

**TOWN OF HAVERHILL  
LOCAL PLANNING AGENCY MEETING  
THURSDAY, MARCH 28, 2024  
6:00 P.M.  
OFFICIAL MINUTES**

The Local Planning Agency meeting of the Town of Haverhill was held on Thursday, March 28, 2024, at the Town Hall, 4585 Charlotte Street, Haverhill, FL.

**CALL TO ORDER**

Mayor Foy called the meeting to order at 6:00 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Foy offered the Invocation and led in the Pledge of Allegiance.

**ROLL CALL**

Town Administrator Stevens called the roll and Council Members present were Mayor Jay G. Foy, Vice Mayor Lawrence Gordon, Council Member Ray Caranci, Council Member Teresa Johnson, and Council Member Dennis Withington. Town Staff present included Town Attorney John Foster, Town Administrator Tracey Stevens, Town Planner Josh Nichols, and Town Engineer Todd McLeod. With a quorum present in the Council Chambers, the meeting proceeded.

**PUBLIC HEARINGS**

1. Ordinance No. 522: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, PALM BEACH COUNTY, FLORIDA, PURSUANT TO AN APPLICATION FOR VOLUNTARY ANNEXATION FILED WITH THE TOWN BY MERITAGE HOMES OF FLORIDA, INC., A FLORIDA CORPORATION, AS AGENT, ANNEXING WITHIN THE CORPORATE AREA OF THE TOWN OF HAVERHILL, FLORIDA, FIVE (5) PARCELS OF REAL PROPERTY COMPRISING A TOTAL OF 12.553 ACRES, SAID REAL PROPERTY BEING LOCATED IN UNINCORPORATED PALM BEACH COUNTY APPROXIMATELY 0.22 MILES NORTH OF SOUTHERN BOULEVARD, 0.91 MILES WEST OF MILITARY TRAIL, AND 2.30 MILES EAST OF THE FLORIDA TURNPIKE, AS MORE PARTICULARLY DESCRIBED HEREIN AND AS DEPICTED ON THE SURVEY AND MAP ATTACHED HERETO; DECLARING THAT THE VOLUNTARY ANNEXATION APPLICATION BEARS THE SIGNATURES OF THE OWNERS OF THE REAL PROPERTY TO BE ANNEXED HEREBY; FINDING THAT THE AREA TO BE ANNEXED IS CONTIGUOUS TO THE TOWN, REASONABLY COMPACT AND WILL NOT RESULT IN THE CREATION OF ANY ENCLAVES, AND IS IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; AMENDING APPENDIX A OF SECTION 1.02 OF ARTICLE I OF THE TOWN CHARTER BY REDEFINING THE CORPORATE LIMITS AND BOUNDARIES OF THE TOWN TO INCLUDE THE ANNEXED REAL PROPERTY IN THE TOWN'S OFFICIAL BOUNDARY MAP; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF STATE, THE PALM BEACH COUNTY CLERK OF COURT, THE COUNTY ADMINISTRATOR FOR PALM BEACH COUNTY AND OTHERS, AND PROVIDING FOR A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

Town Attorney Foster read Ordinance No. 522 by title only.

## LOCAL PLANNING AGENCY MEETING MINUTES OF MARCH 28, 2024

Mayor Foy noted that this is a quasi-judicial hearing, and asked Council Members to disclose any ex-parte communications they may have had. Upon roll call by the Town Administrator, it was determined that no members of the Local Planning Agency (LPA) had any ex-parte communications to disclose.

Town Attorney Foster swore in any witnesses that wished to speak on Ordinance No. 522.

Town Administrator Stevens led the staff presentation noting that in accordance with Florida Statutes Section 171.044, a voluntary annexation petition had been filed with the Town by Meritage Homes, as agent for the owners, to annex five parcels of real property off Wallis Road. The five parcels, which are currently located in unincorporated Palm Beach County, total 12.553 acres. The Town has provided the proper notice to the public, the County, and other agencies regarding this voluntary annexation petition, in accordance with State Statutes, County Ordinance number 2007-018, and the Town's interlocal agreement with IPARC. The voluntary annexation petition includes information that the developer is proposing to construct a single-family development of 100 townhome units and is requesting a future land use of high density residential not to exceed 8 units per acre in the R-3 medium density residential district. The Town's Planner, Josh Nichols, has reviewed the petition, and is in attendance to speak with the LPA regarding his findings.

Town Planner Nichols stated that he reviewed the petition from a technical perspective, making sure the petition meets the requirements for annexation. He noted that the area proposed to be annexed is in the County's future annexation area for the Town of Haverhill. If it were to be annexed, it does require a Town Future Land Use Amendment and Town Re-Zoning and adding the boundary into the PBI Airport Overlay for townhome units.

Brian Seymour, Attorney with Gunster Law Firm, representing the applicant Meritage Homes, led the applicant's presentation. He noted that WGI, who is also involved with the project, had originally met with the County to discuss its townhome project, and County Staff was not in favor of the project. After that meeting, WGI and Meritage Homes approached the Town regarding the project and received a favorable response. He mentioned that the County sent a letter of objection to the Town, and that is when his firm was hired by the applicant. He stated his firm evaluated the County's objection and outlined why the project meets Florida Statutes. He stated that his legal opinion is that the entire Northern border is contiguous with the Town, noting that the Statutes specifically state that the canal does not break up contiguity. He stated that the Attorney General opinion that the County provided in its objection letter references a lake with a 2,000 foot separation, not an 80 foot canal. He stated that he cited a case with a parcel near I-75 that is closer to this proposal. He stated he met with County Commissioner Weiss who asked if the applicant was willing to provide affordable housing which is important in Palm Beach County. He stated that although the Town does not have regulations regarding affordable housing, the applicant is willing to provide some affordable housing units. He stated that the project is going to be in the affordable range, but if there are deed restricted units, those would be held with the Town. He noted that his client has no objection to working toward that. He mentioned that he would be present at the Board of County Commissioners meeting on April 2, 2024, and if the outcome is to provide workforce housing units, the applicant would amend its application to provide those.

