

**TOWN OF JUPITER
PLANNING AND ZONING COMMISSION MINUTES
REGULAR MEETING
April 13, 2021**

Chair Patel called the meeting to order at 7:01 p.m.

ATTENDANCE: Chair Ankur Patel; Vice Chair Cheryl Schneider; Comms. Frank Fore, Teri Grooms, MB Hague, John Weisman (1st Alternate), Malise Sundstrom (2nd Alternate); John Sickler, Director of Planning and Zoning; Stephanie Thoburn, Asst. Director; David Kemp, Principal Planner; Peter Meyer, Senior Planner; Garret Watson, Senior Planner; Peter Begovich, Planner; Thomas Baird, Town Attorney; Valerie Hampe, Secretary.

MINUTES: Regular Planning and Zoning Commission meeting, February 9, 2021.
Comm. Hague moved to approve the minutes; seconded by Vice Chair Schneider. The motion carried unanimously by consensus (7-0 vote).

ELECTION OF OFFICERS:

Vice Chair Schneider nominated Chair Patel to continue as Chair; seconded by Comm. Hague. There were no other nominations.

Comm. Hague nominated Vice Chair Schneider to continue as Vice Chair; seconded by Comm. Fore. There were no other nominations.

CITIZEN COMMENTS: None.

REORDERING OF AGENDA:

Due to the number of members of the public present for the Sandpiper Cove application, the Commission unanimously agreed to reorder the agenda so Sandpiper Cove could be addressed first.

REGULAR AGENDA:

1. **Sandpiper Cove** – A Planned Unit Development (PUD) and site plan amendment to modify the architecture requirements and update the elevations for the multifamily buildings on a 45.91 +/- acre property located on the east side of the intersection of Military Trail and Indian Creek Parkway within Seaplum PUD. (PZ# 4589 and 4590)

Town Council consideration:

May 4, 2021 – 1st rdg
May 18, 2021 – 2nd rdg

Thomas Baird, attorney conducted the swearing in of witnesses.

Sandpiper Cove – cont'd

Chair Patel asked for ex-parte disclosures. Comm. Sundstrom and Chair Patel said they drove around the site and spoke with staff members. Comm. Hague said she had driven around the site.

Tony Misuraca, contractor, gave a presentation regarding roof leakage and drainage problems. He said the developer had offered a settlement. Replacing the tile with another tile roof will not solve the problems currently existing. He said he has locked in a price and a 20-year warranty on asphalt shingles.

Peter Meyer, senior planner, said staff recommended approval of the applications to modify the architecture in the Planned Unit Development (PUD) and site plan to allow asphalt shingles and removal of balconies. The development followed the Abacoa pattern book but is not in Abacoa.

Comm. Weisman asked if staff had considered a metal roof. Mr. Meyer replied that staff suggested a metal roof that looks like tile but the applicant did not choose to do that. Comm. Hague asked about the price of a metal roof. Mr. Misuraca said it would be about \$11 per square foot and would require many of the elements needed for a tile roof.

Comm. Zuniga asked if there had been litigation for the settlement that the developer offered. Mr. Misuraca said they had offered \$200,000 but he didn't know if it had been paid. Comm. Zuniga then asked if the approximately \$500,000 that was spent for mold remediation had come from the association or insurance. Mr. Misuraca said it came from association reserves.

Renee Renuart, attorney for the association and Donna Langdon, association president answered Comm. Zuniga's questions regarding the association's voting process.

Comm. Fore asked about the cost of a standard metal roof. Mr. Misuraca said it wouldn't be consistent with Mediterranean architecture. He added that the cost of a standing seam metal roof is almost equal to the cost of a concrete tile roof. Comm. Fore asked if the applicant would be asking for any additional waivers and Mr. Misuraca said no.

Comm. Sundstrom asked Mr. Misuraca if he had priced out keeping concrete tile on the first floor and using asphalt shingles on the upper floor. Mr. Misuraca said no; the community voted for asphalt shingles and there is rotting on the lower roofs as well.

Chair Patel asked what the 20-year warranty would include. Mr. Misuraca said it is a manufacturer's labor, material, tear-off, disposal and workmanship.

Chair Patel opened the floor to public comment.

Donna Langdon, association president, said the community has a three-million-dollar line of credit for asphalt shingles. If a more expensive material is required, there will have to be another homeowner assessment.

Sandpiper Cove – cont'd

The following people spoke in support of the application for asphalt shingles: Michael Dalonzo, Carl Knudsen, Veronica Salerno, Robert Stowe, Mohamad Halabi, Deborah Giarratana, and Susan Roberts.

