



**AGENDA
TOWN OF JUPITER
PLANNING AND ZONING COMMISSION SPECIAL MEETING
COUNCIL CHAMBERS
MONDAY, OCTOBER 14, 2024
7:00 PM**

The Planning and Zoning Commission (PZC) also acts as the Local Planning Agency (LPA) and the Zoning Board of Adjustments (ZBA).

NOTE: Those who wish to speak before the Commission must submit a green comment card to the secretary. Each comment is limited to three minutes. Speakers are asked to approach the podium when called. Please state name and address for the record prior to addressing the Commission.

Call To Order

ROLL CALL

Chair Kevin Kirn
Vice Chair Richard Dunning
Comm. Michael Cassatly
Comm. Dan Guisinger
Comm. Beth Kelso
Comm. David Thompson
Comm. Karen Vinson
Comm. Paul Keenan (1st Alt)
Comm. Cynthia Blum (2nd Alt)
Town Attorney, Thomas Baird, Esq.

CITIZEN COMMENTS

Non-agenda topic citizen comments will be noted by staff for follow-up, as appropriate. The Commission will not discuss these items at this meeting.

MINUTES

1. August 13, 2024 Minutes
2. September 10, 2024 Minutes

REGULAR AGENDA

Order of Business:

The normal order of business for hearings of agenda items is as follows:

- Declaration of ex-parte communications
- Swearing-in of witnesses
- Applicant presentation
- Staff presentation
- Intervenor (if any) presentation
- Commission questions of Applicant, Intervenor and Staff
- Public to be heard – Three-minute limit per speaker
- Rebuttal or closing arguments for quasi-judicial items, if desired, and time has been reserved by the parties
- Motion on floor - Discussion only on the motion
- Call for the vote

PUBLIC HEARING

OLD BUSINESS

3. None.

NEW BUSINESS

4. **1352 S US-1 Rezoning** - Zoning Map amendment from Commercial, Office (C-3) to U.S. Highway One/Intracoastal Waterway Corridor District - Mixed Use Residential Subdistrict (US1/ICW-MXR) for 1.34+/- acres of property located at 1352 S. US-1. (PZ 24-5893)

Town Council Consideration: November 19, 2024 and
December 17, 2024

5. **Town of Jupiter Public Works Facility** – Site plan amendment to construct two light industrial/storage buildings and an open storage area on a 20.0+/- acre property located at 3131 Washington Street. (PZ 24-61755)

Town Council Consideration: October 15, 2024

STAFF UPDATE

Planning and Zoning Director report on recent Town Council actions on Commission items.

ADJOURN

The next regularly scheduled Planning and Zoning Commission Meeting is scheduled for Tuesday, November 12, 2024.

PLEASE TAKE NOTICE AND BE ADVISED that if any interested person desires to appeal any decisions made by the Planning and Zoning Commission with respect to any matter considered at these hearings, such interested person may need a verbatim record of the proceedings made, including the testimony and evidence presented at this hearing.

**TOWN OF JUPITER
PLANNING AND ZONING COMMISSION
FINAL MINUTES
AUGUST 13, 2024**

CALL TO ORDER:

Chair Kevin Kirn called the meeting to order at 7:04 p.m.

ATTENDANCE:

Chair Kevin Kirn, Vice Chair Richard Dunning, Comm. Dan Guisinger, Comm. Beth Kelso and Comm. Cynthia Blum 2nd Alternate; Commissioner Vinson arrived at 7:07; 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:

The minutes from the July 9th meeting were reviewed. Comm. Kelso suggested changes to include adjustments for signage specifically it should remain over the doors on the western elevation but suggested a sign be added to the southern elevation for easy identification. She advocated for color consistency in the signage that was discussed and approved. Motion to approve the amended minutes from July 9, 2024 Regular Planning and Zoning Meeting by Comm. Blum; seconded by Comm. Guisinger. Final: Motion passed unanimously, with a 6-0 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:

1. **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: Commissioner Vinson said she spoke with one of the neighbors the afternoon of the meeting and drove by to do a site check. Commissioner Guisinger walked the property and spoke with staff on the issue. Commissioner Dunning walked the property and looked at Google Earth. Commissioner Kelso also walked the property, spoke with staff, and picked up a set of large scale plans and spoke with Troy Holloway for a few minutes. Commissioner Blum drove through the property.

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 inquired about the restroom access on the first floor, noting that they appeared to be only accessible from the outside, which might complicate ADA compliance. Mr. Holloway clarified that the current design includes two exterior restrooms primarily intended for marina use. While there are no detailed floor plans for the interior of the restaurant yet, if ADA compliance requires indoor restrooms, they will be added. She also asked about the recommended boat size for the marina. Although it was mentioned that the canal could accommodate boats up to 40 feet, the staff still recommended limiting the boat size to 35 feet for easier navigation. Comm. Blum confirmed this understanding and had no further questions.

Comm. Kelso inquired about the history of the marina, noting that it had been inactive and dilapidated for several years. Staff clarified that the marina was operational until about 2018 or 2019, but no official records were found approving it as a marina. Mr. Sickler explained it was likely an accessory use to the mobile home park that existed on the site. Comm. Kelso then asked who is responsible for maintaining the canal's sides and depth, expressing concern that boats might not be able to navigate, if parts of the canal are too shallow. Mr. Schneider responded that individual property owners are responsible for maintaining their sections of the canal, including the marina frontage. Comm. Kelso questioned whether current residents along the canal are allowed to rent out their docks, which they are not; the docks are for private use only and are limited to two boats. She expressed concern about the applicant's plan to obtain a full liquor license (4COP) for the cafe, fearing it might turn into a loud night spot rather than a small, healthy cafe. He recommended limiting the license to a 2COP, allowing only beer and wine. Comm. Kelso noted that several boats currently docked along the canal exceed 40 feet, suggesting that the canal can accommodate larger boats and she expressed no issue with allowing 40-foot boats. Comm. Kelso suggested installing gates with a key or card entry system to ensure that only the boat owners can access the marina. She also emphasized the importance of ensuring that boat slips are only sold to or rented by individuals, not companies or entities. This will help to maintain the residential character of the area by not selling it to a non-residential company or nonprofit who may provide access to all of their employees. Comm. Kelso recommended using a higher-profile bike rack for safety, as the suggested low-profile rack might pose a tripping hazard. She then thanked the applicant for including easements across the property, which she found beneficial.

Vice Chair Dunning acknowledged significant changes made to the project. He discussed concerns about slip usage and confirmed they are for private use only. He emphasized the importance of sticking to staff's recommendation on boat lengths and no live-aboards. He inquired about the possibility of boat lifts, which are not proposed, supported the limitation on boat lengths, and opposed major boat work at the marina, though minor repairs (like fixing a dead battery) may be necessary. He had no objections to the liquor license and supported reduced hours to address neighborhood concerns. He supported the idea of adding no wake zone signage, but did not insist on it.

Chair Kirn had difficulty visualizing a 35-foot boat in the canal and inquired about how they would be maneuvered. Mr. Holloway clarified that the boat slips are 30 feet in length, with 76 feet available from the end of the slip to the bulkhead across the canal, and 17.35 feet in width for boats to maneuver. A typical 40-foot boat is about 11.5 feet wide, so there is sufficient space. Chair Kirn then asked about the process and timeline for notifying the neighborhood about the project. Mr. Holloway explained that notifications began in August the previous year, with letters sent to all property owners on Old Jupiter Beach Road and Eganfuskee. Two public meetings were held at Generation Church, one on September 5th and the other on October 3rd, 2023. Attendance was low, with 12 residents at the first meeting and only three at the second. Chair Kirn also inquired about a filtration system mentioned in a letter regarding water quality benefits. Mr. Holloway clarified that the filtration system referenced is part of the town's infrastructure for drainage water coming from Juno Street, which is filtered before entering the canal. This system is not part of the marina project. Chair Kirn questioned whether the marina and restaurant would impact adjacent property values. Mr. Schneider stated that there was no specific research on this, noting that property values could be affected either way. Mr. Holloway added that the cleanup of the property, initiated voluntarily by the applicant, was likely an enhancement to property values.

Commissioner Geisinger inquired about the definition of boat length, specifically the difference between length at the waterline and overall length, and whether any policy changes are needed. Mr. Sickler clarified that boat length definitions are determined on a case-by-case basis for each marina, with no need for policy changes. Comm. Geisinger then asked about the marina loading area on the site plan. Mr. Holloway explained that the loading area is a staging space where visitors can unload items from their vehicles and transport them to their boats using carts. Comm. Geisinger expressed appreciation for the site's entrance and exit layout but raised concerns about residents on Eganfuskee Road having difficulty crossing Alternate A1A, especially during heavy traffic at Center Street. Comm. Geisinger also noted that the town's traffic engineer had installed "Do Not Block Intersection" signs but that the cross-hatching at the intersection was not very visible and requested that the town consider enhancing the visibility of these markings to improve traffic flow and reduce concerns for residents.

Commissioner Vinson inquired about the specific areas of the canal being dredged, focusing on whether it was limited to just the marina or included other parts. Mr. Holloway confirmed that dredging would occur in front of the commercial parcel and a residential lot to the east. Comm. Vinson also asked about landscaping at the end of the canal, especially concerning the overgrown areas. Mr. Holloway responded that all exotic plants would be cleared, with mangroves along A1A being preserved. New planting will be done along A1A, and there will be a visual corridor to the marina. Comm. Vinson questioned if any stabilization work would be done on the canal bank near a neighboring paint store. Mr. Holloway explained that the bank has a bulkhead, which stabilizes it. Comm. Vinson raised concerns about potential noise from live entertainment, especially if the property is sold in the future. Mr. Holloway said they do not plan to have live entertainment. She also inquired about future development plans for the residential side of the property. Mr. Holloway assured that live entertainment is not planned and that any future development would require further approval and mentioned concepts for outdoor recreational facilities, such as pickleball courts, but no concrete plans exist yet. Commissioner Vinson acknowledged the efforts to align with town regulations and community feedback, expressing the need for more businesses in the Town of Jupiter.

Public Comment:

Matt Sapowski submitted a comment card and expressed opposition to the proposed marina and restaurant development. He had concerns about the impact on the environment, community values, canal capacity, traffic impacts and how this would negatively affect neighbors.

Kent Eisman submitted a comment card and voiced concerns about the proposed marina development. He concluded that the proposed number of boats is too high for the area, leading to overcrowding and increased traffic.

Joacim Borg submitted a comment card and expressed support for the project. He noted that he works for Index with his parents. He pointed out the development team has been attentive to feedback from local residents. He emphasized the improvement the project would bring over the previous occupants.

Anthony Gravett submitted a comment card and expressed his appreciation for the town staff's due diligence, but noted some concerns regarding the necessity for boat lifts and the issue of no sanitary systems. He acknowledged the proposed development would be a significant improvement over the previous Bell's Trailer Park.

Andy Simmons submitted a comment card and spoke in favor of the proposed development project. He stated he is in the marine industry and highlighted the need for boat slips for boats larger than 40 feet. He supports the project and concluded by stating the project would be a major improvement to the area.

