

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: EAC-2019-01972
Application Name: Haverhill Commons PUD
Control No./Name: 1988-00135 (Haverhill Commons PUD (fka Haverhill Residential))
Applicant: AHC of West Palm Beach, LLC
Owners: AHC of West Palm Beach, LLC
Agent: Dunay, Miskel and Backman, LLP - Beth Schrantz and Scott Backman
Telephone No.: (561) 368-7700, (561) 405-3300
Project Manager: Meredith Leigh, Senior Site Planner

TITLE: a Development Order Amendment Expedited Application Consideration **REQUEST:** to amend Conditions of Approval.

APPLICATION SUMMARY: Proposed is a Development Order Amendment Expedited Application Consideration (DOA-EAC) for the Haverhill Commons PUD development. The 15.33-acre site was last approved by the Board of County Commissioners (BCC) on November 26, 2018, for a Development Order Abandonment of a Special Exception to allow a Planned Unit Development (PUD) consisting entirely of a Type 3 Congregate Living Facility; an Official Zoning Map Amendment to allow a rezoning from the Multifamily Residential (RM) and Multifamily Residential High Density (RH) Zoning Districts, to the PUD Zoning District; Class A Conditional Uses to allow a Workforce Housing Program density bonus greater than 30 percent and to allow Transfer of Development Rights; and, a Type 2 Waiver to eliminate the Private Civic Pod in a Countywide Community Revitalization Team area.

The Applicant is proposing to amend Engineering Conditions of Approval (Resolution R-2018-1835), to allow an in-lieu of payment to be made for off-site improvements required for Haverhill Road. No modifications to the Master Plan or Site Plan are proposed with this request.

The Preliminary Master Plan (PMP) approved on November 26, 2018, indicates 270 units in seven buildings, 1.22 acres of Recreation areas and 540 parking spaces. No changes are proposed to the one approved access point from Haverhill Road.

This application was reviewed for compliance with Unified Land Development Code (ULDC) Ordinance 2003-067, Supplement 26.

SITE DATA:

Location:	East side of Haverhill Road, approximately 0.40 miles north of Okeechobee Boulevard.
Property Control Number(s)	00-42-43-24-38-001-0000
Existing Future Land Use Designation:	High Residential, 8 units per acre (HR-8) High Residential, 12 units per acre (HR-12)
Proposed Future Land Use Designation:	No change
Existing Zoning District:	Residential Planned Unit Development (PUD)
Proposed Zoning District:	No change
Total Acreage:	15.33 acres
Affected Acreage:	15.33 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	OLD TRAIL
Municipalities within 1 Mile	West Palm Beach
Future Annexation Area	West Palm Beach

RECOMMENDATION: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received 0 contacts from the public regarding this project.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
1973-00009	A Special Exception to allow a Daycare Center.	R-1973-0240	April 26, 1973
1973-00009	A Special Exception to amend the Site Plan for a Day Care Center, previously approved under Zoning Petition No. 1973-00009, by deleting the Day Care Center and to allow an Adult Congregate Living Facility.	R-1986-0091	October 30, 1985
1988-00135	A Special Exception to permit a Planned Unit Development, consisting entirely of a Congregate Living Facility Type 3 [which extinguishes the Special Exception for an Adult Congregate Living Facility, Petition No. 1973-00009(A)].	R-1989-1251	March 10, 1989
1988-000135	A Development Order Amendment in the Residential High (RH) Zoning District, to amend Condition 5 (use limitation) of Resolution R-1989-1251 and increase square footage.	R-1994-1074	August 25, 1994
1988-00135	A Type 2 Variance to allow a reduction in the number of parking spaces.	ZR-2018-034	November 1, 2018
	A Development Order Abandonment to abandon a Special Exception to allow a Planned Unit Development, consisting entirely of a Congregate Living Facility Type 3 [which extinguishes the Special Exception for an Adult Congregate Living Facility, Petition No. 1973-00009(A)], as amended by Resolution R-1994-1074.	R-2018-1834	November 26, 2018
	An Official Zoning Map Amendment to allow a rezoning from the Multifamily Residential (RM) and the Multifamily Residential High Density (RH) Zoning Districts to the Planned Unit Development (PUD) Zoning District.	R-2018-1835	
	a Class A Conditional Use to allow a Workforce Housing Program density bonus greater than 30 percent.	R-2018-1836	
	a Class A Conditional Use to allow Transfer of Development Rights.	R-2018-1837	
	A Type 2 Waiver to eliminate the Private Civic Pod in a Countywide Community Revitalization Team area.	R-2018-1838	

SURROUNDING LAND USES:

NORTH:

FLU Designation: Medium Residential, 5 units per acre (MR-5)
 Zoning District: Multi-Family Residential (Medium Density) (RM)
 Supporting: Civic (Congregation Aitz Chaim, Control No 1984-00153)

