

PLANNING AND ZONING COMMISSION MINUTES
REGULAR MEETING
May 10, 2016

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

ATTENDANCE: Chair Patrick Rutter, Vice Chair Ben Klug; Comms. Ken Duke Jr., David Flinchum, Comm. MB Hague, Ankur Patel, Larry Roberts, Nilsa Zacarias (1st Alternate), *Peter Robbins* (2nd 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.

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CITIZEN COMMENTS: Carol Watson welcomed the new commissioners.

MINUTES: Regular Planning and Zoning Commission meeting, April 12, 2016.

Comm. Flinchum moved approval; seconded by Comm. Klug. The minutes were approved unanimously by consensus.

ELECTION OF OFFICERS: Election of Chair and Vice Chair.

Comm. Flinchum nominated Vice Chair Rutter for Chair; seconded by Comm. Hague.

Comm. Hague nominated Comm. Klug for Vice Chair; seconded by Comm. Duke.

The nominees were elected unanimously by consensus.

REGULAR AGENDA:

A. OLD BUSINESS:

1. **Admirals 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 and to define dock standards within the 727.8± acre residential PUD, located on the northeast corner of Alternate A1A and Frederick Small Road. (PZ# 16-1882)

Town Council consideration:

June 7, 2016 - 1st rdg
June 21, 2016 - 2nd rdg

Chair Rutter summarized the title.

Peter Moore, general manager of the Admirals Cove Master Property Owners' Association (POA), stated the applicant's request and said they had no issues with the conditions of approval.

Admirals Cove – cont'd

Peter Begovich, planner, reviewed the changes Staff had made to the conditions of approval in response to the Commission's concerns last month about preserving natural resources. He added that the current proposal would also allow increased dock widths. He concluded by saying that Admirals Cove did not want to limit the dock access walkways to one per dock.

Comm. Duke asked for clarification of the side setback definition and Mr. Sickler explained that the setback is measured from where the property line extends into the water.

Comm. Hague asked why Admirals Cove is opposed to limiting dock access walkways to one per dock. Roger Baber of MCR Professional Engineering said his client, Mr. Gray, is proposing to reduce his existing dock by 40% to 72 feet and place it in a location acceptable to all of the reviewing entities.

Comm. Hague noted that Mr. Gray's dock was comprised to two existing docks joined together without a permit and said that 72 feet seems more than fair. She did not want to see additional mangroves disturbed and said one walkway would be sufficient. Mr. Baber replied that Mr. Gray's proposal would actually result in a net gain of mangroves.

Comm. Patel asked who would handle the issue if the boat was docked in such a way that it encroached into the navigable channel. Mr. Sickler said that it could come to the Code Compliance magistrate if it was not handled by the POA because the development order requires the channel to be maintained.

Vice Chair Klug shared Comm. Patel's concern that the boat might extend into the channel. Mr. Moore replied that the POA has a vessel that patrols daily to make sure the waterways are clear and boats are moored correctly. Vice Chair Klug said he was in favor of two access walkways but only for double lots. He wanted to make sure there would be an overall gain in mangroves and a second walkway would be added over the thinnest section of mangroves.

Comm. Roberts asked for an explanation of how the applicant's proposal would result in more mangroves. Mr. Baber replied that there would be less decking area and mangroves would be planted in the additional space.

Comm. Zacarias asked the following questions:

Why does Staff support only one access walkway per dock? Mr. Begovich replied that they want to minimize mangrove disruption.

Would the access walkway be relocated on Mr. Gray's property if only one access is permitted? Mr. Begovich said it would be near the existing walkway but would be narrower.

How does Staff's proposal for Admirals Cove compare to what is permitted elsewhere in Jupiter? Mr. Sickler replied that other properties cannot combine two lots for a double sized dock.

Why does the applicant want two access walkways? Mr. Baber said it was for convenience.