Donaldson Hearing submitted a comment card and spoke in support of the proposed development project, emphasizing the community benefits it would bring. He highlighted the proposed 12 boat slips would be a valuable asset for local residents and praised developers for cleaning up the site.

Michelle DePotter submitted a comment card and spoke in favor of a development project that will directly impact her property, located on the canal. She commends the applicants for their experience in successful and sustainable redevelopment and for being considerate and engaged community members. In regards to the traffic, she points out that the area had more traffic when it was 40 mobile home units and commercial fishing boats.

Jay DePotter submitted a comment card supporting the development of the property across from his home. He has concerns about a dilapidated dock near his property, believing it to be unsafe. He anticipates the project will enhance the community and his property value.

Deliberation by Commission: Commissioner Vinson raised questions about the potential environmental impact of a marina project, specifically regarding marine restoration, water quality monitoring, and the potential for pollutants. Professional Engineer, Curry Isiminger, explained that the project met state water quality standards and that pollutants would disperse within acceptable timeframes, but there would be no continuous monitoring post-construction, only turbidity monitoring during construction. Comm. Vinson also inquired if the builder could implement continuous monitoring to reassure residents, to which Mr. Isiminger responded that this was uncommon and not part of their standard practice. Ms.

Thoburn added that the applicant had proposed measures like a bio-swale and water filtration to address water quality and flooding concerns.

Commissioner Vinson had concerns about the nature of the proposed development changing from a café to a bar and grill, with particular worry about live music, a full liquor license, and the impact on the nearby residential community.

Commissioner Guisinger expressed appreciation for the efforts of both the staff and the applicant in reaching a consensus on the property. He proposed amending the conditions to allow boats up to 40 feet in length to be docked and emphasized the need for security measures like locked gates to prevent unauthorized use of the boat slips. He also suggested adding signage to remind boaters of the no-wake zone when exiting the marina.

Commissioner Dunning thanked the residents for their input and acknowledged that their testimony provided valuable perspectives. While he initially had concerns, he felt that the benefits of the project outweighed the detriments. He supported the inclusion of conditions such as no liveaboards, and specific rental or lease conditions to ensure proper use of the boat slips.

Commissioner Kelso echoed the appreciation for both the applicant and the town's collaboration, as well as the residents' involvement. She agreed with the condition of no liveaboards and supported the installation of locked decorative gates. Additionally, she suggested that the liquor license should require at least 50.1% of sales to come from food to prevent the area from becoming a bar-centric location.

Commissioner Blum supported the views expressed by Commissioner Kelso and emphasized the importance of limiting boat slip leases to individuals only, to avoid group rentals that could lead to overuse.

Motion: A motion was made by Comm. Kelso to approve the project with several specific conditions from the Commission:

1. Allowing 40-foot boat slips.
2. Installing additional "No Wake Zone" signage.
3. No liveaboards.
4. Installing decorative locked gates with a system for access to the private dock area.
5. Implementing a 4COP-SFS alcohol license restriction
6. No slip rentals to non-individuals only, no rentals to companies or clubs, and no subleasing.

The motion was seconded by Vice Chair Dunning and approved unanimously (6-0 vote). A clarification was made by Mr. Sickler regarding the slip rental restriction to ensure it applies only to individual residents and not to companies or organizations, and to prohibit subleasing which was agreed upon by all the Commissioners.

Staff announced that this item will be going to the Town Council for review next.

NEW BUSINESS: None

ANNOUNCEMENT:

Mr. Sickler provided the Commission with a summary of recent Town Council actions.

ADJOURN:

Comm. Blum motioned to adjourn and was seconded by Vice Chair Dunning. Chair Kirn adjourned meeting at 8:35 p.m.

**TOWN OF JUPITER
PLANNING AND ZONING COMMISSION
DRAFT MINUTES
SEPTEMBER 10, 2024 7:00 P.M.**

CALL TO ORDER:

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

ATTENDANCE:

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

MINUTES:

The minutes from the August 13, 2024 meeting will be considered at the next regular meeting.

SWEARING IN:

Secretary Michael Schneider conducted the swearing-in of witnesses for all quasi-judicial items on the agenda.

CITIZEN COMMENTS: None

REGULAR AGENDA:

A. OLD BUSINESS: None.

B. NEW BUSINESS:

1. **708 Weldwood Road** – Variance request to Section 27-1326(b)(2) to increase the side yard fence height from six feet to six feet and eight inches, on a 0.22± acre property, located at 708 Weldwood Road.
(PZ 24-6106)
(Acting as the Zoning Board of Adjustments)

Disclosures: Comm. Vinson disclosed that she went to the site, spoke to the homeowner, and spoke with staff. Vice Chair Dunning disclosed that he drove by the site and spoke to staff. Comm. Kelso disclosed that she walked the site and spoke to staff. Comms. Guisinger and Blum both disclosed they had driven by the site.

Applicant presentation: Jim Frogner, Zoning Consultant conducted a PowerPoint presentation clarifying their request for the Variance. Brent Schreurs, the homeowner, continued and concluded the presentation.

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

Commissioners asked questions of the Applicant and Staff:

Comm. Blum expressed that she struggled with how so many things don't meet the criteria laid out by staff and she doesn't understand how the contractor didn't

mention getting a permit for the changes they made. Mr. Schreurs replied that there was no conversation of an amended permit or resubmitting. Comm. Blum asked if this was a professional fence installer and Mr. Frogner stated that the contractor was from a licensed fence company. Mr. Frogner mentioned the staff report noted bringing in fill but that Mr. Schreurs did not raise the grade but rather that he leveled a slight berm 3' from the sidewalk. Mr. Frogner stated that was the reason for installing the block so he could make a putting green that matched the level of the existing yard and pool.

Comm. Kelso asked why the section of open fence on the west side of the driveway was in a provided photo but now it is missing. Mr. Frogner stated that removing this panel was a decision by the Town Engineer as Mr. Schreurs didn't have a 45-degree visibility angle. Comm. Kelso asked why the fence wasn't planned to be flush with the gate or to move the gate further out. Mr. Schreurs replied that the five feet represents the limited access and landscape easement and that, per Town requirements, the gate is not allowed but the fence can be on the easement. Comm. Kelso asked if anything triggered in the applicants mind when the fence permit showed the fence at grade and the contractor said that an additional structure must be put in that wasn't on the original permit. Mr. Schreurs responded by saying he was told that the fence wouldn't be inspected so he built it the way it stands today and never thought he would need another permit. Comm. Kelso asked staff how finials and lanterns are accounted for in the 6' fence height limit. Mr. Watson replied that the height is based on the main panel and decorative features can extend beyond the limit. Comm. Kelso asked if she could add a 5' finial on top of the fence. Mr. Sickler clarified that staff applies some level of reasonableness to decorative features to ensure that the intent of the code is being met and that the predominant height is maintained at the maximum. Comm. Kelso asked staff why they allowed the fence to come out all the way to the sidewalk and into the easement rather than having more green space between the fence and sidewalk. Mr. Sickler noted that the language in the easement was not that restrictive and while the title of the easement implies landscaping, there is no prohibition of structures within the easement and so staff felt they didn't have the authority. Mr. Schreurs clarified that the reason the fence was brought out was because in his original meeting with Roger Held, Roger stated he could bring the fence out 5'. Comm. Kelso then asked if there would be any repercussions for the contractor as he got the permit and suggested the footer that wasn't on the survey. Town Attorney Baird interjected that the question wasn't for this commission's consideration and that the commission's responsibility is to consider the zoning criteria for the variance, and to make a determination on whether or not the criteria have been met.

Comm. Dunning then asked if any comments have been made by neighbors. Mr. Frogner responded saying the neighbors across the street to the east and the next-door neighbor to the north both submitted letter supporting the variance request. Comm. Dunning asked staff if they have copies of the aforementioned documents. Mr. Watson said the letters were noted in the justification statement but weren't in the packet given to the commissioners. Comm. Dunning asked if the letters were in support of the variance and Mr. Watson said that he didn't recall. Vice Chair Dunning mentioned that he hasn't seen a case with this many criteria not being met and that he supports staff on this matter, and he takes exception to the characterization in the applicant's presentation that staff did not

handle this in the same manner as other hearings. Vice Chair Dunning continued that he wishes something could be done, but if he were to approve this variance against staff recommendation, it would be setting a precedent and that he is not in favor considering the evidence presented.

Comm. Guisinger stated the permit showed the fence post being buried 3' in the ground with concrete. He asked if that occurred and if the fence was built sitting on top of the block or if the post was buried down in it. Mr. Schreurs noted that the fence post was in the ground through the concrete block and that every post has rebar and concrete and there was concrete poured into the cinder block. Comm. Guisinger then asked if it was correct that the applicant stated that he didn't realize he would need a permit to "put the block in and deviate from the permit." Mr. Schreurs replied that that was correct.

Comm. Vinson asked whether the homeowner or the fence company pulled the permit. Mr. Schreurs said that he did. Comm. Vinson asked why the fence company didn't do it as normally the company will pull its own permit. Mr. Schreurs stated that Roger Held told him an owner/builder permit would be "quick." Comm. Vinson asked staff if the language on the permit stated that the fence has to follow the contour of the property or if there were to be gaps at the bottom, and also if there were any exceptions in the rules about that in the permitting process. Mr. Watson replied that there weren't specific regulations. He continued that there were examples in the back of the applicant's justification statement about grades and how that's a situation where staff would apply reasonableness to it when the grade is not being artificially raised, but clarified that this case differs from that scenario. Comm. Vinson asked if that was because it was artificially raised and Mr. Watson replied "yes". Comm. Vinson asked if this situation has been going on for two years or only a couple months. Mr. Watson stated that the issue was noticed within two or three weeks of the construction of the fence and that staff has been trying to work with the homeowner. Comm. Vinson asked if there were any other code violations with the fence aside from the height. Mr. Watson stated that there was no formal violation and that staff was handling the situation through the permitting process, which is why the Town engineer reopened the permit when it was discovered there were improvements that required permits that were not part of the permit set and a revision was found to be the most reasonable path to bringing the property up to code. Comm. Vinson asked if there is any exception to the rule related to difference in the elevation. Mr. Sickler answered that no, there is not an exception.

Chair Kirn referred to an architectural drawing on Page 6 showing a footer detail and he asked if that was included as part of the original permit, because it clearly shows the maximum height. Mr. Watson responded that the architectural drawing was not part of the original permit. Mr. Frogner confirmed that the architectural drawing was done after the fact, because the Town said there was block foundation under the fence and they spoke with their architect who said that the block is not structural foundation. Mr. Frogner stated that he went to Doug Koennicke, the Town Engineer, and Doug told him "You don't need that." He continued saying the document was kicked out, but he did submit it.

Public Comment: None

Deliberation by Commission:

Comm. Vinson stated that she is conflicted.

Comm. Guisinger stated he can't move past the fact that all seven provisions have not been satisfied and that he's inclined to deny the request for the variance.

Comm. Dunning stated that with six of the seven criteria not being met, he doesn't want to set a precedent that would not be in line with previous decisions.

