

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



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**Application No.:** CB-2012-00692  
**Control No.:** 2011-00450  
**Applicant:** Community Land Trust Of Palm Beach County  
**Owners:** Community Land Trust Of Palm Beach County  
**Agent:** Colome & Associates, Inc - Elizabeth Colome  
Zabik and Associates, Inc - Larry Zabik  
**Telephone No.:** (561) 833-9147 , (561) 791-2468  
**Project Manager:** Donna Adelsperger, Site Planner I

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**Location:** Approximately 0.20 mile south of Melaleuca Lane on the west side of Davis Road. (Davis Landings West)

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**TITLE:** a Class B Conditional Use **REQUEST:** to allow 24 Multi-family units within the Residential Multi-family (RM) Zoning District

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**APPLICATION SUMMARY:** Proposed is a Class B Conditional Use for the Davis Landings West development. The applicant is requesting approval to allow 24 Multi-family units, located in 18 buildings, on a currently vacant land 4.29 acre parcel of land. The Preliminary Site Plan shows 0.20 acres of recreation, and a community garden. A total of 74 parking spaces are provided and one access point to the site will be provided from Davis Road.

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**ISSUES SUMMARY:**

- o Consistency with Comprehensive Plan

The Planning Division has reviewed the request and has determined that the Conditional Use B is consistent with the site's Medium Residential 5 (MR-5) Future Land Use (FLU) Designation. See Staff Review and Analysis for additional information from the Planning Division.

- o Compatibility with Surrounding Land Uses

**NORTH:**

FLU Designation: Medium Residential (MR-5)  
Zoning District: Multi-Family Residential (Medium Density) District (RM)  
Supporting: Single-family Residential

**SOUTH:**

FLU Designation: (City of Atlantis)  
Zoning District: (City of Atlantis)  
Supporting: Golf Course

**EAST:**

FLU Designation: High Residential (HR-8)  
Zoning District: Multi-Family Residential (Medium Density) District (RM)  
Supporting: Multi-family Residential (Control No 2008-215, Davis Landings)

WEST:

FLU Designation: Medium Residential (MR-5)

Zoning District: Multi-Family Residential (Medium Density) District (RM)

Supporting: Single-family Residential

The site is located in an area that is developed with a combination of single-family and multi-family homes to the north, east and west. To the south across the LWDD L-14 Canal is a golf course that is within the City of Atlantis. The proposed 24 multi-family units will be compatible with the existing residential uses in the area.

o Affordable Housing (AFH)

The applicant is requesting to utilize the Affordable Housing Program (AHP) for a 15% AHP bonus (3 bonus units) for a total of 24 units. The applicant has targeted the following units to these household income ranges based on funding from the Community Development Block Grant Program (CDBG):

\* 21 units at 80% and below Area Median Income (AMI), and

\* 3 units at 120% or below AMI.

These proposed household income ranges are consistent with the funding requirements of the Neighborhood Stabilization Program (NSP), see Planning Staff Review and Analysis for further information. The AHP allows for the income ranges to be adjusted for consistency with affordable housing funding requirements (Article 5.G.2.A).

o Special Overlay District and Countywide Community Revitalization Team areas

The site is located within the Redevelopment, Revitalization and Infill Overlay (RRIO), the Urban Redevelopment Area (URA) and Countywide Community Revitalization Team (CCRT) area Number #-73 known as Mathis Street - Brooklyn Area. The Office of Community Revitalization (OCR) provided a letter of support dated May 2, 2012 (Exhibit E). The letter also stated that OCR would like the applicant to work with them on on-site lighting locations to promote crime prevention and the ongoing maintenance of the site.

o Traffic

See Staff Review and Analysis for additional information from Land Development and Traffic Divisions.

o Landscape/Buffering

The applicant is providing the required 15-foot Right-of-Way Buffer along Davis Road, a 10-foot Type I Incompatibility Buffer along the north, northeast and west property lines and a 5-foot Compatibility Buffer along the south property line adjacent to the LWDD L-14 Canal.

o Signs

The applicant is proposing one entrance sign a maximum of 6 feet in height with sign face area of 34 square feet which will be located along the south side of the entrance's round-about.

o Architectural Review

The site is not subject to Architectural Review as none of the proposed buildings contain more than 16 units or are three or more stories in height. Therefore the proposed structures do not exceed the thresholds of Article 5.C, Architectural Review.

