

Board of County Commissioners, Broward County, Florida  
Environmental Protection and Growth Management Department  
Planning and Redevelopment Division  
DEVELOPMENT REVIEW REPORT

PROJECT DESCRIPTION		Agenda Number	
Name:	LYONS COMMONS	Number:	011-MP-14
Applicant:	Elster / Rocatica, LLC	Comm. Dist.:	2
Agent:	Avirom & Associates, Inc.	Sec/Twp/Rng:	18-48-42
Location:	West Side of Lyons Road, North of Sample Road	Platted Area:	7.1420 Acres
City:	Coconut Creek	Gross Area:	N/A
Replat:	This Plat Includes a Replat of the AMOROSO PLAT (Plat Book 171, Pages 19-20)		

LAND USE			
Existing Use:	Vacant	Effective Plan:	Coconut Creek
Proposed Use:	225 Mid-Rise Units and 50,000 Sq. Ft. Commercial	Plan Designation:	MainStreet-Coconut Creek Regional Activity Center (RAC); See attached comments from the Planning Council.
Adjacent Uses:		Adjacent Plan Designations:	
North:	Nursery	North:	MainStreet-Coconut Creek RAC
South:	Vacant	South:	MainStreet-Coconut Creek RAC
East:	Multi-family Residential, Auto Dealership	East:	Commercial, Parks & Rec., & Res. Estate (1) DU/Ac
West:	Nursery, Lake, Industrial	West:	MainStreet-Coconut Creek RAC
Existing Zoning:	IO-1, A-1	Proposed Zoning:	PMDD

RECOMMENDATION (See Attached Conditions)

**APPROVAL:** Subject to staff recommendations and conditions which shall assure compliance with the standards and requirements of Chapter 5, Article IX, of the Broward County Code of Ordinances.

Meeting Date:	02/10/15	PK
Action Deadline:	03/17/15	Reviewed:
Deferral Dates:		Approved:

SERVICES

Wastewater Plant:	BCUD 4 (10/14)	Potable Water Plant:	BCWWS 2A (08/05)
Design Capacity:	95.0000 MGD	Design Capacity:	40.00 MGD
12-Mo. Avg. Flow:	69.9900 MGD	Peak Flow:	19.50 MGD
Est. Project Flow:	0.0613 MGD	Est. Project Flow:	0.05 MGD

Comments: Sufficient capacity exists at this time.      Comments: Sufficient capacity exists at this time.

PARKS

SCHOOLS

Dwelling Units	Impact Fee
225	*

	Land Dedication	Impact Fee	Admin. Fee
Local:	County conducts no local review within municipalities	N/A	N/A
Regional:	1.0125 Acres	*	*

\* See Staff Comment No. 6

\* See Staff Comment No. 7

See Finding No. 2

See Finding No. 4

\* See Staff Recommendation No. 38

\* See Staff Recommendation No. 37

TRANSPORTATION

Concurrency Zone: North Central	Trips/Peak Hr	Transit Concurrency Fee	Road/Admin. Fee
Res. Uses:	88	*	N/A
Non-res. uses:	397	*	N/A
Total:	485	*	N/A

\* See Staff Comments No. 4 & 5

See Finding No. 1

\* See Staff Recommendation No. 37

LYONS COMMONS  
011-MP-14

STAFF COMMENTS

- 1) Staff findings and recommendations pertaining to this plat are based on the uses being 225 mid-rise dwelling units and 50,000 square feet of commercial. In accordance with Ordinance 2013-30, effective October 4, 2013, mid-rise units are defined as: *Four (4) or more attached dwelling units in a building with four (4) to eight (8) residential stories (exclusive of parking levels).*
- 2) Trafficways approval is valid for 10 months. Approval was received on May 22, 2014.
- 3) This plat includes a replat of the AMOROSO PLAT (Plat Book 171, Pages 19-20, B.C.R.) which was approved for and is restricted to 26,000 square feet of industrial use. However, the findings of adequacy for the AMOROSO PLAT expired on August 29, 2005.
- 4) This plat is located within a Transportation Concurrency Management Area. Transportation concurrency fees will be assessed and paid in accordance with the fee schedule specified in the Land Development Code during the review of construction plans submitted for County environmental review approval. The fees for the commercial use(s) shall be based on the gross square footage of any building(s) as defined in the ordinance.
- 5) Road impact and administrative fees in the amounts of **\$2,395.00** and **\$74.00**, respectively, were paid for the underlying AMOROSO PLAT prior to plat recordation. In addition, the developer contributed **\$7,096.00** towards the County's Wiles Road project in order to satisfy traffic concurrency for the AMOROSO PLAT. As this plat includes an entire replat of the AMOROSO PLAT, these payments will be credited towards the assessment of future transportation concurrency fees for the subject plat.
- 6) This plat generates more than one student at one or more levels (i.e., elementary, middle and high), and in accordance with Section 5-182(m)(1)a) of the Land Development Code, is subject to the requirements of public school concurrency. School Board staff has reviewed this application and determined that this plat is located within the boundary of Land Use Plan Amendment PC 05-12, which established a Regional Activity Center (RAC) land use designation. Residential development within this RAC is subject to a Tri-Party Educational Mitigation Agreement (O.R. Book 42279, Pages 1596-1621, B.C.R.) that requires either the payment of student station costs per dwelling unit prior to the issuance of a building permit in lieu of school impact fees, or the donation of a viable and acceptable school site. This plat is considered vested for school concurrency based on the Educational Mitigation Agreement. Pursuant to that Mitigation Agreement, the student station fees will be assessed and paid during the review of construction plans submitted for County environmental review approval by the Development Management and Environmental Review Section of the Planning and Redevelopment Division. **As of this writing, the Tri-Party Educational**

**Mitigation Agreement was in the process of being amended so that new residential units within the Coconut Creek RAC would be assessed either the applicable educational impact fee or a student station cost of \$970 per dwelling unit, whichever is greater. The residential units within this plat will be subject to the agreement in effect at the time of environmental review approval of construction plans. Accordingly, this plat may be subject to educational impact fees or student station fees. See the attached SCAD received from the School Board.**

- 7) In accordance with Land Development Code amendments adopted September 22, 2009 and September 24, 2013, regional park impact and administrative fees will be paid in accordance with the fee schedule specified in the ordinance during the review of construction plans submitted for County environmental review approval.
- 8) This plat is not located in a wellfield zone of influence as described in the Broward County Wellfield Protection Ordinance 84-60, as amended, and as incorporated into Broward County Code of Ordinances, Chapter 27, Article XIII.
- 9) This plat is located in the City of Coconut Creek and is in a dependent water control district under the jurisdiction of the Environmental Engineering and Licensing Section of the Broward County Environmental Licensing and Building Permitting Division. The surface water management plans for the site must meet the criteria contained in Chapter 27 - Article V of the Broward County Code of Ordinances and the criteria of the Cocomar Water Control District. All surface water management licensing requirements from the Environmental Engineering and Licensing Section must be met prior to any construction.
- 10) The Environmental Engineering and Licensing Section has advised that a Wastewater Collection/Transmission System License will be required prior to constructing, expanding, or altering either a gravity sanitary sewer, a sanitary force main, or a pump station, per Chapter 27, Article V of the Broward County Code of Ordinances regarding Water Resource Management. Wastewater receiving lift stations and force mains are critical components of the conveyance system. As part of the licensing process, adequate capacity will need to be demonstrated for the receiving off-site sanitary sewer conveyance system. For additional information, please contact the Environmental Engineering and Licensing Section at 954-519-1483.
- 11) Review of available information by staff of the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division indicates that, at this time, there are no wetlands within the boundaries of the plat. Therefore, a Conceptual Dredge and Fill Review Report is not required. Based upon the present conditions within the site, filling of the land area will not require an Environmental Resource License. Other activities, e.g., lake or canal excavation, regulated under Article XI of the Natural Resource Protection Code may require a license. The applicant is encouraged to contact the Aquatic and Wetland Resources Section at 954-519-1483 at the earliest time to determine if, and what type of, license may be required prior to undertaking surface disturbing activities.

Continued

- 12) This proposed development contains or abuts water bodies or will be creating same. Excavation or filling of lakes or canals is regulated under Article XI of the Natural Resource Protection Code and may require an Environmental Resource License. Design criteria shall be in compliance with Section 27-337 which requires that lake slopes be a minimum of 4:1 (H:V) to a depth of two (2) feet below the average dry season low water elevation as demonstrated by water management district or county maps. Littoral areas should be constructed and designed to encourage the growth of native, aquatic vegetation to improve filtration of runoff and to increase biological productivity per South Florida Water Management District and Broward County surface water management requirements.
- 13) The Aquatic and Wetland Resources Section encourages that all invasive exotic vegetation including Melaleuca, Brazilian-pepper, Australian pine, and others as listed in the Exotic Pest Plant Council's List of Florida's Most Invasive Species be removed during the development process, and advises that a management plan may be necessary to control re-invasion of same. In addition, landscape materials should not include any plants considered to be invasive of South Florida's native plant communities. The Exotic Pest Plant Council's List of Florida's Most Invasive Species is available from the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division.
- 14) This site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the inventory. The Protected Natural Lands Inventory is a comprehensive database of public and private native vegetative communities that have been protected through acquisition or regulatory mechanisms and are managed for conservation purposes. The Protected Natural Lands Inventory may be accessed at: <http://bcgis.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=85f453365417459f8ba45fa6e5dddb9c>.
- 15) Review of aerial photographs indicates that the subject site contains tree canopy. If trees are to be removed or relocated, development of the site must comply with the Tree Preservation Regulations of the City of Coconut Creek. The applicant is encouraged to minimize the number of trees to be removed by incorporating existing trees in the site plan. If trees cannot be incorporated into the site plan in their current location, the applicant is encouraged to relocate trees, especially those of specimen size and quality.
- 16) An Environmental Resource License may be required for any activities regulated under Article XI of the Natural Resource Protection Code. Contact the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division at 954-519-1483 for specific license requirements.
- 17) Any discharges to ground or surface waters, excluding stormwater, will require review and approval by the Environmental Engineering and Licensing Section of the Environmental Licensing and Building Permitting Division prior to discharge.
- 18) A Parking Facility License may be required. Contact the Broward County Pollution Prevention Division at 954-519-1260 for specific license requirements.

Continued

- 19) A Storage Tank License may be required if there will be fuel storage associated with either an emergency generator system. Contact the Pollution Prevention Division at 954-519-1260 for specific license requirements.
- 20) The subject plat is in the vicinity of a known contaminated site and the following should be noted: For any site that overlies or contains potential or actual sources of pollution to ground or groundwater, approval of an application for a building permit or approval to construct or alter shall not be granted until the Pollution Prevention Division is satisfied that the construction or alteration will not interfere with the cleanup of the contaminants on site [Section 27-66(h) Broward County Code of Ordinances]. It should also be noted that the Pollution Prevention Division must approve any dewatering activities at this site.
- 21) Plat approval does not infer any approval to connect to any wastewater collection, treatment, or disposal system. Nor does it infer that sufficient capacity will exist at time of building permit approval. Approval to connect to such systems is approved by the Environmental Licensing and Building Permitting Division as a prerequisite to, and just prior to, approval of building permits by the appropriate building department for any structures that are to be built on the platted site. These comments do not indicate waiver of approval of any other permit that may be required for other aspects of the project.
- 22) The information submitted with this plat application does not indicate the height of any proposed buildings. The applicant is advised by staff of the Aviation Department that any proposed construction on this property with a height exceeding 200 feet, or the use of cranes or other high-lift equipment, must be reviewed to determine if Federal Aviation Regulation Part 77, Florida Statutes, Chapter 333 and/or the Broward County Airport Zoning Ordinance apply to this development. Based on the location of the proposed project, the FAA may need to conduct a review to determine whether the project is a potential hazard to aviation. To initiate the Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov/oeaaa/external/portal.jsp>. For additional information, contact the Broward County Aviation Department at 954-359-6170.
- 23) Broward County's consulting archaeologist has reviewed this plat application and determined that the property does not contain any archaeological sites previously recorded on the Florida Master Site File; it does not contain any resources which are locally historically designated or included on the National Register of Historic Places; it is not located within nor does it contain any designated archeological or paleontological zones; and it does not include any properties identified on either the Broward County Land Use Plan, Cultural Resource Map Series / Local Areas of Particular Concern - Historic Sites, or the Broward County Land Use Plan, Cultural Resource Map Series / Local Areas of Particular Concern - Archaeological Cultural Resource Sites. As a result, the proposed development is not likely to impact any significant archaeological resources, and the consulting archaeologist has no objections to this application. However, In the event that any unanticipated archaeological features or artifacts are discovered during the course of development or survey, in accordance with Broward County Ordinance 92-38, the County's consulting archaeologist shall be notified of the discovery within 24 hours. Furthermore, if any unmarked human burial remains are discovered, then work in

the vicinity of the burial find must halt immediately until a determination can be made pursuant to Florida Statute Chapter 872, by either the State archaeologist or the County medical examiner as to jurisdiction, custody, and disposition of the remains. Should this occur, the County's consulting archaeologist, Matt DeFelice, should be contacted immediately at 732-996-0965 or [mdefelice@coastalarchaeologyandhistory.com](mailto:mdefelice@coastalarchaeologyandhistory.com) to facilitate the coordination of the finding(s).

