

**TOWN OF JUPITER
PLANNING AND ZONING COMMISSION
FINAL MINUTES
FEBRUARY 13, 2024**

CALL TO ORDER:

Chair Kirn called the meeting to order at 7:00 p.m.

ATTENDANCE:

Chair Kevin Kirn, Vice Chair Richard Dunning, Comm. Dan Guisinger, Comm. Ashlyn Held, Comm. David Thompson, Paul Keenan 1⁵¹ Alternate (voting member) and Cynthia Blum 2nd Alternate (voting member); John Sickler, Director of Planning & Zoning; Stephanie Thoburn, Asst. Director of Planning and Zoning; Garret Watson, Principal Planner; Elizabeth Conley, Planner; Thomas Baird, Esq., Town Attorney; Vernisa Ayers, Secretary; and Michael Schneider, Secretary.

MINUTES:

Motion to approve the minutes from the November 14, 2023 Planning and Zoning Meeting by Comm. Guisinger; seconded by Comm. Held. Final: Motion passed unanimously, with a 7-0 vote.

CITIZEN COMMENTS: None.

REGULAR AGENDA:

Staff: Mr. Sickler informed the Commission that there was an Intervenor request for Item 2, the Variance application for 705 Paulina Road, that could be discussed during the regular agenda. Mr. Baird recommended taking Item 2 first to determine whether to proceed with the item.

Comm. Thompson motioned to re-order the Agenda as suggested, seconded by Comm. Guisinger. Motion passed unanimously by a 7-0 vote.

Swearing In:

Secretary Vernisa Ayers, conducted the swearing-in of all witnesses for the quasi-judicial items on the agenda.

A. **OLD BUSINESS:** None.

B. **NEW BUSINESS:**

1. **705 Paulina Road** – Variance request to Section 27-2626(10) to construct an irregularly shaped boat lift/dock; Section 27-2626 (11) to allow for a boat to be moved at a 45-degree angle in a canal; and, Section 27-2626(6) to allow for a boat to be moored beyond the extensions of the side property lines, located at 705 Paulina Road. (PZ 23-5865)
(Acting as the Zoning Board of Adjustment)

Disclosures: Chair Kirn and Comm. Keenan disclosed that they spoke with staff. Comm. Guisinger stated that he visited the property, met with the owner at the site and took photographs. Vice Chair Dunning disclosed that he met with the owners, took a look at the property, spoke with two neighbors and staff. Comm. Blum stated that she spoke with a neighbor who led her to Body Street where she was able to get a good view of the property and how it was laid out. Commissioners Thompson and Held stated that they did not have any disclosures.

Town Attorney: Mr. Baird explained that the Commission received a letter from a neighboring property owner that is represented by legal counsel seeking to intervene into this proceeding. He stated that the Town Code requires a Notice of Intervention seven days in advance of the hearing. Mr. Baird informed the Commission that they would need to decide if they were going to permit intervention as long as it was not prejudicial to anyone, and the Board may want to consider continuing the item, since information was received that afternoon and to allow the Commission to be informed about the issues being raised by the intervener.

Deliberation by Commission: The Commission discussed that the variance should be continued to allow the Commission time review the new information.

Motion: Comm. Guisinger motioned to recommend continuing the variance until the March 12, 2024 meeting, seconded by Comm. Keenan. Motion passed unanimously, with a 7-0 vote.

2. **Roger Dean Stadium** – Site Plan Amendment to modify a previously approved site plan to construct two new player development buildings, one new cardinals dining building, renovate the existing clubhouses, and to enlarge an approved maintenance building, on 90± acre property, located at 4355 Stadium Drive. (PZ# 23-5845)

Disclosures: Vice Chair Dunning, Comm. Guisinger, Blum disclosed that they visited the site. Commissioners Keenan, Thompson, Held and Chair Kirn stated that they did not have any disclosures.

Applicant presentation: George Gentile, representative of 2GHO and Kirk Bauer of Fawley Bryant Architects, presented a PowerPoint presentation of the proposed project. Mike Bauer General Manager of Roger Dean Stadium; Jason Webber of Kimberly-Horn and Dylan Roden, Engineer 2GHO were also in attendance.

Staff presentation: Principal Planner, Garret Watson, reviewed the staff report and recommendations.

Commissioners asked questions of the Applicant and Staff: Comm. Guisinger asked Mr. Gentile if they were in agreement with the conditions outlined by staff. Mr. Gentile replied yes. Chair Kirn asked about timing of construction and Mr. Gentile responded that construction will be done so there's no disruption to spring training. Comm. Blum asked if the bricks with names on them would remain, and Mr. Gentile said yes.

Public Comment: None.

