

**TOWN OF JUPITER
PLANNING & ZONING COMMISSION
MINUTES JULY 11, 2023**

CALL TO ORDER:

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

ATTENDANCE:

Chair Teri Grooms; Vice Chair Kevin Kirn; Commissioners, Marc Pintel, Richard Dunning, Paul Keenan (1st Alternate - voting member) and Cynthia Blum (2nd Alternate - voting member); John Sickler, Director of Planning & Zoning; Stephanie Thoburn, Assistant Director of Planning & Zoning; Elizabeth Conley, Planner; Garret Watson, Principal Planner; Acting Town Attorney, Lainey Francisco, Esq.; Laura Cahill, Town Clerk and Vernisa Ayers, Secretary.

MINUTES:

Motion to approve minutes from the June 13, 2023 Regular Planning and Zoning Commission Meeting. Motion by Marc Pintel, seconded by Richard Dunning.
Final: Motion passed unanimously, with a 6-0 vote.

CITIZEN COMMENTS: None.

REGULAR AGENDA:

A. **OLD BUSINESS:** None.

B. **NEW BUSINESS:**

Swearing in: Town Clerk Laura Cahill, conducted the swearing-in of witnesses for the items on the agenda.

1. **FISHERMAN'S WHARF** - Special Exception and Site Plan applications for a three-story office building with underbuilding parking, a two-story restaurant with outdoor dining, a Tiki bar, and a private dock, on a 4.6± acre property located approximately ¼ mile west of US-1 along the north side of Indiantown Road. (PZ 22-5420)

Disclosures: Comm. Keenan disclosed that he spoke with John Sickler. Commissioners, Dunning and Kirn disclosed that they spoke with Mr. Sickler and drove by the site. Comm. Pintel disclosed that he spoke with staff and Councilor Malise Sundstrom. Comm. Blum also stated that she drove by the property. Chair Grooms stated that she drives by the property daily.

Applicant presentation: Troy Holloway, with 2GHO presented a PowerPoint that noted changes of the site plan different than the previous site plan to comply with the recommendations of staff. The applicant requested one change to condition 8(b) to include clearer language.

Staff presentation: Elizabeth Conley, Planner, reviewed the staff report and

PLANNING & ZONING COMMISSION MINUTES - PAGE 3

July 11, 2023 JS 8/8/23

presented a diagram showing staff's recommendation to include a sidewalk on the west side by narrowing the entrance drive aisle.

Commissioners asked questions of the Applicant and Staff:

Questions for the applicant included: Is there a wall surrounding the outdoor seating area; Were the residents made aware and in support of the project; what type equipment that was going to be placed on the rooftop and if it would be visible to residents.

Mr. Holloway stated that the restaurant and dining are totally walled for the entire width of the outdoor dining area. Mr. Emalfarb responded that residents are completely aware and are in support of the project. Staff responded that there is a condition requiring a roof equipment plan for venting for the kitchen to ensure it wouldn't be a nuisance to residents and that equipment is required to be screened.

Questions were asked surrounding access from Indiantown Road with people crossing Indiantown Road to enter the site with the heavy amount of traffic and regarding the large commercial trucks that are sometimes parked at the La Quinta space to the west parcel. The applicant responded stating that they are not sure if they are staying at the La Quinta. They have plenty of parking on the other side. Questions were asked surrounding concern from the HOA regarding the turn radius narrowing. Staff responded clarifying that the discussion was regarding trucks making deliveries in the neighborhood when no one was home and they had to go to the gate and back up. The Town's traffic engineer evaluated the turning movements with four different types of trucks to make sure that it would accommodate trucks navigating the circle with staff's modification.

The applicant was asked if they've had conversations with the Fresh Market Village Plaza owner about implementing a shared parking agreement. The applicant responded saying no they have not, but they didn't expect to have many problems because there are so many options with having valet, uber, and other options for shared parking. Staff was asked if things have been done to get ahead of any issues with the noise and problems as a result of the bridge closure. Ms. Conley responded that there's a condition that any outdoor activities would be closed at 10:00 p.m. to reduce the noise. The applicant stated that he doesn't feel the bridge being closed is going to impact the project as it takes nine months to a year to even get permits.

Questions were asked about driver confusion on the entry drive off Indiantown Road. The applicant noted that directional striping will help the situation. Staff noted that the traffic engineer suggested pavement striping and signage that says to keep right.

Questions were asked about not building a sidewalk on the west side. Staff responded that there is a provision in the code section 25-128 that allows the Town engineer on a case by case basis to waive the requirements for the sidewalk on both sides. The applicant is proposing to extend a sidewalk on the eastside of the roadway, but not the westside. The Applicant explained he did not like Staff's proposal of narrowing the entrance to make room for the west sidewalk.

