

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



**ZONING COMMISSION VARIANCE
STAFF REPORT
February 4, 2010**

| APPLICATION NO. | CODE SECTION | REQUIRED | PROPOSED | VARIANCE |
|---------------------------------|--|------------------------|-----------------|------------------------|
| ZV-2009- 04754 Angelocci PUD | Table 6.A.1.B-1 | 251 spaces | 182 spaces | Reduction of 69 spaces |
| SITUS ADDRESS: | 5350 Purdy Ln West Palm Beach 33415 2311 Westwood Rd West Palm Beach 33415 | | | |
| AGENT NAME & ADDRESS: | Jennifer Vail Land Design South, Inc. 2101 Centrepark West Dr West Palm Beach FL 33409 | | | |
| OWNER NAME & ADDRESS: | Kirk Angelocci 1126 Old Okeechobee Rd West Palm Beach FL 33401 | | | |
| PCN: | 00-42-44-14-05-021-0020 00-42-44-14-05-021-0050 00-42-44-14-05-021-0040 00-42-44-14-05-022-0010 | | | |
| ZONING DISTRICT: | PUD | | | |
| BCC DISTRICT: | 02 | | | |
| PROJECT MANAGER: | Autumn Sorrow, Senior Planner and Andrea Harper, Site Planner II | | | |
| LEGAL AD: | ZV 2009-4754 Title: Resolution approving a Type II Zoning Variance application of Kirk Angelocci by Land Design South, Inc., Agent. Request: to allow a reduction in the required parking spaces. General Location: Approximately 0.4 miles west of the intersection of Haverhill Road and Purdy Lane. (ANGELOCCI PUD) | | | |
| LAND USE: | MR-5 | S/T/R: 14-44-42 | | |
| CONTROL #: | 2003-00061 | | | |
| LOT AREA: | 12.92 acres +/- | | | |
| LOT DIMENSIONS: | None | | | |
| CONFORMITY OF LOT: | Conforming | CONFORMITY OF ELEMENT: | Conforming-PUD | |
| TYPE OF ELEMENT: | Parking for Multi-Family | ELEMENT SIZE: | None | |
| BUILDING PERMIT #: | None | NOTICE OF VIOLATION: | None | |
| CONSTRUCTION STATUS: | proposed | | | |

| | |
|--------------------|---|
| APPLICANT REQUEST: | To allow a reduction in the required parking spaces from 251 to 182 spaces in phase I only. |
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STAFF SUMMARY

TYPE II VARIANCE REQUEST

Proposed is Type II Variance for the Angelocci Planned Unit Development (PUD). The applicant is requesting a variance from Unified Land Development Code, Table 6.A.1.B, entitled “Parking for Multi-family Residential Uses” to allow a reduction in the required number of parking spaces from 251 to 182 in Phase 1 only. The 12.92-acre parcel of land was previously approved as a multi-family development with a total of 140 units, including workforce housing and Transfer of Development Rights (TDR) units, on July 26, 2007. The applicant has also submitted a Development Order Amendment (DOA) application for the Angelocci Planned Unit Development (PUD) to modify/delete conditions of approval and to reconfigure the preliminary site plan; review and certification of this application is contingent upon the final decision of this variance.

The applicant has not demonstrated special conditions or circumstances to support the variance request. Previous approvals complied with all parking requirements and show that other design options are available that will allow the applicant to develop the site in compliance with the Code therefore staff does not support this variance request.

GENERAL LOCATION, PREVIOUS APPROVALS & EXISTING CONDITIONS

The Angelocci PUD is approximately 0.5 mile west of Haverhill Road on the south side of Purdy Lane. The property has a Future Land Use Designation of Medium Residential (MR-5) and a Zoning Designation of (PUD). The site is currently vacant but has been the subject of previous approvals by the BCC. The site was originally approved on April 28, 2005 as a PUD for 99 multi-family residential units (R-2005-816 and R-2005-817). On July 26, 2007, the BCC approved a Development Order Amendment to add land area, add units and re-configure the site plan for a total of 140 multi-family units (R-2007-1240, R-2007-1241, and R-2007-1242). On February 25, 2009, the BCC approved an Expedited Application Consideration to modify/delete condition of approval for Workforce Housing to allow more flexibility (R-2009-0376).

Compatibility with Surrounding Land Uses

To the north, across from Purdy Lane there are 2 developments, Ambergate Estates, with a Zoning Designation of Residential Medium (RM) and MR-5 Future Land Use Designation and Purdy Lane Estates which consists of Single Family Residences, with a Single Family Residential (RS) Zoning District and a LR-3 Future Land Use Designation. The Cresthaven Condominium community is located to the south of the subject property. This property has a Land Use Designation of HR-12 and is located within the Residential High (RH) Zoning District. The property to the east is the development known as, Lena Lane Estates, and has a RM Zoning Designation and a MR-5 Future Land Use Designation. The Green Gate Apartments, (Control No. 1980-111) are located to the west of the subject property and has a Zoning Designation of RH and a HR-12 Land Use Designation.

The use of the property, through previous approvals, was deemed to be compatible with the surrounding land uses. The proposed modifications, through the subsequent Development Order application, will be reviewed for compatibility after the final decision has been deemed for this application. While there are no adverse impacts anticipated on other adjacent sites, the request must comply with the Comprehensive Plan and related ULDC provisions regulating development in the urban/suburban tier. As such, a final determination of compatibility is pending approval of the DOA request and the site plan approval.

Summary of Table 6.A.1.B-1, Minimum off Street Parking

The intent of Table 6.A.1.B-1, Minimum off Street Parking Requirements, is to ensure the provision of off-street parking, loading, queuing, on-site circulation, driveways, and access are in proportion to the demand created by each use. By requiring such facilities, it is the intent to ensure the provision of functionally adequate, aesthetically pleasing and safe off-street parking, loading queuing, on-site circulation, driveways and access.

The ULDC requires parking for residential multi-family development to comply with a minimum of 2 spaces per unit (one bedroom or more). The applicant is requesting a variance for a reduction from the parking requirement to allow an alternate parking calculation that reduces the required number of parking spaces for the Angelocci from 251 parking spaces 182 parking spaces in Phase I only. Phase 1 consists of 3 buildings with 114 units. Phase 2 consists of one building with 26 units. The applicant has not demonstrated the necessity for relief from the code and a parking study has not been provided to justify the reduction. Only related justification from applicant is based on income and age restricted units for the reduced parking which conflicts with the intent of the Code. The ULDC doesn't differentiate age or income, but Article 6 parking is base on the demand created by each use.

