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WEST PALM BEACH
301 Pine Street
West Palm Beach, FL 33407
P: 561.469.1160 | F: 561.469.1162

March 26, 2015

VIA Hand Delivery

Ruben Cruz, CFM
Director of Planning and Zoning
Town of Juno Beach
340 Ocean Drive
Juno Beach, FL 33408

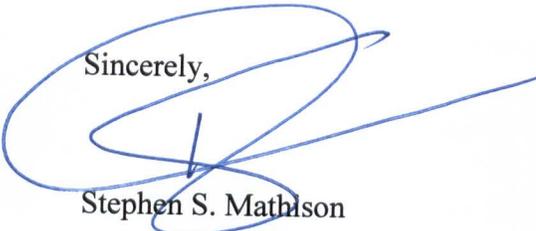
Re: Zoning Code Text Amendment: Frenchman's Creek Inc.

Dear Mr. Cruz:

On behalf of our client Frenchman's Creek Inc. we are pleased to submit the attached Petition for Zoning Code Text Amendment pursuant to Division 5 of the Zoning Code for the Town of Juno Beach.

I want to thank you for your assistance in the processing of our client's petition. Please do not hesitate to reach out to me or my Law Clerk Daniel Welch should you have questions or if we may provide additional information regarding this matter.

Sincerely,


Stephen S. Mathison

cc

Joseph F. Lo Bello, Town Manager, Juno Beach Town Center 340 Ocean Drive, Juno Beach, FL 33408
Leonard G. Rubin, Town Attorney, 701 Northpoint Pkwy Ste. 209, West Palm Beach, FL 33407

TOWN OF JUNO BEACH
RECEIVED

2015 MAR 26 PM 3:45



**TOWN OF JUNO
BEACH**
340 OCEAN DRIVE
JUNO BEACH, FL 33048
PHONE 561.626.1122 • FAX 561.775.0812

Rezoning/Zoning Code Text Amendment Petitions

In seeking a *rezoning*, or *amendment* to the Town of Juno Beach Comprehensive Zoning Ordinance (Ordinance 207, and subsequent amendments):

"A Petition to designate a zoning classification or rezone any land within the Town may be filed by the Town Council, by the Planning and Zoning Board, or by the owner or authorized agent of the owner of property within the Town. After the Director has determined that a Petition has been properly filed and is complete with all required supporting materials, the Planning and Zoning Board shall set a date for a public hearing on the Petition. The public hearing shall take place within sixty (60) days of the determination by the Director that a Petition has been properly filed and is complete. All requirements of Florida Statutes, Chapter 166 shall be followed in providing notice for a public hearing on such Petition."

"Upon receipt of recommendations of the Planning and Zoning Board, or upon failure to receive such recommendations within the period specified above, the Town Council shall set a date for its public hearing, which shall be no more than ninety (90) days from the date the recommendation is received or the date upon which the Town Council determines to take action in the absence of the recommendation due to failure of the Planning and Zoning Board to report."

Section I

Instructions for Completion:

1. Complete Section II of this application, and respond (in written form) to the criteria listed in Section III. You may wish to attach a separate sheet of paper for this item.
2. Sign and date this application at the end of Section III. If appropriate, complete the power of attorney form on page 4 of this application.
3. Attach any information (maps, drawings, survey, letters, legal descriptions, etc.) that will help identify the petition subject, and that will help clarify your application.
4. A filing fee of \$1,600.00 must accompany each application upon submittal.

Section II

Please Complete the Following:

Applicant/Agent Information:

Name of Applicant: Frenchman's Creek, Inc. Contact Phone #: 561-775-6400
Address of Applicant: 13495 Tournament Drive, Palm Beach Gardens, FL 33418

*If the applicant has an agent, or will be represented by anyone other than the applicant.

