

**TOWN OF JUPITER
PLANNING AND ZONING COMMISSION
FINAL MINUTES
JULY 9, 2024**

CALL TO ORDER:

Chair Kevin Kirn called the meeting to order at 7:03 p.m.

ATTENDANCE:

Chair Kevin Kirn, Vice Chair Richard Dunning, Comm. Michael Cassatly, Comm. Beth Kelso, Comm. Karen Vinson, Comm. Dan Guisinger, Paul Keenan 1st Alternate (voting member) and Cynthia Blum 2nd Alternate; John Sickler, Director of Planning & Zoning; Stephanie Thoburn, Asst. Director of Planning and Zoning; Garret Watson, Principal Planner; Martin Schneider, Principal Planner; Peter Meyer, Senior Planner; Thomas Baird, Esq., Town Attorney and Vernisa Ayers, Secretary

MINUTES:

Motion to approve the minutes from June 11, 2024 Regular Planning and Zoning Meeting by Comm. Guisinger; seconded by Comm. Dunning. Final: Motion passed unanimously, with a 7-0 vote.

SWEARING IN:

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

CITIZEN COMMENTS: None

REGULAR AGENDA:

A. OLD BUSINESS:

B. NEW BUSINESS:

1. **228 Bears Club Drive** - Variance request to Section 27-1326(b)(3) to increase the front yard perimeter wall height from four to six feet, located at 228 Bears Club Drive. (PZ 24-6049)
(Acting as the Zoning Board of Adjustments)

Disclosures: Vice Chair Dunning disclosed that he went by the property, spoke with the lead superintendent and staff. Commissioners Vinson, Guisinger, Cassatly, Kelso, Blum and Chair Kirn stated that they did not have any disclosures.

Applicant presentation: Misael Chavez, Project Manager for Onshore Construction presented the variance request.

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

Commissioners asked questions of the Applicant and Staff:

Vice Chair Dunning asked if the applicant was allowed to build a 4 foot wall but

not a 6 foot wall. Mr. Meyer responded saying yes, that is correct. Vice Chair Dunning stated that the applicant has only met two out of the seven required criteria. Vice Chair Dunning explained that after touring the neighborhood, he found that most properties had wall that met code, with the exception of one.

Public Comment: None

Deliberation by Commission:

Vice Chair Dunning expressed that since the applicant has only met two out of the seven required criteria and with there being no rebuttal from the applicant the item should be denied.

Motion: Comm. Keenan moved to recommend denial of the variance request based on staff's determination that the application does not meet all seven variance criteria; seconded by Comm. Vinson. Motion passed unanimously, with a 7-0 vote.

2. **Self-Service Storage Facility Regulations – APPLICANT REQUEST TO POSTPONE** - Applicant initiated zoning text amendment to Section 27-3054(9) to increase the allowable Floor Area Ratio (FAR) from 0.35 to 0.70 and the maximum building height from 15 feet to 30 feet for self-service storage facilities (SSSFs) within the Restricted Commercial (C-4) zoning district. (PZ 24-6043)

Motion: Comm. Guisinger motioned to recommend postponing the item; seconded by Comm. Kelso. Motion passed unanimously, with a 7-0 vote.

3. **Flagler's Wharf** – Special exception and site plan applications for a 12-slip private marina, and a site plan application for a restaurant with an accessory outdoor seating area, and professional office, on 2.95 ± acre property, located at the northeast corner of the intersection of North Alternate A1A and Old Jupiter Beach Road, approximately 1,300 feet north of Indiantown Road. (PZ 23-5496 and 5497)

Disclosures: Chair Kirn and Comm. Kelso disclosed that they spoke with staff. Comm. Cassatly said that he toured the property. Vice Chair Dunning and Comm. Guisinger stated that they spoke with staff and toured the property. Commissioners Blum, Vinson and Keenan stated that they did not have any disclosures.

Applicant presentation: Troy Holloway, representative of 2GHO presented a PowerPoint presentation of the proposed project.

Staff presentation: Principal Planner, Martin Schneider and Assistant Director, Stephanie Thoburn, reviewed the staff report and recommendations.

Commissioners asked questions of the Applicant and Staff:

Comm. Blum expressed that after hearing both sides there is still quite a bit of issues regarding this application that staff and the applicant need to work together to come to some kind of agreement. Comm. Blum asked about issues with the historical signage proposed. Mr. Holloway replied saying that he agrees

that there should be some kind of marker and more seating but they need staff assistance with processing this through the State of Florida.

