

**TOWN OF JUPITER  
PLANNING AND ZONING COMMISSION  
FINAL MINUTES  
MAY 14, 2024**

**CALL TO ORDER:**

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

**ATTENDANCE:**

Chair Kevin Kirn, Vice Chair Richard Dunning, Comm. Michael Cassatly, Comm. Beth Kelso, Comm. David Thompson, Comm. Karen Vinson, Paul Keenan 1<sup>st</sup> Alternate (voting member) and Cynthia Blum 2<sup>nd</sup> Alternate; John Sickler, Director of Planning & Zoning; Garret Watson, Principal Planner; Peter Meyer, Senior Planner; Brett Lashley, Esq., Town Attorney; and Vernisa Ayers, Secretary.

**ELECTION OF OFFICERS:**

Vice Chair Dunning motioned to nominate Chair Kirn for Chair, seconded by Comm. Thompson. Final: Motion passed unanimously.

Chair Kirn motioned to nominate Vice Chair Dunning for Vice Chair, seconded by Comm. Thompson. Final: Motion passed unanimously.

**MINUTES:**

Motion to approve the minutes from March 12, 2024 Regular Planning and Zoning Meeting by Comm. Keenan; seconded by Comm. Thompson. Final: Motion passed unanimously, with a 7-0 vote.

**CITIZEN COMMENTS:** None

**REGULAR AGENDA:**

Staff: Mr. Sickler informed the Commission that the applicant for Palmwood Residential Annexation, Future Land Use and Rezoning requested to postpone their applications from tonight's meeting to the June 11, 2024 PZ meeting.

A. **OLD BUSINESS:** None

B. **NEW BUSINESS:**

1. **Palmwood Residential Annexation, Future Land Use and Rezoning – APPLICANT REQUEST TO POSTPONE** - Applications for a 1.48+/- acre property located on the northwest corner of the intersection of East Frederick Small Road and Palmwood Road, to request a:
  - A. Voluntary Annexation;
  - B. Small Scale Future Land Use Map (FLUM) amendment from Palm Beach County Low Residential – 2 (LR-2) to Town of Jupiter Medium Density Residential; and (Acting as the Local Planning Agency).

- C. Zoning Map amendment from Palm Beach County Agricultural Residential (AR) zoning district to the Town of Jupiter Residential, Single-Family District (R-1). (PZ# 24-5932/5933/5934)
  
- 2. **954 Old Dixie Highway** – Site plan amendment application to delete Condition 5 of Resolution No. 20-21, requiring the construction of an off-site parking lot, associated with a previously approved two-story office building on the east side of Old Dixie Highway, on a 0.17± acre property, located at 954 N. Old Dixie Highway. (PZ 24-5923)

Disclosures: Chair Kirn and Comm. Vinson and Blum disclosed that they drove by the site. Vice Chair Dunning & Comm. Kelso said that they drove by the site and spoke with staff. Comm. Cassatly stated that the owner of the property is his neighbor. Comm. Cassatly explained that he received a text from the owner of the property and spoke with him getting his prospective. Comm. Cassatly said that he also drove by the site multiple times.

Swearing In:

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

Applicant presentation: Brian Chequis, representative of iPlan & Design, presented a PowerPoint presentation of the proposed project.

Staff presentation: Senior Planner, Peter Meyer, reviewed the staff report.

Commissioners asked questions of the Applicant and Staff:

Comm. Keenan asked if there was a known tenant for the property and the FEC lease status? Mr. Chequis replied that this will be a family office and that the applicant did not have an active FEC lease.

Comm. Vinson inquired about the time frame surrounding the FEC rail portion of this project. Mr. Chequis said that he didn't know when the rail portion of this project started but it proceeded through 2022 early 2023. Mr. Chequis explained that there wasn't a delay on the applicants' part during the initial stages of this approval because they had to work within the time frame of the FEC as they worked on Brightline staging. Mr. Chequis stated that there is nothing preventing the Owner of 105 Center Street from going forward and getting a FEC lease and starting construction.

Comm. Thompson inquired about the burden that would be placed on the applicant if the parking requirements were implemented. Mr. Chequis expressed that it is a burden, but the applicant would construct the off-site parking if required. Comm. Thompson asked Mr. Chequis if the current proposal to construct 22 off-site parking spaces was put in place would it adequately solve the parking issue on the southern part of the corridor. Mr. Chequis confirmed that it would solve the issue.

Comm. Dunning asked the applicant and staff if there had been any input from the neighbors or local businesses as a result of the public notice signs that were posted. Mr. Chequis said when staff asked them to reach out to the neighbors, they said no because the initial plan that was approved in 2021 is unaffected. Mr. Meyer responded saying that he did reach out to a neighbor that had concerns but didn't get any other feedback. Comm. Dunning asked if the applicant planned to comply with the condition outlined by staff. Mr. Chequis explained that they would prefer not to have the condition but the applicant would request that the condition be crafted after identifying that there is a parking issue as a result of a parking analysis. Then the applicant would comply with getting the parking built.

Comm. Cassatly asked if there had been any accidents as a result of the parking issue. Mr. Chequis and staff both answered they did not know. Comm. Cassatly wanted to know if the property was being sold because he saw a for sale sign on the property when he drove by. Mr. Chequis said that it is not being sold as far as he knows.