- 24) This site is currently serviced on Lyons Road by BCT Route #31. An existing bus stop will require improvements as a result of the proposed development.
- 25) The recommendations of the Highway Construction and Engineering Division and the Transit Division for this plat may be modified if significant conflicts are identified by details included in the submitted construction plans.
- 26) Planning Council staff notes that this plat is located within the 500-acre area that was the subject of Broward County Land Use Plan (BCLUP) amendments PC 05-12, PCT 05-9, PCT 07-3 and PCT 10-3, adopted by the County Commission on December 13, 2005, September 11, 2007 and September 14, 2010, respectively, which amended various future land use designations to the MainStreet-Coconut Creek Regional Activity Center. All property within the RAC is subject to the recorded Interlocal Agreement for the Monitoring of Development Activity and Enforcement of Permitted Land Uses in Regional Activity Center (O.R. Book 43496, Pages 947-952, B.C.R.). Section 2.1 of the Agreement requires the City to monitor development activity and to enforce permitted land use densities and intensities within the Regional Activity Center.

Approval of the RAC amendments was also conditioned upon the following voluntary restrictions:

- A) Mitigation of anticipated school students resulting from the residential dwelling units related to PCT 05-12 as described in the Declaration of Restrictive Covenants, recorded in Official Record Book 42279, Pages 1596-1621, B.C.R. (see Staff Comment 6 and Staff Recommendation 38);
- B) Construction of missing roadway segments of Cullum Road and Banks Road. This requirement is applicable only to development within the 157 acres related to PCT 10-3 as described in the Declaration of Restrictive Covenants, recorded in Official Record Book 47783, Pages 372-377, B.C.R. This plat is not included in the legal description of the Declaration of Restrictive Covenants to construct the missing roadway segments; and
- C) Payment of a fair-share contribution of approximately \$5.9 million towards nearby transit infrastructure improvements, programmed roadway improvements, and/or pedestrian/greenway improvements. This requirement is applicable only to development within the 157 acres related to PCT 10-3 as described in the Declaration of Restrictive Covenants, recorded in Official Record Book 47783, Pages 372-377, B.C.R. This plat is not included in the legal description of the Declaration of Restrictive Covenants pertaining to the fair-share contribution.

Planning Council staff also notes that the MainStreet-Coconut Creek Regional Activity Center permits a total of 6,450 dwelling units. The first 2,700 dwelling units were not subject to BCLUP Policy 1.07.07 regarding affordable housing as they were approved prior to the effective date of the policy; however, the additional subsequent 3,750 dwelling units were subject to Policy 1.07.07 and were found to satisfy the same based on the City of Coconut Creek's Affordable Housing Linkage Program. See the attached comments received from the Broward County Planning Council.

- 27) In accordance with Section 125.022, Florida Statutes, the applicant is advised that the issuance of a development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

## FINDINGS

### CONCURRENCY REVIEW

- 1) This plat is located within the North Central Transportation Concurrency Management Area. This district meets the regional transportation concurrency standards specified in Section 5-182(a)(5)a) of the Land Development Code.
- 2) This plat has been reviewed by School Board staff and considered vested for the public school concurrency requirements of Section 5-182(m)(1)a) of the Land Development Code based on a Tri-Party Educational Mitigation Agreement (O.R. Book 42279, Pages 1596-1621, B.C.R.) as related to Broward County Land Use Plan Amendment PC 05-12. See the attached SCAD received from the School Board.
- 3) This plat satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Broward County Land Development Code.
- 4) This plat satisfies the regional park concurrency requirement of Section 5-182(i) of the Broward County Land Development Code.

### RATIONAL NEXUS REVIEW

- 5) This plat has been evaluated by staff of the Highway Construction and Engineering Division for the relationship between the impact of the proposed development and the right-of-way dedications required by the Broward County Land Development Code (rational nexus test). Staff has made a finding that the proposed development meets the threshold test for rational nexus and this report includes right-of-way dedication requirements.

## STAFF RECOMMENDATIONS

### NON-VEHICULAR ACCESS LINE REQUIREMENTS

It is the express intent of this non-vehicular access line to eliminate all proposed openings and existing driveways not specifically delineated in the following recommendations:

- 1) Along the ULTIMATE right-of-way for Lyons Road except at the following:
  - A) A 100-foot opening with centerline located approximately 209.63 feet north of the south plat limits. This opening must align with Coral Tree Circle.
  - B) A 100-foot opening with centerline located approximately 345 feet south of the north plat limits. This opening is restricted to **OUTBOUND LEFTS PROHIBITED**.

Said non-access line shall include the corner chord and extend west along the ULTIMATE right-of-way line of the unnamed roadway at the north plat limits except at the following:

- C) A 50-foot opening with centerline located approximately 154 feet west of the east plat limits. This opening shall be restricted to **RIGHT TURNS ONLY**.
- D) A 50-foot opening located at the west plat limits.

### RIGHT-OF-WAY REQUIREMENTS (Dedicate)

- 2) Right-of-way for a corner chord based on a 30-foot radius at the intersection of Lyons Road and the unnamed roadway at the north plat limits.
- 3) Right-of-way for a southbound right turn lane on Lyons Road at the south 100-foot opening with 150 feet of storage and 100 feet of transition.

Include the area bounded by the entrance radii: 265 feet from the south limits of the 100-foot opening to the beginning of the storage/end of the transition.

- 4) Right-of-way for a southbound right turn lane on Lyons Road at the north 100-foot opening with 150 feet of storage and 70 feet of transition.

Include the area bounded by the entrance radii: 265 feet from the south limits of the 100-foot opening to the beginning of the storage/end of the transition.

### SIDEWALK REQUIREMENTS FOR BUS LANDING PAD (Dedicate)

- 5) A 3-foot wide X 40-foot long paved bus landing pad (8-foot total expanded sidewalk) on Lyons Road commencing at the south plat limits and continuing north for 40 feet.

#### BUS SHELTER REQUIREMENTS (Easement)

- 6) An 8-foot wide X 14-foot long bus shelter easement on Lyons Road commencing at the south plat limits and continuing north for 14 feet.

#### ACCESS REQUIREMENTS

- 7) The minimum distance from the non-vehicular access line of Lyons Road, in the south 100-foot opening, to the outer edge of any interior service drive or parking space with direct access to such driveway shall be 75 feet.
- 8) The minimum distance from the non-vehicular access line of Lyons Road, in the north 100-foot opening, to the outer edge of any interior service drive or parking space with direct access to such driveway shall be 50 feet.
- 9) The minimum distance from the non-vehicular access line of the unnamed roadway at the north plat limits, in the eastern 50-foot opening, to the outer edge of any interior service drive or parking space with direct access to such driveway shall be 25 feet.
- 10) The minimum distance from the non-vehicular access line of the unnamed roadway at the north plat limits, in the western 50-foot opening, to the outer edge of any interior service drive or parking space with direct access to such driveway shall be 25 feet.
- 11) Any driveway in the south 100-foot opening shall be centered in the opening, shall consist of a minimum of two egress lanes, each 12 feet in width, and one 16-foot wide ingress lane, with minimum entrance radii of 40 feet.
- 12) Any driveway in the north 100-foot opening shall be centered in the opening, shall consist of a minimum of one egress lane, 12 feet in width, and one 16-foot wide ingress lane, with minimum entrance radii of 40 feet.
- 13) For the two-way driveway that will be centered in the east 50-foot opening: the minimum pavement width shall be 24 feet, the minimum entrance radii shall be 30 feet.
- 14) For the two-way driveway that will be centered in the west 50-foot opening: the minimum pavement width shall be 24 feet, the minimum entrance radii shall be 30 feet.

#### TURN LANE IMPROVEMENTS (Secure and Construct)

- 15) A southbound right turn lane on Lyons Road at the south 100-foot opening with 150 feet of storage\* and 100 feet of transition.
- 16) A southbound right turn lane on Lyons Road at the north 100-foot opening with 150 feet of storage\* and 90 feet of transition.

Continued

- 17) Modification of the existing southbound left turn lane median opening on Lyons Road located at the south 100-foot opening, to allow for outbound left turn movements.
- 18) Modification of the existing northbound channelized median opening on Lyons Road located at the north 100-foot opening, to conform to the current Florida Department of Transportation Index 527.
- 19) Modification of the existing northbound left turn lane located on Lyons Road at the north plat limits with 200 feet of storage# and 100 feet of transition.
- 20) An eastbound left turn lane on the unnamed roadway at the north plat limits at Lyons Road with 100 feet of storage# and 100 feet of transition.
  - \* The length of the storage lane is measured from the end of the taper (transition) to the point of curvature of the driveway radius, or the corner chord in the case of intersecting road right-of-way.
  - # Median opening design to include acceptable vehicular turning radii. The length of the storage lane is measured from the end of the taper to the point of curvature of the median opening.

SIDEWALK REQUIREMENTS (Secure and Construct)

- 21) Along Lyons Road adjacent to this plat, displace by turn lane construction.

SIDEWALK REQUIREMENTS FOR BUS LANDING PAD (Secure and Construct)

- 22) An 8-foot wide x 40-foot long expanded sidewalk for the bus landing pad on Lyons Road commencing at the south plat limits and continuing north for 40 feet. The design must extend to the face of the curb and gutter, and is subject to review by the Service and Capital Planning Section of the Transit Division and the Paving and Drainage Section of the Highway Construction and Engineering Division.

SIGNALIZATION IMPROVEMENTS (Secure for Construction)

- 23) The owner of this plat shall fully execute and deliver a standard Traffic Signalization Agreement (CAF456) and provide security to extend to two (2) years after completion of the total development. During that time the Traffic Engineering Division will perform the required studies to determine the need for signalization. If no need is determined, the developer may be released from this obligation. Should a traffic signal be warranted, the Traffic Engineering Division will have an additional two (2) years to construct the traffic signal, and the security must be maintained for up to four (4) years.

Twenty-Five percent (25%) of the installation cost of a traffic signal at the intersection of Lyons Road and the unnamed roadway at the north plat limits in the amount of \$87,500.00.

## PAVEMENT MARKINGS AND SIGNS (Secure and Construct)

- 24) A pavement marking and signing plan, three copies including a cost estimate shall be provided to the Paving and Drainage Section of the Highway Construction and Engineering Division. All pavement markings shall be thermoplastic. Pavement markings and signing materials shall be fully reflectorized with high intensity materials. No security shall be released without field inspection and final approval by the Paving and Drainage Section of the Highway Construction and Engineering Division of all materials, installations, and locations.

## IMPROVEMENT AGREEMENT AND SECURITY REQUIREMENTS

- 25) County Commission Policy requires a recordable agreement listing all of the plat required improvements. The owner of this plat shall enter into the standard Installation of Required Improvements Agreement (CAF#450) and submit it to the Highway Construction and Engineering Division for review and approval prior to recordation of the plat. The completion date for all required improvements listed as Exhibit "B" shall indicate completion prior to the issuance of Certificates of Occupancy. Alternate phasing schedules must receive prior approval from the Highway Construction and Engineering Division. The use of a non-standard agreement will require independent approval by the County Commission.
- 26) The Installation of Required Improvements Agreement (CAF#450) shall be secured by letter of credit, cash, lien, or other security acceptable to the County. Security instruments for all required improvements shall be submitted prior to plat recordation and/or the commencement of construction. Security amounts shall be based upon the one of the following:
  - A) Approved construction plans. When security is based on approved construction plans, the security will be calculated at one-hundred (100%) percent of the cost of the improvements. Requirements for submitting construction plans are outlined below.
  - B) Engineer's cost estimate. When security is based on an engineer's cost estimate, the security will be calculated at one-hundred twenty-five (125%) percent of the cost of the improvements. Engineer's cost estimate(s) must be submitted for review by the Highway Construction and Engineering Division. Use of approved cost estimate forms is required. Payment of the applicable review fee is required pursuant to Chapter 38.8 of the Broward County Administrative Code.
  - C) All forms are available on the Highway Construction and Engineering Division's web page at: <http://bcegov2.broward.org/bcengineering/Plats/PlatsForms.asp>.

## IMPROVEMENT PLAN SUBMITTAL REQUIREMENTS

- 27) The construction plans for the required improvements (including pavement marking and signing plans) shall be submitted to the Highway Construction and Engineering Division for review, and must be approved prior to the commencement of construction. Construction shall be subject to inspection and approval by the

County. Pavement marking and signing shall be provided for all of the improvements and shall be subject to review, field inspections and final approval by the Traffic Engineering Division. Security for pavement markings and signing shall not be released without a field inspection and final approval by the Traffic Engineering Division of all materials, installations and locations.

- 28) Communication Conduit/Interconnect plans (3 sets and a cost estimate) shall be submitted to the Traffic Engineering Division. Any easements necessary for the relocation and maintenance of the conduit must be provided and shown on the submitted plans. No security shall be released without a field inspection and final approval of all materials, installations and locations by the Traffic Engineering Division.

#### FLORIDA STATUTE CHAPTER 177 REQUIREMENTS

Complete the following corrections to the plat mylar to comply with the requirements of Florida Statutes Chapter 177 as outlined below:

#### 29) SURVEY DATA

- A) The legal description in the title opinion or certificate must match the legal description on the plat. The plat drawing must follow the legal description. **Correct the spelling of "FARMS" in the Opinion of Title, in the preamble for the second parcel in the description.**
- B) Show the N.A.V.D. 1988 elevation 12.96' on the Benchmark of Origin cited in Surveyor's Note #4, in addition to the N.G.V.D. 1929 elevation.
- C) Show the N.A.V.D. 1988 elevations on the plat benchmarks, in addition to the N.G.V.D. 1929 elevations.
- D) The platting surveyor must submit Certified Corner Records for section corners used in preparation of the plat to both the State and Broward County. County staff will confirm submittal to the State prior to plat recordation. For section corners which have Certified Corner Records on file, the surveyor must submit an affidavit confirming that the Section corner was found to be substantially as described in the most recently available certified corner record. Standard affidavit forms are available from the County Surveyor's Office.
- E) The surveyor must submit digital plat information after all corrections are completed and Highway Construction and Engineering Division staff requests digital information.

