



Meeting Name: Planning and Zoning Board
Meeting Date: August 5, 2024
Prepared By: Davila, F. CFM.
Item Title: Resolution No. 2024-13 – Application for Development and Site Plan Review and Special Exception request – The Dunes at Juno Beach Development

BACKGROUND:

The subject property is composed of 2 different parcels located at the southwest corner of U.S. Highway One and Donald Ross Road. It is currently owned by Juno Square LLP and has a vacant bank with a drive-thru and parking in the easternmost portion of the parcel. The agent for the owner, Cotleur & Hearing, has submitted an application/petition for a project consisting of a Development and Site Plan Review and Special Exception request for a clustered single-family dwelling (townhouse) development that will feature 40 townhome units. The subject property is ±4.7 acres (after the 50' Cocanut Avenue ROW abandonment) and has a proposed future land use classification of Moderate Density Residential (MODR) and a zoning designation of Residential Multiple-Family – Moderate Density (RM-2).

Pursuant to Section 34-1333 of the Town Code, the applicant requested to classify the project as a Planned Unit Development (PUD), which provides for a special exception to develop the project with deviation(s) from certain development regulations. The purpose of the PUD classification, as set forth in Section 34-1328 of the Town Code, is to provide for a special exception to develop residential, commercial, and recreational uses in conformance with provisions and standards which ensure compatibility among all the land uses, foster innovation in site planning and development, and encourage sound design practices.

A. Project Data

The applicable Town Code requirements and the applicant's compliance with the requirements of the Residential Multiple-Family – Moderate Density (RM-2) zoning

district is summarized in the following table:

Residential Multiple-Family – Moderate Density Building Site Area Regulations (Townhouse, Cluster)		
	Required	Applicant's proposal
Minimum total area	20,000 sq. ft.	204,827 sq. ft. (4.7 ac + or -)
Minimum lot width	100 ft. total	618.45 ft. (approximately)
Minimum lot depth	150 ft.	229.56 ft. (approximately)
Maximum lot coverage	50%	18.00%
Building height	3 stories not to exceed 40 ft.	3 stories, 40 ft.
Density	12 dwelling units/gross acre	8.51 dwelling units per acre
Front yard setback	30 ft. from the street line (Donald Ross Road, US Highway 1, and Floral Drive).	41 ft. along Donald Ross Road. 217.6 ft. along US Highway 1. 41.1 ft. along Floral Drive
Side yard setback	35 ft. total with one side having a minimum of 15 ft. (West)	35 ft. adjacent to Juno Square Plaza. 35.3 ft. adjacent to Juno Dunes Natural Area
Rear yard setback	30 ft.	Not Applicable *
Ocean setback	50 ft. west of CCCL	Not applicable
Landscaped open space	15% of Lot Area	41%
Maximum building dimension	150 ft.	154 ft. **
Minimum building separation	30 ft.	22.5 ft. ***
Minimum floor space per dwelling unit	1-bedroom unit 1,000 sq. ft. habitable space. 2-bedroom unit 1,200 sq. ft. habitable space 3-(or more) bedroom unit 1,400 sq. ft. habitable space	2,263 sq. ft. of total living area
Maximum tower height	None, but must be in proportion with the rest of the building	Not Applicable
Maximum tower area	225 sq. ft.	Not Applicable
Minimum parking	**** 2 spaces per dwelling unit for the initial 20 units; 1.75 spaces for each from 21 through 50; 1.50 spaces for units 51 and more. In addition, one guest space shall be required for every 7 units.	4 spaces per unit (2 in driveway and 2 in garage) <u>160 townhome parking spaces.</u> <u>9 guest parking spaces</u> Total provided: 169 spaces <i>69 Shared Parking Spaces per agreement with Juno Square Plaza.*****</i>

* No boundary is being treated as a rear yard due to the lot being classified as both a through lot and a corner lot. All boundaries are being treated as either front or side yards.