In the justification statement the applicant references a development called Malibu Bay, which is within the City of West Palm Beach, which provided reduced parking based on the fact that the development was income restricted. Staff visited Malibu Bay (see the following pictures 1-3) and observed that the development did not provided a sufficient amount of parking.



Figure 1 malibu bay 001



Figure 2 malibu bay 002



Figure 3 malibu bay 003

ANGELCCI PUD
 PREPARED FOR KIRK ANGELCCI
 PALM BEACH COUNTY, FLORIDA

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SITE PLAN

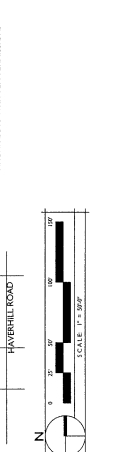
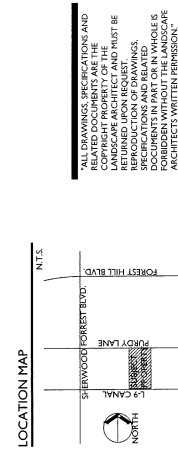
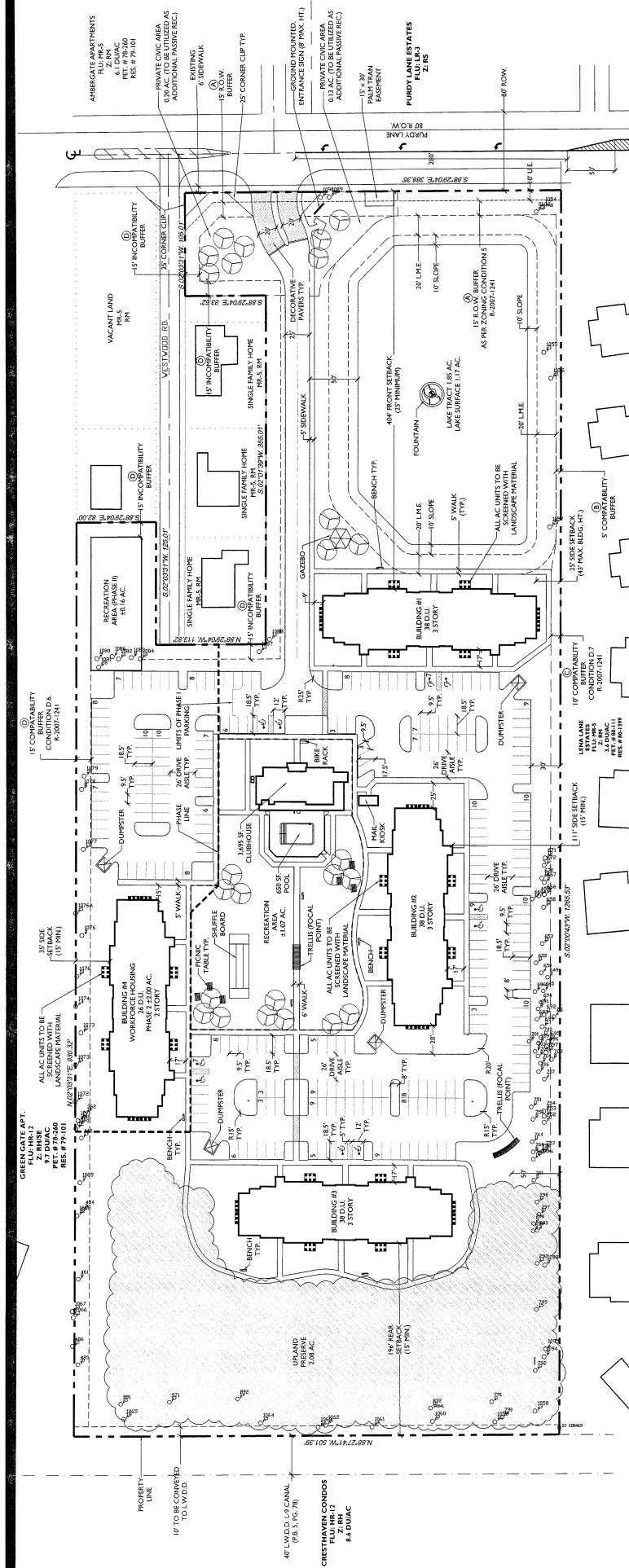
SCALE: 1"=50'

DRAWN BY: BID
 DATE: 12/16/09
 FILE # 6827

L.D.S. PROJECT SCHEDULE

| | |
|---------------|----------|
| DATE PREPARED | 12/16/09 |
| DATE REVISION | |
| DATE APPROVAL | |

SHEET #
 SP.1



RESIDENTIAL LANDSCAPE REQUIREMENTS

| CATEGORY | REQUIREMENT AT INSTALLATION | NUMBER REQUIRED | NUMBER PROVIDED |
|--|------------------------------|-----------------|-----------------|
| 15' U.V.W. BUFFER NORTH PROPERTY LINE ALONG ROAD (LINE 300-1) | 1 per 25 LF | 16 | 16 |
| Trees | 30' Ht. 4" OC/25% of Buffer | 97 | 97 |
| Shrubs - Large | 24' Ht. 2" OC/25% of Buffer | 97 | 97 |
| Shrubs - Small | 18' Ht. 2" OC/25% of Buffer | 194 | 194 |
| Groundcover | 6' Ht. 6" OC/100% of Buffer | 776 | 776 |
| 5' COMPATIBILITY BUFFER EAST PROPERTY LINE ALONG ROAD (LINE 300-2) | 1 per 25 LF | 13 | 13 |
| Trees | 30' Ht. 2" OC/25% of Buffer | 13 | 13 |
| 10' COMPATIBILITY BUFFER EAST PROPERTY LINE BETWEEN THE LAKE AND UP AND RESERVE AREAS (LINE 300-3) | 1 per 25 LF | 19 | 19 |
| Trees | 30' Ht. 2" OC/25% of Buffer | 19 | 19 |
| Shrubs - Large | 30' Ht. 2" OC/25% of Buffer | 139 | 139 |
| Shrubs - Medium | 24' Ht. 2" OC/25% of Buffer | 139 | 139 |
| Shrubs - Small | 18' Ht. 2" OC/25% of Buffer | 278 | 278 |
| 15' INCOMPATIBILITY BUFFER (WEST PROPERTY LINE AND NORTHWEST CORNER OF PHASE I) (LINE 300-4) | 1 per 25 LF | 71 | 71 |
| Trees | 30' Ht. 2" OC/25% of Buffer | 71 | 71 |
| Shrubs - Large | 24' Ht. 2" OC/25% of Buffer | 449 | 449 |
| Shrubs - Medium | 24' Ht. 2" OC/25% of Buffer | 449 | 449 |
| Shrubs - Small | 18' Ht. 2" OC/25% of Buffer | 898 | 898 |
| Groundcover | 6' Ht. 6" OC/100% of Buffer | 3592 | 3592 |
| 15' INCOMPATIBILITY BUFFER (SOUTH PROPERTY LINE) (LINE 300-5) | 1 per 20 LF | 25 | 25 |
| Trees | 30' Ht. 2" OC/25% of Buffer | 25 | 25 |
| Shrubs - Large | 30' Ht. 2" OC/25% of Buffer | 125 | 125 |
| Shrubs - Medium | 24' Ht. 2" OC/25% of Buffer | 125 | 125 |
| Shrubs - Small | 18' Ht. 2" OC/25% of Buffer | 250 | 250 |
| Groundcover | 6' Ht. 6" OC/100% of Buffer | 1002 | 1002 |
| 15' OPEN SPACE/RECREATION AREA BUFFER (INCLINATION AREA) (VOTED BOUNDARY) (LINE 300-6) | 1 per 20 LF | 6 | 6 |
| Trees | 30' Ht. 2" OC/100% of Buffer | 58 | 58 |
| Shrubs - Large | 30' Ht. 2" OC/100% of Buffer | 290 | 290 |
| Trees | 1 per 1250 SF | 872 | 872 |
| Shrubs | 3 per 1250 SF | 422 | 422 |
| TOTAL TREES | | 1231 | 1231 |
| TOTAL PALMS/PIES | | 123 | 123 |