Admirals Cove – cont'd

Comm. Robbins asked if Staff was comfortable with the applicant's net gain approach to the mangroves rather than minimal disruption as stated in Condition 1g. Ms. Thoburn said yes. Comm. Robbins asked if the applicant was comfortable with Condition 1g since it seemed rather subjective. Mr. Moore replied that they are and said Admirals Cove is very aware of the importance of maintaining the environment.

Comm. Patel asked if there are any single lots in Admirals Cove as large as Mr. Gray's double lot and Mr. Moore said no; not to his knowledge.

Vice Chair Klug asked if the proposal was to put the single access point at the far north end while the boat lift would be at the far south end and Mr. Begovich confirmed that was correct. Vice Chair Klug said he wanted to understand the benefit of having an access at the south end.

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

Comm. Flinchum asked if Staff was comfortable with a recommendation for two access walkways. Ms. Thoburn replied that the recommendation in the staff report is for one.

Comm. Flinchum moved to recommend approval with Staff recommendations; seconded by Comm. Patel. The motion carried (6-1 vote).

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| Duke – Y | Hague – Y | Flinchum – Y | Patel – Y |
| Roberts – Y | Klug – N | Rutter – Y | |

B. NEW BUSINESS:

2. **Abacoa Development of Regional Impact (DRI)** – Amendment to Condition 18 of the Development Order (DO) to allow a new conversion of Town Center retail square footage to a mini-golf course use. (PZ# 16-1876)
Town Council consideration: July 19, 2016

3. **Abacoa Mini Golf** – Individual Site Plan amendment to Abacoa Town Center and Special Exception for an outdoor recreation use (mini-golf facility) on a portion of a 2.6 ± acre parcel, located at the northeast corner of Main Street and Chancellor Drive, and associated retail shop at 1155 Main Street, Unit 101, on a 25.0± acre property, located at the southwest corner of Central Boulevard and University Boulevard. (PZ#'s 15-1519 & 15-1520)
Town Council consideration: July 19, 2016

Scott Hedge of SAKH, Inc. gave a PowerPoint presentation on behalf of the applicants, Abacoa Development Company and FLF ATC, LLC. He discussed land use in Abacoa Town Center and the prospect for a mini golf facility to bring more people into the area. Mr. Hedge concluded by saying the applicant did not have any issues with the proposed conditions of approval.

Abacoa DRI and Mini Golf – cont'd

Josh Simon of FLF ATC, LLC. said his company purchased first floor commercial space in Abacoa Town Center. He noted that there have been occupancy issues over the years. They are now marketing the area as Downtown Abacoa, focused on quality and families frequenting the area.

David Kemp, principal planner, said Staff recommended approval of the development order amendment. He said the special exception and site plan for the mini golf facility could be approved without this amendment but the applicant did not want to use all of their remaining allocations for the subdistrict. Traffic implications have been reviewed by the Town traffic engineer and other agencies and there are no concerns.

Garret Watson, planner, said Staff recommends approval of the special exception and site plan applications with the proposed conditions of approval. He further explained that the site could have been used for a 22,000 s.f. retail facility which would have had much greater traffic impacts. Amending the development order will reduce the amount of allocation that needs to be used for the mini golf facility.

Comm. Robbins asked the following and Mr. Hedge answered as indicated:
Will the applicant agree to the proposed landscape conditions? Yes; they would have preferred more palms but they will move landscaping around to meet the requirements.

What is the lighting plan and how will it affect nearby properties? It will be low intensity landscape lighting near to the ground, not pole mounted.

Will there be any amplified music or noise? No.

Comm. Zacarias asked if the applicant had contacted the neighborhood. Mr. Simon said they had made presentations of the project to the Phase 1 board on a number of occasions. He said they've met with the master Abacoa Property Owners' Association, their own association, and the stadium. It has been in the newspaper a number of times and is shown on the company Facebook page. Mr. Watson said there are notices in the newspaper, public notice signs posted and it is also on the Town website.

