

**PLANNING AND ZONING COMMISSION MINUTES  
REGULAR MEETING  
April 12, 2016**

The meeting was called to order by Chair Walker at 7:01 p.m.

**ATTENDANCE:** Chair Patricia Walker, Vice Chair Patrick Rutter; Comms. David Acton, Philip Cipolla, Jim Fleischmann, David Flinchum, Wayne Posner, Nilsa Zacarias (1<sup>st</sup> Alternate); Mr. John Sickler, Director of Planning and Zoning; Ms. Stephanie Thoburn, Assistant Director of Planning and Zoning; Mr. David Kemp, Principal Planner; Mr. Peter Begovich, Planner; Mr. Garret Watson, Planner; Mr. Thomas Baird, Attorney; Ms. Valerie Hampe, Secretary.

**MINUTES:** Regular Planning and Zoning Commission meeting, March 8, 2016.

Vice Chair Rutter moved approval of the minutes; seconded by Comm. Acton. The minutes were approved unanimously by consensus.

**REORDERING OF AGENDA:**

The Commission agreed by consensus to reorder the agenda to accommodate the majority of the public in attendance. The Future Land Use Map amendments and Zoning Map amendments were placed first.

**REGULAR AGENDA:**

A. **OLD BUSINESS:** None.

B. **NEW BUSINESS:**

1. **Future Land Use Map Amendments** - The Town of Jupiter has initiated Future Land Use Map (FLUM) amendments for 8 properties, totaling 49.6+/- acres, to provide consistency with the existing uses of the properties. (PZ# 15-1601)

***Acting as the Local Planning Agency***

***Town Council consideration:***

May 3, 2016 – 1<sup>st</sup> rdg  
August 16, 2016 – 2<sup>nd</sup> rdg

2. **Zoning Map Amendments** - The Town of Jupiter has initiated Zoning Map amendments for 10 properties, totaling 68.4+/- acres, to provide consistency with the existing uses of the properties. (PZ# 15-1602)

***Town Council consideration:***

May 3, 2016 – 1<sup>st</sup> rdg  
August 16, 2016 – 2<sup>nd</sup> rdg

Chair Walker read the title.

**FLUM Amendments and Rezoning – cont'd**

Garret Watson, planner, reviewed the request and noted that eight of the ten properties being rezoned would have a Future Land Use change. The remaining two, Fullerton Island and Florida Inland Navigational District (FIND) Island have land use designations consistent with their use. Mr. Watson explained that the changes were being made to be consistent with the existing uses.

Mr. Watson explained the proposed changes to the Florida Inland Navigational District property within the Bluffs, and said the changes being made were consistent with other similar properties, such as Jupiter Inlet Park and the public library.

Mr. Watson discussed the Future Land Use and Zoning changes for the two Town owned parking parcels, properties 7 and 8. He explained that the Police Department had approached staff regarding the need for a radio communication pole in the immediate area.

Chair Walker clarified that there would not be any discussion this evening regarding the possibility of a communication tower on the parking lot adjacent to Marcinski Road in The Bluffs South.

Comm. Acton asked if the Town owns Properties 7 and 8, the parking lots in the Bluffs South. Mr. Watson said yes.

Chair Walker opened the floor to public comment.

The following people spoke in opposition to the land use and rezoning applications:

Dennis Casey said he would not like a communication tower next to The Bluffs South. He submitted a comment card from his wife, Ann Casey, and a petition in opposition to the applications.

Helen Ostrowski asked how the public knows that a Planned Unit Development (PUD) or other use won't be on the property along the Intracoastal if FIND sells it. Mr. Watson said the Public Institutional designation would not allow residential development. Most Public Institutional uses are special exceptions that require a public hearing.

Louis Stollman spoke for Diana Stollman and himself. He discussed uses by right and special exceptions on land designated Public Institutional. He said Recreation and Conservation would be better designations for the FIND land along the Intracoastal.