**TABULAR DATA**

	EXISTING	PROPOSED
<b>Property Control Number(s)</b>	00-43-44-30-01-120-0041 00-43-44-30-01-119-0032	New
<b>Land Use Designation:</b>	Medium Residential (MR-5)	Same
<b>Zoning District:</b>	Multi-Family Residential (Medium Density) District (RM)	Same
<b>Tier:</b>	Urban/Suburban	Same
<b>Use:</b>	Vacant	Multi-Family
<b>Acreage:</b>	4.29 acres	Same
<b>Dwelling Units:</b>	0	24
<b>Density:</b>	5 units/acre	6 units/acre
<b>Parking:</b>	0 spaces	74 spaces
<b>Access:</b>	Davis Road (1)	Same

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**PUBLIC COMMENT SUMMARY:** At the time of publication, staff had received no contact from the public regarding this project.

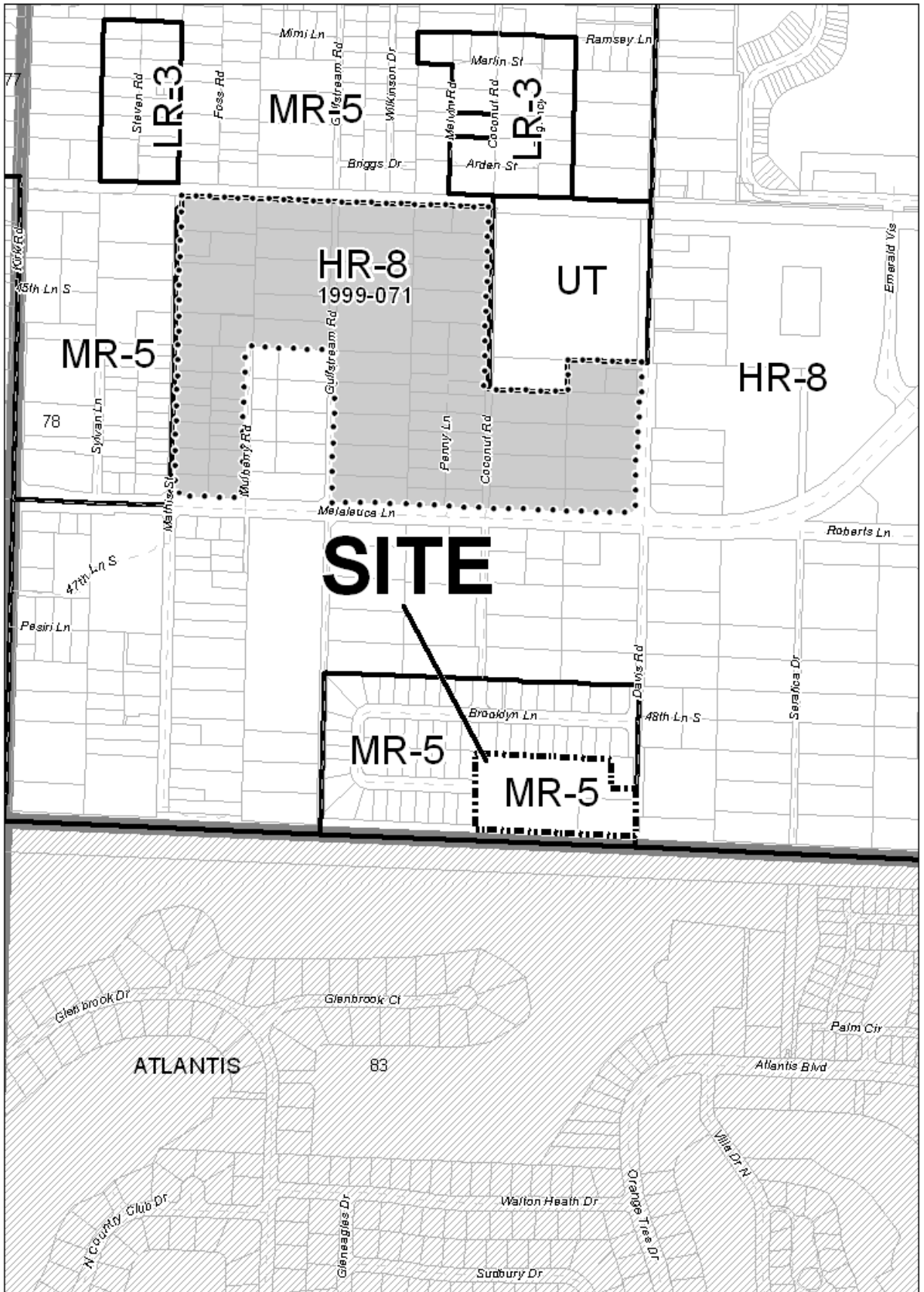
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**RECOMMENDATION:** Staff recommends approval of the request subject to 14 Conditions of Approval as indicated in Exhibit C.

