



TOWN COUNCIL REGULAR MEETING MINUTES

September 24, 2025 at 5:30 PM

Council Chambers – 340 Ocean Drive and YouTube

PRESENT: PEGGY WHEELER, MAYOR
JOHN CALLAGHAN, VICE MAYOR
DIANA DAVIS, VICE MAYOR PRO TEM
MARIANNE HOSTA, COUNCILMEMBER
DD HALPERN, COUNCILMEMBER

ALSO PRESENT: ROBERT A. COLE, TOWN MANAGER
LEONARD RUBIN, TOWN ATTORNEY
CAITLIN COPELAND-RODRIGUEZ, TOWN CLERK
FRANK DAVILA, DIRECTOR OF PLANNING & ZONING
ANDREA DOBBINS, PROJECT/RISK MANAGER
NICOLE LONG, ADMINISTRATIVE SECRETARY TO TOWN CLERK

CALL TO ORDER – 5:30PM

PLEDGE ALLEGIANCE TO THE FLAG

ADDITIONS, DELETIONS, SUBSTITUTIONS TO THE AGENDA

Mayor Wheeler, Vice Mayor Callaghan, Vice Mayor Pro Tem Davis, and Councilmember Halpern gave consensus to have Item #14 moved up to after Item #10.

COMMENTS FROM THE TOWN MANAGER, THE TOWN ATTORNEY, AND STAFF

COMMENTS FROM THE PUBLIC

All Non-Agenda items are limited to three (3) minutes. Anyone wishing to speak is asked to complete a comment card with their name and address prior to the start of the meeting as well as state their name and address for the record when called upon to speak (prior to addressing the Town Council). Town Council will not discuss these items at this time.

Public Comments Opened at 5:33pm.

Public Comments Closed at 6:08pm.

CONSENT AGENDA

1. Town Council Meeting Minutes for August 26, 2025
2. Work Session – Master Plan Development Discussion Minutes for September 3, 2025
3. Town Council Meeting Minutes for September 8, 2025

4. Special Town Council Meeting Minutes for September 16, 2025
5. Palm Beach County Interlocal Agreement- Internet and Phone Services
6. Year to Date (YTD) Financial Statements
7. Memorandum of Understanding related to storm debris sites
8. Asset Disposals

MOTION: Halpern/Callaghan made a motion to approve the consent agenda as amended to include a hard copy of Councilmember Halpern's statement to the September 16, 2025 Town Council Meeting minutes.

ACTION: The motion passed unanimously.

COUNCIL ACTION/DISCUSSION ITEMS

9. 2nd Budget Hearing – Approving the Millage Rate and Budget for FY 2025-2026

MOTION: Halpern/Hosta made a motion to approve Resolution No. 2025-14 setting the millage tax rate at 1.8195 mills which is 5.67% above the rolled-back rate of 1.7219.

ACTION: The motion passed unanimously.

Mayor Wheeler, Vice Mayor Callaghan, and Vice Mayor Pro Tem Davis gave consensus to have staff provided an update on the Treasure Coast Regional Planning Council's contract & timeline.

MOTION: Halpern/Hosta made a motion to approve Resolution No. 2025-15 adopting the FY 2025-2026 annual budget of \$10,645,492.

ACTION: The motion passed unanimously.

10. Renovation of Dune Walkover Structure and Drainage Improvements; JB0

MOTION: Halpern/Hosta made a motion to award the contract for services to renovate the Donald Ross Road Dune Walkover JB0 to Underwater Engineering Services, Inc (UESI) in an amount not to exceed \$346,361, which includes the base bid of \$314,874 plus a 10% contingency, with the additional \$96,361 to come from the One Cent Surtax Fund.

ACTION: The motion passed unanimously.

14. Council Discussion on Site Plan and Appearance Review for Single Family Homes

(See attached handouts from Vice Mayor Callaghan and Vice Mayor Pro Tem Davis.)

MOTION: Halpern/Davis made a motion to join Senate Bill 180 lawsuit.

Council gave unanimous consensus to defer the voting on this motion to Comments from Council.

Mayor Wheeler recessed the meeting at 7:47pm.

Mayor Wheeler reconvened the meeting at 7:55pm.

MOTION: Davis/Halpern made a motion to continue using the existing codes and have a further discussion on Vice Mayor Callaghan's proposal.

ACTION: The motion failed 2-3 with Mayor Wheeler, Vice Mayor Callaghan, and Councilmember Hosta opposed.

MOTION: Callaghan made a motion to adopt his proposed language into the code.

ACTION: Motion failed for lack of a second.

Mayor Wheeler passed the gavel.

MOTION: *Wheeler made a motion to have staff look into Vice Mayor Callaghan's proposal and bring back proposed language to the Town Council at the next meeting.*

ACTION: *Motion failed for lack of a second.*

MOTION: *Halpern made a motion to continue with Option #2 – continue to conduct appearance review consistent with the regulations currently in effect in tandem with having staff review Vice Mayor Callaghan's proposal and bringing back proposed language to the Town Council.*

ACTION: *Motion failed for lack of a second.*

Mayor Wheeler passed the gavel.

MOTION: *Wheeler made a motion to have staff look at Vice Mayor Callaghan's proposal in a voluntary form and bring it back to the Town Council.*

ACTION: *Motion failed for lack of a second.*

Mayor Wheeler passed the gavel.

MOTION: *Wheeler/Hosta made a motion to proceed with Option #1 – continue with the direction provided in May to the extent not preempted by Senate Bill 180 and revert to base zoning.*

ACTION: *The motion failed 2-3 with Vice Mayor Callaghan, Vice Mayor Pro Tem Davis, and Councilmember Halpern opposed.*

11. Options for Community Survey: Master Development Plan

MOTION: *Davis/Halpern made a motion to approve Option #2 – POLCO Engage & Custom Survey Development at a cost not to exceed \$15,000.*

ACTION: *The motion passed 3-2 with Mayor Wheeler and Vice Mayor Callaghan opposed.*

12. ~~Kagan Park Discussion~~

13. ~~Discussion on Record Keeping~~

COMMENTS FROM THE COUNCIL

RESTATED MOTION: *Halpern/Davis made a motion to have staff and the Town Attorney provide Council with information on the Senate Bill 180 lawsuit including the draft resolution example from North Palm Beach.*

ACTION: *The motion passed 3-2 with Mayor Wheeler and Councilmember Hosta opposed.*

Council gave unanimous consensus to postpone the October 1, 2025 Council Briefing Work Session to November 7, 2025 at 1pm.

ADJOURNMENT

Mayor Wheeler adjourned the meeting at 9:59pm.


Peggy Wheeler, Mayor


Caitlin Copeland-Rodriguez, Town Clerk

*Provided by Vice Mayor
Callaghan on September 24, 2025*

PROPOSED NEW ORDINANCE SECTION AS PART OF SEC. 34-116

APPEARANCE REVIEW FOR SINGLE-FAMILY DETACHED DWELLINGS THAT ARE NOT WITHIN AN APPROVED PLANNED UNIT DEVELOPMENT

No construction of any single-family detached dwelling that is not within an approved Planned Unit Development may begin in any district prior to review and approval of an Appearance Review Application by the town Planning and Zoning Department.

Review of the Application, including the Application Checklist and associated plans, will be based on the following criteria:

1.

Is of a design and proportion which enhances and is in harmony with the area.

The concept of harmony shall not imply that buildings must look alike or be of the same style. For applications received prior to October 2027 the concept of harmony shall not imply that buildings must have greater setbacks, lower maximum heights, smaller tower areas, smaller maximum building dimensions, greater landscaping area requirements, or smaller maximum coverages than those listed in the District Regulations for Residential Single-Family Zoning Districts (i.e. Rs-1 thru RS-5).

Harmony can be achieved through the proper consideration of setback, scale, mass, bulk, proportion, overall height, orientation, site planning, and landscaping. For the purpose of this section, the comparison of harmony between buildings shall consider the buildings or structures within the same zoning district as the proposed site;

2.

Elevator and stairwell shafts and other modern operations and features of a building shall be either completely concealed or shall incorporate the elements of the architectural style of the structure; rooftop equipment including elevator and mechanical penthouse protrusions shall be concealed; and garages and other accessory structures shall be designed with architectural features and treatments so that they are well proportioned and balanced and in keeping with the architectural style of the principal structure;

3.