Ms. Hampe noted that the following people indicated their opposition to the applications but did not wish to speak: Theresa Schiffbauer, Irene Mahoney, Anna Tayler, Stephen Liccini, Dorothy Norment, Lonna Liccini, Arthur Hanley, Ronald and Mary Kexel, Janice May, Gary Swain, Maxine Sisselman, Irwin Sisselman, Jeanne Guarente, Jim Guarente and Ann Casey. Frank May submitted a comment card indicating that he was opposed and did not wish to speak but did not note the item(s) on the agenda to which he was referring.

**FLUM Amendments and Rezoning – cont'd**

Mark Crosley said he is the executive director of FIND and supports the proposed changes. At some point, they will build a facility there and restore the park when they are done. Since the property is not needed consistently, they lease it to Jupiter for recreational purposes.

Glenn Scambler said he works for FIND and the property along the Intracoastal is a federal right-of-way that needs to be maintained and will be needed in the future.

George Bearese said he is on The Bluffs South board of directors. He read aloud and submitted a petition requesting the current zoning of Parcels 7 and 8 be retained.

Rita Swain said Parcels 7 and 8 were deeded to Jupiter to mitigate loss of parking in the Town. She opposed the rezoning and said it is important to maintain the parking there for the use of Jupiter Beach.

Pam Willoughby was also opposed the rezoning of Parcels 7 and 8. The current zoning accommodates the parking that is there now.

Kenneth Tayler stated that he was opposed to the rezoning of Parcels 7 and 8.

Anthony Norment submitted a petition from the residents of Sea Colony opposing the rezoning.

Comm. Acton suggested that the synagogue on South Central Boulevard and the baseball park on the north side of Toney Penna, west of Bush Road should have their land use designations changed from High Density Residential to Public Institutional. Mr. Sickler said those changes could be part of a future application.

Vice Chair Rutter asked how many units could be placed on Parcels 7 and 8, currently designated as High Density Residential. Mr. Watson said 24 units. The Public Institutional designation only allows for accessory residential; living quarters for employees.

Chair Walker asked if the Public Institutional designation would protect the parking use and Mr. Watson said yes. Comm. Acton observed that the land use would also allow uses such as a fire station or police substation. Chair Walker agreed but added that parking is at a premium, so the Town is bringing the land use and zoning into conformity with the actual use.

Mr. Sickler said the Police Department has worked diligently to evaluate their options for improving communications. Parcel 8 appears to be the only viable choice for a tower to provide additional service in the area. They approached Ocean Royale, the tall condominium in Juno Beach but have not been able to secure the rights to place a tower on top of the building. Chair Walker said it would be much more aesthetically pleasing to have a tower on top of a building.

**FLUM Amendments and Rezoning – cont'd**

Comm. Fleischmann asked if the FIND property was identified in the Comprehensive Plan as a spoil site. Mr. Sickler replied that there is a policy regarding the use of spoil islands. Comm. Fleischmann asked if the spoil site was permitted in the Recreation land use category and Mr. Watson said no. He stated that the proposed land use and zoning are the best to protect the FIND property along the Intracoastal as a spoil site.

Comm. Flinchum asked if Parcels 7 and 8 are still shown on the master plan for the PUD as part of the PUD. Mr. Watson said they are shown on the plat as having been deeded to the Town. Comm. Flinchum asked if the original intention was to provide public parking on the parcels and Mr. Watson said yes.

Vice Chair Rutter moved to recommend approval of the Future Land Use Map amendments as recommended by Staff; seconded by Comm. Fleischmann. The Agency was polled and the motion carried unanimously (7-0 vote).

Zacarias – Y	Acton – Y	Flinchum – Y	Fleischmann – Y
Rutter – Y	Walker – Y	Cipolla – Y	

Comm. Fleischmann moved to recommend approval of the Zoning Map amendments as recommended by Staff; seconded by Comm. Flinchum. The Commission was polled and the motion carried unanimously (7-0 vote).

Zacarias – Y	Acton – Y	Flinchum – Y	Fleischmann – Y
Rutter – Y	Walker – Y	Cipolla – Y	

3. **Mixed Use Sign Code** – Zoning text amendment to Section 27-990.32, entitled “Community commercial (CC) and Town Center (TC) subdistricts” to reduce the distance separation requirement for monument signs on properties over five acres. (PZ #16-1835)

Town Council consideration:

May 17, 2016 – 1<sup>st</sup> rdg  
June 21, 2016 – 2<sup>nd</sup> rdg

Chair Walker read the title.

