

**PLANNING AND ZONING COMMISSION MINUTES
REGULAR MEETING
December 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. David Flinchum, MB Hague, Ankur Patel, Larry Roberts, Nilsa Zacarias (1st Alternate); Mr. John Sickler, Director of Planning and Zoning; Ms. Stephanie Thoburn, Assistant Director of Planning and Zoning; Mr. David Kemp, Principal Planner; Mr. Martin Schneider, Senior Planner; Mr. Thomas Baird, Town Attorney; Ms. Valerie Hampe, Secretary.

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

Comm. Patel asked that the minutes regarding the Directional Sign Regulations be amended to show that he:

- asked for further details on the Supreme Court case regarding signage that was being referred to (Page 3), and
- raised a concern about having branded signage on Town property.

Comm. Patel moved approval with the requested changes; seconded by Comm. Hague. The minutes were approved unanimously by consensus.

CITIZEN COMMENTS: None.

CONSENT AGENDA:

A. **OLD BUSINESS:** None.

B. **NEW BUSINESS:**

CONT'D TO 2/14/16

Florida East Coast Railroad Offsite Parking – Request for variances for an offsite parking lot on a portion of property owned by Florida East Coast Railway (FECR) located on the east side of Old Dixie Highway north of Center Street to allow:

- A reduced number of required perimeter trees [Section 23-61(a)]; and
- A temporary Offsite parking agreement [Section 27-1261(b)(2)(e); and
- A gravel parking lot [Section 27-1262(a)(4)(c)].

(PZ# 16-2129)

Zoning Board of Adjustments consideration:

February 14, 2017

Vice Chair Klug moved to continue to the item to February 14, 2017; seconded by Comm. Hague. The motion was approved unanimously (7-0 vote).

Hague – Y

Flinchum – Y

Patel – Y

Roberts – Y

Zacarias – Y

Klug – Y

Rutter - Y

REGULAR AGENDA:

A. **OLD BUSINESS:** None.

B. **NEW BUSINESS:**

1. **Water Pointe** - Site Plan Application for the construction of 35 multi-family residential units on 4.2± acres located at 1222 S. U.S. Highway One, approximately 850 feet north of the intersection of U.S. Highway One and Ocean Way, on the west side of U.S. Highway One. (PZ# 16-2024)
Town Council consideration: January 17, 2017

Emily O'Mahoney of 2GHO gave a PowerPoint presentation on behalf of the applicant, Jupiter Land Holdings, LLC. She reviewed the history of the property, described the proposed plan and discussed the contributions being required. Their client wants vehicular gates for marketing purposes but they will open automatically. They also requested more flexibility in the irrigation condition of approval to allow other methods of water conservation.

Martin Schneider, senior planner, said Staff does not support the proposed gates. This should be an open community since the property will have connectivity to public parking directly to the north for the Riverwalk. A future connection to the south would also help take trips off of U.S. One. The only bonus the applicant is seeking is for density.

Comm. Zacarias liked the architectural style and asked for justification of the gates. Steve Cohen, representative of the developer, said they have nearly \$1,000,000 in conditions they have to meet and the gates will help to market the units at a higher price. Comm. Zacarias did not agree that the absence of gates would lessen the value of the units. She asked about the pricing of the units and Mr. Cohen said they would start somewhere in the \$400,000 range.

Comm. Zacarias asked if the applicant could meet the workforce housing requirement with a combination, such as building one unit and paying for the other. Mr. Sickler said he didn't see any reason they couldn't but the Town prefers to have the units constructed. Comm. Zacarias concluded by saying she supported the proposed density increase for the project.

Comm. Roberts asked if there were other reasons that the applicant objected to not having gates. Mr. Cohen said the previously approved mixed use plan wasn't really marketable. Now they are trying to sell a residential area adjacent to Cabo Flats, Mangrove Bay and the office building so they want to reduce vehicular traffic.

Vice Chair Klug asked if the Homeowners' Association (HOA) would be maintaining the Riverwalk entry structure. Ms. O'Mahoney said yes; they will maintain the gateway on their property, the icon interpretative column on the Riverwalk and the Riverwalk itself. Vice Chair Klug asked if the HOA would be responsible for the internal roadway and Ms. O'Mahoney said yes.