Comm. Kelso stated that she would be for approving the permit, because it is a unique property located between the high school and aquatic center and receives a heavy flow of traffic several different times per day. She concluded by stating she is in favor of approving it with additional landscaping per staff's recommendation in the staff report.

Comm. Blum stated that the gap beneath the fence can be taken care of in several different ways.

Chair Kirn stated that the commission is required to vote based on the objective criteria and he wouldn't be able to support approval if 6 of the 7 criteria are not met.

Motion: Vice Chair Dunning moved to recommend denial of the variance request, seconded by Comm. Guisinger. Motion failed with a 3-3 vote. Comms. Kelso, Vinson and Blum dissented.

Discussion: Town Attorney Baird reminded the commission to make clear the basis of the motion on all proposed motions. He explained that the board of adjustments responsibility is to look at the facts, consider the presentations by the two parties, and to decide based on whether or not the criteria have been met.

Motion: Comm. Kelso moved to recommend approval of the variance request with a height of 6'8" from grade, based on the unique situation of being located between the pool and high school that causes abnormal residential traffic, seconded by Comm. Blum. Motion failed with a 3-3 vote. Comms. Kirn, Dunning, and Guisinger dissented.

The Town Attorney announced the variance hearing is not being continued and would need to be re-noticed.

2. **Inlet Village Market** – Small-scale planned unit development (SSPUD) and site plan application to construct a 3,433 square foot two-story building with retail and accessory residential, on a 0.15± acre property, located at 1025 Love Street. (PZ 22-5252 and 5253)

Town Council consideration: October 15, 2024

Disclosures: Comm. Blum and Comm. Guisinger disclosed that they drove around the property. Comm. Kelso disclosed that she walked the site, spoke with Peter Meyer, and spoke to the neighbor to the south of the property. Vice Chair Dunning and Comm. Vinson disclosed that they spoke with staff and drove by the property.

Applicant presentation: Zach Ciciera, Land Planner with Cotleur & Hearing, presented to the commission. Rick Gonzales, Project Architect; Donaldson Hearing, Landscape Architect with Cotleur & Hearing; and Jim Burg, Property Owner, were also in attendance.

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

Commissioners asked questions of the Applicant and Staff:

Comm. Blum asked how much space is between the principal building and the building directly behind it. Mr. Ciciera said 40-50 feet. Comm. Blum then asked if there was any way to add ADA spaces to the Town parking lot. Mr. Hearing responded that there are existing ADA spaces, and that there would be opportunity for drop-offs in the front of the building before parking in the lot. Comm. Blum asked if the applicant had spoken to the neighbors. Mr. Hearing replied that they haven't had any direction discussion, but that signs have been posted for weeks and they haven't received any calls.

Comm. Kelso asked if the second floor of the building will be utilized by the owner, a seasonal renter, or will it be an Airbnb. Mr. Hearing responded that the units will be accessory residential with no intention of having a seasonal rental or Airbnb. Comm. Kelso then asked if the second-floor French doors were operational and if the tenants could go outside. Mr. Hearing replied that the doors open to the balcony to provide outdoor space. Comm. Kelso asked to clarify that the nine CRA parking spaces will not be specifically labeled and will simply be mixed within the general lot. Comm. Kelso continued that she agrees with all conditions, but wanted to make the following changes: Condition 4A should allow for building placement to move westward as minimally as possible; Condition 4D she would like to see pea gravel as per the original design; and that Condition 7, regarding the hours of operation, should be deleted entirely. Comm. Kelso continued saying she was concerned with noise and asked if there was any way to keep the noise down. Mr. Gonzales replied that the building is a masonry vernacular building with block construction, insulation, and hurricane proof insulated windows and that the garbage is in an enclosed air-conditioned space underneath the stairs. Comm. Kelso concluded by stating she doesn't want any light going past the property line into neighboring bedroom windows.

Vice Chair Dunning asked if there were any conditions laid out by staff that the applicant would not be able to meet. Mr. Hearing replied that they were comfortable with the conditions as written.

Chair Kirn asked if there were any existing operating hour restrictions at

Square Grouper or Beacon. Mr. Hearing responded that there weren't any. Chair Kirn then asked how the Town manages the potential for the business to grow into something larger than initially proposed. Mr. Meyer replied that they're proposing a retail business, which could include a bakery, coffee shop, and doughnut shop, and that there is a higher traffic generation for a coffee shop than a restaurant. Mr. Sickler concluded that the applicant is bound pursuant to Condition 1D and, if they want to change the use, they would have to file an application to amend the use. Chair Kirn then asked how the CRA thinks about temporary, five-year parking licenses versus a perpetual easement. Mr. Meyer replied that the common practice of the CRA is to have five-year increments.

Comm. Guisinger asked to clarify that there are two parking spaces on the south side of the building. Mr. Hearing said that was correct. Comm. Guisinger asked what would prevent visitors of the accessory residential on second floor from parking in spots reserved for patrons of the commercial space on first floor. Mr. Hearing responded that they don't anticipate that happening, but if the issue arises, they have alternative parking that could be provided at the Grouper or at another location. Comm. Guisinger then asked to clarify that parking for residents is on the south side of the building while the entrance to the residential unit is on the north side of the building. Mr. Hearing said that was correct. Comm. Guisinger continued asking that residents would be able to transverse through the porched area in front of patrons back and forth. Mr. Hearing responded that was correct. Comm. Guisinger then concluded by asking if the applicant concurred with all conditions. Mr. Hearing responded that they were in agreement with the conditions.

Comm. Vinson asked if the applicant would be seeking a contract to increase the number of parking spots based on outdoor seating. Mr. Hearing replied that that was correct. Comm. Vinson then stated that the handicapped parking spot not being on site was an issue for her and then asked how the residential parking would be separated from parking for patrons. Mr. Hearing stated that there will be a sign posted that clearly marks the residential parking spots. Comm. Vinson then asked how many units would be in the residence. Mr. Hearing clarified that there would be one unit. Comm. Vinson asked if there was any future plan to make it two units. Mr. Hearing replied that no, they cannot do that. Comm. Vinson then asked about future plans for angled parking in an alley. Mr. Hearing responded that it would be parallel parking and that they've provided room to accommodate it in the future. Comm. Vinson asked if the Town had anything to add to the parking. Mr. Sickler replied that they were initially proposing two units and to park tandem, but this was found not to be acceptable. He noted they could request an amendment in the future, if parking is added.

Chair Kirn then asked if the Town had any concerns if the commission eliminated the hours of operation restrictions. Mr. Sickler responded that would not recommend eliminating it, as its predicated on the availability of parking in the CRA parking lot.

Motion: Comm. Vinson motioned to recommend approval of the application contingent upon meeting all staff conditions of approval, with amendments to condition 4D to replace crushed shell with pea gravel and to amend condition 4A to shift the building footprint a maximum of 3 feet to the west, seconded by Comm. Dunning. The motion passed unanimously with a vote of 6-0.

STAFF UPDATE: None.

ADJOURN:

Chair Kirn adjourned meeting at 8:41 p.m.

Kevin Kirn, Chair

Michael Schneider, Secretary

**TOWN OF JUPITER STAFF REPORT FOR A
ZONING MAP AMENDMENT FOR 1352 S US1
TOWN MANAGER'S OFFICE**



DATE: October 8, 2024

TO: Honorable Mayor and Members of Town Council

THRU: Frank J. Kitzerow, Town Manager

FROM: John Sickler, Director of Planning and Zoning **JS**

SUBJECT: **1352 S US1 Rezoning** - Zoning Map amendment from Commercial, Office (C-3) to U.S. Highway One/Intracoastal Waterway Corridor District – Mixed Use Residential Subdistrict (US1/ICW-MXR) for 1.34+/- acres of property located at 1352 S US-1.

Ordinance #13-24 (Zoning)	P&Z Commission:	10/14/24
PZ 24-5893	Town Council:	11/19/24 (1 st reading)
P. Meyer	Town Council:	12/17/24 (2 nd reading)

Project Information

<i>Applicant:</i>	Tavern Gardens, LLC
<i>Agent:</i>	George Missimer, Coteleur & Hearing, Inc.
<i>Property Owner:</i>	Tavern Gardens, LLC (Robert S Fishel, MD)
<i>Location:</i>	1352 S US Highway 1 (Attachment A - Location Map)
<i>Acreage:</i>	1.34 +/- acres
<i>PCN Numbers:</i>	30434108000030013
<i>Existing FLUM designation:</i>	Commercial within the U.S. Highway One/Intracoastal Waterway Corridor District / Waterway, Commercial and Entertainment sector
<i>Existing use of property:</i>	Restaurant (Closed)
<i>Existing Zoning:</i>	(C-3) Commercial, Office
<i>Proposed Zoning:</i>	U.S. Highway One/Intracoastal Waterway Corridor District – Mixed Use Residential Subdistrict (US1/ICW-MXR)

Staff Compliance Review

Based upon the facts and findings contained herein, the Department of Planning and Zoning finds the proposed change in zoning **consistent** with the goals, objectives, and policies of the Comprehensive Plan.

Table 1. Surrounding land uses and designations

Location Map – Attachment A		
<i>Location</i>	<i>Existing Land Uses</i>	<i>Future Land Use Designations/ Zoning Districts</i>
North	Multi-family residential (Water Pointe)	Mixed-Use / U.S. Highway One/Intracoastal Waterway Corridor District – Mixed Use Residential (US1/ICW-MXR)
South	Multi-family residential (Tierra Del Sol) and Jupiter Ridge Natural Area	Mixed-Use / U.S. Highway One/Intracoastal Waterway Corridor District – Mixed Use Residential (US1/ICW-MXR) and Conservation / Conservation Preservation (CP)
East	Multi-family residential (Jupiter Ocean and Racquet Club)	High Density Residential / R-3, Residential, Limited multi-family
West	Jupiter Ridge Natural Area	Conservation / Conservation Preservation (CP)

For a comprehensive view of the above designations that surround the subject properties refer to the existing Future Land Use Map (Attachment B) and existing Zoning Map (Attachment C). The proposed Zoning designation is shown on the proposed Zoning Map (Attachment D).

Background

The subject property is +/-1.34 acres and currently has an existing structure approved for a restaurant. The restaurant is not currently in operation and the applicant proposes to demolish the building. The applicant has submitted a site plan application to construct a three-story medical office building that is under concurrent review.

Analysis.

A. Zoning Map Amendments

Criteria for Zoning Map amendments. Pursuant to Chapter 163, Florida Statutes, the zoning district for the subject property must be compatible with the designated future land use.

Four criteria in [Section 27-178](#) are identified for changes to future land use and zoning. A discussion of these four criteria in relation to the applicant's requested zoning district is included below:

- 1) *The proposed map amendment shall be consistent with the goals, objectives, and policies of the Town of Jupiter Comprehensive Plan.*

Staff Comment: The proposed zoning district meets the intent of the objectives and policies of the Comprehensive Plan and is consistent with the existing Commercial future land use designation on the property. The proposed rezoning is consistent with Objective 1.9 of the Comprehensive Plan and its supporting policies in the U.S. Highway One/Intracoastal Waterway Corridor, which ensures that developments emphasize and enhance the proximity of the Intracoastal Waterway (Attachment F). The existing commercial land use does not need to change since Policy 1.9.4 of the Comprehensive Plan allows for properties within the mixed use sector to be developed as 100% commercial.

