

ORDINANCE NO. 2012-009

AN ORDINANCE OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SPECIAL LAND USE APPLICATION SUBMITTED BY THE ARCHDIOCESE OF MIAMI FOR A PRESCHOOL THROUGH 12<sup>TH</sup> GRADE SCHOOL FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY KNOWN AS TRACT E AND TRACT C-2 AND A PORTION OF TRACT D-1 OF LYONS WEST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 137, PAGE 40 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; PURSUANT TO THE PROVISIONS OF SECTION 13-35, CITY OF COCONUT CREEK CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE

**WHEREAS**, The Archdiocese of Miami has made application for a church based religious school for the property described in Exhibit "A", attached hereto and made a part hereof; and

**WHEREAS**, Section 13-35 of the City's Land Development Code permits said use as a special land use; and

**WHEREAS**, at its public hearing held on April 11, 2012, the Planning and Zoning Board heard, reviewed and duly considered the reports, findings and recommendations of the City staff, together with the opinions and testimony stated at the public hearing and has recommended approval of this item to the City Commission subject to the following conditions:

1. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to issuance of a building permit;
2. That the special land use approval provide for preschool through 8<sup>th</sup> grade only;
3. That fencing of the property be completed;
4. That existing landscaping on site be brought into compliance with the approved site plan; and

**WHEREAS**, the City Commission considered applicant's request to remove the grade limitation and found that if and when grades 9 through 12 are added, two additional classrooms are made available; and

**WHEREAS**, the applicant intends to initially operate as a preschool through 8<sup>th</sup> grade facility; and

**WHEREAS**, the applicant intends to expand enrollment at some future date to include 9<sup>th</sup> through 12<sup>th</sup> grades; and

**WHEREAS**, the City Commission has determined that the above described special land use is in the best interests of the residents of the City of Coconut Creek and serves a public purpose;

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

**Section 1:** That the special land use application submitted by the Archdiocese of Miami for a preschool through 12<sup>th</sup> grade school located at 2370 Hammocks Boulevard, Coconut Creek, FL 33063, and more particularly described as Tract E and Tract C-2 and a portion of Tract D-1 of Lyons West, according to the Plat thereof, as recorded in Plat Book 137, Page 40 of the Public Records of Broward County, Florida, having been recommended for approval by the Planning and Zoning Board on April 11, 2012, and having been reviewed by the City Commission is hereby approved subject to the following conditions:

- a. Outstanding DRC comments remain effective throughout the development review process and shall be addressed prior to the issuance of a building permit.
- b. That the special land use approval provide for preschool through 12<sup>th</sup> grade.
- c. That fencing of the property be completed.
- d. That existing landscaping on site be brought into compliance with the approved site plan.
- e. That if and when grades 9 through 12 are added, two additional classrooms shall be required.

**Section 2:** That the final site plan and building plan shall comply with all applicable zoning regulations and building codes.

**Section 3:** That the City Commission finds and determines that the above described special land use is in the best interests of the residents of the City of Coconut Creek and serves a public purpose.

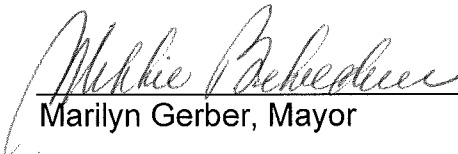
**Section 4:** That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

**Section 5:** That all ordinances or parts of ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

**Section 6:** That this Ordinance shall take effect immediately upon its passage and adoption.

PASSED FIRST READING THIS 10th DAY OF May, 2012.

PASSED SECOND READING THIS 24th DAY OF May, 2012.

  
Marilyn Gerber, Mayor

Attest:

  
Barbara S. Price, MMC  
City Clerk

	<u>1<sup>st</sup></u>	<u>2<sup>nd</sup></u>
Gerber	<u>Aye</u>	<u>Absent</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Aronson	<u>Aye</u>	<u>Aye</u>

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Words in underscoring type are additions to existing text.

## EXHIBIT "A"

### Legal Description:

Tract E and Tract C-2 and a portion of Tract D-1 of Lyons West, according to the Plat thereof, as recorded in Plat Book 137, Page 40 of the Public Records of Broward County, Florida.