Comm. Kelso asked if there would be public access to the marina. Mr. Holloway explained that it's strictly leased privately. Comm. Kelso felt that there are a lot of questions that need to be answered by the Town Council before a decision could be made on the plan. Comm. Kelso raised concerns as to whether the Town Council would accept Alternate A1A as the frontage or if the proposed plan meets the intent of the Redevelopment Overlay Area (ROA).

Chair Kirn asked staff how Alternate A1A was determined as the frontage versus what the applicant proposed. Ms. Thoburn explained that per the Redevelopment Overlay Area (ROA) regulations, the property should be more open, a welcoming area that's not an outdoor service area abutting the street so that people passing by the site see the historic FEC Canal along with the State Historic Marker. Ms. Thoburn also stated that per the ROA, uses such as office could face the street on the ground floor. Ms. Thoburn shared that there's a disconnect with what was discussed and what's being shown tonight, which is why she'd like the opportunity to work the issues out with the applicant.

Comm. Cassatly asked Mr. Holloway if he knew what the future area would be. Mr. Holloway replied saying that they don't have a user for the property and really aren't sure at this point but talked about pickle ball or other recreation. Comm. Cassatly raised concerns about preserving the environment, preserving the history and how the noise may affect the neighbors. Mr. Holloway replied saying that there are conditions that require the restaurant to close the outdoor seating area after 10:00 p.m. so there shouldn't be a lot of noise. Comm. Cassatly inquired about the permanent 35 foot boat slips for the marina. Mr. Holloway explained that on an average day, the marina sees about two boats a day go out. Regarding the size of boats, this will be self-limiting due to the depth of the water.

Vice Chair Dunning asked why the applicant is requesting to allow 35 foot boats instead of the 32 foot recommended by staff. Mr. Holloway explained that the marina designers would like to utilize the maximum size boat allowed because boats are leased out by the foot. Vice Chair Dunning asked if there would be outdoor music playing and if there had been any complaints surrounding this application from the neighbors. Mr. Holloway replied saying that there will be some minor atmosphere music but nothing major. Mr. Holloway stated that after having a couple of meetings with the neighbors they were all in favor of the development. Vice Chair Dunning asked for clarification regarding the issue with the State historical marker. Mr. Holloway explained that it's hard to process the language with the State Historic Division. He said that previously the Town worked with him. Ms. Thoburn explained that the hardest part is getting permission for the photos and she'd also like to partner with the property owner in researching the history of their property so that all the burden does not fall to staff. Vice Chair Dunning felt that there were too many outstanding issues that would prevent him from being able to vote on this item. Mr. Holloway stated that he is willing to sit down with staff to work through the issues.

Comm. Guisinger asked if the doors mentioned by the applicant, as examples along Indiantown Road, were real entrances that were just locked. Mr. Holloway

responded saying that they are real, but it's just vacant space inside, but the doors could be opened. Comm. Guisinger asked when would construction start if the application is approved and if it would take place after the US1 bridge is completed. Mr. Holloway said probably six months to get through processing and permitting. Comm. Guisinger expressed concerns about the traffic once construction starts, and where the ingress and egress will be. Mr. Holloway replied saying that they are willing to do whatever the residents of the Town would prefer.

Comm. Vinson agreed that there needs to be more discussion before she would be able to make any kind of decision. Comm. Vinson stated that she didn't see why the Town wouldn't be willing to work with the applicant on the historical markers but did not want staff to bear the brunt of it.

Comm. Keenan stated why not just eliminate all access to Old Jupiter Beach Road completely. Mr. Holloway replied that it helps service vehicles to come in one way and out the other way, and that making left-hand turns, southbound on Alternate A1A already exists on Old Jupiter Beach Road. Mr. Holloway stated that there's no issues with coming in so this will not add to that problem. Comm. Keenan asked what are the terms of the lease agreements for the boat slips. Mr. Holloway stated possibly annually. Comm. Keenan expressed that the original concept that was put in place with the ROA requirements are a bit out dated and is not favorable to what is going on in the area now with Alternate A1A being a multi lane highway. Comm. Keenan asked staff if there was some give and take with the ROA requirements. Ms. Thoburn agreed that the area isn't currently pedestrian friendly but the intent of the ROA is to improve the pedestrian environment and make the building face Alternate A1A. Ms. Thoburn noted that the ROA for Center Street and Alternate A1A is a strategic priority in which the Council has directed staff to make the ROA mandatory versus incentive based.