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**MOTION:** To adopt a resolution approving a Class B Conditional Use to allow 24 multi-family units within the Residential Multi-family (RM) Zoning District subject to the Conditions of Approval as indicated in Exhibit C.

# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Number:	<u>CB-2012-692</u>
Control Number:	<u>2011-450</u>
Land Use Atlas Page:	<u>78</u>
Date:	<u>05/22/2012</u>



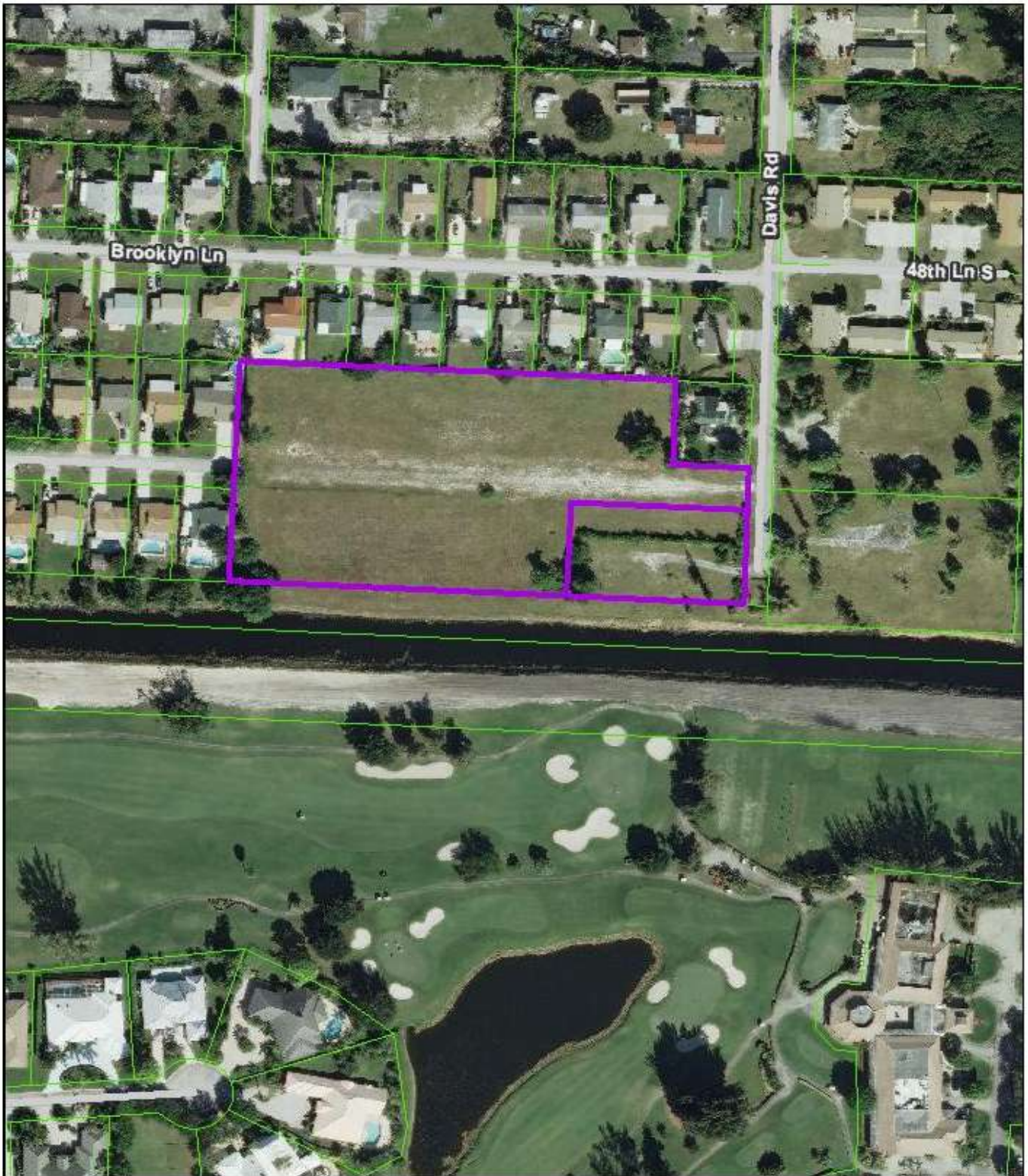
**Figure 1 Land Use Map**  
ZC

Application No. CB-2012-00692  
Control No. 2011-00450  
Project No. 01000-647

July 5, 2012  
BCC District 03



**Figure 2 Zoning Quad Map**



<p>CB-2012-0692(2011-450) Davis Landings West - Aerial produced by: myGeoNav</p>		
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Figure 3 Aerial



