

**PLANNING AND ZONING COMMISSION MINUTES  
REGULAR MEETING  
October 10, 2017**

Chair Rutter called the meeting to order at 7:02 pm.

**ATTENDANCE:** Chair Patrick Rutter, Vice Chair Ankur Patel; Comms. MB Hague, Brett Leone, David Flinchum (1<sup>st</sup> Alternate), James Cordeiro (2<sup>nd</sup> Alternate); John Sickler, Director of Planning and Zoning; Scott Thatcher, Principal Planner; Martin Schneider, Senior Planner; Garret Watson, Planner; Thomas Baird, Attorney; Valerie Hampe, Secretary.

**MINUTES:** Regular Planning and Zoning Commission meeting, August 8, 2017.

Comm. Leone requested that the first paragraph under the Adaptive Reuse Regulations item on Page 2 be changed to state that he currently works for the agent and has direct involvement with the project.

Vice Chair Patel moved to approve the minutes with the correction; 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 11/14/17**

**Home Improvement Center Parking** – Zoning Text Amendment to add a definition for home improvement center and a new use category in the off-street minimum parking space requirements for home improvement centers over 100,000 square feet of gross floor area. (PZ# 2352)

Town Council consideration:

December 19, 2017 – 1<sup>st</sup> rdg

January 16, 2018 – 2<sup>nd</sup> rdg

1. **First Citizens Bank at Barcelona Commercial** - Planned Unit Development (PUD) and site plan amendments to modify the commercial uses on Lot 2 to replace restaurant, medical office, and retail with a bank located at 1098 Military Trail. (PZ# 2448 & 2449)

Town Council consideration:

November 21, 2017 – 1<sup>st</sup> rdg

December 19, 2017 – 2<sup>nd</sup> rdg

2. **Green Roof Parking Structures** – Zoning text amendment to Section 27-860.8(6), entitled “Additional Parking Structure Regulations” to exempt single story parking structures with green roofs from lot coverage in the US-1/Intracoastal Waterway Corridor. (PZ# 2556)

Town Council consideration:

November 21, 2017 – 1<sup>st</sup> rdg

December 19, 2017 – 2<sup>nd</sup> rdg

3. **Inlet Waters** – Application for a Zoning Map amendment from C-2, General Commercial District to the Inlet Village District – Residential Subdistrict for a 3.8 +/- acre property located at 700 North A1A. (PZ# 2495)

Town Council consideration:

November 21, 2017 – 1<sup>st</sup> rdg

December 19, 2017 – 2<sup>nd</sup> rdg

Comm. Hague pulled the Green Roof Parking Structures item from Consent.

Comm. Leone moved to recommend approval of the remaining Consent items; seconded by Vice Chair Patel. The Commission was polled and the motion carried unanimously (6-0 vote).

Cordeiro – Y      Hague – Y      Flinchum – Y

Leone – Y      Patel – Y      Rutter - Y

**REGULAR AGENDA:**

1. **Green Roof Parking Structures** – Zoning text amendment to Section 27860.8(6), entitled “Additional Parking Structure Regulations” to exempt single story parking structures with green roofs from lot coverage in the US-1/Intracoastal Waterway Corridor. (PZ# 2556)

Town Council consideration:

November 21, 2017 – 1<sup>st</sup> rdg

December 19, 2017 – 2<sup>nd</sup> rdg

Comm. Hague asked where the changes would be placed in the Code and wanted to ensure that regulations would require intense vegetation. Mr. Sickler said the changes would be under Additional Parking Structure Regulations in the Architectural Design Standards section of the Code. He said the underlined language on Page 3 of the staff report, which includes the reference to intense vegetation, would be codified.

Vice Chair Patel moved to recommend approval with Staff recommendations; seconded by Comm. Leone. The Commission was polled and the motion carried unanimously (6-0 vote).

Cordeiro – Y      Hague – Y      Flinchum – Y

Leone – Y      Patel – Y      Rutter - Y

2. **22 Eganfuskee Street** - Variance request to Section 27-1397(4)(a) entitled "Shoreline Stabilization" to install a seawall at the mean high water line on an existing unarmored shoreline, located a 22 Eganfuskee Street. (PZ# 2371)  
***Acting as the Zoning Board of Adjustment***

Chair Rutter asked for ex-parte disclosures and no one on the Board indicated that they had contact with the applicant. Mr. Baird conducted the swearing in of witnesses.

Jon Newman, the owner/applicant explained his request and offered rebuttal to the two variance criteria Staff said were not satisfied:

- minimum variance that will make possible the reasonable use of the land; and
- not contrary to the Town's Comprehensive Plan.