Chair Kirn asked if the outdoor dining area along the waterfront can be extended across the entire back of the building to engage Alternate A1A. Mr. Holloway replied saying that the applicant would like the area to be a small cafe and more seating would require more parking. Ms. Thoburn noted that the applicant could relocate the outdoor seating along the back side of the building to this area so that it would not increase. Chair Kirn asked what could occur in the covered area if this was fully enclosed that would create additional parking. Mr. Sickler said that it would be a delivery and storage area for the restaurant.

Comm. Vinson asked staff how many slips were previously there. Ms. Thoburn said that there were 14 boat slips and regulations were in place.

Public Comment: Matt Sapowski submitted a comment card and shared concerns about safety, canal capacity, traffic impacts and how this would negatively affect neighbors.

Rodrick Nassif submitted a comment card expressing concerns about extensive dredging that will need to take place, safety and how this would negatively affect neighbors.

Deliberation by Commission:

Comm. Keenan felt that the Commission should consider postponing the item until the next meeting to give staff and the applicant time to work out some of the issues.

Vice Chair Dunning expressed that there is not enough information to make any kind of decision.

Comm. Kelso felt that the prior to the next Planning and Zoning Commission meeting the Town Council should determine if they would even agree with the request for the front facing Alternate A1A, with the proposal complying with the intent of the ROA, and with the 10 foot separated transitional upland buffer.

The Town Attorney noted that the process is for the Commission to make a recommendation for Town Council to consider. He explained that Town Council will not review this item until after it is heard by the Planning and Zoning Commission.

Commissioners Blum and Vinson shared concerns about how residents felt about the project.

Motion: Comm. Keenan moved to recommend postponing the item until the August 13, 2024 meeting; seconded Comm. Dunning. Motion passed unanimously, with a 7-0 vote.

4. **Jupiter Fire Rescue Department, Cinquez Station** – Special Exception and site plan applications for a two-story Fire Station and associated improvements, on a 3.0 acre portion of property, located at 2197 W. Indiantown Road. (PZ 24-6062 and 24-6063)

Disclosures: Comm. Keenan stated that he did not have disclosures. Chair Kirn disclosed that he spoke with staff. Vice Chair Dunning stated that he spoke with staff, the Chief and visited the sites. Commissioners Guisinger, Cassatly, Kelso, Blum and Vinson stated that they visited the sites.

Applicant presentation: Fire Chief, Darrel Donatto, representing the Town of Jupiter Fire Rescue Department and Doug Murray representing WGI, the agent for the Town of Jupiter Fire Rescue Department, presented a PowerPoint presentation of the proposed project.

Staff presentation: Principal Planner, Garret Watson, presented a PowerPoint presentation of the proposed project and reviewed the staff report.

Commissioners asked questions of the Applicant and Staff:

Comm. Keenan asked if the dog park was being moved closer to Indiantown Road. Mr. Watson confirmed that the expanded area is moving south closer to Indiantown Road. Comm. Keenan explained that it doesn't make sense to move it closer to traffic. Comm. Keenan asked if it was possible to move the fire station or the dog park to a different location in the park. Mr. Sickler replied saying that it was not possible because it's already framed on the west side by the existing

access road. Mr. Sickler explained that there's only minor modifications with the parking and adjustments to those access pathways on the westside. Ms. Thoburn clarified that the dog park will not abut Indiantown Road because there is approximately 50 feet between the property line and the sidewalk.

Comm. Vinson asked what was the height of the fire station and the maximum height allowed by code. Mr. Watson stated that in this zoning district 50 feet is the maximum height and the building is 34.5 feet. Comm. Vinson asked how much of the three acres is being used for the fire station and if the grassy area that is not being used could be incorporated into the dog park. Mr. Sickler said that approximately half of the three acres is being used for the fire station. Mr. Sickler noted that the grass parking area was located across the driveway from the dog park. Comm. Vinson inquired about buffering the fire station from Indiantown Road, the residents and the dog park. Ms. Thoburn stated that there are 87 existing sabal palms that will be relocated along the front buffer mimicking the Gateways landscaping at Center Street. Ms. Thoburn explained that the landscape theme will be continued along the front of Indiantown Road but will be more of a native tropical theme.

