation. He said this permit was the same as the fireworks display approved for New Year's Eve six months ago and there were no problems with that event. He discussed the plan details and said fireworks are what draw crowds on July 4th.

Peter Begovich, planner, said Staff recommended approval of the special permit with the conditions listed in the staff report. All of the special event criteria will be met if the applicant adheres to the conditions of approval.

Comm. Haibi asked if there was a safety plan. Mr. Begovich replied that safety is managed by the Palm Beach County Fire Rescue permit that is also required. Ms. Thoburn added that Palm Beach County Fire Rescue will be on site during the event and have the authority to require road closures or cancel the fireworks.

Vice Chair Schneider asked if there would be a shuttle bus from remote parking at the Methodist church and Mr. Hamma said yes; there will be a shuttle bus going back and forth constantly. Vice Chair Schneider asked if the two ADA parking spaces being moved to the church could remain on site. Mr. Hamma said yes; they will convert regular parking spaces to ADA parking.

Comm. Hague asked if Water's Edge residents had contacted Harbourside or Staff after the New Year's Eve display. Mr. Hamma and Mr. Begovich said no. Comm. Hague then asked about the permit proceeding in light of the Notices of Violation (NOVs) issued. Mr. Baird said that the Town Manager made the decision to allow this application to proceed.

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

Harbourside Place – cont'd

Comm. Flinchum moved to approve the application with the conditions recommended by Staff and the addition of two on-site ADA parking spaces; seconded by Comm. Hague. The Commission was polled and the motion carried unanimously (7-0 vote).

Schneider – Y	Flinchum – Y	Hague – Y	Haibi – Y
Leone – Y	Robbins – Y	Patel – Y	

3. **Jupiter Medical Center** – Site plan amendment application for a major expansion to add a five-story 41,231 square foot (sf) addition on the east side of the existing hospital building, on a 27.3± acre property at 1210 Old Dixie.

(PZ# 2796)

Town Council consideration:

July 17, 2018

Comm. Robbins recused himself from the item because of his wife's professional involvement with the medical center.

Chair Patel asked for disclosures. Chair Patel and Comms. Haibi, Hague, Flinchum had driven by the site. Mr. Baird conducted the swearing in of witnesses.

Jeremy Hubsch of Cotleur Hearing gave a PowerPoint presentation. He discussed the proposed site plan, elevations and parking. There is a large donor who has placed time constraints on the construction so the applicant is seeking flexibility in the timelines for some of the conditions.

Peter Meyer, senior planner, stated that Staff recommended approval of the application with the conditions listed in the staff report. Approval will be contingent upon receipt of a Traffic Performance Standard letter from Palm Beach County. The applicant meets the parking requirements of Code.

Comm. Flinchum asked if Staff would agree to change the following conditions as requested by the applicant:

Condition 7, Revised landscape plan – Mr. Meyer said he would prefer to require this 60 to 90 days after the development permits are issued for the NICU rather than prior to Certificate of Occupancy (CO).

Condition 10, Comprehensive drainage system design – Mr. Meyer said he would prefer to require this 60 to 90 days after the development permits are issued for the NICU rather than prior to Certificate of Occupancy (CO).

Condition 6b2, Completion of north parking lot prior to commencement of construction – Mr. Meyer said he wanted the condition to remain and not remove it as requested by the applicant.

Condition 5, Bus shelter – Ms. Thoburn clarified that Staff suggests the applicant work with Palm Tran prior to development permit issuance and construct prior to CO if permitted by Palm Tran.

Comm. Flinchum concluded by suggesting removal of the seven angled back-out parking spaces on the drive aisle from Old Dixie.

Jupiter Medical Center – cont'd

Comm. Hague said it is difficult to find parking at the medical center. She suggested that the parking should be calculated on square footage rather than the number of beds since it is a facility that has outpatients, visitors, employees and others using it. It does not meet the needs of the community; there should be a parking garage.

Mr. Hearing said the hospital now controls more land and can provide additional parking if necessary but it would be premature to build a parking structure.

Vice Chair Schneider agreed with Comm. Hague that the parking is inadequate. She said that the Code requires 1.5 spaces per bed but the Institute of Traffic Engineers has a standard of 3.47 spaces per bed. She asked that a condition be added to require more parking; perhaps 2 spaces per bed or more.

Ms. Thoburn said the applicant is meeting Code. Staff required the applicant to do a parking study and that is why they are providing more parking and off-site parking.