Carl Resler said he would prefer stone coated steel which has a 50-year warranty. He opposed the transition to asphalt shingles and said a tile roof is the major feature of Mediterranean architecture. He was concerned about property values declining because of a change to asphalt shingles.

Ms. Hampe, secretary, noted that the following people did not wish to speak but had submitted comment cards in favor of asphalt shingles: Elizabeth Martin, Roberta Cerefice, Joe Jenkins, Robert Stephens, Karen Stephens, Dennis Bedard, Joanne Hannah, Kristina Gostic, Autumn DeRinaldi, Vivian Puls, Laura Hammond, Kim Casey, Joe Raicovich. Mary Ann Nastanovich was opposed to asphalt shingles and wanted to keep the roofs tile.

Comm. Fore said these are 14 year-old structures and he expects to see more of these problems in the Town and this will probably set a precedent. In this case, the geometry of the buildings does not support a tile roof. He supported the application and said the problems need to be fixed soon or the structural damage will be more costly than a loss of value from changing to asphalt shingles.

Comm. Hague said ordinarily she would support keeping the tiles on a Mediterranean building but she agreed with Comm. Fore that the buildings are not a good fit for tile roofs. She added that it would be a huge burden on the homeowners to keep the tile roofs. The applicant has gone through the process properly and may have incurred further damage because of the time that has taken. She supported the application.

Vice Chair Schneider said it is important to give the community the flexibility to deal with the problem. The asphalt shingles they have chosen are a perfectly acceptable architectural style.

Commissioners Sundstrom, Grooms, Zuniga and Weisman also supported the application.

Chair Patel agreed with the Commission's comments and said cost is an important consideration, especially in these times.

Comm. Hague moved to recommend approval with staff recommendations; seconded by Comm. Grooms. The motion carried unanimously by consensus (7-0 vote).

Swearing In

Valerie Hampe, secretary conducted the swearing in of witness for the remaining items on the agenda.

2. **Public Storage Expansion** - Applications for:

- A Planned Unit Development (PUD) amendment with a request to increase the square footage on Lot 9, allow for an additional driveway to Toney Penna, and waivers for reduced loading space size and drive-aisle width, on a 15.6± acre PUD, known as the Southern Park of Commerce; (PZ# 3769) and,
Town Council consideration: May 18, 2021 – 1st rdg
June 15, 2021 – 2nd rdg
- Special exception and site plan applications for a three-story, 107,588 square foot, multi-access storage building, on a 9.9± acre parcel (Lot 9), located at 975 Military Trail. (PZ# 3770, 3971)
Town Council consideration: June 15, 2021

Chair Patel asked for disclosures of ex-parte communications. Comm. Sundstrom drove by the site and spoke with staff. Comm. Fore had a Zoom meeting with Mr. Hearing and had previously rented one of the units. Comm. Hague met with Mr. Hearing, spoke with staff, and had discussions with Councilors Kuretski, May, Delaney and Kaufer. Vice Chair Schneider met with Mr. Hearing and said she is a customer of Public Storage at a different location. Chair Patel had spoken with staff and met with Mr. Hearing.

Mr. Hearing gave a PowerPoint presentation on behalf of the applicant and noted that the following people were present: Mike Vahle of Public Storage, the consulting team from Kimley Horn, Melissa Kostelia of Cotleur Hearing and Neil Schiller, general counsel for the project.

Mr. Hearing reviewed the requests and noted that more landscape buffer space than required would be provided along the front of the building. He said the proposed public benefits include an easement on the east which would be dedicated in perpetuity and paved to the southern boundary where it will interconnect with Jupiter Medical Center property. The applicant also noted the ability for future retail space fronting Toney Penna Drive.

Mr. Hearing said he had received comments from some commissioners and the applicant is willing to make the changes they suggested: increase the width of the drive aisle to 22 feet, increase the turning radius on the corner of the building, add pedestrian amenities and shade trees.

Garret Watson, senior planner, gave the staff presentation. He said there were three central questions being asked. Staff was seeking the Commission's recommendation regarding the square footage of non-industrial uses in industrial areas listed in Table 1 of the staff report. He noted that there is a strategic priority to preserve industrial area and yet this is also identified as a Redevelopment Overlay Area (ROA) with no industrial uses planned. The vision for the area will affect how each commissioner sees the project as complying with the Comprehensive Plan.

Public Storage – cont'd

The second question related to the Planned Unit Development and whether the proposed public benefits justify the requested waivers. He noted that the waiver requests included a substantial increase in square footage, the addition of a roadway connection to Toney Penna, a reduction in the size and number of loading spaces, and the reduced drive aisle width between the existing storage buildings.

Mr. Watson said the third question is how well the site plan meets Town Code requirements and if there are any suggestions on improvement.