FLU Designation: Medium Residential, 5 units per acre (MR-5)
 Zoning District: Multi-Family Residential (Medium Density) (RM)
 Supporting: Residential

SOUTH:

FLU Designation: High Residential, 8 units per acre (HR-8)
Zoning District: Multi-Family Residential (Medium Density) (RM)
Supporting: Residential

FLU Designation: High Residential, 8 units per acre (HR-8)
Zoning District: Multi-Family Residential (Medium Density) (RM)
Supporting: Residential (Holiday Plaza Mobile Homes Park)

FLU Designation: High Residential, 8 units per acre (HR-8)
Zoning District: Single-Family Residential (RS)
Supporting: Institutional (Mark Little, Control No 1987-00121)

EAST:

FLU Designation: Medium Residential, 5 units per acre (MR-5)
Zoning District: Multi-Family Residential (Medium Density) (RM)
Supporting: Residential

WEST:

FLU Designation: High Residential, 18 units per acre (HR-18)
Zoning District: Traditional Neighborhood Development District (TND)
Supporting: Mixed Use (South Hampton PUD aka Reflection Bay, Control No 2011-00245)

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional Use, or a Development Order Amendment, the BCC and ZC shall consider Standards a – h listed in ULDC Article 2.B.7.C.2, Standards [Related to Development Order Amendment]. The Standards and Staff Analyses are indicated below. A Conditional Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

- a. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

There are no impacts to Staff’s prior analysis with regard to compliance with the Comprehensive Plan with this request.

- o *Consistency with the Comprehensive Plan: The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.*

- o *Prior Land Use Amendments:* The site contains a 9.13-acre portion that was the subject of a Small Scale amendment known as Haverhill Residential (SCA-2018-019) Ordinance 2018-33. The request amended the land use from Medium Residential, 5 units per acre (MR-5) and High Residential, 8 units per acre (HR-8), High Residential 12 units per acre (HR-12) with two conditions:

Development of the site is subject to the following condition:

1. The development of the subject site shall include the purchase and construction of ten (10) Transfer of Development Rights (TDR) units. The TDR units shall be purchased prior to issuance of first building permit.
2. The Zoning development order for the subject site shall require at least 25% of the total residential density as workforce housing units subject to the following requirements:
 - a. The property owner shall provide these units on site and between 60-140% of the Median Household Income ranges for the County, in all four WHP ranges (60%-80%, >80-100%, >100-120%, and >120-140%).

o *Density*: The current request to amend two Engineering conditions does not change the previous approval for 270 residential rental units, which was obligated to deed restrict 63 units toward the Workforce Housing Program (WHP), and is consistent with Ordinance 2018-33 and its conditions. The TDR's were purchased January 10, 2019, via recorded Deed Orb. 30359 Pg. 0147, for a total of \$45,576.00.

Standard, Max & Bonus Density:

110 units (HR-12)
 49 units (HR-8)
 95 WHP Bonus units (60%)
16 TDR units (35%)
 270 units total

Workforce Housing (WHP):

47 WHP units (per Ord. 18-19)
 10 WHP units

6 WHP units
 63 WHP units Total

o *Special Overlay District/ Neighborhood Plan/Planning Study Area*: The request is located within and is consistent with the Comprehensive Plan's PBIA Approach Path Overlay, the Turnpike Aquifer Overlay, the 1995 Jog Corridor Study and the 1992 Haverhill Neighborhood Plan. The applicant met with the Office of Community Revitalization July 9, 2018 and July 12, 2018 for the original approval. The current request to amend two Engineering conditions does not alter what was previously presented to the Office of Community Revitalization. No objections or concerns have been received to date.

b. Consistency with the Code - *The proposed use or amendment is not in conflict with any portion of this Code, and is consistent with the stated purposed and intent of this Code.*

There are no proposed changes to the Master or Site Plans with this request. The proposed amendment will not affect compliance with PUD objectives and standards as previously approved. The requested modifications to the Engineering Conditions of Approval would allow an in-lieu of payment to be made for the required off-site roadway improvements, rather than constructing them as indicated in Engineering Conditions 4 and 10. The Master and Site Plans remain in compliance with the Code and approved Development Order.

c. Compatibility with Surrounding Uses – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The compatibility with the surrounding uses remains the same as previously approved. There are no changes to the approved DO, and the improvements to Haverhill Road will be completed as required by the County Engineer.

d. Design Minimizes Adverse Impact – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The amendment will not change prior findings with regard to adverse impact on adjacent lands, which determined that adverse impacts were minimized by the generous setbacks from the abutting single story single-family dwelling units to the north, south and east as well as the 10 and 15 ft. Incompatibility Buffers along said perimeters. As no changes are proposed to the site design from what was approved, the design is consistent with this standard.

e. Design Minimizes Environmental Impact – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site was previously cleared of most of the native on-site vegetation.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that

results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- f. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposed EAC amendment will have no bearing on previously established findings confirming that the development will result in a logical, orderly and timely development pattern. This finding noted: *“The subject site represents the last remaining undeveloped parcels along this stretch of road. ... The proposed use and rezoning of the subject site represents infill development at will complete the development potential of the corridor resulting result in a logical, orderly and timely development pattern.”* The amendment will allow the County to complete the roadwork along Haverhill Road between Century Boulevard and Ceceile Avenue at a schedule determined by the County Engineer.