** The applicant requested to use the Planned Unit Development Area Standard Modifications option to

exceed the maximum building dimension from 150 ft. to 154 ft. The Area Standard Modifications allows for up to 25% modification from the standard.

*** The applicant requested to use the Planned Unit Development Area Standard Modifications option to reduce the minimum building separation from 30 ft. to 22.5 ft. The Area Standard Modifications allows for up to 25% modification from the standard.

**** The standards used for parking were the standards established by the Town prior to the adoption of Ord. No. 785 as the Application for Development and Site Plan Review and Special Exception request for the Dunes at Juno Beach Development was submitted prior to approval of Ord. No. 785, and thus did not have to comply with the new standards for parking. Please note that although the applicant was following the previous parking criteria, the project meets the new parking standards as set by Ord. No. 785.

*****The shared parking agreement required 48 spaces to be provided with parcel 1 (subject site) to support Juno Square (retail) Plaza.

B. Development History:

The subject property was part of unincorporated Palm Beach County and was annexed into the Town in 1981 (Ordinance No. 236).

The subject property is located at 13951 U.S. Highway One and has been known as the Christmas Tree Lot due to its use as a seasonal retail location for the sale of Christmas Trees. At the east portion of the parcel is a vacant bank (4,173 sq. ft) with a drive-thru and parking (former location for Anchor Commercial Bank).

The Town has received several informal proposals for possible developments at the site over the years, including, but not limited to, a storage facility, an outdoor tennis club, a restaurant, medical facility, and a car wash.

Adjacent to the subject site is Juno Square Plaza, and both parcels are currently owned by Juno Square LLP. Juno Square Plaza is a retail plaza with approximately 20,652 total building square footage area. Juno Square Plaza contains two buildings with restaurants, offices, and retail. Due to the popularity of the Thirsty Turtle restaurant, in 2021-2022, the property owner applied for a special exception to add a take-out restaurant and as a condition of approval was required to add parking spaces to meet the Town's current parking requirements. In response to the condition, the owner agreed to create a shared parking agreement for both parcels, where parcel 1 (subject property/ Dunes at Juno Beach) was to provide 48 parking spaces within its property for the use of Juno Square Plaza.

C. Development Proposal:

The proposed residential plan proposes seven (7) 3-story buildings across the property, consisting of 40 townhome residential units with two (2) parking areas planned to serve as additional parking for the Juno Square (retail) Plaza, totaling 69 parking spaces. The parking component for the residential project includes 4 parking spaces per dwelling unit, (2 in the garage and 2 in the private driveways). There are 9 guest parking spaces. The total number of parking spaces for the residential component of the project is 169.

There are two entrances into the project – the main entrance is off Donald Ross Road (right in - right out), the second entrance is located off Floral Drive. The project proposes to eliminate an existing (westernmost) entrance off Floral Drive. The property will continue

to have an internal connection to the Juno Square Plaza on the easternmost portion of the project, the existing internal driveway connection is proposed to be upgraded.

D. Areas of Interest

The applicant requested to classify the project as a Planned Unit Development (PUD). The purpose of the PUD classification is to provide for a special exception to develop residential, commercial, and recreational uses in conformance with provisions and standards which ensure compatibility among all the land uses, foster innovation in site planning and development, and encourage sound design practices. Provisions are included for planned unit developments to permit establishment of areas in which diverse uses may be brought together in a compatible and unified plan of development which shall be in the interest of the general welfare of the public. Please note that Planned Unit Developments are treated as special exceptions in the RM-2 zoning district.

The purpose of the RM-2 Residential Multiple-Family—Moderate Density zoning district is to provide for a variety of housing types at a moderate population density which are compatible with neighboring housing areas of lower density. As a PUD, the Site Area Regulations applicable to the RM-2 zoning district may be permitted to be modified by 25 percent of the standard. The flexibility to the standards is intended to provide the necessary latitude for the developer to make creative and efficient use of the property.