Brett Leone of Cotleur Hearing gave a presentation on behalf of DonRoss Associates and noted that Derek Brock, the owner, was present to answer questions. DonRoss Associates would like to have one monument sign at each of the two entrances to Abacoa Plaza from Donald Ross Road. The current Code prohibits monument signs within 250 feet of each other.

Garret Watson, planner, explained the proposed changes and noted that this would allow signs with a 50-foot separation on adjacent properties.

Comm. Fleischmann said the Staff recommendations would clarify the regulations and prevent unintended consequences. He supported the application.

**Mixed Use Sign Code – cont'd**

Comm. Flinchum asked for clarification on the history of the signs. He also asked how close the two proposed signs would be to the McDonald's sign and the Bank of America sign. Mr. Brock said about 100 feet from the McDonald's sign and about 75 feet from the Bank of America sign. Comm. Flinchum recommended using the minimum necessary for separation and removing the existing Abacoa Plaza sign.

Comm. Acton asked if the proposed signs could be installed if the McDonald's sign and Bank of America signs were not there. Mr. Leone said yes because there are no other signs within 250 feet to the east or west. Comm. Acton asked why they could not be included as tenants on the monument signs. Mr. Leone said they are on outparcels and not part of the plaza. Comm. Acton observed that neither of those businesses can be entered without entering the plaza.

Comm. Cipolla asked if the Code change would be applicable to other areas in Town. Mr. Sickler said it would only apply to the Community Commercial and Town Center subdistricts.

Comm. Zacarias asked if the Code change would create any nonconformities. Mr. Sickler said no; it will probably correct some existing nonconformities.

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

Comm. Fleischmann recommended approval with Staff recommendations; seconded by Vice Chair Rutter.

Comm. Acton was concerned that parcels could be subdivided and result in a number of signs 50 feet apart. Mr. Sickler said this is the only area in Town that has any restriction on sign separation.

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

Zacarias – Y	Acton – N	Flinchum – N	Fleischmann – Y
Rutter – Y	Walker – Y	Cipolla – N	

4. **Admiral's Cove** – Planned Unit Development (PUD) amendment to request a dock waiver to increase the maximum length of a terminal platform for single family homes on two platted lots on a 727.8± acre residential PUD, located on the northeast corner of Alternate A1A and Frederick Small Road. (PZ# 16-1882)  
Town Council consideration: May 17, 2016 - 1<sup>st</sup> rdg  
June 21, 2016 - 2<sup>nd</sup> rdg

Chair Walker read the title.

Peter Moore, general manager of the Admiral's Cove Master Property Owners Association, gave a presentation explaining the request to allow a maximum dock length of 72 feet on combined single-family lots which currently allow 36-foot docks. The applicant agrees with all of the Staff recommendations except one: they would like to have two access walkways rather than one.

Admiral's Cove – cont'd

Peter Begovich, planner, said the Town Code encourages shared docks for adjacent single-family homes primarily because one access walkway has less impact on the shoreline. Staff recommended approval.

Vice Chair Rutter asked how approval would affect the five other double lots in Admiral's Cove. Mr. Begovich said there is a requirement for unity of title before a building permit could be issued. Vice Chair Rutter then asked what would happen if someone with a single lot only slightly smaller than this double lot were to ask for a larger dock. Mr. Moore replied that the issue has been discussed but the association isn't ready to present a plan to the Town.

Comm. Zacarias asked if this was the first instance of an owner asking for a larger dock on a double lot. Mr. Moore said yes, however some of the double lots have two 36-foot docks. Comm. Zacarias asked if they would be required to combine their docks and Mr. Moore said no. Comm. Zacarias concluded by asking why the association wasn't proposing a comprehensive plan and Mr. Moore replied that they have an owner waiting for permission to build the larger dock.

Comm. Acton asked the following and Mr. Moore replied as indicated:

***Why couldn't the boat be docked further to the south along the existing dock?*** It would encroach into the navigable channel.