Comm. Roberts asked if the commercial tenants supported this use. Mr. Simon said yes; some have the right to cancel their lease if the mini golf isn't built. Mr. Simon said they are trying to bring families into the area. Comm. Roberts said he applauded the applicant's efforts to bring people into the area without an anchor store.

Vice Chair Klug said Town Center is doing well now and we need to maintain it. He said the applicant has a good business model and has grouped the family uses on Main Street. The Gibbs Report supports this type of use to bring people into the area.

Abacoa DRI and Mini Golf – cont'd

Vice Chair Klug asked about the location of the bike racks. Mr. Simon answered that they plan to add more bike racks and one will be located near the retail store. Vice Chair Klug asked if people would be able to access the park without paying for mini golf. Mr. Simon said they would not be running the mini golf business in the long run but there will be a fence around the play area so it can be used independently of mini golf.

Comm. Patel asked the following questions:

Will there be additional crosswalk markings? Mr. Watson said the Town traffic engineer requested the crosswalk on the north side be striped and enhanced for nighttime safety.

How can we slow southbound traffic on Chancellor Drive prior to the stop sign?

Mr. Sickler said the Engineering Department can look into that.

Will the handicapped parking be close enough to meet any Federal requirements? Mr. Hedge said the requirement has already been met along Main Street.

Comm. Patel asked about landscaping along the fence near the parking area. Mr. Hedge said there would be shrubs around the interior of the fence. Comm. Patel asked if the condition of approval to relocate the fence would allow room for landscaping on the outside of the fence and Mr. Watson said yes. Comm. Patel also asked if there would be water fountains and misters for relief from the heat and Mr. Hedge said yes. Comm. Patel said he was supportive of the application and suggested more shade trees along the edge and palms in the middle.

Comm. Hague said downtown Abacoa is a great place and should have more attention from the Town. She liked the idea of mini golf there and said there should be additional bike racks. She noted that Staff had asked for additional details regarding the kiosk. Mr. Sickler said applicants are required to submit final plans at which time Staff checks that all conditions of approval have been met. Comm. Hague concluded by asking about the focal point and Mr. Simon said it would probably be a piece of artwork.

Comm. Duke agreed with Comm. Patel regarding slowing traffic on Chancellor Drive and Mr. Simon explained their traffic circulation plan. Comm. Duke asked these questions:

Will all of the plantings, other than the synthetic turf, be natural? Mr. Simon said yes.

Is all of the parking for general use other than the row reserved for residents? Mr. Simon said yes.

Comm. Duke said he was in favor of what the applicant is trying to achieve.

Comm. Flinchum made some site plan suggestions and recommended opening at 9:00 a.m. rather than 10:00 a.m. Mr. Sickler said there is residential space above the store area for the golf course but 9:00 a.m. seems reasonable since there won't be any amplified music or noise.

Abacoa DRI and Mini Golf – cont'd

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Comm. Flinchum did not support Conditions 7c and 7d which require a minimum of 50% native plants. Some more non-native material might function better on this site. He asked if moving the fence in to provide landscaping on the outside would affect the layout and Mr. Hedge said no. He also recommended a "no dogs allowed" sign.

Chair Rutter suggested signage to indicate that additional parking is available on the far end of the site. He opened the floor to public comment.

Patti Bartoli said she owns Lighthouse Cove Adventure Golf and it was much more difficult to get approval. They gave back land and contributed money toward building the road next to their property. She said she was in favor of Abacoa and has met with Mr. Simon but does not believe two mini golf facilities can succeed this close together in Jupiter.

Carol Watson said this isn't a good idea for this location and for Abacoa in general. The nearby businesses, such as the nail salon and brewery, are primarily for adults. The demographics won't support two mini golf courses here. She suggested some other low impact, family friendly use that would not impinge on the economy of the Inlet Village.

Comm. Flinchum moved to recommend approval of the application for the amendment to Condition 18 of the Abacoa Development Order (DO) to allow a new conversion of Town Center retail square footage to a mini golf course use. Vice Chair Klug seconded the motion.