- 2) *The proposed map amendment shall be consistent with the established land uses of surrounding properties or land use patterns.*

Staff Comment: The proposed zoning map amendment is consistent with the established land uses of surrounding properties. The parcel is located directly adjacent to other properties with the Mixed Use Residential subdistrict of the US-1 / Intracoastal Waterway Corridor Zoning District designation to the north and south, as well as Conservation Preservation designation on Jupiter Ridge Natural Area to the west and south, which is a complementary district. Jupiter Ocean and Racquet Club, a residential community with Residential, Limited Multi-family (R-3) zoning to the east of the subject property across US Highway One is also compatible. As noted in the purpose and intent of the proposed zoning district, the mixed use residential subdistrict is to be compatible with pre-existing residential uses and to maintain and enhance the values of properties within the subdistrict by encouraging accessory commercial uses.

- 3) *The proposed map amendment shall not create an isolated land use designation or zoning district unrelated to adjacent and nearby designations or districts.*

Staff Comment: The proposed zoning map amendment will not create an isolated zoning designation that is unrelated to the adjacent designations. As noted previously, the properties to the north and south have the same designation.

- 4) *The application is necessary because of changed or changing conditions, including, but not limited to changing demographic trends, annexation, or public service needs.*

Staff Comment: The proposed zoning is necessary to assign the zoning designation to implement the policies outlined in the Comprehensive Plan for the US 1/ICW Corridor and the Mixed Use Residential Sector assigned to the subject property.

Conclusions.

The requested Zoning Map amendment on the 1.34 acres, based on existing and future uses is consistent with the Comprehensive Plan and surrounding subdistrict, for the following reasons:

1. The proposed zoning designation is consistent with the surrounding properties and is consistent with the existing Commercial Future Land Use designation;
2. The request will have no significant impacts on public facilities and services;

Attachments:

Attachment A – Location Map
Attachment B – Existing FLUM
Attachment C – Existing Zoning Map
Attachment D – Proposed Zoning Map
Attachment E – Justification Statement
Attachment F – Comprehensive Plan policies

Contact Peter Meyer at 561-741-2691 or email at peterm@Jupiter.fl.us for a copy of attachments)



1 inch equals 200 feet

0 75 150 Feet

US-1 Medical Office Aerial Location Map

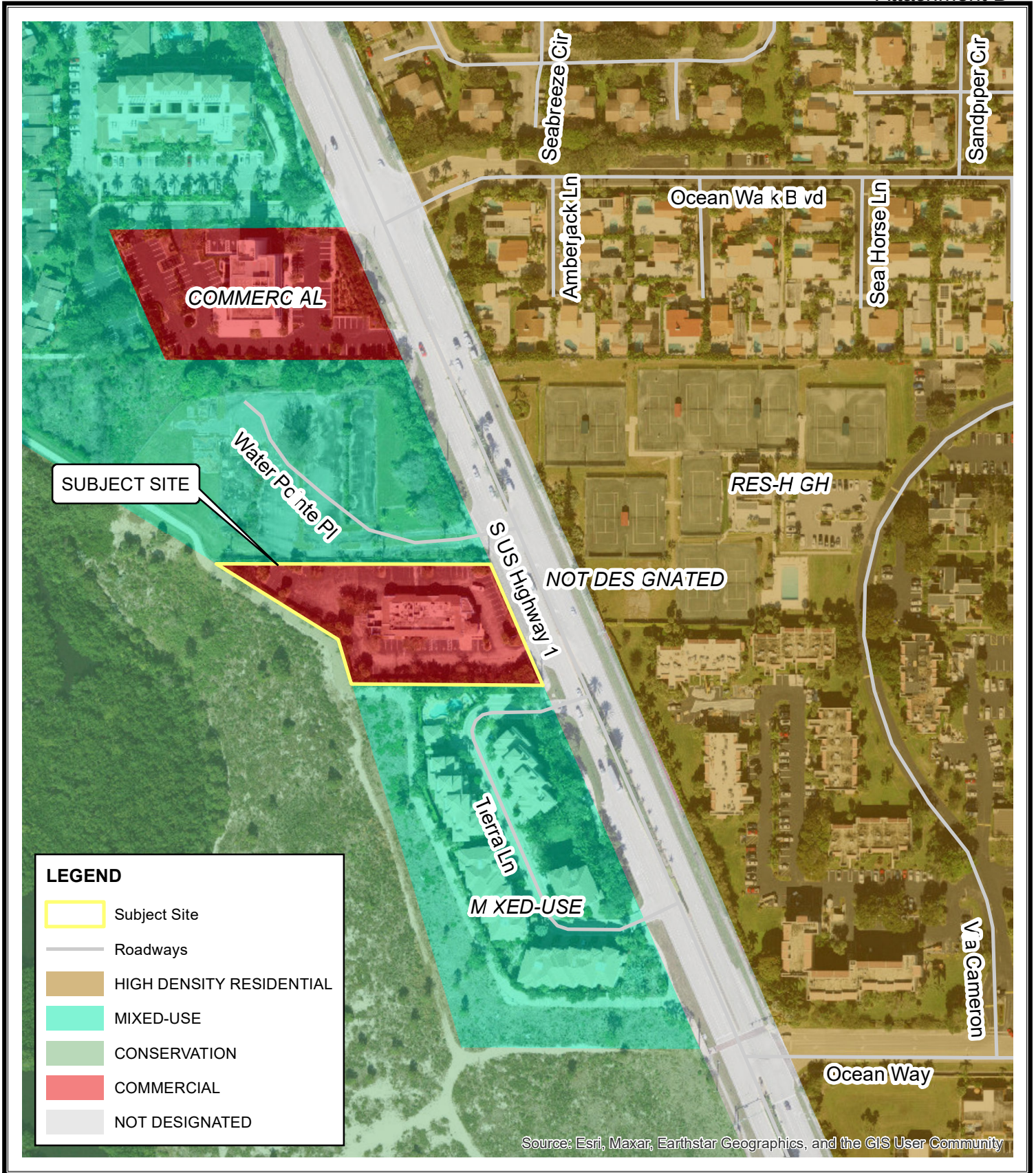
Jupiter, Florida



**Cotleur &
Hearing**

1934 Commerce Lane • Suite 1 • Jupiter, FL • 33458
561.747.6336 • 561.747.1377

Map Document:
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mnw 01/09/2024



1 inch equals 200 feet

0 75 150 Feet

Map Document:
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mnw 01/09/2024

US-1 Medical Office **Existing Future Land Use Map** **Jupiter, Florida**



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Hearing**

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1 inch equals 200 feet

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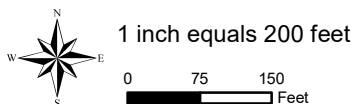
US-1 Medical Office Existing Zoning Map

Jupiter, Florida



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Hearing**

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Map Document:
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mnw 01/09/2024

US-1 Medical Office **Proposed Zoning Map** **Jupiter, Florida**

Cotleur & Hearing
 1934 Commerce Lane • Suite 1 • Jupiter, FL • 33458
 561.747.6336 • 561.747.1377

US-1 Medical Office

Rezoning

Justification Statement

June 28, 2024

INTRODUCTION

On behalf of the property owner and the applicant, please accept this as our formal request for rezoning approval for a property located at 1352 S US Highway 1, Jupiter, Florida 33477. The subject property is zoned as Commercial Office (C-3) and the Future Land Use is Commercial. The property sits within the US 1 Intracoastal Waterway Corridor in the Mixed-Use Residential Sector, as such, a rezoning is being requested concurrently with the site plan application. The structure that currently exists on the property is a vacant restaurant. The property is bordered by mixed use residential properties and the Jupiter Ridge Natural Area.

Applicant/ Owner

Tavern Gardens, LLC
2614 Buford Highway NE
Atlanta, GA 30324

Agent

Coteleur & Hearing
George Missimer / Donaldson Hearing
1934 Commerce Lane, Suite 1
Jupiter, FL 33458
dhearing@coteleur-hearing.com
gmissimer@coteleur-hearing.com

Table 1: Property Summary Information

PROPERTY CONTROL NUMBER (PCN)	ADDRESS	PROPERTY SIZE (AC)	FUTURE LAND USE	ZONING
30-43-41-08-00-003-0013	1352 S US Highway 1, Jupiter, Florida 33477	1.34	Commercial	C3 Commercial, Office

Table 2: Adjacent Property Land Uses and Zoning

	FUTURE LAND USE	ZONING	LAND USE
NORTH	Mixed Use	MXR Mixed Use Residential	Vacant
EAST	S US Highway 1	S US Highway 1	S US Highway 1
SOUTH	Mixed Use	MXR Mixed Use Residential	Condominiums
WEST	Conservation	CP Conservation Preservation	Jupiter Ridge Natural Area

REQUEST

The subject property is approximately 1.34 acres and is currently zoned C-3 Commercial Office. Due to the property being located directly along the Intracoastal Waterway and the planned Jupiter Riverwalk, the property is required to be rezoned to the US-1/Intracoastal Waterway Corridor, Mixed-Use Residential subdistrict. A separate site plan application has been submitted for the project. The Applicant and property owner is proposing to construct a medical office building on the subject parcel. The development of land within the US-1/Intracoastal Waterway, Mixed Use Residential Subdistrict is permitted to be 100% commercial so long as the parcel is less than 5 acres.

Criteria

In addition to the applicable requirements of the Florida Statutes, the following criteria outlined in Sec. 27-178 shall apply to all application which propose to change the Town's future land use or zoning map:

(1) The proposed map amendment shall be consistent with the goals, objectives, and policies of the town comprehensive plan.

Response: The zoning and land use district proposed within this application process are compatible with the surrounding development and align with the policies set forth in the Future Land Use Element of the comprehensive plan.

(2) The proposed map amendment shall be consistent with the established land uses of surrounding properties or land use patterns.

Response: As previously mentioned, the proposed zoning district and future land use designation align with the surrounding development and uses. More specifically the site is positioned adjacent to two parcels that have a zoning designation of Mixed Use Residential with adequate landscape screening to the north and south. Along with a major roadway in US1 to the east.

(3) The proposed map amendment shall not create an isolated land use designation or zoning district unrelated to the adjacent and nearby designations or districts.

Response: The proposed zoning district and future land use designation has been carefully considered to remain consistent with surrounding districts. Both parcels adjacently north and south have the same zoning district as proposed of US1/MXR.

(4) The application is necessary because of changed or changing conditions, including, but not limited to, changing demographic trends, annexation, or public service needs.

Response: The applicant is proposing a future land use and zoning change necessary to accommodate a site plan application which will propose a medical office building on the site.