#### 30) RIGHT-OF-WAY DELINEATION AND DEDICATION LANGUAGE

- A) Easements created by the underlying plats will be vacated by this replat. If similar easements are to remain in the same location, revise the labels for same and address them in the Dedication.

Continued

- B) The 3-foot wide X 40-foot long strip for the sidewalk at the bus landing pad at the southeast corner of the plat is to be dedicated as opposed to being an easement. Revise the geometry and parcel areas on the plat drawing and revise the Dedication language as necessary.
- C) The 8-foot wide X 14-foot long bus shelter easement abutting the above referenced bus landing pad must be situated behind the 3-foot X 40-foot dedication without any overlap. Provide sufficient geometry on the plat drawing to confirm the required relationship between the easement and the dedication.
- D) The north – south locations of the 60.27' and 60.62' dimensions within the right-of-way for Lyons Road adjacent to PARCEL D are unclear. Revise the drawing to identify the locations of distance dimensions, or remove them, if applicable.

31) TITLE CERTIFICATION AND DEDICATION SIGNATURE BLOCKS

- A) The Adjacent Right-of-Way Report is incomplete with regard to the right-of-way for Lyons Road (missing references include, but are not necessarily limited to: O.R.B. 8539, PG. 802, B.C.R.; O.R.B. 10297, PG. 103, B.C.R.; O.R.B. 13975, PG. 242, B.C.R.; P.B. 130, PG. 25 B.C.R. and P.B. 165, PG. 19 B.C.R.).

Review and revise the report prior to plat recordation.

- B) The title certificate or an attorney's opinion of title must be updated to reflect a comprehensive search of the Public Records within 30 days prior to plat recordation. If the updated title shows any change to property ownership, then a new dedication on the plat mylar must be executed by the new owner(s) with the proper acknowledgements. If the updated title shows any changes to additional mortgage holders, then a new Mortgagee consent must be executed with the proper acknowledgements.

32) DRAFTING AND MISCELLANEOUS DATA

- A) Remove Note #8 from the Surveyor's Notes and renumber the notes accordingly.
- B) Both sheets of the plat are labeled Sheet 1 of 2. Review and revise as necessary.

33) SIGNATURE BLOCKS

- A) The signature lines in the Broward County Planning Council signature block are transposed. Review and revise as necessary.
- B) The original plat mylar must be submitted to the Highway Construction and Engineering Division accompanied by a copy of City of Coconut Creek's conditions of municipal plat approval as included in an agenda report or Resolution.

34) HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION INTERNAL PROCEDURES

The following items are required for plat recordation but are completed by County staff:

- A) Planning Council Executive Director Signature.
- B) Completion of Security Table and PLMASTER Data Base Inputs; Reports Printed.
- C) County Surveyor Sign-off.
- D) P.R.M.s Verified.
- E) Development Order, Planning and Redevelopment Director Signature.
- F) Highway Construction and Engineering Director Signature.
- G) City/District Final Sign-off:

City:	Osama El Shami	954-973-6786	<a href="mailto:oeslshami@coconutcreek.net">oeslshami@coconutcreek.net</a>
	Raj Verma	954-956-1521	<a href="mailto:rverma@coconutcreek.net">rverma@coconutcreek.net</a>

NOTE: Additional changes made to the original plat mylar beyond the above list of corrections may cause delays in review and recordation, and may result in additional review fees.

GENERAL RECOMMENDATIONS

- 35) Distance and measurement recommendations contained in this report were based on the best information available at the time of review. County staff may approve minor adjustments based on verified field conditions or details provided in approved construction plans.
- 36) All construction must include all necessary transitions to existing pavement, the lengths of which shall be determined by the design speed of the roadway. All designs, construction, studies, etc., shall conform to the applicable sections of the following:
  - A) United States Department of Transportation: *Manual on Uniform Traffic Control Devices (MUTCD)*.
  - B) State of Florida Department of Transportation:
    - 1) *Roadway and Traffic Design Standards*.
    - 2) *Standard Specifications*.
    - 3) *FDOT Transit Facilities Guidelines*.

Continued

- C) Broward County: *Minimum Construction Standards for Roadways Under Broward County Jurisdiction* (Exhibit 25A of Section 25.1, Broward County Administrative Code).

In addition, all designs for construction shall be certified by a Professional Engineer, registered in the State of Florida, that they meet the standards included above.

- 37) Applicant must pay transportation concurrency fees and regional park impact and administrative fees during the review of construction plans submitted for County environmental review approval by the Development Management and Environmental Review Section of the Planning and Redevelopment Division, in accordance with the fee schedule specified in the Land Development Code. Impact and administrative fee amounts are subject to adjustment each October 1.
- 38) Applicant must pay either school impact fees or student station fees in accordance with the Tri-Party Educational Mitigation Agreement (O.R. Book 42279, Pages 1596-1621, B.C.R.), or the Tri-Party Educational Mitigation Agreement which is in the process of being amended, whichever is in effect during the review of construction plans submitted for County environmental review approval by the Development Management and Environmental Review Section of the Planning and Redevelopment Division. In accordance with Ordinance 2014-36, enacted October 28, 2014, school impact fees will change on January 26, 2016. School mitigation fee amounts are subject to monthly adjustments.
- 39) This plat will not be recorded until all real estate taxes (including taxes for the current year and any delinquent taxes) for the property being platted have been paid as required by Florida Statutes Chapter 197.192. The applicant must submit a current tax letter from the Revenue Collection Division providing proof of payment.
- 40) Place a note on the face of the plat, preceding the designated municipal official's signature, reading:
- No building permits shall be issued for the construction, expansion, and/or conversion of a building within this plat until such time as the developer provides this municipality with written confirmation from Broward County that all applicable concurrency/impact fees have been paid or are not due.
- 41) Place a note on the face of the plat reading:
- A) If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by **February 10, 2020**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame; and/or

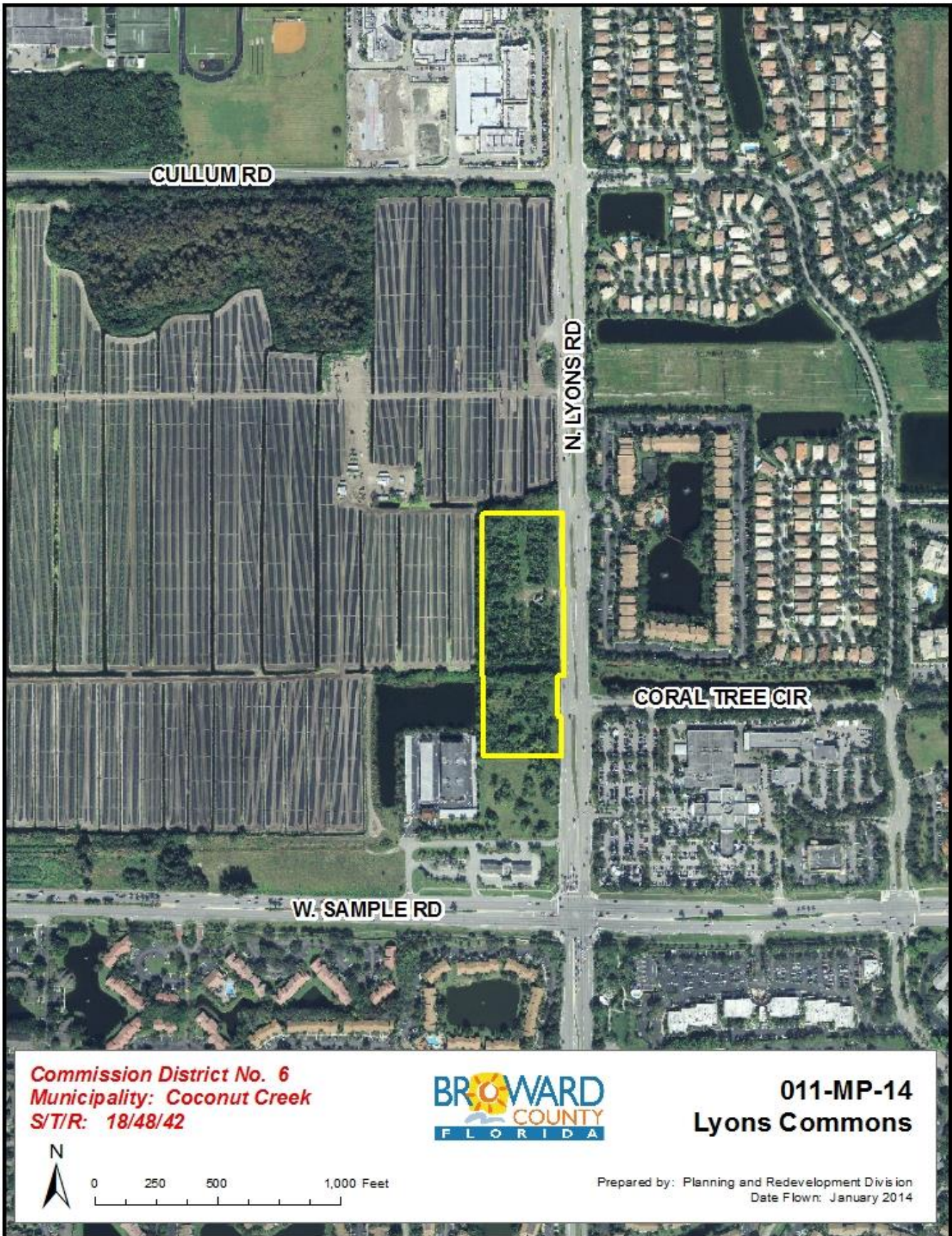
B) If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by **February 10, 2020**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame.

42) Place a note on the face of the plat reading:

This plat is restricted to 225 mid-rise dwelling units and 50,000 square feet of commercial use. No free standing or drive-thru bank facilities are permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by approval of the Broward County Board of County Commissioners. The notation and any amendments thereto are solely indicating the approved development level for property located within the plat and do not operate as a restriction in favor of any property owner including an owner or owners of property within this plat who took title to the property with reference to this plat.

43) If this item is approved, authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.

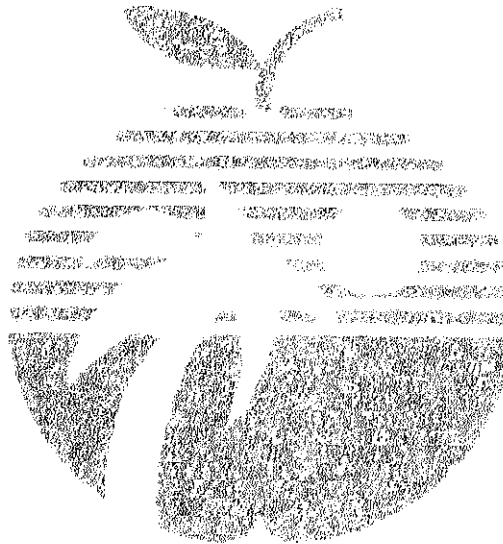


The School Board of Broward County, Florida  
**PRELIMINARY SCHOOL CAPACITY AVAILABILITY DETERMINATION**

**REVISED**  
1-15-15

**PLAT**  
**SBBC-1553-2014**  
**County No: 011-MP-14**  
**Lyons Commons**

**January 15, 2015**



**Growth Management**  
**Facility Planning and Real Estate Department**  
**600 SE 3rd Avenue, 8th Floor**  
**Fort Lauderdale, Florida 33301**  
**Tel: (754) 321-2177 Fax: (754) 321-2179**  
**[www.browardschools.com](http://www.browardschools.com)**

**PRELIMINARY SCHOOL CAPACITY AVAILABILITY DETERMINATION  
PLAT**

PROJECT INFORMATION	NUMBER & TYPE OF PROPOSED	OTHER PROPOSED	ADDITIONAL STUDENT
Date: January 15, 2015	Single-Family:	50,000 SF Commercial Use	Elementary: 6
Name: Lyons Commons	Townhouse:		Middle: 2
SBBC Project Number: SBBC-1553-2014	Garden Apartments:		High: 2
County Project Number: 011-MP-14	Mid-Rise: 225		Total: 10
Municipality Project Number: P2-09070006	High-Rise:		
Owner/Developer: Elster Rocatica LLC	Mobile Home:		
Jurisdiction: Coconut Creek	Total: 225		

**Comments**

According to the information provided by the applicant, the project site is vacant. The application proposes 225 mid-rise units, which generate 10 (6 elementary, 2 middle and 2 high school) students. The school Concurrency Service Areas (CSA) impacted by the project in the 2014/15 school year include Winston Park Elementary, Lyons Creek Middle, and Monarch High Schools.


This plat falls within the boundary of Land Use Plan Amendment (LUPA) PC 05-12, for a Regional Activity Center (RAC) land use designation. Information provided by the City of Coconut Creek indicates that the 225 units proposed in this plat are subject to the recorded Tri-Party Agreement with the City that requires payment of mitigation and as such, are vested from public school concurrency requirements per Subsection 8.11(b)1 of the Second Interlocal Agreement for Public School Facility Planning. It should be noted that the Tri-Party Agreement is in the process of being updated; therefore the Tri-Party Agreement that is effective at the time of payment at Broward County should be the governing document.