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

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| Duke – Y | Hague – Y | Flinchum – Y | Patel – Y |
| Roberts – Y | Klug – Y | Rutter – Y | |

Chair Rutter returned the discussion to the special exception and site plan amendment applications. Comm. Patel said he would like to see the crosswalk improvements on Chancellor Drive and a requirement to cover the chain link fence with vegetation in the motion.

Comm. Zacarias noted that there isn't a buffer between the site and adjacent homes. She said she would have liked some of those residents to be present tonight. She concluded by saying she was not 100% certain this was the right anchor for Abacoa.

Comm. Hague said there are lots of children in Abacoa and this would be close for them. It's a good fit. Comm. Roberts said this isn't an anchor in the typical sense but Abacoa needs this or something like it. He agreed that the use would be a good fit.

Chair Rutter said this use would complement the tenants coming in to Town Center. Office and retail did not work here. He said he did not see an issue with competition for Lighthouse Cove.

Abacoa DRI and Mini Golf – cont'd

Vice Chair Klug moved to recommend approval with Staff recommendations and the following modifications: conditions requiring crosswalk signs to slow traffic and requiring shrubbery to cover both sides of the fence as described by Comm. Patel. Comm. Hague seconded the motion.

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

Duke – Y Hague – Y Flinchum – Y Patel – Y
Roberts – Y Klug – Y Rutter – Y

4. **Martinique** - Site plan amendment to modify Resolution No. 34-03 to eliminate the custom home requirement for lots along Greenway Drive north of Dakota Drive (Lots 342, 346-348, and 351-362), and add floorplans and elevations for Martinique (RN2), on a 101.5± acre property, located west of Greenway Drive and south of Indian Creek Parkway. (PZ# 16-1825)

Town Council consideration:

June 21, 2016

Don Hearing of Cotleur Hearing gave a PowerPoint presentation on behalf of Divosta Homes and Pulte Homes. He noted that Greg Pettibon of Pulte Homes was present. The applicant wants to remove the custom home requirement from 16 of the 36 custom home lots along Greenway Drive and offer four floor plans for those lots. Mr. Hearing concluded by saying the applicant did not have any issues with the conditions of approval.

Ms. Thoburn said Staff recommended approval of the application. She said the application was going through the public hearing process because it requires changing a resolution and is a significant change to the expectation of the neighborhood. The request meets Code requirements with a few architectural conditions and would result in greater diversity than what is provided elsewhere in the neighborhood.

Comm. Flinchum noted that Neighborhood Commercial Limited (NCL) uses are permitted in the middle of the residential blocks and asked what those uses might be. Ms. Thoburn replied offices and personal services would be permitted and more intense uses would be permitted by special exception. Comm. Flinchum noted that the NCL sections were not highlighted on the attachments in the staff report.

Comm. Flinchum said larger footprints and greater Floor Area Ratio (FAR) would be allowed which would result in more impervious area. He said this would have too much impact on the drainage system. Mr. Hearing said the applicant is not looking for larger footprints.

Comm. Hague said Martinique and Valencia are the only two neighborhoods in Abacoa with custom homes and the floor plans being proposed are all very similar. She asked if the applicant had met with the Property Owners' Association (POA). Mr. Hearing replied that they had met with the master POA but not the Martinique POA prior to Town Council. Greg Pettibon of Pulte Homes said he had reached out to one of the Martinique POA board members.

Martinique – cont'd

Comm. Hague questioned why Condition 12 of Resolution 34-03 would still require custom homes to adhere to the custom home guidelines. She said *she didn't feel the proposed homes fit there and it didn't seem fair to others who may have bought there considering it was marketed for custom homes*. Mr. Hearing said it is difficult to sell a custom home on a busy road like that and the designs being proposed are meeting the intent of the requirements.

