# PLANNING AND ZONING COMMISSION MINUTES
# REGULAR MEETING
# November 8, 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, 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. Thomas Baird, Town Attorney; Ms. Valerie Hampe, Secretary.

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

Comm. Hague moved approval; seconded by Comm. Duke. The minutes were approved unanimously by consensus.

**CITIZEN COMMENTS:** None.

**REGULAR AGENDA:**

**A. OLD BUSINESS:** None.

**B. NEW BUSINESS:**

**1. Center Street/North Alternate A1A Redevelopment Overlay Area** - Zoning text amendment to Section 24-190 to include the Industrial Park Light Industry (I-1) zoning district as an eligible zoning district within the Center Street/North Alternate A1A redevelopment overlay area. *(PZ# 1912)*
*Town Council consideration:* December 20, 2016 – *1st rdg*
January 17, 2017 – *2nd rdg*

Don Hearing of Cotleur Hearing spoke on behalf of the applicant, Jupiter Commercial Properties, LLC. He explained the request, gave a PowerPoint presentation and noted that there are currently light industrial uses in the Redevelopment Overlay Area (ROA). No additional land will be added to the ROA.

Ms. Thoburn said this application is a precursor to a land use change, rezoning, Planned Unit Development (PUD), and special exception that will be brought forward next month for a storage facility. She indicated the location of that property on an aerial photograph and stated that Staff recommended approval.

Comm. Hague said storage is currently allowed there by special exception. She noted that a lot of I-1 uses could be granted as special exceptions in the C-2 zoning district.

**Center Street/North Alternate A1A ROA – cont'd**

Comm. Patel asked why Staff would support changing the Code instead of suggesting the applicant seek a special exception. Mr. Sickler said Staff was responding to an applicant request and found it to be acceptable. The C-4 zoning district is very restrictive; I-1 allows more flexibility – service commercial and light industrial.

Comm. Patel observed that there are approximately 40 properties in the ROA. Allowing I-1 in the ROA would mean any of the properties there in I-1 could apply for I-1 uses by-right such as adult entertainment. Mr. Sickler said any application would have to stand on its own and meet the criteria for rezoning. Nothing would happen automatically.

Mr. Hearing said his client would still be seeking a special exception for a storage facility but the regulations will be less restrictive in I-1 than in C-4. C-4 is a Neighborhood Commercial district which is intended for commercial uses immediately abutting or integrated into a residential district. The client's property is sandwiched between industrial and C-4 property; so I-1 would be more consistent and compatible.

Comm. Patel asked Staff if they anticipated other properties in the ROA applying for I-1 zoning. Ms. Thoburn said a lot of the properties abut residential so it wouldn't be appropriate. Most of the businesses in the ROA exceed the lot coverage permitted for I-1, which is even greater than what is permitted for C-4.

Comm. Roberts said larger parcels need more flexibility to be developed in keeping with the intent of the overlay.

Comm. Zacarias asked what uses are permitted in I-1. Ms. Thoburn listed the uses by-right and special exceptions. Mr. Sickler noted that I-1 has a broader range of light industrial uses than C-4. Comm. Zacarias asked if there have been many inquiries for uses that are not covered by C-4. Mr. Sickler replied that the original intent was to have light industrial uses which are there but are currently nonconforming.

Chair Rutter asked which future land uses are consistent with I-1 zoning and if they are in the ROA. Mr. Sickler said no; none of the land uses in the ROA are consistent with I-1 zoning. Chair Rutter noted that anyone wanting I-1 zoning in the ROA would first have to obtain a future land use change which is much more difficult than a special exception.

Comm. Patel said he was still hesitant since a special exception is still an option for Mr. Hearing's client. However, knowing that the future land use designation process would be required before a rezoning satisfied some of his concerns.

Comm. Hague said I-1 zoning will allow more intense uses by-right. She listed the uses currently permitted by special exception in the ROA and said the Town would maintain more control by keeping them special exceptions. She concluded by saying that I-1 is not necessary and may result in unintended consequences.

Vice Chair Klug moved to recommend approval with Staff recommendations and the spelling correction of "principals" to "principles". Comm. Flinchum seconded the motion. The Commission was polled and the motion carried (4-3 vote).

**Center Street/North Alternate A1A ROA – cont'd**

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

**2.** **Directional Sign Regulations** – Town initiated Zoning text amendment to the Town's sign regulations to allow directional signage for hospitals with emergency rooms. *(PZ# 1944)*
*Town Council consideration:* December 20, 2016 – *1st rdg*
January 17, 2017 – *2nd rdg*

Mr. Sickler said the purpose of the application is to help people navigate to the emergency room as quickly as possible. It can be difficult for people unfamiliar with the location to find the way into the hospital; particularly from Military Trail. The sign would be in the right-of-way and have a maximum height of five feet.

Comm. Flinchum asked if the sign would be double-faced and if only the text would be lighted. Mr. Sickler said yes.

Comm. Duke asked what "content neutral" means and why Staff was proposing to remove "non-advertising in nature". Mr. Sickler said that "content neutral" means signage is evaluated for code compliance with respect to dimensions and other standards; not the text. Less information on a sign makes it better for navigating.

Comm. Hague asked if this would be a breakaway sign. Mr. Sickler said yes; it would be partially made of a material similar to styrofoam to minimize hazards created upon vehicle impact. Comm. Hague asked if there could be a directional sign by the Toney Penna entrance. Mr. Sickler said the intersection does not lend itself to that but the faded "H" sign was replaced.