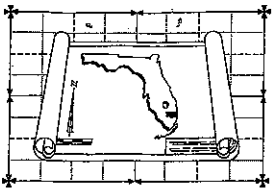
This application is determined to satisfy public school concurrency on the basis that the project is vested from public school concurrency requirements. This preliminary determination shall be valid until the end of the current 2014/15 school year or 180 days, whichever is greater, for the development mix proposed in this plat application and conditioned upon final approval by the applicable governmental body. As such, this determination shall expire on August 16, 2015. This preliminary school concurrency determination shall be deemed to be void unless prior to the referenced expiration of the Preliminary School Capacity Availability Determination (SCAD), notification of final approval to the District has been provided and/or an extension of this Preliminary SCAD has been requested in writing and granted by the School District. Upon the District's receipt of sufficient evidence of final approval which shall specify at the minimum the number, type and bedroom mix for the approved residential units, the District will issue and provide a final SCAD letter for the approved units.

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code

SBBC-1553-2014 Meets Public School Concurrency Requirement:  Yes  No

1/15/15  
Date

Reviewed By:   
Signature  
Lisa Wight  
Name  
Planner  
Title



## BROWARD COUNTY PLANNING COUNCIL

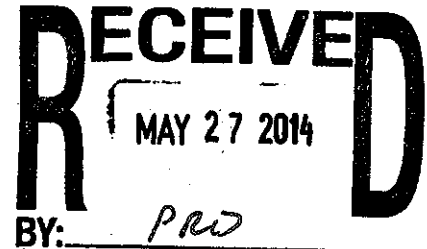
115 South Andrews Avenue, Room 307 ■ Fort Lauderdale, Florida 33301 ■ Phone: 954.357.6695

TO: Henry A. Sniezek, Director  
Planning and Redevelopment Division  
Broward County Environmental Protection and Growth Management Department

FROM: Barbara Blake Boy, Executive Director

RE: Lyons Commons (011-MP-14)  
City of Coconut Creek

DATE: May 27, 2014



This memorandum updates and replaces the previous Planning Council comments dated May 13, 2014 and May 21, 2014.

The Future Land Use Element of the City of Coconut Creek Comprehensive Plan is the effective land use plan for the City of Coconut Creek. That plan designates the area covered by this plat for the uses permitted in the "MainStreet-Coconut Creek Regional Activity Center" land use category. This plat is generally located on the west side of Lyons Road, between Sample Road and Cullum Road.

Regarding the proposed uses, this plat is subject to the executed "Interlocal Agreement for the Monitoring of Development Activity and Enforcement of Permitted Land Uses in Regional Activity Center" as recorded in Official Record Book 43496, Pages 947 - 952.

Planning Council staff notes that this plat is located within an area that was the subject of Broward County Land Use Plan (BCLUP) amendments PC 05-12, PCT 05-9, PCT 07-3 and PCT 10-3, which amended various future land use designations to the "MainStreet-Coconut Creek Regional Activity Center." Said amendments were adopted by the Broward County Commission on December 13, 2005, September 11, 2007 and September 14, 2010, subject to the following voluntary restrictions:

- Mitigation of anticipated school students resulting from the residential dwelling units;
- Construct missing roadway segments of Cullum Road and Banks Road (applicable only to development associated with the legal description as recorded in Official Record Book 47783, Pages 372-377 of the Broward County Public Records); and
- Fair-share contribution of approximately \$5.9 million towards nearby transit infrastructure improvements, programmed roadway improvements, and/or pedestrian/greenway improvements (applicable only to development associated with the legal description as recorded in Official Record Book 47783, Pages 372-377 of the Broward County Public Records).

**Lyons Commons**  
**May 27, 2014**  
**Page Two**

Further, it is noted that the MainStreet-Coconut Creek Regional Activity Center permits 6,450 dwelling units. The first 2,700 dwelling units were not subject to BCLUP Policy 1.07.07 (the associated amendments, PC 05-12 and PCT 05-9, were adopted prior to the effective date of the policy); however, the additional 3,750 dwelling units were subject to Policy 1.07.07 and were found to satisfy the same based on the City of Coconut Creek's Affordable Housing Linkage Program.

The effective land use plan shows the following land uses surrounding the plat:

North: MainStreet-Coconut Creek Regional Activity Center  
South: MainStreet-Coconut Creek Regional Activity Center  
East: Commercial, Parks and Recreation and Residential Estate (1) du/ac  
West: MainStreet-Coconut Creek Regional Activity Center

The contents of this memorandum are not a judgment as to whether this development proposal complies with the Broward County Trafficways Plan, local zoning, other land development regulations or the development review requirements of the Broward County Land Use Plan including its concurrency requirements.

BBB:DBT

cc: Mary C. Blasi, City Manager  
City of Coconut Creek

Sheila Rose, AICP, Director, Department of Sustainable Development  
City of Coconut Creek

Return recorded document to:

Maite Azcoitia, Deputy County Attorney  
Broward County Attorney's Office  
115 S. Andrews Avenue, Rm 423  
Ft. Lauderdale, FL 33301

Document prepared by:

Maite Azcoitia, Deputy County Attorney  
Broward County Attorney's Office  
115 S. Andrews Avenue, Rm 423  
Ft. Lauderdale, FL 33301

INTERLOCAL AGREEMENT FOR THE  
MONITORING OF DEVELOPMENT ACTIVITY AND  
ENFORCEMENT OF PERMITTED LAND USES  
IN REGIONAL ACTIVITY CENTER

**THIS IS NOT AN OFFICIAL COPY**  
This is an Interlocal Agreement, made and entered into by and between  
BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred  
to as "COUNTY,"  
AND

CITY OF COCONUT CREEK, a Florida municipal corporation, created and  
existing under the laws of the state of Florida, hereinafter referred to as "CITY."

WHEREAS, this Agreement is entered into pursuant to Section 163.01, Florida  
Statutes, also known as the "Florida Interlocal Cooperation Act of 1969"; and

WHEREAS, it is the purpose and intent of the parties to this Interlocal  
Agreement, to permit COUNTY and CITY to make the most efficient use of their  
respective powers, resources and capabilities by enabling them to cooperate on the  
basis of mutual advantage and thereby accomplish the objectives provided for herein in  
the manner that will best accord with the existing resources available to each of them  
and with the needs and developments within their respective jurisdictions; and

WHEREAS, the density and intensity of land uses permitted within each Regional  
Activity Center (RAC) is specified within the Broward County Land Use Plan; and

WHEREAS, CITY has the Coconut Creek Regional Activity Center (RAC) within  
its jurisdiction; and

WHEREAS, CITY and COUNTY wish to provide that the monitoring of  
development activity and the enforcement of permitted land uses shall be the

Approved BCC 1/23/07 # 34  
Submitted By County Atty Office  
RETURN TO DOCUMENT CONTROL

(6)

N/C

responsibility of CITY and shall be assigned consistent with the RAC at time of site plan approval by the CITY; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, COUNTY and CITY agree as follows:

ARTICLE 1  
BACKGROUND; PURPOSE AND INTENT

- 1.1 The above recitals are true and correct and incorporated herein as if set forth in full hereunder.
- 1.2 It is the purpose and intent of this Interlocal Agreement for COUNTY and CITY, pursuant to Section 163.01, Florida Statutes, to cooperate and provide for a means by which each governmental entity may exercise its respective powers, privileges and authorities which they share in common and which each might exercise separately in order to further a common goal.

THIS IS NOT AN  
OFFICIAL COPY

ARTICLE 2  
MONITORING OF DEVELOPMENT ACTIVITY

- 2.1 CITY agrees to monitor development activity and to enforce permitted land use densities and intensities within the RAC consistent with the effective land use plan as certified by the Broward County Planning Council at time of site plan approval by the City of Coconut Creek City Commission.
- 2.2 CITY agrees to submit quarterly reports to the Broward County Planning Council setting forth its monitoring and enforcement activities within the RAC to enable COUNTY to ensure that the density and intensity of land uses within the RAC are being complied with by CITY at time of site plan approval by the City of Coconut Creek City Commission.

ARTICLE 3  
INDEMNIFICATION

CITY is a state agency as defined in Chapter 768.28, Florida Statutes, and COUNTY is a political subdivision of the State of Florida. Each agrees to be fully responsible for acts and omissions of their elected officials, agents or employees to the extent permitted by law. Nothing herein is intended to serve as a waiver of sovereign immunity by any party to which sovereign immunity may be applicable. Nothing herein shall be construed as consent by a state agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of this Agreement or any other contract.

ARTICLE 4

MISCELLANEOUS

- 4.1 Joint Preparation: The preparation of this Interlocal Agreement has been a joint effort of the parties hereto and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.
- 4.2 Entire Agreement and Modification: This Interlocal Agreement incorporates, supersedes and includes all prior negotiations, correspondence, conversations, agreements or understanding applicable to the matter contained herein. It is further agreed that no change, alteration or modification in the terms and conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.
- 4.3 Records: In accordance with the Public Records Law, CITY agrees to permit COUNTY to examine all records and grants COUNTY the right to audit any books, documents and papers that were generated during the course of administration of the "Site". CITY shall maintain the records, books, documents and papers associated with this Interlocal Agreement in accordance with the Public Records Act.
- 4.4 Recordation/Filing: This Agreement shall be recorded in the public records of Broward County, in accordance with the Florida Interlocal Cooperation Act of 1969.
- 4.5 Default: In the event of any default or breach of any of the terms of this Interlocal Agreement, it is specifically acknowledged and agreed that either party shall, in addition to all other remedies which may be available in law or equity, have the right to enforce this Interlocal Agreement by specific performance, injunctive relief, prohibition or mandamus to compel the other party to abide by the terms of this Interlocal Agreement.
- 4.6 Notices: Whenever either party desires to give notice unto the other, such notice must be in writing, sent by certified United States mail, return receipt requested, addressed to the party for whom it is intended at the place last specified; and the place for giving of notice shall remain such until it shall have been changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving of notice:

FOR COUNTY:

Administrator  
Broward County Planning Council  
115 S. Andrews Avenue, Rm. 307  
Fort Lauderdale, Florida 33301-4801

FOR CITY:

City Manager  
City of Coconut Creek  
4800 West Copans Road  
Coconut Creek, Florida 33063

- 4.7 Choice of Law; Waiver of Jury Trial: Any controversies or legal problems arising out of this transaction and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida, the venue situs, and shall be governed by the laws of the State of Florida. To encourage prompt and equitable resolution of any litigation that may arise hereunder, each party hereby waives any rights it may have to a trial by jury of any such litigation.
- 4.8 Conflict: In the event that this Interlocal Agreement conflicts with any other agreement pertaining to the monitoring of development activity and the enforcement of the density or intensity of permitted land uses within the RAC, CITY and COUNTY agree that the terms and conditions contained in this Interlocal Agreement shall prevail.
- 4.9 Counterpart Originals: The parties agree that this Agreement may be executed in counterparts, and that collectively the counterparts shall be considered an original agreement and shall be deemed legally sufficient and binding upon the parties.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have made and executed this Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, and CITY OF COCONUT CREEK signing by and through its (P) MANGER, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its  
BOARD OF COUNTY COMMISSIONERS

*Jeffrey J. Newton*  
 County Administrator and  
 Ex Officio Clerk of  
 the Board of County  
 Commissioners of Broward  
 County, Florida

*Joseph E. Eggleston*  
 Mayor

21 day of *Jan*, 2007

OFFICIAL COPY

Approved as to form by  
 Office of County Attorney  
 Broward County, Florida  
 JEFFREY J. NEWTON, County Attorney  
 Governmental Center, Suite 423  
 115 South Andrews Avenue  
 Fort Lauderdale, Florida 33301  
 Telephone: (954) 357-7600  
 Telecopier: (954) 357-6968

By *Maite Azcoitia* 12/12/06  
 Maite Azcoitia  
 Deputy County Attorney

INTERLOCAL AGREEMENT FOR MONITORING OF DEVELOPMENT ACTIVITY AND  
ENFORCEMENT OF PERMITTED LAND USES IN REGIONAL ACTIVITY CENTER

CITY

WITNESSES:

CITY OF COCONUT CREEK

Jacquelyn Cook

By John P. Kelly  
John P. Kelly, City Manager

9th day of November, 2006.

ATTEST:

**THIS IS NOT AN OFFICIAL COPY**

Barbara St. Pierre  
City Clerk

By \_\_\_\_\_  
City Manager

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

(CORPORATE SEAL)

APPROVED AS TO FORM:

By Nancy A. Cousins  
CITY ATTORNEY  
**NANCY A. COUSINS**

MA/it  
5/12/06  
G:\DIV2\MXA\MXA06\CoconutCreekRACAgmt.doc  
#05-401.24

Document prepared by and  
Return recorded document to:

Edward Marko, School Board Attorney  
The School Board of Broward County, Florida  
Kathleen C. Wright Administrative Building  
600 Southeast 3<sup>rd</sup> Avenue  
Fort Lauderdale, FL 33301

**NOTICE: PURCHASERS, GRANTEES, HEIRS, SUCCESSORS AND ASSIGNS OF ANY INTEREST  
IN THE PROPERTY SET FORTH ON EXHIBIT "A" ARE HEREBY PUT ON NOTICE OF THE  
OBLIGATIONS SET FORTH WITHIN THIS AGREEMENT WHICH SHALL RUN WITH THE  
PROPERTY UNTIL FULLY PAID AND PERFORMED.**

**EDUCATIONAL MITIGATION AGREEMENT**  
THIS IS NOT AN OFFICIAL COPY  
This is an Agreement, made and entered into by and between:  
**BROWARD COUNTY**, a political subdivision of the State of Florida, hereinafter referred to as  
"COUNTY",  
AND

**CITY OF COCONUT CREEK**, a municipal corporation, created and existing under the laws of the  
State of Florida, its successors and assigns, hereinafter referred to as "CITY",

AND

**THE SCHOOL BOARD OF BROWARD COUNTY**, a body corporate and political subdivision of  
the State of Florida, hereinafter referred to as "SCHOOL BOARD".

