TOWN OF JUPITER
PLANNING AND ZONING COMMISSION
FINAL MINUTES
JANUARY 14, 2025 7:00 P.M.

CALL TO ORDER:
Chair Kevin Kirn called the meeting to order at 7:01 p.m.

ATTENDANCE:
Chair Kevin Kirn; Vice Chair Richard Dunning; Comm. Michael Cassatly; Comm. Beth Kelso; Comm. David Thompson; Comm. Karen Vinson; Paul Keenan, 1st Alternate (voting member) and Cynthia Blum, 2nd Alternate (non-voting member); Thomas Baird, Town Attorney; John Sickler, Director of Planning & Zoning; Martin Schneider, Principal Planner; Garret Watson Principal Planner; Scott Thatcher, Principal Planner and Vernisa Ayers, Secretary.

MINUTES:
Comm. Kelso moved to recommend approval of the November 12, 2024 Planning and Zoning Meeting minutes; seconded by Comm. Cassatly. Final: Motion passed unanimously, with a 7-0 vote.

SWEARING IN:
Secretary Vernisa Ayers conducted the swearing-in of witnesses for all quasi-judicial items on the agenda.

CITIZEN COMMENTS: Robert Bain, Tim Murphy, and Dawn Zangara spoke in opposition of increasing the current density to permit more residential units in Abacoa Town Center. They emphasized worries about the potential implications, costs, and maintenance issues related to this change, as well as the likelihood of future redevelopment.

REGULAR AGENDA:

A. OLD BUSINESS: None.

B. NEW BUSINESS:

1. **Beyel Annexation, Future Land Use and Rezoning** – Applications for a 0.2+/- acre property located at 18019 Highway A1A, to request a:
   A. Voluntary Annexation;
   B. Future Land Use Map amendment from Palm Beach County (PBC) Commercial High with underlying Medium Residential, 5 dwelling units per acre (CH/5) to Town of Jupiter (TOJ) Inlet Village Flex;
   (Acting as the Local Planning Agency)
   C. Zoning Map amendment from PBC Commercial Neighborhood (CN) to the TOJ Inlet Village District, Flex South Subdistrict (IVFS).
   (PZ 24-6133, 6134, 6138)

   Applicant presentation: Alec Dickerson, representative of 2GHO on behalf of Venus and Mars, LLC. presented a PowerPoint presentation of the proposed project. Owner, Danny Beyel was also in attendance.

Staff presentation: Principal Planner, Martin Schneider, reviewed the staff report.

Commissioners asked questions of the Applicant and Staff:
Comm. Kelso inquired about an inconsistency, noting that a single-family home was mentioned while multifamily is noted in the staff report. Mr. Dickerson clarified that a single-family dwelling is not allowed in the Inlet Village District and the project will be a multifamily residence with two units. Comm. Kelso asked about the archaeological significance of the site and how it might affect development plans. Mr. Schneider replied that would depend on the location and quality of any findings, potentially requiring adjustments to the site plan based on the certificate to dig process. Comm. Kelso asked why the property will not be part of the Community Redevelopment Agency. Mr. Sickler mentioned there hasn't been a directive for inclusion. Comm. Kelso also questioned the staff report's reference to Inlet Village Flex (IVF) versus Inlet Village Residential (IVR) and the decision for only two residential units. Mr. Schneider clarified that their request was specifically for Inlet Village and Flex South.

Comm. Cassatly asked if combining the two abutting properties were necessary for building. Mr. Dickerson stated that this correct. Comm. Cassatly then inquired if this was a workaround for the single-family house restriction, suggesting a residential unit over the garage for the same family. Mr. Dickerson replied that the plan is for the owner to build the structure, not as a workaround. Mr. Sickler noted that these issues would be addressed in the site plan development application for the small-scale PUD. Owner, Danny Beyel, mentioned that they intended to build a second unit to rent for future income. Comm. Cassatly asked about the archaeological site and potential digging will be made in the future, and if there will be a marker related to the Celestial Railway or dating back to around 1,500 BC. Mr. Sickler noted that the Town has marked the Celestial Railroad at other development sites using pavers. Commissioner Cassatly asked about public access to uncovered artifacts if some were found. Mr. Sickler replied that access depends on the cultural resource assessment results and the Historic Resources Board's decisions on the Certificate to Dig.