Land Use Compatibility

The ICW Mixed Use Residential Subdistrict allows for a range of residential, commercial, and public uses. The permitted uses on the subject site under the existing Commercial Land Use designation will be limited to the commercial uses listed in section 27-1484 of the Town's Code of Ordinances. The proposed zoning district is consistent with the current Future Land Use (FLU) designation so long as only

those uses permitted by that FLU occur on the subject site. Therefore, no residential development will be permitted with this rezoning. The rezoning will increase consistency with the surrounding zoning districts and future land uses but will effectively provide a mix of uses in the area, that otherwise consists solely of uses that are residential or accessory to residential in nature. The proposed rezoning meets the intent of the ICW Corridor.

Conclusion

On behalf of the applicant, Jupiter Land LLC, please accept this as our formal request for rezoning approval for a property located within the boundary of the Town of Jupiter. The subject property is approximately 1.34 acres and is located along the Intracoastal Waterway and US Highway 1. The applicant is proposing to construct a medical office building on the property and develop the site under the guidance of the US-1/Intracoastal Waterway Zoning District regulations and the Mixed-Use Residential Sub-district.

Objective 1.9 The Town shall continue to maintain land development regulations for the U. S. Highway One/ Intracoastal Waterway corridor to ensure that new development and any redevelopment emphasizes and enhances the proximity of the Intracoastal Waterway and the Jupiter Inlet including the provision of public access, through the components of a riverwalk corridor and a scenic corridor. All properties located in the U.S. Highway One/Intracoastal Waterway Corridor, as depicted on the Future Land Use Map, shall be developed consistent with the objectives and policies for the corridor, and the corresponding sectors.

Policy 1.9.1 The U.S. Highway One/Intracoastal Waterway Corridor shall be established, as depicted on the Future Land Use Map, with the following planning sectors and components:

- a) U.S. Highway One Mixed Use Residential sector;
- b) Waterway, Commercial and Entertainment sector;
- c) Inlet Village sector;
- d) Riverwalk Corridor Component; and,
- e) Scenic Corridor Component.

Policy 1.9.3 Properties developing with a mixture of residential and commercial uses shall be permitted to develop with a Mixed Use land use designation and a Planned Unit Development, Commercial zoning classification pursuant to the Town's existing Land Development Regulations.

Policy 1.9.4 U. S. Highway One Mixed Use Residential sector shall emphasize residential and accessory activities, as well as also allow for commercial properties that are limited in nature and are deemed to be compatible with residential development. Further, all uses and properties within this sector shall be linked by the Riverwalk and Scenic Corridor components. Commercial uses are to be located where nonresidential uses have already been established by prior development approval, thereby, enhancing the opportunity for the citizens to obtain access and enjoy the natural resources of the region.

Policy 1.9.5 Maintain land development regulations for the U. S. Highway One Mixed Use Residential sector as follows:

- a) where feasible, provide for a public accessible walkway along the Intracoastal Waterway, including elements of pedestrian amenities thereby, encouraging non automobile traffic in between the planning sectors;
- b) provide for vistas of the Intracoastal Waterway from U. S. Highway One and from within the sectors of the development;
- c) strip and auto oriented commercial uses (i.e., drive-through facilities, corner retail and gas stations, etc.) shall be prohibited;
- d) the maximum density for residential uses shall be 6 units per acre as per the mixed use land use. The Town Council may grant a density bonus of up to 15 du/acre, based upon the following:
 - 1) Riverwalk land acreage designated above the minimum;
 - 2) The adequacy and enhancement of public access onto the Riverwalk;
 - 3) Extent of public amenities provided; and,
 - 4) Significant enhancements to the land area and landscape/planting materials of the buffer from non residential uses incorporated within the site design.

- e) Based upon the following, existing, partially developed commercial sites may either continue the development pattern established by prior development approval or may introduce limited residential uses where there will be compatibility of land uses and potential conflicts cannot occur:
 - 1) all development over 5 acres may be allowed a maximum of 30% commercial uses and a minimum 50% of residential uses based on the quantity and quality of the project being developed and the "Mixed Use" land use; and,
 - 2) all development less than 5 acres may be allowed 100% commercial uses.
- f) use of a coastal vernacular style of architecture (characterized by building design which incorporates the architectural techniques and features from the following architectural features: stick, shingle, Mediterranean, Craftsman, or Florida Cracker styles).
- g) provide public open spaces and public squares within developments to encourage the orientation towards the waterways.

Policy 1.9.8 The Town shall continue to require development to be oriented toward the Intracoastal Waterway, Riverwalk, Jupiter Lighthouse, and the Jupiter Inlet including provisions allowing for: variable setbacks, landscaping, parking regulations; clustering structures to form public open space; providing opportunities for open vistas of the waterways; developing a point of interest at the terminus along the Riverwalk; providing for access and support amenities to the Riverwalk Corridor such as; screening; sign placement and type; providing for special design treatments: providing for street furniture, lighting and providing for amenities, such as: balconies, porches, and awnings; providing for a system of entry statements which identify the U. S. Highway One Corridor.

Policy 1.9.9 The Town shall maintain an incentive program of density bonuses for residential uses and intensity bonuses for commercial uses within the U. S. Highway One Corridor for those developments which provide enhanced amenities within the site design to promote pedestrian oriented plazas and encourage appropriate intensive commercial and entertainment uses at intersections along U. S. Highway One and the Intracoastal Waterway.

**TOWN OF JUPITER STAFF REPORT FOR
TOJ PUBLIC WORKS STORAGE PROJECT
TOWN MANAGER'S OFFICE**



DATE: October 8, 2024

TO: Honorable Mayor and Members of Town Council

THRU: Frank J. Kitzerow, Town Manager

FROM: John Sickler, Director of Planning and Zoning JS

SUBJECT: **Town of Jupiter Public Works Storage Buildings Project**
 - Site plan amendment to construct two light industrial/storage buildings and an open storage area on a 20.0+/- acre property located at 3131 Washington Street.

Resolution #115-24	P&Z Commission:	10/14/24
PZ 24-6175	Town Council:	10/15/24 Quasi-judicial
G. Watson		

<i>Project name:</i>	Town of Jupiter Public Works Storage Building
<i>Owner/Applicant:</i>	Town of Jupiter
<i>Agent:</i>	Emily O'Mahoney, Gentile Holloway O'Mahoney & Associates
<i>Location:</i>	3131 Washington Street
<i>Acreage:</i>	20 +/- acres
<i>Present land use designation:</i>	General Industrial
<i>Present zoning:</i>	Public/Institutional (PI)
<i>Existing use:</i>	37,165 square foot of governmental uses, including governmental office, storage and maintenance facilities.
<i>Request:</i>	Amend the site plan to: • Construct two light industrial/storage buildings at 4,500 square foot and 3,000 square foot; • Relocate five open storage bins; • Install a previously approved graveled open storage yard; and, • Remove a condition from Resolution #39-18 related to tree mitigation (see Attachment A).

Staff Compliance Review Summary

Staff reviewed the applicant's request (see Attachment A – Statement of Use) and determined the application is in compliance with the Town Code, subject to the conditions recommended in **Resolution #115-24** and including the deletion of a condition for tree mitigation from the previously approved Resolution #39-18.

Project data

Please find listed below pertinent site plan data and information in reference to the application:

Table 1. Surrounding Properties

Direction	Existing Land Uses	Future Land Use/Zoning Districts
North	Edna Runner Way (f/k/a Church Street) Right of Way, Place of Worship, Tutorial Center, Vacant Residential	Town of Jupiter Not Zoned (NZ), Unincorporated Palm Beach County Medium Residential, 5 Units Per Acre (MR-5) / Multifamily Residential (RH/RM), Single Family Residential District (RS), Residential Transitional District (RTS/RT)
South	Greenway Preserve (Washington Preserve open space property)	Conservation / Conservation Preservation (CP)
East	Single Family Residential (Abyssina Park Unrecorded)	Unincorporated Palm Beach County Medium Residential, 5 Units Per Acre (MR-5) / Multi Family Residential (RH/RM)
West	Greenway Preserve (Washington Preserve open space property)	Conservation / Conservation Preservation (CP)

Table 2. Site Plan Data

	Required	Applicant's Proposal
Minimum lot area	10,000 square feet	871,200 square feet
Minimum lot width	100 feet	933.4 feet
Minimum lot depth	100 feet	933.4 feet
Maximum building height	50 feet	19 feet
Maximum lot coverage	40 percent	5.8 percent

Table 3. Setbacks

Storage buildings	Required	Applicant's Proposal
Front	50 feet	143.8 feet
Rear	50 feet	367.7 feet
Side (north)	70 feet	191.0 feet
Side (south)	50 feet	103.5 feet

Table 4. Parking Data

	Required	Provided
14,323 square foot office (1/250 SF)	57	57
37,450 square foot warehouse (1/1000 SF)	37	107
7,500 Light industrial/storage (1/500 SF)	15	15
ADA parking spaces (included in total)	6	7
TOTAL	109	179

Table 5. Traffic (see Attachment B)

Traffic Performance Standards (TPS)	Owner's proposal
Satisfies Town of Jupiter TPS	Yes
Satisfies Palm Beach County TPS	Yes
New daily trips	455

Town of Jupiter Public Works Storage Buildings Project - Site Plan Amendment
Page 3

Traffic Performance Standards (TPS)	Owner's proposal
New AM peak hour trips	142
New PM peak hour trips	38

Table 6. Stormwater Management

Minimum Requirements	Owner Proposal
Satisfies Town of Jupiter Requirements	Yes

Table 7. Pedestrian Amenities

	Required	Provided (existing)
Benches	1	1
Trash receptacles	1	1
Bicycle racks provided	1	1

History and Background

Table 8. Project History

Date of approval	Approval Type	Approvals
July 17, 1990	Town Council Res # 30-90	Acceptance and approval of an agreement to purchase a 20 acre parcel from the MacArthur Foundation for the location of a Public Works facility.
January 15, 1991	Town Council (178-SE-91)	Special exception and site plan approval for the Town of Jupiter's Maintenance Facility including a 22,771+/- square foot office/maintenance building.
May 28, 1998	Administrative	Site plan amendment approval for a 1,800 square foot storage canopy.
August 15, 2000	Town Council Res # 53-00	Site plan amendment approval to add 16,629 square foot Utilities Maintenance/EOC Building, a 3,000 square foot Equipment Storage Pole Barn, and 2,360 future maintenance warehouse expansion.
January 4, 2001	Town Council Res # 72-00	Special exception and site plan amendment approval to add a monopole communications tower.
March 16, 2004	Town Council Res # 12-04	Site plan amendment approval to add a 2,440 square foot storage building.
August 24, 2012	Administrative	Site Plan amendment approval for a 3,000 square foot vehicle storage building.
March 30, 2016	Administrative	Site plan amendment approval to add a 1,488 square foot pole barn.
March 17, 2017	Administrative	Site plan amendment approval to modify the unbuilt 1,488 square foot pole barn to two 900 square foot pole barns.
June 28, 2018	Town Council Res # 39-18	Site plan amendment to construct a 4,500 square foot storage and workshop building and outdoor storage bins for bulk material in Phase 1A, construct a 2,500 square foot covered storage area in Phase 1B and install an open storage yard in Phase 2.
January 10, 2020	Administrative	Approval of a 363 day extension of a development order for the construction of a 4,500 square foot storage and workshop building, a 2,500 square foot covered storage area, outdoor storage bins and an outdoor storage area. The Development Order extension was intended for the construction of Phases 1B and 2 of Town Council Res #39-18.