The applicant was asked if the parking under the office was available to the restaurant in the evenings for additional spots. Mr. Holloway responded that it is specifically for office use. There are elevators and a stairway going up into the building. Staff stated that they cannot reserve parking spaces if they're utilizing shared parking. Underground parking would have to be available to the restaurant occupants as well. The applicant responded that they're in agreement with all of staff's conditions.

Questions were asked about large trucks being able to make deliveries to the service area of the restaurant and getting back out again. The applicant responded saying that they'll be able to pull straight into the roundabout in front of the service area and leave by circulating back through the parking lot to exit. There was also a question about the practicality of the location of the dumpster being so far from the restaurant. The Applicant responded by saying they have similar situations at 1000 North and that the garbage would be carted over by employees.

Public Comment: None.

Deliberation by Commission: Comm. Dunning stated he is in support of the project as long as the conditions from staff are met and the conditions concerning parking are included. Chair Grooms and Comm. Blum are not in support of the project. They shared concerns with the dock, the outdoor dining next to a residential area, the garbage location, parking and the outside noise. Vice Chair Kirn is in favor of having additional restaurants and office space in the area, but expressed concern with the noise coming from Harborside and with the bridge opening. Comm. Keenan is in favor of the project as long as the parking issues are addressed. Comm. Pintel agreed with the comments of commission. JS 8/8/23

Motion:

Comm. Keenan motioned to recommend approval of the application, subject to staff resolving the parking issues and all other existing conditions, seconded by Comm. Pintel. The motion passed with a 4-2 vote with Chair Grooms and Comm. Blum dissenting.

2. **Medical Center Zoning District Front Setback Reduction** – Zoning text amendment to the Medical Center (MC) Zoning District, Section 27-964, entitled "Area and dimension regulations", to reduce the front setback for parking garages from 50 to 40 feet adjacent to S. Old Dixie Highway for properties with a hospital master plan. (PZ 22-5434)

Applicant presentation: George Missimer, with Cotleur & Hearing presented a PowerPoint.

Staff presentation: Elizabeth Conley Planner, reviewed the staff report and presented a map showing where the zoning text amendment provisions would be applicable, the location of property owned by Jupiter Medical Center, the zoning

designations of various parcels in the area, and the location of the Toney Penna Redevelopment Overlay Area.

Commissioners asked questions of the Applicant and Staff:

The applicant was asked what would be the negative impact on the schedule if we went the route of the waiver versus the text amendment? The applicant responded that it would be the timing. It takes time to go back through Council to get the waiver approved. Staff was asked if they had any comments on the efficiency of the process. Mr. Sickler stated that staff wouldn't normally amend the Town Council's approval to reduce the setback of a structure 10-feet in an administrative process. There's still a process to amend the site plan in either scenario. The applicant added that this was proposed to Council at the initial approval for feedback and they were supportive of them working with staff to come up with the language and come back before them. Mr. Sickler commented that an amendment would likely take the same amount of time as a waiver.

Questions were asked as to why it would be considered a waiver as opposed to a variance? Mr. Sickler added that the most significant distinctions between a waiver and a variance is that a variance is subject to hardship findings and seven other criteria and those applications are reviewed by this Board acting as the Zoning Board of Adjustment; whereas a waiver is typically demonstrating some type of benefit or meeting certain criteria that would be approved through a site plan process and by whomever is designated with authority.

Staff was asked if there are future plans for another parking garage in the areas beyond the property that Jupiter Medical Center owns (outlined on the Map). Mr. Sickler replied that they're contemplating implementing a Hospital Master Plan that could expand the applicable area where their proposed setback reduction could be applied. He also explained that if properties were rezoned to Medical Center Zoning, they could be eligible for a reduced front setback and that the campus is within the Toney Penna ROA that promotes future transit planning.

The applicant was asked if they were planning on adding more ADA parking spaces. Mr. Missimer stated that they are planning on putting more ADA spaces on the ground floor. Mr. Sickler explained that the amount of ADA spaces are compliant and noted that those users may prefer a covered ground level space that is shaded and protected from weather in a garage over uncovered spaces.

The question of whether a hospital in the future could also utilize the reduced front setback. The Applicant explained that this is currently the only hospital in the town and therefore would only be applicable to this campus. Mr. Sickler explained that there is another application in for a hospital, but it does not have medical center zoning. Mr. Sickler noted that the applicant's request was narrowly defined to the subject property and South Old Dixie, but staff's proposal was more open making a waiver more appropriate.

Public Comment: None.

PLANNING & ZONING COMMISSION MINUTES - PAGE 6
July 11, 2023 JS 8/8/23

Deliberation by Commission: The commission agreed to recommending approval of the Zoning Text Amendment language proposed by staff.

Motion: Comm. Pintel motioned to recommend approval of the Zoning Text Amendment proposed by staff, seconded by Comm. Blum. Motion passed unanimously, with a 6-0 vote.

ANNOUNCEMENT:

None.

ADJOURNMENT:

Chair Grooms adjourned meeting at 9:08 p.m.

Teri Grooms, Chair

Vernisa Ayers, Secretary