Mr. Newman disagreed with Staff findings, noting that he would lose about 250 s.f. feet of building area and said the Comprehensive Plan pertained to man-made waterways. He said all of the other properties in the area have a hardened shoreline. If this seawall is constructed behind the adjacent seawalls, this property will become a trash catcher.

Garret Watson, planner, gave the Staff presentation and said the mean high water line shown on the revised survey aligns with the documentation approved by the Florida Department of Environmental Protection (DEP).

Mr. Watson maintained that two of the variance criteria were not satisfied. Without the variance, a building could be constructed using nonconforming setbacks. Although the land development regulations exempt this property from the requirement for a native vegetation environment along the shoreline, the Comprehensive Plan requires it.

Vice Chair Patel asked the applicant if he objected to the condition of approval suggested by Staff for maintaining the mangrove and Mr. Newman said no.

Comm. Hague noted that the Staff comment for Criterion 6 states that the property is exempt from the shoreline stabilization requirements. Yet the Staff comment for Criterion 5 states that, although the applicant is exempt, the requirement isn't met. Mr. Watson replied that Criterion 5 addresses the Comprehensive Plan and Criterion 6 addresses the land development regulations.

Comm. Hague asked if the reasonable use of the land could be interpreted as having a seawall as waterward as the other properties. Mr. Watson said that when evaluating Criterion 4, Staff used the conceptual plan provided by the applicant. If that plan eventually needs to be reduced for stormwater, parking, etc. he could still make reasonable use of the property.

Comm. Flinchum asked for clarification of Staff's interpretation of Criteria 4 and 5 and Mr. Watson responded. Comm. Flinchum asked if Staff still recommended denial of the variance with the suggested condition providing for a native vegetation environment and Mr. Watson said yes.

**22 Eganfuskee Street – cont'd**

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

Comm. Hague noted that the applicant had a DEP permit and agreed with him that being the only property without a seawall would make the area a trash collector. She considered all of the criteria satisfied. Comm. Leone agreed as long as the mangrove would remain. Vice Chair Patel agreed that the conditions were satisfied if the recommended condition of approval was included.

Vice Chair Patel moved to approve the variance with the condition of approval recommended by Staff; seconded by Comm. Leone. The Commission was polled and the motion carried (5-1 vote).

Cordeiro – Y	Hague – Y	Flinchum – N
Leone – Y	Patel – Y	Rutter - Y

3. **Cornerstone** – Special Exceptions for residential above the first floor, office on the ground floor, and a marina and a corresponding Site Plan, on a 1.0± acre property, located at 50 S. U.S. Highway One. (PZ# 2084, 2085 & 2086)  
*Town Council consideration:* December 19, 2017

Emily O'Mahoney, principal of 2GHO, spoke on behalf of the applicant, Dick Witham. She gave a PowerPoint presentation summarizing the changes made to the application since the last Planning and Zoning hearing and she discussed applicant issues that remain with Staff recommendations. The applicant believes dock construction should be worth two points per dock.

Mr. Witham, applicant, said the cost of providing the public benefits is \$1,391,000. The project would not work at all if they took Staff's recommendation of eliminating a floor of units. He noted that the point system was more lenient when Jupiter Yacht Club was built and said he would not be getting any credit for the green roof. Public parking in the building is not reasonable for a high-end development.

Garret Watson, planner, said Staff had to re-evaluate the project when the applicant removed the Planned Unit Development (PUD) application. He said that only the landscaping theme was changed; the size, density, etc. of the project stayed the same. He noted the report did not indicate the previous Planning and Zoning Commission or Town Council actions; those were included in a separate attachment.

Mr. Watson said the applicant is no longer seeking PUD waivers, but is using bonus points and a zoning text amendment for the project. He said Staff recommended one point of credit for each dock based on the dollar value of the docks because the docks will be built off site. He concluded by saying that Staff continued to recommend public parking in the garage because Council has not historically counted on-street parking.

**Cornerstone – cont'd**

Comm. Flinchum said the docks would be about as close to the project as they could be. He considered off-site improvements to be further away. Mr. Sickler said the issue wasn't proximity; the Town has the riparian rights and could build the docks.

Comm. Flinchum asked about credit for the green roof and Mr. Sickler said it would have been available through the green building program if the applicant had used the small scale PUD process. Mr. Watson added that the green roof will allow increased lot coverage which is an additional incentive.

Comm. Cordeiro asked if the new, higher cost estimate for the docks would allow for more bonus points. Mr. Watson said that would be up to Town Council.

Comm. Hague asked if a dock usage study had been conducted. Mr. Watson said Staff had a draft report and spoke with different facilities that said there is a high usage of public docks and there is a need for more in the area.

