



**Meeting Name:** Planning and Zoning Board

**Meeting Date:** August 5, 2024

**Prepared By:** Davila, F. CFM.

**Item Title:** Rezoning Request by Juno Square LLP – The Dunes at Juno Beach

### **Background**

Coutler and Hearing (Agent) has submitted a petition on behalf of Juno Square LLP (Owner) requesting to amend the Town of Juno Beach’s Zoning Map for a parcel under the ownership of Juno Square LLP and one public right of way (the Cocoanut Avenue ROW). A copy of the petition is attached and labeled as “Attachment I,” along with a copy of a map identifying the location of the parcel labeled as “Attachment II.”

The existing 4.32-acre subject site, known as “Juno Square,” is located at the southwest intersection of Donald Ross Road and U.S. Highway One at 13951 U.S. Highway One in the Town of Juno Beach. It presently consists of one parcel with a Parcel Control Number (PCN) of 28-43-41-28-10-007-0111. This parcel retains the Town of Juno Beach FLU classification of Commercial (COM), and a zoning district designation of Commercial General (CG). Juno Square is part of the Juno Square Commercial Plaza located at 13955 U.S. Highway One and currently contains a vacant building (former location for Anchor Commercial Bank), parking, and a shared driveway.

Along with the rezoning request, the owner has also requested to amend the Town’s Future Land Use Map and for the Town to abandon the 50’-wide Cocoanut Avenue ROW (previous applications). The Cocoanut ROW contains approximately .3789 acres and, if abandoned, the ROW will be incorporated into the property owned by Juno Square LLP, creating a new total site area of 4.70 acres. The applicant is proposing to rezone the parcel from the Commercial General (CG) zoning district to the Residential Multiple-Family – Moderate Density (RM-2) zoning district with a Planned Unit Development overlay (if the special exception request is approved).

The following table outlines site information in relation to each parcel that is part of the proposed rezoning request.

Table 1.

PCN	Owner Information	Address	FLU	Zoning	Area
28-43-41-28-10-007-0111	Juno Square LLP	13951 US Highway 1	COM	CG	4.32 AC.
Cocoanut Av. ROW	Town of Juno Beach	Unassigned	N/A	N/A	0.378 AC.
<b>Total</b>					<b>4.7 AC.</b>

The following is a summary of the uses surrounding the subject site.

Table 2.

	FLU	Zoning	Existing Use
North	Commercial (COM)	Commercial Office (CO)	Under Construction (mixed-use)
South	Low Density Residential (LDR), up to 5 Units Per Acre. Commercial (COM)	Residential Single-Family (RS-5), Residential Duplex (R-DUP), and Commercial General (CG)	Single Family Residential and Commercial Plaza
East	Commercial (COM)	Commercial General (CG)	Restaurant, Commercial Plaza, and Hotel
West	Low Density Residential (LDR), up to 5 Units Per Acre. Conservation (CON)	Residential Single-Family (RS-5), Environmental Sensitive Land (ESL)	Single Family Residential, and Preserve

## **Discussion**

The applicant submitted the following as justification for this request.

The project proposes 40 townhome units within the 4.70-acre parcel. To do so, the applicant is proposing to down-zone the property from Commercial General (CG) to Residential Multiple-Family-Moderate Density (RM-2) and amend the Future Land Use Map from Commercial (COM) to Moderate Density Residential (MODR), thus allowing a transitional density for the site, given its location to the single-family subdivision (Palm Beach Heights) located to the south. It should be noted that the maximum permitted density within this site is 56 units, however, the applicant's proposal of 40 total units is significantly less than the maximum permitted.

### **Staff Analysis:**

The subject parcels for this Rezoning total approximately 4.7 acres and if approved by the Board and the Town Council, will be assigned a zoning designation of Residential Multiple-Family – Moderate Density (RM-2).

Based on the proposed Zoning Map amendment, Staff requests that the Board and the Town Council review the criteria set forth in Section 34-142 of the Town Code of Ordinances. The criteria for consideration of a proposed Zoning Map Amendment include, but are not limited to, the following (staff's responses are in **bold**, the applicant has provided their responses within their Statement of Use):

- The proposed change is consistent with the established land use pattern.

**Staff Response:** As part of the applications submitted by the applicant, the existing land use is also being changed to match the new proposed residential use. The existing parcel is immediately adjacent to and connected to the Juno Square Plaza (to the north and east of the subject parcel), and to single-family homes, duplexes, and a commercial plaza (to the south). The proposed zoning designation of RM-2 will create an appropriate transition between the adjacent commercial and residential (low density) zoning districts. Therefore, the proposed zoning amendment will be consistent with the existing land use pattern adjacent to the sites proposed for land use and rezoning.

- The proposed change would create a related district to adjacent and nearby districts;

**Staff Response:** The proposed amendment would create a related zoning district that emphasizes a sensible transition between existing zoning districts.

- The proposed change would naturally alter the population density pattern and thereby reasonably maintain, or concurrently increase the availability of public facilities such as utilities, streets, etc.

**Staff Response:** The current CG zoning district allows a maximum of 18 dwelling units per acre for mixed-use projects (most intense residential use), whereas the proposed zoning district (RM-2) allows a maximum of 12 dwelling units per acre for townhouse projects. The proposed amendment does not negatively alter the population density pattern and therefore would not require the need for additional public facilities.