Shall have on-site structures and accessory features (such as but not limited to light fixtures, benches, litter containers, including recycling bins, traffic and other signs, letter boxes, and bike racks) that are compatible in design, materials, and color;

4.

SUGGESTED CODE CHANGES (add the **BOLD UNDERLINED**, delete the ~~STRIKETHROUGH~~)

Sec. 34-116. - Required; criteria – **other than single-family detached dwellings that are not within an approved planned unit development**

No construction or clearing of land may begin in any district prior to review and approval of the site plan and appearance. The review shall consist of:

(1)

Consideration of the application by the development review committee (DRC), which may recommend approval, denial, or approval with modifications and/or conditions;

(2)

Consideration of the application by the town planning and zoning board, which may recommend approval, denial, or approval with modifications and/or conditions; and

(3)

Final review and approval or denial, or approval with modifications by the town council. ~~Single-family detached dwellings not located within an approved planned unit development shall be subject to appearance review and approval or denial, or approval with modifications by the town planning and zoning board, with site plan review by the town planning and zoning department.~~ Single-family dwellings within an approved planned unit development shall be subject to site plan and appearance review and approval only by the town planning and zoning department in accordance with the established design criteria. The criteria to be used in this review shall be to ascertain that the proposed site plan for new development meets the following criteria:

a.

Site plan criteria.

1.

Is in conformity with the comprehensive plan and is not detrimental to the neighboring land use;

2.

Has an efficient pedestrian and vehicular traffic system, including pedestrian, bicycle, and automotive linkages and proper means of ingress and egress to the streets;

3.

such as glass, steel, iron, and concrete; and the use of natural light through large and expansive windows;

2.

Is of a design and proportion which enhances and is in harmony with the area. The concept of harmony shall not imply that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of setback, scale, mass, bulk, proportion, overall height, orientation, site planning, landscaping, materials, and architectural components including but not limited to porches, roof types, fenestration, entrances, and stylistic expression. For the purpose of this section, the comparison of harmony between buildings shall consider the ~~preponderance of~~ buildings or structures within 300 feet from **the same zoning district as the** proposed site ~~of the same zoning district~~;

3.

Elevator and stairwell shafts and other modern operations and features of a building shall be either completely concealed or shall incorporate the elements of the architectural style of the structure; rooftop equipment and elevator and mechanical penthouse protrusions shall be concealed; and parking garages and other accessory structures shall be designed with architectural features and treatments so that they are well proportioned and balanced and in keeping with the architectural style of the principal structure;

4.

Shall have all on-site structures and accessory features (such as but not limited to light fixtures, benches, litter containers, including recycling bins, traffic and other signs, letter boxes, and bike racks) compatible in design, materials, and color;

5.

Shall have a design in which buildings over 40 feet in height shall appear more horizontal or nondirectional in proportion rather than vertical, accomplished by the use of architectural treatments as described in these criteria;

6.

Shall locate and design mechanical equipment with architectural treatments so that any noise or other negative impact is minimized;

7.

Complies with the town's community appearance standards (see article IV, division 14 of this chapter).



Caitlin Copeland <ccopeland@juno-beach.fl.us>

Form submission from: PUBLIC COMMENTS

1 message

Town of Juno Beach Florida <juno-beach-fl@municodeweb.com>
Reply-To: Town of Juno Beach Florida <ccopeland@juno-beach.fl.us>
To: ccopeland@juno-beach.fl.us

Wed, Sep 24, 2025 at 11:31 AM

Submitted on Wednesday, September 24, 2025 - 11:31am

Submitted by anonymous user: 76.110.84.106

Submitted values are:

First Name Natasha

Last Name Fraser

Address 500 S Lyra Cir

Email Address ndducf@yahoo.com

Agenda Item Number (Ex: 1, 2, 3) 1

Public Comment / Question

Good evening council,

My name is Natasha Fraser , I don't know where to start. The last few weeks of council meetings have gotten more contentious and uglier. It has to stop; there will be no progress moving forward at this rate.

I see there will be discussion again on-site plan appearance review for single family homes. Glad to see this is still being talked about. The integrity and harmony of Juno Beach is necessary; it is how we maintain the beauty and uniqueness that drew us all to this town in the first place. We do not want to see more generic, giant white boxes, with little or no character or charm looming over their neighbors.

I have heard on multiple occasions that DD Halpern and Diana Davis's newsletters are the cause of the resident's "anger". It is not the newsletters; it is your residents sitting at the stop light on Donald Ross looking at Caretta and saying how did this happen? I was a resident during its approval, and was uninvolved and unaware assuming our town council was making the best decisions for our town. I am no longer uninvolved and I am aware. I will continue to advocate for our beautiful town, and work to try to keep it, the gem that it is.

On the topic of newsletters, I read through a newsletter from Marianne Hosta, in which she names a Juno resident by first name and last initial and the building where she resides- then went on to call her a hypocrite. This is unacceptable, unprofessional, and frankly unsafe.

Thank you,
Natasha Fraser

The results of this submission may be viewed at:

<https://www.juno-beach.fl.us/node/2951/submission/19983>



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #:

PC

DATE:

NAME:

JEFF JENNINGS

PHONE NO.:

561-818-2662

REPRESENTING (IF APPLICABLE):

ADDRESS:

1667 PLEASANT DR WPB

CHECK WHAT MAY APPLY:

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SUPPORT

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OPPOSE

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I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #:

Public

DATE:

9-24-2025

NAME:

Scott Shaw

PHONE NO.:

561.801.2748

REPRESENTING (IF APPLICABLE):

Self

ADDRESS:

400 Apollo Dr

CHECK WHAT MAY APPLY:

☐

SUPPORT

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OPPOSE

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I WISH TO SPEAK



Caitlin Copeland <ccopeland@juno-beach.fl.us>

Form submission from: PUBLIC COMMENTS

1 message

Town of Juno Beach Florida <juno-beach-fl@municodeweb.com>
Reply-To: Town of Juno Beach Florida <ccopeland@juno-beach.fl.us>
To: ccopeland@juno-beach.fl.us

Wed, Sep 24, 2025 at 9:40 AM

Submitted on Wednesday, September 24, 2025 - 9:40am

Submitted by anonymous user: 172.58.135.114

Submitted values are:

First Name Scott
Last Name Shaw
Address 400 Apollo Dr., Juno Beach, FL 33408
Email Address shaw4098@bellsouth.net
Agenda Item Number (Ex: 1, 2, 3) Public comment
Public Comment / Question
My name is Scott Shaw and I reside at 400 Apollo Dr.

I spoke at the August 26 Council meeting and described evidence of unethical withholding of information by Attorney Rubin in regards to the approval of the plan for 401 Diana. During my talk I mentioned evidence to support my claim and found more evidence afterwards.

I'm raising this issue again because the response from Mayor Wheeler and Manager Cole was so disappointing. Mayor Wheeler said she could not discuss an existing case which is silly because the case is 100% in the public domain. Manager Cole claimed he was unable to conclude there was unethical withholding even though he had a wheelbarrow-load of evidence in front of him. Then, at the Sept 16 Council meeting, DD Halpern argued for the termination of Manager Cole for other reasons and I have to agree.

In that September 16 meeting we heard about the issue of the 90-10 residential-to-commercial ratio at Plaza de Mer. It was an opportunity for the mayor to eliminate confusion by constructing a simple sentence such as "The ratio of residential to commercial at the Plaza will be 75-25". She did not. Instead the mayor went on an angry diatribe against DD Halpern and Diana Davis.

That issue has townfolk riled up to the point there was a heated confrontation at the August 22 Council Hour. I learned about the confrontation at the rally on Donald Ross a few days later, and also watched Assistant Chief Saloio describe the interaction at 1:58 on the video of the September 16 Council meeting.

My main point is that we all need to think ahead and plan to vote. This Town's management needs a good housecleaning.

One more issue

At the September 15 PZ meeting, an agenda item was approval of a 7500 ft home at 451 Ocean Dr, at the corner of Ocean Dr and Diana Lane. Please go to the Juno website and watch the video.

4 of 5 Board members, plus alternate Rudoph, went on for 25 minutes talking about how the house is too big. Most nearby homes are less than 3000 ft. The proposal is for a home twice that size plus 25 percent more. Then they approved the plan.