Mayor Foy called for public comment, and the following spoke to the LPA or provided written comments prior to the meeting:

Palm Beach County Principal Planner Khurshid Mohyuddin, spoke on behalf of Palm Beach County, stating that the County is opposed to the voluntary annexation. He noted that the

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opposition letter dated March 15, 2024 that was submitted to the Town was prepared by County Staff and the County Attorney. Specifically, County Staff finds that the area in question is not contiguous with the Town of Haverhill boundaries as that term is defined in State Statutes Section 171.031(3). In addition, County Staff finds that the proposed density would be incompatible with existing densities to the North, South, East and West. The County has long established a mechanism to provide workforce/affordable housing in high density areas. In annexing and increasing densities, the County and Town would miss a valuable opportunity to provide affordable homes to the residents who need them the most. The County remains committed to its efforts to work cooperatively with municipalities towards annexation. The County, however, must object to this annexation due to the issues outlined in the letter. Furthermore, the County reserves its right to pursue all legal remedies available should the Town Council adopt this annexation. The County respectfully requests that the Town deny the voluntary annexation application. Mr. Mohyuddin indicated that County Staff will present this item to the Board of County Commissioners on April 2, 2024, for a formal County position.

Town Administrator Stevens read into the record a public comment submitted by Janel Horne, 5331 Ruth Drive, West Palm Beach, indicating Ms. Horne was opposed to the annexation due to the increased traffic on Wallis Road which is only a two-lane roadway, and she questioned the contiguity required for annexation.

Town Attorney Foster stated that in light of the Board of County Commissioners meeting on April 2, 2024 to discuss the annexation, staff is recommending that this item be continued to the April 25, 2024 meeting at 6:00 p.m. at Town Hall located at 4585 Charlotte Street, Haverhill, FL. At the Board of County Commissioners meeting, County staff will be seeking direction on the County's position, and Town Staff would like the opportunity to gather more information on the County's perspective, and perhaps work with them and the developer to come to an agreement on a project that would incorporate workforce housing.

During the applicant's final presentation, Mr. Seymour indicated that although it is his opinion that there is no legally valid basis for the objection relative to the annexation, the applicant is committed to working through the County's objections, as they would like to be good neighbors.

Mayor Foy closed the quasi-judicial hearing.

**Vice Mayor Gordon moved to recommend to the Town Council that the hearing on this matter be postponed to April 25, 2024 at 6:00 p.m. at Haverhill Town Hall located at 4585 Charlotte Street, Haverhill, FL 33417; seconded by Council Member Johnson. Motion carried 5-0.**

Mayor Foy mentioned that the developer has signed a memorandum of understanding agreeing to pay all legal fees should the County decide to pursue legal action.

**ADJOURNMENT**

There being no further business to come before the Local Planning Agency, the meeting was adjourned at 6:28 p.m.

Minutes prepared by Town Administrator Stevens and adopted by the Local Planning Agency on April 25, 2024.

Approved: \_\_\_\_\_

Tracey L. Stevens, Town Administrator

Jay G. Foy, Mayor

# SIGN IN SHEET

TOWN OF HAVERHILL  
 LOCAL PLANNING AGENCY & REGULAR TOWN COUNCIL MEETING  
 Thursday, March 28, 2024  
 6:00pm

NAME	ADDRESS	EMAIL
Sean Wible	TCH	swible@townofhaverhill.com
Ruth Fongemé		yourcowntreasure@yahoo.com
Michael Damelio	Mentage Homes	michael.damelio@mentagehomes.com
Sara Montesino	445 53rd DR N	Saramontesino317@gmail.com
Joanne Konecny	419 53rd D. N	
Thomas Montesino	445 53rd DR N	THOMAS.MONTESINO@YAHOO.COM
Brian Sawyer	7775 Flugler Dr	bsawyer@genstar.com
Khurshid Mohyuddin	PBC Planning 2300 N. Jog Rd WPB, FL 32411	Kmohyudd@pbc.gov
Adrian Marcano	3225 Gun Club Rd 10980 TOWN CIR	MARCANO@PBC.DRSVA.COM
Mary Waters		1stwatermary@gmail.com
Brenan Luck	1400 Centre Park St 905	bluck@civil-design.com
Gieta Mey	536 Tall Pine Rd	equalitypaint.com
Wilfred Mey	536 Tall Pine Rd	" "
Kim Cobb	5311 Club Rd	Kimc561@gmail.com
Randy Salazar	5311 Club R	" "
Craig Spiegelhalter	PBC FR	cspiegel@pbc.gov
David Swartz	760 Talbot Lane	David.Swartz@ad.com

# SIGN IN SHEET

**TOWN OF HAVERHILL**  
**LOCAL PLANNING AGENCY & REGULAR TOWN COUNCIL MEETING**  
**Thursday, March 28, 2024**  
**6:00pm**

NAME	ADDRESS	EMAIL
DOUG MURRAY	2035 VISTA PKWY WEST PALM BEACH FL	DOUG.MURRAY@WBINC.COM
Josh Nichols	1551 N. Flagler	jnichols@snlandplan.com
Derrick Aceti	550 Tall Pines	
Todd McLeod	1650 PB LAKES WFB	todd @ mcleodmcearth.com
Melissa McKinlay	2035 Vista Pkwy	melissa.mckinlay@wbinc.com