		These phases were never completed and the project expired.
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The proposed project modifies what was previously approved in the southern portion of the property with an additional 4,500 square foot and 3,000 enclosed light industrial/storage building in the place of the previously approved as open-sided covered storage (approximately 2,500 square feet). The project maintains the same proposed open storage area in the southeast corner of the property as was approved back in 2018.

Analysis.

This section analyzes the land development regulations and notes the application's inability or ability to satisfy all applicable development provisions of the Town Code and Comprehensive Plan. The analysis is as follows:

Comprehensive Plan consistency. The proposed development is in conformance with the General Industrial land use, Policy 1.3.13 of the Future Land Use Element of the Comprehensive Plan.

Site Plan. The proposed project is in conformance with the requirements of Chapter 27, Article VI, Division 17, entitled "Quasi-Public Institutional District (QPI) and Public/Institutional District (PI)". It is important to note that staff anticipates minor revisions to the site plan during the development of the final plans including the impound lot location and size as there are on-going discussions with the Police Department to determine the layout.

Vegetation/environmental preservation. This property has preserved 33.8 percent of the native upland vegetation, and the minimum of native upland requirement is 25 percent. The subject property exceeds the requirement by 8.8 percent. Therefore, it is in conformance with Section 26-67, entitled "Upland Native Vegetation" and is not subject to Section 26-121, entitled, "Supplemental tree protection requirements".

In 2018, the previous amendment was incorrectly identified to be out of conformance with Section 26-96, entitled "Supplemental tree protection requirements" as it relates to tree mitigation for Phase 2. Condition 6 of Resolution #39-18 stated "Prior to the removal of any trees or the issuance of development permits for the Phase 2 storage yard, a tree mitigation plan shall be submitted to the Department for its review and approval." A tree mitigation plan is required when a property is unable to preserve a minimum of 25 percent of the native upland vegetation. As a result, the previous condition related to tree mitigation has been deleted within proposed Resolution #115-24.

Parking. The proposed project is in conformance with Section 27-2828 entitled "Standards for required off-street parking and loading spaces". The required parking for the proposed use is 108 spaces, and the property has 179 spaces.

Landscaping. The proposed project is in conformance with the Town Code, Chapter 23 entitled "Landscaping".

- The proposed buildings abuts the Town owned Washington Street Preserve open space property, which has a Conservation Preservation zoning designation. The landscape code does not require a perimeter buffer between the Public Institutional and Conservation Preservation zoning districts. In order to reduce the visual impact of this quasi-industrial complex, the Town had previously provided a 25-foot-wide landscape

buffer within a dedicated 50-foot-wide conservation easement along the perimeter of the property line. An additional 47-foot-wide preserve area had also been provided in this section.

- The intent of the existing perimeter buffer is to provide visual screening from the surrounding residential community as well as the Town's adjacent conservation / open space property. As a part of the previous site plan approval in 2018, Town staff performed a field inspection to verify that the impact of the building would be shielded and the initial proposal was modified to minimize the visual impact of the proposed building from adjacent residential property. On the southwest corner of the site where the adjacent Washington Street Preserve is at its narrowest, seven 10-foot-tall Simpson Stopper multi-trunk understory trees were added to the site plan to ensure the perimeter buffer meets its intent.
- Existing vegetation will be removed for the purpose of constructing the proposed open storage yard. Removal will not have a visual impact to the general public due to the existing 25-foot-wide landscape buffer within the dedicated 50-foot-wide conservation easement along the south and east property lines and the additional 47-foot-wide preservation area along the south property line.

Signage. The proposed project does not include additional signage.

Architecture. The proposed project is in conformance with Chapter 27, Article 11, Division 5, entitled "Architectural and community appearance standards". The buildings proposed by the applicant are consistent in architectural style of other similar buildings at the site. In addition, the building and roof colors will match the previously approved color palate.

Site plan criteria. Town Code, Section 27-175, contains minimum criteria for review of all development application processed. Upon review of the 12 criteria in Section 27-175, staff finds that the applicant has satisfied 12 of the 12 criteria.

Attachments.

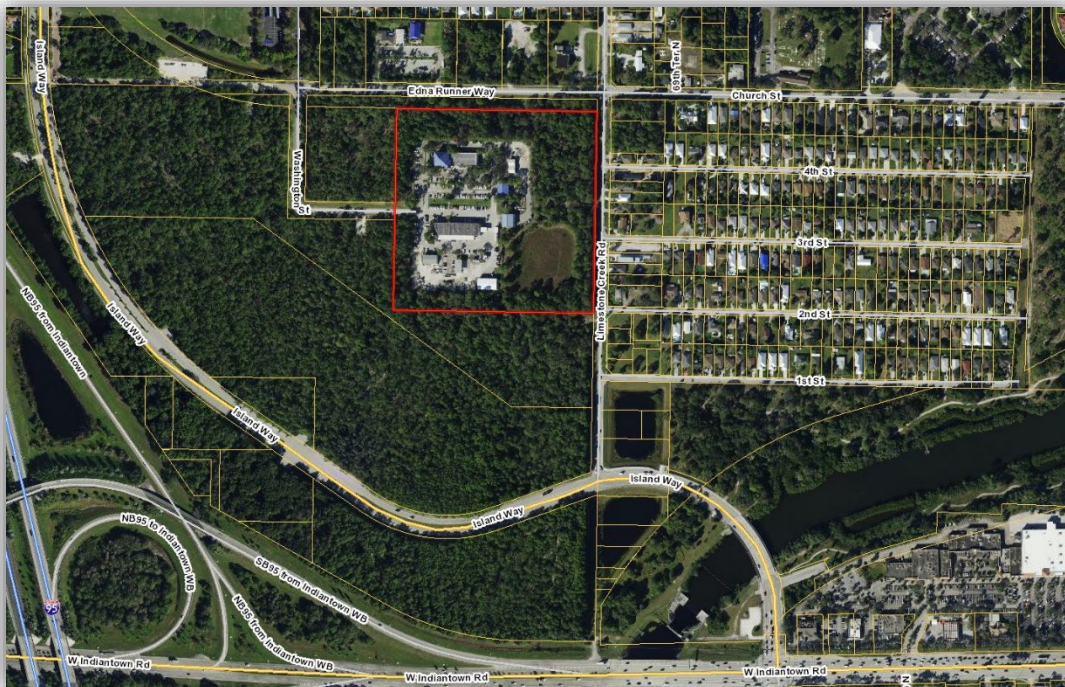
Resolution # 115-24
Attachment A – Statement of Use
Attachment B – Traffic Statement

George G. Gentile, PLA ■ Emily M. O'Mahoney, PLA ■ M. Troy Holloway, PLA ■ Dan Siemsen, PLA ■ Dylan Roden, PLA

Town of Jupiter
Public Works Facility/Emergency Operations Center
Site Plan Amendment
September 9, 2024

REQUEST:

2GHO, Inc., on behalf of the Owner, the Town of Jupiter, LP, and working with Hazen & Sawyer Engineers, respectfully requests approval of the submitted Site Plan Application for the existing Town of Jupiter Public Works Facility to allow for two enclosed storage buildings, relocation of storage bins, and graveling of an open storage area previously approved in 2018 all happening in the southern portion of the facility, generally the storage area. Additionally, it is requested to remove a condition from Resolution #39-18, related to Tree Mitigation, and further described below. The subject site is located at 3131 Washington Street, which is approximately 1000 feet southeast of the Church/Street – Washington Street intersection, and has a land use designation of General Industrial, and a zoning designation of PI- Public Institutional.



AERIAL OF PROJECT SITE

BACKGROUND:

The existing site contains the Town's Emergency Operations Center and the Town of Jupiter Public Works Maintenance facility, which is located adjacent to the Limestone Creek neighborhood in unincorporated Palm Beach County. The subject property was purchased by the Town in 1990 and was subsequently approved as a Town Maintenance Facility in two phases of development in 1991.

The first phase was constructed and built; however, approval for the second phase expired due to inactivity on the site. With the 1990 approval, the subject property was also rezoned to PI- Public Institutional.

In 2000, a resolution was adopted by Jupiter's Town Council approving a special exception and site plan for the construction of a utilities maintenance/EOC and equipment storage building at the existing maintenance facility. As part of Resolution 53-00, the special exception approval was subject to the recording of a Conservation Easement which would restrict the development of property within the Special Exception. In 2015, the Town recorded the subject easement that provided a conservation area of 2.31 acres to the North, and 1.39 acres to the South, which is also shown on the submitted site plan. The conservation easement and the required 25' landscape buffers all fall within the preservation area which is a total of 294,625 square feet or 6.76 acres with the following dimensions on all sides:

PRESERVATION AREA	DEPTH	ADJACENT
NORTH SIDE	125 FEET	CHURCH STREET / RESIDENTIAL
EAST SIDE	50 FEET	LIMESTONE CREEK BLVD / RESIDENTIAL
SOUTH SIDE	95 FEET	CONSERVATION
WEST SIDE	83 FEET	CONSERVATION

Due to the nature of the property, there was a requirement of 25% set aside for upland vegetation. That is a requirement of 217,791 square feet. The set aside in the preserve area exceeds that requirement.

In 2018, Resolution #39-18 was approved to add a 4,500 square foot storage and workshop building, a 2,500 square foot covered storage area, outdoor storage bins and an outdoor storage area for property with notations for a future phase. All of this occurred or was proposed to occur in the southern portion of the site, generally an area used for open storage within the boundaries of the associated conservation and preservation set-asides.

PROPOSED IMPROVEMENTS:

With this application, this scope of work expands the compound fence, provides additional graded base rock area for outdoor storage, constructs a 4,500 SF structure with one air-conditioned bay, constructs a three-bay metal storage structure, demolishes existing pole barn, constructs an open-air area for storage of equipment/materials, constructs bulk material bins, a larger diesel storage tank for Town vehicles, and provides the stormwater infrastructure to support these facilities.

This project also modifies the existing Public Works Storage Building to add a backup generator, additional insulation as needed, and air-conditioned office space. This project also provides a master plan of the maintenance complex, reviewing all functions and department spaces which operate in the area so the Town can plan for future renovations and space needs.

Removal of Condition 6, Resolution #39-18: This condition reads:

- 6) Prior to the removal of any trees or the issuance of development permits for the Phase 2 storage yard, a tree mitigation plan shall be submitted to the Department for its review and approval.

A mitigation plan is required for properties which have viable uplands but are unable to meet the 25% upland set aside required by Town code. This property not only met that requirement but exceeded the requirement when it set aside the following:

<u>Upland Set Aside:</u>	<u>Required</u>		<u>Proposed/Existing</u>		
25% Set Aside Required	217,791	S.F.	UNCHANGED		
Preservation Area	294,625	S.F.	33.8%		
50' Conservation Easement	161,046	S.F.	18.5%	Within Preservation	
Landscape Buffer	88,636	S.F.	10.2%	Within Preservation	

The request is to remove Condition 6 from Resolution #39-18 as it does not apply to this site. Mitigation only applies to land not governed by or not able to meet the requirements of section 26-67 or section 26-68. Under section 26-67. – Native upland vegetation, this property was found to be a native pine upland ecosystem. The 25 percent native upland vegetation preservation requirement was applied during the initial development of the site and fully meets the intent of the code.