PUD PROPERTY DEVELOPMENT REGULATIONS

| PROPERTY TYPE | MIN. LOT AREA | MIN. LOT WIDTH | MIN. LOT DEPTH | MIN. FRONT YARD SETBACK | MIN. SIDE YARD SETBACK | MIN. REAR YARD SETBACK | MIN. MAX. BUILDING HEIGHT | MIN. MAX. GROUND COVER | MIN. MAX. LOT COVERAGE | MIN. MAX. LOT AREA |
|---------------------------|---------------|----------------|----------------|-------------------------|------------------------|------------------------|---------------------------|------------------------|------------------------|--------------------|
| RESIDENTIAL SINGLE-FAMILY | 1.0 AC | 60' | 75' | 10' | 5' | 5' | 10' | 10% | 10% | 1.0 AC |
| RESIDENTIAL MULTIFAMILY | 0.5 AC | 30' | 30' | 5' | 5' | 5' | 10' | 10% | 10% | 0.5 AC |
| RESIDENTIAL CONDO | 0.5 AC | 30' | 30' | 5' | 5' | 5' | 10' | 10% | 10% | 0.5 AC |
| RESIDENTIAL COMMERCIAL | 0.5 AC | 30' | 30' | 5' | 5' | 5' | 10' | 10% | 10% | 0.5 AC |

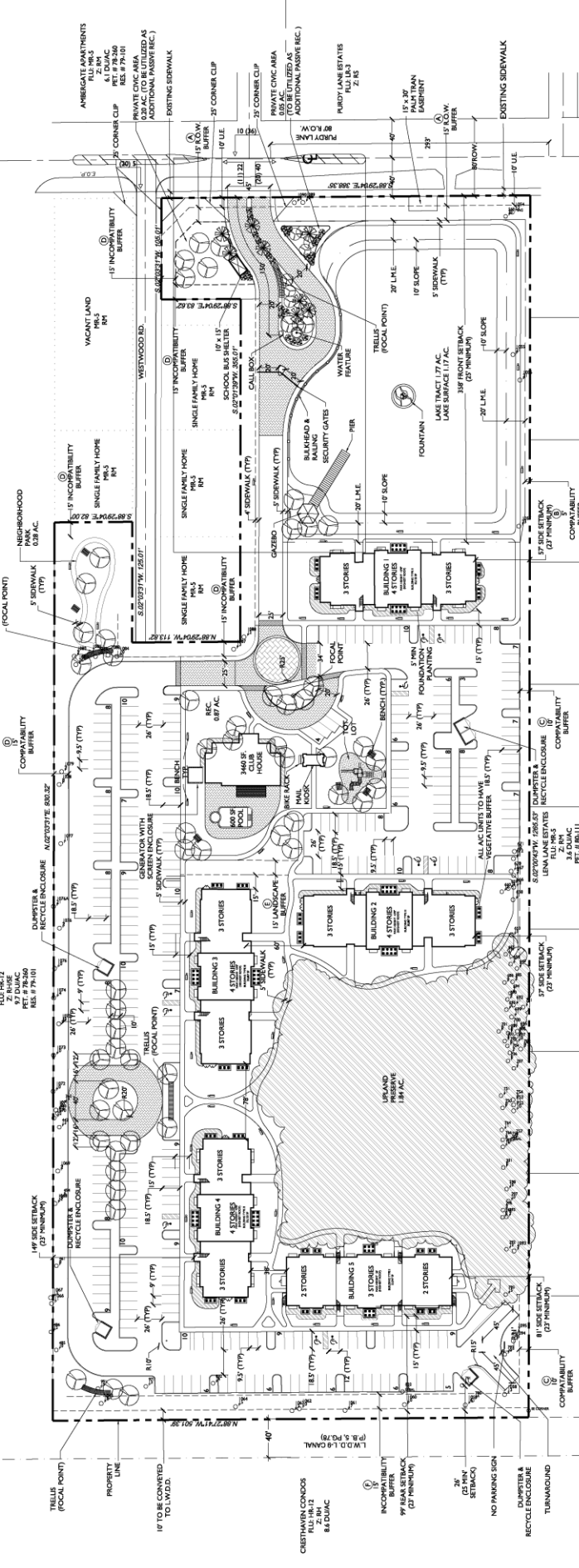
PLANNED DEVELOPMENT TABULAR DATA

| LAND USE | ACRES | DENSITY | UNITS | DENSITY | CHANG |
|----------------------------------|---------|---------------|-------|---------------|-------|
| RESIDENTIAL (MULTIFAMILY/RENTAL) | 6.82 AC | 10.00 D.U./AC | 68.20 | 10.00 D.U./AC | 0 |
| RECREATION | 0.87 AC | - | - | - | 29% |
| PRIVATE CIVIC | 0.36 AC | - | - | - | 21% |
| UP/LAND PRESERVE | 1.84 AC | - | - | - | 11% |
| LAKE TRACT | 1.77 AC | - | - | - | 4% |
| LANDSCAPE BUFFER AREA | 0.77 AC | - | - | - | 0 |
| TO BE CONVERTED TO UICD | 0.13 AC | - | - | - | 0 |