***Could the owner have two smaller boats on the dock?*** Yes; there is not a limit on the number of boats.

***Why not just reduce the length of the existing dock to create a 72-foot dock?*** The owner wants the boat docked further to the south so it won't block the view of the Intracoastal from his living room.

Comm. Flinchum noted that the two existing docks were joined without a permit sometime prior to 1995. He asked why the illegal dock was allowed to remain when all of the other structures were demolished in 2013. Mr. Sickler said to his knowledge the Town was not aware of the illegal connection between the docks until the changes were proposed.

Comm. Flinchum asked why the applicant didn't want the proposed dock to be moved slightly to the north so the entire vessel would be adjacent to it. The current request appears to allow room for an additional boat or boats. Mr. Begovich said the 1984 Code, under which Admiral's Cove was built, did not limit the number of vessels.

Comm. Flinchum said the existing access walkways look like they lead to structures and he asked if those would be removed. Mr. Moore said yes, all of it would be removed. Comm. Flinchum concluded by asking if the mangroves would be replanted and Mr. Moore said yes.

Chair Walker agreed that the proposed dock should be moved to the north to better accommodate the vessel. Mr. Moore said he believed that could be done and maintain protection of the mangroves.

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

**Admiral's Cove – cont'd**

Comm. Acton noted that the Commission was considering a Planned Unit Development (PUD) amendment to allow 72-foot docks on double lots rather than the construction of this particular dock. He said the property being discussed should use the existing dock and leave the mangroves alone.

Comm. Acton moved to recommend denial of the application for a PUD amendment. The motion died for lack of a second.

Comm. Fleischmann moved to recommend approval with Staff recommendation; seconded by Vice Chair Rutter.

Chair Walker said there was nothing in the conditions about disturbing the mangroves and she would like to see them remain undisturbed. She said it was important to protect natural resources and she agreed with the other concerns expressed.

Comm. Zacarias said considering this application was taking a piecemeal approach. She suggested a condition to require an overall plan to be submitted. Comm. Acton suggested adding a condition for construction to minimize impact on natural resources.

Comm. Acton asked the applicant if they would have a problem with a one-month delay and Mr. Moore said no.

Comm. Fleischmann and Vice Chair Rutter withdrew the previous motion.

Vice Chair Rutter moved to continue the item to the May meeting of the Commission. Comm. Acton seconded the motion.

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

Zacarias – N	Acton – Y	Flinchum – Y	Fleischmann – Y
Rutter – Y	Walker – Y	Cipolla – Y	

5. **McDonald's** – Planned Unit Development (PUD) amendment including waivers, and site plan amendment applications to renovate an existing fast food restaurant and add an additional drive thru lane, on 1.0± acre of an overall 8.1± acre PUD, located at 6760 West Indiantown Road. (PZ#'s 15-1625 & 15-1626)  
Town Council consideration:  
May 17, 2016 – 1<sup>st</sup> rdg  
June 21, 2016 – 2<sup>nd</sup> rdg

Chair Walker read the title.

George Gentile of 2GHO gave a PowerPoint presentation on behalf of the applicant. He reviewed the proposed site plan amendments and discussed the waiver requests.

**McDonald's – cont'd**

Mr. Gentile requested modification to the following conditions of approval:

**5 – Easement dedication.** Applicant would prefer this to be required after the permits are issued rather than within 120 of site plan approval. They want to be certain the project will go forward.

**8a – Increase perimeter buffer by decreasing the bypass lane width.** Decreasing the width from 16 feet would make it unusable for delivery trucks.

**11a – Faux window on the north side of the building.** Applicant would like to work this out with Staff prior to Town Council. Perhaps a stucco band would work.

**11b – Revise aluminum canopy sections to make them uniform.** The current proposal minimizes monotony on the building.

**11c – Change the color of the “order here” canopy.** Applicant would like to keep the McDonald's yellow. Other canopies in Town are consistent with their business logos.

**12b – Reduce the monument sign to seven feet high.** Code allows 12 feet and the applicant is proposing 13.3 feet because the location is below grade.

**12d – Remove directional sign at Indiantown Road entrance.** Applicant would like to replace the sign.

Mr. Thatcher commented on the waiver requests and proposed public benefit as outlined in the staff report. He said Staff recommended approval of the application and noted that the four signs being requested would have less square footage than the maximum allowed for two permitted signs.