- g. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

ENGINEERING COMMENTS: The Property Owner may make a payment in lieu of construct the improvements detailed in Conditions E.4 and E.10 of the existing resolution.

PALM BEACH COUNTY HEALTH DEPARTMENT: Staff has reviewed this application and has no comment.

FIRE PROTECTION: Staff has reviewed this application and has no comment.

SCHOOL IMPACTS: Staff has reviewed this application and has no comment.

PARKS AND RECREATION: The Parks and Recreation Department has no comment on the proposal to modify the Engineering conditions.

- h. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances, provided by the Applicant’s Justification Statement that necessitate a modification*

According to the Applicant’s Justification Statement, the changed circumstance that necessitates the requested modifications to the Engineering Conditions of Approval is that the County has planned and funded roadway improvements for Haverhill Road to improve traffic flow. These improvements encompass the roadway adjacent to the subject site. As such, the County supports the developer having the option to make a payment in lieu of constructing the improvements in the event they have to be modified to fit with the planned roadwork to be completed by the County.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B.7.B and determined that there is a balance between the need for change and the potential impacts generated by this change. Staff is recommending approval of the request, subject to the recommended Conditions of Approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

Exhibit C – Development Order Amendment Expedited Application Consideration

ALL PETITIONS

1. The approved Preliminary Master Plan is dated August 27, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 1 of Resolution R-2018-1835, Control No.1988-00135)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2018-1835 (Control 1988-00135), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2022. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2018-1835, Control No.1988-00135)

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2018-1835, Control No.1988-00135)

3. Prior to the issuance of the 160th building permit or within thirty (30) days issuance of Technical Compliance or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Haverhill Road at the project's entrance road. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorneys fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2018-1835, Control No.1988-00135)

4. The Property Owner shall construct a right turn lane south approach on Haverhill Road at the projects entrance. Any and all costs associated with the construction shall be paid by the Property Owner. These costs include, but are not limited to, utility relocations and acquisition of any additional required right of way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to issuance of 160 building permits. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to issuance of 233 Certificates of Occupancy. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2018-1835, Control No.1988-00135)

5. Prior to the issuance of the first building permit, the Property Owner shall abandon the portion of Marguerita Drive and the right of way easement within the limits of the proposed project. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2018-1835, Control No.1988-00135)

6. Prior to the issuance of the first building permit, the Property Owner shall record a 20 foot access easement over Ceceile Avenue within the limits of the project. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2018-1835, Control No.1988-00135)

7. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The projects stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: MONITORING - Engineering) [Note: COMPLETED]

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2018-1835, Control No.1988-00135)

8. Building Permits for no more than 86 multi-family dwelling units shall be issued until the Property Owner makes a CRALLS mitigation payment of \$351,743, or as otherwise approved by the County Engineer. This payment is in addition to Road Impact Fee payment and is not creditable against any other required payments. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2018-1835, Control No.1988-00135)

9. The Property Owner shall provide 68 secured bicycle parking spaces, as part of mitigation for the use of Okeechobee Blvd CRALLS. These bicycle parking spaces shall be provided before issuance of the first Certificate of Occupancy. These spaces should be shown on the final site plan. (BLDGPM/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 9 of Resolution R-2018-1835, Control No.1988-00135)

10. The Property Owner shall:

i. Construct a raised median separator on Haverhill Rd between Century Blvd and Ceceile Ave

ii. Extend the left turn lane, south approach, on Haverhill Rd at Century Blvd, as approved by the County Engineer.

iii. Add required pavement on Haverhill Rd at Century Blvd and Ceceile Ave intersections to allow u-turns at those locations.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the 160th building permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of 233 Certificates of Occupancy. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2018-1835, Control No.1988-00135)

11. Property Owner may make a payment in the amount of \$267,200.00 in lieu of the improvements detailed in Conditions E.4 and E.10 detailed above. Acceptance by the County of the In-Lieu Payment shall result in Conditions E.4 and E.10 being deemed satisfied in full and considered complete for Monitoring purposes by the County. (ONGOING: MONITORING - Engineering)

LANDSCAPE - PERIMETER

1. PERIMETER LANDSCAPING ALONG THE NORTH, SOUTH AND EAST PROPERTY LINE (ABUTTING RESIDENTIAL) In addition to Code requirements, landscaping along the north, south and east property lines shall be upgraded to include a six-foot high opaque fence. (BLDGPMT/DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 1 of Resolution R-2018-1835, Control No.1988-00135)

