

**PLANNING AND ZONING COMMISSION MINUTES
REGULAR MEETING
June 14, 2016**

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

ATTENDANCE: Vice Chair Ben Klug; Comms. Ken Duke Jr., David Flinchum, MB Hague, Ankur Patel, Larry Roberts, Nilsa Zacarias (1st Alternate), Peter Robbins (2nd Alternate); Mr. John Sickler, Director of Planning and Zoning; Mr. Peter Begovich, Planner; Mr. Garret Watson, Planner; Mr. Thomas Baird, Town Attorney; Ms. Valerie Hampe, Secretary.

CITIZEN COMMENTS: None.

MINUTES: Regular Planning and Zoning Commission meeting, May 10, 2016.

Comm. Patel asked that the second paragraph on Page 5 to be changed from stating that he asked the fence to be relocated to stating that he asked for vegetation on the outside of the fence to hide the fence.

Vice Chair Klug asked that an addition be made to the Admirals Cove section to indicate that his no vote was not because he was not in favor of the project but rather because he wanted the dock to have two access points.

Comm. Hague asked that her discussion of Martinique be changed from stating that "it wouldn't be fair to anyone who would be building a custom home there" to "it wouldn't be fair to anyone who had already built a custom home there".

Comm. Flinchum asked that "palm trees" be changed to "palms" in his discussion of Abacoa DRI and Mini Golf.

Comm. Hague moved approval of the minutes with changes; seconded by Ken Duke. The minutes were approved unanimously by consensus.

CONSENT AGENDA:

A. OLD BUSINESS:

CONTINUED TO 7/12/16

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:

August 16, 2016

B. NEW BUSINESS: None.

REGULAR AGENDA:

A. **OLD BUSINESS:** None.

B. **NEW BUSINESS:**

1. **17700 Cornelia Avenue** - Variance request to Section 27-1823(2)(a) entitled "Certain nonconforming and substandard lots", to reduce the minimum total of the building side setbacks from 20 feet to 15 feet and the minimum side corner setback from 12 feet to 7.5 feet for a single-family dwelling on a 5,000 square foot property in the Cinquez Park 2nd Addition subdivision. (PZ# 16-1904)

Acting as the Zoning Board of Adjustments

The Board made ex-parte declarations and Mr. Baird swore in the witnesses. Comm. Robbins and Vice Chair Klug visited the site; Comm. Roberts, Patel, Hague, Duke and Flinchum said they had driven by the site; Comm. Zacarias had nothing to declare.

Lisa Chitty, the applicant, reviewed her request said she has tried to make the neighborhood harmonious in appearance. She thought she could build with the same setbacks as a corner home on Evangeline.

Peter Begovich, planner, said Staff recommended denial of the application. He reviewed the staff report and noted that only two of the seven criteria necessary for a variance had been satisfied.

Comm. Flinchum said Ms. Chitty should have foreseen a problem with the setbacks when she purchased the lot. He agreed with Staff's analysis.

Comm. Duke asked if the house on Evangeline had come before the Planning and Zoning Commission. Mr. Sickler said no; a permit was approved in error.

Comm. Patel asked the applicant if she ever had a combined plan for her properties in the neighborhood or if she had always applied for a single lot at a time. Mr. Begovich said Staff had seen the building permit applications as they came in.

Comm. Zacarias asked the applicant to explain how she arrived at the design that she was requesting. Ms. Chitty said the one house built on a corner lot in the neighborhood has the reduced setbacks she is requesting. Comm. Zacarias asked if Staff had received complaints about the proposed variance and Mr. Begovich said no; Staff has not received any public input.

Comm. Robbins asked the applicant why she didn't feel either of Staff's suggestions for a solution was acceptable. She said a two-story home would not fit in the neighborhood and a 1950 s.f. home would only leave a 10-foot setback in the back yard.

Vice Chair Klug opened the floor to public comment and there was none.

Comm. Hague said the applicant had done a nice job with the homes she had already built in the neighborhood. The house on Evangeline does not look out of place but a two-story house on this lot would. Having that block be harmonious would be a public benefit.

17700 Cornelia Avenue – cont'd

Comm. Hague said the Town bends over backwards in a lot of instances but when it is for an individual or small business owner we're not fair and we don't bend to help them be successful. She supported the variance and said it is important for the neighborhood.