As part of the project, the applicant requested to modify two of the RM-2 Site Area Regulations, to exceed the maximum building dimension and to reduce the minimum building separation.

The project is located along U.S. Highway One and Donald Ross Road, which serve as gateways to the Town. In order to foster quality development patterns and practices along these corridors, the Planning and Zoning Board and Town Council may consider modifications to the building site area regulations. The applicant’s detailed request for modifications is identified in the table below. As previously mentioned, the modification requests must be requested in the form of a special exception to the Town Council during Site Plan Review and shall be subject to any additional conditions necessary to address the Special Exception criteria.

Please note that no applicant shall be entitled to such modifications by right; rather, the applicant shall be required to demonstrate that the proposed project meets the requirements of a Planned Unit Development.

Planned Unit Development Area Standard Modifications			
	RM-2 Building Site Area Regulations	Modification Allowance	Applicant’s request
Maximum building dimension	<u>150 ft.</u> for all types of permitted principal structures.	25% of 150 ft. Maximum building dimension <u>187.5 ft.</u>	<u>154 ft.</u>
Distance between principal structures on same property	<u>30 ft.</u>	25% of 30 ft. Minimum distance between principal	<u>22.5 ft.</u>

		structures <u>22.5 ft.</u>	
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Within its statement of use, the applicant provides its opinion on how it complies with the Special Exception Criteria, specifics on the waivers being requested, and the public benefit the project provides (page 24-28).

DISCUSSION:

Section 34-116 of the Town Code provides that no construction may begin in any district prior to review and approval of the site plan and appearance by the Development Review Committee (DRC), the Planning and Zoning Board, and the Town Council.

The Development Review Committee (DRC) reviewed the proposed project on three different occasions, and moved the project forward once the Committee’s technical comments were addressed. Based on the DRC’s recommendation, Staff has determined that the application meets all technical requirements.

Below is the Planning and Zoning Staff’s determination of compliance with the Site Plan/Appearance Review Standards, regarding the proposed Site Plan/Special Exception **(in bold)**:

Site Plan Criteria:

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

As part of the applicant’s request, the FLUM is being changed from Commercial to Moderate Density Residential. The proposed change in land use creates an appropriate transition between neighboring properties and furthers the Town’s goals and objectives as set forth in the Town’s Comprehensive Development Plan.

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;

The proposed site plan provides efficient pedestrian and vehicular circulation. There are two ingress and egress points via Donald Ross Road (right in – right out), and Floral Drive. The location of the proposed access point on Donald Ross Road has been reviewed and approved by the Palm Beach County Department of Engineering and Public Works. The access point on Floral Drive is existing and no changes are being requested. The sidewalk on the U.S. Highway One will be replaced in its entirety, to include the area in front of Juno Square Plaza, with a 10 ft. meandering sidewalk, and the sidewalk on Donald Ross Road immediately adjacent to the project (not in front of the Juno Square Plaza) will also be replaced with a 10 ft. sidewalk. In addition, the applicant is proposing a new sidewalk on the north side of Floral Drive Right-of-Way (ROW). Finally, the project will continue to be connected internally to Juno Square Plaza, with both vehicular and pedestrian connections.

3. Has adequate provision for public services, including but not limited to access for police, fire and solid waste collection;

The Project has been reviewed by the Juno Beach Police Department and the Palm Beach County Fire Rescue Department to assure that adequate public services are provided. Waste Management has also indicated that it is able to service the proposed project.

4. Complies with the provisions of chapter 20, article III, regarding potable water, sanitary sewer, solid waste, drainage, recreation and open space, and road facilities;

On July 22, 2024, staff received a letter from Mr. Bryan Kelley, the Town's Engineer, approving the site plan and the preliminary engineering plans and traffic report for this project. In addition, Waste Management, the Loxahatchee River District, Palm Beach County Fire Rescue, the Juno Beach Police Department, and the Juno Beach Public Works Department have all reviewed the proposed plans to assure that the Town's Levels of Service as indicated in Article III of Chapter 20 of the Town Code are being met.

