

**TOWN OF JUPITER  
PLANNING AND ZONING COMMISSION  
FINAL MINUTES  
MARCH 12, 2024**

**CALL TO ORDER:**

Vice Chair Richard Dunning called the meeting to order at 7:00 p.m.

**ATTENDANCE:**

Vice Chair Richard Dunning, Comm. Dan Guisinger, Comm. Ashlyn Held, Comm. David Thompson, Paul Keenan 1<sup>st</sup> Alternate (voting member) and Cynthia Blum 2<sup>nd</sup> Alternate (voting member); John Sickler, Director of Planning & Zoning; Garret Watson, Principal Planner; Elizabeth Conley, Planner; Thatcher Hart, Planner; Thomas Baird, Esq., Town Attorney and Vernisa Ayers, Secretary.

**MINUTES:**

Motion to approve the minutes from February 13, 2024 Regular Planning and Zoning Meeting with corrections by Comm. Guisinger; seconded by Comm. Thompson. Final: Motion passed unanimously, with a 6-0 vote.

**CITIZEN COMMENTS:**

Planning and Zoning Commissioner Marc Pintel expressed gratitude for being able to serve four years on the Planning and Zoning Commission and announced his resignation.

**REGULAR AGENDA:**

Staff: Mr. Sickler informed the Commission that the applicant requested to postpone the 705 Paulina Road Variance application from tonight's meeting and that it would be re-noticed to the public.

Vice Chair Dunning called for approval of the Agenda.

Motion: Comm. Thompson motioned to approve the Agenda, seconded by Comm. Blum. Motion passed unanimously, with a 6-0 vote.

**SWEARING IN:**

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

**A. OLD BUSINESS:**

1. **Alma's Place (Tract A) Rezoning:** Town initiated Zoning Map amendment for a 1.72+/- acre property located approximately 30 feet northwest of the Town Hall Ave and Killane Drive intersection, changing the zoning from Residential, Single Family (R-1) to Conservation Preservation (CP). (PZ# 23-5780)

Staff presentation: Planner, Thatcher Hart, reviewed the staff report and history of the application.

Commissioners asked questions of the Applicant and Staff: None

Public Comment:

Francis O'Neil and Paul Thibadeau residents of River Road, expressed concern over Mr. Lefkowitz's issues with the rezoning and request for a land swap. Mr. O'Neil and Mr. Thibadeau expressed support for the rezoning.

Mr. Matt Lefkowitz resident of Killane Road stated that he's not opposed to the designation change to conservation preservation. Mr. Lefkowitz explained that he bought the land seven years ago because of the privacy that the lot provided. Mr. Lefkowitz stated that he previously proposed a potential land swap for an oddly plotted piece of land with the Town, but this was shot down due to stormwater concerns. Mr. Lefkowitz expressed that he still has some questions on whether the zoning change impacts his riparian rights.

*Town Attorney:* Mr. Baird replied to the public comments explaining that this application is just a change of the zoning map from residential to conservation, which is what the zoning for the land should to be. Mr. Baird stated that it's a conservation piece that the Town maintains for conservation purposes and that has nothing to do with riparian rights or land swaps. Mr. Baird also stated that there have been two attorney's that have contacted the Town, but there is no current dialogue going on between the Town and Mr. Lefkowitz. Mr. Baird reiterated that the issue before the board is whether they would like to recommend changing the zoning from residential to conservation.

*Deliberation by Commission:* Comm. Keenan stated that he felt that Mr. Baird summarized the issue before the board perfectly.

*Motion:* Comm. Keenan motioned to recommend approval of the application, seconded by Comm. Guisinger. Motion passed unanimously, with a 6-0 vote.

## **B. NEW BUSINESS:**

### **2. KB Carlin Future Land Use Map (FLUM) Amendment and Rezoning:**

Application for 1.6+/- acres of property located on the west side of US-1 approximately one-quarter mile north of the intersection of US 1 and Indiantown Road to include: (PZ 22-5377 & PZ 23-5788)

- A. Small Scale Future Land Use Map (FLUM) amendment from Commercial to Mixed-use;
- B. Zoning Map amendment from Commercial, General (C-2) to U.S. Highway One/Intracoastal Waterway Corridor District – Waterway Commercial and Entertainment Subdistrict (US1/ICW-WCE).

