

**ORDINANCE NO. 2015-006**

**AN ORDINANCE OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE REQUEST OF NORTH BROWARD PREPARATORY SCHOOLS, LLC., TO REZONE FROM AGRICULTURAL (A-1) TO COMMUNITY FACILITY (CF) FOR THE PROPERTY 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 AND ALL OF MARBLE HEAD SUBDIVISION – SECTION 1 PLAT AS RECORDED IN PLAT BOOK 165, AT PAGE 49; 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; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the owner of the property described in Exhibit "A," attached hereto and made a part hereof, North Broward Preparatory Schools LLC., is requesting a rezoning of said property from Agricultural (A-1) to Community Facility (CF); and

**WHEREAS**, the proposed rezoning to CF has an underlying land use of E-1 (Residential Estate 1DU/Ac); and

**WHEREAS**, the proposed rezoning is consistent with the effective land use plan of the City of Coconut Creek; and

**WHEREAS**, the applicant has met the requirements of Chapter 13, Code of Ordinances, Article III thereof, entitled "Zoning Regulations," of the City of Coconut Creek; and

**WHEREAS**, the Planning and Zoning Board has recommended approval of the rezoning at its May 14, 2014 meeting, subject to the following condition:

1. That a new Declaration of Restrictive Covenant, be presented to the City Commission; and

**WHEREAS**, the owner of the property has volunteered a revised Restrictive Covenant; and

**WHEREAS**, all staff reports, minutes of meetings, findings of fact and support

documents are hereby incorporated as referenced; and

**WHEREAS**, the proposed development would promote the public health, safety and welfare of the residents 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 terms and conditions of this Ordinance.

**Section 2:** 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 new Declaration of Restrictive Covenant, to be attached as an Exhibit, and presented with the plat to the City Commission.

**Section 3:** 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 4:** That North Broward Preparatory School, LLC. and their assigns have agreed to use City franchisees for all services related to the development and use of the subject property.

**Section 5:** That this rezoning shall not be construed to create a right to any development of the property that fails to meet the requirements of Chapter 13, City of Coconut Creek Code of Ordinances and any other Broward County land development regulations, except as specifically provided in this ordinance.

**Section 6:** That the City of Coconut Creek Sustainable Development Director shall make the necessary changes to the official zoning map of the City to effectuate said rezoning.

**Section 7:** 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 8:** That all ordinances or parts of ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

**Section 9:** 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>	___

## EXHIBIT "A"

### LEGAL DESCRIPTION:

Parcel 2:

Parcel "A" of THE NORTH BROWARD SCHOOL PLAT, as recorded in Plat Book 163, at Page 19, of the Public Records of Broward County, Florida, less area described as follows:

A portion of Parcel "A", THE NORTH BROWARD SCHOOL PLAT, according to the Plat thereof, as recorded in Plat Book 163, Page 19, of the Public Records of Broward County, Florida, more particularly described as follows:

Begin at the southwest corner of said Parcel "A"; thence North 00°53'39" West, along the west line of said Parcel "A", 318.04 feet; thence North 05°57'18" East, 100.62 feet; thence North 00°53'39" West, 67.22 feet to a point on the arc of a non-tangent curve, concave to the northwest (radial line to said point bears North 82°55'58" West); thence northeasterly along the arc of said curve, having a radius of 2228.00 feet, a central angle of 01°08'19" and an arc distance of 44.27 feet to a point of compound curvature of a curve, concave to the northwest; thence northeasterly along the arc of said curve, having a radius of 2372.00 feet, a central angle of 02°10'03" and an arc distance of 89.73 feet; thence North 47°48'38" East, 39.97 feet to a point on a north line of said Parcel "A", also being the south right-of-way line of Northwest 79th Court (last six (6) courses and distances being coincident with the west line of said Parcel "A"); thence North 89°34'58" East, along said north line and south right-of-way line 478.11 feet to a point on the arc of a tangent curve, concave to the southwest; thence southeasterly along the arc of said curve, having a radius of 25.00 feet, a central angle of 103°36'28" and an arc distance of 45.21 feet to a point of reverse curvature of a curve, concave to the northeast; thence southeasterly along the arc of said curve, having a radius of 60.00 feet, a central angle of 143°57'56" and an arc distance of 150.76 feet to a point hereafter referred to as reference Point "A" (last three (3) courses and distances being coincident with the south right-of-way line of said Northwest 79th Court and a north line of said Parcel "A"); thence South 00°56'38" East, 554.28 feet to a point on the south line of said Parcel "A"; thence South 89°36'39" West, along said south line, 660.42 feet to the Point of Beginning.