Mr. Thatcher responded to Mr. Gentile's concerns as follows:

**5 – Easement dedication.** Staff is amenable to working with the applicant and Public Works to determine a mutually satisfactory timeframe.

**8a – Increase perimeter buffer by decreasing the by-pass lane width.** Staff only received the traffic circulation report today and is willing to work with the applicant on this condition prior to Town Council.

**11a, 11b, and 11c – Architectural concerns.** Staff should be able to work out the faux window issue with the applicant. The canopy changes are to make the north and east elevations consistent and will provide more shade for the seating area. Staff wants more neutral colors used for the “order here” canopy rather than just using corporate colors.

**12b – Reduce the monument sign to seven feet high.** This parcel is part of a larger property. If all of the parcels had 12-foot signs it wouldn't look right; therefore, Council recommends a maximum of 7 feet.

**12d – Remove directional sign at Indiantown Road entrance.** The sign is only two feet from the right-of-way and Code requires it to be ten feet away. Staff recommends removal of the sign.

Comm. Fleischmann asked if the individual management areas within the PUD could apply for PUD amendments that would only affect their management area. Mr. Thatcher said yes.

Comm. Flinchum had the following comments and questions:

**Why is the McDonald's arches logo on the west elevation when that elevation already has a lot of exposure?** Mr. Gentile replied that it is one of the permitted façade signs.

**McDonald's – cont'd**

***The east elevation won't be visible from westbound Indiantown Road. The signage should probably be moved.*** Mr. Gentile said that signage location has been requested by the applicant and will be visible when people enter the property.

***The loading area is on the north side of the building and the queueing will be blocked off when semi-trucks park there.*** Scott Smith of Kimley Horn confirmed that the door on the north side of the building is used for loading. Mr. Gentile said the double queue will take some of the traffic away from the building.

***Are the proposed menu board dimensions permitted by Code?*** Mr. Thatcher said yes.

***A second bike rack should be added to the site plan since they are tying up to the play area now.***

Comm. Acton agreed with Comm. Flinchum and said having a façade sign on the east would be a waste. It would be better on the north side. He asked Mr. Gentile if the applicant agreed to reduce the size of the letters of the word "McDonald's" and he said yes. Comm. Acton was glad that the 16-foot drive aisle would not be reduced.

Comm. Zacarias left the meeting at 9:42.

Comm. Acton asked if the 25-foot corner cut to be provided at Indiantown Road would be dedicated to the Town at the same time as the easement. Mr. Gentile said yes.

Comm. Acton asked for clarification of what Staff was seeking with regard to the canopies and Ms. Thoburn replied that they want consistency on the main elevations. He then asked if Staff would accept a reduction in the monument sign height so the sign would not exceed 7 feet above grade and Mr. Sickler said yes.

Comm. Acton suggested turning the outside lane menu board so people could read it faster. He also asked if removing the parking space at the southwest corner of the site near the outbound lane to the Comfort Inn would leave enough parking. Mr. Gentile said yes; with the shared parking agreement. Comm. Acton said removing the parking space would make the outbound lane function much better.

Comm. Cipolla was concerned that the building may be overly lit at night. Mr. Gentile said they would be working with Staff and will meet Code.

Vice Chair Rutter said it would work better to have the easement dedication somewhere around the time of the first building permit.

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

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

- Allow the top of the monument sign to be the equivalent of seven feet above the grade level of Indiantown Road immediately to the north of the sign;

**McDonald's – cont'd**

- Require easement dedication of the corner clip on the northwest corner of the property in addition to the six-foot right-of-way as an additional public benefit; and
- Allow for all proposed wall signs including “McDonald’s” provided the word “McDonald’s” is reduced as agreed to by the applicant this evening.

Comm. Flinchum asked if the motion could include the requirement for a second bicycle rack and Comm. Acton said yes. Comm. Flinchum seconded the motion. The Commission was polled and the motion carried unanimously (6-0 vote).