I've heard multiple times that the city building is on land once owned by the family of the owner of 451 Ocean. About 20 years ago we bought land in NC near the estate of a family who had been around for decades. Family members who lived nearby had a sense of entitlement. It was like a lingering claim on our land because they had always lived there. I had 3 instances where they parked broken down vehicles in the field. Its as though you can legitimize encroachment on the neighbor's property by talking multiple times about how long you've been around. It reminds me of 451 Ocean. It's a lovely story, but it doesn't mean anything.

9/25/25, 9:21 AM

Town of Juno Beach Mail - Form submission from: PUBLIC COMMENTS

But don't forget about 401 Diana. That's where the new owner wants to build a mansion that hovers over the neighbor and encroach on the neighbor's privacy. That neighbor is me. I've nicknamed that plan the "9-toilet AirBNB".

The results of this submission may be viewed at:

<https://www.juno-beach.fl.us/node/2951/submission/19976>



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #: Public Comments DATE: 9/24/25

NAME: David Cox PHONE NO.: _____

REPRESENTING (IF APPLICABLE): _____

ADDRESS: 911 Ocean Dr

CHECK WHAT MAY APPLY:

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SUPPORT

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I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

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AGENDA ITEM #: Comments from Public DATE: 9-24-25

NAME: CHARLIE HOLLINGS PHONE NO.: 561 282-8933

REPRESENTING (IF APPLICABLE): _____

ADDRESS: 1679 Pleasant Drive 33408

CHECK WHAT MAY APPLY:

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I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

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AGENDA ITEM #:

DATE:

9/24/2025

NAME:

CYNTHIA FRASHER

PHONE NO.:

631-603-8701

REPRESENTING (IF APPLICABLE):

ADDRESS:

FLORIDA DR. JUNO

CHECK WHAT MAY APPLY:

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I WISH TO SPEAK



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AGENDA ITEM #:

DATE:

9/24/25

NAME:

Glen Black

PHONE NO.:

561-358-2041

REPRESENTING (IF APPLICABLE):

ADDRESS:

CHECK WHAT MAY APPLY:

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I WISH TO SPEAK



TOWN OF JUNO BEACH

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AGENDA ITEM #: _____ DATE: _____

NAME: William Hanks PHONE NO.: _____

REPRESENTING (IF APPLICABLE): _____

ADDRESS: _____

CHECK WHAT MAY APPLY:

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☒ I WISH TO SPEAK



TOWN OF JUNO BEACH

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AGENDA ITEM #: _____ DATE: 9/24/25

NAME: TEO MENDEZ PHONE NO.: 561 543 5000

REPRESENTING (IF APPLICABLE): The Fish House

ADDRESS: 13980 US 1 Juno Beach

CHECK WHAT MAY APPLY:

☐ SUPPORT

☐ OPPOSE

☒ I WISH TO SPEAK



TOWN OF JUNO BEACH

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AGENDA ITEM #:

DATE:

NAME: Anne Boyd

PHONE NO.:

REPRESENTING (IF APPLICABLE):

Comments from Public

ADDRESS:

CHECK WHAT MAY APPLY:

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I WISH TO SPEAK



TOWN OF JUNO BEACH

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AGENDA ITEM #:

ALL of Them

DATE:

9-24-25

NAME: Siobhan O'Donnell

PHONE NO.:

561 510 5422

REPRESENTING (IF APPLICABLE):

ADDRESS:

N Lyra

CHECK WHAT MAY APPLY:

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I WISH TO SPEAK



TOWN OF JUNO BEACH

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AGENDA ITEM #: 14 DATE: _____

NAME: Larry Sorsby PHONE NO.: 732-996-9864

REPRESENTING (IF APPLICABLE): _____

ADDRESS: 495 Zephyr Way

CHECK WHAT MAY APPLY:

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SUPPORT

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OPPOSE

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I WISH TO SPEAK



TOWN OF JUNO BEACH

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AGENDA ITEM #: 14 DATE: Sept-24 2025

NAME: John Stellato PHONE NO.: 561-891-7378

REPRESENTING (IF APPLICABLE): _____

ADDRESS: _____

CHECK WHAT MAY APPLY:

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I WISH TO SPEAK

Provided by
Larry Sorsby

In Florida, a Planning & Zoning Director cannot apply purely subjective restrictions on single-family homes or any other land-use category. Their role is to administer and enforce objective standards adopted by ordinance in the Town's land development code, comprehensive plan, or applicable overlay districts.

Florida Law Framework

- Comprehensive Plan (Chapter 163, Florida Statutes): All zoning and land-use decisions must be consistent with the adopted comprehensive plan.
- Land Development Code: The standards for single-family restrictions (setbacks, height, lot coverage, etc.) must be written in the code, adopted by ordinance, and applied uniformly.
- No Subjectivity Allowed: A planning official cannot "make up" restrictions based on personal preference or subjective judgment. They must point to the ordinance or code section that provides the standard.

When It Becomes a Problem

- If a Director imposes unwritten rules ("I don't think this fits the neighborhood" without a code citation), that's an arbitrary and capricious action — which courts in Florida have struck down.
- Florida courts have held that land-use regulations must be clear, objective, and consistently applied, not left to personal discretion.
- Overreach of this kind could expose the municipality to legal challenge under due process and equal protection grounds.

Proper Process

- If the Town believes new single-family restrictions are needed (architectural design, density, size, etc.), they must be adopted by ordinance, after public hearings, and applied prospectively to all.
- The Director may interpret existing code, but cannot create or enforce subjective standards outside of what Council has lawfully adopted.

A Planning & Zoning Director in Florida cannot apply subjective single-family restrictions. All restrictions must be rooted in adopted ordinances, not personal discretion.

There is solid legal grounding in Florida law that you can point to. Here are the main legal authorities that apply:

1. Florida Statutes – Comprehensive Plan Consistency

- §163.3194(1)(a), Fla. Stat. – “All development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan shall be consistent with such plan.”

☞ This means any restriction must come from the adopted Comprehensive Plan or Land Development Code, not from a Planning & Zoning Director’s subjective judgment.

2. Florida Statutes – Land Development Regulations

- §163.3202(2), Fla. Stat. – Requires land development regulations to contain specific and uniform standards for:
 - Use of land
- Lot sizes
- Building dimensions
- Yard requirements
- Density and intensity of use

☞ By law, these standards must be written, objective, and consistently applied.

3. Case Law – Arbitrary/Subjective Restrictions

- Broward County v. G.B.V. Int’l, Ltd., 787 So. 2d 838 (Fla. 2001): The Florida Supreme Court held that land-use decisions must be based on adopted criteria and cannot be denied for arbitrary or subjective reasons.
- City of Boynton Beach v. Janots, 254 So. 2d 207 (Fla. 4th DCA 1971): Court struck down zoning actions that were vague and subjective, emphasizing due process requires clear, objective standards.

4. Due Process & Equal Protection

- Arbitrary enforcement of unwritten, subjective standards can violate the Due Process Clause of the Florida and U.S. Constitutions.
- Equal protection issues arise if restrictions are applied differently to one homeowner versus another without a codified basis.

Legal Summary:

A Planning & Zoning Director in Florida cannot apply subjective single-family restrictions. All restrictions must come from adopted ordinances or codes that meet the requirements of Florida Statutes §163.3202 and §163.3194. Courts have struck down attempts to enforce subjective or arbitrary land-use controls as unlawful.