Water Pointe – cont'd

Comm. Patel asked the following:

Where would the connection to Cabo Flats be placed and would it be two-way? Ms. O'Mahoney pointed it out on the site plan and said yes; it would be two-way. Comm. Patel said it sounds like it would be a problem located that close to U.S. One. Mr. Sickler said the Town engineer considered it an acceptable location. The appropriateness of constructing the connection would be determined at the time the Cabo Flats property is redeveloped.

Is there any precedence of automatic gates? Mr. Sickler said he wasn't aware of any in Jupiter. Comm. Patel said there should be a sign that indicates the public is welcome if the gates are installed and Mr. Sickler agreed.

Has the Town used a traffic study in the past to determine a project's share of signalization costs? Mr. Sickler said yes; it has been factored in, particularly when the project is warranting the signal. Comm. Patel said he wanted to make sure there was a precedent before recommending that this project's contribution be reduced based on traffic. He did not want this project to set the precedent.

Would Staff agree to make the irrigation condition of approval more flexible as requested by the applicant? Mr. Schneider said this is a standard condition and allows other methods of water conservation as approved by the Town.

Comm. Hague asked Staff to verify that the unmarked road just north of the office building leads to the public parking area for the Riverwalk. Mr. Schneider said yes but Staff is recommending the other connection because it is policy to provide connectivity. Comm. Hague observed that the public does have a method of reaching the parking without going through Water Pointe. She said the proposed connection would not be connecting one residential community to another but would be connecting parking lots.

Comm. Flinchum asked the following:

Will the gates be placed by the smaller teardrop island at the entrance? Ms. O'Mahoney said yes.

Has Cabo Flats agreed to the connection? Mr. Sickler said the connection would not be completed until the Cabo Flats property is redeveloped.

Would the applicant object to signage that would encourage vehicular traffic through the community for the purpose of accessing the public parking area? Mr. Cohen said they are providing pedestrian access to Riverwalk and he did not envision that type of signage.

Chair Rutter noted that the roadway through the project is identified as an access easement and asked if that included public access. Mr. Cohen said yes. Chair Rutter asked what would ensure that the HOA would not try to restrict access in the future and Ms. O'Mahoney said the HOA documents. Chair Rutter asked if a public access easement is impeded anywhere else in Town and Mr. Sickler said he was not aware of any.

Myles Gordon, resident of Mangrove Bay expressed concern about inviting the public into a roadway that is not wide enough to turn around. He said the property becomes a lake after a heavy rain and the applicant should be cautious about the type of drainage that is installed and where it is directed. Mr. Gordon also noted concerns about the project being too dense and appearing out of place.

Water Pointe – cont'd

Carol Watson, resident of Chasewood, said she did not object to having a gate and could see why buyers would want one but having it automatic is kind of futile. She said the architectural style seemed plain and mediocre.

Comm. Flinchum asked if there is an adopted plant palette for the Riverwalk corridor. Mr. Schneider said no but there is one for the U.S. One corridor.

Comm. Hague said the community should have their gate and should not be burdened with providing public access to the Riverwalk public parking area. Otherwise, she liked the plan.

Comm. Patel said he was not sure what position to take on the issue of the gate. He noted that pricing in other non-gated communities in Jupiter has not dropped. Cross access to other properties and gates send a mixed message. If gates are installed, there should be signage for the public to know they have access to the easements.

Comm. Patel said he was also on the fence about reducing the traffic signal contribution. The developer knew what the contribution should be; reducing it would not be fair to other developers and the public. He concluded by saying the development would be good for the area.

Vice Chair Klug asked the following:

How will noise from Cabo Flats be controlled? Mr. Sickler replied that they are subject to the standard noise regulations.

Will there be any on-street parking in Water Pointe? Mr. Schneider said no; it is a private road.

Who would remove cars from guest parking if they don't belong there? Mr. Sickler said the HOA.

Vice Chair Klug said he was in favor of the gates because increased traffic will result in more roadway maintenance costs for the HOA. Public access can be acknowledged but not encouraged. He concluded by saying the tot lot should be lighted at night to prevent loitering.