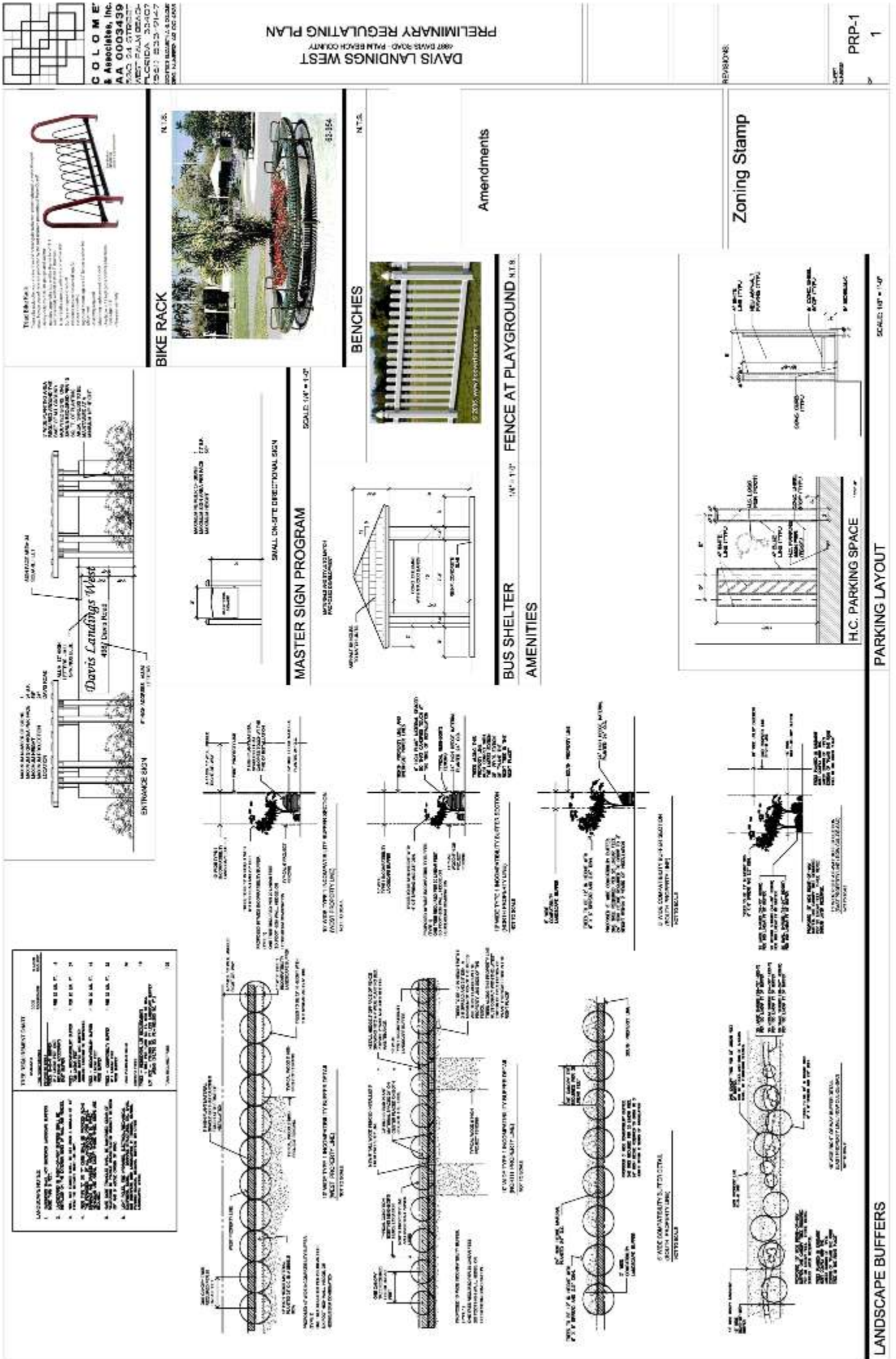


Figure 5 Preliminary Regulating Plan dated May 10, 2012



## STAFF REVIEW AND ANALYSIS

### PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) DESIGNATION: Medium Residential 5 units per acre (MR-5)

TIER: The subject site is in the Urban/Suburban Tier.

