

**PLANNING AND ZONING COMMISSION MINUTES
REGULAR MEETING
June 13, 2017**

Mr. Baird, Town attorney, opened the meeting at 7:00 by saying that the Commission needed to choose a chairperson for the evening. Comm. Hague nominated Comm. Flinchum and there were no other nominations. Mr. Baird said Comm. Flinchum was selected as the acting chairperson by acclamation.

Acting Chair Flinchum called the meeting to order at 7:03.

ATTENDANCE: Comms. MB Hague, Brett Leone, Peter Robbins, Larry Roberts, Cheryl Schneider, David Flinchum (1st Alternate), James Cordeiro, (2nd Alternate); Stephanie Thoburn, Assistant Director of Planning and Zoning; Peter Meyer, Senior Planner; Garret Watson, Planner; Thomas Baird, Attorney; Valerie Hampe, Secretary.

MINUTES: Regular Planning and Zoning Commission meeting, May 9, 2017.

Comm. Leone moved to approve the minutes; seconded by Comm. Hague. The minutes were approved unanimously by consensus.

CITIZEN COMMENTS: None.

CONSENT AGENDA:

A. **OLD BUSINESS:** None.

B. **NEW BUSINESS:**

CONTINUED TO 7/11/17

- **Love Street Development** – Amendments to the approved small-scale Planned Unit Development (PUD) and a site plan for retail, restaurant, and office on 2.0+/- acres at 1116 Love Street. (PZ# 2319 and 2320)

Town Council consideration:

August 3, 2017

Comm. Leone moved to approve the Consent Agenda; seconded by Comm. Hague. The motion carried unanimously by consensus.

REGULAR AGENDA:

A. **OLD BUSINESS:**

1. **Florida East Coast Railroad (FEC) Offsite Parking** – Request for variances for an offsite parking lot on a portion of property owned by Florida East Coast Railway located on the east side of Old Dixie Highway between Center Street and Florida Avenue to allow a:

- Reduced number of required perimeter trees [Section 23-61(a)];
- Temporary offsite parking agreement [Section 27-1261(b)(2)(e)]; and
- Gravel parking lot [Section 27-1262(a)(4)(c)].

(PZ# 2129, 2441, 2442) ***Acting as the Zoning Board of Adjustment***

Mr. Baird conducted the swearing in of witnesses and Acting Chair Flinchum asked for ex-parte disclosures. Comm. Leone said he was employed by Cotleur Hearing, the applicants' agent, at the time the application was submitted. Mr. Baird said this would not constitute a voting conflict.

Don Hearing of Cotleur Hearing gave a PowerPoint presentation on behalf of the applicants. He noted that representatives from Christian Thomas Construction and OnShore Construction were present. Vincent Pezzino, owner of 105 Center Street, was also present.

Mr. Meyer said Staff recommended approval of the variance requests subject to the conditions outlined in the staff report. He noted that the applicants' three related site plans could be approved administratively if the variances were granted.

Mr. Meyer said all three applicants requested two variances each: to allow the offsite parking agreement to be temporary and to allow a gravel parking lot. Mr. Pezzino requested the additional variance to reduce the number of required perimeter trees. The variance approvals shall be vacated when the FEC leases are terminated.

Comm. Robbins asked how people would know to park at a diagonal angle. Mr. Meyer said there will be angled wheel stops and pavers at the end of the parking spaces. Comm. Robbins asked about paving if the Town Engineer determined that gravel became a nuisance. Mr. Hearing said there will be a concrete apron and the applicants are in agreement with that condition.

Comm. Roberts said it looked like North Old Dixie Highway is on the railroad easement. Mr. Hearing said the railroad owns the land but the public can use it; the Town maintains it.

Comm. Schneider asked if the parking lot would have lighting. Mr. Hearing replied that there would be some light from the streetlights. Ms. Thoburn said there should have been a variance request for the exclusion of lighting. Mr. Hearing said they could work with the Town Engineer to provide lighting for Ferro Via if needed. The two construction businesses only operate during the day.

Comm. Hague asked the following:

How long do the FEC leases run? Mr. Hearing said one year.

Will there be overnight parking? Mr. Hearing said no; it will be posted for towing.

What is the cost differential between paving and gravel? Mr. Hearing said about \$40,000 but the FEC won't permit paving. Mr. Meyer said the FEC is concerned about drainage but has not prohibited paving. Ms. Thoburn said the Engineering Department is requesting a gluing agent to stabilize the gravel and it would provide better drainage than pavement.

Does Ferro Via have a certificate of occupancy? Mr. Hearing said no. There is a certificate of completion for the building but there aren't any interior improvements.

Comm. Cordeiro asked if the community had any additional concerns. Mr. Hearing said drainage continues to be an issue but Jupiter is adding another outfall.

Acting Chair Flinchum asked if the applicants had considered an access point opposite Seminole Avenue. Mr. Hearing said yes but the Town Engineer wanted a 3-way stop there and the residents objected.