CONCURRENCY APPROVAL*

| CONCURRENCY IS APPROVED FOR THE ABOVE USE AND AMOUNTS | CONCURRENCY IS APPROVED FOR THE ABOVE USE AND AMOUNTS |
|--|---|
| MULTIFAMILY/RENTAL | 140 D.U. |
| TRAFIC ANALYSIS ZONE (TAZ) | 289 |
| TOTAL GROSS SITE AREA | 13.76 AC |
| TOTAL TDR UNITS (TO BE DEDICATED AS WORKFORCE HOUSING) | 51 D.U. |
| TOTAL WORKFORCE HOUSING UNITS (WU) | 28 D.U. |
| ADDITIONAL AFFORDABLE (A675 A7) HOUSING UNITS | 185 D.U. |
| REGISTRATION AREA (RH (H)) | 1.07 AC (0.1 AC) |
| PRIVATE CIVIC AREA | 0.33 AC |
| LAKE TRACT AREA | 1.77 AC |
| PREVIOUS SURFACE AREA | 7.24 AC |
| PREVIOUS SURFACE AREA/OPEN SPACE | 5.88 AC (44%) |
| TOTAL SURFACE AREA | 11.423 SF |
| PHASE I SQUARE FOOTAGE | 24,606 SF |
| BUILDING COVERAGE (%) | 9.8 |
| MAXIMUM HEIGHT | 30' |
| TOTAL PARKING REQUIRED | 308 |
| PHASE I EFFICIENCY UNITS (1 SP/UNIT) | 9 |
| 72 ONE BED UNITS (2.59 UNIT/PHASE) | 114 |
| PHASE I GUEST - 14 UNITS (1.59 A UNITS) | 29 |
| PHASE I EFFICIENCY UNITS (1 SP/UNIT) | 32 |
| PHASE I ONE BED UNITS (2.59 UNIT) | 32 |
| PHASE I GUEST - 28 UNITS (1.59 A UNITS) | 7 |
| TOTAL PARKING PROVIDED | **333 |
| HANDICAP PARKING PROVIDED | 16 |

Figure 3 Preliminary Site Plan January 8, 2010



RESIDENTIAL LANDSCAPE REQUIREMENTS

| Perimeter | CATEGORY | REQUIREMENT | NUMBER REQUIRED | NUMBER PROVIDED |
|-------------------------|----------|---------------|-----------------|-----------------|
| ROW Buffer | | | | |
| Trees | | 1 per 20 LF | 34 | 34 |
| Incompatibility Buffers | | | | |
| Trees | | 1 per 25 LF | 74 | 74 |
| Compatibility Buffers | | | | |
| Trees | | 1 per 25 LF | 110 | 110 |
| Interior | | | | |
| Interior Open Space | | 1 PER 1250 SF | 131 | 329 |
| Landscape Buffer | | 1 PER 20 LF | 7 | 7 |
| Trees | | 1 PER 20 LF | 356 | 554 |
| Total Trees | | | | |

NOTE: All trees must meet the minimum requirements of 12' height and 6" canopy wet forth by Palm Beach County

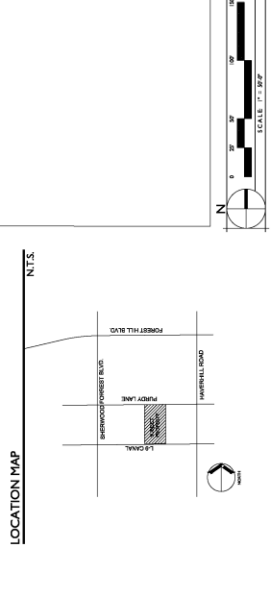
RESIDENTIAL LANDSCAPE REQUIREMENTS

| Perimeter | CATEGORY | REQUIREMENT | NUMBER REQUIRED | NUMBER PROVIDED |
|-------------------------|----------|-------------------------------|-----------------|-----------------|
| ROW Buffer | | | | |
| Shrubs - Large | | 54' HL, 48" OC/50% of Buffer | 97 | 97 |
| Shrubs - Medium | | 34' HL, 30" OC/50% of Buffer | 97 | 97 |
| Shrubs - Small | | 18' HL, 24" OC/50% of Buffer | 194 | 194 |
| Incompatibility Buffers | | | | |
| Shrubs - Large | | 6' HL, 6" OC/100% of Buffer | 776 | 776 |
| Shrubs - Medium | | | | |
| Shrubs - Small | | 77' HL, 48" OC/100% of Buffer | 865 | 865 |
| Compatibility Buffers | | | | |
| Shrubs - Large | | 24' HL, 24" OC/50% of Buffer | 433 | 433 |
| Shrubs - Medium | | 6' HL, 6" OC/100% of Buffer | 1730 | 1730 |
| Shrubs - Small | | | | |
| Interior Open Space | | 48' HL, 48" OC/25% of Buffer | 591 | 591 |
| Landscape Buffer | | 36' HL, 30" OC/100% of Buffer | 2,697 | 2,697 |
| Trees | | | | |
| Interior Open Space | | 3 PER 1250 SF | 393 | 393 |
| Landscape Buffer | | | | |
| Shrubs - Large | | 30' HL, 24" OC/100% of Buffer | 62 | 62 |

NOTE: Interior Open Space on this plan was derived by Total Interior on site minus courtyard, interior lots, and bike track areas.