Acton – Y	Flinchum – Y	Fleischmann – Y
Rutter – Y	Walker – Y	Cipolla – Y

6. **EAR-Based Comprehensive Plan Text Amendments** – To modify the Future Land Use, Transportation, Housing, Conservation, Coastal Management, Recreation and Open Space, Intergovernmental Coordination and Capital Improvements elements related to incorporating statutorily required changes and additional changes based on input from the public, business community and strategic initiatives contained in the Town’s 2016 Plan. (PZ#s 15-1528, 15-1529, 15-1530, 15-1531, 15-1543, 16-1815, 16-1842 & 16-1878)

***Acting as the Local Planning Agency***

Town Council consideration:

May 3, 2016 – 1<sup>st</sup> rdg  
August 16, 2016 – 2<sup>nd</sup> rdg

Chair Walker read the title.

Dave Kemp, principal planner, said the Comprehensive Plan is updated every seven years to address statutory changes adopted since the last evaluation. Additional amendments are proposed to address strategic planning and emerging issues. He reviewed the various elements being amended as indicated in the staff report. The Commissioners commented on the following element changes.

***Future Land Use element.*** Mr. Kemp noted that the amendments regarding development intensity in the Inlet Village will not be included at this time. Those will go forward in a few months when the Town has received more input from the public.

Comm. Fleischmann said some of the changes in the language regarding biotech uses seems like the Town is backing off by allowing the possibility of other uses. Mr. Kemp said yes; the Town is expanding the acceptable uses to include low-impact clean manufacturing in offices. Comm. Fleischmann agreed with the changes.

**EAR-Based Comprehensive Plan Text Amendments – cont'd**

Comm. Flinchum said he did not see anything listed under Public Institutional that would allow the communication tower mentioned earlier in the discussion of land use and rezoning. Mr. Kemp said it would be an appropriate use under the Government Buildings and Operations permitted use. Comm. Flinchum asked if parking should be added as a permitted use. Mr. Sickler said maybe “facilities” to broaden the uses.

Comm. Acton referred to the definition of “low-impact clean manufacturing” on Page 7 of the proposed changes and said the term “small-scale craft/artisan products” should be defined. He also suggested adding “manufacture of” or another verb such as “sales of” to further clarify the use regarding pharmaceutical products.

Comm. Acton asked what would be gained by now allowing recreational use in land designated as Public/Institutional. Mr. Sickler referred to the FIND property and said it is being used as a park on a daily basis. He also mentioned Lighthouse Park and a park behind the library. Comm. Acton suggested making the use public recreational and not allowing private recreational use. Chair Walker agreed and noted that churches were not included.

**Transportation element.** Comm. Fleischmann asked if plans for implementing pedestrian safety measures based on Level of Service (LOS) thresholds was progressing. Mr. Sickler replied that Florida Department of Transportation (FDOT) is doing a study related to pedestrian crossings on Indiantown Road. The Town has a multi-departmental team working with them to make improvements such as mid-block crossings.

Comm. Flinchum asked if potential pedestrian crossing locations should be included on the transportation map. Mr. Sickler said he would work with Engineering to see if the locations are certain enough to be included.

Comm. Acton made the following suggestions:

- Add “through the Town” to Objective 2.4 so that it says “... express train through the Town and Tri-Rail service....”.
- Remove the word “heavy” in Policy 2.4.1 from the phrase “...that experience heavy pedestrian foot traffic...”.
- Refer to a published definition of “complete streets” in Objective 3.7.

**Conservation Element.** Chair Walker suggested modifying Policy 1.1.2 regarding minimum requirements for an environmentally sensitive area by adding “h – designated as a wild and scenic river by the federal government.”

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

Comm. Acton moved to recommend approval of Staff recommendations with the changes mentioned during the discussion; seconded by Vice Chair Rutter. The Agency was polled and the motion carried unanimously (6-0 vote).

Acton – Y

Flinchum – Y

Fleischmann – Y

Rutter – Y

Walker – Y

Cipolla – Y

**ADJOURN**

Chair Walker adjourned the meeting at 10:35 p.m.

---

**Valerie Hampe, Secretary**

---

**CHAIR**

v:\planningzoning\staff\wp51\signature - p&z\apr mins draft.doc

5/11/2016