*Name of Agent: Mathison Whittles, LLP Contact Phone #: 561-624-2001
*Address of Agent: 5606 PGA Blvd., Suite 211, Palm Beach Gardens, FL 33418

Regarding the Subject Location (subject of petition):

Street Location: 400 Celestial Way, Juno Beach, FL 33408

Name of Subdivision: Plat of Juno Beach According to Plat Book 22, Page 49, PBC, FL

Block: A Lot: South 100 of Lot 18

If no formal address exists, please describe the subject property: N/A

Regarding the Petition:

Please describe the petition being requested (Include reason[s] for petition and intended uses for subject property. Also, include the specific existing classification[s] of the subject property and the proposed classification[s]): _____

Applicant has continuously operated community association owned beach facility since 1987. Current status as non-conforming use creates uncertainty as to continued operation of facility for community residents use in the event of a necessary renovation or casualty.

Applicant requests that the Town Council exercise authority granted per Section 34-137 of the zoning code to amend Division 4-Residential Multi-Family Moderate Density RM-2 Zoning District at Section 34-312 "Special Exception Uses" to add the following;"(6) Community Association

Owned Beach Club".

Section III

Please address (in written form) the criteria listed below (items 1-16):

While considering a rezoning or Comprehensive Zoning Ordinance amendment petition, the Town Council/Planning and Zoning Board shall consider the following limitations on amendments:

- a. The Planning and Zoning Board shall not recommend, nor the Town Council pass, any amendment except on substantial proof that it is in accord with the Comprehensive Plan and sound zoning practice, and will serve to promote the purposes of zoning as provided by State law;
- b. No amendment to rezone property shall contain conditions, limitations, or requirements not applicable to all other property in the district to which the particular property is rezoned;
- c. Except where the proposal for the rezoning of property involves an extension of an existing use boundary, no change in the zoning classification of land shall be considered which involves less than forty thousand (40,000) square feet of area and two hundred feet of street frontage unless otherwise provided for herein;
- d. If the recommendation of the Planning and Zoning Board is adverse to any proposed change, such change shall not become effective except by the affirmative vote of a majority of the entire membership of the Town Council;
- e. Whenever the Town Council has changed the zoning classification of property, the Town Council shall not then accept or consider a petition for rezoning of all or any part of the same property for a period of one year from the effective date of the amendment changing the zoning classification;
- f. Whenever the Town Council has denied a petition for rezoning of property, the Town Council shall not thereafter:
 1. Accept or consider any further petition for substantially the same rezoning of all or part of the same property for a period of eighteen (18) months from the date of such denial; or
 2. Accept or consider any petition for any other kind of rezoning on all or any part of the same property for a period of one (1) year from the date of such action;
- g. Nothing contained in Section 34-142(e) or 34-142(f) shall prevent the initiation of amendments by the Town Council or the Planning and Zoning Board, provided that such amendments meet the requirements of Section 34-142(a) through 34-142(d);

The following items for an amendment or rezoning should also be considered by the Town Council/Planning and Zoning Board:

1. If the proposed change is consistent with the established land use pattern;

Applicant Response: _____

RM-2 District is largely built out. Land use patterns are well established including an existing community association owned

Beach Club facility located at 400 Celestial Way, Juno Beach, FL 33408.

2. If the proposed change would create a related district to adjacent and nearby districts;

Applicant Response: _____

The proposed change will not create a related district to adjacent or nearby districts.

3. If 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.;

Applicant Response: _____

The proposed change would not alter population density pattern or change or impact availability of public facilities.

4. If the proposed change would be consistent with the Comprehensive Plan;

Applicant Response: _____

The proposed change is consistent with objectives and goals of comprehensive plan.

5. If changed or changing conditions make the passage of the proposed amendment necessary;

Applicant Response: _____

The RM-2 Zoning District is largely built out. The community association owned Beach Club within the District has deteriorated

due to age and proximity to salt water.

6. If the proposed change will maintain or positively influence living conditions in the neighborhood;

Applicant Response: _____

Existing living conditions would be enhanced. Beach club maintenance and upgrade will improve the overall aesthetic value of

the neighborhood and will positively influence living conditions and property values.

