

**PLANNING AND ZONING COMMISSION MINUTES
REGULAR MEETING
October 13, 2016**

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

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

MINUTES: Regular Planning and Zoning Commission meeting, September 13, 2016.

Vice Chair Klug moved approval; seconded by Comm. Patel. The minutes were approved unanimously by consensus.

CITIZEN COMMENTS: None.

REGULAR AGENDA:

A. **OLD BUSINESS:** None.

B. **NEW BUSINESS:**

1. **Jupiter Creek Commercial** – Site Plan amendment application for shared parking on Parcels 1 and 8 with less than 250 parking spaces, and change in use from office and church to medical office on a 3.4± acre property, located at 1232 West Indiantown Road. (PZ# 16-1858)

Town Council consideration:

November 15, 2016

George Gentile of 2GHO gave a PowerPoint presentation and noted that the applicants were present. They were seeking to decrease professional office and church uses and increase medical office use without actually changing the building square footages. The application could be handled administratively but because the unit owners were asking for shared parking, they were required to go through the public hearing process.

Mr. Gentile said they can't bring the greenspace up to 30% but they will reduce the plaza area near Indiantown Road to increase it. The average daily trips will be reduced by changing the uses. The applicant is in agreement with all of the proposed conditions of approval.

Garret Watson, planner, said the plaza is currently underused as there are a number of vacancies. The greenspace is a legal non-conformity because the development was built before greenspace requirements existed.

Jupiter Creek Commercial – cont'd

Mr. Watson said the Town traffic engineer will check that no modifications are needed for the median on Indiantown Road. By using shared parking calculations, the applicant is requesting a reduction of nine parking spaces which is approximately a 5% reduction in parking. Staff supports the applicant's request for shared parking.

Vice Chair Klug asked how the change in use in the Annie's Gourmet building factored into the parking. Mr. Watson said Annie's and Burrito Brothers are on separate lots from the application being discussed.

Comm. Patel asked how the median on Indiantown Road might change. Mr. Sickler replied that a diverter may be added to prohibit traffic exiting the development from going west on Indiantown Road.

Comm. Hague asked if the Girl Scouts were still there. Mr. Gentile said yes; they are in Building B but may choose to move with the downsizing of their administrative staff.

Comm. Flinchum noted that the applicant's statement of use indicated that there will be 28.3% greenspace but the staff report indicates there will be a 1.3% increase from 25.7%. Mr. Gentile said the staff report was correct and the statement of use had an error.

Comm. Flinchum asked the following:

Would the applicant be willing to give up the lone parking space in the northwest corner and change it into greenspace? Mr. Gentile said the property owners' association prohibits eliminating parking but the owners don't object. He suggested adding it as a condition of approval.

Will these be mixed medical practices and not large affiliated practices sharing suites? Mr. Gentile said there is a practice that would like to expand but he did not anticipate large offices.

Does the Town distinguish medical offices from diagnostic offices? Mr. Sickler said no.

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

Comm. Patel asked for clarification on the parking space that Comm. Flinchum was proposing to eliminate. Comm. Flinchum explained and noted that a car would not be able to leave the space until the stop bar behind it was cleared.

Comm. Flinchum moved to recommend approval with staff recommendations and an additional condition requiring the individual parking space to be converted to greenspace as discussed. Comm. Hague seconded the motion.

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

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

2. **17698 Evangeline 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 an existing single-family home on a 5,000 square foot lot in the Cinquez Park 2nd Addition subdivision. (PZ# 2047)
Acting as the Zoning Board of Adjustments

Chair Rutter asked if there were any ex-parte disclosures and Comm. Flinchum said he had visited the site.

Mr. Baird conducted the swearing in of witnesses.

Ms. Thoburn explained the request and said it was similar to a variance granted in June. She added that this house had already been built; unlike the subject of the June variance. All criteria had been met and Staff recommended approval. The nonconformity was caused by a building permit issued in error.

Mr. Sickler said Staff had advised the applicant that they did not need to attend the hearing, due to the circumstances.

Comm. Roberts asked if Staff had reached out to the current homeowner and Ms. Thoburn said yes. Mr. Sickler said they contacted the owner and acknowledged the error on the permit.

Comm. Flinchum said he was uncomfortable that the applicant wasn't present even though this was Staff-initiated and assisted. He asked if Jupiter requires an as-built or a form board survey before a Certificate of Occupancy is released. Ms. Thoburn replied that the Town requires a form board survey but the survey would be to verify that it matched the permit.

Comm. Flinchum said Lisa Chitty referred to this house in making her case for a similar variance in June and the approval was marginal (4-3 vote). This variance should have been heard first. He asked if Ms. Gonzalez, the new owner had been made aware of the nonconformity and Ms. Thoburn said yes; Staff had communicated with her and she signed the new application.

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

Vice Chair Klug moved to approve the request with Staff recommendations; seconded by Comm. Duke. The Board was polled and the motion carried (6-1 vote).

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

ADJOURN:

Chair Rutter adjourned the meeting at 7:40 p.m.

Valerie Hampe, Secretary

PATRICK RUTTER, CHAIR