SITE DATA

| | |
|--------------------|----------------------------|
| PROJECT NUMBER | 16107 |
| APPLICATION NUMBER | PD2008-1781 |
| DATE | 3/13/09 |
| PROPOSED USE | RESIDENTIAL - BUILDING 1 |
| PROPOSED USE | RESIDENTIAL - BUILDING 2 |
| PROPOSED USE | RESIDENTIAL - BUILDING 3 |
| PROPOSED USE | RESIDENTIAL - BUILDING 4 |
| PROPOSED USE | RESIDENTIAL - BUILDING 5 |
| PROPOSED USE | RESIDENTIAL - BUILDING 6 |
| PROPOSED USE | RESIDENTIAL - BUILDING 7 |
| PROPOSED USE | RESIDENTIAL - BUILDING 8 |
| PROPOSED USE | RESIDENTIAL - BUILDING 9 |
| PROPOSED USE | RESIDENTIAL - BUILDING 10 |
| PROPOSED USE | RESIDENTIAL - BUILDING 11 |
| PROPOSED USE | RESIDENTIAL - BUILDING 12 |
| PROPOSED USE | RESIDENTIAL - BUILDING 13 |
| PROPOSED USE | RESIDENTIAL - BUILDING 14 |
| PROPOSED USE | RESIDENTIAL - BUILDING 15 |
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| PROPOSED USE | RESIDENTIAL - BUILDING 95 |
| PROPOSED USE | RESIDENTIAL - BUILDING 96 |
| PROPOSED USE | RESIDENTIAL - BUILDING 97 |
| PROPOSED USE | RESIDENTIAL - BUILDING 98 |
| PROPOSED USE | RESIDENTIAL - BUILDING 99 |
| PROPOSED USE | RESIDENTIAL - BUILDING 100 |



PUD PROPERTY DEVELOPMENT REGULATIONS

| PROPERTY TYPE | MINIMUM LOT DIMENSIONS | MINIMUM FRONT SETBACK | MINIMUM SIDE SETBACK | MINIMUM REAR SETBACK | MINIMUM FRONT YARD SETBACK | MINIMUM SIDE YARD SETBACK | MINIMUM REAR YARD SETBACK | MINIMUM FRONT SETBACK | MINIMUM SIDE SETBACK | MINIMUM REAR SETBACK |
|--------------------------------|------------------------|-----------------------|----------------------|----------------------|----------------------------|---------------------------|---------------------------|-----------------------|----------------------|----------------------|
| MULTI-FAMILY APARTMENT | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| CONDOMINIUM | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| ROW | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - SINGLE-FAMILY | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - TOWNHOUSE | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - DUPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - TRIPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - QUADPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - PENTAPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - SIXPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - SEVENPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - EIGHTPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - NINEPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - TENTHPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - ELEVENPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - TWELVEPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - THIRTEENPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - FOURTEENPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - FIFTEENPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - SIXTEENPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - SEVENTEENPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - EIGHTEENPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - NINETEENPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - TWENTYPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - TWENTY-ONEPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - TWENTY-TWOPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - TWENTY-THREEPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - TWENTY-FOURPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - TWENTY-FIVEPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - TWENTY-SIXPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - TWENTY-SEVENPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - TWENTY-EIGHTPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - TWENTY-NINEPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |
| RESIDENTIAL - THIRTYPLEX | 40' x 100' | 10' | 5' | 5' | 10' | 5' | 5' | 10' | 5' | 5' |

Figure 4 BCC Approved Plan dated November 24, 2008

STAFF RECOMMENDATIONS

Staff recommends **Denial** of the Variance, based upon the following application of the standards enumerated in Article 2.B, Section 3.E of the Palm Beach County Unified Land Development Code (ULDC), which an applicant must meet before the Zoning Commission who may authorize a variance.

ANALYSIS OF ARTICLE 2.B, SECTION 3.E VARIANCE STANDARDS

1. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME ZONING DISTRICT:

V1-No. There are **No** conditions and circumstances existing that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the PUD Zoning District. The proposed use is a residential multi-family development and the site is currently zoned Residential Planned Unit Development (PUD). The subject site has recently received approvals by the BCC to develop a 140 multi-family development including workforce housing and TDR units (via Resolutions R-2007-1240, R-2007-1241, and R-2007-1242). These previous approvals complied with all the parking requirements and were granted without a variance. The previous approvals show that other design options exist that will allow the applicant to develop the project and comply with all parking requirements such as reducing the number of units to meet the parking requirements, go back to the previous BCC approval on February 25, 2009 where parking was met or apply for a Requested Use approval for a Congregate Living Facility (CLF).

The applicant also mentions one example where parking was approved based on income. The Development is Malibu Bay located in the City of West Palm Beach. Staff visited the site and discovered that the development did not provide enough parking spaces for vehicles and as a result the residents had to park on the street. This is the first development in the County that is arguing that parking is not needed based on income and age. The ULDC does not differentiate age or income. Many people over 55 are still driving and low income households may also have more than one car.

2. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:

V2-No. Special circumstances and conditions **IS A** result from actions of the applicant, as the previous approvals show that the project can be developed while complying with all parking requirements. The applicant states that because the proposed development will be age-restricted (55 years old) and income restricted the development will be over parked according to the requirements set forth in the ULDC. The applicant has not provided sufficient documentation that supports their request. Staff has not found any significant correlation between age and income restricted units and a decrease in parking that would support the applicant's request.

3. GRANTING THE VARIANCE SHALL NOT CONFER UPON THE APPLICANT ANY SPECIAL PRIVILEGE DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES IN THE SAME ZONING DISTRICT:

V3-No. The granting of the variance **WILL** confer special privileges by allowing the proposed multi-family development to be constructed that does not meet minimum ULDC parking requirements. Multiple residential developments, that are similar to the proposed PUD, have been approved in the County without a variance relief from providing the required parking. The applicant has not provided sufficient documentation that supports their statement that age and income restricted units will require less parking spaces. The applicant maintains that the proposed development will function more as a Congregate Living Facility (CLF), and parking should be calculated as such. Staff suggests that the applicant amend their application to request a Requested Use to allow a CLF to meet parking requirements or reduce the number units proposed.

4. LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME ZONING DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:

V4-No. Literal interpretation and enforcement of the terms and provisions of this code **DOES NOT** deprive the applicant of any rights nor impose an unnecessary and undue hardship. There are no unique characteristics pertaining to this parcel that represent a hardship. This project has previously been designed and approved for a multi-family development without a parking reduction variance. Without this variance, the applicant will still be able to develop the parcel.

5. GRANT OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

V5-No. The granting of the Variance is **NOT** the minimum variance that will make possible the reasonable use of the land. A reasonable use of the land can be obtained without the approval of this variance. As previously indicated in prior approvals the property is large enough to accommodate all code requirements for required parking. The site is vacant and the applicant can explore other design options to provide a reasonable use of the land.

6. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

V6-No. Granting of this variance **WILL** be inconsistent with the purposes, goals, objectives and policies of the Code. The intent of ULDC is to ensure the provision off-street parking is proportionate to the demand created by each use and also to ensure it is functionally adequate, aesthetically pleasing and safe. By granting this variance for this parcel, it will conflict with the purpose and intent of Article 6, Parking. It is staff professional opinion and experience that multiple-family developments, such as what is being proposed, generates a high demand for parking. Staff does not support the applicant's argument that adults 55 years and older do not have the same parking needs as non age restricted developments.

