

**TOWN OF JUPITER
PLANNING AND ZONING COMMISSION
AMENDED 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. She 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 liveaboards. 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.

Joachim 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, no rentals to companies or clubs, and no subleasing. (VA 11/7/24)

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.



Kevin Kirn, Chair



Vernisa Ayers, Secretary