RECITALS

WHEREAS, the Broward County Board of County Commissioners approved Broward County Land  
Use Amendment PC 05-12 and Text Amendment PCT 05-9, establishing the "Coconut Creek Regional  
Activity Center" in the City of Coconut Creek, a description of which is attached hereto as Exhibit "A"; and

WHEREAS, the CITY is proposing a total of 2,700 residential units in Land Use Plan Amendment PC  
05-12 (hereinafter "Amendment PC 05-12"), consisting of 950 townhouses, 350 garden apartments and 1,400  
high rise units (hereinafter "Additional Units"); and

WHEREAS, the CITY has agreed to mitigate the impact of students anticipated from the development  
of the Additional Units in the Regional Activity Center; and

1 Approved BCC 4/25/06 # 40  
Submitted By Daw. [Signature]  
RETURN TO DOCUMENT CONTROL

*[Handwritten mark]*

WHEREAS, SCHOOL BOARD staff, as evidenced by the Public School Facility Impact Statement Report dated May 3, 2005 and subsequent letter dated June 7, 2005 letter to the CITY, which are attached hereto as Composite Exhibit "B", anticipates that Amendment PC 05-12 as proposed will generate 554 additional students consisting of 290 elementary school students, 130 middle school students and 134 high school students into Broward County District Schools; and

WHEREAS, Chapter 5, Article IX, Broward County Code of Ordinances (hereinafter "County School Impact Fee Regulations"), requires that no application for a building permit shall be accepted by the COUNTY or by any municipality without documentation that a finding of adequacy of school sites and facilities has been made by the COUNTY; and

WHEREAS, the COUNTY, SCHOOL BOARD and CITY agree that the cost per student station is appropriate to the circumstances of the Regional Activity Center and that the cost per student station would be paid in lieu of the COUNTY school impact fees for the Additional Units and that the cost per student station would be as determined and published by the State of Florida; and

WHEREAS, the COUNTY, SCHOOL BOARD and CITY agree that it is the intent of the parties that the donation of a viable and acceptable school site may be substituted as alternative mitigation for the Additional Units in lieu of the student station fees as provided herein; and

WHEREAS, the schedule of the Student Station Cost Factor for elementary, middle and high school students associated with the Regional Activity Center dwelling units have been established by the State of Florida pursuant to the published "Student Station Cost Factors Feb. 2005", as may be amended, attached hereto as Exhibit "C"; and

WHEREAS, as a condition for approval of Amendment PC 05-12, the CITY was required to enter into a tri-party interlocal agreement with the SCHOOL BOARD and COUNTY to enable legal enforcement of the commitment made before any building permits can be issued for residential units in the Regional Activity Center.

NOW, THEREFORE, in consideration of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, COUNTY, CITY and SCHOOL BOARD agree as follows:

1. AMENDMENT OF THE CITY'S LAND DEVELOPMENT CODE.

1.01 The CITY agrees that any application for a building permit for residential development within the Regional Activity Center shall be subject to the imposition of educational mitigation in the manner set forth in this Agreement. Alternatively, the obligation to pay educational mitigation fees may be satisfied by the donation of a viable and acceptable school site. The CITY shall amend its land development code no later than March 1, 2006 to (a) require the payment of the student station per dwelling unit cost in lieu of the COUNTY school impact fees due for the Additional Units contained within the boundaries of the Regional Activity Center; (b) monitor and make certain that development within the Regional Activity Center strictly occurs as specified herein for residential type and mix, and; (c) as otherwise may be required to comply with this Agreement.

1.02 The CITY will require evidence of payment of the student station per dwelling unit cost (or donation of a viable and acceptable school site) from individual applicants prior to the issuance of building permits, on a site-specific per project basis.

1.03 The CITY shall provide written notice to the County's Development Management Division and the School Superintendent or his designee, upon site plan or plat approval of any residential project authorized pursuant to Amendment PC 05-12. Notification shall include project location and number and type of units at time of site plan or plat approval and shall be confirmed by the CITY at the time of building permit.

1.04 Prior to environmental review approval of construction plans as set forth within Chapter 27, Broward County code of Ordinances by the Development Management Division for a building permit for the construction or erection of a residential building to be located within the Regional Activity Center, the CITY shall, consistent with this Agreement, identify the specific type of residential unit(s) and provide written notification to the Broward County Development Management Division.

1.05 Prior to the issuance of a building permit for the construction or erection of a residential building located within the Regional Activity Center, the CITY shall verify that the owner, applicant and/or developer has paid the student station per dwelling unit cost for the Additional Units as set forth herein, or in the alternative, the donation of a viable and acceptable school site.

1.06 The CITY, its successor and assigns, agrees that no building permits or certificates of occupancy shall be obtained from the CITY for residential development of land within the Regional Activity Center until the student station per dwelling unit cost has been paid as required by this Agreement, or in the alternative, the donation of a viable and acceptable school site. Failure to ensure collection of the student station per dwelling unit cost, or donation of a viable and acceptable school site prior to the issuance of a building permit shall constitute a default of this Agreement. Nothing herein shall waive or affect the right of the COUNTY and/or SCHOOL BOARD to otherwise require the CITY to comply with the conditions of Amendment PC 05-12 or this Agreement by any remedy provided by law or equity. In the event of a breach of this Agreement or if enforcement of this Agreement shall be required, the COUNTY, SCHOOL BOARD and CITY agree to reasonable cooperate with each other and take all appropriate and necessary action to secure payment of the applicable student station cost payment, and that no party (the County, School Board or City) shall be liable to the other for damages (including the applicable student station cost payment) in such instance; however, a party may be subject to equitable remedies such as mandamus or specific performance.

1.07 The CITY may propose a change to the specified type of residential unit mix upon written notification to the Executive Director, Facility Management, Planning and Site Acquisition of the School Board or designee, with a copy to the Broward County Development Management Division. The Executive Director, or designee, shall determine whether the number of students generated by any such proposed change will exceed the 554 additional students consisting of 290 elementary school students, 130 middle school students and 134 high school students, as computed by the student generation rate formula applicable as of the date of this Agreement, and as set forth in the attached Public School Facility Impact Statement Report. If it is determined by the Executive Director or designee that such proposed change to the specified type of residential unit and/or the bedroom mix does not exceed the 554 additional students as computed by the student generation rate formula applicable as of the date of this Agreement and as set forth in the attached Public School Facility Impact Statement Report, no amendment to this Agreement shall be required. Any further increase in the number of anticipated additional students shall require an amendment to this Agreement consistent with Paragraph 14 below to proceed.

## 2. STUDENT STATION PER DWELLING UNIT COST.

2.01 The student station per dwelling unit cost for each of the 2,700 residential dwelling units within the Regional Activity Center shall be an amount derived from the cost per student station as determined,

published and amended by the State of Florida for elementary, middle and high school students and the associated per dwelling unit cost as calculated by the SCHOOL BOARD. However, in no event shall that amount be less than \$3,315.00 for each residential dwelling unit. For example, computations utilizing the cost per student station figures as of December 2005 would be approximately \$3,315.00 per residential dwelling unit for the 2,700 units, and computations utilizing the cost per student station figures as of June 2012, would be approximately \$3,836.00 per residential dwelling unit for the 2,700 additional units. The COUNTY, SCHOOL BOARD and CITY agree that at no time prior to when the last building permit is issued for the final 2,700 residential unit shall the total cost per student station amount due for the units be less than the total County required effective school impact fee that would have been due for those units.

2.02 Prior to the issuance of a finding of adequacy by the COUNTY, the SCHOOL BOARD shall provide the COUNTY with the current cost per student station schedule established and published by the State of Florida, and the associated per dwelling unit cost as calculated by the SCHOOL BOARD for the 2,700 residential units. No later than the end of each calendar month, the COUNTY agrees to provide written correspondence to the SCHOOL BOARD listing residential developments issued satisfactory finding of adequacy. At the minimum, the information provided shall include the name of the development, the total number and type of proposed units and the total cost per student station amount paid.

2.03 The CITY agrees that it will not accept an application for a building permit for any residential unit which is included within the Regional Activity Center unless it has received documentation of a finding of adequacy by the COUNTY.

3. EDUCATIONAL FACILITIES. The student station per dwelling unit cost paid or the donation of a viable and acceptable school site by the owner(s) and/or developer(s) pursuant to this Agreement shall, pursuant to School Board Growth Management Policy be used to provide educational facilities to serve students generated by the Additional Units in the Regional Activity Center. The CITY recognizes and agrees that, even if such money is not directly utilized to meet the educational needs of the future residents of the area within the Regional Activity Center, the use of such money will indirectly benefit such development by making other funds available to directly meet those needs.

4. TRANSMITAL OF FUNDS TO THE SCHOOL BOARD. The COUNTY agrees to remit quarterly to the SCHOOL BOARD, the student station per dwelling unit cost amount collected for the proposed Regional Activity Center dwelling units to be spent by the SCHOOL BOARD in accordance with School Board Growth Management Policy. The COUNTY will continue to remit the COUNTY school impact fees to the SCHOOL BOARD consistent with the existing agreement between the COUNTY and the SCHOOL BOARD.

5. The COUNTY agrees that this Agreement satisfies the requirements in the County School Impact Fee Regulations relating to Educational Impact Fees.

6. The recitals and representations set forth within the Whereas clauses are true and correct and are incorporated herein.

7. NOTICES. Whenever any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving of notice shall remain such until it is changed by written notice in

compliance with the provisions of this paragraph. Until otherwise designated by amendment to this Agreement, the parties designate the following as the respective places for giving notice:

For the COUNTY:

Director, Development Management Division of Broward County  
115 South Andrews Avenue, Room A240  
Fort Lauderdale, FL 33301

For the CITY:

City Manager  
City of Coconut Creek  
4800 West Copans Road  
Coconut Creek, FL 33063

For the SCHOOL BOARD:

Superintendent of Schools  
The School Board of Broward County, Florida  
Kathleen C. Wright Administrative Building  
600 Southeast 3<sup>rd</sup> Avenue  
Fort Lauderdale, FL 33301

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With a copy to:

The Executive Director  
The School Board of Broward County, Florida  
Facility Management, Planning and Site Acquisition Department  
Kathleen C. Wright Administrative Building  
600 Southeast 3<sup>rd</sup> Avenue, 14<sup>th</sup> Floor  
Fort Lauderdale, FL 33301

8. RELEASE. When all of the obligations set forth herein are fully paid and performed, COUNTY, at the request of CITY or its successor and upon payment of any applicable fees, shall cause a release to be recorded in the Official Records of Broward County, Florida, evidencing such performance. To the extent that the obligations set forth herein are divisible and attributable to a specific parcel the payment of the student station per dwelling unit cost, the applicable COUNTY school impact fee and the issuance of a building permit shall constitute evidence that the divisible portion of the obligation has been satisfied.

9. VENUE; CHOICE OF LAW. Any controversies or legal issues arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State Court of the Seventeenth Judicial Circuit of Broward County, Florida, the venue situs, and shall be governed by the laws of the State of Florida.

10. CAPTIONS AND PARAGRAPH HEADINGS. Captions and paragraph headings contained in this Agreement are for convenience and reference only and in no way define, describe, extend or limit the scope or intent of this Agreement, nor the intent of any provisions hereof.

11. NO WAIVER. No waiver of any provision of this Agreement shall be effective unless it is in writing, signed by the party against whom it is asserted, and any such written waiver shall only be applicable to the specific instance to which it relates and shall not be deemed to be a continuing or future waiver.

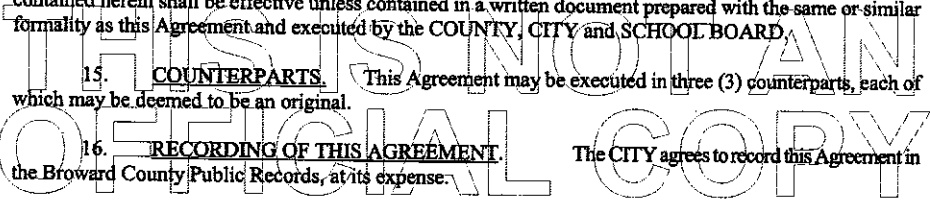
12. EXHIBITS. All Exhibits attached hereto contain additional terms of this Agreement and are incorporated herein by reference.

13. FURTHER ASSURANCES. The parties hereby agree to execute, acknowledge and deliver and cause to be done, executed, acknowledged and delivered all further assurances and to perform such acts as shall reasonably be requested of them in order to carry out this Agreement.

14. AMENDMENTS. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by the COUNTY, CITY and SCHOOL BOARD.

15. COUNTERPARTS. This Agreement may be executed in three (3) counterparts, each of which may be deemed to be an original.

16. RECORDING OF THIS AGREEMENT. The CITY agrees to record this Agreement in the Broward County Public Records, at its expense.