5. Is planned in accordance with natural characteristics of the land, including but not limited to slope, elevation, drainage patterns (low areas shall be used for lakes or drainage easements), natural vegetation and habitats, and unique physical features;

Most of the property was cleared prior to 1968 and remains vacant, and the easternmost portion of this parcel is currently developed (bank). The existing characteristics of the land have been taken into consideration by the applicant and the proposed project has been reviewed by the Town's Engineer to ensure all drainage patterns will not negatively impact the adjacent properties.

6. Preserves environmental features and native vegetation to the maximum extent possible, and complies with the Environmentally Sensitive Lands Ordinance;

As indicated above, most of the property was cleared prior to 1968, and the eastern portion of the site remains developed. The western portion of the site remains mostly clear of vegetation and maintained to date. There are approximately 50 +/- native trees present within the property with four inches diameter at breast height (DBH), and they range from poor to good condition, while some are invasive types. Due to the size of the project, approximately half of the overall trees will be removed, either due to their poor condition or being invasive to Florida (carrot woods).

As indicated in the Environmental Assessment Report, there are no wetlands or other surface waters identified in the property, and the subject property lacks the presence of any native upland habitat. There is low potential for the occurrence of state and/or federally listed wildlife species on the subject property. No listed wildlife species or signs of their presence were observed onsite.

7. Protects estuarine areas when concerning marina siting, drainage plans, alteration of the shoreline, provisions for public access and other concerns related to water quality and habitat protection;

There are no estuarine areas within the subject property.

8. Complies with all sections of this chapter:

If approved by the Planning and Zoning Board and Town Council, staff has proposed conditions of approval designed to alleviate or minimize any negative or secondary impacts to the surrounding areas.

Appearance Review:

1. Is of an architectural style representative of or reflecting the vernacular of Old Florida style which is indigenous to the town and which is commonly known and identified by its late Victorian (Key West Cracker), Spanish revival (Mediterranean), Modern (early to mid-20th century), or combination thereof style of architecture. Summarized briefly, common features of the vernacular of Old Florida style that identify the Victorian (Key West Cracker), and Spanish revival (Mediterranean) architectural style include wood or concrete block with stucco siding; simple pitched roofs; tile, metal, or asphalt roofs; ornate details such as but not limited to exposed soffits, individualized vent and louver shapes, reliefs, and detailed window and door treatments; lush landscaping with private yards; and use of porches, balconies and patios. Common features of the vernacular of Old Florida Style that identify the Modern (early to mid-20th century) architectural style include clean geometric lines, often at right angles; an emphasis on function; materials such as glass, steel, iron, and concrete; and the use of natural light through large and expansive windows.

The proposed architecture style for the Dunes at Juno Beach Townhomes is a Key West Cracker.

Key architectural features include:

- **Low-pitched metal roofs with a main-body roof pitch of 5:12**
- **Wide porch overhangs with extensive use of outlookers and/or rafter tails on all facades for definition and embellishment**
- **Deep 1st floor porches**
- **Decorative 1st and 2nd floor balcony railings**
- **Diverse windows with a vertical emphasis**
- **1st and 3rd floor lap siding**
- **Vibrant louvered awnings and decorative shed roofs**
- **Two-stepped banding for enhanced facades**
- **Vertical grids and detailing on all windows and doors**

The proposed color palette matches the architectural style being proposed.

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.

The proposed project is located within a predominant business corridor along U.S. Highway One and Donald Ross Road. The zoning districts included in the corridors consist of the Commercial General (CG) zoning district, which is the most intense zoning district (height and density) in the Town.