Comm. Dunning asked about the next steps if the application is approved. Mr. Sickler if approved, the applicant can then proceed with the Certificate to Dig process through the Historic Resources Board, followed by site planning and a small-scale planned unit development.

Chair Kirn inquired if the Town typically assesses the removal and approval of trees based on health issues. Mr. Sickler replied that an inspection and report from a certified arborist is required. Chair Kirn inquired about traffic generation, noting the County's average 463 daily trips. Chair Kirn asked if this was the maximum? Mr. Schneider confirmed it's the cap for the highest floor area ratio. Chair Kirn mentioned that our Inlet Village traffic management tool suggests a lower cap due to the roadway capacity, limiting this property to about 35 daily trips, which would allow for roughly five multifamily units. Chair Kirn asked if Town Council has flexibility to reduce the 463. Mr. Sickler clarified that the Council has set limits or trip caps on properties for previous comprehensive plan amendment for future land use. Council has the authority to impose these limits as part of their legislative authority. Any cap established at that time must be followed when a site plan is submitted.

Comm. Thompson inquired if Mr. Beyel knew about the archaeological importance of the property. Mr. Beyel confirmed that he was aware. Comm. Thompson then asked Mr. Beyel if he was up to date on the situation with the Sperry property and what his plan would be if he faced similar challenges. Mr. Beyel responded that he is aware and if they discover anything historic while digging, they would stop all work. Comm. Thompson asked about the possibility of merging the current property with the new one that the town plans to annex, specifically asking if a Certificate to Dig would be required for the adjacent land. Mr. Beyel replied that they had already conducted some excavation. Comm. Thompson asked if that was the location where middens had been discovered. Mr. Beyel clarified that no middens were found; only an old hinge and some relatively recent pottery, were uncovered. Mr. Beyel stated that they intended to excavate the other parcel to ensure there was nothing of concern there.

Comm. Vinson inquired about any future building plans and whether this project would turn into a real multi-family or mixed-use development. Mr. Beyel responded that he did not have plans to construct anything else.

Comm. Keenan asked whether there had been any conversations regarding the resale of the parcel with any other parties. Mr. Dickerson responded that there had not been any discussions at this time.

Public Comment: None.

Deliberation by Commission: None.

Motion:
Comm. Cassatly motioned to approve the Annexation, seconded by Comm. Keenan. Final: Motion passed unanimously, with a 7-0 vote.

Comm. Kelso motioned to approve the Future Land Use Map Amendment, seconded by Comm. Thompson. Final: Motion passed unanimously, with a 7-0 vote.

Comm. Vinson motioned to approve the Rezoning of the property as it stands, seconded by Comm. Cassatly. Final: Motion passed unanimously, with a 7-0 vote.

2. **Wendy's** – Site plan amendment to remove and replace an existing nonconforming fast food restaurant, reduce nonconformities on the property, reconfigure the drive-thru and parking area, add outdoor seating, request an off-site dumpster easement and provide a connection to the Town's Municipal Complex, on a 0.65+/- acre property located at 626 W Indiantown Road. ***(PZ 24-6161)***

Disclosures: Comm. Vinson, Chair Kirn and Vice Chair Dunning stated that they drove by the site and spoke with staff. Commissioners Cassatly, Kelso and Blum stated that they drove by the site. Commissioners Keenan and Thompson did not have disclosures.

Applicant presentation: Craig McDonald, representative of Corporate Property Services on behalf of Wendy's restaurant presented a PowerPoint presentation of the proposed project.

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

Commissioners asked questions of the Applicant and Staff:
Comm. Keenan asked about interior seating and overall capacity. Mr. McDonald and Mr. Watson confirmed that interior seating will have a slight decrease, with new outdoor seating added. Comm. Keenan also expressed concerns about a sealed dumpster system, to which Mr. Watson responded that it would increase costs and recalled that in 2017, the applicant requested enforcement only upon a violation, as there were no reported issues. Mr. Watson that the recommendation was to maintain Council's previous decision on the dumpster. Comm. Keenan further inquired about odor detection features. Mr. Watson explained that the dumpster, located behind the new police department, has minimal activity and is far from residential areas, reducing odor concerns.