*Applicant presentation:* George Missimer, representative of Cotleur & Hearing, presented a PowerPoint presentation of the requests. Adam Kerr, Traffic Engineer, Donaldson Hearing of Cotleur Hearing and a representative for the owner were also in attendance.

*Staff presentation:* Planner, Thatcher Hart, reviewed the staff report and background of the requested applications.

*Commissioners asked questions of the Applicant and Staff:*

Comm. Keenan asked why didn't the property located at the intersection of Indiantown Road and Route 1 run into the same problem of an isolated land use. Mr.

Sickler responded saying that the property on the southwest corner of Indiantown Road and US 1 was designated with mixed use. Mr. Sickler explained that there is a corridor plan for US 1 and along the intercoastal that provides for the Commercial, Waterway, and Entertainment sector around that intersection. Mr. Sickler stated that the land use designations as you move further south transition to another sector with a focus of mixed-use with residential. He further stated that decisions were made at the time to include all of Jupiter Yacht Club in the mixed-use designation. Mr. Sickler added that Cornerstone came after Jupiter Yacht Club. As for Harbourside, that property maintained the Commercial land use due to entertainment being seen as the focus of that sector resulting in no residential component. While both the current and proposed land uses on the subject property could be considered consistent, there is no policy within the Comprehensive Plan that requires residential to be included within the Waterway, Commercial, and Entertainment Sector. He noted that the Future Land Use on the subject property is already consistent with the plan and it's not necessary to be changed. Comm. Keenan asked if the property would be considered an isolated land use if the application was granted. Mr. Sickler responded saying if the Land Use were changed it would be an isolated land use; however, as noted in the staff report, mixed use can be a transition.

Comm. Held asked if there had been any discussion surrounding the Marine Stewardship Program and if it's applicable to something of this nature. Mr. Hart replied saying that portion would be part of the site plan review. Comm. Held inquired about the ground use of the commercial area. Mr. Hearing replied saying that this is a small space in a hole with zero visibility, so it could only achieve a minimal amount of retail use. Mr. Hearing expressed that having someone live and have office space in this location would help in fulfilling the mixed-use vision for Harbourside.

Vice Chair Dunning asked questions surrounding the sound coming from Harbourside and the potential of the fire station being located there. Mr. Hearing explained that when you're dealing with condominium type construction people want to be in the area for the type of activity that Harbourside brings. Mr. Hearing stated that they would have the sound mitigation incorporated into their design and have residents sign a disclosure. Mr. Hearing stated that having a fire station in a residential community is an asset.

Vice Chair Dunning inquired about what would happen if something was found as a result of the seagrass survey. Mr. Hearing responded saying if something is found it could limit or prevent docks. Mr. Hearing added that they're willing to work with staff on a conservation easement for the areas of the site that have the overgrown forested mangroves. Mr. Hearing said that they would work it out as a condition of approval. Vice Chair Dunning asked if there's been any concerns from Harbourside or any of the other businesses. Mr. Hearing replied that there has not been any discussion, but they know a number of financial services businesses there that would have interest in having housing in close proximity.

Public Comment: None

Deliberation by Commission: Comm. Held said that there are a lot of pros to this application and it's consistent with the Comprehensive Plan. Comm. Held stated that it's an extension to Riverwalk. Comm. Held said that it's a beautiful place and wouldn't be any different than any other commercial development. Comm. Held

expressed that the conservation easement aspect of the property really needs to be considered.

Motions:

Comm. Thompson motioned to recommend approval of the Small-Scale Future Land Use Map (FLUM) amendment from Commercial to Mixed-use application, seconded by Comm. Held. Motion passed unanimously, with a 6-0 vote.

Comm. Guisinger motioned to recommend approval of the Zoning Map amendment from Commercial, General (C-2) to U.S. Highway One/Intracoastal Waterway Corridor District, – Waterway Commercial and Entertainment Subdistrict (US1/ICW-WCE) application, seconded by Comm. Blum. Motion passed unanimously, with a 6-0 vote.