Comm. Kelso inquired about the FEC property lease and if it runs with the land. Mr. Chequis explained that the FEC parking lease would be set by whoever owns the area. Comm. Kelso asked if the lease would have to be renegotiated if a new owner comes in and does not want to renew that lease. Mr. Chequis agreed that the lease would have to be renegotiated with the new owner. Comm. Kelso asked staff what was meant by modifying Condition 5. Mr. Sickler explained that modifying Condition 5 was an alternative to consider because initially there was a collaborative parking plan that was intended to be between three business owners. Mr. Sickler stated that if for some reason the property owners weren't able to get the parking completed, then an option to construct some of the parking would allow the applicant a way to create enough parking to accommodate the uses proposed on their floor plan.

Chair Kirn asked staff if there were code violations that could be put into place to get people in the area to start storing their cars somewhere else to assist with the parking issue. Mr. Sickler replied saying that he could request a parking analysis and require a plan to mitigate parking issues. Chair Kirn inquired about the cost of the Truegrid. Mr. Chequis believed the cost to be around \$10,000 to \$12,000 a space. Chair Kirn asked if the purchasers of the building that Onshore sold were aware of the parking space obligation. Mr. Chequis responded saying that those buildings did not have conditions on them for off-site parking.

Comm. Blum made reference to the for-sale sign on the property and wanted to know if the property was sold would the new owners inherit the parking problems. Mr. Chequis stated that the for-sale sign is a standard practice for vacant properties. Mr. Chequis explained that the applicant meets code and is no longer part of the problem that's causing the parking issue. Mr. Sickler expressed that the same approach could be taken where code violations and a parking plan could be put into place to address the parking issue, but it hasn't been an effective tool to get resolve. Mr. Chequis replied saying that staff has the authority to go after violators under code compliance and seek relief if it causes problems.

Public Comment: None

Deliberation by Commission: Comm. Blum expressed that what's being presented by the applicant is reasonable but shared concerns about what this could look like in the future.

Comm. Kelso went on to say that she's open to amending Condition 5 requiring the applicant to construct three parking spaces so they do their share. Comm. Kelso said that when she went by the property there were cars parked all the way up to the north end, so it's not just a south end issue.

Comm. Cassatly agreed with revising Condition 5 with a parking study being completed in the future and with the prevailing party bearing the financial burden. Comm. Cassatly stated that out of the four times he went by the property only once was there less than twenty cars. Comm. Cassatly said that the cars did not go up to 954 N Old Dixie.

Vice Chair Dunning expressed that he's in favor of recommending approval with the Condition 5 as staff recommended.

Comm. Thompson agreed that parking is an issue but felt that Condition 5 should be deleted and shouldn't be the responsibility of the applicant.

Comm. Vinson stated that she felt that the applicant should still bear some burden of completing the parking as it was initially approved by the Town Council. She explained that it's been a long time since the railways were completed and this could have been resolved. Comm. Vinson shared that there's no guarantee what type of business will come in there.

Comm. Keenan shared that he is somewhat sympathetic for the applicant because lease arrangements established with the FEC are at will. Comm. Keenan stated that you could spend thousands of dollars on parking and if derailments occur with the FEC everything you've done could be lost.

Chair Kirn shared some of the same concerns as Comm. Keenan, but also felt that it was a condition that was previously approved by the Town Council so it's important to be careful of the precedent this sets. Chair Kirn stated that he would feel comfortable if the owner were required to build three parking spaces now (or sooner if a parking study requires it) with a continuing obligation to build the remaining spaces later unless another owner agrees to take on the responsibility.

Comm. Keenan asked if the owners were required to build the spaces would they be allowed to put signage on them to establish some kind of ownership. Mr. Chequis explained that the applicant won't be able to put signage on the spaces because the applicant does not have a lease with the FEC.

Comm. Cassatly clarified that in order to build on FEC property a lease is required allowing the owner the right to put signage on the parking spaces. Mr. Chequis agreed saying yes, if the Town would allow it.

Mr. Lashley shared concern with establishing a condition in the future when the building permit has already been issued. Mr. Lashley stated that he is not sure how the Town would enforce the condition after the parking study is done. Mr. Watson clarified saying that once the building permit has been issued there's no further check beyond the Town noticing a parking issue. Chair Kirn explained that there have been instances with other approvals requiring that a parking study be completed and monitoring conditions were put in place related to expected future parking issues. Mr. Sickler acknowledged this has been required.

Comm. Cassatly shared concern with the burden being put on the applicant when they meet the number of parking spaces in the requirements by having them add three more spaces before we know if the parking lot is going to actually overflow.

Comm. Thompson expressed concern regarding the precedence this sets.

Comm. Kelso asked what would trigger the need for additional parking. Mr. Sickler stated that per the code if it's demonstrated that virtually all of the parking spaces on site are being used and there's additional off-site impacts.

*Motion:* Comm. Thompson moved to recommend approval subject to the deletion of Condition 5 of Resolution No. 20-21. The Motion failed due to lack of a second.

Comm. Dunning moved to recommend approval of the application subject to amending Condition 5 not requiring the applicant to build parking spaces now, but with the obligation to construct 22 spaces if a parking study requires it or it's relieved if another owner takes on the obligation, seconded Comm. Vinson. Motion passed with a 4-3 vote with Commissioner's Kirn, Kelso and Thompson dissenting.

**ANNOUNCEMENT:**

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

**ADJOURN:**

Chair Kirn adjourned meeting at 8:15 p.m.



Kevin Kirn, Chair

  
Vernisa Ayers, Secretary