FUTURE ANNEXATION AREAS: The subject site is located within the future annexation area of the Village of Palm Springs.

INTERGOVERNMENTAL COORDINATION: The subject property is located within one mile of the Village of Palm Springs and the City of Atlantis.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request for a Class B Conditional Use Approval for 24 units utilizing the Affordable Housing Program (AHP) and has found it consistent with the Future Land Use Designation.

The Davis Road Properties consists of four parcels; the two on the east side of Davis Road were issued a DRO approval for 25 units on July 13, 2011 and the two parcels on the west side of Davis Road, which are the Subject of this request.

All four parcels were purchased by the Community Land Trust of Palm Beach County using a Community Development Block Grant (CDBG) via Special Warranty Deed (ORBK 23091 PG0695) and are bound by a Restrictive Covenant (OR BK 23091 PG 0700) both recorded February 23, 2009. The CDBG Grant requirements will run with the land until December 31, 2042. The restrictions required by the covenant include the construction and sale of single family units on the western parcels prior to December 31, 2012 to expire December 31, 2042; and the construction and rental of at least 51% of the multi-family rental units on the eastern parcels prior to December 31, 2012 to expire December 31, 2017.

Grants from the Neighborhood Stabilization Program 2 (NSP2) were awarded November 16, 2010 for a sum of \$4,523,006 which includes the requirement of a Declaration of Restrictions for Rental Properties, recorded November 16, 2010 and last amended on August 2, 2011 (ORBK 24673 PG1193). Funds from this grant not utilized prior to December 15, 2012 will revert back to the County. Excess funds from this grant are being utilized for the construction of the necessary road work between two projects.

### Density

The Planning Division issued a letter of Determination on March 21, 2012 regarding the maximum density allowed for the subject site. It was determined that the site could develop at the maximum of five units per acre under the MR-5 FLUA designation utilizing FLUE Policy 2.2.1-e (4.29 acres x 5 = 21.45, or 21 units).

**Policy 2.2.1-e: Infill Density Exemption** - To encourage redevelopment and infill, the County shall allow a parcel of land that cannot fulfill the minimum acreage requirement under its land use designation and, when applicable, frontage and/or depth requirements for a Planned Development to develop consistent with the character, intensity, and density of the: 1) Existing built environment; and/or 2) Potential built environment, whose density is calculated at the standard density permitted by the land use designation(s) applicable to this environment, provided that:

1. The parcel: 1) Is less than five (5) acres in size for a property designated LR-1, LR-2, LR-3, or MR-5; and 2) Is less than three (3) acres in size for a property designated HR-8, HR-12, or HR-18.
2. The proposed development does not exceed the maximum density or intensity permitted by the applicable future land use designation; and,
3. The proposed development can meet the requirements of concurrency.

## **Affordable Housing Program**

The Affordable Housing Program (AHP) is a voluntary density bonus program where 65 percent of the total units are targeted to households in the 0-60 percent Area Median Income ranges. No more than 20 percent of those units may be targeted to incomes of 30 percent AMI and below. This is to prevent any undue concentrations of extremely low housing opportunities in any one area.

The applicant is requesting to utilize the AHP for a 15% AHP bonus (3 bonus units) for a **total of 24 units**. Per ULDC Article 5.G.2.A., Affordable Housing Program Purpose and Intent (pg.71 & 72), states that "Considerations may be given to developments requesting income percentage target that are different from those previously indicated, based on programmatic requirements imposed by a governmental agency providing affordable housing funding or another entity with different programmatic requirements, with the final determination made by the Executive Director of Planning, Zoning and Building or designee."

The applicant has targeted the following units to these household income ranges based on funding from the Community Development Block Grant Program (CDBG):

- 21 units at 80% and below AMI, and,
- 3 units at 120% or below AMI.

These proposed household income ranges are consistent with the funding requirements of the Neighborhood Stabilization Program. The AHP allows for the income ranges to be adjusted for consistency with affordable housing funding requirements (Article 5.G.2.A).