3. **24 E Riverside Drive:** Variance request to Section 27-2624(4)(a) entitled “Shoreline Stabilization” to install a bulkhead waterward of the mean high-water line on an unarmored portion of the waterfront to enclose an existing boat ramp, located at 24 E Riverside Drive. (PZ# 23-5889)  
**(Acting as the Zoning Board of Adjustment)**

Disclosures: Comm. Keenan, Comm. Thompson and Comm. Held did not have disclosures. Comm. Guisinger, Comm. Blum and Vice Chair Dunning visited the site but did not speak with anyone.

Swearing In: Secretary Vernisa Ayers, conducted the swearing-in of witness Zach Ciciara for the quasi-judicial item on the agenda.

Applicant presentation: Zach Ciciara, representative of Cotleur & Hearing, presented a PowerPoint presentation of the requested variance. Donaldson Hearing of Cotleur Hearing and Cory Hanlon of Seagate Capitol Construction were also in attendance.

Staff presentation: Planner, Elizabeth Conley, reviewed the staff report and a staff recommended condition of approval should the Zoning Board of Adjustment find that the applicant has met the seven criteria necessary to grant the requested variance.

Commissioners asked questions of the Applicant and Staff:

Comm. Guisinger asked if the applicant is in agreement with staff’s recommendation for putting together a Marine Stewardship Plan. Mr. Hearing replied stating that they are in agreement with staff’s recommendation. Comm. Guisinger asked if the left side of the boat ramp that’s made of cinder block would be repaired so another bulkhead could be connected. Mr. Hanlon explained that the cinder blocks were added to help deal with erosion caused by the summer rain. Mr. Hanlon said that the current permit request is to allow removal of the existing seawall and the installation of a new one with both sides being stabilized the same. Comm. Guisinger asked if the loose cinder blocks would be removed and if the area would be filled with dirt. Mr. Hanlon replied saying that the plan is to bring the property up to grade, to the six foot elevation for the seawall allowed by the Town then submit a proposed one foot block retaining wall to bring the elevation up and remove the cinder blocks.

Comm. Held asked what are the ecological benefits of this application. Mr. Hearing responded saying that eliminating the boat ramp would prevent erosion at the shoreline by stopping the impacts from humans entering the water from that point.

Mr. Hearing explained that installing riprap in the area without mangroves would help protect the shoreline from further erosion, as well as the installation of Reef Balls to help attenuate wave action and create additional marine habitat. Comm. Held asked staff if the precedence from a previous variance that was approved was similar to the variance being proposed. Ms. Conley responded saying that the other variance was another boat ramp that was dilapidated. Ms. Conley explained that it had more erosion than this one and their variance request was for 17 feet waterward of the mean high waterline and they were approved for 12 feet.

Vice Chair Dunning asked if this was approved by the Commission without the criteria being met, would it set some kind of precedent. Mr. Sickler responded saying that it would be appropriate for the Board to make any points as to why the decision was made, if you choose to support the variance. Mr. Sickler explained that then the decision made by the board will be reduced to a Final Order by the Town Attorney. Vice Chair Dunning asked if the reef balls being used are the same as the ones used at Sawfish Bay. Mr. Hearing replied saying some of them are, but they're using three different types. Vice Chair Dunning asked the applicant if there had been any opposition from the neighbors. Mr. Hearing replied no.

Public Comment: None.

Deliberation by Commission: Comm. Keenan asked the Town Attorney how specific the conclusion and findings had to be in order to approve the variance. The Town Attorney explained that by the findings of the board, the variance has to meet all seven criteria to be approved and that the board may take either Staff's findings through the Staff Report or the applicant's justification of meeting all the criteria.

Motion: Comm. Keenan motioned to approve the application with the acceptance of the applicant's Justification Statement as to meeting Criteria 3 & 4 and with staff's condition for a Marine Stewardship Plan, seconded by Comm. Thompson. Motion passed with a 6-0 vote.

**ANNOUNCEMENT:**

Planning and Zoning Director will provide the Commission with a summary of recent Town Council actions via email.

**ADJOURN:**

Vice Chair Richard Dunning adjourned meeting at 8:15 p.m.

  
Richard Dunning, Vice Chair

  
Vernisa Ayers, Secretary