Deliberation by Commission: None.

Motion: Vice Chair Dunning motioned to recommend approval of the application, seconded by Comm. Thompson. Motion passed unanimously, with a 7-0 vote.

3. **Exceptions to Development Regulations and Definitions**– Town initiated zoning text amendment to Section 27-1, 27-2304 and 27-2305 to amend development standards for exceptions to height standards. (PZ23-5842)

Staff presentation: Stephanie Thoburn, Asst. Director of Planning and Zoning, reviewed the staff report and recommendations.

Mr. Sickler clarified that the Commission would be voting on changes to a town wide Zoning Text Amendment. Mr. Sickler expressed that the two houses shown were examples illustrating the impacts of the current code.

Commissioners asked questions of the Applicant and Staff: Chair Kirn asked staff if there were active building permits that would be affected by this text amendment and do they understand what is taking place. Ms. Thoburn said yes. Two property owners as shown in the examples and both were notified. Ms. Thoburn stated staff has worked with the property owners regarding this issue. Vice Chair Dunning asked if adding this new verbiage would close any loopholes related to height of buildings. Ms. Thoburn said yes and Mr. Sickler added that the goal is to get Town Council policy direction and to determine if the proposed text change is consistent with the two-story limitations that exists in the single-family residential district (R-1). Comm. Keenan asked why all height exceptions don't apply to non-residential only. Ms. Thoburn replied by giving the example where chimneys have to meet certain building code requirements in order to exceed the roof height, so that it prevents fires. Ms. Thoburn stated that those kinds of things haven't been the issue because they don't necessarily increase livable space or potentially air-conditioned space. Ms. Thoburn explained that items such as ornamental towers are not typically air-conditioned space. When a building height exception has air-conditioned space and increased living area, that is how the two referenced building permits were brought to staff's attention.

Public Comment: None.

Deliberation by Commission: None.

Motion:

Vice Chair Dunning motioned to recommend approval of the application, seconded by Comm. Guisinger. Motion passed unanimously, with a 7-0 vote.

4. **Linkage Fees** – Town-initiated Zoning Text Amendment to Section 27-3191, increasing the commercial and industrial linkage fee from \$1 to \$2 per square foot after the first 10,000 square feet gross floor area. (PZ 24-5895)

Staff presentation: Planner, Elizabeth Conley, reviewed the staff report and recommendations.

Commissioners asked questions of the Applicant and Staff:

Comm. Blum asked Ms. Conley what she meant when she said it's going to narrow the gap from inflation, when it's actually doubling the price. Ms. Conley responded saying this would be an increase in cost to the developer, increasing the fee to match the cost to build workforce housing. Chair Kirn clarified that this is a fee that is paid by a developer who is building in the Town and not building workforce housing. Chair Kirn explained that it is going to be put in a pool of money that the Town can use to help workforce housing be constructed. Comm. Held asked if the fee is used as an impact fee. Ms. Thoburn replied no, it's a linkage fee that is typically based on the impacts that a developer proposes. Ms. Thoburn explained that the money goes into the Town's Housing Trust Fund. Vice Chair Dunning asked if this goes through, would it limit Town Council to \$1 to \$2 for the fee? Ms. Thoburn replied that the Town Council may opt to maintain the linkage fee at \$2 or get a Nexus Study in order to produce a higher amount that is appropriate. Comm Guisinger asked if the inflation rate that increased housing costs is supported by the 100% increase in the current fee rate from \$1 to \$2. Ms. Thoburn replied that the original rate was a nominal fee at the time they looked at other municipalities. Comm. Guisinger asked how the money currently being used. Ms. Thoburn responded that the money is waiting for input at an upcoming Town Council Roundtable to determine how to use the money for workforce housing. Comm. Thompson asked if there were other ways to generate funds for workforce housing other than the linkage fee. Ms. Thoburn replied that there is currently a fee in lieu of building workforce housing on-site that can be used for residential development. Mr. Sickler stated that other money could be raised through general fund allocations or other fund resources. Comm. Thompson asked will the \$2.5 million only be used for future workforce housing and not for current workforce housing. Mr. Sickler responded saying that is correct. Mr. Sickler explained that not all of that money is from linkage fee contributions, most is from developer

Public Comment: None.

Deliberation by Commission: None.

Motion: Comm. Guisinger motioned to recommend approval of the application, seconded by Comm. Blum. Motion passed by a 6-1 vote with Comm. Thompson dissenting.

ANNOUNCEMENT:

Planning and Zoning Director reported on recent Town Council actions.

ADJOURN:

Chair Kirn adjourned the meeting at 7:52 p.m.



Kevin Kirn, Chair



Vernisa Ayers, Secretary