Comm. Duke asked Mr. Baird to confirm that the job of the Commission is to evaluate whether or not the application meets the variance criteria; not to evaluate the fairness of the criteria. Mr. Baird said that was correct.

Comm. Roberts said the zoning code puts corner lots at a disadvantage by requiring them to meet different setbacks. He asked Staff to comment and Mr. Begovich said this is an older subdivision with nonconforming lots and corner lots are required to have larger setbacks throughout the Town. Comm. Roberts said he was inclined to support the variance.

Comm. Patel was concerned about setting a precedent for the other corner lots in the neighborhood. He said the Board has to be fair to everyone. Comm. Duke said that was why he did not want to override the variance criteria. Comm. Hague said the decision should be more site-specific.

Comm. Flinchum said the applicant should have combined her lots if she wanted to repeat the same floor plan on six lots and applied for a blanket variance. He said she has deliberately waited until the last lot and come in claiming a hardship. This application has not met five of the seven criteria and the Board has an obligation to enforce the Code; therefore the variance should be denied.

Comm. Roberts asked the applicant if she would like to respond. Ms. Chitty said she has built one and two homes at a time. She also purchased the house across the street and the empty lot beside it and spent a lot of money cleaning that area up for the Town of Jupiter.

Vice Chair Klug noted that the applicant has been successful in selling the footprint of the house they are seeking to build on this lot.

Comm. Zacarias moved to approve the variance; seconded by Comm. Hague. The Board was polled and the motion carried (4-3 vote).

Hague – Y	Flinchum – N	Patel – N	Roberts – Y
Zacarias – Y	Duke – N	Klug - Y	

2. **The Sophia at Abacoa** - Site plan amendment to modify Resolution No. 101-99 to revise the color requirements, located on a 22.6± acre property, on the northeast corner of Central Boulevard and University Drive. (PZ# 16-1888)
Town Council consideration: July 19, 2016

William Pope gave a PowerPoint presentation on behalf of the applicant, Hart Abacoa LLC. He noted that the trim has been painted the same color as the body of the building but Staff wanted it to be white as indicated in the callouts on the building elevations. The original resolution does not reference building trim.

The Sophia at Abacoa – cont'd

He noted that Abacoa has approved the paint colors that have been used to repaint the buildings.

Mr. Begovich said Staff recommended approval with the conditions listed in the staff report. He noted that the community architect for Abacoa was indifferent about the trim color. Staff recommended a condition requiring the trim to be painted white within 120 days of application approval.

Vice Chair Klug opened the floor to public comment and there was none.

Comm. Flinchum asked Staff if they found the colors acceptable and Mr. Begovich said yes.

Comm. Hague asked if the amendment to the resolution should have been heard by Town Council before the buildings were painted. Mr. Begovich said yes and added that Code Compliance issued courtesy notice after they were painted.

Comm. Robbins asked how the buildings came to be painted without approval. Mr. Pope said he is the agent for the new owner who was unaware of the resolution. Mr. Sickler noted that the applicant had received approval from the Abacoa Property Owners' Assembly (APOA). He added that Town Staff has requested the new APOA staff to check with the Town regarding changes to make sure there aren't any processes required by the Town.

Comm. Flinchum moved to recommend approval with Staff recommendations; seconded by Comm. Roberts.

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

Hague – Y	Flinchum – Y	Patel – Y	Roberts – Y
Zacarias – Y	Duke – Y	Klug - Y	

3. Circle K Redevelopment

A. Abandonment of a 25 foot by 300 foot alley located approximately 155 feet south of the Indiantown Road right-of-way line, extending 300 feet east from Orange Avenue. (PZ# 15-1535)

Town Council consideration:

July 19, 2016 – 1st rdg
August 16, 2016 – 2nd rdg

B. A special exception and site plan amendment for the expansion and redevelopment of an existing gas station and convenience store onto adjacent properties, totaling 2.0 +/- acres, located at 126 West Indiantown Road.

(PZ# 15-1548 and 15-1549)

Town Council consideration:

August 16, 2016

Don Hearing of Cotleur Hearing gave a PowerPoint presentation on behalf of Circle K Stores. He noted that Ryan Plate of Circle K and Brian Seymour, general counsel for the project, were also present.

Circle K Redevelopment – cont'd

Mr. Hearing said Circle K wants to have two access points from Indiantown Road rather than one as recommended by Staff. They also want to discuss compensation for the right-of-way.

