

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6

WHEREAS, the Town Council has received and reviewed an application from Home Company LLC (“Applicant”) to develop a parcel of property approximately acres in size, as more particularly described in Exhibit “A” attached hereto and recited herein (“Property”), as a Planned Unit Development special exception to be known as The Dunes at Juno Beach (“Project”); and

WHEREAS, having considered the recommendation of the Planning and Zoning Board, the Town Council has determined that the application meets all applicable Comprehensive Plan and Town Code requirements, including Section 34-93 of the Town Code of Ordinances, and seeks to approve a Planned Unit Development special exception for the construction of seven (7) three-story buildings with forty (40) townhome units in accordance with the development plans submitted to the Town; and

WHEREAS, the Town Council determines that the approval of this Resolution is in the best interests of the residents of the Town of Juno Beach.

Section 1. The foregoing recitals are hereby ratified as true and correct and are incorporated herein.

Section 2. The Town Council hereby approves a Planned Unit Development special exception for seven (7) three-story buildings with forty (40) townhome units for a project to be known as The Dunes at Juno Beach on property more particularly described in Exhibit "A" attached hereto and incorporated herein. Said Planned Unit Development

1 shall be constructed in accordance with the development plans submitted by the Applicant
2 and on file with the Town.

3
4 **Section 3.** The Town Council's approval of the site plan is expressly subject to
5 the following conditions:

- 6
7 1. The Applicant shall adhere to the conditions of approval provided by the
8 Loxahatchee River District and the Town of Jupiter Water Utilities.
9
- 10 2. The Applicant shall submit final civil engineering and utility/water
11 management plans to the Town Engineer and the appropriate utility
12 providers for review and approval prior to any land clearing or grading
13 activities. The Applicant shall obtain all necessary surface water
14 management permits, water use permits and NPDES permits from the
15 appropriate governmental agencies and shall adhere to all requirements
16 thereof. All necessary easements shall be subject to all requirements and
17 conditions imposed by such agencies.
18
- 19 3. To the extent not already in existence, the Applicant shall execute
20 appropriate Development Agreements with utility service providers to
21 reserve water and wastewater service capacity prior to the filing of any
22 building permit application.
23
- 24 4. The Applicant shall adhere to the Town's Community Appearance
25 Standards, as set forth in Section 34-1302 through 34-1307 of the Town's
26 Code of Ordinances. If these standards cannot be met, the Applicant shall
27 supply the Town with the necessary funds to provide the required
28 infrastructure and incorporate such standards. The amount necessary to
29 meet these standards shall be reviewed and approved by the Town
30 Engineer. All areas of landscaped open space or improvements along any
31 vehicular or pedestrian access, as well as maintenance of slope, vegetation,
32 and walkways associated with this project shall be perpetually and
33 appropriately maintained by the Applicant and its successors in interest.
34
- 35 5. The Applicant shall submit architectural elevations for any accessory
36 structures to the Planning and Zoning Director for review and approval prior
37 to the filing of any building permit application
38
- 39 6. The Applicant shall post sufficient surety for all infrastructure and
40 landscaping improvements by letter of credit or some other adequate form
41 of surety approved by the Town Attorney prior to any land clearing activities
42 or the filing of any building permit application. The Town Engineer and the
43 Planning and Zoning Director shall determine the appropriate amount of

1 such surety. Additionally, the Applicant shall provide the required deposit
2 for site plan and project review/approval (\$2,000.00) in accordance with
3 Town policies and procedures.
4

5 7. The Applicant shall screen all utility/mechanical equipment features as
6 required by Section 34-908 of the Town Code of Ordinances.
7

8 8. The Applicant shall minimize all off-site lighting impacts to the adjacent
9 properties to the north, south, east, and west and shall adhere to the Town's
10 adopted Turtle Protection Ordinance. A nighttime inspection of the Property
11 will be required prior to the Town's issuance of a Certificate of Occupancy.
12

13 9. In accordance with Section 34-1332 of the Town Code of Ordinances,
14 approval of the Project shall be valid for two years from the date of such
15 approval. If the Applicant has not commenced development within two
16 years, this approval shall become null and void. For the purposes of this
17 condition, "commencement and development" shall mean receipt of a
18 validly issued building permit and first building inspection approval for a
19 minimum of one principal structure or completion of twenty-five percent
20 (25%) of the total cost of the infrastructure (water, sewer, roads, and
21 drainage) on the site. Infrastructure costs for the project shall be reviewed
22 and approved by the Town Engineer prior to final approval if the engineering
23 plans.
24

25 10. As required by Section 6-24 of the Town Code of Ordinances (Amendments
26 to Chapter 1 of the Florida Building Code), a building permit for a project
27 larger than 10,000 square feet in size or greater shall become invalid unless
28 the work authorized by such permit is commenced and completed within
29 thirty-six (36) months after the issuance of permit.
30

