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RESOLUTION NO. 2024-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, APPROVING A SITE PLAN AND PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTION FOR THE CONSTRUCTION OF SEVEN THREE-STORY TOWNHOME BUILDINGS WITH A TOTAL OF FORTY UNITS ON 4.70 ACRES OF REAL PROPERTY MORE PARTICULARLY DESCRIBED HEREIN TO BE KNOWN AS THE DUNES AT JUNO BEACH; PROVIDING FOR APPROVAL OF A DEVELOPMENT PLAN; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council has received and reviewed an application from Pulte Home Company LLC (“Applicant”) to develop a parcel of property approximately 4.70 acres in size, as more particularly described in Exhibit “A” attached hereto and incorporated herein (“Property”), as a Planned Unit Development special exception to be known as The Dunes at Juno Beach (“Project”); and

WHEREAS, the Planning and Zoning Board reviewed the application for a site plan and Planned Unit Development special exception and determined that it met each of the requirements set forth in Section 34-1330 of the Town Code of Ordinances; 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 site plan and 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’s approval of the site plan and Planned Unit Development special exception is subject to, and expressly conditioned upon, the conditions of approval set forth in this Resolution; 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.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, as follows:

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

Section 2. The Town Council hereby approves a site plan and 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. The Town Council approves the use of the PUD standard modification option to allow for a maximum building dimension of 154 feet (the Code maximum is 150 feet) and a minimum building

1 separate of 22.5 feet (the Code minimum is 30 feet). The site plan and Planned Unit
2 Development shall be constructed in accordance with the most recent development plans
3 submitted by the Applicant and on file with the Town.
4

5 **Section 3.** The Town Council's approval of the site plan is expressly subject to
6 the following conditions:
7

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

1 appropriate amount of such surety. Additionally, the Applicant shall provide
2 the required deposit for site plan and project review/approval (\$2,000.00) in
3 accordance with 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 adjacent
9 properties to the north, south, east, and west sides of the project. Light
10 emitted from exterior light fixtures should be downward directed and full cut-
11 off to minimize light pollution that may negatively affect wildlife in the
12 adjacent natural area and to eliminate, to the extent possible, sky glow
13 caused by light that may be emitted or reflected in an upward direction.
14 Additionally, the use of warmer color lamps/lights with limited amount of
15 shorter wavelength light (blue-violet) is recommended. These guidelines
16 are consistent with those of the Florida Fish and Wildlife Conservation
17 Commission (FWCC), the Palm Beach County Department of
18 Environmental Resources Management (ERM) and DarkSky International,
19 a non-profit organization on light pollution.
20

21 9. In accordance with Section 34-1332 of the Town Code of Ordinances,
22 approval of the Project shall be valid for two years from the date of such
23 approval. If the Applicant has not commenced development within two
24 years, this approval shall become null and void. For the purposes of this
25 condition, "commencement and development" shall mean receipt of a
26 validly issued building permit and first building inspection approval for a
27 minimum of one principal structure or completion of twenty-five percent
28 (25%) of the total cost of the infrastructure (water, sewer, roads, and
29 drainage) on the site. Infrastructure costs for the project shall be reviewed
30 and approved by the Town Engineer prior to final approval if the engineering
31 plans.
32

33 10. As required by Section 6-24 of the Town Code of Ordinances (Amendments
34 to Chapter 1 of the Florida Building Code), a building permit for a project
35 larger than 10,000 square feet in size or greater shall become invalid unless
36 the work authorized by such permit is commenced and completed within
37 thirty-six (36) months after the issuance of permit.
38

39 11. The property shall be replatted and the plat shall be recorded prior to the
40 issuance of any building permit for vertical construction. The plat shall
41 include all required easements, including the easement providing Palm
42 Beach County's Department of Environmental Resources access to the
43 Juno Dunes Natural Area, and the use of the sixty-nine (69) parking spaces
44 for the benefit of Juno Square Plaza.