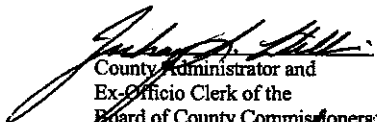


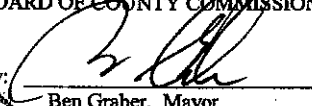
IN WITNESS WHEREOF, the parties have made and executed this Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action on the \_\_\_ day of \_\_\_\_\_, 2006, The BROWARD SCHOOL BOARD OF BROWARD COUNTY, signing by and through its Chair, authorized to execute same by Board action on the \_\_\_ day of \_\_\_\_\_, 2006, and CITY, signing by and through its City Manager duly authorized to execute same.

COUNTY

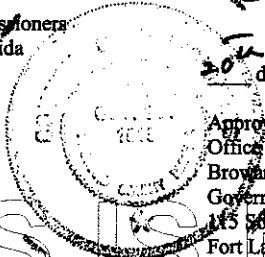
ATTEST:

BROWARD COUNTY, through its  
BOARD OF COUNTY COMMISSIONERS

  
County Administrator and  
Ex-Officio Clerk of the  
Board of County Commissioners  
of Broward County, Florida

By:   
Ben Graber, Mayor

2006 day of June, 2006



Approved as to form by  
Office of County Attorney  
Broward County, Florida  
Governmental Center, Suite 423  
145 South Andrews Avenue  
Fort Lauderdale, Florida 33301  
Telephone: (954) 357-7600  
Telecopier: (954) 357-6968

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By:   
Assistant County Attorney

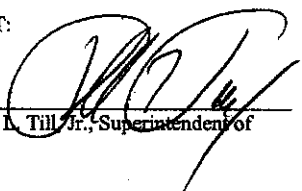
7 day of April, 2006

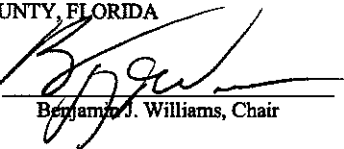
**SCHOOL BOARD**

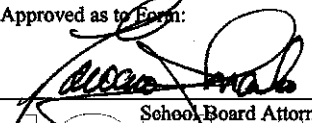
(Corporate Seal)

THE SCHOOL BOARD OF BROWARD  
COUNTY, FLORIDA

ATTEST:

  
\_\_\_\_\_  
Franklin L. Till, Jr., Superintendent of  
Schools

By   
\_\_\_\_\_  
Benjamin J. Williams, Chair

Approved as to Form:  
  
\_\_\_\_\_  
School Board Attorney

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CITY

WITNESSES:

Jaquelyn L Cook  
Bea Brady

CITY OF COCONUT CREEK

By: Marilyn Gerber, Mayor  
\_\_\_\_ day of \_\_\_\_\_, 2006

ATTEST:

Barbara Shrie  
City Clerk

By: John P. Kelly  
John P. Kelly, City Manager  
22 day of December 2006

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APPROVED AS TO FORM:

By: Paul Stuart  
Paul Stuart, City Attorney

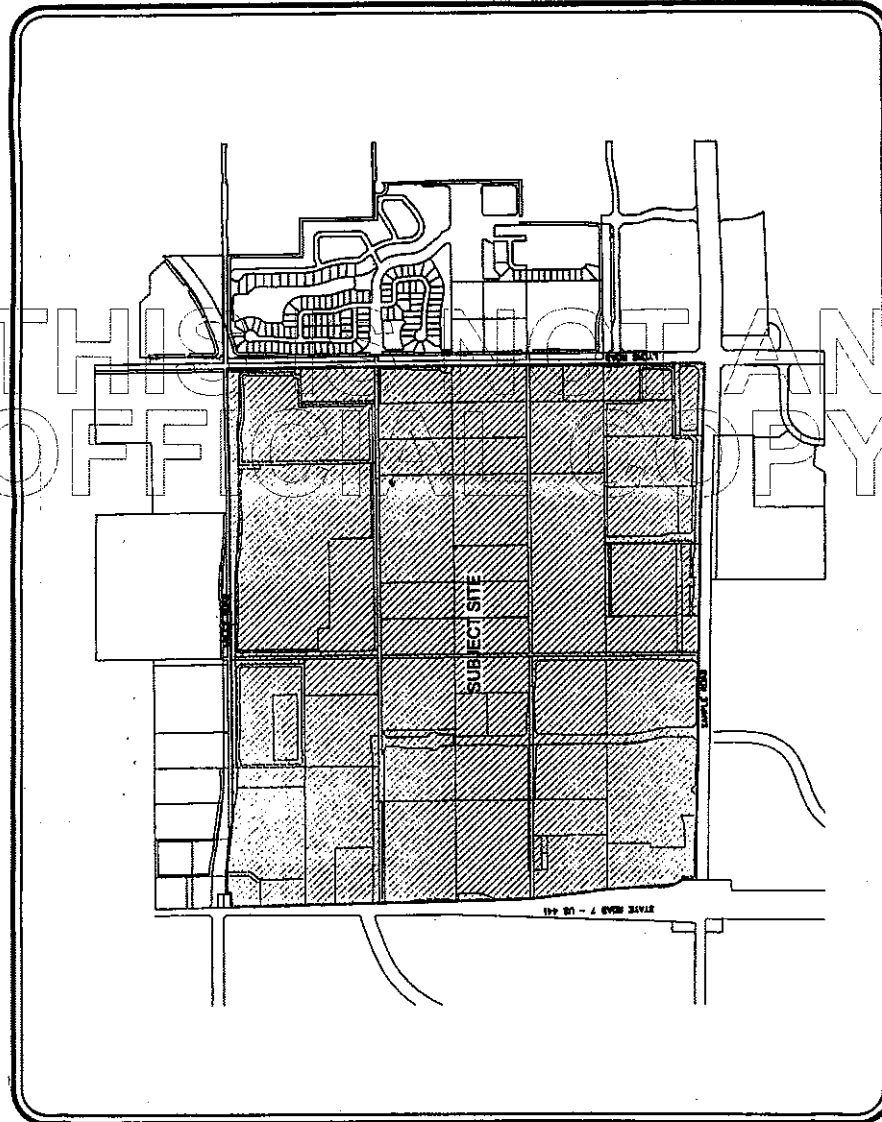
jo  
**NANCY A. COUSINS**

**EXHIBIT "A"**

**LEGAL DESCRIPTION**  
**(Including Sketch)**

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<b>CITY OF COCONUT CREEK MAIN STREET</b>		<b>REGIONAL ACTIVITY CENTER</b>
<b>LEGEND</b>		
1. City of Coconut Creek Main Street 2. Regional Activity Center 3. Subject Site		
<b>LOCATION MAP</b>		
<b>A</b>		



AUTOCAD 7200 PRODUCTS ONLY LOCATION

**COMPOSITE EXHIBIT "B"**

**LAND USE PLAN AMENDMENT**

**THE MAY 3, 2005 PUBLIC SCHOOL FACILITY IMPACT STATEMENT**

**AND**

**THE JUNE 7, 2005 LETTER TO THE CITY OF COCONUT CREEK**

**(Land Use Amendment PC 05-12)**

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**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**

 600 Southeast Third Avenue • 14<sup>th</sup> FL. FT. LAUDERDALE, FLORIDA 33301 • TEL 754-321-2161 • FAX 754-321-2179

Chris Akagbosu, Director  
 Growth Management Division  
 Facility Management, Planning & Site Acquisition  
 chris.akagbosu@browardschools.com

**SCHOOL BOARD**

Chair  
 Vice Chair

STEPHANIE ARMA KRAFT, ESQ.  
 BENJAMIN J. WILLIAMS  
 CAROLE L. ANDREWS  
 ROBIN BARTLEMAN  
 DARLA L. CARTER  
 MAUREEN S. DINNEN  
 BEVERLY A. GALLAGHER  
 DR. ROBERT D. PARKS  
 MARTY RUBINSTEIN

Dr. Frank Till  
 Superintendent of Schools

May 3, 2005

Henry Sniezek, Executive Director  
 Broward County Planning Council  
 115 South Andrews Avenue, Room #307  
 Fort Lauderdale, Florida 33301

Re: Land Use Plan Amendments PC 05-12, PC 05-13, PC 05-15 Through PC 05-18

Dear Mr. Sniezek:

Please find attached, Public School Facility Impact Statement Reports for Land Use Plan Amendment's (LUPA) PC 05-12, PC 05-13, and PC 05-15 through PC 05-18. Please be advised that LUPA PC 05-17 as currently proposed is not anticipated to generate additional students into Broward County Public Schools. Additionally, the amendment site is not located adjacent to existing public schools; therefore, the amendment as proposed, will not have direct physical impact on Broward County Public Schools.

LUPA PC 05-12 was reviewed as a potential 2,700 multi-family (garden apartment) residential units, and is anticipated to generate a total of 1,604 additional (761 elementary, 462 middle and 381 high school) students into Broward County Public Schools, which will exacerbate overcrowded conditions at the impacted schools. Also, the number of land use plan amendment applications adopted by the Broward County Commission from January 2005 to February 25, 2005, is anticipated to generate 19 additional (9 middle and 10 high school) students into Lyons Creek Middle and Monarch High Schools.

Schools serving the area of the amendment site in the 2004/05 school year are Winston Park Elementary, Lyons Creek Middle and Monarch High Schools. Please be advised that the 2004 preliminary permanent capacity data for the impacted schools was utilized in the review of the application. Based on the 2004/05 Twentieth-Day Membership Counts, and Enrollment and Facility Planning Inventory (EFPI) Reports, Winston Park Elementary, Lyons Creek Middle and Monarch High Schools are critically overcrowded. Scheduled capital improvement(s) for pertinent impacted schools, funded in the Adopted District Educational Facilities Plan, Fiscal Years 2004/05 to 2008/09 are depicted in the attached Report. In the 2004/05 school year, no charter school is located within a two-mile radius of the amendment site.

District staff has met with staff representatives of the City to discuss possible mitigation option(s) for students anticipated from the development of the units. To date, the City has not committed to any voluntary mitigation in writing. Therefore, consistent with the provisions of School Board Policy 1161 regarding proposed residential developments impacting critically overcrowded schools, recommendations

*Transforming Education: One Student at A Time*  
 Broward County Public Schools Is An Equal Opportunity/Equal Access Employer

Land Use Plan Amendment PC 05-12, PC 05-13 and PC 05-15 Through PC 05-18  
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are that this land use plan amendment application should be denied or deferred until permanent capacity addition is funded in the effective Capital Budget for Winston Park Elementary, Lyons Creek Middle and Monarch High Schools. Also, this application is subject to the provisions of Section 7.8 of the Interlocal Agreement for Public School Facility Planning and School Board Policy 1161, which calls for the mitigation of students generated by proposed residential density increase. Thus, if as recommended this application is not denied or deferred, mitigation should be provided for the anticipated student impact.

LUPA PC 05-13 was reviewed as a potential 3,000 multi-family (garden apartment) residential units, and is anticipated to generate a total of 1,782 additional (846 elementary, 513 middle and 423 high school) students into Broward County Public Schools, which will exacerbate overcrowded conditions at the impacted schools. Also, the number of land use plan amendment applications adopted by the Broward County Commission from January 2005 to February 25, 2005, is anticipated to generate 77 (32 elementary, 14 middle and 31 high school) additional students into Park Lakes and Oriole Elementary, Lauderdale Lakes and William Dandy Middle, and Boyd Anderson High Schools.

Schools serving the area of the amendment site in the 2004/05 school year are Park Lakes and Oriole Elementary Schools, Lauderdale Lakes and William Dandy Middle Schools, and Boyd Anderson High School. Please be aware that the 2004 preliminary permanent capacity data was utilized in the review of this application, and based on the 2004/05 Twentieth-Day Membership Counts, and EFFI Report, Park Lakes and Oriole Elementary, and William Dandy Middle Schools are critically overcrowded, Lauderdale Lakes Middle School is overcrowded, and Boyd Anderson High School is Neutral (>90% to 110% of permanent capacity). Scheduled capital improvement(s) for pertinent impacted schools, funded in the Adopted District Educational Facilities Plan, Fiscal Years 2004/05 to 2008/09 are depicted in the attached Report.

In the 2004/05 school year, the charter schools listed in Table 1 below are located within a two-mile radius of the amendment site.

Table 1, 2004/05 CHARTER SCHOOLS

Charter School	2004 Contract Capacity	Twentieth Day Enrollment	Over/(Under) Enrolled	2005/06 Projected Enrollment
Central Charter School (Pre K-6)	630	566	(64)	578
Chancellor at North Lauderdale (K-5)	600	464	(136)	550
Charter School Institute Annex (K-6)	350	51	(299)	150
Chancellor at North Lauderdale (6-8)	600	183	(417)	224
Eagle Academy (6-7)	560	184	(376)	250
Smart School Institute (6-8)	500	458	(42)	475
Smart School Institute (9-10)	1,000	239	(761)	350

Land Use Plan Amendment PC 05-12, PC 05-13 and PC 05-15 Through PC 05-18  
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Please be aware that the maximum capacity at each charter school is determined by the enrollment specified in the charter school agreement between the school and the School Board of Broward County, Florida. Some charter schools open under enrolled, but achieve maximum capacity as they add grade levels, move from leased facilities to permanent facilities, or increase public awareness about their school within the area they serve. Park Lakes, Oriole Elementary and William Dandy Middle Schools are projected to be overcrowded in the 2005/06 school year, and students attending or anticipated to attend pertinent charter schools are factored into the enrollment projections for District schools. Therefore, the pertinent charter schools listed in Table 1 are not anticipated to completely relieve overcrowding at Park Lakes and Oriole Elementary, and William Dandy Middle Schools.