The adjacent shopping plazas range from one to two stories in height (Juno Square Plaza, Park Place, Plaza la Mer). The Caretta project is five stories. The Holiday Inn Express contains buildings at different heights, ranging from one to three stories. The single-family homes located at New Palm Beach Heights range from one story to two stories. All these projects were built before the Town adopted the current definition of the term harmony.

The Dunes at Juno Beach project is proposing a design that, in the staff's opinion, meets all the aspects for the term harmony.

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.

The project is designed with no external elevator shafts or stairwells. Mechanical equipment will be screened from the public view.

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.

The proposed site plan indicates the use of accessory features such as light fixtures, benches, litter containers, and bicycle racks. The accessory structures are compatible with the proposed architectural style.

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 through the use of architectural treatments as described in these criteria.

The proposed buildings are 3 stories tall and 40 ft. in height. The building dimensions range from 88 ft. to 154 ft. making the building appear more horizontal rather than vertical.

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

The applicant indicates that mechanical equipment is in the rear of each townhome unit (adjacent to the driveway). All mechanical equipment is set to be screened from public view.

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

With conditions imposed, staff and the applicant will ensure compliance with community appearance standards.

Special Exception Request:

The applicant requested to classify the project as a Planned Unit Development (PUD) to use the flexibilities the PUD designation provides (25% of the standard). The flexibility to the standards is intended to provide the necessary latitude for the developer to make creative and efficient use of the property.

As part of the project, the applicant requested to modify two of the RM-2 Site Area Regulations, to exceed the maximum building dimension and to reduce the minimum building separation.

The modification requests must be requested in the form of a special exception to the Town Council during Site Plan Review and shall be subject to any additional conditions necessary to address the Special Exception criteria.

Please note that no applicant shall be entitled to such modifications by right; rather, the applicant shall be required to demonstrate that the proposed project meets the requirements of the Planned Unit Development.

Before taking action on any special exception request, the Planning and Zoning Board/Town Council shall make written findings of fact addressing the issue of whether the requirements of Section 34-93 have been met.

Below is the Planning and Zoning Staff's determination of compliance with the additional criteria as set within Section 34-93 (**staff's response in bold**):

a. Provide for ingress and egress to the property and structures with particular reference to automotive and pedestrian safety and convenience, traffic flow and access in case of fire or catastrophe;

The proposed site plan provides efficient pedestrian and vehicular circulation. There are two ingress and egress points, via Donald Ross Road (right in – right out), and

Floral Drive. The location of the proposed access point on Donald Ross Road has been reviewed and approved by the Palm Beach County Department of Engineering and Public Works. The access point on Floral Drive exists and no changes are being requested. The sidewalk on the US Highway 1 will be replaced in its entirety with a 10 ft. meandering sidewalk, and the sidewalk on Donald Ross Road immediately adjacent to the project (not in front of the Juno Square Plaza) will also be replaced with a 10 ft. sidewalk. In addition, the applicant is proposing a new sidewalk on a portion of the Floral Drive ROW (north side). Finally, the project will continue to be connected internally to Juno Square Plaza, with both vehicular and pedestrian connections.

b. Provide for parking and loading areas, refuse and service areas, with particular attention to subsection (4)a of this section and to their effects on surrounding property;

This project is entirely residential, there are no refuse or service areas. The applicant carefully designed the location of the parking area that is planned to serve Juno Square Plaza. In the easternmost section of the parcel, the parking area is located immediately adjacent (North and South) to commercial plazas and in the East to US Highway One.

c. Provide for screening and buffering with respect to type, dimensions and location;

The applicant has provided special attention to the perimeter of the lot, and the proposed landscape provides a healthy buffer between the project and the residences to the south.

d. Provide for signs, if any, and proposed lighting;

Signs are being proposed at both entrances of the project, and the site plan contains a detailed depiction of the signs. The lighting plan has been reviewed by the Town's Engineer to confirm its compatibility with the adjacent uses (Residential and Environmental Sensitive Lands).

