

**TOWN OF JUPITER  
PLANNING AND ZONING COMMISSION MINUTES  
REGULAR MEETING  
August 9, 2022**

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

**ATTENDANCE:** Vice Chair MB Hague, Comms. Ashlyn Held, Kevin Kirn, Marc Pintel, and Richard Dunning (2<sup>nd</sup> Alternate); John Sickler, Planning & Zoning Director; Martin Schneider, Principal Planner; William Capko, Acting Town Attorney; Valerie Hampe, Secretary; Josie Nicolas, Secretary.

**MINUTES:** Regular Planning and Zoning Commission meeting, July 12, 2022.

Comm. Pintel moved to approve the minutes; seconded by Comm. Held. The motion carried unanimously by consensus (5-0 vote).

**CITIZEN COMMENTS:** None.

**REGULAR AGENDA:**

**A. OLD BUSINESS:**

**1. Bear's Club**

**A.** Planned Unit Development (PUD) amendment for the Clubhouse and Cottage Site (Phase 1B) located within a 400.9 ± acre property, south of Frederick Small and west of Palmwood Road, known as the Bear's Club PUD to add a freestanding Fitness Center Building Site and to request waivers to setbacks, lot coverage, wall height, minimum lot area and parking. (PZ# 4760)

Town Council consideration: September 20, 2022 – 1<sup>st</sup> reading  
October 20, 2022 – 2<sup>nd</sup> reading

**B.** Site plan application to construct a freestanding clubhouse fitness center on a 0.21 ± acre property located south of the Bear's Club Villas Condominium (Cottages). (PZ# 4934)

Town Council consideration: October 20, 2022

**C.** Site plan application to construct three residential duplex buildings with a total of six dwelling units on a 1.06 ± acre property located south of the Bear's Club Villas Condominium (Cottages). (PZ# 4761)

Town Council consideration: October 20, 2022

Vice Chair Hague asked the Commission for ex-parte disclosures. Comm. Pintel and Comm. Kirn said they spoke with staff. Comm. Held spoke with staff and reviewed County maps. Comm. Dunning met with the applicant and toured the facilities. Vice Chair Hague spoke with staff, requested information on the existing cottages, and reviewed Google maps and the Property Appraiser's information.

**Bear's Club – cont'd**

Morris Crady, senior partner with Lucido and Associates gave a PowerPoint presentation on behalf of the applicant and noted that the proposed units were included with the original approval. Mr. Crady said that Steve Pollio, architect with Peacock and Lewis, Bob Wesselman, general manager of the Bear's Club and Adam Gutin, attorney with Nason, Yeager, et al, Attorneys, were present. He discussed the requested waivers, architecture and placement within the Planned Unit Development (PUD).

Martin Schneider, Principal Planner, stated that staff recommended approval with the proposed conditions of approval, contingent upon Council approval of the substantial public benefits for the requested waivers. Staff did not support a contribution in lieu of planting ten Live Oak trees as a public benefit.

Mr. Crady said the applicant agreed with all of the proposed conditions of approval.

Comm. Held asked for clarification regarding the letter from Sachs Sax Caplan dated August 8, 2022 (attached). Mr. Capko, Acting Town Attorney, said he had reviewed the letter from the objector's attorney and the Commission was not required to delay or move ahead with the application.

Comm. Kirn asked if the five existing cottages totaled approximately 12,000 square feet and the proposed three cottages would be 13,000 square feet each. Mr. Schneider said that was correct.

Comm. Kirn asked how parking is handled for the existing cottages and if it has been addressed for the proposed cottages. Mr. Schneider said the parking was based on the number of bedrooms. Mr. Sickler, Director of Planning and Zoning, said there were some significant issues with parking in that area and a mitigation strategy for a parking garage was developed. The proposed units would have parking garages and additional parking outside.

Vice Chair Hague asked if there would be a change in the number of employees for the fitness center since it would have a substantial increase in size. Mr. Schneider said he did not know if staff would increase, but that the parking waiver would be based on the number of seats in the clubhouse which would remain unchanged.

Vice Chair Hague asked how much conservation land is in the overall community and Mr. Crady said 116 acres of upland preserve.

Vice Chair Hague noted that a letter had been sent by the property owners' association indicating that the fitness center would be built if the proposed cottages were approved. Bob Wesselman, Bear's Club general manager, said they have always planned to build a better fitness center and the sale of the cottages would pay for that.

Vice Chair Hague opened the floor to public comment.

Rebecca Zissel of Sax Sachs Caplan law firm referenced the letter that she had sent to the Commission (attached). The letter was written on behalf of Gary Sellers, resident of the Bear's Club, asking that the applications be denied or abated pending ongoing litigation.

**Bear's Club – cont'd.**

Comm. Dunning said there is only one objector and based on staff's comments and the applicant's comments, the application meets the conditions of approval.

Comm. Held expressed concern over whether the parking would be adequate for additional employees.

Comm. Pintel said he wanted to go forward with the applications but said he was sympathetic to Mr. Sellers. He suggested the Bear's Club try to resolve their differences with Mr. Sellers outside of court.