Comm. Hague asked what the current workforce housing requirements would be for the project. Mr. Watson said the units are no longer required to be constructed on site. Mr. Sickler added that the applicant does not have the option to pay a fee in lieu but noted that the requirement was reduced from 20 to 12 percent which results in three off-site units.

Comm. Leone questioned Staff's reasoning in suggesting one point of credit per dock rather than two. He said the applicant would still be providing the docks even though they would be adjacent to their property rather on it. Mr. Watson replied that the docks would technically be off site and therefore the credit is reduced based on the information in the report.

Chair Rutter said this is a unique situation and although the docks would be off site, this is an opportunity to provide them. He then asked if there was a timing mechanism with the workforce housing requirement and Mr. Watson said it is laid out in the Code. Chair Rutter concluded by saying that workforce housing is a new requirement and can be considered a benefit although it does not earn credit points.

Lisa Reves, attorney for the applicant, cited the Code section which states docks along the Riverwalk are worth two credit points.

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

Vice Chair Patel liked the project and said Town Council will decide about the credits for the docks and the parking requirement. He supported Staff recommendations.

Comm. Hague agreed and said the location is not good for docks. Powerboats shouldn't be in there and the mangroves obscure the area which is a safety concern. She said she would prefer the applicant to pay a fee in lieu.

Comm. Flinchum said he liked the project and bonus credits should be given for the green roof. Comm. Leone agreed and said the docks should receive more credit too.

**Cornerstone – cont'd**

Vice Chair Patel moved to recommend approval with Staff recommendations; seconded by Comm. Flinchum. The Commission was polled and the motion carried (5-1 vote).

Cordeiro – Y	Hague – Y	Flinchum – Y
Leone – Y	Patel – Y	Rutter - N

4. **Inlet Waters** – A small-scale Planned Unit Development (PUD) and site plan to construct a multi-family townhouse development with a special exception for a private marina, located on 3.8± acres at 700 North A1A. (PZ# 2496, 2497 & 2498)

Town Council consideration:

December 19, 2017

Troy Holloway, principal of 2GHO, gave a PowerPoint presentation and noted that Larry Wright, the applicant, was present. Mr. Holloway discussed the site plan, architecture and plans to memorialize the Celestial Railroad which ran through this property. The project provides public benefits of low trip generation and a stormwater utility easement but the applicant is not requesting waivers.

Mr. Holloway discussed the applicant's suggestions for Conditions 7a, 7b and 8g regarding cross access to the north. They want Inlet Waters to have the right to review the future use of the property before granting access. They also asked that the northernmost dock be designated as the shared dock since there is seagrass in the area of the middle dock.

Mr. Holloway concluded by saying the applicant objected to Condition 14 which requests a payment of \$93,498. They will already be paying impact fees which benefit the school board.

Martin Schneider, senior planner, said Staff likes the design of the project and the plans for honoring the Celestial Railroad. The project has much lower lot coverage than allowed. The connection to the north is being sought to maximize street parking and could allow for the elimination of Ryan Road. Mr. Schneider concluded by saying that Staff recommended approval and would look into relocating the shared dock.

Comm. Flinchum asked about the structure to the north that encroaches on the site. Mr. Wright said he has spoken with the property owner and will fix the roof that overhangs the property or provide an easement. Comm. Flinchum asked if landscaping could go on the drainage easement at the south edge. Mr. Holloway said yes; there is landscaping there now and they have confirmed their plant choices with the Town.

Vice Chair Patel asked about the potential location of cross access to the north. Mr. Sickler said he agreed with the applicant that cross access would not be appropriate for any type of use. Staff recommended an area near the old Celestial Railroad alignment but would work with the applicant on the location.

Inlet Waters – cont'd

Comm. Hague noted that there isn't any plan for open space in the Inlet Village. She suggested reducing Building 7 by one unit to create a pocket park by the water. Mr. Sickler said there had been a shift from requiring open space to requiring greenspace about 10 years ago to provide more vegetation and vertical green space (trees) so the effect could be experienced more from a distance. Mr. Holloway said they didn't want to lose density and there will be a greenspace and boardwalk by the water.

Chair Rutter suggested adding language to closing documents for buyers that would advise them there is a potential for a cross access point. Mr. Holloway agreed that it would be a good idea.

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

Vice Chair Patel suggested limiting the requirement for cross access to residential development of the neighboring property. He also noted that the shared dock location will have to be looked into further.

Comm. Hague said she would be able to support the project if Building 7 was reduced by one unit.