Garret Watson, planner, reviewed the staff report and said Staff recommended 50% market value as payment for the abandonment. He then explained that Staff recommended one entry from Indiantown Road because the site improvements would draw more traffic and increase the number of potential car conflicts with pedestrians and bicycles. He concluded by saying that Staff recommended the monument sign not exceed seven feet in height.

Mr. Baird explained that the site plan application is dependent on approval of the abandonment. He added that the value of the abandonment is for the Town Council to determine.

Comm. Robbins said he appreciated the emphasis on safety and asked why fewer driveways would be safer. Mr. Watson said because there would be fewer times a pedestrian or bicyclist would be crossing traffic. Comm. Robbins asked what lessons Circle K had learned from similar sites. Mr. Plate said that they've generally found better circulation and less congestion at access points is better for their customers.

Comm. Zacarias asked the applicant to explain why they wanted two access point and Mr. Hearing replied that without it, customers would likely leave through the alley and have even less visibility. Mr. Watson said the Town traffic engineer agreed that reducing the number of driveways on Indiantown Road would benefit pedestrian safety. Mr. Sickler explained the reasons for eliminating the easternmost driveway rather than the western driveway.

Comm. Roberts said the plan is a win-win and he would be glad to see it redeveloped. He asked how Staff calculated the number of additional trips. Mr. Watson said the additional square footage of the convenience store and additional fueling positions. Comm. Roberts asked staff to clarify the number of driveways they were recommending on Indiantown Road. Mr. Watson stated that staff's recommendation is for one driveway on the site on Indiantown Road.

Comm. Patel said he does not believe all of the daycare traffic comes off of Indiantown Road and noted that the Town engineer indicated that there would be more trips than Staff had indicated. Mr. Watson said Dr. CJ Lan, the Town's traffic engineer, said it was possible that there would be more trips and he would be communicating with the applicant's traffic engineer for clarification.

Comm. Patel asked if Staff had obtained a crime report for the area. Mr. Watson said he had requested the crime statistics from the Police Department but had not received them yet. Mr. Hearing stated that no crime had occurred in the last 3 years based on the applicant's report. Comm. Patel said he recalled incidents taking place there and wanted to make sure proper lighting and other measures would be taken for safety in the rear greenspace area. He said he supported the project.

Circle K Redevelopment – cont'd

Comm. Patel asked the following:

Will there be diesel integrated into the pumps? Mr. Plate said it will be in some of the pumps.

Where will the tire air and vacuum be located? Mr. Hearing pointed it out on the plan by the retention area adjacent to the parking.

Shouldn't there be a trash can between each of the pumps and at the entrance? Mr. Hearing said there will be a trash can at each dispenser and additional ones as part of the pedestrian amenities.

Comm. Hague asked how the additional trips would affect the capacity on Indiantown Road. Mr. Watson said the current number on this section of the road is 42,000 to 43,000 average daily trips. Mr. Sickler said the threshold for Level of Service D there is 50,300.

Comm. Hague asked about the driveway dimensions and Mr. Sickler said they would be the same; there would just be one fewer driveway. Comm. Hague asked if Annie's parking would be relocated and Mr. Hearing said yes; it is better to move the access point away from Indiantown Road.

Comm. Duke questioned whether reducing the access points would cause traffic to be pushed onto Orange Avenue and into the alley and create a problem. Mr. Watson said the traffic engineer said it would have an effect but would not be detrimental to the intersection. Mr. Sickler said the proposed driveway is already wider than the average entry driveway and would be designed for two-way traffic.

Comm. Flinchum asked the following:

Will the entry door on A2.1 on the north side of the store always be open? Mr. Hearing said no; it will be an emergency exit. Comm. Flinchum agreed with Staff that an architectural enhancement should be added to the north elevation.

Can the driveway on Orange Avenue be lined up with the one on the west side of Orange? Mr. Hearing said no; it would be more difficult for trucks to come in and out.

Are the drop tanks being relocated? Mr. Hearing said yes. Mr. Plate said they will be increasing underground storage.

Are there any plans for the parcel immediately to the east? Mr. Sickler said it had been previously approved for retail use.