LANDSCAPE - PRESERVATION OF VEGETATION

2. Prior to Final Plan approval by the Development Review Officer, the Property Owner shall finalize the Preliminary Vegetation Disposition Chart to ensure all Vegetation that is subject to either preservation; relocation on site; replacement or mitigation shall be clearly identified on the Site Plan. The Chart and what is shown on the Plan shall be consistent. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PRESERVATION OF VEGETATION Condition 2 of Resolution R-2018-1835, Control No.1988-00135)

PALM TRAN-SHELTER

1. Prior to the issuance of the Certificate of Occupancy for the first unit, the Property Owner shall construct a mass transit shelter with appropriate access, lighting, trash receptacle and bicycle storage, and shall be subject to the approval by Palm Tran. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the Owner. (CO: MONITORING - Palm-Tran) (Previous PALM TRAN Condition 1 of Resolution R-2018-1835, Control No.1988-00135)

PLANNED DEVELOPMENT

1. Prior to Final Approval by the Development Review Officer, the Site Plan shall be revised to indicate a minimum of one water fountain as a focal feature within the lake tract. The location of the fountain shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2018-1835, Control No.1988-00135)

PLANNING

1. Per SCA 2018-019 the development of the subject site shall include the purchase and construction of ten (10) Transfer of Development Rights (TDR) units. The TDR units shall be purchased prior to issuance of first building permit. [Bk30612 PG444, BK30359 PG147] (BLDGPMT: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 1 of Resolution R-2018-1835, Control No.1988-00135)

2. Per SCA 2018-019 the Zoning development order for the subject site shall require at least 25% of the total residential density as workforce housing units subject to the following requirements:

a. The property owner shall provide these units on site and between 60-140% of the Median Household Income ranges for the County, in all four WHP ranges (60%-80%, >80-100%, >100-120%, and >120-140%). (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 2 of Resolution R-2018-1835, Control No.1988-00135)

3. Prior to final approval by the Development Review Officer (DRO), all plans and documents shall be updated to include all conditions and attributes as adopted by the Board of County Commissioners (BCC). (DRO: PLANNING - Planning) (Previous PLANNING Condition 3 of Resolution R-2018-1835, Control No.1988-00135)

4. Prior to the issuance of the first Building Permit, the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

Guarantees the attainability of all required workforce units required per ULDC Article 5.G. These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the requirements in ULDC Article 5.G. The site plan shall also be modified to include the OR Book and Page of the recorded document and a copy of the revised site plan shall be provided to Planning. [Bk30612 PG444, BK30359 PG147] (BLDGPMT: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 4 of Resolution R-2018-1835, Control No.1988-00135)

5. On an annual basis, beginning November 1, 2021, or as otherwise stipulated in the Declaration of Restrictive Covenants, the owner of the WHP unit shall submit to the Planning Director, or designee,

on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. (DATE/ONGOING: MONITORING - Planning) (Previous PLANNING Condition 5 of Resolution R-2018-1835, Control No.1988-00135)

SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board) (Previous SCHOOL BOARD Condition 1 of Resolution R-2018-1835, Control No.1988-00135)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board) (Previous SCHOOL BOARD Condition 2 of Resolution R-2018-1835, Control No.1988-00135)

SITE DESIGN

1. At the time of Platting, all easements and tracts proposed to be abandoned be legally abandoned and documentation provided as confirmation. The Property Owner shall amend the Final Master Plan and Final Site Plan indicating the abandonment by removing the easements so that they are consistent with the Plat. (PLAT: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 1 of Resolution R-2018-1835, Control No.1988-00135)

2. Prior to Final Approval by the Development Review Officer, the Site Plan shall be revised to reconfigure any vehicular parking area which adversely impacts the pedestrian circulation system. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 2 of Resolution R-2018-1835, Control No.1988-00135)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, Owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, Owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment,

Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Figure 1 - Land Use Map

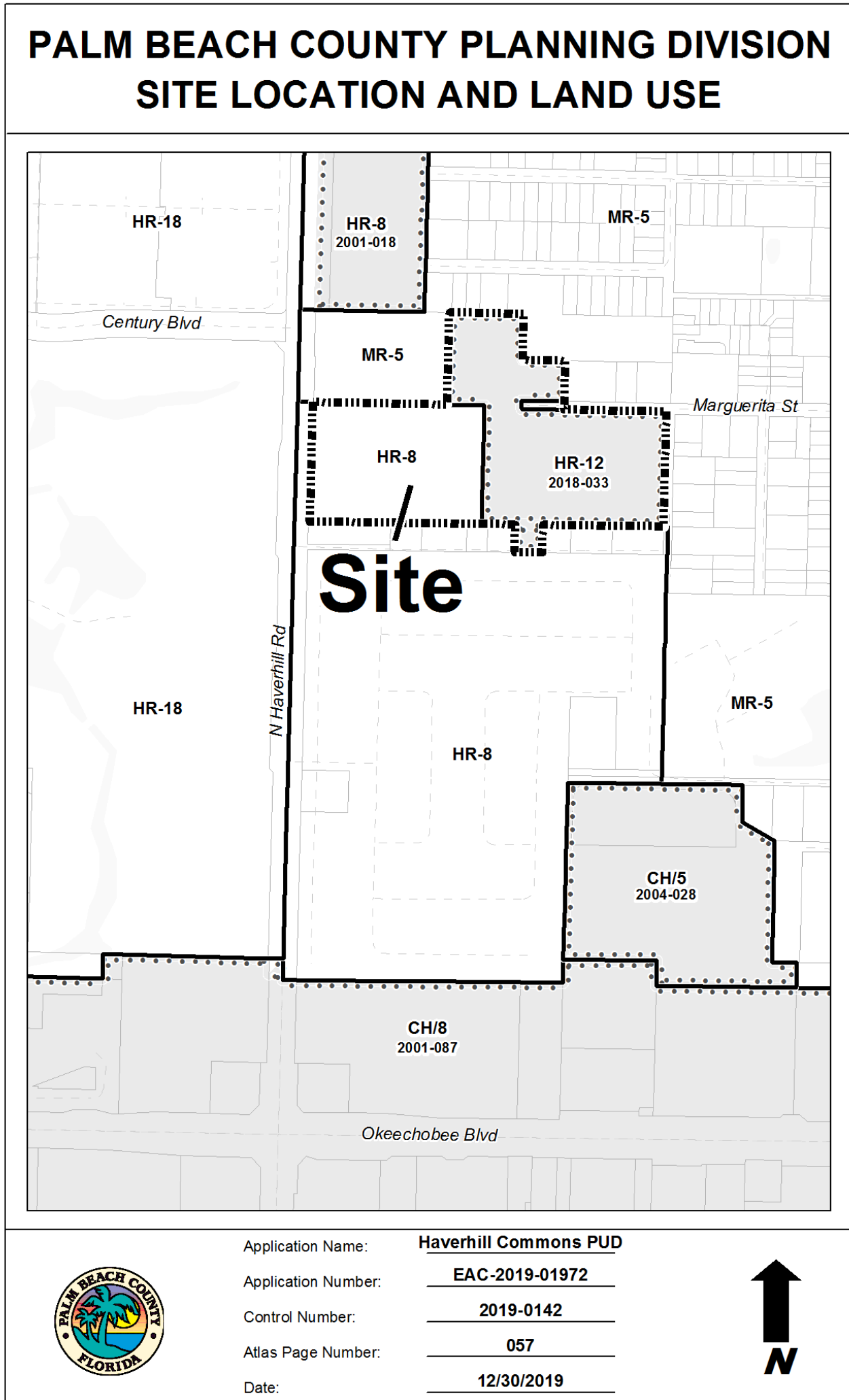


