

**TOWN OF JUPITER
PLANNING AND ZONING COMMISSION
MINUTES MAY 9, 2023**

CALL TO ORDER:

Chair, Teri Grooms called the meeting to order at 7 p.m.

ATTENDANCE:

Chair Teri Grooms; Comm. Ashlyn Held; Comm. Kevin Kirn; Comm. Dan Guisinger; Comm. Marc Pintel; Comm. Richard Dunning; Paul Keenan, 1st Alternate (voting member); Cynthia Blum, 2nd Alternate; John Sickler, Director of Planning & Zoning; Stephanie Thoburn, Assistant Director of Planning & Zoning; Garret Watson, Principal Planner; Martin Schneider, Principal Planner; Thomas Hernandez, Director of Engineering and Public Works; Town Attorney, Thomas Baird, Esq.; Vernisa Ayers, Secretary.

MINUTES:

Motion to approve the minutes from the April 11, 2023 Regular Planning and Zoning Commission Meeting.

Motion by Dan Guisinger, second by Ashlyn Held.

Final: Motion passed unanimously, with a 7-0 vote.

ELECTION OF OFFICERS:

Mr. Baird presided over nominations. Comm. Dunning nominated Comm. Grooms for Chair. Hearing no other nominations, Mr. Baird declared Comm. Grooms chairperson by acclamation.

Comm. Dunning nominated Comm. Kirn for Vice Chair. Hearing no other nominations, Mr. Baird declared Comm. Kirn as vice chairperson by acclamation.

CITIZEN COMMENTS: None

REGULAR AGENDA:

A. OLD BUSINESS: None

B. NEW BUSINESS:

1. **Cornerstone** - Site Plan amendment to revise Condition #8 of Resolution 27-17, to modify the materials and timeframe for completing construction of public docks, for an approved project on a 1.0+ acre property, located at 1 S. Coastal Way - (PZ#5586)

Disclosures: Vice Chair Kirn stated that he spoke with town staff and visited the site and Harbourside. Comm. Pintel said that he spoke with Councilor Malise Sundstrom, John Sickler and visited staff. Comm. Held said she talked to Councilor

Schneider, John Sickler and toured the site by boat. Comm. Dunning disclosed that he talked to staff, Garret and John. He also went out on the boat and walked the route. Comm. Blum stated that she spoke with John Sickler and toured the site. Commissioners, Keenan and Guisinger did not have disclosures on this item. Chair Grooms disclosed that as a commissioner she did not have disclosures, but as a private citizen she's had multiple conversations with Ms. O'Mahoney. She also stated that she believes she is on public record when this was going through its approval process.

Attorney Thomas Baird: Conducted the swearing in of the witnesses.

Applicant Presentation: Emily O'Mahoney from 2GHO reviewed a PowerPoint presentation of the proposed project. She introduced David Seach, contractor and Matt Butler, Coastal Engineer from Isiminger and Stubbs Engineering.

Staff presentation: Garret Watson, Principal Planner, reviewed the staff report and recommendation.

Commissioners asked questions of the Applicant and Staff: What is the cost of the concrete material? Why the choice of materials? What was the delay in construction timing for the docks? Will there be future dredging in the area? Mr. Seach responded that concrete was more expensive and can cause additional delays; concrete and composite docks are both equal industry standards; delays were caused by COVID, hurricanes, and coordination time with FDOT regarding a lease modification; and that there are shallow areas where the dock is planned to be constructed.

Question for staff included: liability of heat and slipping based on the material and the longevity of the materials of the dock. Mr. Hernandez responded that the composite material gets hotter than concrete which could add to the liability but both materials appear to account for slippage and that both concrete and composite are likely to last an equal amount of time.

Deliberation by Commission:

Comm. Dunning stated he feels that if the proposal is allowed we have no leverage. He also agreed with concerns the proposed bond and the legal expense it could cause.

Comms. Held and Blum agreed that having the docks completed by December is unrealistic.

Comm. Pintel stated that he is very hesitant to move forward on this because there are too many unknowns.

Comm. Guisinger stated that he would like to see this project completed. He said that the applicant has agreed to front the bond even if they don't get it done and then the Town can take it over. He would like hear some alternatives to the concrete floating docks.

Vice Chair Kirn said that they need to establish an appropriate budget for the escrow, a schedule and has issue with the material.

Comm. Keenan shared that he would like to give the applicant the Certificate of Occupancy, except for the top two floors. We would hold the top two floors until the dock was completed.

Chair Grooms recommended finding another solution in a more creative way. She agreed with the comments of Commission and called for a Motion.

MOTIONS:

Comm. Dunning motioned to recommend denial of the applicants' request, seconded by Comm. Pintel. Motion failed by a 3-4 vote with Commissioner's Held, Guisinger, Vice Chair, Kirn and Chair, Grooms dissenting.

Vice Chair, Kirn motioned to recommend to maintain the construction timing of the docks prior to the Certificate of Occupancy for the building as the existing approval; that the materials for the docks would be approved by Staff; and, that the Marine Stewardship condition be included. Comm. Dunning, seconded the motion. The motion passed with a 6-1 vote with Chair Grooms dissenting.

2. Evaluation and Appraisal Report (EAR) Workshop- Introduction to Comprehensive Planning and the EAR process.

Staff presentation: Martin Schneider, Principal Planner, presented a PowerPoint introducing Comprehensive Planning, describing its purpose and state requirements, and described the Evaluation and Appraisal Report (EAR), its purpose, and the state requirements. He explained the consistency required between the Town's comprehensive plan and the land development regulations, and outlined the proposed EAR-based Future Land Use Map and text amendments.

Chair Grooms asked how many amendments would they see? Mr. Schneider responded that most of the items will be housekeeping. More complicated housing items have been moved to a future housing roundtable and that there are few complex items.

C. ANNOUNCEMENTS: None

D. ADJOURNMENT:

Chair Teri Grooms adjourned the meeting at 8:47 p.m.

Teri Grooms, Chair

Vernisa Ayers, Secretary