e. Provide for required yards and other open space;

All required yard regulations are being met; the landscape open space percentage provided is 41% (minimum requirement is 15%).

f. Not adversely affect the public interest;

The staff has reviewed this proposal, and other than the request to abandon the 50'-wide Coconut Avenue ROW, this project would not adversely impact the public interest. In 2020, the Town of Juno Beach provided permission for PBC ERM to use the ROW as means of egress and ingress. Please note that the applicant has been working with Palm Beach County Environmental Resources Management (PBC ERM) to address their concerns regarding the egress and ingress into the Juno Dunes

Natural Area.

g. Comply with specific requirements governing the special exception requested;

If approved, the Planning and Zoning staff will impose reasonable conditions of approval that will limit any adverse impacts the project may create upon the surrounding areas.

h. with conditions and safeguards attached, be generally compatible with adjacent properties and or property within the district;

The proposed project is compatible and provides an appropriate transition with the adjacent properties.

i. Not generate excessive noise or traffic;

No excessive noise will be created with this development; the propose use is less intense than potentially any commercial use that may have been built in its place. Additionally, the traffic statement (submitted with this application) states that there will be an insignificant impact on the existing roadway network. Please refer to the TPS Letter issued by Palm Beach County and included in this application. During the construction phase, staff is proposing to impose reasonable conditions of approval that will limit any adverse impacts the project may create upon the surrounding areas.

j. Not tend to create fire, disease or other equally or greater dangerous hazard;

The proposed development will not tend to create any dangerous hazards.

k. be in harmony and compatible with the present and/or future developments of the area concerned;

Due to the existing commercial and residential zoning districts around the property, the proposed development will create a harmonious transition between all uses.

l. Conserve the value of buildings and encourage the most appropriate use of the land and water;

The applicant is proposing the most appropriate use for the land given its location.

m. Provide adequate light and air;

The height of the proposed buildings is within the limits of the Town's RM-2 Zoning Code, thus allowing adequate light and air to be provided to the adjacent properties.

n. Promote such distribution of population and such classification of land uses,

development and utilization as will tend to facilitate and provide adequate provisions for public requirements, including but not limited to transportation, water flowage, water supply, drainage, sanitation, educational opportunities, and recreation;

With the site plan submittal, the applicant's project team solicited letters of understanding from the applicable agencies/authorities (Town of Jupiter Utilities Department, Loxahatchee River District, Palm Beach County Environmental Resources Management, Palm Beach County Traffic Division, etc.) to ensure that this development will not negatively impact the area and can receive services. As it relates to educational opportunities, the applicant has informed the Palm Beach County School District of their intent to develop the property and has been notified that no adverse impacts to the school system are anticipated with this development. In addition, there are recreational opportunities near this site with Loggerhead Park, Juno Beach Park, Ocean Cay Park, the Juno Dunes Natural Area, and the Atlantic Ocean beach located within walking distance.

o. Conform to the character of the district and its peculiar suitability for particular uses;

The site is currently vacant and has periodically served as a Christmas Tree Lot. The proposed project provides for appropriate transition between existing uses.

p. Be consistent with the needs of the town for land areas for specific purposes to serve the population and economic activities;

Prior to this submittal, the applicant conducted a workshop with the public to discuss the proposed project. The Town by design is mainly residential, and the proposed project will increase the Town's total residential area.

q. Protect the tax base; and not create a financial burden on the town;

With this submittal, the applicant has indicated that this development will not create a financial burden on Juno Beach and will enhance the Town's tax base by improving the long dormant land.

r. Not be disruptive to the character of neighborhoods nor adverse to playgrounds, parks, schools, and recreation areas; nor adverse to the promotion of the public health, safety, comfort, convenience, order, appearance, prosperity, or general welfare.

The applicant has worked with all the applicable agencies and residents to ensure that the development will not create a negative impact on the Town of Juno Beach.