District staff has met with staff/representatives of the City to discuss possible mitigation option(s) for students anticipated from the development of the units. To date, the City has not committed to any voluntary mitigation in writing. Therefore, consistent with the provisions of School Board Policy 1161 regarding proposed residential developments impacting critically overcrowded schools, recommendations are that LUPA PC 05-15 should be denied or deferred until permanent capacity addition is funded in the effective Capital Budget for Park Lakes, Oriole Elementary, and William Dandy Middle Schools. Also, this application is subject to the provisions of Section 7.8 of the Interlocal Agreement for Public School Facility Planning and School Board Policy 1161, which calls for the mitigation of students generated by proposed residential density increase. Thus, if as recommended this application is not denied or deferred, mitigation should be provided for the anticipated student impact.

LUPA PC 05-15 was reviewed as a potential 244 garden apartment units development, and is anticipated to generate a total of 145 additional (69 elementary, 42 middle and 34 high school) students into Broward County Public Schools, which will exacerbate overcrowded conditions at the impacted schools. Also, the number of land use plan amendment applications adopted by the Broward County Commission from January 2005 to February 25, 2005, is anticipated to generate 426 (251 middle and 175 high school) additional students into New Renaissance Middle and Miramar High Schools.

Schools serving the area of the amendment site in the 2004/05 school year are Sea Castle Elementary, New Renaissance Middle and Miramar High Schools. Please be advised that the 2004 preliminary permanent capacity data was utilized in the analysis for the development, and based on the 2004/05 Twentieth-Day Membership Counts, and EFPI Report, Sea Castle Elementary School is Neutral (>90% to 110% of permanent capacity), and New Renaissance Middle and Miramar High Schools are critically overcrowded. Therefore, development of the additional 244 garden apartment units will further exacerbate overcrowded conditions at the impacted schools.

Scheduled capital improvement(s) for pertinent impacted schools, funded in the Adopted District Educational Facilities Plan, Fiscal Years 2004/05 to 2008/09 are depicted in the attached Report. In the 2004/05 school year, the City of Pembroke Pines East (K-5) charter school is located within a two-mile radius of the amendment site, and the Twentieth Day statistical data for the school is as follows: Enrollment - 1,795, Contract Capacity - 1,800, Over/(Under) - (5), 2005/06 Enrollment projection - 1,800.

LUPA PC 05-15 is subject to Section 7.8 of the Interlocal Agreement for Public School Facility Planning, and School Board Policy 1161, which calls for the mitigation of additional students generated by proposed residential density increase. In a letter dated January 31, 2005, the agent for the owner/developer

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voluntarily committed to pay as mitigation the Florida established Student Station Cost Factors for the anticipated middle and high school students. This commitment complies with the mitigation provisions of School Board Policy 1161 (see attached correspondence).

Information provided by your office indicates that 260 mobile homes currently exist on the site for LUPA PC 05-16, which generates 94 (47 elementary, and 47 middle school) students. However, the current land use designation permits up to 275 multi-family (townhouse) units on the property, which generates 75 (38 elementary, 17 middle and 20 high school) students. This application was reviewed as a potential 440 garden apartment units, and is anticipated to generate a total of 261 (or 186 additional) students into Broward County Public Schools, which will exacerbate overcrowded conditions at the impacted schools. Also, the number of land use plan amendment applications adopted by the Broward County Commission from January 2005 to February 25, 2005, is anticipated to generate 45 (14 middle and 31 high school) additional students into Lauderdale Lakes Middle and Boyd Anderson High Schools.

Schools serving the area of the amendment site in the 2004/05 school year are Park Lakes Elementary, Lauderdale Lakes Middle and Boyd Anderson High Schools. Please be advised that the 2004 preliminary permanent capacity data for the impacted schools was utilized in the review of the application. Based on the 2004/05 Twentieth-Day Membership Counts, and EFPI Reports, Park Lakes Elementary School is critically overcrowded, Lauderdale Lakes Middle School is overcrowded and Boyd Anderson High School is Neutral (>90% to 110% of permanent capacity) in school year 2004/05.

In the 2004/05 school year, the charter schools listed in Table 2 below are located within a two-mile radius of the amendment site.

Table 2, 2004/05 CHARTER SCHOOLS

Charter School	2004 Contract Capacity	Twentieth Day Enrollment	Over/(Under) Enrolled	2005/06 Projected Enrollment
Central Charter School (Pre K-6)	630	566	(64)	578
Chancellor at North Lauderdale (K-5)	600	464	(136)	550
Charter School Institute Annex (K-6)	350	51	(299)	150
North Broward Academy of Excellence (K-5)	209	250	(41)	202
Chancellor at North Lauderdale (6-8)	600	183	(417)	224
North Lauderdale Academy (9-12)	874	509	(365)	800

Park Lakes Elementary School is projected to be overcrowded in the 2005/06 school year, and students attending or anticipated to attend pertinent charter schools are factored into the enrollment projections for District schools. Therefore, the pertinent charter schools listed in Table 2 are not anticipated to completely relieve overcrowding at Park Lakes Elementary School.

Land Use Plan Amendment PC 05-12, PC 05-13 and PC 05-15 Through PC 05-18  
May 3, 2005  
Page 5

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Thus, consistent with the provisions of School Board Policy 1161 regarding proposed residential developments impacting critically overcrowded schools, recommendations are that LUPA PC 05-16 should be denied or deferred until permanent capacity addition is funded in the effective Capital Budget for Park Lakes Elementary School. Also, this application is subject to the provisions of Section 7.8 of the Interlocal Agreement for Public School Facility Planning and School Board Policy 1161, which calls for the mitigation of students generated by proposed residential density increase. Thus, if as recommended this application is not denied or deferred, mitigation should be provided for the anticipated student impact.

LUPA PC 05-18 was reviewed as a potential 16 townhouse units and 27 garden apartment units development, and is anticipated to generate a total of 21 additional (10 elementary, 6 middle and 5 high school) students into Broward County Public Schools, which will exacerbate overcrowded conditions at the impacted schools.

Schools serving the area of the amendment site in the 2004/05 school year are Cypress Elementary, Pompano Beach Middle and Blanche Ely High Schools. Please be advised that the 2004 preliminary permanent capacity data was utilized in the analysis for the development, and based on the 2004/05 Twentieth-Day Membership Counts, and EFPI Report, Cypress Elementary and Blanche Ely High Schools are Neutral (>90% - 110% of permanent capacity), and Pompano Beach Middle School is critically overcrowded in the 2004/05 school year. Therefore development of the additional 43 residential units will further exacerbate overcrowded conditions at the impacted schools.

In the currently adopted District Educational Facilities Plan, Fiscal Years 2004/05 to 2008/09, Pompano Beach Middle School is scheduled for an 8-modular classrooms addition, and the addition is currently in the design phase and forecasted for completion in the fall of 2006. However, projections indicate that the School will be critically overcrowded in the 2005/06 school year. Also, Ely High School is scheduled for a 36-classrooms addition consisting of 12 medical magnet program/science classrooms, and 24 general classrooms. The additions are forecasted for completion in the fall of 2005. In the 2004/05 school year, no charter school is located within a two-mile radius of the project site.

LUPA PC 05-18 is subject to Section 7.8 of the Interlocal Agreement for Public School Facility Planning, and School Board Policy 1161, which calls for the mitigation of additional students generated by proposed residential density increase. Also, Policy School Board 1161 only requires mitigation for schools that are currently overcrowded in the current or next effective school year.

In a letter dated April 28, 2005, a representative of the owner/developer voluntarily committed to pay as mitigation, the equivalent school impact fee due for the development, and the Florida established Student Station Cost Factors for two anticipated middle school students. The two anticipated middle school students are based on the commitment by the representative of the owner/developer to execute and record a Declaration of Restrictive Covenant that will limit the proposed multi-family units to 13 three or more bedrooms townhouse units, and 24 two-bedroom garden apartment units (see attached correspondence). Such restriction will generate a total of eight (four elementary, two middle and two high school) students. Thus, this commitment will be considered in compliance with the mitigation provisions of School Board Policy 1161, only as it relates to the execution of the above mentioned Declaration of Restrictive Covenant, or if the same mitigation concept is committed to for the six anticipated middle school students if the proposed Restrictive Covenant is not executed.


Land Use Plan Amendment PC 05-12, PC 05-13 and PC 05-15 Through PC 05-18  
May 3, 2005  
Page 6

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As you are aware, the class size constitutional amendment requires that by the year 2010, the maximum number of students in the following school grades must be: Pre-kindergarten through 3<sup>rd</sup> grade - 18 students, 4<sup>th</sup> through 8<sup>th</sup> grade - 22 students, and 9<sup>th</sup> through 12<sup>th</sup> grade - 25 students. Therefore, due to compliance with this requirement the permanent school capacity for the impacted schools dropped significantly.

Thank you for your continued cooperation and support on land use plan amendment matters pertaining to Broward County Public Schools. If you have questions or need further information, please email me at [chris.akagbosu@browardschools.com](mailto:chris.akagbosu@browardschools.com) or call me at 754-321-2162.

Sincerely,

  
Chris O. Akagbosu, Director  
Growth Management Division  
Facility Management, Planning & Site  
Acquisition Department

COA:coa

**Attachments**

1. Public School Facility Impact Statement Report, LUPA PC 05-12, PC 05-13, and PC 05-15 Through PC 05-18
2. Correspondence regarding PC 05-15 and PC 05-18

cc: Thomas J. Coates, Executive Director, Facility Management, Planning & Site Acquisition Department  
Thomas Moore, Director, School Boundaries



Facility Management, Planning & Site Acquisition Department  
600 S.E. 3rd Avenue, 4th Floor  
Fort Lauderdale, Florida 33301

**Land Use Plan Amendment Public School Facility Impact Statement**

<b>Property Description</b>		SEC 18	TWP 48	RNG 42
Type:	County			
Amendment #:	PC 05-12			
Owner / Developer:	City of Coconut Creek (Initial Applicant)			
Jurisdiction:	City of Coconut Creek			
Current Land Use:	Commercial and Industrial (Approx. 500 ac.)			
Proposed Land Use:	Regional Activity Center (Approx. 500 ac.)			

<b>Potential Student Impact*</b>		<b>Additional Impact:</b>		<b>Cumulative Students From LUPA Approved Since:</b>			
Existing Permitted Units:	0	Elementary Students:	761	Since 1/03/05 to 2/25/05			
Proposed Units:	2,700	Middle Students:	462	Elem	Midd	High	Total
Net Change:	+2700	High Students:	381	70	9	10	18
		Total:	1,604				

\* Note: Calculations are based upon the maximum student generation rates in the Land Development Code.

<b>Currently Assigned Schools*</b>	School Capacity	20th Day* Enrollment	Over/ (Under) Enrolled	Projected Enrollment**				
				05/06	06/07	07/08	08/09	09/10
Winston Park Elementary	1,058	1,309	251	1,334	1,447	1,476	1,495	1,480
Lyons Creek Middle	1,237	2,127	890	2,154	2,184	2,260	2,478	2,555
Monarch High	1,173	1,858	485	1,978	2,111	2,139	2,096	2,340

Staff is advising the Broward County Planning Council, the Broward County Commission, the applicant(s)/owner(s) and/or future developer(s) of the amendment site that based on the School District's 2004/05 Twentieth Day Membership Counts, and Enrollment and Facility Planning Inventory (EFPI) Reports, Winston Park Elementary, Lyons Creek Middle and Monarch High Schools are critically overcrowded in 2004/05 school year. Be advised that the 2004 preliminary permanent capacity data was utilized in the analysis of this application, which was reviewed as a potential 2,700 multi-family (garden apartment) residential units, and is anticipated to generate 1,604 additional students into Broward County Public Schools. As such, the development will exacerbate overcrowding at the impacted schools. Thus, consistent with the provisions of School Board Policy 1161, this application should be denied or deferred until permanent capacity addition is funded in the effective Capital Budget for Winston Park Elementary, Lyons Creek Middle and Monarch High Schools. Alternatively, mitigation should be provided to address the anticipated student impact. The applicant/owner is advised that temporarily the School Board utilizes other options such as portable classrooms, multi-track year round education, double sessions or boundary changes to accommodate students generated from developments in the County. In the 2004/05 school year, no charter school is located within a two-mile radius of the site.

\* Note: 2004/05 School Year Data - School attendance areas are subject to change each year.  
\*\* Adjusted Cohort projections - Cohort Survival Model, School Boundaries Department.

**Planned and Funded Improvements in the Currently Adopted District Educational Facilities Plan**

**Elementary Schools:** None

**Middle Schools:** Lyons Creek Middle - 24 classrooms addition, forecasted for completion in FY 2005/06.

**High Schools:** Monarch High: 36-classroom additions (25 general classrooms, 11 science/Misc.), bulk funding slated for FY 2007/08.