COMPATIBILITY WITH SURROUNDING LAND USES

The request is consistent with the existing land use and zoning designations, as the existing site is surrounded by Industrial/and Conversation Land Uses.

	Existing Zoning	Existing FLU
Subject Property <i>Public Works Facility</i>	PI – Institutional and Public Facilities District	IND - Industrial
North <i>Unincorporated Palm Beach County</i>	RH- Multi Family Residential	MR-5 – Medium Residential, 5 units/acre
East <i>Unincorporated Palm Beach County</i>	RH- Multi Family Residential	MR-5 – Medium Residential, 5 units/acre
South <i>Vacant/Conservation</i>	CP: Conservation/Preservation	Conservation
West <i>Vacant/Conservation</i>	CP: Conservation/Preservation	Conservation

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The subject site has a land use designation of General Industrial. As stated in Policy 1.3.13 of the Town's Comprehensive Plan uses in this land use category primarily include uses involving manufacturing, and processing. This policy goes on to state that additional compatible uses may be permitted in the land development regulations provided that the industrial uses are being maintained on site.

The Town's Public Works campus exists and has been in operation for many years. As the Town continues the trend of growth, they are proposing a solution to ensure that they have enough storage area to house the items needed to facilitate the efficient operation

of the Public Works Department. The proposed request is consistent with the locational criteria set forth in the Comprehensive Plan, as it is spatially separated from the adjacent residential, provided adequate buffering from the surrounding land uses via the designated conservation areas. Additionally, the site does not exceed the 50% requirement in site coverage and the enclosed storage structures do not exceed 50 feet in height.

LANDSCAPING:

As this property is the function of the Town's public works with appropriate storage, workshops and offices. The property's parking lot and main buildings are landscaped per code. The landscape buffer covers the first 25 feet in from the property line and it is also within the dedicated Conservation Easement that runs around most of the property from a width of 50 feet to 70 feet. Encompassing all of that, there is a preservation area that

extends up to the existing fence on the north, west, and south sides for approximately at a width of 50 feet to 125 feet from the property line. All of these combined buffer areas contain existing trees and vegetation, primarily pine upland. The EOC Building required certain trees/shrubs to supplement the open areas of the buffer to assure there was no visibility from Church Street / Limestone Creek Boulevard and the Limestone Creek Community.

The proposed Storage Buildings are in the southeast corner of the fenced compound in an area that is currently being used for open storage. There are vehicles and piles of building/maintenance material. The buildings sit 10-feet of the fence to the south and east. This is to allow for security and ease of maintenance. There is a 100-foot Preservation Area to the south which contains a 50-foot Conservation Easement which then contains a 25-foot Landscape Buffer. The area is full of Pine Trees, Laurel Oaks, Sabal Palms and some Cypress. Additionally, there is understory of Saw Palmetto and various other plants. Other than one corner, the whole fenced-in facility is buffered from the Conservation Land to the south, future home of the Town's multi-purpose trail.

This project is proposing that the 95-foot Preservation Area on the south side (which includes a 50-foot dedicated Conservation Easement) satisfies code foundation planting requirements for the Storage Buildings as it did for the 4,500 square foot building in 2018. As the Storage Buildings sit in an open storage yard, no other landscaping is required.

As for the new parking within this open storage, consider the parking also as sitting within an open storage area. The parking is just to assure that vehicle parking can occur and function as needed within and no other landscaping is required.

CRITERIA FOR SITE PLAN REVIEW:

The Town of Jupiter's Zoning Code lists certain standards that must be addressed as part of the Site Plan Review process. Those standards have been addressed below.

1. The proposed development is consistent with the goals, objectives, and policies of the Town of Jupiter Comprehensive Plan.

Response: As this is an existing site, the proposed development will be consistent with the goals, objectives and policies of the Town of Jupiter Comprehensive Plan.

2. The proposed development is consistent with any applicable, countywide land development regulations.

Response: The proposed improvements will be consistent with the applicable countywide land development regulations.

3. The proposed development is consistent with all applicable land development regulations and all other portions of this Code.

Response: The site additions for the southern portion of the property are consistent with the current zoning district regulations for the PI zoning district.

4. The proposed development is compatible and/or consistent with the established or proposed character of a neighborhood or area.

Response: The public works facility site has been functioning for several decades. The site meets the necessary separation requirements from the nearest residential area and is surrounded by conservation land use making it consistent with the area.

5. The proposed development does not create or excessively increase traffic congestion or otherwise affect public safety.

Response: As shown on the traffic statement prepared by CJ Lan of the Town of Jupiter, the site will not cause any significant impacts to the surrounding roadways, as it is the intent to only utilize the property for purposes of the Town of Jupiter.

6. There are adequate levels of service for public facilities including but not limited to, transportation, water supply, drainage and sanitation, available concurrent with the impacts of the development proposed by the application.

Response: As the site is existing, no adverse effect will occur on the existing levels of service for the public facilities.

7. The proposed development does not significantly reduce light and air to adjacent properties.

Response: As the site is surrounded by conservation land use, this criterion does not apply.

8. The proposed development does not adversely affect property values in adjacent areas.

Response: The uses proposed for this site will not have any adverse effect on the property values in the area.

9. The proposed development would not be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

Response: The uses proposed for this site will not deter property owners from improving or developing their property.

10. The proposed development does not create noise or visual pollution.

Response: As the proposal is for an enclosed storage building, storage bins, and an open storage area, the applicant does not feel that this will create any visual pollution.

11. The proposed development does not negatively impact adjacent natural systems or public facilities, such as parks.

Response: The proposed improvements will not cause any impact to the adjacent conservation areas or nearby recreational facilities.

12. The proposed development provides pedestrian amenities, including but not limited to, benches, trash receptacles, and/or bicycle parking.

Response: This site will have limited public access, as such, the applicant requests that the Director of Community Development provides an opinion on what pedestrian amenities need to be provided on the property.

CONCLUSION:

In closing, the applicant is proposing to improve the southern portion of the existing Town of Jupiter Maintenance building located on Washington Street by adding 5,000 and 3,000 square foot enclosed storage buildings, relocating five open storage bins, 2,500 sf covered storage shed, and adding an open storage area. The project will not be a detriment to the existing neighborhood or area. On behalf of the applicant, 2GHO, Inc. respectfully request approval of this amendment.



*Traffic Impact Study
For*

Public Work Storage Building Jupiter, Florida

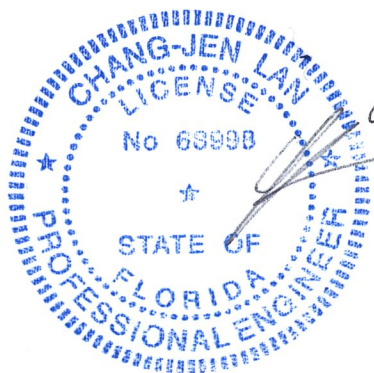
Prepared for
Town of Jupiter, Jupiter, Florida

By
Chang-Jen Lan, Ph.D, P.E.

210 Military Trail

Jupiter, FL 33458

Tel: 561-741-2538; Email: cjl@jupiter.fl.us



September 2024

Engineering Division, Town of Jupiter

Introduction

The additional public works storage buildings will be constructed on the south side of the Public Works building, located at 3131 Washington St., Jupiter, FL 33458, in the Town of Jupiter. As shown in Exhibit 1, the facilities will include a 5,000 SF main storage building and a 3,000 SF covered storage space adjacent to the existing enclosed storage building. The total new covered storage floor area is therefore recorded as 8,000 square feet. These facilities are intended for crew activities, storing materials and equipment as well as limited office space.

It is anticipated that a handful of new equipment will be purchased to serve the growing population and service areas through roadway ownership transfer. For traffic concurrency attainment purposes, it is required to demonstrate in the traffic impact statement whether the newly proposed facility will generate a significant number of vehicular trips that could adversely impact the level of service on adjacent roadways and intersections within the radius of influence. If so, any necessary countermeasures must be identified to mitigate the impact.