Vice Chair Schneider asked staff about the standards for public benefits. Mr. Sickler said that the Code provides some parameters as to what waivers can be requested. He listed items that the Town can request in return for waivers including workforce housing and increased landscaping.

Comm. Hague said the PUD was to allow flexibility but this is a substantial increase on one portion of the PUD. She asked if there was a maximum square footage allowed for the PUD. Mr. Watson said no; it is considered with the general context. Comm. Hague asked if Jupiter Medical Center would be required to establish their own connection. Mr. Sickler stated that a future connection could be part of the plan if they asked for waivers through a PUD process. Comm. Hague noted that Jupiter Medical Center already has the ability to connect their property to Toney Penna.

Comm. Hague said policy direction with regard to land use is hard to determine without knowing how the area will be redeveloped. Mr. Watson agreed. Mr. Sickler added the building is larger than would be expected and usually industrial uses create jobs. However, this is a largely benign use that will not generate much traffic. The question is how does it fit with the vision for this area.

Comm. Zuniga asked if the Town wanted larger buildings in the future like the one being proposed. Mr. Watson said previously this area was envisioned to become mixed use with two- and three-story buildings. The issue is how the Town would like the area redeveloped. Comm. Zuniga asked if Toney Penna could be widened in the future to handle additional traffic. Mr. Sickler said he believed the right-of-way could accommodate four lanes.

Comm. Fore asked about the difference between easements and rights-of-way with regard to public benefit. Mr. Watson said dedicating easements is not giving up real property whereas rights-of-way dedications are. Mr. Sickler clarified that applicants don't have to meet setbacks from the property line of an easement.

Chair Patel asked if staff would find canopy trees rather palm trees acceptable in the front. Mr. Watson and Mr. Sickler said yes. Chair Patel said canopy trees will create a buffer over time that will reduce the impact of the building.

Chair Patel asked Mr. Hearing if the applicant would agree to widen the drive aisle to 22 feet and Mr. Hearing said yes. Chair Patel also asked if staff would agree to widening the turning radius at the building corner. Mr. Watson said yes; they have ample greenspace.

Public Storage – cont'd

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

Comm. Weisman asked what type of retail might locate in the building. Mr. Hearing replied that they would probably be services, such as dry cleaning, after the train stop is built.

Vice Chair Schneider said she sees the area as more industrial than mixed use commercial. The applicant is proposing to replace outdoor storage with indoor storage; they are not replacing an industrial use. She liked that the building is set back and not too tall. It would probably not stick out since the hospital tends to add big buildings when they expand. She concluded by saying that she didn't know what other public benefit the applicant could offer besides putting in the roadway for connectivity.

Comm. Hague said she did not see the proposal as fitting in with the Comprehensive Plan for uses in industrial land uses. She also said that in her determination, it does not fit in with the train station. She concluded by saying that public benefit offered is not significant enough for the PUD and she did not support the application.

Comm. Zuniga said it is a nice looking project. It will stand out now but may not stand out in the future. He agreed with Comm. Hague that the roadway construction would benefit the business more than the public. He was conflicted about the application.

Comm. Fore agreed that it is a nice design but the building will stand out now. It's not too out of place visually. He was concerned about traffic on Toney Penna and said the low traffic volume generated by this use was the biggest public benefit. He was conflicted but said this was the best use for now.

Comm. Sundstrom said she saw the area as mostly industrial; commercial can open the door to more intense uses. She liked the setback but said the building is large. She agreed with Comm. Hague that the hospital can make their own way and said she was hesitant about this project.

Chair Patel said there are some inherent public benefits such as low traffic. He was concerned about other potential uses for the property that would hasten the failure of Toney Penna. He liked the plantings that would create a green area on the roadway. Town Council will determine the compatibility with the Comprehensive Plan. Storage is allowed here so the issue for Planning and Zoning is the site plan.

Comm. Grooms said there is too much ambiguity about the future of the area to make a definitive case for anything until Council chooses a direction or we get a timeframe for the train station. She said the public benefit didn't do much for her and there could be something smaller proposed for the site. She did not want to accept something that may not fit in with the ultimate vision for the area.

Public Storage – cont'd

Vice Chair Schneider moved to recommend approval of the PUD amendment with the two waivers and public benefit of the roadway. Comm. Fore seconded the motion. The Commission was polled and the motion carried (4-3 vote).

Weisman – Y Zuniga - N Fore - Y Grooms - N
Hague - N Schneider - Y Patel Y

Vice Chair Schneider moved to recommend approval of the site plan and special exceptions with staff recommendations; widening of the drive aisle to 22 feet and the addition of canopy trees. The Commission was polled and the motion carried (5-2 vote).