Comm. Vinson inquired about the applicant's request to waive the decorative lighting payments. Mr. McDonald clarified that the Wendy's owner willing to bury power lines, landscape, provide a 25-foot public access easement, and install sidewalks. Mr. McDonald stated that he would like to have further discussions with staff before this goes to Council about waiving the lighting. Mr. Watson noted that decorative street lighting is usually included with underground utilities to replace the existing wood poles with decorative poles, and has been a standard condition since 2012. Comm. Vinson then inquired if passing the application would include the lighting as proposed, to which Mr. Watson affirmed related to condition 7B in Exhibit 1 on page 2-13.

Comm. Thompson inquired about the process and time it takes to rectify an odor issue. Mr. Watson explain the documentation and processing would require some time. Comm. Thompson inquired about the timeframe surrounding an odor mitigation plan, which could include solutions such as a sealed dumpster or modified pickup schedules. Mr. Watson noted that the timeline is contingent upon the completion of the odor mitigation strategies, which might require various strategies available; the recommended condition originated from a previous site plan approval by the Council, which could be revisited if unnecessary.

Chair Kirn asked about how a semi-truck would maneuver in the parking lot without affecting the driveway and parking areas. Mr. McDonald confirmed that 18-wheelers and box trucks are used for deliveries, noting that the site accommodates the largest vehicle sizes. Mr. McDonald explained that trucks would enter from West Indiantown Road and use the bypass lane next to the drive-through to facilitate their entry and exit. Mr. McDonald noted that deliveries occur only during non-peak hours, typically early in the morning or after dinner and that supplies are delivered through the cooler and freezer units located in the rear section of the building. Chair Kirn questioned the projected decrease in average daily traffic. Mr. McDonald clarified that the regulation addresses traffic from drive-through restaurants based on square footage, noting that the size is being adjusted from 2,600 to 2,300, leading to a slight decrease.

Vice Chair Dunning inquired about outdoor security cameras. Mr. McDonald noted that store operators usually manage this but would consider if required. Vice Chair Dunning suggested including cameras. Mr. McDonald replied that they could agree to that. Vice Chair Dunning also recommended adding more bike racks, and Mr. McDonald confirmed they would install another one if needed.

Comm. Cassatly asked if the cooler would be next to the dumpster like the existing store. Mr. McDonald replied that the cooler freezer is located behind the building, west of the main dining room and kitchen.

Comm. Blum inquired about the expected timeline for completion and potential closure during construction. Mr. McDonald responded that the process would likely take approximately four months from the demolition phase to the reopening. Comm. Blum asked about adding an outdoor trash receptacle, like Culver's for easy access from both the drive-through and outdoor seating. Mr. McDonald agreed. Comm. Blum also inquired about the electronic menu board's transition from breakfast to lunch. Mr. McDonald confirmed it changes for all meal times and noted that many fast-food places use this technology, reducing menu board size by nearly half. Mr. McDonald said that switching the menus will be done instantly instead of manually. Comm. Blum asked about the reported decrease in trip generation for a new Wendy's. Mr. McDonald clarified that while rebuilding typically boosts demand, traffic projections depend on the restaurant's square footage.

Public Comment: Samantha Parchment, representing Taco Bell, asked if Wendy's digital signage proposal is allowed will other businesses be permitted the same digital signs. Mr. Sickler replied saying that if Council makes an interpretation in the situation, staff will apply that interpretation to other locations with similar circumstances.

Michael Rodriguez, one of the owners of Wendy's, mentioned that he plans to install surveillance cameras around the restaurant.

Deliberation by Commission:
Comm. Keenan inquired about a motion to approve the amendments to the site plan, highlighting the significance of the staff conditions, particularly condition 7B regarding decorative lighting. Chair Kirn replied the Commission has the option to either approve it as it stands or with changes, but we need to be cautious not to establish a precedent. Chair Kirn explained that the mandate for underground utilities along Indiantown has been in effect since 2012, so it would be prudent to maintain the existing requirements.

Comm. Vinson shared concern about setting a precedent that bypass requirements. She believes maintaining the lighting rule is fair to those who comply and prevents extra costs for the town. She opposes removing the requirement and would vote to keep it.

Comm. Thompson stated that he supports businesses seeking flexibility in projects, but we should adhere to current rules without creating new standards.