Comm. Roberts asked about the purpose of the connection to Cabo Flats. Ms. O'Mahoney replied that it is Town policy to create interconnectivity as properties are redeveloped. Comm. Roberts then asked if there is a deceleration lane on southbound U.S. One by the property and Mr. Schneider said yes.

Comm. Zacarias asked whether nearby communities are gated. Mr. Schneider said Mangrove Bay is not gated. Mr. Sickler said Ocean Walk is gated but Jupiter Ocean Racquet Club is not.

Comm. Zacarias said connectivity is not always neighborhood to neighborhood. She cited the example of Botanica connecting the hospital to Military Trail. The applicant did a good job designing their entrance for privacy but having a gate with a sign that it is open to the public will not result in a positive outcome. She agreed with connectivity and did not support the gate.

Water Pointe – cont'd

Comm. Flinchum asked if connectivity is a goal, objective or policy in the Comprehensive Plan and Mr. Schneider said it is policy. Comm. Flinchum then asked if the site would need to be redesigned if there was no connectivity to the north and Mr. Sickler replied that Fire/Rescue would probably have concerns.

Vice Chair Rutter said he hoped the development gets built and supported connectivity. He said a gate with public access will create problems down the line. The value of the gate will diminish over time as the public learns they can go through it. It would be better to have a private road and have a mitigation plan.

Comm. Flinchum moved to recommend approval with Staff recommendations including removal of the gates. Comm. Zacarias seconded the motion.

Comm. Patel asked if Comm. Flinchum would consider amending the motion to require the applicant to pay \$21,250 toward the cost of signalization at Ocean Way, as required in the previous development approval, rather than the \$9,177 proposed by Staff. Comm. Flinchum said no; the matter had been reviewed internally and he did not wish to amend the motion.

Comm. Hague said connectivity is used to alleviate roadway congestion but that area of U.S. One does not have a traffic congestion problem.

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

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| Hague – N | Flinchum – Y | Patel – Y | Roberts – N |
| Zacarias – Y | Klug – N | Rutter - Y | |

2. Workforce Housing Regulations - Zoning text amendment to Chapter 27, Article X, Division 42 entitled "Workforce Housing (WFH) Program" to:

- Allow required workforce housing units to be produced off-site;
- Incentivize the donation of land instead of paying the in lieu fee as an option to producing workforce housing units;
- Clarify density bonus provisions.

Town Council consideration:

January 17, 2017 – 1st rdg
February 20, 2017 – 2nd rdg

David Kemp, principal planner, gave a PowerPoint presentation and reviewed the amendments as shown in the staff report. Staff recommended approval of the text amendments.

Comm. Zacarias said she was glad the Town was moving forward with workforce housing. She asked what input had been received from developers. Mr. Kemp replied that they liked the option of producing workforce housing off site.

Workforce Housing Regulations – cont'd

Comm. Roberts asked about the availability of land for developers to donate in lieu of providing workforce housing. Mr. Kemp confirmed that there are only about 20 empty lots left since the community is mostly built out. Mr. Sickler noted that annexation areas can also be used which significantly expands the options. Ms. Thoburn added that residential properties in need of redevelopment would also be eligible.

Vice Chair Klug observed that redevelopment would bring up property values and make neighborhoods nicer. Ms. Thoburn said developers know how to construct homes much better than the Town could and could buy land more easily.

Comm. Patel asked why Staff was adding Sec. 27-1675.43(3)d which states that the Town's authorized non-profit housing organization would administer workforce housing units when Sec. 27-1675.39(9) indicates that the Town Council may or may not authorize the Town Manager to enter into an agreement with a community land trust. Mr. Sickler stated that such an agreement would have to be in place to allow a developer to construct workforce housing off site.

Comm. Patel asked the following:

What would happen if there are problems, such as scandal, with the agency administering workforce housing? Mr. Sickler said those details would be outlined in the contract. Ms. Thoburn said there are usually reverter clauses in these types of contracts so the land would come back to the Town to be kept or conveyed to another agency.

