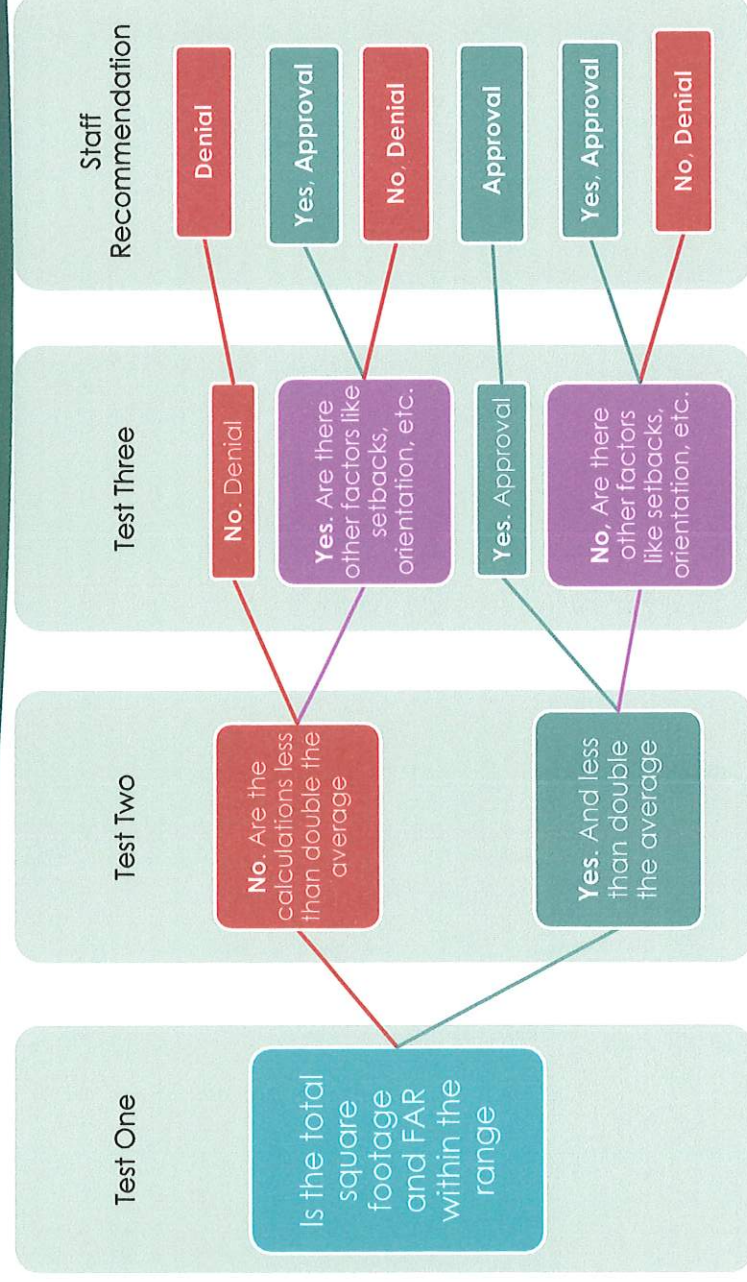


Provided by
UMPT Davis
on September 24, 2025

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

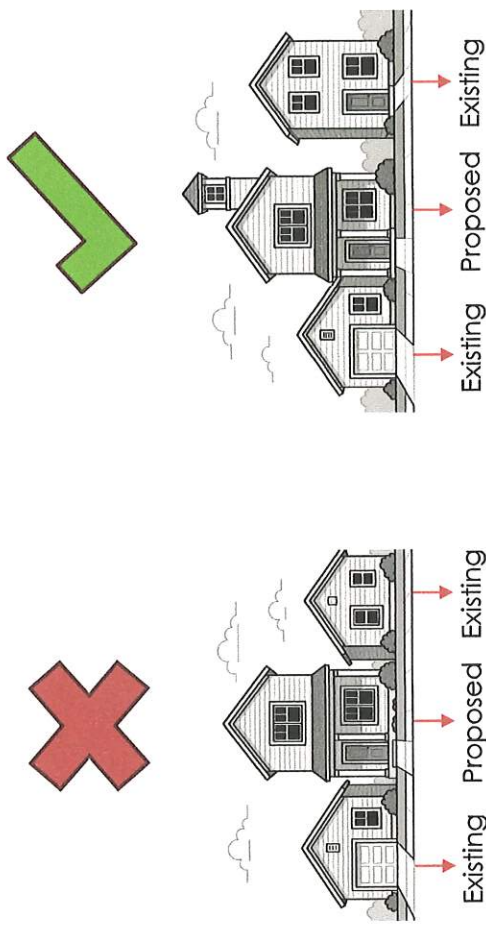
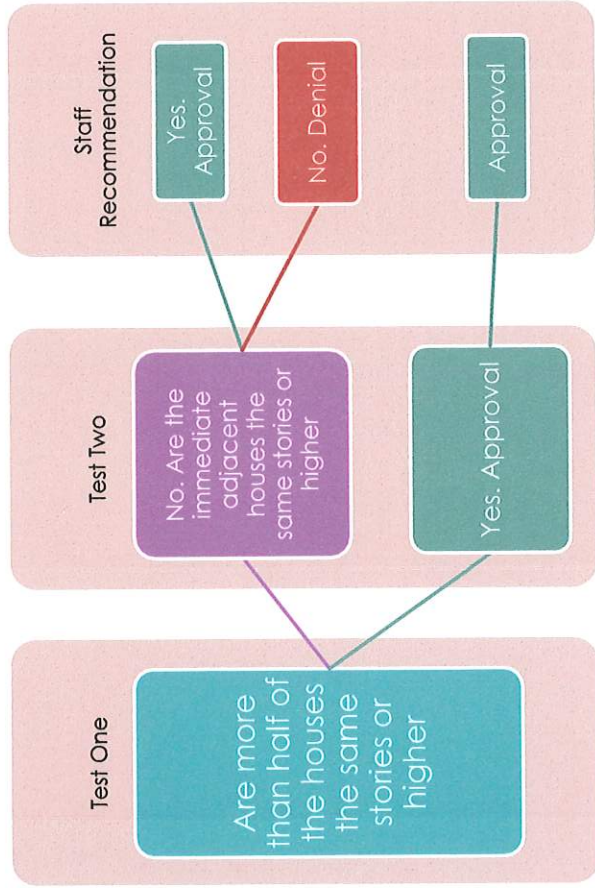
Is the scale within the allowable limits of 34-268? (Y-likely approve, go to 4; No – probable denial)

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.”