Comm. Flinchum proposed changing Condition 7b to state "The owner shall construct the cross access drive to the northern property within 60 days of notification by the Town of Jupiter". Chair Rutter asked if this would only be for residential development to the north and Comm. Flinchum said yes and he would like to see the easement recorded.

Comm. Flinchum moved to recommend approval of the application with the revision to Condition 7b and a revision to Condition 8i to designate the northern dock as the shared dock.

The Commission was polled and the motion carried (5-1 vote).

Cordeiro – Y	Hague – N	Flinchum – Y
Leone – Y	Patel – Y	Rutter - Y

5. **Second Floor Wall Signs** – Town initiated zoning text amendment to the Town's sign regulations to allow second floor tenants with exterior walkways to be allowed signs on the first floor. (PZ# 2335)

Town Council consideration:

November 21, 2017 – 1<sup>st</sup> rdg  
December 19, 2017 – 2<sup>nd</sup> rdg

Scott Thatcher, principal planner, gave a PowerPoint presentation and discussed the proposed changes for second floor wall signs. Council had a roundtable on the subject and directed Staff to develop regulations for exterior signs for second floor tenants in buildings with no lobby.

Comm. Leone asked if the signs would be to help people find the business from the street or once they were on the property. Mr. Sickler said it would face the parking area to help people when they are on the property.

**Second Floor Wall Signs – cont'd**

Vice Chair Patel suggested adding language to prohibit lit signage for second floor tenants. Mr. Sickler said that is evaluated with the site plan and Staff usually recommends unlit signage above the first floor when facing residential.

Comm. Hague noted that although the Jupiter Gardens example had uniform signage, there was no way to tell if the tenant was on the first or second floor. She suggested that buildings should have a master sign plan and use different size lettering to differentiate first and second floor tenants. Another possibility would be only permitting building identification on the building and then having a master sign with a directory in front of the building.

Comm. Cordeiro questioned whether the proposed regulations would solve the problem for second floor tenants if first floor tenants took the sign space. Mr. Thatcher said the businesses that want signage for second floor tenants will have to come in with a master sign plan as mentioned in the staff report.

Comm. Flinchum said having first- and second-floor tenant signs between the floors is confusing but he was not in favor of signage above the second floor. He asked if second floor tenants could have wall signs under their arcade. Mr. Sickler said no; the Council directive was to only have signs on the first floor.

Chair Rutter said everyone will have a navigational system in their car or on their phone in the next few years, so there won't be a problem with finding a building from the street. This plan doesn't indicate whether the tenant is on the first or second floor so it doesn't help people find the right bay. A monument directory sign would be the best way to help people find their destination once they are on site.

Comm. Flinchum said he has seen the proposed type of sign with two lines of copy, one for upstairs and one for downstairs. Chair Rutter said each development would need a master sign plan up front for that to work.

Vice Chair Patel said tenants use these signs more for advertising than for wayfinding. Individual tenant locations can be addressed with directory signs. These regulations should only be for older buildings.

Comm. Leone agreed with Vice Chair Patel's comments and said there needs to be a way to differentiate second floor tenants.

Mr. Sickler said that in multi-building developments, the signs can at least help people find the correct building.

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

Vice Chair Patel restated that he wanted to prohibit lit signage for second floor tenants. Comm. Leone countered that the change from daylight savings to standard time could pose a problem and said each project should be evaluated as it comes in.

Comm. Leone moved to recommend approval with Staff recommendations; seconded by Comm. Flinchum. The Commission was polled and the vote was tied (3-3 vote).

**Second Floor Wall Signs – cont'd**

Cordeiro – N	Hague – N	Flinchum – Y
Leone – Y	Patel – Y	Rutter – N

Comm. Hague objected to the proposed language for Section 27-871(2)(c)1 which would restrict the sign size for second floor businesses to 15 s.f. but not place the same restriction on signs for the first floor.

Mr. Baird noted that Council directed Staff to prepare an amendment to allow signs for second floor tenants. Property owners can submit a master sign plan or choose not to permit signs for second floor tenants.

Comm. Leone moved to recommend approval with Staff recommendation and the following modification:

Strike “or first floor tenant” from the second sentence of 27-871(2)(c)1 and the second sentence of Section 27-1772(7)1 so that they say “This requirement does not apply to building identification signs”.

Comm. Hague seconded the motion. The Commission was polled and the motion carried (5-1 vote).

Cordeiro – Y	Hague – Y	Flinchum – Y
Leone – Y	Patel – Y	Rutter – N

**ADJOURN:**

Chair Rutter adjourned the meeting at 10:07 p.m.

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**Valerie Hampe, Secretary**

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**PATRICK RUTTER, CHAIR**