Together with:

Begin at aforementioned reference Point "A"; thence North 00°56'38" West, 92.15 feet to a point on the arc of a non-tangent curve, concave to the southwest (radial line to said point bears North 38°53'13" East) and the point of beginning; thence northwesterly along the arc of said curve, having a radius of 60.00 feet, a central angle of 39°43'18" and an arc distance of 41.60 feet to a point on a north line of said Parcel "A"; thence North 89°34'58" East, along said north line, 38.32 feet to a point of intersection of said north line and a west line of said Parcel "A"; thence South 00°56'38" East, along the southerly extension of said west line, 13.57 feet to the Point of Beginning.

And

Parcel 3:

The west ½ of Tract 28, lying south of Hillsboro Canal; and the west ½ of Tract 29, together with that 30 foot road reservation lying between said Tracts 28 and 29, together with the east 50 feet of Tract 30 and the east 50 feet of the south ½ of the vacated road lying north of Tract 30, all in Block 83, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof, as recorded in Plat Book 2, Page 53, of the Public Records of Palm Beach County, Florida; said lands situate, lying and being in Broward County, Florida.

And

Parcel 4:

Tract 38, less the west 50 feet, Block 83, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof, as recorded in Plat Book 2, Page 53, of the Public Records of Palm Beach County, Florida, said lands situate, lying and being in Broward County, Florida.

Parcel 5:

Tract 37, in Block 83, less the west 50 feet, of PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof, recorded in Plat Book 2, Page 53, of the Public Records of Palm Beach County, Florida; and lands situate, lying in Broward County, Florida.

And the west 50 feet of Tract 38, in Block 83, of PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof, recorded in Plat Book 2, Page 53, of the Public Records of Palm Beach County, Florida; said lands situate, lying and being in Broward County, Florida.

And

Parcel 6:

A portion of Parcel "A"; THE NORTH BROWARD SCHOOL PLAT, according to the Plat thereof, as recorded in Plat Book 163, Page 19, of the Public Records of Broward County, Florida, more particularly described as follows:

Begin at the southwest corner of said Parcel "A"; thence North 00°53'39" West, along the west line of said Parcel "A", 318.04 feet; thence North 05°57'18" East, 100.62 feet; thence North 00°53'39" West, 67.22 feet to a point on the arc of a non-tangent curve, concave to the northwest (radial line to said point bears North 82°55'58" West); thence northeasterly along the arc of said curve, having a radius of 2228.00 feet, a central angle of 01°08'19" and an arc distance of 44.27 feet to a point of compound curvature of a curve, concave to the northwest; thence northeasterly along the arc of said curve,

having a radius of 2372.00 feet, a central angle of  $02^{\circ}10'03''$  and an arc distance of 89.73 feet; thence North  $47^{\circ}48'38''$  East, 39.97 feet to a point on a north line of said Parcel "A" also being the south right-of-way line of Northwest 79th Court (last six (6) courses and distances being coincident with the west line of said Parcel "A"); thence North  $89^{\circ}34'58''$  East, along said north line and south right-of-way line 478.11 feet to a point on the arc of a tangent curve, concave to the southwest; thence southeasterly along the arc of said curve, having a radius of 25.00 feet, a central angle of  $103^{\circ}36'28''$  and an arc distance of 45.21 feet to a point of reverse curvature of a curve concave to the northeast; thence southeasterly along the arc of said curve, having a radius of 60.00 feet, a central angle of  $143^{\circ}57'56''$  and an arc distance of 150.76 feet to a point hereafter referred to a reference Point "A" (last three (3) courses and distances being coincident with the south right-of-way line of said Northwest 79th Court and a north line of said Parcel "A"); thence South  $00^{\circ}56'38''$  East, 554.28 feet to a point on the south line of said Parcel "A"; thence South  $89^{\circ}36'39''$  West, along said south line, 660.42 feet to the Point of Beginning.