Comm. Haibi asked if stackable parking had been considered and noted that it is moveable. Mr. Hearing said it was not part of this application but they would look at it.

Chair. Patel asked these questions:

What will be the signage for the NICU? Mr. Hearing said the applicant is working with Staff to develop a master signage plan.

Will there be a lighted crosswalk at the main entrance from Old Dixie? Mr. Hearing said the applicant would provide that.

Would Staff agree to delay the deadline for the drainage design in Condition 10a? Ms. Thoburn said the Stormwater department would have to be consulted.

Will there be a shuttle for visitors and patients? Mr. Hearing said there will continue to be free valet during construction. Shuttles are a possibility in the future.

Will there be adequate restrooms in the main lobby? Mindy Meyer-Corrado of SBA Architects described the locations nearby in the existing building but not shown on the plan.

Chair. Patel suggested electric charging stations on the parking lot.

Comm. Fore said he would like it to be clear that the main entrance is not the emergency entrance. He added that pavers would not be good for people with ambulatory issues. Mr. Hearing said they may use colored concrete for a decorative surface.

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

Comm. Hague said the NICU is a wonderful project but she was very disappointed with the parking. She could not support something that would not be meeting the needs of residents and people using the facility.

Comm. Flinchum suggested restriping the northeast section of the parking lot to provide more spaces.

Jupiter Medical Center – cont'd

Comm. Flinchum moved to recommend approval with Staff recommendations and the following modifications:

- **Condition 5, Bus Shelter** – Add a step to include approval by Palm Tran.
- **Angled Parking** – Delete the angled back-out spaces north of the modular building that would back out into the main entrance drive aisle.
- **Condition 7a, Landscape Plan** – Change “prior to the issuance of any development permits” to “within 90 days of issuance of any development permits” for the applicant to submit a landscape plan.

Comm. Leone seconded the motion.

Chair. Patel asked if Comm. Flinchum would amend the motion to include a lighted crosswalk at the main entrance off of Old Dixie and he said yes. Comm. Leone agreed.

The Commission was polled and the motion carried (6-1 vote).

Schneider – Y	Flinchum – Y	Fore – Y	Hague – N
Haibi – Y	Leone – Y	Patel – Y	

5. **Home Depot** – Special exception and site plan amendment applications to demolish an existing retail building (fka Sports Authority) and a portion of the existing Home Depot and construct a 39,575 sf expansion to the existing building, on a 17.8± acre property located at 1560 and 1694 W. Indiantown Road. (PZ# 2718 & 2719)

Town Council consideration:

July 17, 2018

Chair Patel asked for disclosures and said a college friend was representing the applicant but he had not spoken with him. Several commissioners had visited the site.

Mr. Baird conducted the swearing in of witnesses.

Edward Allen of Greenberg Farrow Architects gave a PowerPoint presentation on behalf of the applicant, Home Depot. He said the plan is to demolish the Sports Authority store and expand Home Depot in the same footprint while enclosing the storage area between the structures. The inside of the existing Home Depot will be remodeled.

Mr. Allen stated the applicant's requests for modifications:

- Reduce required bike racks from five to two;
- Permit display of live plants in front of the garden shop;
- Reduce east-west drive aisle adjacent to the outparcels from 29 feet to 24 feet rather than 20 feet as suggested by Staff;
- Provide four angled “pro parking” pull-thru spaces near the east side of the building for large contractor trucks; and
- Reconfigure joint access from Indiantown Road on the eastern edge of the property.

Home Depot – cont'd

Peter Meyer, senior planner, stated that Staff recommended approval of the application. He said there has been a history of outdoor storage violations so Staff added a condition for screening along the west wall. Staff will agree to the 24-foot drive aisle width for the east-west drive aisle adjacent to the outparcels if the applicant can justify that the width is needed for truck movement.

Comm. Robbins asked how the applicant planned to stay in compliance with Code. Mr. Allen said the changes will bring the site up to Code. Building services, the store manager and the district manager will all be made aware of the requirements to remain in compliance.

Comm. Leone asked how much greenspace would be added if the east-west drive aisle was narrowed to 20 feet versus 24 feet. Barbara Hall, attorney with Greenberg Traurig, replied that it would be 7,000 s.f.; one tenth of one percent.

