

**TOWN OF JUPITER
PLANNING AND ZONING COMMISSION MINUTES
REGULAR MEETING
May 10, 2022**

Town Attorney Thomas Baird called the meeting to order at 7:00 p.m. He said the first order of business would be to elect a chair and vice chair.

ATTENDANCE: Chair Teri Grooms, Vice Chair MB Hague, Ashlyn Held, Kevin Kirn, Ankur Patel, Richard Dunning (2nd Alternate); Stephanie Thoburn, Assistant Planning & Zoning Director; Garret Watson, Principal Planner; Peter Begovich, Senior Planner; Thomas Baird, Town Attorney; Valerie Hampe, Secretary.

ELECTION OF OFFICERS:

Comm. Hague nominated Comm. Grooms for Chair. Hearing no other nominations, Mr. Baird declared Comm. Groom as Chairperson by acclamation.

Chair Grooms nominated Comm. Hague for Vice Chair. Hearing no other nominations, Mr. Baird declared Comm. Hague as Vice Chairperson by acclamation.

MINUTES: Regular Planning and Zoning Commission meeting, April 12, 2022.

Comm. Hague moved to approve the minutes; seconded by Comm. Patel. The motion carried unanimously by consensus (6-0 vote).

CITIZEN COMMENTS:

Five people spoke on the proposed Santé Circle applications. Falinda Holland-Rios, Pastor Michael Maeweather, Anthony Robinson and Valerie Brooks discussed their concerns about the Planned Unit Development (PUD) and the specialty hospital in particular. Mason Torres suggested a turbo roundabout at the intersection of Island Way and Limestone Creek Road.

REGULAR AGENDA:

A. **OLD BUSINESS:** None.

B. **NEW BUSINESS:**

1. **1114 Sioux Street** – Variance request to Section 27-2624(8) to increase the bulkhead height 1.67 feet along the shoreline, for a ±0.2-acre property, located at 1114 Sioux Street. (PZ# 5141)
(Acting as the Zoning Board of Adjustment)

1114 Sioux Street – cont'd

The Commission gave their ex-parte disclosures. Comm. Held spoke with Garret Watson, Principal Planner, and Counselor Schneider and drove by the site. Comm. Kirn spoke with John Sickler. Vice Chair Hague spoke at length with Garret Watson regarding the application and Jones Creek. Comm. Patel spoke with Stephanie Thoburn, Assistant Director of Planning and Zoning, about the variance criteria. Comm. Dunning and Chair Grooms had no disclosures.

Mr. Baird conducted the swearing in of witnesses.

Heath Wintz, owner of the property, said the current seawall is rotting railroad ties and he is losing his backyard into Jones Creek. He asked to rebuild his wall at its existing height of 5' 6.5".

Mr. Wintz explained his concerns and reasoning for his request as detailed in his Statement of Use, Attachment B of the staff report. He said he has helped organize his neighborhood to restore Jones Creek.

Mr. Watson reviewed the history of Jones Creek and noted that some residents have taken steps to stabilize their property. He said the seawall height regulations were adopted in 2015 to help with living shoreline efforts and to address potential flooding issues with homeowners using fill to raise their properties. The scenarios which the seawall height regulations were adopted to address, do not exist at the subject property.

Mr. Watson said staff is required to analyze Criteria 3 and 4 very strictly and therefore considered them not satisfied. Staff proposed a condition of approval to maintain the existing mangroves if the Board found that the applicant does meet criteria 3 and 4.

Comm. Patel asked about the effect that building the seawall would have on neighboring properties. Mr. Watson said the neighbors' seawall is similar in height to the existing wall. Mr. Wintz said he has been losing property and the neighbors are four to five inches higher.

Vice Chair Hague said the slopes into Jones Creek were steep as a result of digging out the creek. Property owners who did not stabilize the shore lost property. Those property owners who did stabilize their property have bulkheads above what the Code would allow. Therefore, the people who stabilized their property would have to do more engineering, including building retaining walls and wraparound sides, to bring their property into compliance. She asked if Jones Creek was investigated as an exception when the seawall Code was written and Mr. Watson said no.

Vice Chair Hague asked if sediment runoff was a concern for the Department of Environmental Protection (DEP) and Mr. Watson said yes; that is one of the reasons DEP issues the seawall permits.

1114 Sioux Street – cont'd

Comm. Dunning asked if any of the neighbors objected to the proposed wall and Mr. Wintz said no. Mr. Watson noted that he had heard no objections from adjacent property owners. Comm. Dunning said he applauded Mr. Wintz for his efforts to clean up Jones Creek and said approval may encourage others to formally stabilize their property.

Chair Grooms asked if the owner was not being deprived of rights commonly enjoyed by properties in the zoning district (Criterion 3) since his property was eroding. Mr. Watson replied that the very strictest interpretation is that the owner has the use allowed in the zoning district: a single-family home.

Chair Grooms asked what the problem would be if the seawall was built at the height allowed by Code. Mr. Wintz said the wall returns would have to be underground and he wants to keep the wall cap above grade. He added that his deck is sinking.

Chair Grooms opened the floor to public comment and there was no response.

Comm. Patel opined that Criteria 3 and 4 had been met as explained by the applicant and agreed with the condition regarding mangrove preservation. Chair Grooms, Vice Chair Hague and Comms. Held and Kirn concurred.