The proposed project is of reasonable, compatible use within the proposed Residential Multiple-Family – Moderate Density (RM-2) zoning district. The application is consistent with Staff's review of the project during the DRC review process. Based on Staff's and the DRC's review of the proposed project, Planning and Zoning Staff recommends that the Planning and Zoning Board review the project considering the applicable criteria for Site

Plan Review and for Special Exception review and provide a recommendation to the Town Council. If the Board recommends approval, Town staff requests that the project be subject to the conditions outlined below:

1. The Applicant shall comply with all requirements of Jupiter Utilities and Loxahatchee River District for water and sewer services.
2. The Applicant shall submit final civil engineering and utility/water management plans to the Town Engineer and the applicable utility providers prior to any land clearing or grading. The Applicant shall obtain all necessary surface water management permits and water use permits from the South Florida Water Management District and the Department of Environmental Protection. Additionally, the Applicant shall create all easements required by the utility providers and the permitting agencies.
3. To the extent not in existence, the Applicant shall execute appropriate Developer Agreements with utility service providers to reserve water and wastewater service capacity prior to the filing of any Building Permit application.
4. The Applicant shall adhere to the Town's Community Appearance Standards, as set forth in Sections 34-1302 through Section 34-1307 of the Town Code of Ordinances. If these standards cannot be met, the Applicant shall supply the Town with the necessary funds to provide the required infrastructure and incorporate such standards. The amount necessary to meet these standards shall be reviewed and approved by the Town Engineer/Landscape Architect. All areas of landscaped open space or improvements along any vehicular or pedestrian access, as well as maintenance of slope, vegetation and walkways associated with this project shall be perpetually and appropriately always maintained by the applicant and its successor(s) in interest.
5. The Applicant shall submit architectural elevations for any additional accessory structures to the Planning & Zoning Director for review and approval prior to the filing of any Building Permits applications.
6. The Applicant shall post sufficient surety for all infrastructure, landscaping, and public improvements by letter of credit, or some other adequate form of surety approved by the Town Attorney prior to any land clearing activities or filing of any building permit application. The Town Engineer and the Planning and Zoning Director shall determine the appropriate sum of such surety. The Applicant shall also provide the required deposit for site plan and project review in the amount of \$2,000.00 in accordance with existing Town policy.

7. The Applicant shall screen all utility/mechanical equipment features as required by Section 34-908 of the Town Code of Ordinances.
8. The Applicant shall minimize all off-site lighting impacts to adjacent properties to the south, west, east, and north sides of the project and shall adhere to the Town's adopted Turtle Protection Ordinance. A nighttime inspection of the property will be required prior to obtaining a Certificate of Occupancy.
9. In accordance with Section 34-1332 of the Town Code, approval of the development shall be valid for two years from the date of such approval. If the applicant has not commenced development within two years, this approval shall become null and void. For the purposes of this condition, "commencement and development" shall mean receipt of a validly issued building permit and first building inspection approval for a minimum of one principal structure or completion of 25 percent of the total cost of the infrastructure (water, sewer, roads, and drainage) on the site. Infrastructure costs for the project shall be reviewed and approved by the Town Engineer prior to final approval if the engineering plans.
10. As required by Section 6-24 of the Town Code (amendments to Chapter 1 of the Florida Building Code), a building permit for a project larger than 10,000 square feet in size or greater shall become invalid unless the work authorized by such permit is commenced and completed within thirty-six (36) months after the issuance of permit.
11. The property shall be replatted and the plat shall be recorded prior to the issuance of any building permit. The plat shall include all required easements, including the easement providing Palm Beach County Environmental Resources access to the Juno Dunes Natural Area, and the use of the 69 parking spaces for the benefit of Juno Square Plaza.
12. The Applicant shall include within the Homeowner's (or Property Owner's) Association (HOA) documents language that specifies the maintenance responsibility for the parking areas (69 total parking spaces) that are part of the shared parking agreement with Juno Square LLP, Juno Square Plaza. The applicant shall submit all HOA documents to the Town Attorney for review and approval prior to building permit submission for vertical construction. These documents must be approved and recorded prior to the issuance of the first certificate of occupancy and the Applicant shall bear the costs of legal review.
13. The Applicant shall first complete perimeter screening of the construction site to maintain acceptable visual impacts during the construction phase of the project and shall comply with all OSHA and other applicable minimum safety requirements for