*Comm. Patel asked what kind of property was involved in the Supreme Court case regarding signage. Mr. Baird said it was a church and the court held that signs have to be content neutral.*

Comm. Patel suggested that the sign could just say "emergency room" and not "Jupiter Medical Center" *since there shouldn't be advertising on public property.* He was concerned that other facilities, such as urgent care clinics, would then request off-site signs and the Town would not be able to regulate the content. There is no provision for a limitation on the number of these signs or the distance they can be placed from the facility.

Mr. Sickler said these signs would only be allowed for hospitals with emergency services, as defined in Florida Statute. Mr. Baird said the Commission could recommend that the sign say only "medical center".

Vice Chair Klug said Miami Children's Hospital has a facility just off I-95 with a 24-hour surgical team. Fire Rescue is obligated to take patients to the nearest surgical facility, so car accident victims are sometimes taken there and then transferred to Miami rather than being taken to Palm Beach Gardens Medical Center. Mr. Sickler said freestanding emergency facilities are not defined in Town Code; Jupiter has a hospital and medical clinics.

**Directional Sign Regulations – cont'd**

Comm. Roberts said the "H" signs are not enough and he supported the requested Jupiter Medical sign.

Comm. Zacarias noted that the proposed language for Section 27-1772(2), P-2 Permanent Signs, states "…off-premise directional sign adjacent to a nearby arterial roadway". She suggested that the location could be further defined by specifying the nearest arterial roadway. Mr. Sickler said Alternate A1A is actually the nearest arterial roadway but that location would not serve the purpose so Staff chose a less specific term.

Comm. Robbins asked if Staff was convinced that the proposed sign would be the best way for people to locate Jupiter Medical Center. Mr. Sickler said yes and the logo will also help.

Chair Rutter asked if only one of these off-site signs would be permitted for each hospital with emergency services and Mr. Sickler said that was correct.

Chair Rutter opened the floor to public comment.

Barry Logue, project manager from Jupiter Medical Center, said they are not looking for a marketing tool but they want people to find the hospital quickly when there is an emergency.

Vice Chair Klug said the hospital is one of the largest employers in Jupiter and he supported anything they need to increase their visibility. Comm. Hague said she supported the proposed sign to help people find the hospital more easily.

Comm. Patel suggested adding language that would not allow the extra sign for any hospital located on an arterial roadway. Vice Chair Klug said he would prefer to let Town Council make that decision.

Vice Chair Klug moved to recommend approval with Staff recommendations; seconded by Comm. Hague. 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 | |

**3.** **Communication Antennas and Towers** – Zoning text amendment to Section 27-1671 modifying the freestanding communication tower and rooftop mounted equipment regulations, and creating new regulations to allow building mounted antennas in certain zoning districts or within Planned Unit Developments (PUD). *(PZ# 2019)*

*Town Council consideration:* December 20, 2016 – *1st rdg*
January 17, 2017 – *2nd rdg*

**Communication Antennas and Towers – cont'd**

Mary Solik, attorney, said she is outside legal counsel for Verizon Wireless. She noted that Barnette Diggs, real estate specialist with Verizon Wireless, and Mike Clementi, network implementation engineer, were both present. Ms. Solik discussed the changes the applicant was seeking and showed slides of small cell deployment examples.

Barnette Diggs said small cell deployment is used to complement macro sites when they become overloaded.

Ms. Solik said the applicant would like rooftop small cell deployments to be reviewed administratively rather than having to go through the special exception process. They are in agreement with all changes proposed by Staff.

Ms. Thoburn said Staff recommends approval of the application with the changes noted in the staff report. Building mounted antennas could be reviewed administratively to encourage their use. However, rooftop antennas can be obtrusive and would continue to be a special exception to ensure they meet Jupiter's standards.

Comm. Flinchum noted that antennas of different carriers have different appearances. He agreed that rooftop antennas should remain a special exception.

Comm. Patel asked if there is a minimum height for the antennas to be effective. Mr. Clementi, the applicant's engineer, said they should be in the mid 20's to mid 40's (feet). Comm. Patel then asked why Staff chose a minimum building height of 24' for allowing building mounted antennas as a use-by-right. Mr. Sickler replied that the requirement could be removed since a building lower in height could have a tower element that would allow for stealth mounting.

Vice Chair Klug asked if radio antennas would be subject to these regulations and Mr. Sickler said yes; any type of communication antenna. Vice Chair Klug said this would give the Town more flexibility in increasing radio coverage for the Police Department and public safety.

Comm. Roberts asked if the small cell installations are collectors that feed back to larger towers. Mr. Clementi said they can be standalone but they are moving toward using them as collectors.

Comm. Robbins asked if Staff had investigated how other municipalities handle this issue to determine if it would favor certain carriers. Mr. Sickler said he was not aware of any reason that it would favor carriers.

Chair Rutter asked if Staff would consider a cutoff height for rooftop antennas that would require them to become a special exception. Mr. Sickler said Staff could pursue looking into limitations for the height and number of antennas allowed as a use-by-right if the Commission desired it.

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

**Communication Antennas and Towers – cont'd**

Comm. Patel agreed with Vice Chair Klug that the regulations would be beneficial for public safety. He also agreed that the 24' minimum building height requirement for building mounted antennas should be stricken.

Comm. Duke said he agreed with Comm. Patel about the 24' height restriction and with Staff recommendations. He was on the fence about the possibility of some rooftop antennas being eligible for administrative review.

Comm. Flinchum said he considered communication towers for public safety a separate issue from those used for commercial purposes.

Comm. Patel moved to recommend approval with Staff recommendations and removal of the height limit for building mounted antennas. Comm. Hague 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 | |

**ADJOURN:**

Chair Rutter adjourned the meeting at 8:42 p.m.

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**Valerie Hampe, Secretary** **PATRICK RUTTER, CHAIR**