

ORDINANCE NO. 2015-005

AN ORDINANCE OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE "NORTH BROWARD SCHOOL PLAT," LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY KNOWN AS ALL OF THE NORTH BROWARD SCHOOL PLAT, AS RECORDED IN PLAT BOOK 163, AT PAGE 19, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; TOGETHER WITH A REPLAT OF PORTIONS OF TRACTS 25, 28, 29, 30, 34, 37 AND 38, OF BLOCK 83, "PALM BEACH FARMS CO. PLAT NO. 3", IN PLAT BOOK 2, PAGES 45-54 OF THE PALM BEACH COUNTY RECORDS, IN SECTIONS 31 AND 32, TOWNSHIP 47 SOUTH, RANGE 42 EAST, CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TAKE ANY NECESSARY ACTIONS TO EFFECTUATE SAID APPROVAL AS AUTHORIZED BY THE CITY OF COCONUT CREEK CODE OF ORDINANCES; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, the owner of the property, North Broward Preparatory Schools, LLC. ("Property Owner"), through an application in accordance with Section 13-164 of the Coconut Creek Code of Ordinances, has requested plat approval for the "North Broward School Plat," legally described as Parcel "A"; "The North Broward School Plat", in Plat Book 163, Page 19, of the Public Records of Broward County, Florida, together with a Replat of Portions of Tracts 25, 28, 29, 30, 34, 37 and 38, of Block 83, "Palm Beach Farms Co. Plat No. 3", in Plat Book 2, Pages 45-54 of the Palm Beach County Records, in Sections 31 and 32, Township 47 South, Range 42 East, City of Coconut Creek, Broward County, Florida; and

WHEREAS, the "North Broward School Plat" prepared by John T. Doogan of Avirom and Associates, Inc. is incorporated herein by reference and made part of this Ordinance as Exhibit "B;" and

WHEREAS, the underlying land use is Residential Estate 1 DU/Ac; and

WHEREAS, the property is currently zoned A-1 (Agricultural); and

WHEREAS, the final plat is consistent with the zoning; and

WHEREAS, the plat is prepared in accordance with State of Florida Platting Law, Chapter 177, Florida Statutes; and

WHEREAS, a Plat Improvement Engineering Plan has been submitted to the City Engineer for review and has received conceptual approval of cost estimates for public improvement performance guarantees; and

WHEREAS, performance guarantees for plat improvements shall be submitted prior to issuance of engineering permits or building permits, whichever occurs first; and

WHEREAS, at a public hearing held on May 14, 2014, the City's Planning and Zoning Board recommended the approval of said plat to the City Commission subject to the following conditions: That a perpetual non-vehicular access line be placed along NW 74 Street and NW 44 Terrace; and

WHEREAS, the City Commission, after deliberation finds that approval of the "North Broward School Plat" is in the best interest of the citizens of the City of Coconut Creek;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing recitations are hereby ratified as true and correct, and are incorporated into the plat approval as a condition of said approval by reference.

Section 2: That the reports, findings and recommendations of the City staff and the Planning and Zoning Board are hereby incorporated, and all exhibits submitted and facts or opinions stated at the Planning and Zoning Board public hearing have been transmitted and considered by the City Commission.

Section 3: That the City Commission hereby accepts the recommendation of the Planning and Zoning Board of May 14, 2014, which recommended approval of the rezoning petition of North Broward Preparatory School, LLC. for the property legally described in Exhibit "A", attached hereto and made a part hereof, and hereby approves the rezoning request from A-1 (Agricultural) to CF (Community Facility); subject to the following conditions:

- a. That a perpetual non-vehicular access line be placed along NW 74 Street and NW 44 Terrace.

Section 4: That the “North Broward School Plat,” legally described as all of the North Broward School Plat, as recorded in Plat Book 163, at Page 19, of the Public Records of Broward County, Florida, is hereby approved with the following conditions:

- a. The plat shall be completed in accordance with Sections 13-164.1, 13-165, 13-166 and 13-186(a)(b)(d)(e), Coconut Creek Code of Ordinances.
- b. The property owner shall be required to execute and obtain the City’s approval of a Water and Wastewater Agreement prior to the recordation of the plat in the Public Records of Broward County, Florida consistent with the provision of Section 13-166(c), Coconut Creek Code of Ordinances. The aforementioned action shall set forth the terms and conditions of proposed water and wastewater service for the plat.
- c. Construction estimates shall be submitted to the City Engineering Division. A guarantee in the form of a bond shall be submitted to the City prior to the issuance of engineering permits or building permits. The submission of bonds shall be required prior to the issuance of any engineering and building permits. The Director of Sustainable Development shall require public improvements to be initiated by the owner or assigns with a 90-day notice.
- d. Any modifications to the plat document made within two weeks of the plat recordation shall be made known to the City Engineer by providing engineer of record annotation to print copies of the plat.
- e. Required easements, as identified during the plat review, must be recorded concurrent with the plat recordation.

Section 5: That the “North Broward School Plat” has conformed to the concurrency requirements set forth under Section 13-140 “Consistency and Concurrency Determination Standards” and said plat is consistent with City/County Comprehensive Plans and Section 13-141 “Levels of Services” within the City of Coconut Creek Land Development Code.

Section 6: That the “North Broward School Plat” is hereby approved subject to conditions, required improvements, and/or obligations as described in Broward County’s final Development Review Report for the Plat. The property owner shall provide to the City copies of all County Agreements related to such improvements and obligations upon recordation.

Section 7: That North Broward Preparatory School, LLC. and their assigns shall proceed in compliance with the Declaration of Restrictive Covenants, attached hereto and made a part hereof as Exhibit "B."

Section 8: That North Broward Preparatory Schools, LLC. and or their assigns agree to use City franchisees for cable TV, telephone, electric, waste removal, and recycling related to the development and use of the subject property.

Section 9: That the appropriate City officials are authorized to sign the face of the plat as necessary.

Section 10: That this Ordinance shall be recorded in the Public Records of Broward County, Florida, with the Petitioner to pay the cost thereof and forward a recorded copy and mylar to the City.

Section 11: That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 12: That all ordinances or parts of ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

Section 13: That this Ordinance shall take effect immediately upon its passage.

PASSED FIRST READING THIS 12th DAY OF February, 2015.

PASSED SECOND READING THIS _____ DAY OF _____, 2015.

Rebecca A. Tooley, Mayor

Attest:

Leslie May
City Clerk

	<u>1st</u>	<u>2nd</u>
Tooley	<u>Aye</u>	___
Sarbone	<u>Aye</u>	___
Belvedere	<u>Aye</u>	___
Welch	<u>Aye</u>	___

WSS:jw 01-05-15

\\pdc\data\Development Services\Common\Documents\PLANNING & ZONING\Project Coordinator\Ordinances\Ord 2015-005 Plat - NBPS.docx

EXHIBIT "A"

Legal Description:

A Replat of Parcel "A", "The North Broward School Plat", (P.B. 163. PG. 19, B.C.R.) together with a Replat of portions of Tracts 25, 28, 29, 30, 34, 37 and 38, of Block 83, "Palm Beach Farms Co. Plat No. 3 (P.B. 2, Pages 45-54, P.B.C.R.) in Sections 31 and 32, Township 47 South, Range 42 East, City of Coconut Creek, Broward County, Florida.