Comm. Haibi agreed with the applicant's proposal to move the crosswalk outside the garden center eastward for pedestrian safety. He suggested changing the "Yield" sign on the pavement to "Stop". Jason Gunther, of Thomas Engineering said that would compound the problem of traffic backing up onto Maplewood Drive. Comm. Haibi concluded by saying the east-west drive aisle shouldn't be narrowed. There should be more landscaping on the front and back of the building.

Vice Chair Schneider asked if the applicant knew why the parking lot flooded. Mr. Allen said the contractor will work to solve the issue and he noted that the drains by Sports Authority have been clogged.

Comm. Fore asked how far the western edge of the crosswalk would be moved and Mr. Allen said about 30 feet eastward. Comm. Fore recommended speed bumps.

Comm. Flinchum said the application would intensify use so the applicant must meet the greenspace requirement. Ms. Hall replied that Code requires applicants to meet parking requirements and then maximize greenspace to the extent they are able.

Comm. Flinchum asked if there are any current Code violations on the property. Mr. Meyer said yes; because of the outdoor storage. This application is intended to solve that problem. Ryan King, landscape architect with Thomas Engineering Group, said the applicant is in agreement with Staff about the landscape conditions of approval.

Comm. Leone asked if the square footage would increase when the outdoor storage area is enclosed. Mr. Allen said no; the east wall of the current Sports Authority would move inward and there would be more room for landscaping on the east side of the building.

Chair. Patel asked:

Can the foundation planting be made to look more like Chasewood Publix?

Ms. Thoburn said Staff recommends 40% as required by Code and suggests more depth for a variety of plantings.

Home Depot – cont'd

Has deferred parking been considered to help meet greenspace requirements? Ms. Thoburn said deferred parking is not counted toward greenspace since it may be removed.

Would a green roof count as greenspace? Ms. Thoburn said no; it has to be pervious area.

Chair. Patel said he was in favor of narrowing the crosswalk and using speed bumps. He asked about reducing the number of bike racks and Mr. Meyer said there is a provision in Code to allow it if justified.

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

Comm. Leone suggested a raised crosswalk speed table for traffic calming rather than speed bumps. Vice Chair Schneider said there should be a turning study before deciding whether or not to narrow the east-west drive by the outparcels.

Comm. Fore suggested turning the northernmost parking into greenspace. Comm. Flinchum agreed and Ms. Thoburn said deferred parking would be the best way to put plantings there. The parking could be reclaimed if needed.

Comm. Flinchum said it's too bad that there isn't a sliding scale for parking since the garden center isn't actually enclosed. Home Depot will probably never need the remote parking at the northern edge of the parking lot. However, a future tenant would likely want to enclose the garden area and then the parking would be needed.

Chair Patel concurred that deferred parking could solve the greenspace shortage in the present. If changes are made in the future, parking requirements could be re-evaluated then. He liked the idea of raising the crosswalk but added that it should be narrowed to keep pedestrians from dispersing further.

Comm. Leone moved to recommend approval. Vice Chair Schneider asked if he would include a raised crosswalk in his motion and he said yes. Comm. Hague seconded the motion.

Comm. Flinchum suggested adding a condition for the applicant and Staff to work together to turn the northern bank of parking spaces into deferred parking to meet the 30% greenspace requirement. Comm. Leone agreed.

Comm. Hague asked if the "pro parking" would remain. Comm. Leone said yes and agreed to strike Condition 9c which would require the removal of "pro parking".

Comm. Leone restated his motion. He moved to recommended approval with Staff recommendations and the following amendments:

- **Pro parking** – Remove Condition 9c so that the "pro parking" would remain;
- **Crosswalk** – Add a raised pedestrian speed table; and
- **Deferred parking** – Add a condition for the applicant and Staff to review the northernmost row of parking in the north parking lot to make it deferred parking to increase greenspace.

Home Depot – cont'd

Comm. Hague seconded the motion.

The Commission was polled and the motion carried unanimously (7-0 vote).

Schneider – Y	Flinchum – Y	Hague – Y	Haibi – Y
Leone – Y	Robbins – Y	Patel – Y	

MISCELLANEOUS:

Chair Patel proposed adding a time at the end of future meetings for commissioners make suggestions to Staff.

Comm. Leone proposed starting meetings with the pledge of allegiance.

ADJOURN:

Chair Patel adjourned the meeting at 11:06 p.m.

Valerie Hampe, Secretary

ANKUR PATEL, CHAIR