7. If the proposed change will maintain or improve traffic conditions, or otherwise address traffic-related public safety issues;

Applicant Response: _____

Current traffic patterns and conditions will be unaffected. Community association Beach Club parking would be maintained

and/or enhanced.

8. If the proposed change will maintain or improve drainage conditions;

Applicant Response: _____

Proposed change would have no impact on drainage conditions.

9. If the proposed change will relatively maintain, or allow for appropriate light and air conditions to adjacent areas;

Applicant Response: _____

Existing light and air condition to adjacent areas would remain unaffected.

10. If the proposed change will maintain or improve property values in the adjacent area;

Applicant Response: _____

Demographic of Beach Club patrons sustain positive economic and property values.

11. If the proposed change will promote the improvement or development of adjacent property in accord with existing regulations;

Applicant Response: _____

Proposed change helps assure maintenance of high standards of living and historic development patterns within the district.

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

Applicant Response: _____

Proposed change maintains public benefit of existing patterns and quality development.

13. If there are substantial reasons why the property requires a change from existing zoning;

Applicant Response: _____

No change in existing zoning classification requested.

14. Whether the change suggested is to scale, or appropriately balanced with the needs of the neighborhood or the Town;

Applicant Response: _____

Promotes safety, aesthetics, proper maintenance, and use of best engineering practices.

15. After using reasonable diligence, the Petitioner can demonstrate there is a reasonable lack of alternative sites available in the Town for the proposed use;

Applicant Response: _____

Sole community association owned Beach Club is located within RM-2 District. No alternative sites are available or proposed.

According to Ordinance 207, Town of Juno Beach, Florida, "following the public hearing, the Town Council may grant the petition, deny the petition, or grant the petition with conditions or modifications; provided, however, that:

- a. No land shall be rezoned that was not described in the public notice; and
- b. No land may be rezoned to a less restrictive use or different classification than that described in the public notice."

**If an amendment to the Zoning Code is being requested, please attach all appropriate language changes to this application.



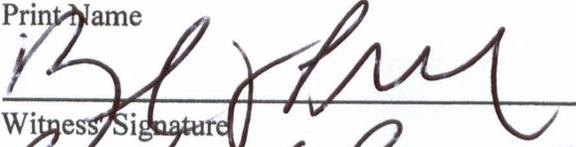
Applicant's Signature

3/25/15

Date

FRED STERN

Print Name



Witness Signature

3/25/15

Date

Bernard F. Poljelli

Print Name

Rezoning Land Use Power of Attorney

Name of Property Owner(s): Frenchman's Creek, Inc.
Mailing Address: 13495 Tournament Drive, Palm Beach Gardens, FL 33418
Property Address: 400 Celestial Way, Juno Beach, FL 33408
Property Control Number: 28-43-41-28-01-000-0180
Name of Applicant: Stephen S. Mathison, Mathison Whittles LLP
Contact Phone Number: (561) 624-2001

The Undersigned being the record title owner(s) of the real property described above does (do) hereby grant unto the Applicant stated above the full right and power of attorney to make application to the Town of Juno Beach to change the land use of said property. This land use change may include rezoning of the property, granting of special exceptions, variances or appeals of decisions of the Planning & Zoning Department. It is understood that conditions, limitations and restrictions may be placed upon the use of operation of the property. Misstatements upon application or in any hearing may result in the termination of any special exception and/or a proceeding to rezone the property to the original classification. This power of attorney may be terminated only by a written statement of such termination effective upon receipt by the Planning & Zoning Department.

In witness whereof the undersigned have set their hands and seals this 25 day of May 2015.

[Signature]
Witness

[Signature]
Owner

Witness

Owner

Before me the undersigned authority personally appeared the owner(s) named above who upon being duly sworn acknowledged before me that they are the owners of the real property described above and that they executed the power of attorney for the purposes stated therein, sworn and subscribed this

25 day of May 2015

Notary Public

[Signature]

SEAL