Protect Juno Beach Property Rights

Why Ordinance 780 Must Be Repealed



The Harmony Codes (1992–2024)

- ✓ Built on fairness, simplicity, and certainty
- ✓ Treated all homeowners equally
- ✓ Provided clear, objective standards
- ✓ Preserved the character of Juno Beach



What Ordinance 780 Did

- Replaced objective guidelines with vague, discretionary/subjective rulings
- Enacted without clear metrics for enforcement
- Left property owners, buyers, and staff in confusion
- Passed without meaningful public input or understanding



Florida Law

- No subjective restrictions allowed on single-family homes
- Planning & Zoning Directors must enforce objective standards
- Florida Statutes §163.3202 & §163.3194 require adopted ordinances/codes
- A planning official cannot “make up” restrictions based on subjective judgement
- Courts have struck down arbitrary land-use controls as unlawful
- Ordinance 780 exposes Juno Beach to costly lawsuits

💰 Why It Matters

- Homes are residents' largest financial asset
- Ordinance 780 threatens property values & retirement security
- Declining values reduce inheritance and harm community stability

🗣️ Council & Public Mised

- Council believed they were only defining "Harmony"
- Did not realize they were drastically altering property rights
- Two supporters (Hosta & Wheeler) now call for repeal
- Another admitted she did not understand her vote
- The public never had a fair chance to comment or grasp the impact prior to adoption

✅ The Solution

- Repeal Ordinance 780
- Reinstate the proven Harmony Codes
- Restore clarity, fairness, and trust in governance
- Protect both the character of Juno Beach and the financial security of homeowners

👥 Community Support

- 170+ residents have signed a petition demanding repeal
- Repealing 780 is not a step backward—it's a return to balanced, lawful governance

💡 Let's restore the Harmony Codes.

💡 Let's restore trust.

💡 Let's protect Juno Beach homeowners.



TOWN OF JUNO BEACH

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AGENDA ITEM #:

DATE:

NAME:

PHONE NO.:

REPRESENTING (IF APPLICABLE):

ADDRESS:

CHECK WHAT MAY APPLY:

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SUPPORT

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OPPOSE

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Site Plan & Appearance Review

AGENDA ITEM #:

DATE:

9-24-25

NAME:

Red Dunn

PHONE NO.:

REPRESENTING (IF APPLICABLE):

ADDRESS:

440 Sunset Way

CHECK WHAT MAY APPLY:

☐

SUPPORT

☐

OPPOSE

☐

I WISH TO SPEAK



Caitlin Copeland <ccopeland@juno-beach.fl.us>

Form submission from: PUBLIC COMMENTS

1 message

Town of Juno Beach Florida <juno-beach-fl@municodeweb.com>
Reply-To: Town of Juno Beach Florida <ccopeland@juno-beach.fl.us>
To: ccopeland@juno-beach.fl.us

Fri, Sep 19, 2025 at 3:25 PM

Submitted on Friday, September 19, 2025 - 3:25pm

Submitted by anonymous user: 172.58.135.17

Submitted values are:

First Name Debra

Last Name Levulis

Address [401 Sunset way Juno Beach FL 33408](#)

Email Address johndeb642@gmail.com

Agenda Item Number (Ex: 1, 2, 3) 14 Architectural Review Appearance Review for Single Family Homes

Public Comment / Question

As Juno Beach Town Councilors you are all fiduciaries for us taxpayers per our town charter. Removing the single family appearance architectural review requirements protects us taxpayers from unnecessary Bert Harris lawsuits. As required fiduciaries you serve the towns single family homeowners by protecting our full property rights. Do the right thing as our fiduciaries codify option 1 remove single family appearance architectural review. Thank You.

The results of this submission may be viewed at:

<https://www.juno-beach.fl.us/node/2951/submission/19974>

Received after
Public Comments Closed
for Item #14

TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #:

harmony

DATE:

9-24-2025

NAME:

Linda Zlanabitzig

PHONE NO.:

561-371-0800

REPRESENTING (IF APPLICABLE):

ADDRESS:

471 N. Lyra Circle

CHECK WHAT MAY APPLY:

☐

SUPPORT

☐

OPPOSE

☒

I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #:

Harmony & Now

DATE:

NAME:

William Kimball

PHONE NO.:

REPRESENTING (IF APPLICABLE):

ADDRESS:

CHECK WHAT MAY APPLY:

☐

SUPPORT

☐

OPPOSE

☒

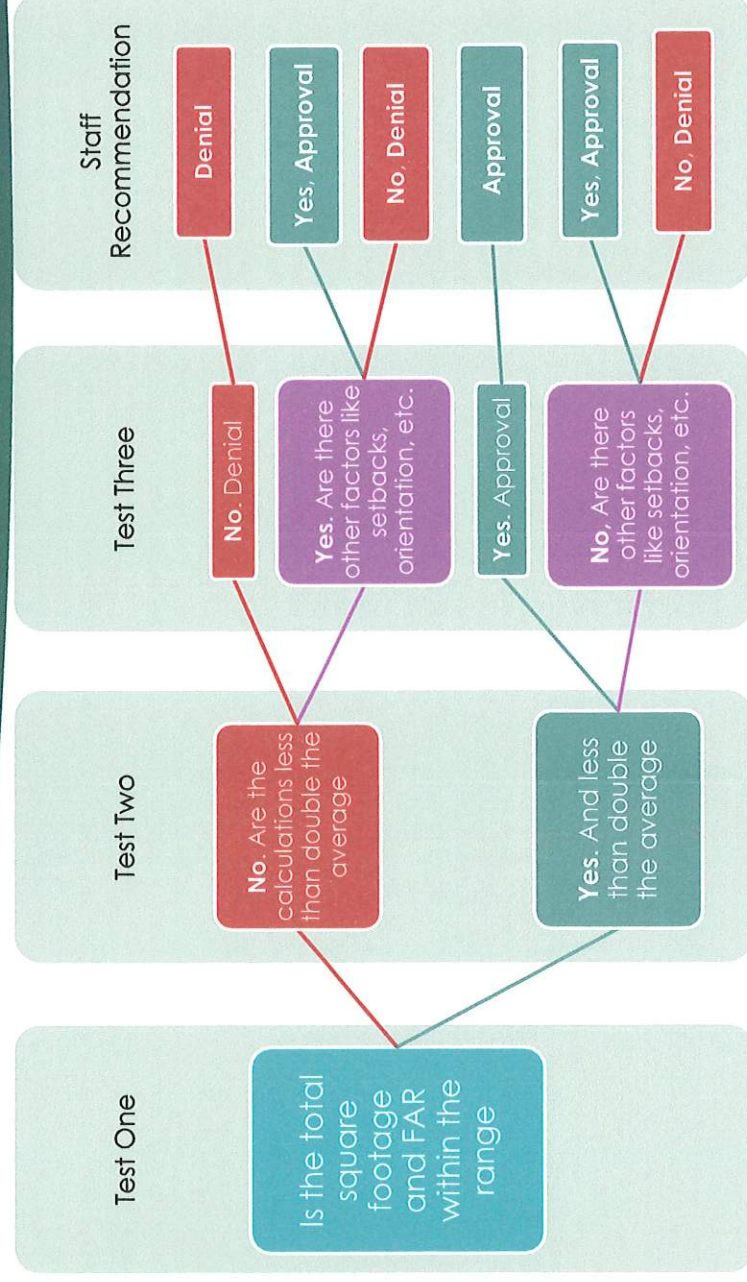
I WISH TO SPEAK

Public Comment
Period for Item #14

Provided by
UMPT Davis
on September 24, 2025

7

Harmony – Staff Tests for Bulk and Mass



- Staff conducts test(s) for Bulk and Mass since the 300-foot study area was adopted

Harmony – Staff Tests for Bulk and Mass

Test One

Is the sq. ft. &
FAR within the
study area
range? (Y or N –
go to 2)

Test Two

Are
calculations
less than
double the
average? (Yes
Approved, No
go to test 3)

Test Three

Are calculations
within 10-20%
of the largest
structure? (Y-
likely approve,
go to 4; No –
probable denial
go to 4)

Test Four

Are Mitigating
factors present
to compensate
such as
setbacks,
orientation,
architectural
features; more
subjective
features?

Harmony Example – 451 Neptune Rd.