7. THE GRANT OF THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

V7-No. Granting of the variance **WILL** be injurious to the area. Staff has determined that if the parking reduction variance is granted, it will create detrimental affect on the public welfare and safety without the adequate number of parking spaces though-out the development. As mentioned before, the applicant failed to provide adequate justification as to why there were no other design alternatives.

If the Zoning Commission's decision is to approve the variance request to allow a reduction in parking, staff recommends the following conditions of approval.

ZONING COMMISSION CONDITIONS

VARIANCE-1. The Development Order for this variance shall be tied to the Time Limitations of the Development Order for application DOA2009-4753.(ONGOING: MONITORING - Zoning)

VARIANCE-2. Prior to DRO certification for applciaton DOA2009-4753, the applicant must identify the 10 units in Phase I that will be reserved for Special Needs households. (DRO: ZONING-Zoning)

VARIANCE-3. In the event, the multi-family development is ever converted back to a regular multi-family development from an age-restricted affordable/workforce housing PUD. The owner shall provide a site plan showing require parking requirements that conforms to ULDC parking standards and submit a site plan for final approval by the Development Review Officer (ONGOING: ZONING - Zoning).

VARIANCE-4. Prior to the approval by the Development Review Officer (DRO), the applicant must show the parking breakdown by phasing on site plan. (DRO: Zoning-zoning)

VARIANCE-5. 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 Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

VARIANCE-6. 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)

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.

Kirk Angelocci
Kirk Angelocci, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 15 day of Dec., 2009, by Kirk Angelocci, [] who is personally known to me or [] who has produced FL DL as identification and who did take an oath.

Lucinda L May
Notary Public

(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____

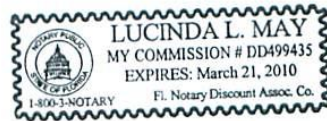


EXHIBIT "A"

PROPERTY

PARCEL I:

THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE EAST ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, BEING A PART OF LOTS 21 TO 24 INCLUSIVE OF **MODEL LAND COMPANY SUBDIVISION**, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 5, PAGE 78, **LESS** RIGHT-OF-WAY FOR PURDY LANE AS NOW LAID OUT IN USE.

AND

PARCEL II:

THE NORTH 500 FEET OF THE EAST 138 FEET OF THE WEST 1/2 OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, **LESS** RIGHT-OF-WAY FOR PURDY LANE AS NOW LAID OUT IN USE.

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AND

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THE SOUTH 125.0 FEET OF THE WEST 82.0 FEET OF THAT PORTION OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF PURDY LANE.

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DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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 Kirk Angelocci, 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 member (position—e.g., president, partner, trustee) of Angelocci Realty 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: 1726 N. Lakeside Drive
Lake Worth, FL 33460

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.

Kirk Angelocci
Kirk Angelocci, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 15 day of Dec, 2009, by Kirk Angelocci, [] who is personally known to me or [] who has produced FL DL as identification and who did take an oath.

Lucinda L May
Notary Public

(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____



Disclosure of Beneficial Interest Ownership form

Created 01/22/2007
Updated 01/31/2007

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Notary Public

(Print Notary Name)
NOTARY PUBLIC
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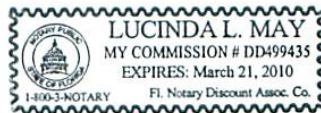


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JUSTIFICATION STATEMENT

Angelocci PUD
 Type II Variance
 Control/Petition No. 2003-00061
 Submitted December 16, 2009
 Revised December 23, 2009
 Revised January 11, 2010
 Revised January 20, 2010

Request

This Justification Statement relates to the proposal to develop a 12.92 acre, 140 unit, affordable/workforce housing community known as the Angelocci PUD. The site is located approximately 0.4 miles west of Haverhill Road on the south side of Purdy Lane. This request for approval involves the following components:

Zoning Commission (ZC) approval of one (1) Type II Variance essential to the proposed development:

***Variance #1** – To reduce the parking requirement for Phase 1 ONLY, consisting of 114 affordable housing units for older persons consistent with Chapter 15, Article III, Sections 15-36 through 15-64 of the Code, County of Palm Beach, Florida.*

Background

The PUD is comprised of a total of 140 multi-family units including workforce housing and TDR units and was approved by the Board of County Commissioners (BCC) on July 26 2007 as a part of Resolutions R-2007-1240, 1241 and 1242. The Resolutions granted 67 workforce housing units, comprised of 51 TDR units. Following the BCC approval, the application was submitted to the DRO for Final Site Plan approval, but was subsequently withdrawn in June 2008 due to a possible sale of the project from the current property owner to an established residential housing development company. In February 2009, the BCC approved an Expedited Application Consideration for a DOA in order to modify conditions of approval related to workforce housing units as outlined in Resolution 2009-0376.

Below is an outline of all Angelocci PUD Resolutions:

**Angelocci PUD
 Project History**

| Control No. | Request | Action | Date | Resolution No. |
|-------------|---|----------|-------------------|-------------------------|
| 2003-061 | Rezoning to PUD | Approved | May 31, 2005 | R-2005-0816 |
| 2003-061 | Request for 37 TDR units | Approved | May 31, 2005 | R-2005-0817 |
| 2003-061 | 140 Total units – 51 TDR units and 67 Workforce Housing units | Approved | July 26, 2007 | R-2007-1240, 1241, 1242 |
| 2003-061 | EAC/Development Order Amendment to modify/delete conditions of approval for Workforce Housing units | Approved | February 25, 2009 | R-2009-0376 |

Site Characteristics

2101 Centrepark West Drive, Suite 100 | West Palm Beach, Florida 33409 | **561-478-8501** FAX 561-478-5012
 1100 St. Lucie West Blvd., Suite 202 | Port St. Lucie, Florida 34986 | **772-871-7778** FAX 772-871-9992

The subject site totals 12.92 acres in size and has a Future Land Use designation of Medium Residential (MR-5) and a zoning district classification of Planned Unit Development (PUD). The subject site currently contains four (4) dwellings at the northeast corner of the property fronting Purdy Lane, and two (2) dwellings midway along the western boundary. The site also contains some single story outbuildings associated with the dwellings fronting Purdy Lane. The remainder of the site is vacant and vegetated.