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The site is located within the Redevelopment, Revitalization and Infill Overlay (RRIO), the Urban Redevelopment Area (URA) and CCRT area # 73 known as Mathis Street – Brooklyn Area. The applicant met with the Office of Community Revitalization (OCR) on May 1, 2012. OCR provided a letter of support dated May 2, 2012. The letter also stated that OCR would like the applicant to work with them on future lighting locations for crime prevention and the ongoing maintenance of the site.

FINDINGS: The request is consistent with the MR-5 land use designation of the Comprehensive Plan.

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## **ENGINEERING COMMENTS:**

### REQUIRED ENGINEERING RELATED PERMITS

The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section, for access onto and improvements to Davis Road.

### RIGHT OF WAY CONVEYANCE

The Property Owner shall convey additional right-of-way along the project frontage on Davis Road to accommodate required improvements.

### TRAFFIC IMPACTS

Total traffic expected from the proposed project is 168 trips per day, 15 trips in the PM peak hour. Additional traffic is subject to review for compliance with the Traffic Performance Standard. There are no improvements to the roadway system required for compliance with the Traffic Performance Standards because this project has an insignificant impact on the surrounding roadway network.

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## **PALM BEACH COUNTY HEALTH DEPARTMENT:**

No Staff Review Analysis

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**ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

VEGETATION PROTECTION: The site has been previously cleared of most of the native vegetation for a single family residence.

WELLFIELD PROTECTION ZONE: The property is not located with 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.

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**OTHER:**

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: In accordance with adopted school concurrency, a Concurrency Determination for 24 residential units (16 single-family units, 8 apartment units) had been approved on April 20, 2012 (Concurrency Case #12042001C). The subject property is located within Concurrency Service Area 14 (SAC 210H).

This project is estimated to generate approximately seven (7) public school students. The schools currently serving this project area are: Starlight Cove Elementary, Tradewinds Middle, and Lake Worth Community High.

The Preliminary Site Plan (dated May 10, 2012) shows a 10' x 25' school bus shelter location. This shelter will service this development as well as the students generated from the Davis Landings East development. A bus shelter condition of approval has been applied to this petition request.

PARKS AND RECREATION: Based on the proposed 24 dwelling units .17 acres of on site recreation is required. The plan submitted indicates there will be .20 acres of recreation provided, therefore, the Parks and Recreation Department standards have been addressed.

CONCURRENCY: Concurrency has been approved for 24 multi-family units.

WATER/SEWER PROVIDER: Palm Beach County Water Utilities

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

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**FINDINGS:**

**Conditional Uses, Requested Uses and Development Order Amendments:**

When considering a development order application for a conditional or requested use, or a development order amendment, the BCC and ZC shall consider standards 1 – 8 indicated below. A conditional or requested 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. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.-2.B and provides the following assessment:

1. **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.*

The existing Future Land Use designation for the site is Medium Residential 5 (MR-5) and the proposed Class B Conditional Use for a total of 24 multi-family units is consistent the density of the FLU and the Affordable Housing Program for a 15% density for the site.

2. **Consistency with the Code** - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

The proposed site plan is consistent with the provisions of the ULDC pertaining to a multi-family development. The site meets all setback and separation requirements for the 24-multi-family units proposed. The site is providing a 15-foot Right-of-Way Buffer along Davis Road; a 10-foot Compatibility Buffer to the north, northeast and west; and a 5-foot Compatibility Buffer to the south adjacent to the LWDD L-14 Canal. The site is consistent with surrounding development and adjacent properties to the north, east, and west. To the south of the property is the LWDD Lateral No. 14 Canal.

3. **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 subject site is bordered on the north, west and the northeast corner by single family residences, to the south by a LWDD canal which abuts a golf course within the City of Atlantis, and to the east by a multi-family development. The proposed development is consistent in density with the surrounding properties and uses. Compatibility is insured through the landscape buffering and the scale of the buildings in the proposed development. The proposed site plan provides for sufficient buffering and open space which insure compatibility with existing residential units in the area.

4. **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 site has been designed with “single-family” style units along the north, a portion of the south and the west property lines, a community garden is along the west property line and the “townhome” style units are also along the south property line. The recreation tract has been located in the center of the site so as to provide more of a community focal area where one can watch from a front porch the children playing. The proposed multi-family development fits into the character and scale of the surrounding single family and multi-family uses, thereby minimize the visual impact and the intensity of the development. The design of the buildings, recreation and access are sensitive to adjacent properties and minimize potential adverse impacts.