Comparative Analysis and Methodology

Address	Lot Total Square Feet	Tower Feature	Lot Size to Total Square Feet Ratio (FAR)	Total Square Feet	Square Feet Under Air	Story
390 Neptune	5,662.8	No	0.36	2,079	1,470	1
391 Neptune	5,662.8	No	0.49	2,804	1,798	2
491 Neptune	6,969.6	No	0.31	2,177	1,671	2
490 Neptune	5,662.8	Yes	0.32	1,820	1,573	1
481 Neptune	5,662.8	No	0.33	1,879	1,392	1
480 Neptune	5,662.8	No	0.33	1,920	1,424	1
471 Neptune	5,662.8	No	0.34	1,945	1,553	1
460 Neptune	5,662.8	No	0.56	3,185	2,364	2
451 Neptune	5,662.8	Yes	0.70	3,961	3,234	2
450 Neptune	5,662.8	No	0.28	1,606	1,254	1
441 Neptune	5,662.8	No	0.29	1,660	1,316	1
430 Neptune	5,662.8	No	0.38	2,174	1,265	1
421 Neptune	5,662.8	No	0.30	1,704	1,210	1
420 Neptune	5,662.8	No	0.35	1,970	1,646	1
411 Neptune	5,662.8	No	0.46	2,589	1,956	2
400 Neptune	5,662.8	No	0.34	1,919	1,176	1
531 Ocean Drive	6,098.0	No	0.27	1,648	1,553	1
Average	N/A	N/A	0.36	2,067	1,559	N/A



 Subject Property
 Properties removed from comparison due to different Zoning District

Study Area Map and Methodology

Harmony – Staff Tests for Scale (height)

Test One

Are more than half the structures in the 300' study area the same stories or higher? (Yes approve or No go to 2)

Test Two

Are the immediately adjacent structures the same stories or higher? (Yes Approved, No go to test 3)

Test Three

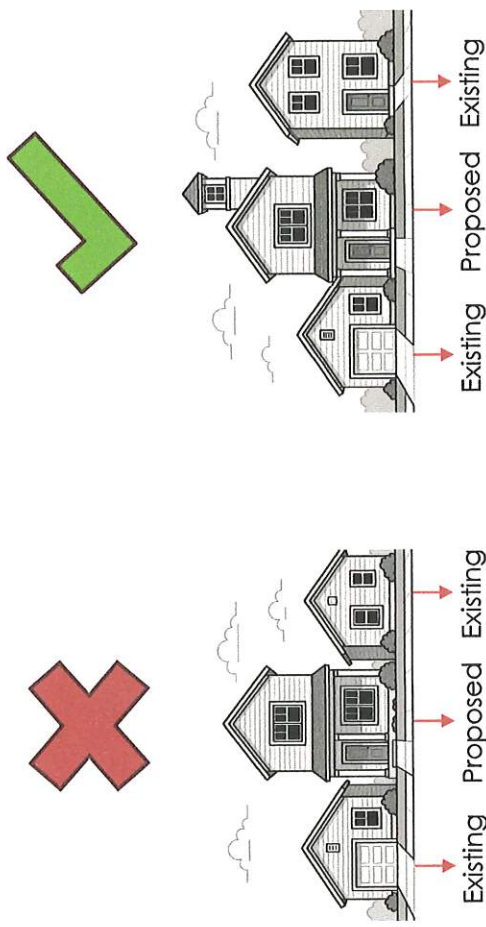
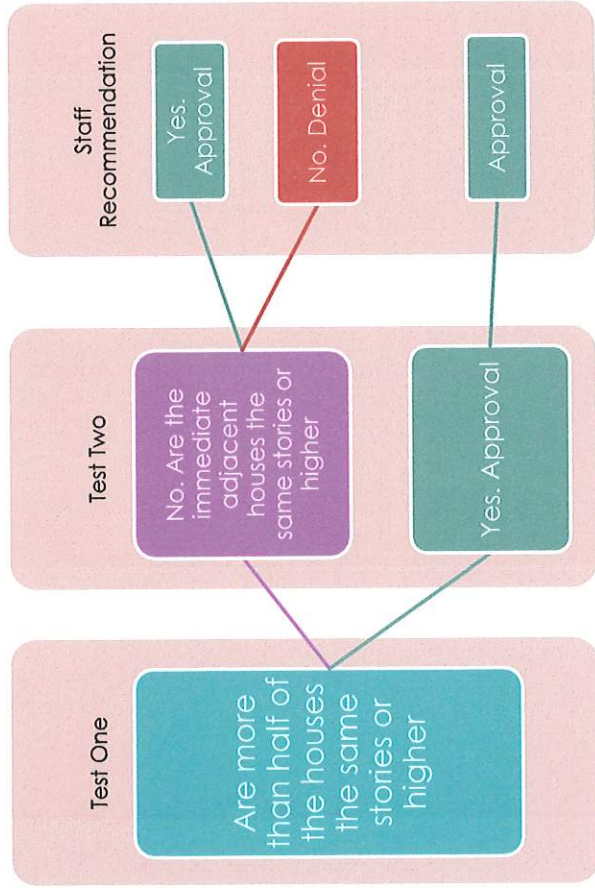
Is the scale within the allowable limits of 34-268? (Y-likely approve, go to 4; No – probable denial)

Test Four

Are Mitigating factors present to compensate such as orientation, architectural features; step-backs, limits on 2nd floor area?

Harmony – Staff Tests for Scale

○ Tests for Scale



Single Family Homes Appearance Review 34-116(3)(b)(2)

Bulk & Mass Tests using Comparative analysis

1. Is Sq Ft & FAR within Study Area Range (Y or No - go to 2)
2. Are calculations less than double the average? (Y approved, No go to 3)
3. Are calculations within 10%-20% of the largest structure? (Y – go to 4, No denial)
4. Are other mitigating factors present to compensate (setbacks, orientation, site planning, architectural features, landscaping) [purple boxes – more subjective criteria. see, workshop guidance 5-2-25]

Scale Tests for Height/Stories

1. Are more than half the structures in the 300' study area the same stories or higher? Y approval, No – go to 2)
2. Are the immediately adjacent structures the same stories or higher (Y approval, No go to 3)
3. Is the scale within allowable limits of 34-268 (Y – go to 4, No denial)
4. Are other mitigating factors present to compensate (orientation, architectural features, step-backs, 2nd floor limits on area) [purple boxes more subjective criteria. see, workshop guidance 5-2-25]

*Provided by VMPT Davis
on September 24, 2025*

To: Town Council, Town Manager, Town Clerk, Town Attorney

From: Diana Davis, Vice Mayor Pro Tem 9-19-2025

RE: Majority Vote Supports Appearance Review for Harmony — Need for Unified Direction.

I would like us to come together as a Town Council. By focusing on our common ground, we can avoid presenting a fractured front at our meetings or within the Town Manager newsletters, and provide clear direction to staff. The Council has repeatedly voted to continue **appearance review for harmony (Code 34-116(3)(b)2)** for single-family homes. This remains the majority position. In fact, the letter submitted by the Mayor's own family during the construction of a very large duplex next to their property eloquently describes the harm that oversized structures can cause to neighbors' quality of life and property values. (letter attached) Let's use this shared understanding that too large structures can damage existing residents' quality of life, and use this as a foundation for coming together on the harmony issue for single family homes and have staff work toward improving the harmony reviews.

It is not constructive for staff to prepare timelines or newsletters that advocate for eliminating appearance review in favor of site-plan-only review. Staff should not continue its advocacy for a policy rejected by the majority, especially when Council direction has been clear and consistent. This situation is similar to the **North Gazebo repair issue**: Council directed a repair, while staff repeatedly pushed for full replacement, until finally Council's direction prevailed.

Here, too, Council has been clear: harmony review must remain. This is especially important given **Senate Bill 180 (passed May 2nd, effective June 26, 2025)**, which prohibits new local ordinances that are more restrictive or burdensome. As our attorney confirmed in the June 21 memorandum, the mitigation measures suggested in staff's May 28 memo (e.g., adopting new step-backs or second-floor limitations) cannot move forward under SB 180. The only available mitigation against "supersized" single-family homes permitted is to continue using the harmony appearance review process that was in place prior to SB 180's cutoff date.

In my opinion, these are some of the Town Manager Timeline Omissions and my personal understanding of the votes as reflected in the minutes:

1. **May 2, 2025** – Florida House and Senate both adopt SB 180 with its prohibition on new more restrictive codes (Senate passed 34-1; House passed 106-0).
2. **May 2, 2025** – Appearance Review Workshop: Town Council directs staff to keep harmony reviews 34-116(3)(b)2, and clarify implementation guidance.