Figure 2 - Zoning Map

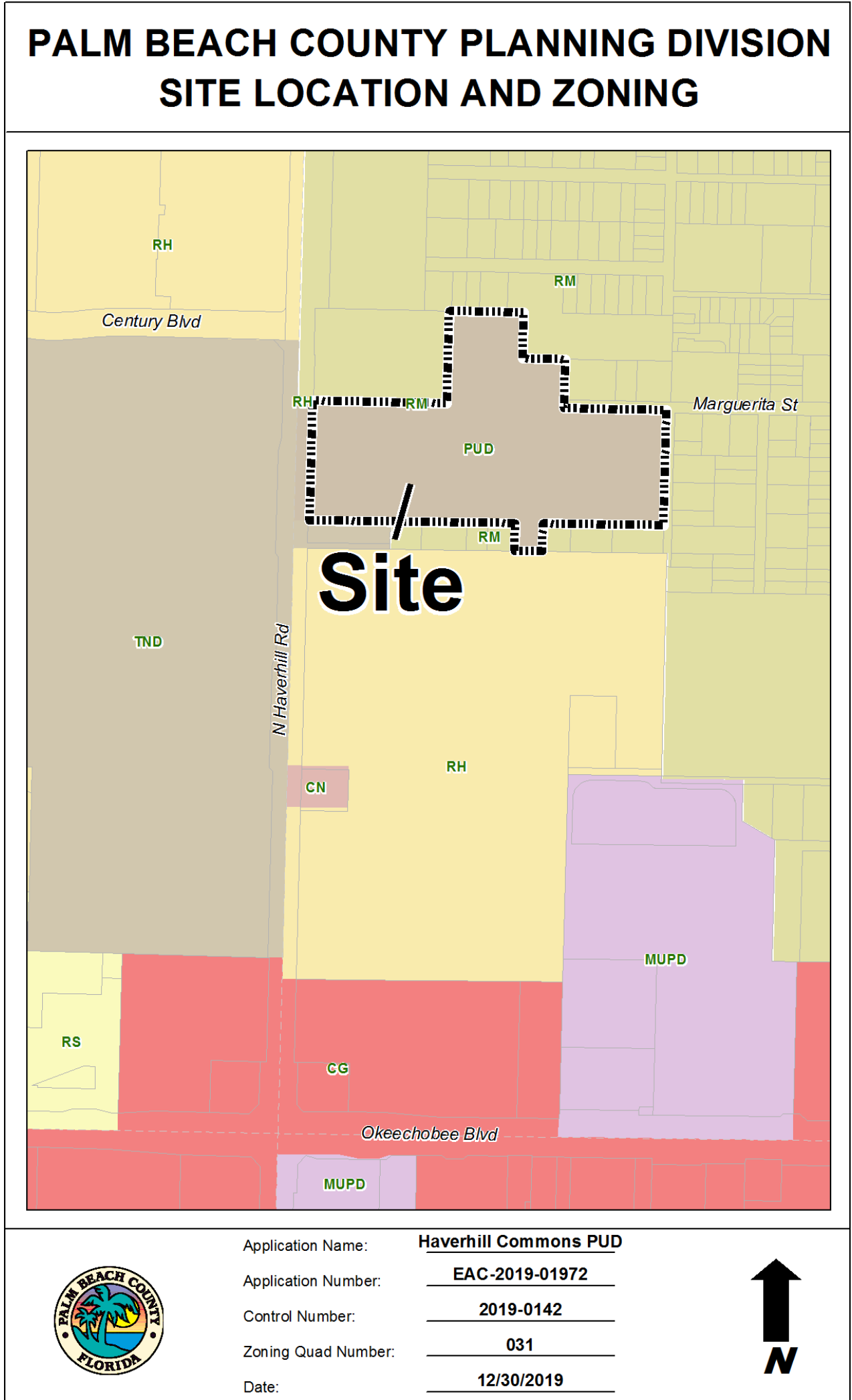
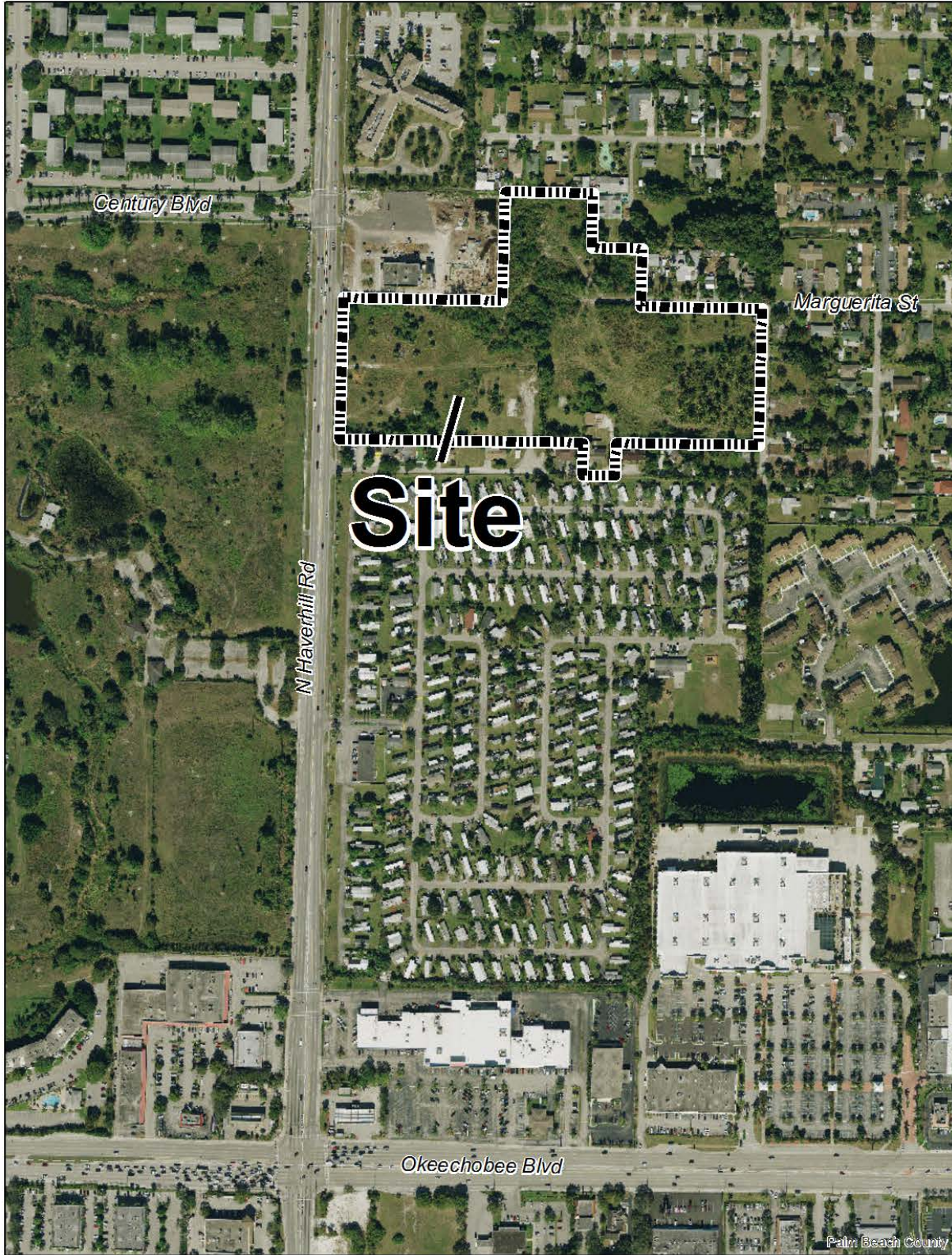