Comm. Guisinger wanted to know if the proposed landscape plan was more stringent than what was normal on Indiantown Road. Ms. Thoburn said yes. Comm. Guisinger mentioned that he is in favor of keeping the grass parking area unpaved because it looks nice. Comm. Guisinger asked if there is a sign copy area requirement for the 7 foot sign. Mr. Watson replied saying that we could provide a limit if desired. Comm. Guisinger inquired as to why the sign for the fire station was facing west on Carver instead of Indiantown Road. Chief Donatto replied saying that the rendering shows the view facing the west, which is the back side of the fire station where the trucks come in. He explained that fire stations typically have signage over the truck bays. Comm. Guisinger asked if a noise study had been completed for other fire stations located in residential areas. Chief Donatto answered yes, saying that he went out to the area with Code Enforcement officers from the Town of Jupiter and completed a noise study using a chainsaw. Chief Donatto shared that the results of the noise were 63 DBM which is conversational level.

Vice Chair Dunning noted that he is pleased that the Town has listened to the concerns of residents and tried to come up with alternatives to meet their needs. Vice Chair Dunning referenced a letter received from residents late the afternoon of the meeting voicing their concerns about the palm trees and landscaping in the park. Vice Chair Dunning shared that it looks like a lot of their concerns have been addressed.

Comm. Cassatly agreed that the Town has really done a great job with addressing the concerns of residents. Comm. Cassatly asked if it was necessary to leave the cement curbs that's on the grassy areas near the restrooms and will that stop it from being used for parking. Ms. Thoburn replied saying that it's stabilized so it could be used in event purposes.

Comm. Kelso asked if a decision had been made regarding the removal of the four oak trees mentioned in the letter received from the residents on Carver Ave. Mr. Sickler stated that they are seeking direction from the Commission

and Council as to how they want to address the frontage on Carver. Mr. Sickler explained that this can be done in the final plan submittal to trade out the trees for an alternate species of trees. Ms. Thoburn stated that royal palms, sabal palms and key thatch palms will also be added as a backdrop. *Comm. Kelso agreed that the main signage should remain over the doors on the western elevation but suggest that a second Station II sign be added to the southern elevation so the public could easily identify it. Comm. Kelso expressed that both signs for the fire stations should be the same color. (VA 8/13/24)*

Comm. Kelso said that she's in favor of keeping the grass parking area.

Comm. Blum stated that she shares some of the same concerns with parking. Mr. Sickler said that based on staff observations, the parking area is not at capacity and felt comfortable with the ten space reduction. Mr. Sickler stated that the Town will continue to make observations as we go through the construction process and make the necessary adjustments.

Chair Kirn commended everyone involved in this process, in how they've done a great job with trying to address the needs of residents. Chair Kirn asked where does the water go and how is the water treated when you have fuel tanks, diesel generators and firehoses being rinsed out. Chief Donatto responded that the diesel generators have a double wall tank this is directly beneath the generator that contains everything in the smaller unit.

Chief Donatto explained that all the water is caught that comes from the trucks and sent through the drainage system that go into sand filters and oil separators. Chair Kirn asked how would you reserve the community room. Chief Donatto shared that they'll need to contact the fire rescue to make a reservation but the intent is to make it an amenity to the public.

Public Comment: None

Deliberation by Commission:

Comm. Dunning noted that he wanted to make sure the citizen comment letter is incorporated into this.

Motion: Comm. Dunning moved to recommend approval of the special exception and site plan applications with modifications; seconded Comm. Guisinger. Motion passed unanimously, with a 7-0 vote.

5. **Jupiter Fire Rescue Department, Piatt Station** – Special Exception and site plan applications for a two story Fire Station and associated improvements, on a 4.7± acre property, located at 500 US Highway 1. (PZ 24-6046 and 24-6047)

Disclosures: Commissioners Blum, Kelso, Guisinger, and Vinson stated that they drove by the sites. Comm. Cassatly, stated that he drove by and walked the site. Vice Chair Dunning stated that he drove by the site and pulled it up on google earth. Chair Kirn disclosed that he drove by the site and spoke with staff. Comm. Keenan stated that he did not have any disclosures.

Applicant presentation: Doug Murray representing WGI, the agent for the Town of Jupiter Fire Department, presented a PowerPoint presentation of the proposed project.

Staff presentation: Principal Planner, Garret Watson, presented a PowerPoint presentation of the proposed project and reviewed the staff report.