Acting Chair Flinchum said the two trees marked for preservation are Acacia trees. If one of the trees is not preserved there will be an additional parking space. Acting Chair Flinchum asked if the applicant would install ground cover along the sidewalk leading up to the intersection and Mr. Hearing said yes.

Acting Chair Flinchum opened the floor to public comment.

Robert Culpepper said OnShore Construction and Christian Thomas Construction have been in violation of Town Code with their leases with FEC. They both have the required amount of parking on site. He said the residents would prefer no parking on Old Dixie Highway but they would like these improvements done in a timely manner.

Comm. Roberts asked what the intent is for tenancy in Ferro Via and if it might be evening entertainment. Mr. Hearing said he didn't think there was enough parking for anything significant in the evening.

Comm. Schneider said she would like to see lighting required if there is going to be evening use of the parking lot. Otherwise, she was in agreement that the variance criteria had been met.

Acting Chair Flinchum asked if lighting would have to be a condition and Ms. Thoburn said no, it is required by Code. Mr. Hearing said the applicant did not object to the condition suggested by Comm. Schneider.

Comm. Hague said it would make sense to pave it now if gravel is a concern. However, if the Director of Engineering is comfortable with gravel and it will help drainage, she would defer to that. The parking is really needed.

Comm. Leone moved to approve the variances as recommended by Staff with a condition to require lighting, subject to FEC approval.

Comm. Hague seconded the motion.

Acting Chair Flinchum suggested amending the motion to require:

- **Removal of the acacia trees.**
- **Addition of shrubs** lower than 24 inches along the sidewalk being added from the parking area up to the Center Street intersection; subject to FEC approval.
- **Addition of signage that prohibits any overnight vehicle.**

Comm. Leone and Comm. Hague agreed to all three of Acting Chair Flinchum's amendments. The Board was polled and the motion carried unanimously (7-0 vote).

Hague – Y Leone – Y Robbins – Y Roberts – Y

Schneider – Y Cordeiro – Y Flinchum – Y

2. **Allow Office in US1/ICW, Entertainment Subdistrict** - Zoning text amendment to Section 27-860.1 to allow office as a special exception on the ground floor of the Waterway Commercial and Entertainment subdistrict of the US 1/Intracoastal Waterway Corridor for properties developing adjacent to the Riverwalk.

(PZ# 2260)

Town Council consideration:

July 18, 2017 – 1st rdg
August 15, 2017 – 2nd rdg

Emily O'Mahoney of 2GHO gave a PowerPoint presentation. She said the Cornerstone applicants are bringing this amendment forward but it will affect the whole district. This will provide more opportunity for leasing space on the ground floor and make it a true commercial space rather than just a retail space. She noted that Cornerstone would be across from the Riverwalk and not fronting directly on it.

Mr. Watson said this amendment will only affect the use table for properties that front the Riverwalk; not U.S. One. Staff considers Cornerstone as fronting on the Riverwalk because although they are across Coastal Way, the majority of the frontage faces Riverwalk. This will allow a little more flexibility in uses in the corridor.

Comm. Robbins asked if Staff considered allowing a percentage of floor space to be allowed for office rather than a 2500 s.f. maximum for all developments regardless of size. Mr. Watson said Staff considered linear footage and other ideas but settled on 2500 s.f. as a good number. This approach does not leave room for interpretation of Riverwalk frontage.

Comm. Leone asked how the amendment would affect the previously approved office uses in the district. Mr. Watson answered that if the amendment passed, it would legitimize those uses as offices. Comm. Leone asked how Staff arrived at 2500 s.f. Ms. Thoburn replied that the Code already specifies 2500 s.f. and 5000 s.f. in the Entertainment district and 2500 s.f. is about two bays in a building.

Comm. Leone asked if there would be any objection to limiting the types of offices allowed to more engaging uses such as real estate. Ms. O'Mahoney said the owners want to lease to the highest levels and those are the most interactive uses. Comm. Leone said he just wanted to be sure the active uses won't be run out.

Comm. Roberts asked how large the ground floor of Cornerstone will be and Mr. Watson said 2500 s.f. Comm. Roberts noted that the entire floor would be usable as office space for them.

Comm. Schneider asked if the proposed change was a philosophical change for the Entertainment district or if it was being driven by the application. Mr. Watson said it was unknown how the Riverwalk would evolve when the regulations were originally written. Allowing a small amount of office use on the ground floor is a good way to bring a mix of uses. Ms. Thoburn said the change is consistent with the evolving vision of Riverwalk and there have been other similar requests that have gone to Town Council for office use in Jupiter Yacht Club.

Comm. Schneider asked why Staff is looking at the Cornerstone application in terms of fronting on the Riverwalk instead of U.S. One where office use would be permitted. Ms. Thoburn said the issue is the precedent it would create for other properties to claim that they are not next to Riverwalk and therefore shouldn't have to provide active uses.

Comm. Hague asked if the intent is to exclude medical and dental offices. Ms. Thoburn said yes; these are separate uses from business offices.