Figure 3 - Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	Haverhill Commons PUD
Application Number:	EAC-2019-01972
Control Number:	2019-0142
Atlas Page Number:	057
Date:	12/30/2019

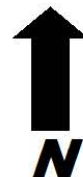


Figure 4 – Preliminary Master Plan (Sheet 1 of 1) dated August 27, 2018

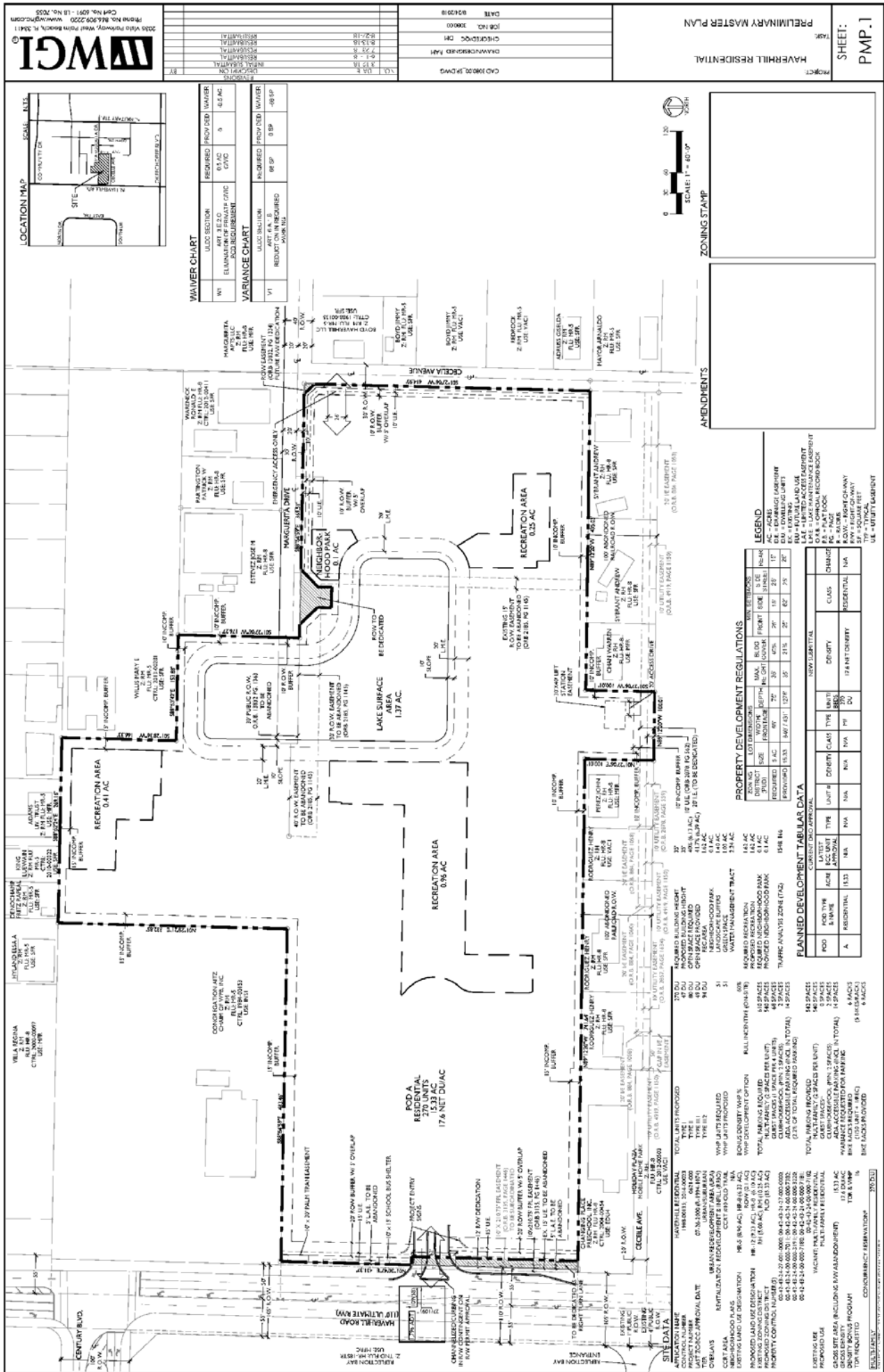


Exhibit D – Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE


STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Charles M. Scardina, Jr., hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [] Manager *[position - e.g., president, partner, trustee]* of AHC of West Palm Beach, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 7593 Boynton Beach Blvd., Suite 220
Boynton Beach FL, 33437
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

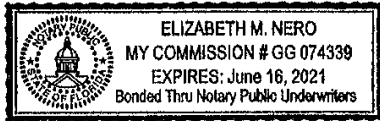
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

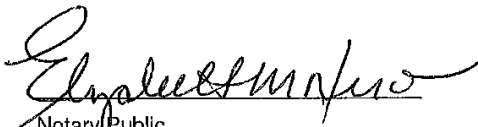
FURTHER AFFIANT SAYETH NAUGHT.



Charles M. Scardina, Jr., Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 2nd day of October, 2019, by Charles M Scardina, Jr, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.





Notary Public
Elizabeth M Nero
(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 6-16-21

EXHIBIT "A"
PROPERTY

DESCRIPTION:

A PORTION OF THE GABLES OF WEST PALM BEACH, AS RECORDED IN PLAT BOOK 71, PAGES 63 AND 64 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, LYING IN PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID THE GABLES OF WEST PALM BEACH; THENCE N.1° 30'47"E. ALONG THE WEST LINE OF SAID THE GABLES OF WEST PALM BEACH, A DISTANCE OF 431.37 FEET TO THE NORTHWEST CORNER OF SAID GABLES OF WEST PALM BEACH; THENCE S.88°54'59"E. ALONG THE NORTH LINE OF SAID THE GABLES OF WEST PALM BEACH, A DISTANCE OF 483.46 FEET; THENCE N.01° 29'21"E. ALONG THE WEST LINE OF THE EAST ONE-FIFTH (1/5) OF THE SOUTH HALF (1/2) OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SAID