Comm. Flinchum asked the applicant to correct the North arrow on A1.2. He also made the following suggestions:

- Place an open rail fence rather than the wall on the south side of the property and continue it to the east and west sides of the property.
- Moving the sidewalk to the south side of the driveway off of Orange Avenue.
- Have one-way driveways from Indiantown Road.
- Orient the dumpster at 90 degrees.
- Place the loading zone west of the air and vacuum station.

Circle K Redevelopment – cont'd

Vice Chair Klug noted that cars going east could not legally make a u-turn until Jonathan's Landing. A lot of people will probably leave through the Orange Avenue exit to go further west and make a u-turn. He said he observed eight to ten cars parked at Annie's during the past week. He was concerned that they would not have adequate parking and suggested moving the electric charging station over near the air and vacuum station.

Vice Chair Klug asked why there wasn't a wall proposed along the back of the dance studio and said people are passing through the hedge there. Mr. Hearing said the buffer will be very dense and people will not be able to walk through it. He agreed with Comm. Flinchum on keeping two driveways with the entrance drive on the west and the exit on the east.

Vice Chair Klug concluded by asking where an emergency generator would be placed if brought in during a storm. Mr. Hearing said it would be on the back of the building where the electric comes in. It would be as far from the residential area as possible.

Comm. Patel said there is already a problem with traffic leaving the site crossing lanes of traffic to turn north on Alternate A1A and the All Aboard Florida trains will increase the backup. He suggested a site design similar to the Raceway gas station on 45th Street where there is one entrance off 45th Street and all exiting traffic goes onto a side street.

Comm. Patel asked if the windows would be blacked out. Mr. Hearing said not on the front of the building.

Comm. Roberts said he had no problem with the proposed location of the dumpster. Comm. Flinchum said he was just concerned about the truck blocking the drive during pickups.

Comm. Patel asked if the applicant is required to provide a pass-thru on the property after the abandonment. Mr. Sickler said the Town can require a cross-access easement to connect Orange Avenue to the existing alley as part of the abandonment as well as requiring it in the site plan.

Comm. Patel asked if there were any regulations regarding the runoff going into the dry retention area since it will go into the water table. Mr. Hearing said all the runoff now goes to Indiantown Road; the native vegetation in the retention area will provide some filtration. Comm. Patel said he was concerned potential groundwater contamination could affect property values on First Street.

Comm. Hague said she was worried about maneuverability within the site. She said she was unsure whether it would be better to have two driveways on Indiantown Road or an entrance on Indiantown Road and the exit on Orange Avenue. Mr. Sickler said the Town traffic engineer had looked at the possibility of an entrance on Indiantown Road and an exit on Orange Avenue and the traffic levels would be acceptable.

Circle K Redevelopment – cont’d

Vice Chair Klug said that configuration might result in more people using the alley to exit the site and create more of a problem with congestion close to the tracks. Comm. Duke said one-way-in and one-way-out seemed like a good solution, but he could also support the recommendation of the Town’s traffic engineer. Comm. Flinchum said one-way circulation works well.

Mr. Baird said if the Commission recommended approval of the site plan and special exception they would, in effect, be recommending approval of the abandonment. The site plan relies on the abandonment. He said one motion would be sufficient. Mr. Sickler noted that there is a requirement for the Planning and Zoning Commission to make a recommendation regarding abandonments.

Comm. Patel said he liked one-way-in from Indiantown Road and the exit on Orange. He moved to recommend approval with Staff recommendations and the following additions:

- Staff to study the option of one-way-in and one-way-out on Indiantown Road, and the option of one-way-in on Indiantown Road and one-way-out on Orange Avenue; and
- Staff to evaluate security at the site and make sure the Police Department is comfortable with the plan as far as security goes.

Comm. Duke seconded the motion. Comm. Flinchum asked if the maker of the motion would consider adding a requirement for the applicant to work with Staff and modify the proposed wall to a rail type of fencing and, if needed, move it inward so landscaping can be placed on the exterior side. Vice Chair Klug asked to add a condition to move the electric charging station to free up the spaces near Annie’s. Comm. Patel and Comm. Duke agreed to the modifications.

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

Hague – Y	Flinchum – Y	Patel – Y	Roberts – Y
Zacarias – Y	Duke – Y	Klug - Y	

ADJOURN:

Vice Chair Klug adjourned the meeting at 9:55 p.m.

Valerie Hampe, Secretary

PATRICK RUTTER, CHAIR