Agenda Item #5

Amendment to the Beach Haven PUD Tracts H and L

QUASI-JUDICIAL
Application #3129
Amendment to Beach Haven PUD

Developer (Hari Maru Florida) is seeking amendment to the Beach Haven PUD Development Agreement and PUD Site Development Plan for development of greenway Tracts H and L as Type 2-C lots.
Application #3129
Amendment to Beach Haven PUD

“Should such greenways on adjacent properties not be designated within 5 years of the date of approval of this PUD [August 16, 2004], this provision shall expire and all designated tracts shall remain for private use of the Beach Haven residents.” (Ordinance No. 2004-12).
“Provided however, that if such similar, continuous greenways on either or both of the North and South adjacent properties are not created and dedicated within five (5) years of the date of this plat of Beach Haven, Unit One [approved May 15, 2006, recorded May 30, 2006], then the provisions contained in this paragraph shall expire, terminate and be of no further force or effect, at which time Tract “H” shall revert to the Developer [JNM Flagler Development, Ltd.].” (Beach Haven – Unit One plat).
Application #3129
Amendment to Beach Haven PUD

“...but if such similar, continuous greenways on either or both of the north and south adjacent properties are not created and dedicated within five (5) years of the date of the plat of Beach Haven, Unit One [May 15, 2006], then both Tracts L and H shall automatically revert to the Founder [JNM Flagler Development, Ltd.] who may sell them as single family residential Lots.” (Declaration of Charter, Easement, Covenants and Restrictions for Beach Haven effective May 23, 2006).
Application #3129
Amendment to Beach Haven PUD

“Should such greenways on adjacent properties not be designated within 5 years of the date of approval of this PUD [June 25, 2007], this provision shall expire and all designated tracts shall remain for private use of the Beach Haven residents.” (Ordinance No. 2007-06).
Application #3129
Amendment to Beach Haven PUD

“Should such greenways on adjacent properties not be designated within 5 years of the date of approval of this PUD [June 18, 2012], this provision shall expire and all designated tracts shall remain for private use of the Beach Haven residents.” (Ordinance No. 2012-05).
Application #3129
Amendment to Beach Haven PUD

“Provided however, that if such similar, continuous greenways on either or both of the North and South adjacent properties are not created and dedicated within five (5) years of the date of this plat of Beach Haven, Unit Two [approved February 16, 2015, recorded March 3, 2015], then the provisions contained in this paragraph shall expire, terminate and be of no further force or effect, at which time Tract “L” shall revert to the Developer [Hari Maru Florida, LLC] and its successors and assigns and become a Type 2-C buildable lot.” (Beach Haven – Unit Two plat).
Application #3129
Amendment to Beach Haven PUD

Should such greenways on adjacent properties not be designated within 5 years of the date of approval of this PUD, this provision shall expire Tracts H and L and all designated tracts shall revert to the Developer and its successors and assigns and each Tract shall become a Type 2-C buildable lot remain for private use of the Beach Haven residents.”

(Section V.G., page 9 of Attachment “2”, revised June 8, 2012).
Application #3129
Amendment to Beach Haven PUD

Should such greenways on adjacent properties not be designated within 5 years of the date of approval of this PUD, this provision shall expire and Tracts H and L all designated tracts shall revert to the Developer and its successors and assigns and each Tract shall become a Type 2-C buildable lot remain for private use of the Beach Haven residents.” (Section V.G., page 9 of Attachment “2”, revised June 8, 2012).
Application #3129
Staff Recommendation

The Planning and Development Board finds that the amendment to the Beach Haven Planned Unit Development (PUD) Development Agreement and PUD Site Development Plan is consistent with the adopted Comprehensive Plan and the Land Development Code and recommends approval of the amendment to the Board of County Commissioners, finding that Tract H may now be developed as a Type 2-C lot since five…
Application #3129
Staff Recommendation

...years has elapsed following the recording of the Beach Haven – Unit One plat, but that Tract L may not yet develop as a Type 2-C lot since two years remain until five years have elapsed following the recording of the Beach Haven – Unit Two plat.