

RESOLUTION NO. R-2026- **1127**

RESOLUTION APPROVING ZONING APPLICATION ABN/Z/CA-2025-01117
(CONTROL NO. 2017-00059)
a Class A Conditional Use
APPLICATION OF Haverhill ALF, LLC – Victoria Leggett
BY Schmidt Nichols, AGENT
(Victoria Village)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ABN/Z/CA-2025-01117 was presented to the Board of County Commissioners at a public hearing conducted on September 24, 2026;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions, or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the Staff Report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Class A Conditional Use;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a State or Federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a State or Federal agency or undertakes actions that result in a violation of State or Federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that the action of the Board of County Commissioners be adopted by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application ABN/Z/CA-2025-01117, the Application of Haverhill ALF, LLC – Victoria Leggett, by Schmidt Nichols, Agent, for a Class A Conditional Use to allow Townhouse dwelling units on 3.97 acres, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on September 24, 2026, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Bobby Powell, Jr.
Commissioner _____ moved for the approval of the Resolution.

The motion was seconded by Commissioner Joel G. Flores and, upon being put to a vote, the vote was as follows:

- | | |
|---|----------|
| Commissioner Sara Baxter, Mayor | - Aye |
| Commissioner Marci Woodward, Vice Mayor | - Aye |
| Commissioner Maria G. Marino | - Aye |
| Commissioner Gregg K. Weiss | - Aye |
| Commissioner Joel G. Flores | - Aye |
| Commissioner Maria Sachs | - Absent |
| Commissioner Bobby Powell, Jr. | - Aye |

The Mayor thereupon declared that the Resolution was duly passed and adopted on September 24, 2026.

Filed with the Clerk of the Board of County Commissioners on SEP 24 2026.

This Resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY	PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS
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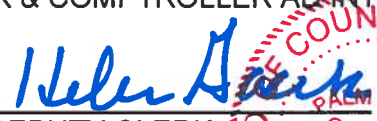
BY: <u></u> COUNTY ATTORNEY	SHANNON RAMSEY-CHESSMAN CLERK & COMPTROLLER AD INTERIM BY: <u></u> DEPUTY CLERK
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EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

PARCEL 1:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 14, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89°58'43" WEST, ALONG THE SOUTH LINE OF SAID SECTION 14, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°58'43" WEST, ALONG THE SOUTH LINE OF SAID SECTION 14, A DISTANCE OF 258.01 FEET TO A POINT; THENCE NORTH 00°05'19" WEST, A DISTANCE OF 335.54 FEET TO A POINT; THENCE NORTH 89°58'53" EAST, A DISTANCE OF 257.86 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF HAVERHILL ROAD (A COUNTY ROAD) AS NOW LAID OUT AND IN USE; THENCE SOUTH 00°07'06" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 335.72 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 14, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89°58'43" WEST, ALONG THE SOUTH LINE OF SAID SECTION 14, A DISTANCE OF 308.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°58'43" WEST, ALONG THE SOUTH LINE OF SAID SECTION 14, A DISTANCE OF 258.03 FEET TO A POINT; THENCE NORTH 0°03'32" WEST, A DISTANCE OF 335.36 FEET TO A POINT; THENCE NORTH 89°58'53" EAST, A DISTANCE OF 257.85 FEET TO A POINT; THENCE SOUTH 0°05'19" EAST, A DISTANCE OF 335.54 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAINING 173,093 SQUARE FEET (3.973 ACRES), MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

Exhibit A-2 - Zoning Map



EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use

ACCESS

1. Access is prohibited from Horseshoe Circle South, during and after construction. (ONGOING: CODE ENF - Zoning)

ALL PETITIONS

1. The approved Preliminary Subdivision Plan is dated July 8, 2026. 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. (ONGOING: ZONING - Zoning)

2. Drainage easements and landscape buffer easements/tracts shall not be located within the limits of the Townhouse lots as depicted on the Preliminary Subdivision Plan dated July 8, 2026. (ONGOING: ZONING - Zoning)

3. At the time of Final DRO, the Final Subdivision Plan shall be revised to replace the proposed six-foot-high vinyl slatted fence with a solid wood fence or PVC/vinyl fence along the landscape buffers, at the northern and western property lines. (ONGOING: ZONING - Zoning)

ENGINEERING

1. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall permit, fund, install, and have operational the modified traffic signal at Community Dr and Haverhill Rd, that includes the new western leg. Any required modifications to the eastern leg shall also be done in conjunction with the signal modification. Signalization shall be a mast arm structure installation, or as approved by the County Engineer. The cost of signalization shall be paid by the Property Owner and shall also include all design costs and any required utility relocation and right of way or easement acquisition. (BLDGPM/CO: MONITORING - Engineering)

2. No Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division for the signal modification at Community Dr and Military Trail intersection, as stated in the above condition. (BLDGPM/CO: MONITORING - Engineering)

3. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's 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 to the Land Development Division prior to final approval of the Site Plan by the DRO.