31 11. The property shall be replatted and the plat shall be recorded prior to the
32 issuance of any building permit. The plat shall include all required
33 easements, including the easement providing Palm Beach County's
34 Department of Environmental Resources access to the Juno Dunes Natural
35 Area, and the use of the sixty-nine (69) parking spaces for the benefit of
36 Juno Square Plaza.
37

38 12. The Applicant shall include within the Homeowner's (or Property Owner's)
39 Association ("HOA") documents language that specifies the maintenance
40 responsibility for the parking area (69 total parking spaces) that are part of
41 the shared parking agreement with Juno Square LLP, Juno Square Plaza.
42 The applicant shall submit all HOA documents to the Town Attorney for
43 review and approval prior to building permit submission for vertical

1 construction. These documents must be approved and recorded prior to the
2 issuance of the first Certificate of Occupancy, and the Applicant shall bear
3 the costs of legal review.
4

- 5 13. The Applicant shall first complete perimeter screening of the construction
6 site to maintain acceptable visual impacts during the construction phase of
7 the Project and shall comply with all OSHA and other applicable minimum
8 safety requirements for perimeter treatments during demolition activities
9 and throughout the construction of the Project.
10

- 11 14. Prior to the filing of any building permit application, the Applicant shall
12 commission a gopher tortoise survey meeting all Florida Fish and Wildlife
13 Conservation Commission requirements and take all remedial actions, if
14 any, required as a result of the survey.
15

- 16 15. In accordance with Section 34-1084 of the Town Code of Ordinances, the
17 Applicant shall notify the Town three (3) weeks prior to the removal of native
18 vegetation from the Property.
19

- 20 16. The Applicant shall meet the Florida Department of Environmental
21 Protection ("FDEP") standards for Best Management Practices for
22 Stormwater, Erosion and Sedimentation Control.
23

- 24 17. The Applicant shall adhere to the Town's Construction Site Standards, as
25 set forth in Section 6-109 of the Town Code of Ordinances, included but not
26 limited to, conditions of the Right-of-Way, parking of vehicles within the site
27 or on the adjacent Right-of-Way, proposed road closures, wind mitigation,
28 and erosion control, screening of toilet facilities, and use of generators and
29 temporary power.
30

- 31 18. All areas of landscaped open space or improvements along any vehicular
32 or pedestrian access, as well as maintenance of slope, vegetation and
33 walkways associated with the Project, shall be perpetually and
34 appropriately maintained at all times by the Applicant and the successor
35 Homeowner's (or Property Owner's) Association ("HOA"). The Applicant
36 shall submit all HOA documents to the Town Attorney for review and
37 approval prior to building permit submission for vertical construction. These
38 documents must be approved and recorded prior to the issuance of the first
39 Certificate of Occupancy, and the Applicant shall bear the costs of legal
40 review.
41

- 42 19. The Applicant shall use Donald Ross Road, U.S. Highway One, and the
43 easternmost entrance of Floral Drive as means of ingress and egress to the

1 construction site. No construction vehicles shall use the roads (Cocoanut
2 Avenue, Oleander Avenue, or Park Street) within the New Palm Beach
3 Heights neighborhood.
4

5 20. The Applicant shall conduct construction vibration monitoring at the
6 perimeter of the construction site. A pre-construction meeting with the
7 Town's Building Official and Code Enforcement Officer is required prior to
8 the issuance of any building permit.
9

10 21. Prior to the Town Council meeting, the Applicant shall submit an updated
11 landscape plan addressing Palm Beach County Department of
12 Environmental Management ("PBC ERM") comments regarding the location
13 of a vinyl fence located in the eastern boundary outside of the access
14 easement granted to PBC ERM, and the replacement of existing vegetation
15 at the south end of the access easement with a native species that is
16 satisfactory to PBC ERM and the Town.
17

18 22. The Applicant shall provide written confirmation from Juno Square LLP,
19 owners of Juno Square Plaza, that it will be responsible for the ongoing
20 maintenance of proposed landscape improvements within their property.
21

22 23. The Applicant shall adhere to Section 12-127 of the Town Code,
23 Permissible Time for Construction Activity. Due to the proximity of single-
24 family homes, there shall be no deviation from the standard construction
25 hours of Monday through Friday between the hours of 7:00 a.m. and 6:00
26 p.m. and Saturday between the hours of 9:00 a.m. and 5:30 p.m.
27

28 24. In granting this approval, the Town Council relied upon the oral and written
29 representations of the Applicant both on the record and as part of the
30 application process and such representations shall be binding on the
31 Applicant and are expressly incorporated into this Resolution.
32

33 25. The Applicant shall provide all approved plans in digital form prior to the
34 filing of any building permit application.
35

36 **Section 4.** Should the Applicant fail to meet the conditions of approval set forth
37 in Section 3 of this Resolution, this approval shall be revoked and no additional work shall
38 proceed on site until such time as this Resolution is renewed or amended by the Town
39 Council. The conditions of approval shall be binding on the Applicant and its successors
40 and assigns and violation of such conditions shall constitute a violation of the
41 development approval, which may be enforced by the Town as set forth in the Town Code
42 of Ordinances or as otherwise authorized by law.
43