3. **May 28, 2025** – Council votes **not** to repeal Harmony Ordinance 780; votes to move forward with staff recommendations (my understanding was that staff assured Council “harmony” was preserved, see also Hosta’s newsletter reporting harmony remained) on mitigation through site area regulations (34-268). Staff memo proposes new ordinances (e.g., step-backs, second-floor restrictions), but these would be preempted by SB 180 unless vetoed by the Governor and this information was not provided at the time of the vote by Town Council.
4. **June 23, 2025** – Attorney memorandum June 21 concludes that staff’s May 28 proposal cannot proceed under SB 180. My understanding was that Council directed Staff that options be brought back to improve harmony review 34-116(3)(b)(2).
5. **June 26, 2025** – SB 180 becomes effective (Governor failed to veto; i.e., “failed to reject” so the law moves forward for effective date).
6. **July 23, 2025** – My understanding was that Council directed Staff that options be brought back to improve harmony review 34-116(3)(b)(2).
7. **August 26, 2025** - Staff brings back options based on site plan review 34-268 only and rejects most proposals as new code that cannot be adopted pursuant to SB 180. However, if the same proposals were reviewed as the mitigation criteria under the existing harmony reviews for Mass, Bulk and Scale, then there would be no SB 180 prohibition, since it would be clarifying existing codes which is allowed.
8. **September 8, 2025** – rushed vote at end of the meeting, selected option 1
9. **September 16, 2025** – reconsidered September 8th vote and affirm going back to the harmony reviews of 34-116(3)(b)2., bring back options with consideration of the mitigation options under our existing harmony reviews (purple boxes – subjective review that would allow a larger structure to be approved) .
10. **July 21, 2016** – **Nine years ago the Zoning Board had “appearance review” authority in 34-28**, well before the date in Florida Statute for “building design materials” regulation is 2020. Florida Statute for building design materials does not require that the board is exercising this authority, only that it had been granted the authority for appearance review (which includes architectural review). See, Attorney Nancy Stroud opinion letter.

Request: Let us reaffirm that the majority policy is to maintain and improve harmony reviews for single-family homes. Staff should be directed to support this Council policy, not advocate for rejected alternatives that conflict with repeated Council votes or state law constraints. It is divisive to Town Council and divisive to the community.

Let's come together on shared interest to what is in the best interest of our residents – who should come first.

Importance of Going with the Majority Vote for Unified Direction: A personal antidote that may be helpful to move forward as a community, is that for me personally, I know with complete certainty of the critical importance and that it is in the Town's best interest to retain our architectural reviews for single-family homes, 34-116(3)b(1). The majority of our community responding to the survey that I conducted also want to retain architectural review. It is the belief of land use attorneys with whom I conferred that we have legitimate legal grounds to maintain our architectural reviews even with the language of the Florida Statutes that limit municipalities review of "building design elements." Especially when our P&Z Board Chair makes a comment that I interpreted to be, that if a SFH application is not in keeping with architectural standards (extremes such as a tar paper shack or McDonalds arches) that he would deny it with or without architectural review authority. **However, I have stopped advocating for architectural review, (except I included date PZ Board given appearance review authority to show it meets the statutory criteria and included here to demonstrate architectural review importance), as the majority on Town Council has a different opinion,** and believes somehow that "the always existing risk of litigation" (even if remote that we would lose) outweighs architectural integrity of our single-family homes, and that we should give up this very important review and allow whatever new construction that is proposed to be built without architectural reviews for our single-family home neighborhoods. **It really is important to move forward together when a majority on Town Council advocates for a position,** even in the case of architectural review, where it is a forever decision, and never again will Council be able to elect to use this authority once removed.

From: Lewis Wheeler <lewwheeler@comcast.net>
Sent: Saturday, March 23, 2019 4:46 PM
To: ffahy@aol.com; jrl1701@gmail.com; jason3072661@gmail.com;
stukatzen@gmail.com; Caitlin Copeland <ccopeland@juno-beach.fl.us>
Subject: 461 Venus Development

CAUTION: This email originated from outside of the Town of Juno Beach. Whether you know the sender or not, do not click links or open attachments you were not expecting.

I am writing concerning the development at 461 Venus Drive. I, as well as other neighbors and residents are disappointed to again see that 3 of the P&Z board members forwarded this development on to Council even though they were not given proper information from our Planning and Zoning Dept and were not given guidance as to what the criteria are in approving or declining an application or asking for modifications of a development. Citizens showed up to the Planning and Zoning meeting and requested that they hold off on a vote so that the citizens would have the opportunity to review the plans. Several members of the community spoke about this issue on behalf of the surrounding neighborhoods.

It is my understanding that the entire code section for RMT was not given to the P&Z Board. The Board was only given the applicants forms that contained selected sections of the code and staff's opinion letter. Planning and Zoning should have had their zoning books at the meeting or at the least been given the entire code section on RMT Zoning. They should have also been advised of all the criteria in moving a development on to Council. And, if I am not mistaken, should have been given or referred to Division 4 SITE PLAN AND APPEARANCE REVIEW.

The Planning Dept did not fully explain the RMT criteria and required responsibility to the P&Z Board. In addition, information given to P&Z from staff for comparable heights of the structures surrounding this development are not accurate. This is reason enough to send the application back to Planning and Zoning so they can do a thorough job for Council.

Also, citizens did not have adequate time to look at the development and analyze the new plans. This is critical in order for Planning and Zoning to hear all of the possible infractions. Look at what happened last time when the developer had an extra floor on the building and no one caught it but the citizens!

These same citizens recommended to P&Z that this process be delayed because the P&Z meeting was on March 4th a Monday after the Board and citizens received it late day on Friday March 1st. This is insufficient notice for everyone involved.

This is an extremely important issue in town that does effect everyone because of the massiveness of the building so close to our Town Hall Park. In addition their will be a negative effect from the massive visual incompatibility on residents and visitors that travel daily on Ocean Drive!

One of our assets beside the wonderful beach and lake is the beautiful hillsides that make Juno Beach unique from the entrance to the south all the way to Donald Ross on the north. If this development is allowed to happen as it is presented it will be a stark

massive wall. It will also be a lasting reminder that Juno Beach will not be the quaint small town that we love.

Council does have complete authority to ask for modifications or additional information and requirements from the developer. That is why they are required to come before P&Z and Council. Not to just sign off on a development but to protect the residents by way of our RMT zoning codes which give absolute right as a P&Z Board or Council to require, modify or change items.

The Council can require or request any of the following:

Have the developer lower the building into the ground by a foot and push the building to the west as the original drawing showed so that the building is built into the hillside. This accomplishes the point of building on a hillside and that's having a floor nestled into the ground not having all the floors sticking above ground. Case in point; my house at 460 Atlantic Blvd. Does this require one more drawing? Sure it does but what they are presenting to you are preliminary drawings and the cost is very minimal compared to when they have a final set.

The two towers are illegal! Have them take them off or just have the one that is 225 sq ft that is allowed.

Deny the size by taking off a floor

Require the developer to bring in, (preferably before the council meeting), a physical scaled model of this building in relationship to the neighborhoods surrounding it and our park so that Council can see the reality of the massive development prior to any decision.

We are aware that P&Z and Council cannot deny a developer or home builder what is within their right from the zoning book but the code section that you see below **ABSOLUTELY GIVES YOU THE RIGHT** to require changes to their design and control this development legally. You can advise them what you, as a Council, want to see.

Staff might tell you this meets our zoning codes but look at what happened last time! During the last application the developer was able to get a project passed by P&Z and Council that had an illegal story as well as two towers. The citizens would like to bring in legal counsel to not only clarify Council's right within our code to modify this development but to give Council clarification on what our zoning book states.

As residents, we realize that the massing, scale, size and characteristics do not fit in with the quaintness of our town nor does it fit in with other existing homes in the area. It will sit on the side of the hill as tall as a 7 story condo! This will affect the landscape of our community forever.

We are fighting to have council watch over this town and tell the developers to modify the building to fit the zoning codes and vision of Juno Beach. This development needs approval because it is not a single family. Single family only needs The Planning Departments approval. Two-family, townhouse, townhouse clusters, multi-family all need to be scrutinized as does the commercial district. To make sure it's compatible with the vision of Juno Beach.

Here are the issues:

PROPORTION, SCALE AND MASSING TO THE CHARACTER OF THE SURROUNDING PROPERTIES.