Comm. Dunning agreed and said he would like to encourage others to stabilize their property.

Comm. Patel moved to grant the variance based on the applicant's justifications with the mangrove condition suggested by staff. Vice Chair Hague seconded the motion.

The Board approved the variance by consensus (6-0 vote).

2. **Alice KitchingBenton House** – Site plan and special exception applications for an adaptive reuse of a locally designated historic structure (*circa* 1931) for a beauty salon, on a 0.2± acre property, located at 408 Center Street.

(PZ# 4689, 4690)

Town Council consideration:

June 21, 2022

Mr. Baird conducted the swearing in of witnesses.

Chair Grooms asked the Commission for ex-parte disclosures. Comm. Held spoke with Counselor Schneider about the application and drove by the site. Comm. Kirn spoke with John Sickler regarding the historic designation and parking. Comm. Dunning drove by the site and Comm. Patel said he frequently drives by the site. Chair Grooms said she lives near the site and sees it multiple times a day. Vice Chair Hague had nothing to disclose.

Alice Kitching-Benton House – cont'd

Melissa Kostelia of Cotleur Hearing gave a PowerPoint presentation on behalf of the owner/applicant, Stacey Teleznak, who she indicated was present at the hearing. She described the history of the house and the plans for its rehabilitation and use as a beauty salon. She requested that the Commission recommend deletion of the proposed condition of approval requiring improvement of the alley extension all the way to Loxahatchee Drive.

Peter Begovich, Senior Planner, stated that staff recommended approval of the applications. He spoke about adaptive reuse and the proposed conditions of approval to keep the site compatible with the surrounding residential area.

Comm. Dunning asked if there had been any input from the community. Ms. Kostelia said Generation Church supported the project and the cross access.

Comm. Held asked if the proposed parking would be adequate for six workstations in the salon. Ms. Kostelia said they don't expect to have overlapping appointments and employees will be able to park their cars elsewhere.

Comm. Kirn asked if the applicant was seeking relief from any ADA requirements and Ms. Kostelia said no. Ms. Thoburn, Assistant Director of Planning and Zoning, said the application meets the parking requirements of Code but there are allowances available to adaptive reuse applicants.

Comm. Patel asked if the applicant had spoken with Generation Church about a shared parking agreement. Ms. Kostelia said yes but only a cross-access agreement is in place. Comm. Patel asked the applicant if they would be willing to consider trugrid or green parking in the front. Stacey Teleznak, owner/applicant, said he would like to use pavers but is open to suggestions.

Comm. Patel asked if the window sign would be facing Center Street and Ms. Kostelia said yes.

Chair Grooms asked why the church would not be required to share the cost of improving the eastern part of the alley since they use the adjacent area for parking. Ms. Thoburn replied that the church cannot be required to do improvements or pay for improvements if they don't have a development application before the Town..

Chair Grooms opened the floor to public comment.

Frank Pilla said he has a shop in Center Park Plaza. He questioned whether the house could meet sanitation requirements for a hairdressing salon. He said he has chairs in his shop for rent.

Amy Law said she has lived in the area for 28 years. She learned of the application when she saw the public notice sign on the property and said there are a lot of neighbors who are not happy with the idea of a beauty salon. She said there could be a better use for a historic building.

Alice Kitching-Benton House – cont'd

Vice Chair Hague asked about staff responsibility for determining if this change in use would work. Mr. Begovich said the Building Department has reviewed the application for a change in use and will be reviewing it again when the applicant applies for building permits.

Ms. Thoburn added that the Town no longer has Business Tax Receipts to verify licensing but noted that the County Health Department will have to review it for licensing regulations. She noted that the entire house is proposed as a beauty salon; it will not be lived in. She suggested that if the Commission has concerns, they may want to add a condition of approval regarding the health concerns.

Comm. Held asked if mold tests had been done on the property. Ms. Thoburn said the house has been lived in and air conditioned; that would be addressed as part of the building permit process.

Comm. Dunning said he was in favor of adding a condition regarding the health standards.

Comm. Patel said he assumed the applicant is aware of the requirements that will have to be met for the Building Department and Health Department if the change in use is approved. He supported the adaptive reuse and wanted to encourage a shared parking agreement with Generation Church.

Comm. Kirn agreed with Comm. Patel regarding the shared parking agreement and the health issues.

Chair Grooms supported adaptive reuse in the Town. She said her only reservation was about the parking and that a shared parking agreement would have to be a condition of approval.

Vice Chair Hague said she was also concerned about the parking and would like something more pervious than asphalt in the front.

Comm. Patel moved to recommend approval with staff recommendations and the following additional conditions:

- Generate a shared parking agreement with surrounding properties;
- Come up with a pervious solution for the parking area in front of the building; and
- Limit the window sign to always facing Center Street.

Vice Chair Hague seconded the motion. The motion carried unanimously by consensus (6-0 vote).

WELCOMING:

The Commission welcomed Comm. Dunning and Ms. Thoburn introduced Thatcher Hart, a new planner on staff.

ADJOURN:

Chair Grooms adjourned the meeting at 8:49 p.m.

Valerie Hampe, Secretary

TERI GROOMS, CHAIR