Site Surroundings

The following table summarizes the nature of the surrounding development:

| | Subdivision/Use | Existing Use | FLU | Zoning | Density |
|-------|--|---------------------------------------|-------|--------|--------------|
| North | Ambergate Apartments (P78-260; R79-101); | Multi-family | MR-5 | RM | 6.1 D.U./AC. |
| | Purdy Lane Estates | Single family | LR-3 | RS | 3 D.U./AC. |
| South | Cresthaven Condos | Multi-family | HR-12 | RH | 8.6 D.U./AC. |
| East | Lena Lane Estates (P80-111; R80-1399) | 38 Multi-family units on 10.45 acres | MR-5 | RM | 3.6 D.U./AC. |
| West | Green Gate Apartments (P78-260; R79-101) | 120 Multi-family units on 12.42 acres | HR-12 | RH/SE | 9.7 D.U./AC. |
| | Single family (along Westwood Rd) | Single family Homes and Vacant Land | MR-5 | RM | - |

Type II Variance

The following table outlines the one (1) Type II Variance request:

Variance Requests

| ULDC Code Section | Required | Provided | Variance |
|--|----------|----------|--|
| Variance #1 – Article 6, Table 6.A.1.B. – Parking for Multi-family Residential Uses – 2 sp. per unit (1 bedroom or more) | | | |
| Phase 1 (Low and Very Low Income, 114 units) | 251 | 182 | Variance to reduce required parking from 251 spaces to 182 spaces. |
| Phase 2 (Moderate Income, 26 units) | 57 | 71 | None - excess provided. |
| Overall | 308 | 253 | |

Zoning Commission seven (7) criteria

Article 2.B.3.E of the Palm Beach County ULDC states that in order to authorize a variance, the Zoning Commission shall and must find that the seven criteria listed below have been satisfied. The seven criteria are listed below followed by an explanation of how they have been satisfied.

1. *Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district:*

Variance #1

Housing for older persons: Phase 1 of the subject property which supports 114 of the total 140 units, is housing for older persons consistent with Chapter 15, Article III, Sections 15-36 through 15-64 of the Code, County of Palm Beach, Florida. Although this is not an ACLF, it does resemble an ACLF in the makeup of the population. Palm Beach County's standard for an ACLF is 1 space per unit, plus 1 per 200 square feet of office space; thus, Palm Beach County recognizes that automobile ownership and use among elderly persons is lower than among the general population. The parking requirement for Phase 1 under the CLF designation would be approximately 120 spaces. The proposed plan far exceeds that figure and is in fact approximately halfway between the CLF requirement and the standard requirement for multifamily developments.

Special Needs: 10 units of Phase 1 will be reserved for Special Needs households. These are households who contain at least one person with a physical handicap. Once again, it can be inferred that these units will generate a lower level of automobile ownership and use than a non-Special Needs unit.

Income Restriction: Phase 1 will be the recipient of approximately \$15,000,000 in Federal, State, and Local subsidies in order to creating affordable housing for low- and very-low income households. All units are reserved for households earning less than the Area Median Income ("AMI") specified in the following table:

| Phase 1 | Efficiency | 1 bedroom | 2 bedroom | Total |
|---|------------|-----------|-----------|------------|
| 28% AMI (\$14,784-\$19,012 annual income limit) | 3 | 6 | 3 | 12 |
| 60% AMI (\$31,180-\$40,740 annual income limit) | 3 | 66 | 33 | 102 |
| Totals | 6 | 72 | 36 | 114 |

There are numerous studies and articles that discuss and describe a justification for reduced parking requirements for housing units restricted to low income households. A list of these can be found at the end of this Justification Statement. Most specifically, the developer of this parcel commissioned a study to estimate the parking needs for another newly proposed low income housing development in Palm Beach County (*Malibu Bay Multi Family Housing Community, City of West Palm Beach, Florida PARKING DEMAND STUDY, Walter P. Moore & Assoc., 2003*). That study compiled data from several sources, notably the United States Bureau of Labor Statistics who find that the number of automobiles per household and per adult is lower among lower income households than among medium or higher income households. The Moore Study was conducted to support a request for a parking reduction for Malibu Bay. That reduction was approved and the property has not experienced a parking shortage since it opened more than 5 years ago. Malibu Bay contains 1.73 spaces per unit. Malibu Bay is targeted at families and contains more than 20% 3-bedroom units (compared to 0% 3-bedroom units for the current development).

By applying the methodology used in Moore (see Figure 4 of Moore), we derive a total parking demand for Phase 1 of 176 spaces. The proposed plan shows 182 spaces for Phase 1. This methodology is shown in the table below:

| Phase 1 Estimated Parking Demand | | | | |
|---|------------|-----------|-----------|--------|
| | Efficiency | 1br units | 2br units | Total |
| Number of units | 6 | 72 | 36 | 114 |
| Occupants per unit | 1 | 1.5 | 3.1 | 1.98 |
| Estimated Occupants | 6 | 108 | 111.6 | 225.6 |
| Percentage of Occupants who Drive | 95% | 95% | 66% | 81% |
| Occupants who Drive | 5.70 | 102.60 | 73.66 | 181.96 |

| | | | | |
|---|-------------|---------------|--------------|---------------|
| Percent of occupants needing a car (i.e. do not take public transportation or other alternate transportation) | 85.50% | 85.50% | 82.50% | 84.29% |
| Occupants needing a car | 4.87 | 87.72 | 60.77 | 153.36 |
| Percent who will own a car | 97% | 97% | 94% | |
| Projected Total Resident Vehicles | 4.73 | 85.09 | 57.12 | 146.94 |
| Guest spaces (1 per 4) | 1.50 | 18.00 | 9.00 | 28.50 |
| Total Estimated Parking Demand | 6.23 | 103.09 | 66.12 | 175.44 |

Parking Spaces per bedroom is also a way to judge the adequacy of parking for a specific development. It is, thus, worth noting that the proposed parking spaces per bedroom at the Phase 1 of the subject property is 1.21. The number of spaces per bedroom existing at Malibu Bay is 0.77. This is 44% more.

Upland Preserve: The required Upland Preserve is 1.84 Acres. The current plan sets aside an additional .24 Acres or 13% more, for a total Upland Preserve of 2.08 acres. This is more than 16% of the total land area. A visual examination of aerial images of nearby developed properties reveals that this property is preserving a greater percent than is the norm in this district.

Recreation Area: The required Recreation Area is .84 Acres for the entire 140 units. The proposed plan sets aside an additional .41 acres or 48% more, for a total Recreation Area of 1.23 Acres. Of this, 1.07 Acres will be set aside and fully developed as part of Phase 1 and .16 acres will be in the northwest corner of Phase 2.

Public Funding: This development will be developed with approximately 75% of all financing coming from government sources and 25% coming from private sources.