Commissioners asked questions of the Applicant and Staff:

Comm. Blum asked if the owners of the KB Carlin are aware of this project and if they have comments. Mr. Watson replied saying that they were provided the plans early on but nothing has happened with that project since it did not move forward through Town Council. Comm. Blum asked what would happen with the fire station across the street. Mr. Sickler stated that Palm Beach County has indicated that they are planning to continue to operate it at this time but we're not sure what will be done long term. Comm. Blum asked if the Town had ownership of the fire station located on Military Trail. Mr. Sickler explained that the Military Trail fire station was donated to the County by the Town of Jupiter as part of the Abacoa Development Order. He stated that there is a clause in the Deed that it returns to the Town should Palm Beach County no longer provide fire services to the Town. Mr. Sickler shared that it will become the third fire station.

Comm. Kelso shared that she loved having the Sun Trail, Riverwalk connector and rain garden features. She supported the condition to install the front buffer along US Highway 1 and the size requirement for the 7 foot sign. Comm. Kelso asked how would you get to the area for the potential kayak launch through the property. Ms. Thoburn replied saying that the future River Walk connector would provide public access.

Comm. Cassatly shared that he loved the environmental enhancements and concern for the environment. Comm. Cassatly asked how would the fire department take care of the north side of the river if timing is not favorable with the US1 bridge construction. Chief Donatto explained that it's going to take quite a bit of time to tear up the concrete underground structure that is on the site. Chief Donatto stated that they anticipate construction starting on the building in January 2025. Thomas Hernandez, Director of Public Works and Engineering, shared that the fire department comes online on October 1, 2026. He stated that the bridge project will already have opened one lane in each direction and likely be completed entirely by that point. Comm. Cassatly asked about the property being used for staging. Mr. Hernandez noted that there is currently a temporary Construction Easement Agreement between the Town and the contractor. Mr. Hernandez explained that they are working with the contractor and some of the adjacent property owners to get them relocated to a new site for staging.

Vice Chair Dunning shared his displeasure with there being a fire station right across the street that Palm Beach County will not allow the Town to use and asked how it may be used. Chief Donatto stated that they have indicated that they will continue to provide fire services. Chief Donatto noted that based on the numbers they receive roughly one call per day. Chief Donatto stated that through the Mayor and others that we'd be willing to purchase, lease, contract whatever it is through the station and we'd run those calls at no cost to the

County in any way shape or form. Chief Donatto stated that a couple of residents have also sent letters to the County Commissioners but they've indicated that this is not something they want to do. Vice Chair Dunning asked what area would they service. Chief Donatto replied saying that they would service County pocket areas.

Comm. Guisinger asked if the Town has provided FDOT with an end date of when they need to vacate the property for the construction to begin. Mr. Hernandez responded saying we have provided a date when we would like the relocation to be completed. Mr. Hernandez explained that everyone will have to be off the property by September 30, 2024 for demolition of the parking structure to start October 1, 2024. Comm. Guisinger asked if the fire station would be in an evacuation zone during hurricane season. Chief Donatto said that one of the conditions in the design construction criteria package is that the finished floor elevation be above the Category 5 storm surge level.

Comm. Vinson asked if there is going to be two emergency lights. Chief Donatto replied yes, one that is controlled by the County and the other for the fire station. Comm. Vinson noted that she is in favor of the Riverwalk.

Comm. Keenan stated it is unfortunate that the Town has to duplicate fire stations but felt that everyone has done a great job.

Chair Kirn also like the rain garden and that water runs off the roof of the firehouse, sits there and then is measured out into the system so it does not all go in at once. Chair Kirn asked if this location had a community room in it. Mr. Watson said yes.

Comm. Kelso asked if Palm Beach County would still have access to the dynamic emergency traffic preemptions. Chief Donatto stated that Palm Beach County is currently out to bid right now for a county-wide traffic preemption system. Chief Donatto explained that it is likely that there's going to be a single county-wide traffic preemption system for all fire departments with the exception of the Town of Palm Beach and Boca Raton.

Comm. Cassatly asked if extra precautions were put in place with the sand and oil traps give proximity to the water. Chief Donatto explained that they are not close to the mangroves and will use the same precautions. Chief Donatto noted that the design will ensure that both sites are protected environmentally.

Public Comment: None

Deliberation by Commission: None

Motion: Comm. Guisinger moved to recommend approval of the special exception and site plan applications, seconded Comm. Cassatly. Motion passed unanimously, with a 7-0 vote.

ANNOUNCEMENT:

PLANNING & ZONING COMMISSION – Page 10
July 9, 2024

Planning and Zoning Director provided the Commission with a summary of recent Town Council actions.

ADJOURN:

Chair Kirn adjourned meeting at 9:35 p.m.