Do the agencies charge fees and where would that money come from? Ms. Thoburn said yes; there are administrative fees and the funds would probably come from the workforce housing trust or the developers.

Who receives the money paid by the buyer for the structure? Ms. Thoburn said the money from the sale of the structure for workforce housing goes to the developer. Therefore, the developer has an incentive to build and recoup some of their expenses rather than pay a fee in lieu.

Where does the text state that the developer receives the money? Chair Rutter said it isn't necessary because the developer is the seller. Mr. Sickler said the Town would review an agency's practices and write these details into a contract rather than changing the code.

How are the appraisers chosen to value the land as specified in Section 27-1675.43(2)c? Mr. Sickler said it would be an approved appraiser with a standing contract.

Why require the value of donated land to be at least 90% of value of the fee in lieu rather than some other percentage? Mr. Sickler said the purpose is to incentivize the developer to build units. The second most desirable option for the Town is to have land donated and the least desirable option is to receive the fee. Comm. Patel said that when brokerage fees are added it is probably approximately the same as paying the fee in lieu.

Workforce Housing Regulations – cont'd

Comm. Hague asked why the program was addressing incomes between 80 and 120 percent of the median income rather than lower incomes when there is so much need for lower income households. Ms. Thoburn said Town Council chose to address this range for people working in Jupiter. Comm. Hague said it was disappointing because many restaurant and retail workers can't afford to live in Jupiter so they live and spend their money elsewhere. She concluded by asking how the money currently in the workforce housing fund would be used. Mr. Sickler said it would be leveraged to acquire property for further workforce housing.

Comm. Flinchum said he liked the options being proposed to applicants and asked the following:

If someone is building a rental complex that requires a land use change and rezoning, will their 20% required workforce housing have to be in the complex? Mr. Sickler said yes.

Is there a program to ensure that workforce rental units remain in the correct price range? Mr. Kemp said yes, and explained.

Could Habitat for Humanity dovetail into the program? Mr. Kemp said yes; if the units meet the requirements of the program.

Chair Rutter opened the floor to public comment.

Ms. O'Mahoney said it is difficult to manage projects at the same time the regulations are being drawn up. Her client almost bought rehab housing and then the option was taken off the table.

Stephen Cohen said he is with the Water Pointe developer and he agrees with having a workforce housing program. He said rehab housing should be in the program and the Town's fee in lieu seems steep when compared to that of the county.

Suzanne Cabrera said she is president and CEO of the Housing Leadership Council for Palm Beach County. The need for workforce housing is great in South Florida and she agreed that a community land trust is a good choice to keep property affordable in perpetuity.

Comm. Flinchum asked why the option for rehab housing was taken off the table. Ms. Thoburn said they require expertise to manage and the Town doesn't want to take on that responsibility this early in the program.

Comm. Patel asked how the Town would ensure the quality of off-site workforce housing and Mr. Kemp referred him to the proposed language for Sec. 27-1675.43(3)e which references quality, unit size and timing of construction. Comm. Patel said he supported the calculations used to determine the required amount of workforce housing for projects.

Vice Chair Klug said he liked the idea of a community land trust and non-profit participation; the Town is not in the business of buying and managing property. Rehab properties should be included. He supported the program and agreed with Council's decision to provide workforce housing for this income range. He wished the program had started earlier so more could be done.

Workforce Housing Regulations – cont'd

Comm. Roberts complimented Staff and agreed that the affordability index of Jupiter needs to be addressed.

Vice Chair Rutter said these programs are complex to put together. This is a good one which offers flexibility to developers and benefits the Town. He agreed that it would have been nice if the Town had started earlier but said it is good to start now.

Comm. Flinchum moved to recommend approval of the proposed amendments as outlined in Exhibit 1 of the staff report. Comm. Patel seconded the motion. The Commission was polled and the motion carried unanimously (7-0 vote).

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| Hague – Y | Flinchum – Y | Patel – Y | Roberts – Y |
| Zacarias – Y | Klug – Y | Rutter - Y | |

ADJOURN:

Chair Rutter adjourned the meeting at 9:56 p.m.

Valerie Hampe, Secretary

PATRICK RUTTER, CHAIR