Comm. Kirn said he was also concerned about the parking but the Commission should trust the applicant's statement that they never had any parking problems. Parking is an internal issue. He was also concerned about the size of the proposed cottages and asked if this would set a precedent. Perhaps the square footage of the cottages should be reduced.

Vice Chair Hague said she was concerned with the waiver for a zero front setback for the cottages. She was also concerned about the building mass and parking issues. She noted that approval of waivers requires significant public benefit and questioned whether the proposed trees would be adequate.

Comm. Hague said she did not support the applications because of bulk and mass. She suggested that the applicant could redesign the units. Comm. Kirn said he would support having the applicant reduce the size of the units.

Steve Pollio, architect, said the square footage was increased to provide for home office space. The architecture was designed to provide articulation and varying rooflines to accommodate the massing. From an aerial perspective, it is similar to a lot of places in Europe.

Mr. Sickler said there was a large caveat on staff's recommendation predicated on finding the public benefit adequate and the waivers appropriate. Staff was also concerned about the bulk and mass of the proposed cottages in comparison to the existing ones but noted that this is very insular to the development. These cottages could set a precedent that may be referenced by other developers in the future.

Comm. Pintel moved approval of the fitness center with 35% lot coverage, not the 58% requested. Mr. Sickler explained a point of order that there would have to be a recommendation on the Planned Unit Development (PUD) amendment first, which sets forth the waivers. Then there could be a recommendation for the fitness center and cottages applications. Comm. Pintel withdrew his motion.

Comm. Dunning moved approval of the PUD amendment application; seconded by Comm. Pintel. The Commission was polled and the motion carried (3-2 vote).

Held – Y                  Kirn – N                  Pintel – Y                  Dunning – Y                  Hague – N

**Bear's Club – cont'd**

Comm. Dunning moved approval of the fitness center application; seconded by Comm. Pintel. The Commission was polled and the motion carried (4-1 vote).

Held – Y            Kirn – Y            Pintel – Y            Dunning – Y            Hague – N

Comm. Dunning moved approval of the cottages; seconded by Comm. Kirn. The Commission was polled and the motion failed (2-3 vote).

Held – Y            Kirn – N            Pintel – N            Dunning – Y            Hague – N

**B. NEW BUSINESS:**

2. **Chevron Gas Station** – Special exception and site plan amendment to construct a car wash facility at an existing gas station and convenience store on a 0.92+/- acre property, located at 3 N Alternate A1A. (PZ# 5091, 5092)

Gabriel Chavarria, architect with Ch2, gave a PowerPoint presentation with photos of the existing facility and renderings of the proposed site plan. He said the public benefits would include road improvements, a new sidewalk and landscape improvements. The site would be brought up to Code. He stated that they agreed to the recommended conditions.

Vice Chair Hague asked the Commission to disclose any ex-parte communications. Comm. Pintel, Vice Chair Hague and Comm. Kirn drove by the site. Comm. Dunning said he drove by the site and looked at Google Maps. Comm. Held said she spoke with staff and drove by the site.

Martin Schneider, Principal Planner, stated that staff recommended approval with the conditions listed in Exhibit 1. He discussed the proposed conditions of approval including some general repair and maintenance, and conversion of two vacuum parking spaces to employee parking.

Comm. Kirn asked if there would be lighting underneath the vacuum area canopy and/or video coverage at the back of the building. Mr. Chavarria said the lighting will meet Code requirements and he was sure there would be video coverage.

Comm. Pintel asked how traffic would be affected by the site plan amendment. Mr. Chavarria said the traffic impact is low. The applicant did a traffic study and Palm Beach County approved it. Comm. Pintel asked about traffic issues during construction. Mr. Chavarria there is enough space to do construction without impacting traffic and that portions of the gas station may have to close during construction.

Comm. Held asked about the one site plan criterion that had not been met. Mr. Schneider explained that Criterion 3 requires the application to be consistent with all applicable land development regulations and Town Code. The proposed conditions of approval would bring the application into compliance.

**Chevron Gas Station – cont'd**

Vice Chair Hague asked if the applicant was in agreement with the proposed conditions of approval and Mr. Chavarria said yes.

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

Comm. Dunning said he wanted security cameras to be a condition of approval. Comm. Kirn moved to recommend approval as written with the addition of security camera coverage for the back of the building; seconded by Comm. Pintel. The Commission was polled and the motion carried unanimously (5-0 vote).

Held – Y            Kirn – Y            Pintel – Y            Dunning – Y            Hague – Y

**COMMENTS:**

Comm. Held suggested that Council may want to consider a maintenance code for non-residential properties. The Commission was in agreement. Vice Chair Hague suggested adding a requirement for appropriate staffing.

Vice Chair Hague thanked the Town for hosting the Planning Officials Training Workshop given by the Florida chapter of the American Planning Association and the Treasure Coast Regional Planning Council.

**ADJOURN:**

Comm. Pintel moved to adjourn the meeting; seconded by Comm. Kirn. Vice Chair Hague adjourned the meeting at 8:26 p.m.

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**Valerie Hampe, Secretary**

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**TERI GROOMS, CHAIR**