Comm. Cordeiro said allowing office space in the Entertainment district seems like it would be a deterrent to visitors coming in. Mr. Watson said Staff envisions discouraging large offices and having small offices that engage the public. Ms. Thoburn said the added flexibility in uses will help in keeping space occupied.

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

Comm. Robbins moved to recommend approval; 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 Cordeiro – Y Flinchum – Y

3. **Cornerstone** – Large Scale Planned Unit Development, Special Exception, and Site Plan applications for a mixed use building with 15 residential units and commercial, on a 1.0± acre property, located at 50 S. U.S. Highway One. (PZ# 2083, 3084, 2085 and 2086);

Town Council consideration:

July 18, 2017 – 1st rdg
August 15, 2017 – 2nd rdg

Emily O'Mahoney of 2GHO gave a PowerPoint presentation and summarized the changes made since this item was heard by the Commission in April. She discussed the applicant and Staff positions on each of the requests. She noted that the Commission had requested payment in lieu of dock construction for bonus points and asked for clarification on whether each dock space would be considered worth one or two bonus points.

Mr. Watson stated Staff's position on the applicant's requests. He discussed the changes and calculation of bonus points, explaining different scenarios regarding height, square footage and recreation land. Staff continued to recommend that three workforce housing units be provided in accordance with Code.

Comm. Robbins asked for clarification regarding Staff's position on not granting bonus points for on-street public parking. Mr. Watson replied that patrons of the businesses would likely park there anyway. He added that Harbourside had requested the same thing and it was not granted, so there is precedent. Ms. Thoburn said the Code states that on-street parking in Town rights-of-way are for public use. Bonuses should be given for benefits on private property, not public land.

Comm. Leone asked why Staff recommended reducing the bonus points for docks from two to one bonus point. Mr. Watson replied that the applicant is applying for points for the docks in the Offsite Contributions category which differs from projects providing docks on private property. Harbourside used the Public Docks category because they provided the docks on their own property.

Comm. Leone noted that the cost of constructing docks at Cornerstone would be more expensive than other locations because of the amount of mangroves that would have to be traversed. He asked if there is a set price for a dock. Mr. Watson said the cost referred to by the applicant in the staff report is based on the Community Redevelopment Agency (CRA) plan which does not provide a dollar amount for bonus points.

Ms. Thoburn said Staff was evaluating credits and bonus points based on Table 3 of the U.S. One Intracoastal zoning district. She explained how the points were calculated. Ms. O'Mahoney said the Code states that a dock is worth two points.

Mr. Leone asked if the applicant considered buffering the recreation land easement area from the roadway by moving the sidewalk back toward the building and adding more landscaping. Ms. O'Mahoney stated that the area is totally landscaped and acts as a relief from the roadway and the building.

Comm. Roberts asked if the public would be allowed access to the green roof. Ms. O'Mahoney said the green roof would be considered private recreation space for the residents.

Comm. Schneider said she did not understand Staff's objection to the urban recreation space since so many other things have been waived for this application. Ms. Thoburn said this area is a required landscape buffer and allowing this to be considered recreation space would set a bad precedent. She stated other communities had provided private recreation space for their residents, but they also paid out for the recreational land dedication.

Comm. Schneider asked why bonus points would not be given for the green roof. Mr. Watson said the green roof is being counted as a public benefit for the Planned Unit Development (PUD). The Town created a defined list of items that could be used for bonus points in this corridor so that the corridor would develop to match the Town's vision.

Comm. Hague said the recreational use in the property along U.S. One would be allowing people to walk through the landscape. Acting Chair Flinchum asked if the applicant could provide furniture in the buffer to make it more suitable for passive recreation and Ms. O'Mahoney said yes. Ms. Thoburn said Staff would be willing to look at the applicant's proposal.

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

Comm. Schneider did not support the public docks and said the in-lieu payment proposed is way too high. She said the Town is at risk for making projects uneconomic with all the extra requirements. She concluded by saying there should be credit for the green roof and she would like to see the urban space work out for the recreational land dedication.

Comm. Hague said the site is disadvantaged because of its size. It is providing many benefits that can't be counted. She supported granting two bonus points per dock so bonus points for the green roof would not be needed. She supported payment in lieu of constructing the docks but said the proposed cost is too high. She supported the applicant's proposed recreational space.

Acting Chair Flinchum said he would like to pursue lighting and furniture to make the landscape buffer a recreation area. He supported giving bonus points for green roofs and other green initiatives in the future.

Comm. Schneider moved recommend approval with the following amendments:

- allowing the urban space recreation land dedication;
- allowing two bonus points per dock; and
- lowering the payment in-lieu per dock.

Comm. Hague seconded the motion.

Comm. Schneider amended the motion to suggest a total payment of \$280,000 in lieu of docks, as suggested in the CRA report. Comm. Hague agreed to the amendment.

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

Hague – Y	Leone – Y	Robbins – Y	Roberts – Y
Schneider – Y	Cordeiro – Y	Flinchum – Y	

ADJOURN:

Acting Chair Flinchum adjourned the meeting at 9:25 p.m.

Valerie Hampe, Secretary

PATRICK RUTTER, CHAIR