The developer provided a self serving version of a rendering that does not give an accurate depiction of the "proportion, scale and massing of the project to the character of the surrounding developed properties." This is verbatim from the zoning book. The most accurate way to understand the relationship is to have a physical scale model of the structure and the surrounding neighborhoods of Surfside, Venus Drive, Ocean Side Drive, 460 Atlantic Blvd as well as Ocean Ridge.

The code is in place for P&Z and Council to be allowed and able to approve, deny or modify the plan of any 2 family home, townhomes, townhome clusters and multifamily from building large uncharacteristic buildings in relationship to "proportion, scale and massing as it relates to proportion scale and massing of other structures within the zoning district and within the neighboring areas." Again verbatim from the zoning book.

In addition to the RMT section there is a Division 4 - SITE PLAN AND APPEARANCE REVIEW Section 34-115 INTENT AND PURPOSE that contains wording that is similar to what the RMT code requires P&Z and Council to do and that is the following directly quoted from the zoning book.

"To ensure the best use and the most appropriate development and improvements of each lot in town."

"To protect the owners of lots to ensure that the surrounding lots will maintain or improve property values."

"In general, to provide adequately for a high type and quality of improvement in said town property and thereby enhance the property values and the quality of life in the town."

Also in our Zoning book under SECTION 34-116 REQUIRED CRITERIA Section B number 2 it says:

"Is of a design and proportion which enhances and is in harmony with the area."

The proportion, scale and massing is critical in approving or denying this development as well as the number of towers allowed.

When Len Rubin was asked about proportion, scale and massing in a letter from Chris Huffman he stated and I quote:

"In this context, proportion, massing and scale are relative concepts. I believe that the intent is to ensure that the proposed structure is not out of character with the surrounding area in terms of appearance. These concepts require a comparison between the proposed structure and the existing structures and are not strictly quantifiable. For example, notwithstanding the actual height and width, the scale and massing of a building can be mitigated through various materials or design elements. These are terms of art, which is why laypeople we must rely on the professional opinion and judgement of the Town's planning staff." Len Rubin

This is an opinion but not a practical answer. Leaving such an important decision to a Town Planner is not always wise. Town Planners are suppose to give all relevant information for Council to make their own decision not make these important decisions for Council. I am not being disrespectful and I realize that staff always tries to do a good

job but they do not live in town and this will not affect them. Our residents that live here and look at this development the rest of their lives will be affected. While Mr Rubin suggests that the citizens and Council are "laypeople and should rely on our Town Planner's judgement". I respectfully disagree. Neither of our town planners ever mentioned to P&Z or Council the issues from the Zoning Book that deal with the problems of character, scale and massing nor did they tell P&Z about the illegal extra story that does not follow our zoning codes. While our acting Town Planner is a fine young man I am not sure that leaving a decision that will affect the town and citizens the rest of our lives should be left solely up to the Town Planners recommendation.

Council's job is to be aware and make sure mistakes don't happen within our town. Council does not need to follow staff recommendations that may not comply with code. Nor should the citizens be ignored.

Len Rubins statement " out of Character in terms of appearance" holds true if a developer is building a structure whose appearance is not keeping within the neighborhoods similar appearance i.e a building that is next to the street that does not have windows or balcony's for relief. That is part of what "out of character" means BUT it also means within the existing neighborhoods and how it compares to existing structures in mass and scaling. That is quantifiable and that's why we have the zoning code that state that Council can quantify a building that dwarfs the neighborhood.

Section B clearly states Town "should NOT INCLUDE matters related solely to design, style, architectural theme or other purely aesthetic issues."

Again, I am asking the council to require the developer to provide a physical to-scale model of the neighbors to the south, the north and the Town Hall Park to the east prior to any approval. This slight delay allows the citizens an opportunity to present their position and it shows council an important aspect.....what this structure actually looks like on the lot compared to the surrounding area. It is also important step in order to see the proportion, mass, scaling and characteristics that is part of the approval process.

As you may recall from the previous application last year the renderings used misled both P&Z and the Council. These renderings made Council believe that this development was smaller than it was.

If you look at the rendering from the first submittal you cannot even see the 2nd unit or the 2nd tower on 461 Venus Drive. Also 460 Atlantic Blvd looks visually larger than it is. The developer is doing the same thing on this submittal to apparently get their project quickly approved.

Renderings in the new application are also visually inaccurate and are from angles that make the development look small. The developer shows a rendering from high in the air at the same elevation as their finished floor and that's at 33.5. Ocean Drive is approximately at 16 feet and the park is at 18 feet above sea level. You can see how these renderings benefit this developer. The town staff also told members of P&Z that the height of the proposed development is similar to my home at 460 Atlantic Blvd. That is incorrect information. The top of my roof is 38.5. The proposed development is at 49'. That is 11.5 feet higher. My finished floor elevation is at 32.5 a foot lower than the proposed development and we sit on the same elevation lots. This development should not be allowed to go higher than my house where the finished floor elevation is at 32.5.

Council will be shown a chart of all the homes surrounding the development and their elevations either prior to the meeting or at the meeting.

Lack of accurate information given to P&Z should alone warrant that this application be sent back to P&Z. If Council makes that decision it would also allow Planning and Zoning to:

- A) Request a physical to-scale model to see the relationship to the surrounding areas
- B) Be given correct and adequate information
- C) Have the opportunity to see and hear the issues from the citizens to make an informed recommendation. (The citizens did not have enough time to analyze the structure and present to P&Z)

In addition property in the neighborhoods will be devalued. All of these points are critical because a decision can change the face of our community forever.

LOCATION ON PROPERTY

Please take note that if you allow this developer to push the building to the bottom of the lot it creates another issue. That issue is that at the top of the hill the elevation is 43 feet above sea level. That means the building is set into the ground 10 feet because the finished floor elevation is at 33.5. So you would not see one of the floors. This is similar to what you see at 460 Atlantic Blvd. You only see the entrance to the garage. By doing this you also push the building back towards the residential section verses it towering over the park. The number one reason that you want to do this is so massive walls are not constructed right next to our park on the east and in the back of the development at the west. If you can visualize the park at 18' above sea level at its highest point and the finished floor that is feet always from our park is at 33.5. That is 15.5 feet of walls to get to the finished floor right next to the park. So even though there might be several tiered walls, the walls are only feet apart so it still effectively is 15.5' of total walls. This is not what we should see next to our park or on the hillside! The developer should go back to the original location plan with the development back to the west. The original plan did have an extra floor and they have corrected that by taking it off but they should never have pushed the building down to the bottom where the hill could not absorb some of the height. By requiring them to go back to that plan would effectively make the development not look so massive. By pushing it back to 10' from the property line it puts 8-10' of that first floor underground!

TOWERS

The citizens have repeatedly advised the P&Z Board that two towers were not permitted by code.

Staff has told us that "it is staffs opinion" that a two-family dwelling unit is allowed to have two tower features. They use Mercury Rising as an example. Staff made a decision on a completely different zoning code. Mercury is in an RM00 area and is a totally different location with condos and townhomes around it. This does not mean they should allow it for RMT with residential homes surrounding this development. Staff made an error on the Mercury towers but should not be permitted to make the same mistake again! Just because staff states they did it before does not mean they should make the same mistake twice.

Remember staff recommended approval of the first application. This approval was legally challenged with a Writ of Certiorari by the neighbors. Staffs opinion or recommendation led Council to approve a two family structure that was illegal based on our towns zoning codes.

So the zoning book under RMT clearly states "a tower" whether it's a single family, two family, townhouse single, townhouse cluster, or multi family! "A tower" does not mean 2 towers.

If you applied staff's interpretation of a tower for each family unit think about what the future holds in all the the zoning districts RMT, RM00 and RM2 that code says "a tower". Every future two family, townhouse, townhouse cluster and multifamily could request towers for each unit. If these are narrow units it would almost be a solid additional story of towers.

This would open up a future troublesome issue for the town with staff interpreting the code as they suggest.

Council does not have an obligation to help sell the developers property by giving a tower for each unit. Nor is council responsible or required to follow "staffs opinion" because they did it on Mercury. The citizens are asking you to be aware of zoning infractions and future zoning issues.

PARKING/STORAGE

1. Current submitted site plan has only 56.5% parking when code specifically states one of the conditions of approval of an additional story is "must have 75% parking under floor area". The citizens do not believe that the percentage numbers for parking vs storage on the other homes cited by staff are accurate. 460 Atlantic Blvd is more around 80% parking and 20% storage.