- perimeter treatments during demolition activities and throughout construction of the project.
14. Prior to the filing of any building permit application, the Applicant shall commission a gopher tortoise survey meeting all Florida Fish and Wildlife Conservation Commission requirements and take all remedial actions, if any, required as a result of the survey.
 15. In accordance with Section 34-1084 of the Town Code, the Applicant shall notify the Town three weeks prior to the removal of native vegetation from the Property.
 16. The Applicant shall meet the Florida Department of Environmental Protection (FDEP) standards for Best Management Practices for Stormwater, Erosion and Sedimentation Control.
 17. The Applicant shall adhere to the Town's Construction Site Standards, as set forth in Sections 6-109 of the Town Code of Ordinances, included but not limited to, conditions of the Right-of-Way, parking of vehicles within the site or on the adjacent Right-of-Way, proposed road closures, wind mitigation, and erosion control, screening of toilet facilities, and use of generators and temporary power.
 18. All areas of landscaped open space or public or private improvements along any vehicular or pedestrian access, as well as maintenance of slope, vegetation and walkways associated with this project (including the ROW), shall be perpetually and appropriately maintained by the Applicant and its successor(s) in interest. The maintenance of landscape material below or near power lines shall be the responsibility of the Applicant and its successor(s). The applicant shall submit all HOA documents to the Town Attorney for review and approval prior to building permit submission for vertical construction. These documents must be approved and recorded prior to the issuance of the first certificate of occupancy and the Applicant shall bear the costs of legal review.
 19. The Applicant shall use Donald Ross Road, U.S. Highway One, and the easternmost entrance of Floral Drive as means of ingress and egress to the construction site. No construction vehicles shall use the roads (Cocoanut Avenue, Oleander Avenue, or Park Street) within the New Palm Beach Heights neighborhood.
 20. The Applicant shall conduct construction vibration monitoring at the perimeter of the construction site. A pre-construction meeting with the Town's Building Official and Code Enforcement Officer is required prior to the issuance of any building permit.
 21. Prior to the Town Council meeting, the Applicant shall submit an updated

- landscape plan addressing Palm Beach County Department of Environmental Management (PBC ERM) comments regarding the location of a vinyl fence located in the eastern boundary outside of the access easement granted to PBC ERM, and the replacement of existing vegetation at the south end of the access easement with a native species that is satisfactory to PBC ERM and the Town.
22. The Applicant shall provide written confirmation from Juno Square LLP, owners of Juno Square Plaza, that it will be responsible for the ongoing maintenance of proposed landscape improvements within their property.
 23. The Applicant shall adhere to Section 12-127 of the Town Code, Permissible Time for Construction Activity. Due to the proximity of single-family homes, there shall be no deviation from the standard construction hours of Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. and Saturday between the hours of 9:00 a.m. and 5:30 p.m.
 24. In granting this approval, the Town relied upon the oral and written representations of the Applicant both on the record and as part of the application process. Any deviations from such representations will be addresses in accordance with Sections 34-34 and 34-35 of the Town Code.
 25. The applicant shall provide all approved plans in digital form prior to Building Permit submission.

Staff Recommendation

Staff recommends that the Planning and Zoning Board provide a recommendation to the Town Council for the request of an Application for Development and Site Plan Review and Special Exception request for The Dunes at Juno Beach Development.

Attachments:

1. Resolution 2024-13
2. Development and Site Plan Application with backup material