Chair Kirn appreciates the architectural improvements, particularly the drive-through design and its focus on safety and accessibility to City Hall. He supports the project, but emphasizes the need for consistency.

Comm. Dunning views the reduction in traffic on Indiantown Road as a positive change. He believes the new setup will be beneficial. He appreciates the careful planning, acknowledges concerns about lighting and signage, and values the commitment to install surveillance. Overall, he supports the plan.

Commissioners Kelso and Vinson emphasized the teamwork that resulted in a great plan. They noted how the Town and the applicant worked together to enhance connectivity and lessen traffic on Indiantown Road.

Motion:
Comm. Vinson moved to recommend approval of the requested Site Plan amendment subject to the nine conditions established by staff, seconded by Comm. Thompson. Motion passed unanimously, with a 7-0 vote.

3. **Neighborhood Subdistrict Signage** – Zoning text amendment to modify Section 27-1229, the sign regulations for the Neighborhood (NB) Subdistrict. ***(PZ 24-6278)***

Staff presentation: Principal Planner, Scott Thatcher, reviewed the staff report and presented a PowerPoint presentation of the proposed project.

Commissioners asked questions of the Applicant and Staff:
Commissioners Blum and Kelso mentioned that the sign is attractive since it can be difficult to delineate and find the different developments and communities. Commissioners Cassatly and the Vice Chair Dunning agreed.

Chair Kirn asked if the NB district is limited to Abacoa or does it extend throughout Jupiter. Mr. Sickler confirmed it is applicable to the mixed use zoning district and the only properties that have that zoning is the Abacoa Development. Chair Kirn inquired about the potential precedents for other areas in Jupiter. Mr. Sickler clarified that it is specific to Abacoa and the rest of Jupiter has higher numbers that they are allowed. Chair Kirn then sought staff's opinion on the change's impact. Mr. Sickler stated he believes it is not harmful, as MXD zoning has specific provisions for Abacoa. Chair Kirn then asked when the original zoning code was written. Mr. Sickler noted it was approved in 1995.

Comm. Thompson asked if there were any issues with the current sign. Mr. Sickler said he wasn't aware of any problems but noted interest in larger signage for upgrades. Comm. Thompson stated that this change might inspire other communities to update their signs as well, and he praised the new sign for its potential to raise property values. Comm. Thompson inquired as to who would fund the sign. There was discussion that the funds would probably come from the individual HOA's.

Comm. Vinson asked if the signage is intended as a permanent part of the landscaped architecture feature rather than just a typical sign. Mr. Sickler clarified that a building permit would be required if the Council approves the change to allow a larger sign copy area. In this case a sign that would read "New Haven at Abacoa", and the sign size would increase from four square feet to 20 square feet. Mr. Sickler shared that the design itself is not being approved at this stage, the HOA could present a different design later.

Comm. Keenan asked about the number of road entrances into New Haven that will include the proposed wall. Mr. Thatcher confirmed that walls are planned for two entrances: Frederick Small and University Drive. Mr. Sickler indicated any other neighborhood in Abacoa would have the ability to request similar signs. Comm. Keenan then inquired the applicant has the authority to make this request, given his uncertainty about the roles of the HOA and POA in Abacoa. Mr. Sickler explained that typically, an application is submitted by an applicant who pays a fee, goes through a DRC review, and is then presented to the Commission and Council. However, in this case, the application was directed by the Town Manager's Office and is considered a Town initiated amendment.

Public Comment: Donaldson Hearing spoke on behalf of the New Haven HOA in favor of the proposed project.

Deliberation by Commission:
Comm. Blum felt that this will help make the area easier to navigate as people travel between communities.

Comm. Cassatly expressed that we should proceed with it.

Comm. Dunning shared that if it aligns with residents' preferences, they should be allowed to proceed.

Motion:
Comm. Thompson moved to recommend approval to increase the total allowable sign square footage from four square feet to 20 square feet, seconded by Comm. Kelso. Motion passed unanimously, with a 7-0 vote.

STAFF UPDATE:
Planning and Zoning Director reported on recent Town Council actions on Commission items.

ADJOURN:
Chair Kevin Kirn adjourned the meeting at 8:45 p.m.

Kevin Kirn, Chair

Vernisa Ayers

Kevin Kirn, Chair | **Vernisa Ayers, Secretary**