

**TOWN OF JUPITER
PLANNING AND ZONING COMMISSION MINUTES
REGULAR MEETING
September 13, 2022**

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

ATTENDANCE: Chair Teri Grooms, Commissioners Ashlyn Held, Kevin Kirn, Ankur Patel, and Richard Dunning (2nd Alternate); Joh Sickler, Planning & Zoning Director; Peter Begovich, Senior Planner; Thomas Baird, Town Attorney; Josie Nicolas, Secretary.

MINUTES: Regular Planning and Zoning Commission meeting, August 09, 2022.

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

CITIZEN COMMENTS: None.

REGULAR AGENDA:

A. **OLD BUSINESS:** None.

B. **NEW BUSINESS:**

Pennock Square – Special Exception and Site Plan amendment applications to change the use designation of two bays: a 2,474 square foot bay from retail to restaurant and a 3,658 square foot bay from indoor recreation to exercise studio; and modify the approved shared parking agreement for the 43,597 square foot shopping center, on a 4.2± acre property located at 901 West Indiantown Road. (PZ# 5181 & 5182)

Town Council consideration:

October 20, 2022

Mr. Baird conducted the swearing in of the witnesses.

Chair Grooms asked the Commissioners to disclose any ex-parte communications. Comm. Patel disclosed that he spoke with staff, drove by the property, and walked the property. Comm. Kirn disclosed he spoke with staff. Comm. Dunning disclosed that he spoke with staff and drove by the property. Comm. Held mentioned that she spoke with the tenant. Chair Grooms had nothing to disclose.

Comm. Held stated she drove by the property.

The applicant representative, Troy Holloway, mentioned that the client had flown in from Cincinnati to be at this meeting. Mr. Holloway stated the request of the re-designation of uses to allow the 356-square foot increase of special exception restaurant use for the purpose of the Granja, at the existing shopping center. Mr. Holloway gave his presentation and discussed the surrounding location, site plan, and existing restaurant. Mr. Holloway mentioned the 3,658 square footage indoor recreation that is being used mostly as a personal fitness, exercise studio,

or a yoga studio. He noted that the parking use differs from indoor recreational to exercise studio.

Pennock square – cont'd

Mr. Holloway stated that an indoor recreational is more like a Jupiter Fitness or a gym with large crowds gathering in the morning and evening. He stated that the exercise studio has scheduled classes and reserved times. He went over the special exception criteria and said the restaurant use is compatible with the character and existing uses. It will not have a detrimental impact on any of the surrounding properties and it will not pose a threat to traffic. Mr. Holloway mentioned that there were concerns back in 2018 for the amount of parking that would be required for a restaurant. The parking wasn't an issue then and it won't be an issue now. Mr. Holloway mentioned that staff asked the applicant to do an onsite parking study, which they did. The study indicated that forty percent of the parking is currently being utilized during the peak hours. Mr. Holloway mentioned that the applicant does not propose additional square footage, they meet all special exception, and site plan criteria.

Peter Begovich, principal planner, gave his presentation. Staff recommended approval of the applicant requests for a special exception and site plan amendment. This will allow the proposed restaurant, convert an indoor recreational unit to an exercise studio, and modify the existing shared parking agreement. The Town Council approved up to 10,633 square foot of restaurant at Pennock Square in 2018. The applicant also included a request to change the use from indoor recreational to an exercise studio; which reduces the parking requirement by six spaces. The justification is based on limited operating hours since they close at 6:30 pm. The statement notes that parking for indoor recreation use peaks in the evening from six-thirty pm to midnight. Typically, the business operates more like a dance studio, then a fitness center or an open gym. The conditions of approval include a requirement to stagger class times with a maximum of ten customers in a class and prohibiting the use of the studio space outside scheduled class times.

Mr. Begovich explained that during the June 19, 2018 meeting to increase restaurant footage of the project, the Town Council expressed concerns about the adequacy of restaurant parking, unscreened dumpsters on the site, lighting, and safety concerns. The current owner addressed each of these concerns and conditions of approval during review to ensure that the upgrades happen before or concurrently with the occupancy of the restaurant.

Comm. Dunning asked staff if the photometric plan will be done before the Council hearing.

Mr. Begovich, stated that the photometric plan is a requirement of a condition of approval and that it will be provided with the final plans. If Council approves it, then it will be reviewed by staff to ensure that it meets Town code.

Comm. Held asked staff about a recommendation of video surveillance for safety in the back alley. Mr. Begovich said no, since staff had the police department go out in the evening and make an analysis and they didn't have a recommendation.

Comm. Patel asked the applicant about the definition of a gym. Mr. Holloway said that it is strictly reserved classes, with a maximum of ten people, similar to a yoga or Pilates classes. It is essentially a private gym, meaning you have to reserve your time for a particular class. In an open gym, people can come and go anytime they please.

Comm. Held asked the applicant if the dumpster enclosure is supposed to be closed and if there are any protocols for that. Mr. Holloway said the gates of the dumpster enclosure should be closed. It may have been left open when the trash was picked up. He said they would make

sure those gates are always closed.

Pennock Square – Cont'd

Comm. Patel suggested staff contemplate some green spaces for the parking spaces that won't be used. He asked staff about the landscape plan, about providing irrigation and cocoplums on the full back fence. Comm. Patel suggested a condition of approval to make sure the irrigation is installed.

Public Comment:

Mr. Cao, a representative on behalf of the owner, Pho & Rolls, a restaurant in Pennock Square said they don't have enough parking for employees in the back of the building. He mentioned the concerns for safety of the employees who are parking in back of the building, since some drivers are speeding in the back alley. Even with the one-way sign, drivers are still driving both ways. His biggest concern is for the safety of children. He also stated concerns about the flooding in the back of the building and only having one dumpster.

Chair Grooms open the floor for comments from the Commissioners and they discussed parking related to the change in use from indoor recreation to an exercise studio.

Comm. Patel said the parking reduction is acceptable, but he was not satisfied with switching the indoor recreational use to an exercise studio. If the change in use is approved, there should be a condition of approval to make sure they cannot operate after 6:30 pm. He mentioned he would rather keep the indoor recreational use to keep the additional parking.

Chair Grooms and Comm. Patel discussed the use change of indoor recreation to an exercise studio. They talked about what would happen if the exercise studio does not work and the space is switched back to a different use. The commissioners discussed recommending the indoor recreation use to Town Council.

Comm. Dunning moved to recommend approval of staff recommendation to change an indoor recreation to an exercise studio with staff's recommendation. It was not seconded.

Comm. Patel moved to recommend approval with staff recommendation with a modification to the Statement of Use and Site Plan to remove the change in use request for the designation of Units 26 and 27 from indoor recreation to exercise studio.

Comm. Kirn seconded the motion. The motion carried (4-1).

Held – Y Kirn – Y Patel – Y Dunning – N Chair Grooms – Y

ADJOURN:

Chair Grooms adjourned the meeting at 7:48 p.m.