Together With:

Begin at aforementioned reference Point "A"; thence North  $00^{\circ}56'38''$  West, 92.15 feet to a point on the arc of a non-tangent curve, concave to the southwest (radial line to said point bears North  $38^{\circ}53'13''$  East) and the Point of Beginning; thence northwesterly along the arc of said curve, having a radius of 60.00 feet, a central angle of  $39^{\circ}43'18''$  and an arc distance of 41.60 feet to a point on a north line of said Parcel "A"; thence North  $89^{\circ}34'58''$  East, along said north line, 38.32 feet to a point of intersection of said north line and a west line of said Parcel "A"; thence South  $00^{\circ}56'38''$  East, along the southerly extension of said west line, 13.57 feet to the Point of Beginning.

Less and Except:

A portion of Parcel "A", THE NORTH BROWARD SCHOOL PLAT, according to the Plat thereof, as recorded in Plat Book 163, Page 19, of the Public Records of Broward County, Florida, more particularly described as follows:

Commence at the most northerly northwest corner of said Parcel "A"; thence South  $00^{\circ}56'38''$  East, along the west line of said Parcel "A", 240.51 feet; thence South  $89^{\circ}34'58''$  West, along the north line of said Parcel "A", 38.32 feet; thence South  $00^{\circ}50'04''$  East, 120.00 feet to a point on the curve of a cul-de-sac of said Parcel "A" and the Point of Beginning; thence South  $89^{\circ}09'56''$  West, 31.56 feet to a point of curvature of a curve concave to the northeast, thence northwesterly along the arc of said curve, having a radius of 60.00 feet and a central angle of  $83^{\circ}24'05''$ , a distance of 87.34 feet to a point of reverse curvature of a curve concave to the southwest; thence westerly along the arc of said curve, having a radius of 20.00 feet and a central angle of  $82^{\circ}59'02''$ , a distance of 28.97 feet to a point of tangency; thence South  $89^{\circ}34'58''$  West, 209.11 feet to a point of curvature of a curve concave to the northeast; thence northwesterly along the arc of said curve, having a radius of 69.00 feet and a central angle of  $60^{\circ}28'42''$ , a distance of 72.83 feet to a point on the north line of said Parcel "A"; thence North  $89^{\circ}34'58''$  East, along said north line, 297.50 feet to a point of curvature of a curve concave to the southwest; thence southerly along the arc of said

curve, having a radius of 25.00 feet and a central angle of  $103^{\circ}36'28''$ , a distance of 45.21 feet to a point of reverse curvature of a curve concave to the northeast, thence southeasterly along the arc of said curve, having a radius of 60.00 feet and a central angle of  $104^{\circ}01'31''$ , a distance of 108.93 feet to the Point of Beginning. (The previous three courses and distances being along the boundary of said Parcel "A").

Parcel 7:

The north 128 feet of Tract 34, Block 83, PALM BEACH FARMS COMPANY PLAT NO. 3, less the east 25 feet, according to the map or plat thereof, as recorded in Plat Book 2, Page 45, of the Public Records of Palm Beach County, Florida; said lands situate, lying and being in Broward County, Florida.

Parcel 8:

The south 128.00 feet to the north 256.00 feet of Tract 34, Block 83, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof, as recorded in Plat Book 2, Page 45, of the Public Records of Palm Beach County, Florida; said lands situate, lying and being in Broward County, Florida.

Parcel 9:

All that part of the east 322.50 feet of Tract 25, Block 83, lying south of the Hillsboro Canal, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof, as recorded in Plat Book 2, Pages 45 through 54, Public Records of Palm Beach County, Florida; said lands situate, lying and being in Broward County, Florida.

Parcel 10

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of MARBLE HEAD SUBDIVISION SECTION I, a subdivision according to the plat thereof as recorded in Plat Book 165, at page 49 of the Public Records of Broward County, Florida.

Together with that portion of the previously dedicated rights-of-way vacated by resolution 2004-276 date March 23, 2004 and filed April 5, 2004 in Official Records Book 37187, at Page 1861 of the Public Records of Broward County Florida.

Parcel 11:

Non-exclusive easement for ingress and egress for the benefit of Parcels 7 and 8, as set forth in Grant of Easement, dated April 5, 1977, recorded May 9, 1977 in Official Records Book 7018, page 338.

Said lands situate in Broward County, Florida and containing 3,027,574 square feet, 69.50 acres, more or less.