- 1 12. The Applicant shall include within the Homeowner's (or Property Owner's)
2 Association ("HOA") documents language that specifies the maintenance
3 responsibility for the parking area (69 total parking spaces) that are part of
4 the shared parking agreement with Juno Square LLP, Juno Square Plaza.
5 The applicant shall submit all HOA documents to the Town Attorney for
6 review and approval prior to building permit submission for vertical
7 construction. These documents must be approved and recorded prior to the
8 issuance of the first Certificate of Occupancy, and the Applicant shall bear
9 the costs of legal review.
10
- 11 13. The Applicant shall first complete perimeter screening of the construction
12 site to maintain acceptable visual impacts during the construction phase of
13 the Project and shall comply with all OSHA and other applicable minimum
14 safety requirements for perimeter treatments during demolition activities
15 and throughout the construction of the Project.
16
- 17 14. Prior to the issuance of any land development or land clearing permit, the
18 Applicant shall commission a gopher tortoise survey meeting all Florida Fish
19 and Wildlife Conservation Commission requirements and take all remedial
20 actions, if any, required as a result of the survey.
21
- 22 15. In accordance with Section 34-1084 of the Town Code of Ordinances, the
23 Applicant shall notify the Town three (3) weeks prior to the removal of native
24 vegetation from the Property.
25
- 26 16. The Applicant shall meet the Florida Department of Environmental
27 Protection ("FDEP") standards for Best Management Practices for
28 Stormwater, Erosion and Sedimentation Control.
29
- 30 17. The Applicant shall adhere to the Town's Construction Site Standards, as
31 set forth in Section 6-109 of the Town Code of Ordinances, included but not
32 limited to, conditions of the Right-of-Way, parking of vehicles within the site
33 or on the adjacent Right-of-Way, proposed road closures, wind mitigation,
34 and erosion control, screening of toilet facilities, and use of generators and
35 temporary power.
36
- 37 18. All areas of landscaped open space or improvements along any vehicular
38 or pedestrian access, as well as maintenance of slope, vegetation and
39 walkways associated with the Project (including the right-of-way), shall be
40 perpetually and appropriately maintained at all times by the Applicant and
41 its successors in interest, including the successor Homeowner's (or
42 Property Owner's) Association ("HOA"). The maintenance of landscape
43 material below or near power lines shall be the responsibility of the
44 Applicant and its successors in interest. The Applicant shall submit all HOA

1 documents to the Town Attorney for review and approval prior to building
2 permit submission for vertical construction. These documents must be
3 approved by the Town Attorney and recorded prior to the issuance of the
4 first Certificate of Occupancy, and the Applicant shall bear the costs of legal
5 review.

- 6
- 7 19. The Applicant shall use Donald Ross Road, U.S. Highway One, and the
8 easternmost entrance of Floral Drive as means of ingress and egress to the
9 construction site. No construction vehicles shall use the roads (Cocoanut
10 Avenue, Oleander Avenue, or Park Street) within the New Palm Beach
11 Heights neighborhood.
- 12
- 13 20. The Applicant shall conduct construction vibration monitoring if the Town's
14 Building Official and/or Code Enforcement Officer deem it necessary in
15 order to meet and enforce Section 12-2(e) of the Town Code of Ordinances.
- 16
- 17 21. Prior to the Town Council meeting, the Applicant shall submit an updated
18 landscape plan addressing Palm Beach County Department of
19 Environmental Management ("PBC ERM") comments regarding the location
20 of a vinyl fence located in the eastern boundary outside of the access
21 easement granted to PBC ERM, and the replacement of existing vegetation
22 at the south end of the access easement with a native species that is
23 satisfactory to PBC ERM and the Town.
- 24
- 25 22. The Applicant shall provide written confirmation from Juno Square LLP,
26 owners of Juno Square Plaza, that it will be responsible for the ongoing
27 maintenance of proposed landscape improvements within their property.
- 28
- 29 23. The Applicant shall adhere to Section 12-127 of the Town Code,
30 Permissible Time for Construction Activity. Due to the proximity of single-
31 family homes, there shall be no deviation from the standard construction
32 hours of Monday through Friday between the hours of 7:00 a.m. and 6:00
33 p.m. and Saturday between the hours of 9:00 a.m. and 5:30 p.m.
- 34
- 35 24. In granting this approval, the Town Council relied upon the oral and written
36 representations of the Applicant both on the record and as part of the
37 application process and such representations shall be binding on the
38 Applicant and are expressly incorporated into this Resolution. Any
39 deviations from such representations will be addressed in accordance with
40 Sections 34-34 and 34-35 of the Town Code of Ordinances.
- 41
- 42 25. The Applicant shall provide all approved plans in digital form prior to the
43 filing of any building permit application.
- 44