This combination of special conditions and circumstances are peculiar to this site.

2. Special circumstances and conditions do not result from the actions of the applicant:

Variance #1

Special circumstances and conditions do not result from the actions of the Applicant. Research has shown that affordable housing residents tend to own fewer vehicles and thus require less parking. Again, the variance is only requested for the 1 and 2 bedroom units proposed within the phase one portion of the site including 114 of the 140 total units for the development.

3. Granting the variance shall not confer upon the applicant any special privilege denied by the Comprehensive Plan and this Code to other parcels of land, buildings, or structures in the same district:

Variance #1

The granting of the variance will not confer upon the applicant any special privileges. Because the variance is balanced by the housing for older persons provision, income restriction, additional Upland Preserve, and additional Recreation Area, the variance cannot be construed to having been denied to comparable properties in

this district. We again refer to the parking criteria applied to other similar types of developments such as the ULDC requirements for a CLF, at 1 parking space per unit or 1 space per 2 beds whichever is greater, plus 1 space per 200 square feet of office. The proposed development includes efficiency units, one-bedroom units and two-bedroom units, thus under a CLF the maximum parking requirement would equate to 1 parking space per unit. This would result in a parking demand of approximately 120 units, which is far less than what is proposed.

4. *Literal interpretation and enforcement of the terms and provisions of this Code, would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship:*

Variance #1

The Residential Parking Requirement, per ULDC Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements is 1 space per unit for each efficiency unit, 2 spaces per unit for each 1 bedroom unit and above plus 1 space per four units for guest parking.

Applying this to the proposed 114 Phase I affordable/age-restricted units, results in the following calculation:

1.0 spaces per efficiency unit x 6 units = 6 spaces
2.0 spaces per 1 bedroom unit x 72 units = 144 spaces
2.0 spaces per 2 bedroom unit x 36 units = 72 spaces
1.0 spaces per 4 units for quests = 114 units / 4 = 29 spaces
Total 251 spaces required for Phase I

This is 69 spaces more than what is being proposed. Assuming that each space takes 320 square feet including access lanes (Moore), the additional amount of land area that would be dedicated to asphalt paving areas, rather than Upland Preserve or Recreation Areas would equate to 22,080 square feet, or .50 acres. This would deprive the residents of the enhanced quality of life being provided from the larger Upland Preserve and Recreation Areas. Elderly and Special Needs households spend more time enjoying these features of their community.

5. *Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building, or structure:*

Variance #1

The variance request is the minimum variance that will make possible the reasonable use of the parcel of land and building. The Applicant only requests a variance from the parking standards utilized for the 1 bedroom and 2 bedroom units. The variance is also only requested for those units currently proposed to be affordable housing for older persons, 114 units of the total 140 units proposed on site. The recreation parking requirements, guest parking and efficiency room parking requirements are all being met based on current ULDC standards for Multi-family and recreation area uses.

6. *Granting the variance will be consistent with the purpose, goals, objectives, and policies of the Comprehensive Plan and the Code:*

Variance #1

This is met in 4 ways:

Affordable Housing: Granting this variance will support the County's efforts to assist in the development of high-quality Affordable Housing. It also is consistent with Florida Statute 420.9076(4)(F) which specifically encourages Counties to grant parking reductions for Affordable Housing. As a condition to receiving its State SHIP funding, Palm Beach County must comply with this statute.

Smart Growth: Quite simply granting this variance is Smart Growth. According to the United States Environmental Protection Agency, "Reductions for affordable and senior housing" is consistent with the principles of Smart Growth. They encourage context-specific decisions in order to avoid overbuilding of parking lots. That is precisely what is occurring in this case. We have presented a series of contextual conditions that leads one to conclude that it is preferable to utilize 1/2 acre of land for uses other than parking in this age-restricted, low-income community.

Maximize Open Space: Again the space not needed for parking is being redistributed as upsized preserve, enhanced recreation, and wider setbacks.

Efficient Use of Public Funding: The cost to build the additional 69 spaces we are requesting the variance for far exceeds the cost of providing the additional open spaces. As mentioned above, approximately 75% of the total development costs will be provided by Federal, State, and Local governments. It would be wasteful to expend those scarce resources on improvements that are not truly necessary.

7. The granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

Variance #1

The allowable reduction in parking will permit the development to maintain existing native vegetation on site that can be utilized for screening and shade purposes. In fact, the proposed plan shows a substantially larger side setback than required on the east property line and south of Building 1. This is notable because there are dozens of large trees in this area and because this borders on the Alpine Villas condominium, with whom we want to maintain good relations. Approval of the proposed variance will not be injurious to the area, nor will it be detrimental to the public welfare.

Based on the above justification and attached information, the petitioner respectfully requests approval of this Petition.

For additional information:

City of West Palm Beach Code of Ordinances, Chapter 94 as amended by Ord. # 4213-09, which allows Affordable Housing to provide as few as .90 parking spaces per unit (10% reduction from standard) in Downtown Area.

Environmental Protection Agency, United States: Parking Spaces/Community Spaces: Finding the Balance through Smart Growth Solutions,
<http://www.epa.gov/dced/pdf/EPAParkingSpaces06.pdf>, 2006.

Florida Statutes, Chapter 420.9076 (4) (f), which encourages the adoption by counties of affordable housing incentives including "the reduction of parking and setback requirements for affordable housing."

Litman, Tod: Parking Management - Strategies, Evaluation and Planning, Victoria Transport Policy Institute, 2007.
http://www.vtpi.org/park_man.pdf

Los Angeles County: Attachment 5 - Summary of Recent Parking Demand Studies,
http://planning.lacounty.gov/assets/upl/data/ord_density-bonus-update-memo-att5.pdf

Metropolitan Area Planning Council (Boston MA): Flexible Parking Requirements,
<http://www.mapc.org/smart-growth/sustainable-transportation-par/flexible-parking-requirements>.

Sierra Club: Smart Growth and Affordable Housing A Partnership for Success,
<http://www.sierraclub.org/sprawl/affordable.pdf>.

Southern California Association of Non-Profit Housing: Parking Requirements Guide for Affordable Housing Developers, http://www.cacities.org/resource_files/24076.ParkingGuide.pdf, 2003.

Walter P. Moore & Assoc, Inc.: Malibu Bay Multi-Family Housing Community City of West Palm Beach Florida Parking Demand Study, 2003.

Zoning Practice (a publication of The American Planning Association), Ask The Author, July 2009.
<http://www.planning.org/zoningpractice/ask/2009/jul.htm>