- The proposed change would be consistent with the comprehensive plan;

**Staff Response:** The proposed rezoning change will be consistent with the proposed Moderate Density Residential (MODR) FLU. The proposed change is also consistent with the Future Land Use and Housing elements of the Town's Comprehensive Development Plan.

- Changed or changing conditions make the passage of the proposed amendment necessary;

**Staff Response:** The proposed rezoning request is required for the applicant to achieve 100% residential use within the subject property. Otherwise, under the existing CG zoning district, the applicant could not propose to build the townhouse project as submitted with 100% residential and no commercial space.

- The proposed change will maintain or positively influence living conditions in the neighborhood

**Staff Response:** The purpose of the proposed amendment is to allow the applicant to construct a townhouse project (100% residential use). As previously stated, the proposed zoning change will create a fluent transition between two significantly different zoning districts (single-family residential vs. commercial). This will positively influence the living conditions in the neighborhood.

- The proposed change will maintain or improve traffic conditions, or otherwise address traffic-related public safety issues;

**Staff Response:** The subject property is currently vacant and produces zero trips. The applicant has included, as part of their application, a traffic impact evaluation to determine the potential impacts of the proposed development. As indicated in the applicant's report and as verified by Palm Beach County Traffic Division and the Town's Traffic Engineer, the proposed development will result in an increase of 270 net new external daily trips. Based on the County's Traffic Division Traffic Performance Standards (TPS) Review, the proposed development will have insignificant impact on area roadways and therefore meets the Palm Beach County TPS.

- The proposed change will maintain or improve drainage conditions;

**Staff Response:** In reviewing the Paving, Grading and Drainage plans submitted by the applicant, the Town's Engineer has indicated that the water management calculations for a change in land use intensity, storm attenuation, and water quality have been satisfied for site plan approval.

- The proposed change will relatively maintain, or allow for appropriate light and air conditions to adjacent areas

**Staff Response:** Staff has reviewed the proposed site plan to ensure that appropriate light and air conditions will be maintained for the adjacent areas, special consideration was taken for the adjacent Environmental Sensitive Land (east) and the residential homes (south).

- The proposed change will maintain or improve property values in the adjacent area;

**Staff Response:** The existing site is vacant, and a new townhouse (residential) project will improve property values within the adjacent area.

- The proposed change will promote the improvement of development of adjacent property in accordance with existing regulations;

**Staff Response:** With the approval of the proposed FLUM and rezoning, the applicant will be permitted to create a townhouse project that is compatible with the adjacent uses rather than having a commercial use. As indicated in the applicant's market study, the area in the vicinity of the project is in the process of becoming a mixed-use hub which currently includes all four quadrants of the U.S. Highway One and Donald Ross Road intersection. Existing hub components include hospitability, dining, and commercial components. A majority of the businesses within the quadrant have not been renovated in the recent past and with the addition of new residences (Caretta and Dunes at Juno Beach), it is probable that the adjacent businesses will benefit from such increase in population and thus promote improvement of the adjacent properties.

- The proposed change benefits the public welfare as opposed to resulting in a grant of special privilege to an individual owner;

**Staff Response:** The proposed rezoning (Commercial General to Residential Multiple-Family-Moderate Density) creates a better transition with the adjacent residential neighborhood (Residential Single-Family, Residential Duplex). The rezoning will both benefit the public and the individual owner because it allows the proposed townhouse project to be developed as proposed.

- There are substantial reasons why the property requires a change from existing zoning;

**Staff Response:** There are no substantial reasons why the property requires a change from the existing zoning – the parcel is zoned commercial and is a buildable lot as it stands today. At this time, the subject property requires a ROW Abandonment, a Future Land Use Map amendment, and a rezoning for the proposed site plan to be considered. Please note that without the Future Land Use amendment and rezoning, the parcel may be developed under

**a different set of land development regulations that would not be ideal due to the location of the property.**

- Whether the change suggested is to scale, or appropriately balanced with the needs of the neighborhood or the town;

**Staff Response: It is the Staff's professional opinion that the proposed rezoning will be to scale with the needs of the neighborhood.**

- After using reasonable diligence, the petitioner can demonstrate there is a reasonable lack of alternative sites available in the town for the proposed use.

**Staff Response: Within the Town of Juno Beach, there are three vacant sites (all in the Commercial General zoning district). The Town does not have a vacant parcel with a residential designation that could fit a project this size.**

The Application for Development and Site Plan Review approval is contingent on the Future Land Use Map Amendment and Rezoning approval by the Town Council. Please note that as part of the conditions of approval for the proposed Dunes at Juno Beach project, staff will recommend to Town Council that all applications (ROW Abandonment, Future Land Use Amendment, Rezoning Request, Development and Site Plan Review, and Special Exception Request) be contingent of each other, if the one application/request is denied that all previously approved applications be denied and/or revoked.

### **RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board review the proposed Rezoning application to amend the Town's Zoning Map and provide a recommendation to Town Council for the proposed rezoning of the property from Commercial General (CG) to Residential Multiple-Family – Moderate Density (RM-2)

Attachments:

- I. Rezone Petition
- II. Site Map
- III. Proposed Ordinance No. 751