5. **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.*

This site has no significant existing environmental conditions. No adverse environmental impacts are anticipated to result from the proposed development.

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

The subject site is located within an existing multi-family and single-family residential area along a local public street. The proposed development that includes single family and multifamily style units is consistent with development patterns in the area.

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

Concurrency has been approved for 24 multi-family units as part of this application.

8. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The Neighborhood Stabilization and HOME Programs are the intended funding source for the proposed project. This project, consistent in scale to existing surrounding development, will assist in arresting neighborhood decline and promote stabilization in the surrounding area. The goal of the Community Land Trust is to provide affordable home ownership and rental opportunities throughout Palm Beach County that will be affordable in perpetuity. This project provides a reasonable number of units, consistent with the surrounding community, while meeting the goals of the Community Land Trust of Palm Beach County, the Palm Beach County Affordable Housing Program, Neighborhood Stabilization Program, and the HOME Program.

## CONDITIONS OF APPROVAL

### EXHIBIT C Conditional Use Class B

#### ALL PETITIONS

1. The approved Preliminary Site Plan is dated May 10, 2012. 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)

#### ENGINEERING

1. The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for the right of way required for the proposed cul-de-sac at the southern terminus of Davis Road. All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Grantor 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 Grantor, the Grantor 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 attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the property owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT/ONGOING: MONITORING-Eng)

2. The property owner shall improve Davis Road from the south side of Melaleuca Lane to the southern terminus of the road to be more consistent with local street standards, including drainage and a minimum of one 4-foot sidewalk, increased in width where necessary, as required by the County Engineer.

a. The property owner shall obtain permits from the Land Development Division for these improvements prior to issuance of the first building permit. (BLDG PERMIT: MONITORING - Eng)

b. Improvements shall be completed and permits finalized prior to issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng)

3. The property owner shall:

a. Create a legal lot of record in accordance with Article 11 of the ULDC prior to issuance of the first building permit. (BLDG PERMIT: MONITORING - Eng)

b. Prior to issuance of the first building permit, record a Unity of Title, acceptable to the County Attorney and County Engineer, over the entire property to prevent further subdivision of land. (BLDG PERMIT: MONITORING - Eng)

4. 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. (DRO: ENGINEERING-Eng)

b. Any required drainage easements shall be dedicated in conjunction with any required plat process prior to issuance of the first building permit, whichever shall occur first. (PLAT/BLDG PERMIT: MONITORING-Eng)

#### LAKE WORTH DRAINAGE DISTRICT

1. Prior to Final Approval by the Development Review Officer (DRO) the remaining portion of the Chancery Case 407, as recorded in ORB 6495, Pg 761, which is the north 5.44 feet of south 90.44 feet of Tract E, Blocks 119 and Block 120, Palm Beach Farms Co. Plat No. 7, PB 5, PG 72, will need to be quit-claimed or removed from the boundaries of this petition. (DRO: ZONING - LWDD)

2. Prior to Final Approval by the Development Review Officer (DRO), the site plan shall be amended to remove the fifteen (15) foot Right-of-Way Buffer from the twenty (20) foot easement to be conveyed to Lake Worth Drainage District (LWDD). (DRO: ZONING-LWDD)

3. Prior to platting, approval from Lake Worth Drainage District (LWDD) for Technical Compliance, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the North 20 feet of the South 85 feet of Section 30/44/43; also being the North 20 feet of the South 45 feet of Tract E, Blocks 119 and 120, PBF7, PB 5, PG 72. LWDD will provide and record the conveyance document. (PLAT: ENG-LWDD)

#### PLANNING

1. Prior to the release of the first Building Permit or August 1, 2014, whichever occurs first, the property owner shall submit all applicable recorded covenants related to the Affordable Housing Program units to the Planning Division, unless a request to postpone the recording of the Restrictive Covenants, (Per ULDC Article 5.G.2.F.2), has been received in writing to the Planning Division. The site plan shall also be modified to include the OR Book and Page of the recorded document, along with a copy of the revised site plan is to be submitted to Planning. (BLDG PERMIT/DATE: MONITORING-Planning)

2. On an annual basis, beginning August 1, 2014, or as otherwise stipulated in the Declaration of Restrictive Covenants, the property owner, master homeowners association or individual Affordable Housing dwelling unit owner, shall submit an annual report/update to the Planning Division and Housing and Community Development (HCD) documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing. (DATE/ONGOING: MONITORING - Planning/HCD)

#### 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)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 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(s) shall be the responsibility of the residential property owner. (CO: MONITORING - School Board.)