SECTION 24, A DISTANCE OF 332.85 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF ROSELAND PARK HAMPTON ADDITION, AS RECORDED IN PLAT BOOK 12, PAGE 26 OF SAID PUBLIC RECORDS; THENCE S.88°52'24"E. ALONG SAID SOUTH LINE, A DISTANCE OF 269.16 FEET; THENCE S.01°28'36"W. ALONG EAST LINE OF THE WEST ONE-FIFTH (1/5) OF THE SOUTH HALF (1/2) OF THE SOUTHEAST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SAID SECTION 24, A DISTANCE OF 166.33 FEET; THENCE S.88°53'42"E. ALONG THE NORTH LINE OF THE SOUTH ONE-QUARTER (1/4) OF THE SOUTHEAST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SAID SECTION 24, A DISTANCE OF 153.88 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 18618, PAGE 865 OF SAID PUBLIC RECORDS; THENCE S.01° 27'06"W. ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 176.27 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE PUBLIC RIGHT-OF-WAY FOR MARGUERITA DRIVE, AS RECORDED IN OFFICIAL RECORD BOOK 13832, PAGE 1363 OF SAID PUBLIC RECORDS; THENCE S.88°54'59"E. ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID MARGUERITA DRIVE, A DISTANCE OF 369.51 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE PUBLIC RIGHT-OF-WAY FOR CECELIA STREET, AS RECORDED IN OFFICIAL RECORD BOOK 12484, PAGE 1266 OF SAID PUBLIC RECORDS; THENCE S.01°27'06"W. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 414.93 FEET; THENCE N.89°12'20"W. ALONG THE SOUTH LINE OF THE NORTH 424.85 FEET OF THE NORTHWEST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF SAID SECTION 24, A DISTANCE OF 435.03 FEET; THENCE S.01°27'06"W., A DISTANCE OF 100.00 FEET; THENCE N.89°12'20"W., A DISTANCE OF 100.01 FEET; THENCE N.01°27'06"E., A DISTANCE OF 100.01 FEET; THENCE N.89°12'20"W. ALONG THE EASTERLY EXTENSION AND SOUTH LINE OF SAID THE GABLES OF WEST PALM BEACH, A DISTANCE OF 741.64 FEET TO THE POINT OF BEGINNING.

LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 667,946 SQUARE FEET/15.3339 ACRES MORE OR LESS.