Weisman – Y Zuniga - Y Fore - Y Grooms - N
Hague - N Schneider - Y Patel Y

3. **Specialty Hospitals** – Applicant initiated zoning text amendments to define specialty hospital; add it to the Medical Center (MC) district as a use by right and the Commercial General (C2), Commercial Office (C3), Industrial High Technology and Employment Center (I4) districts and the Workplace and Institutional subdistricts of the Mixed Use (MXD) district as a special exception use; and provide supplemental regulations. (PZ# 4522)

Town Council consideration:

May 18, 2021 – 1st rdg

June 15, 2021 – 2nd rdg

Chair Patel asked the Commission for disclosure of ex-parte communications. Comm. Hague said she had discussion with all of the Council members except Mayor Wodraska.

Donaldson Hearing gave a presentation on behalf of the applicant (Workplace Florida Limited) and the Rendina Companies. He noted that Richard Rendina and Brian Cich were present. He discussed the request to define “specialty hospital” and said this application is preliminary to an upcoming specialty hospital application.

Peter Begovich, planner, stated that staff recommended approval of the application. He noted that the applicant proposed a new use for the zoning code to build a rehabilitation hospital in the Workplace subdistrict, rather than seeking to add hospital as a use there.

Comm. Fore asked if specialty hospitals would be a less intense use than full service hospitals. Mr. Begovich said yes; specialty hospitals have a smaller range of services.

Comm. Zuniga asked if specialty hospitals would include substance abuse rehabilitation centers. Mr. Begovich said no; that would be a licensed service provider use.

Specialty Hospitals – cont'd

Comm. Hague said she had spoken with Mr. Begovich earlier in the week. She asked if specialty hospital could just be added to the Workplace and Medical Center subdistricts. Mr. Begovich said the Commission could make that recommendation.

Vice Chair Schneider asked if there would be any limitation on the size of specialty hospital. Mr. Begovich said there aren't any limitations in the definition. The size would be analyzed as a special exception everywhere but the Medical Center subdistrict.

Chair Patel suggested that the language be more specific in defining "specialty hospital". Mr. Begovich said these are state-licensed facilities so the language mirrors that of the State.

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

Comm. Grooms moved to recommend approval with staff recommendations; seconded by Vice Chair Schneider. The motion carried unanimously by consensus (7-0 vote).

4. **MyClinic** – Applications for a Small Scale Planned Unit Development (PUD) with a rear setback waiver request and Site Plan to construct a 1,433 square foot (sf) expansion to the existing 4,282 sf medical office building on 0.6 +/- acres located at 411 W Indiantown Road (PZ# 4617, 4618)

Town Council consideration:

May 4, 2021

Chair Patel asked for disclosure of ex-parte communications. Comm. Hague visited the site, Comm. Sundstrom drove by the site and Chair Patel spoke with staff and the Town Attorney.

Donaldson Hearing of Cotleur Hearing made a presentation on behalf of the applicant. He noted that the people were present: Amy Pepper, executive director; Dr. Ronald Surowitz, founding chairman; and Brian Cich, board member.

Mr. Hearing said MyClinic provides care to underserved and underprivileged people at no cost. Jupiter Medical Center and local doctors donate their services. He noted that the Palm Beach County Health Care District has partnered with MyClinic and is a tenant in the building.

Mr. Hearing said the public benefit will be a Florida Green Building bronze level addition. He said the applicant was in agreement with the conditions of approval and would ask for a modification of the timing requirement to underground utilities. The applicant worked with staff to provide connectivity to Indiantown Road as well as possible future connectivity to Clocktower Road.

Martin Schneider, principal planner, stated that staff recommended approval of the application with the conditions shown in Exhibit 1, subject to Town Council approval of the setback waiver for the alley and the Green Building public benefit.

MyClinic – cont'd

Comm. Fore asked about the waiver request for a 1.5-foot setback from the alley and if there were any plans for a westward connection of the alley. Mr. Sickler explained that the reduced setback would be on the north side of the building addition and said there are no plans for an alley connection to the west because the right-of-way had been abandoned.

Chair Patel asked if the extra parking spaces at the extreme north end of the parking lot could be green parking. Mr. Hearing said the applicant would consider it. Chair Patel concluded by suggesting that Condition 14 be modified so that any structural change to the sign would have to meet Code.

Comm. Grooms moved to recommend approval with staff recommendations; seconded by Comm. Zuniga. The motion carried unanimously by consent (7-0).

ADJOURN:

Chair Patel adjourned the meeting at 9:47 p.m.

Valerie Hampe, Secretary

ANKUR PATEL, CHAIRMAN