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)

4. Prior to the issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM/PLAT: MONITORING - Engineering)

5. Pursuant to the Traffic Analysis, the Buildout Date is 2030. No Building Permits for the site may be issued after December 31, 2030. 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)

LANDSCAPE - PERIMETER (NORTH PROPERTY LINE)

1. The north property line Right of Way buffer shall be upgraded as follows:

a. Width: Minimum 15 feet with no easement overlap;

b. Barrier: 6-foot-high opaque fence;

c. Canopy tree quantity: 1 per 20 linear feet;

d. Pine/Palm tree quantity: 1 pine per 15 linear feet; and

e. Ground Cover and Shrubs quantity:

- i. Ground Cover entire buffer;
- ii. Small shrubs 1 per 2 linear feet;
- iii. Large shrubs 1 per 4 linear feet (BLDGPMPT/DRO/ONGOING: ZONING - Zoning)

LANDSCAPE - PERIMETER (WEST PROPERTY LINE)

2. The west property line Type 1 Incompatibility buffer shall be upgraded as follows:
 - a. Width: Minimum 10 feet with no easement overlap;
 - b. Barrier: 6-foot-high opaque fence;
 - c. Canopy tree quantity: 1 per 20 linear feet;
 - d. Pine/Palm tree quantity: 1 pine per 15 linear feet; and
 - e. Ground Cover and Shrubs quantity:
 - i. Ground Cover entire buffer;
 - ii. Small shrubs 1 per 2 linear feet;
 - iii. Large shrubs 1 per 4 linear feet (BLDGPMPT/DRO/ONGOING: ZONING - Zoning)

PLANNING

1. The subject development for 34 multifamily units with a 5-unit Workforce Housing Program (WHP) obligation was calculated based on 20 units by land use and a Full Incentive WHP Density Bonus of 70% (14 units). As explicitly stated by the Board and agreed to by the Property Owner, the 5 WHP units shall only be provided as for sale townhomes and delivered off-site through the Off-Site Construction/Same Developer Disposition Method. No other WHP disposition method may be used. Should a reduction in overall units occur, the WHP obligation may be reduced subject to a new analysis, and the timing mechanisms adjusted administratively as needed. (ONGOING: PLANNING - Planning)
2. The Developer shall notify Planning and the Department of Housing and Economic Development (DHED) at the commencement of sales. (ONGOING: PLANNING - Planning)
3. Prior to the issuance of the first residential Building Permit, the Property Owner shall submit all contracts or related agreements for any off-site option evidencing site control and necessary approvals, and these shall be approved by the County Administrator, or designee. (BLDGPMPT: MONITORING - Planning)
4. Prior to the issuance of the first residential Building Permit, the Property Owner shall record in the public records of Palm Beach County Declarations of Restrictive Covenants for the receiving site of the workforce housing obligation, and a Notice of Disposition for the subject site, in a form acceptable to and approved by the Palm Beach County Attorney. (BLDGPMPT: MONITORING - Planning)
5. Prior to the issuance of the first residential Building Permit, the Property Owner shall provide documentation, such as an affidavit on a form provided by the County, demonstrating that the Workforce Housing Program (WHP) units to be provided off-site comply with the required WHP design standards, including but not limited to the provision of a model and that the exterior design, materials, and finishes of the WHP units are compatible with those of the market-rate units at the off-site development. (BLDGPMPT: MONITORING - Planning)
6. Prior to the issuance of fifty percent of the residential Building Permits (17 du) at Victoria Village (Control No. 2017-00059), a minimum of fifty percent (3 du) of the required WHP units to be constructed off-site shall receive Certificate of Occupancy (CO). (BLDGPMPT: MONITORING - Planning)
7. Prior to the issuance of eighty five percent of the residential Building Permits (29 du) at Victoria Village (Control No. 2017-00059), all 5 of the required WHP units to be constructed off-site must receive Certificates of Occupancy (CO). (BLDGPMPT: MONITORING - Planning)
8. Prior to issuance of the first Certificate of Occupancy (CO), the site plan and other appropriate documents shall be modified to include the OR Book and Page of the recorded Declaration of Restrictive Covenants, the name of the Off-Site Project(s), and the total number of WHP units and the number in each applicable WHP income category. (CO: MONITORING - Planning)

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 necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority

of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. 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)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the 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.

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: ZONING - Zoning)

DISCLOSURE

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