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## **Captiva Cove Delegation Request to Release Declaration of Restrictive Covenant Justification Statement**

Captiva Cove, LLC "Petitioner" is the owner of approximately 5.4 acres of land generally located on the west side of Dixie Highway, between Southwest 11th Street and Southwest 13th Court in the City of Pompano Beach ("Property"). On March 21, 2006, Petitioner received approval for a comprehensive land use plan amendment to change the land use designation of the Property from Commercial to Medium-High (25) Residential, allowing for a maximum of 135 units. In association with this land use plan amendment, Petitioner voluntarily agreed to restrict development to 80 residential units. Since the underlying land use allows for a higher density residential development, Petitioner was required to record a Declaration of Restrictive Covenants ("Declaration") consistent with the committed density (80 units). Petitioner is now requesting that the Declaration be amended by Broward County to allow the Property to be developed with a maximum of 123 units, which is less than the maximum (135 units) allowed by the underlying land use designation. It is noted that the Petitioner is processing a concurrent plat note amendment to change the mix and type of unit and overall density consistent with the underlying land use.

Petitioner is requesting to amend the Declaration, as Petitioner wants to provide a quality low and very low affordable multi-family residential community comprised of 360 garden apartments, of which the subject 123 garden apartments will be a part of. The conceptual plan includes community amenities – pool, clubhouse, passive open space and recreational areas. Additionally, the proposed multi-family residential development is ideally located within close proximity to schools, major roadways, transportation, employment and shopping opportunities. Adjacent to the proposed community are several public transit stops and both McNab Road, a major thoroughfare, and Interstate 95 are within close proximity. The commercial uses located along South Dixie Highway and nearby intersections not only provide shopping opportunities but also potential employment for residents within the proposed community. Considering student enrollment projections have declined, Broward County School Board has provided a letter related to available capacity of the schools which serve the proposed residential community. A copy of this letter is attached.

Approval of this request by the County Commission will not result in a precedent being set for other applicants to request changes to voluntary commitments proffered in the Land Use Plan approval process, as the comprehensive land use plan amendment was approved for development at the maximum density. Petitioner voluntarily agreed to limit development to 80 units as a cost saving measure to limit impact fees associated with the affordable housing development. Additionally, at the time of approval, the market supported the type and mix of units approved (townhouse and villa), whereas the proposed garden apartments are better suited for current market conditions and allow more units to be constructed upon the site.