## COMPLIANCE

1. In granting this approval, the Zoning Commission 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 Zoning Commission 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 (CO); 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; 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 (ULDC) 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; 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)



Exhibit D: Disclosures

**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 Hazel Lucas, 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  President *[position - e.g., president, partner, trustee]* of the Community Land Trust of Palm B *[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: 2240 Palm Beach Lakes Blvd, Suite 202  
West Palm Beach, Florida 33409
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.

[Signature]  
Hazel Lucas, President CLT of PBC, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of April, 2012, by Hazel Lucas, [  ] who is personally known to me or [  ] who has produced \_\_\_\_\_ as identification and who did take an oath.

NOTARY PUBLIC-STATE OF FLORIDA  
Liseanne Jolivet  
Commission #DD995592  
Expires: MAY 25, 2014  
BONDED THRU ATLANTIC BONDING CO., INC.

[Signature]  
Notary Public  
Liseanne Jolivet  
(Print Notary Name)

NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: \_\_\_\_\_

**EXHIBIT "A"**  
**PROPERTY**

**LEGAL DESCRIPTION:**

TRACTS C, D AND E, BLOCK 119 AND TRACTS C, D AND E, BLOCK 120, PALM BEACH FARMS COMPANY PLAT NO. 7, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 72, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THAT PORTION OF LOT C, TRACTS 119 AND 120 LYING IN THE PLAT OF "AUGUSTINE ACRES" AS RECORDED IN PLAT BOOK 26, PAGE 55, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LESS THAT PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 2169, PAGE 961, AND LESS THAT PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 2997, PAGE 1708 AND LESS THE SOUTH 25.0 FEET THEREOF FOR CANAL RIGHT OF WAY.  
CONTAINING 186,975 SQUARE FEET/4.2924 ACRES, MORE OR LESS.

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. 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.

Name	Address
Community Land Trust of Palm Beach County, Inc.	2240 Palm Beach Lakes Blvd, Suite 302, WPB, FL
33409	



**County Administration  
Office of Community Revitalization**

2300 North Jog Road, 2-East  
West Palm Beach, FL 33411-2741  
(561) 233-5311  
FAX: (561) 233-5309  
www.pbcgov.com/ocr



**Palm Beach County  
Board of County  
Commissioners**

- Shelley Vana, Chair
- Steven L. Abrams, Vice Chairman
- Karen T. Marcus
- Paulette Burdick
- Burt Aaronson
- Jess R. Santamaria
- Priscilla A. Taylor

**County Administrator**

Robert Weisman

*"An Equal Opportunity  
Affirmative Action Employer"*

Official Electronic Letterhead

May 2, 2012

Cindee LaCourse-Blum, Executive Director  
Community Land Trust of Palm Beach County, Inc.  
2240 Palm Beach Lakes Blvd, Suite 302  
West Palm Beach, Florida 33409

Dear Cindee,

Per your request, the purpose of this letter is to certify that OCR staff met with you on May 1, 2012 to discuss the Davis Landings West Project. OCR staff considers that the proposed project will help promote the revitalization of the area and will be a welcomed addition to the community.

OCR staff appreciates your follow up on the comments provided at our previous meeting, and thanks you for your efforts to ensure that the following has been achieved:

- Coordination of the community meeting to seek input from residents on Phase I of the project;
- Making the community room and recreation space available to surrounding community;
- Provision of on site management to ensure the proper ongoing maintenance of the property; and
- Providing space for Community Policing in the Community Room in the event the PBSO needs to have presence to address safety concerns in the area;

As discussed, the OCR staff would like to see proposed light locations. The CLT of PBC should provide sufficient lighting (above minimum requirements) to avoid creating hubs of criminal activity. In addition, the OCR staff is requesting that a new community meeting be coordinated at your earliest convenience to seek residents' input on Phase II of the Project.

OCR thanks you for the opportunity to review again the project and look forward to receiving the proposed lighting plan. If you need further assistance or would like to discuss the content of this letter in greater detail, please do not hesitate to contact me at (561) 233-5303 or Ruth Moguillansky, OCR Principal Planner at (561) 233-5376. Thank you.

Sincerely,

Houston L. Tate, OCR Director

Cc: Commissioner Shelley Vana, Chair, Board of County Commissioners  
Jon MacGillis, Zoning Director  
Ruth C. Moguillansky, OCR Principal Planner