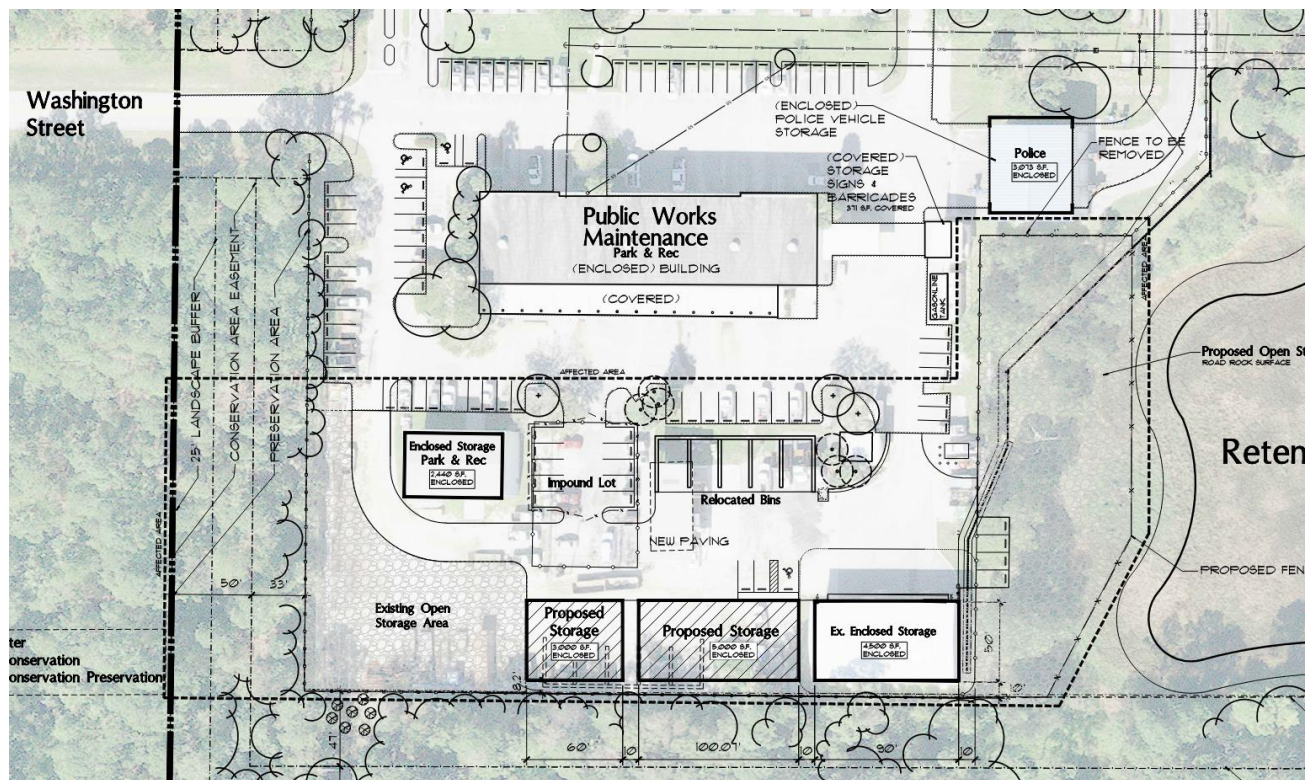


Exhibit 1. Project site plan

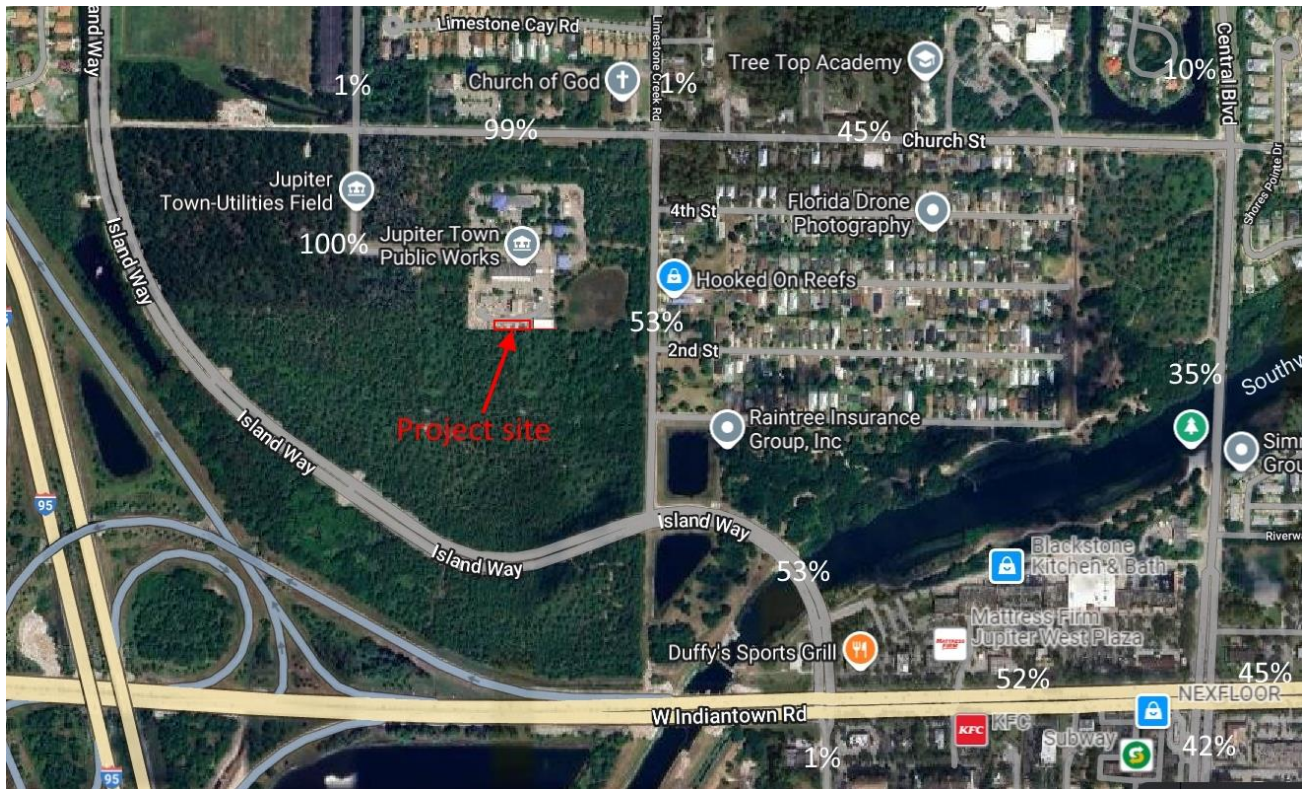


Exhibit 2. Trip distribution map

Trip Generation Analysis

There is no exact trip generation rate reported in the current ITE handbook that aligns perfectly with the proposed storage facilities, considering the specific nature of the functional space maintained by the Public Works department within the public municipality agency. The proposed facilities will be used primarily by Public Works staff for storing materials and equipment as well as operational activities with minimal office space.

To better characterize the functionality of the facility and maintain flexibility for future use, trip generation estimates are based on General Light Industrial (ITE 110) land use category. Since the proposed buildings are auxiliary facilities to the main Public Works building, some of the trips generated are expected to be internal, linked to routine operations of the main building. It is conservatively assumed that one-tenth of the trips will be internal.

The trip generation rates and directional distribution data for weekdays are summarized in Table 1.

Table 1. Trip generation data for the proposed storage building

Land use	Intensity	Time Period	Trip generation rate	Total trips			Internal Total	Net external trips		
				In	Out	Total		In	Out	Total
General Light Industrial (ITE 110)	8 KSF	Daily	$T=3.76(X)+50.47$ (50/50)	41	40	81	8	37	36	73
		AM peak	$T=0.68(X)+3.81$ (88/12)	8	1	9	1	7	1	8
		PM peak	$T = \exp(0.38)X^{0.72}$ (14/86)	1	5	6	1	1	4	5

Conclusions

As indicated in the Trip Generation Analysis, the proposed project is expected to generate 73 net external daily trips, including 8 AM peak hour trips and 5 PM peak hour trips, which will affect the surrounding roadway network within the defined radius of influence. The traffic impact is considered insignificant, and therefore, no further traffic concurrency tests are required. The proposed project meets the traffic performance standards of both Palm Beach County and the Town of Jupiter.

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12 **RESOLUTION NO. 115-24**
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14 **A RESOLUTION OF THE TOWN COUNCIL OF THE**
15 **TOWN OF JUPITER, FLORIDA, APPROVING AN**
16 **AMENDMENT TO THE SITE PLAN FOR THE TOWN**
17 **OF JUPITER'S MAINTENANCE COMPLEX, WHICH**
18 **IS LOCATED ON A 20.0± ACRE PROPERTY AT 3131**
19 **WASHINGTON STREET; AND PROVIDING FOR AN**
20 **EFFECTIVE DATE.**
21

22
23 **WHEREAS**, the Town of Jupiter is the owner (the Owner) of 20.0 +/- acres
24 of property, the legal description of which is attached hereto and incorporated
25 herein as **Exhibit "A"** (the subject property); and,

26 **WHEREAS**, the subject property is located at 3131 Washington Street; and,
27 **WHEREAS**, Gentile, Holloway, O'Mahoney and Associates, Inc., is the
28 authorized agent (Applicant) for the Town of Jupiter; and

29 **WHEREAS**, the Applicant submitted an application to amend the site plan
30 to construct a 4,500 square foot light industrial/storage building, a 3,000 square
31 foot light industrial/storage building, and an outdoor storage area; and to delete a
32 previous condition of approval from Resolution 39-18 related to tree mitigation; and

33 **WHEREAS**, the Town's Planning and Zoning Commission has considered
34 the Application and has made its recommendations to the Town Council; and,

1 **WHEREAS**, the Town Council has conducted a public hearing wherein it
2 considered the evidence and testimony presented by the Town's Planning and
3 Zoning Department staff, the Applicant, and other interested parties and members
4 of the public, regarding whether the Application is consistent with the Town's
5 Comprehensive Plan and meets its Land Development Regulations; and,

6 **WHEREAS**, the Town Council has determined that certain conditions, as
7 set forth herein, are necessary to render the Application consistent with the Town's
8 Comprehensive Plan and to meet its Land Development Regulations.

9
10 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF**
11 **THE TOWN OF JUPITER, FLORIDA, THAT:**

12 **Section 1.** The whereas clauses are incorporated herein as the findings of
13 fact and conclusions of law of the Town Council.

14 **Section 2.** Condition 6 which was adopted in Resolution 39-18 is hereby
15 amended as follows:

16 ~~"Prior to the removal of any trees or the issuance of development permits~~
17 ~~for the Phase2 Storage yard, a tree mitigation plan shall be submitted to the~~
18 ~~Department for its review and approval."~~

19 **Section 3.** The Town Council hereby approves an amendment to the site
20 plan for the subject property, subject to the following conditions:

21 1) The Owner shall install and maintain all improvements in compliance with
22 the following:

- 1 a. Site Plan, sheet SP-1; Details and Landscape, sheet SP-2, Landscape
2 Specifications, sheet SP-3, dated 08/30/24, prepared by Gentile, Glas,
3 Holloway, O'Mahoney and Associates, Inc. received and dated by the
4 Department of Planning and Zoning on 09/11/24.
- 5 b. Traffic Statement, dated 09/05/24, prepared by Chang-Jen Lan, Ph.D.
6 P.E., received and dated by the Department of Planning and Zoning on
7 09/09/24.
- 8 c. Statement of use, dated 09/09/18, prepared by Gentile, Glas, Holloway,
9 O'Mahoney and Associates, Inc. received and dated by the Department
10 of Planning and Zoning on 09/11/24.
- 11 2) The uses conducted on the subject property shall conform to the
12 representations in the Statement of Use, dated 09/09/24, prepared by
13 Gentile, Glas, Holloway, O'Mahoney and Associates, Inc. received and
14 dated by the Department of Planning and Zoning on 09/11/24.
- 15 3) Any revisions to the site plan, landscape plan, architectural plans,
16 elevations, signs, Statement of Use or other details submitted as part of the
17 Application, including but not limited to the location of the proposed
18 improvements or additional, revised or deleted colors, materials, or
19 structures, or changes to how the business operates, shall be submitted to
20 the Department of Planning and Zoning (Department) and shall be subject
21 to its review and approval.
- 22 4) Any condition associated with the submission of the final plans shall be
23 subject to the Department's review and approval.

- 1 5) The conditions of approval herein shall apply to the Owner and its
2 successors and assigns.

3 **Section 4.** This Resolution shall take effect immediately upon its execution.

4

5 **Attachment:** Exhibit "A" - Legal Description

6 #5778620 v1 26503-00001

EXHIBIT A - LEGAL DESCRIPTION

BEING A PARCEL OF LAND LYING WITHIN THE NORTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 4; THENCE RUN NORTH 89°30'50" WEST ALONG THE NORTH LINE OF SAID SECTION 4 A DISTANCE OF 33.00 FEET; THENCE RUN SOUTH 00°36' 35" WEST ALONG A LINE 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 4 A DISTANCE OF 90.00 FEET TO THE POINT OF THE BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°36'35" WEST ALONG SAID LINE A DISTANCE OF 933.38 FEET; THENCE RUN NORTH 89°30'50" WEST PARALLEL WITH THE NORTH LINE OF SAID SECTION 4 A DISTANCE OF 933.38 FEET; THENCE RUN NORTH 00°36'35 EAST PARALLEL WITH THE EAST LINE OF SAID SECTION 4 A DISTANCE OF 933.38; THENCE RUN SOUTH 89°30'50" EAST PARALLEL WITH AND 90.00 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 4 A DISTANCE OF 933.38 FEET TO THE POINT OF THE BEGINNING.

CONTAINING 20.00 ACRES, MORE OR LESS