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Comm. Hague asked how the custom home lots have been marketed. Mr. Pettibon said the marketing has primarily been through their website and by word of mouth in the real estate community. Comm. Hague said these homes would not fit in on the road and it would not be fair to the other residents who anticipated custom homes there.

Comm. Patel asked for background on why the Commission had recommended the custom lots. Ms. Thoburn said Staff anticipated something more like Celebration in Orlando which is comprised of unique homes by different builders. DiVosta purchased all of the residential neighborhoods and the Town wanted to ensure architectural diversity. Although these homes would not be custom, the question before the Commission is whether they would provide enough diversity.

Comm. Patel asked if the developer had decided which lots to keep for custom homes. Ms. Thoburn said the Town had an urban design consultant at the time, Geoffrey Moen, who suggested the custom homes be on Greenway so they would be seen. Comm. Patel said Town Council must have seen a need for custom homes and in view of the nearby home prices, there should be a market for them.

Vice Chair Klug said he definitely wanted some input from the Martinique POA and asked why the Newport model doesn't meet the pattern book requirements. Mr. Hearing said the applicant will work with Staff to adjust the details so it does meet the requirements. Vice Chair Klug said he would like to see the Newport model remain since it is the only one-story being proposed.

Ms. Thoburn said Abacoa still has to approve the Newport model. Mr. Pettibon said it has been through one round of approval with Abacoa but will need to be changed and approved again.

Comm. Roberts asked how close Abacoa is to being built out. Mr. Hearing said it is almost complete and these homes would finish the Martinique neighborhood. Comm. Roberts asked Mr. Hearing to confirm that the Floor Area Ratio (FAR) would not be changing. Mr. Hearing said no, the FAR, setbacks and building heights would not change.

Comm. Zacarias said that although these homes would not be custom, in her opinion they meet the intent for diversity in Abacoa and Jupiter.

Comm. Robbins agreed with Comm. Hague and Vice Chair Klug that the applicant should meet with the Martinique POA. Comm. Robbins asked why the applicant considered 20 to be the appropriate number of home to leave as custom homes. Mr. Hearing said that 16 of the 36 custom home lots are still owned by Pulte.

Martinique – cont'd

Comm. Hague said there isn't much space left in Abacoa and she did not understand why they would want to hurt the integrity of what was planned. The homes will not be inexpensive and there may be buyers who will want custom homes there.

Chair Rutter opened the floor to public comment.

Marc Dobin of 3326 Greenway Drive distributed copies of pages from the Covenants, Conditions and Restrictions (CCR) for Martinique. He noted that the document specifies that there will be custom homes on 36 lots and asked how the Town could take action when the document had not been amended. He objected to allowing stock homes on the 16 lots in question.

Rick Waggener, president of Martinique POA, said the master POA can approve changes without bringing them to the neighborhood POAs. This is a flaw in the approval process. None of the custom home owners he spoke with were in favor of removing the custom home requirement for 16 lots.

Mr. Baird clarified that the Planning and Zoning Commission and Town Council could take action. The CCR is a private matter but the changes may never be realized if the document is not amended.

Vice Chair Klug moved to recommend approval with Staff recommendations; seconded by Comm. Flinchum. The Commission was polled and the motion failed (3-4 vote).

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| Duke – N | Hague – N | Flinchum – Y | Patel – N |
| Roberts – Y | Klug – N | Rutter – Y | |

Vice Chair Klug moved to continue the application to the June Planning and Zoning meeting; seconded by Comm. Roberts. The Commission was polled and the motion carried unanimously (7-0 vote).

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| Duke – Y | Hague – Y | Flinchum – Y | Patel – Y |
| Roberts – Y | Klug – Y | Rutter – Y | |

Comm. Zacarias left the meeting at 10:08.

DISCUSSION:

A discussion of procedures for the Planning and Zoning Commission ensued.

ADJOURN:

Chair Rutter adjourned the meeting at 10:25 p.m.

Valerie Hampe, Secretary

PATRICK RUTTER, CHAIR