RETAINING WALLS

The developers decision to move the building to the bottom of the lot creates a structure that sits at an elevation of 82.5 feet from sea level. The park sits at 18 feet above sea level which means to reach a finished floor elevation of 33.5 you need 2-3 stacked walls that will be 15.5 feet in total height right next to the Town Hall park.

So, if you can visualize solid stacked walls that total almost 15' combined. Then the building starts at 33.5 feet (461 Venus, finished floor) and then towers up to a height of 49' above that so a total of 64' above the park. So now this massive development is sitting down at the bottom of Venus Drive and towers over Town Hall Park at 64 feet in the air! The look from Ocean Drive and the park and as you travel up the hill will be looking at a massive condo building. Please try to imagine that visually. As you drive down Ocean Drive you will see The Tower condominium on the beach side and this development at 461 on the west. It creates a canyon or tunnel effect because the development at 461 is as high as a 7 story condo building! Without a physical to-scale model of the neighboring houses from Ocean Drive to the west and including Surfside, Venus Drive, Town Hall Park, 460 Atlantic Blvd and Ocean Ridge it is very difficult to visualize these walls and the massive structure. The development will affect the ambience and visual quaintness of our town.

ELEVATION

Another infraction was incurred when the developer did not use the elevation numbers on the original survey but put the low elevations onto the Town Hall Park site (the two surveys with the numbers will be provided). The building's finished floor elevation should be lowered by at least another foot to match the elevation on the house at 460 Atlantic Blvd that sits on the same elevation lot. The original survey elevations should have been used because the original structures were torn down and additional fill dirt was brought in to absorb the void where the basements were. This added fill allowed the developer to present a higher elevation.

Just because a developer brings a design does not mean Council need to approve every aspect if it goes against our code even if town staff recommends it.

During this application process I would ask that you:

Make sure you have the correct Zoning Book that provides for the entire code for RMT at the next meeting. The tower section has been left out of some of the books and is a critical section to follow.

Refer to RMT and also the Appearance Criteria and Required Certiorari in Division 4 of the Zoning Book.

Here is a list of the problems with the new application.

Two towers when code book, verified by attorneys, clearly states "a tower" or one tower no matter what type of structure

Mass size and scaling, proportion and characteristics of the neighborhoods

Lower Elevations not shown on developers plan that would have set the building at 32.5 vs 33.5

Height of the walls are also massive and create an almost prison like look

Building is pushed away from natural hillside so entire building is out of the ground instead of a story being in the ground as seen on Surfside and Atlantic Blvd homes.

High walls next to our Town Hall Park

Parking verses Storage ratio

Reliance on staff to provide correct information resulted in the citizens hiring an attorney and filing a Writ of Ceratori against the town because the building had two towers and an extra story.....both illegal in our zoning codes. Under staffs direction in the previous application the building had 4 stories and a cupola and did not meet our zoning codes. This new plan now has 3 stories and a cupola but these same attorney's believe that the second tower is in violation of the zoning codes and the mass size and scaling are also in violation of the town's zoning codes

The developer is obviously trying to maximize their profit with the massive size of the building and incorporating a second tower. The developer will be gone in two years and will have pocketed their profits. The citizen's in the neighborhood and visitors to the Town Hall Park will have to look at this massive structure for decades.

Every time you drive down Ocean Drive you will see a condo size building towering above our park creating a canyon/tunnel look on Ocean Drive. This is not consistent with keeping our quaint small town charm.

This development will also affect and lower property values on all neighboring properties because it is massive and it will block views. But worse yet it will look like a

giant condo among all the nice homes. Staff will tell you you can't protect views but the code states you can't diminish property values either.

So the proportion, scale and massing compared to the surrounding developed properties can lower our property values. Just because 461 Venus might be able to sell this development at a high dollar value does not mean it would not devalue all the properties surrounding it! Devaluation is a criteria for not approving the structure.

It will affect the ambience and visual quaintness of our town.

Here are some options for the Council:

Send this application back to P&Z because P&Z was not given sufficient and accurate information. This also gives the citizens the opportunity to present to P&Z so that their recommendation to council can come from understanding all pertinent information. Council can have the developer submit a new plan that's compatible with the neighborhood.

Council can have the developer submit a new plan that's compatible with the neighborhood with only one tower and a finished floor of 32.5 set to the west of the property so that it is built into the side of the hill instead of protruding out of the ground. Council can require the developer to lower the finished floor elevation to match the lot to the north that is at 32.5, move to the west of the lot and to remove the two towers. This would allow for scale and massing to be adjusted downward to be compatible with the neighborhood. (This is the best scenario).

Since the development on this site is not compatible regarding size and massing as well as less than 75% parking, DO NOT allow an additional story so it becomes a two story structure. The overriding element here is that the structure is not compatible with neighborhoods. As you drive up Venus Drive the home to the south have one story out of ground. The home to the north has 2 stories out of the ground (the 2nd story is a partial story). This massive development which is not single family but 2 family will have 3 stories and a cupola which is another 10 ft structure so you can call it 4 stories. Even though the developer says they are under the maximum lot coverage (by a few percentages) it really has little bearing. The reality of this project is that the development on the north unit is 8,527 sq ft total and the south unit is 8,527. That is 17,054 total sq ft of building!

Only council can protect our town. This is one of the last very large if not the largest lot in town. We will look and drive by this massive development every day.

We want to keep Juno Beach the quaint small town that it is and that feel is part of what we love about Juno Beach.

Please stand by the citizens vision and look at this application through the eyes of the citizens and not staff and the developer. Please do not allow a massive structure to be developed right to Ocean Drive and our beautiful Town Hall Park!

It will effect the landscape of our community forever.

Thank you for your consideration,
Lew Wheeler

Provided by VMPT Davis
on September 24, 2025

To: Town Council, Town Manager, Town Attorney, Town Clerk

From: Diana Davis, Vice Mayor Pro Tem

Date: September 25, 2025

RE: Response to Mayor Wheeler's false and damaging personal attack by her accusation of malfeasance at the Town Council meeting on September 8, 2025

For clarity, I would like to reference *Robert's Rules of Order, Newly Revised (12th Edition)* (RONR) — the nationally recognized parliamentary authority that provides guidance to our Town Council. I am providing these citations so that the record reflects how failed motions are properly understood and how debate among members is to be conducted. I respectfully ask that these be entered into the record, so both Council and residents have confidence in the process we follow.

- **Failed Motion = Still a Vote**

- RONR (12th ed.) §4 – Handing of a Motion, summarized to provide that, *a vote is the expression of the will of the assembly, by voice, ballot, or other means, on a motion that has been put to a vote by the chair.*
- A failed motion is a recorded vote — it means the assembly **did not adopt** the proposal.

- **Failure ≠ Misconduct**

- RONR §43, Debate, – Debate and motions are the “*right of every member*” and an **essential duty** of elected representatives.
- Reporting on the outcome of a vote is not malfeasance — it is part of informing residents about Council action.

- **Status Quo in This Context = Draft Plan Moving Forward**

- RONR §4 – This section tells us that *If a motion is lost, the status quo is maintained.*
- In this case, the “status quo” was that the draft master plan — with the 90/10 overlay — continued moving forward toward finalization under the consultant's contract.
- Thus, the failure to reject 90/10 effectively signaled to consultant TCRPC, staff and developers that the draft remained on the table

- **Residents' Role in Deliberation**

- RONR §1:1 – 1:2 – Summarized as stating that *the deliberative assembly is a meeting of equals, where the rights of the minority are respected and the majority rules.*
- Citizen outcry and public engagement were legitimate forces in bringing the matter back and leading to the Council ultimately rejecting the 90/10 overlay.

- **Integrity of Council Members**

- RONR §61 Disciplinary Procedures, explains that *accusations of misconduct must be based on facts and properly handled; debate must focus on merits of the question, not personal attacks.*
- Accusing a Council member of malfeasance for reporting the parliamentary effect of a failed motion mischaracterizes the process and undermines civil debate.

“Under Robert’s Rules, a failed motion is still a vote, and reporting its effect is not misconduct. My duty is to inform residents about how Council actions affect them — that is not malfeasance, Madame Mayor Wheeler, that is representation.”