**Comments:**

Date: May 3, 2005

By:   
Facility Management, Planning & Site Acquisition Department



## THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

600 Southeast Third Avenue • 14<sup>th</sup> FL, FT. LAUDERDALE, FLORIDA 33301 • TEL 754-321-2161 • FAX 754-321-2179

Chris O. Akagbosu, Director  
Growth Management Division  
Facility Management, Planning & Site Acquisition  
chris.akagbosu@browardschools.com

June 7, 2005

### SCHOOL BOARD

Chair  
Vice Chair  
STEPHANIE ARMA KRAFT, ESQ.  
BENJAMIN J. WILLIAMS  
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DR. ROBERT D. PARKS  
MARTY RUBINSTEIN

Dr. Frank Till  
Superintendent of Schools

W. Scott Stoudenmire, Planning and Zoning Manager  
City of Coconut Creek  
Development Services Department  
4800 West Copans Road  
Coconut Creek, Florida 33063

RE: CITY OF COCONUT CREEK - LAND USE PLAN AMENDMENT PC 05-12

Dear Mr. Stoudenmire:

This correspondence is in response to your letter dated June 1, 2005 regarding the City of Coconut Creek voluntary commitment to require the payment of the Florida established Student Station Cost Factors or cost per student station, as mitigation for the number of students anticipated from the residential units proposed in the City's local activity center (LAC) land use designation. As you are aware, the Broward County Planning Council (BCPC) is currently processing the application as Land Use Plan Amendment (LUPA) PC 05-12. In your letter, you indicate that the proposed 2,700 residential units will consist of 950 townhouse, 350 garden apartments and 1,400 high rise units. As such, the development is anticipated to generate 554 (290 elementary, 130 middle and 134 high school) students into Broward County Public Schools, which will exacerbate overcrowded conditions at the impacted schools.

The May 3, 2005 Public School Facility Impact Statement (PSFIS) Report on the amendment indicates that schools (Winston Park Elementary, Lyons Creek Middle and Monarch High Schools), serving the area of the amendment site in the 2004/05 school year are critically overcrowded. As such, mitigation is due to address the anticipated elementary, middle and high school student impact.

Based on the current School impact fee schedule, effective October 1, 2004, the school impact fee that would currently be due for the units is approximately \$4,228,050. Computations utilizing the June 2005 Florida established Student Station Cost Factors figures indicate that the cost per student station amount for the anticipated elementary, middle and high school students is approximately \$8,871,446. This amount is approximately \$4,643,396 above the currently estimated school impact fees, and translates to approximately \$3,286 per LAC dwelling unit. Also, computations utilizing the June 2012 Student Station Cost Factors figures indicate that the cost per student station amount for the anticipated elementary, middle and high school students is approximately \$10,356,758. This amount is approximately \$6,128,708 above the currently estimated school impact fees, and translates to approximately \$3,836 per LAC dwelling unit. Furthermore, be aware that school impact fees are considered incorporated in the cost per student station amount. Therefore, the actual mitigation cost is the difference between the impact fee due and the cost per student station amount. Additionally, be advised that the Florida established Student Station Cost Factors figures (attached) is adjusted each month based on the consumer price index. Therefore, the actual cost per student

City of Coconut Creek - Land Use Plan Amendment PC 05-12  
June 7, 2005  
Page 2

station amount due will be based on the effective Student Station Cost Factors figures at the time building permit is obtained for the units.

The proposed voluntary commitment meets the mitigation provisions of School Board Policy 1161. Also, the Policy requires the execution of a tri-party agreement between the School Board, the Broward County Commission and the City to enable legal enforcement of the voluntary commitment. At the minimum the agreement shall address the following:

1. Amendment of the City of Coconut Creek Land Development Code to require payment of the Student Station Cost Factor amount as the educational impact fee for the additional 2,700 residential units.
2. The City will require evidence of payment from a developer prior to the issuance of building permit on a site-specific basis.
3. The City will provide written notice to the Superintendent or staff designee regarding proposed development of LAC authorized residential units. At the minimum, the notice shall include pertinent information about the project and location map (site plan or plat) for the project.

Therefore, as a condition for approval of LUPA PG 05-12 by the BCPC and final adoption by the Broward County Commission, it is recommended that the City should be required to enter into the tri-party agreement. Furthermore, it is recommended that the tri-party agreement should be executed prior to the land use designation becoming effective.

As indicated in your letter, staff is not opposed to the inclusion of language in the tri-party agreement that expresses the intent of the parties to work together to alternatively seek the donation of an elementary school site from pertinent LAC authorized units developer(s).

Thank you for your cooperation and please email at the above indicated email address or call me at 754.321.2162 if you have additional questions regarding this matter.

Sincerely,



Chris O. Akagbosu, Director  
Growth Management Division  
Facility Management, Planning & Site Acquisition

COA:coa

**Attachment**

1. Student Station Cost Factors, February 2005

cc: Michael C. Garretson, Deputy Superintendent, Facilities and Construction Management  
Thomas J. Coates, Executive Director, Facility Management, Planning and Site Acquisition  
Omar Shim, Director, Capital Systems, Reporting and Control  
Tommy Moore, Director, School Boundaries Department  
Sharon Cruz, Acting County Attorney  
Henry Sniezek, Executive Director, Broward County Planning Council  
David Danovitz, Director, Development Management Division

EXHIBIT "C"

STUDENT STATION COST FACTORS  
FEB. 2005 TABLE

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Page 1 of 4

## Student Station Cost Factors Feb 2005

## STUDENT STATION COST FACTORS

16-Feb-05

	Consumer Price Index REC National Forecast of February 2005	Student Station Cost Factors	Cost of Elementary School Student Station (\$)	Cost of Middle School Student Station (\$)	Cost of High School Student Station (\$)
Jul-1997	160.4	0.9032	11,520	13,208	17,478
Aug-1997	160.8	0.9054	11,548	13,241	17,521
Sep-1997	161.2	0.9077	11,577	13,274	17,565
Oct-1997	161.5	0.9093	11,599	13,296	17,596
Nov-1997	161.7	0.9105	11,613	13,315	17,619
Dec-1997	161.8	0.9110	11,620	13,323	17,630
Jan-1998	162.0	0.9122	11,635	13,339	17,652
Feb-1998	162.0	0.9122	11,635	13,339	17,652
Mar-1998	162.0	0.9122	11,635	13,339	17,652
Apr-1998	162.2	0.9133	11,649	13,356	17,674
May-1998	162.5	0.9155	11,678	13,389	17,718
Jun-1998	162.8	0.9167	11,692	13,405	17,739
Jul-1998	163.1	0.9184	11,714	13,430	17,772
Aug-1998	163.4	0.9200	11,735	13,455	17,805
Sep-1998	163.5	0.9206	11,742	13,463	17,816
Oct-1998	163.9	0.9229	11,771	13,496	17,859
Nov-1998	164.1	0.9240	11,785	13,512	17,881
Dec-1998	164.5	0.9262	11,814	13,545	17,925
Jan-1999	164.8	0.9279	11,838	13,570	17,957
Feb-1999	164.7	0.9274	11,829	13,562	17,946
Mar-1999	164.9	0.9285	11,843	13,578	17,968
Apr-1999	165.9	0.9341	11,915	13,661	18,077
May-1999	166.0	0.9347	11,922	13,669	18,088
Jun-1999	166.0	0.9347	11,922	13,669	18,088
Jul-1999	166.6	0.9381	11,965	13,718	18,153
Aug-1999	167.1	0.9409	12,001	13,759	18,208
Sep-1999	167.7	0.9443	12,044	13,809	18,273
Oct-1999	168.1	0.9465	12,073	13,842	18,317
Nov-1999	168.4	0.9482	12,094	13,866	18,350
Dec-1999	168.9	0.9510	12,130	13,908	18,404
Jan-2000	169.3	0.9533	12,159	13,941	18,448
Feb-2000	169.9	0.9566	12,202	13,990	18,513
Mar-2000	171.0	0.9628	12,281	14,081	18,633
Apr-2000	170.9	0.9623	12,274	14,072	18,622
May-2000	171.2	0.9640	12,295	14,097	18,655
Jun-2000	172.2	0.9696	12,367	14,179	18,764
Jul-2000	172.7	0.9724	12,403	14,221	18,818
Aug-2000	172.7	0.9724	12,403	14,221	18,818
Sep-2000	173.6	0.9775	12,468	14,295	18,916

Oct-2000	173.9	0.9792	12,488	14,319	18,949
Nov-2000	174.2	0.9809	12,511	14,344	18,982
Dec-2000	174.6	0.9831	12,540	14,377	19,025
Jan-2001	175.6	0.9887	12,611	14,459	19,134
Feb-2001	175.9	0.9904	12,633	14,484	19,167
Mar-2001	176.0	0.9910	12,640	14,492	19,178
Apr-2001	176.5	0.9936	12,676	14,533	19,232
May-2001	177.4	0.9989	12,741	14,608	19,330
Jun-2001	177.8	1.0011	12,769	14,640	19,374
Jul-2001	177.4	0.9989	12,741	14,608	19,330
Aug-2001	177.5	0.9994	12,748	14,616	19,341
Sep-2001	178.1	1.0028	12,791	14,685	19,406
Oct-2001	177.6	1.0000	12,755	14,624	19,352
Nov-2001	177.5	0.9994	12,748	14,616	19,341
Dec-2001	177.2	0.9977	12,726	14,581	19,308
Jan-2002	177.6	1.0000	12,755	14,624	19,352
Feb-2002	177.9	1.0017	12,777	14,649	19,385
Mar-2002	178.5	1.0051	12,820	14,698	19,450
Apr-2002	179.4	1.0101	12,884	14,772	19,548
May-2002	179.5	1.0107	12,891	14,780	19,559
Jun-2002	178.7	1.0118	12,906	14,797	19,581
Jul-2002	180.1	1.0141	12,935	14,830	19,624
Aug-2002	180.6	1.0169	12,970	14,871	19,679
Sep-2002	180.9	1.0188	12,992	14,896	19,712
Oct-2002	181.2	1.0203	13,014	14,920	19,744
Nov-2002	181.4	1.0214	13,028	14,937	19,766
Dec-2002	181.6	1.0225	13,042	14,953	19,788
Jan-2003	182.2	1.0259	13,085	15,003	19,853
Feb-2003	183.2	1.0315	13,157	15,085	19,962
Mar-2003	184.0	1.0360	13,215	15,151	20,049
Apr-2003	183.4	1.0327	13,172	15,102	19,984
May-2003	183.3	1.0321	13,164	15,093	19,973
Jun-2003	183.5	1.0332	13,179	15,110	19,995
Jul-2003	183.8	1.0349	13,200	15,135	20,028
Aug-2003	184.5	1.0389	13,251	15,182	20,104
Sep-2003	185.1	1.0422	13,294	15,242	20,189
Oct-2003	184.9	1.0411	13,279	15,225	20,147
Nov-2003	184.6	1.0394	13,258	15,200	20,115
Dec-2003	184.9	1.0411	13,279	15,225	20,147
Jan-2004	185.8	1.0462	13,344	15,299	20,246
Feb-2004	186.3	1.0490	13,380	15,340	20,300
Mar-2004	187.2	1.0541	13,444	15,414	20,398
Apr-2004	187.6	1.0563	13,473	15,447	20,442
May-2004	188.8	1.0631	13,559	15,546	20,572
Jun-2004	189.4	1.0664	13,602	15,596	20,638
Jul-2004	189.3	1.0658	13,595	15,587	20,627
Aug-2004	189.4	1.0664	13,602	15,596	20,638
Sep-2004	189.7	1.0681	13,624	15,620	20,670
Oct-2004	190.9	1.0749	13,710	15,719	20,801
Nov-2004	191.2	1.0766	13,732	15,744	20,834
Dec-2004	191.1	1.0760	13,725	15,736	20,823
Jan-2005	191.7	1.0794	13,768	15,785	20,888
Feb-2005	191.9	1.0805	13,782	15,801	20,910

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Mar-2005	192.0	1.0811	13,789	15,810	20,921
Apr-2005	192.0	1.0811	13,789	15,810	20,921
May-2005	192.2	1.0822	13,804	15,826	20,943
Jun-2005	192.3	1.0828	13,811	15,834	20,954
Jul-2005	192.4	1.0833	13,818	15,843	20,965
Aug-2005	192.7	1.0850	13,839	15,867	20,997
Sep-2005	192.9	1.0861	13,854	15,884	21,019
Oct-2005	193.4	1.0890	13,890	15,925	21,074
Nov-2005	193.7	1.0907	13,911	15,950	21,106
Dec-2005	194.0	1.0923	13,933	15,974	21,139
Jan-2006	194.1	1.0929	13,940	15,983	21,150
Feb-2006	194.4	1.0946	13,962	16,007	21,163
Mar-2006	194.6	1.0957	13,976	16,024	21,204
Apr-2006	194.9	1.0974	13,997	16,049	21,237
May-2006	195.1	1.0985	14,012	16,065	21,259
Jun-2006	195.4	1.1002	14,033	16,090	21,292
Jul-2006	195.7	1.1019	14,055	16,114	21,324
Aug-2006	196.0	1.1036	14,078	16,139	21,357
Sep-2006	196.4	1.1059	14,105	16,172	21,401
Oct-2006	196.7	1.1075	14,127	16,197	21,433
Nov-2006	197.1	1.1098	14,155	16,230	21,477
Dec-2006	197.4	1.1115	14,177	16,254	21,509
Jan-2007	197.7	1.1132	14,199	16,279	21,542
Feb-2007	198.0	1.1149	14,220	16,304	21,575
Mar-2007	198.4	1.1171	14,249	16,337	21,618
Apr-2007	198.7	1.1188	14,270	16,361	21,651
May-2007	199.0	1.1205	14,292	16,386	21,684
Jun-2007	199.3	1.1222	14,313	16,411	21,717
Jul-2007	199.7	1.1244	14,342	16,444	21,760
Aug-2007	200.0	1.1261	14,364	16,468	21,793
Sep-2007	200.4	1.1284	14,392	16,501	21,836
Oct-2007	200.8	1.1306	14,421	16,534	21,880
Nov-2007	201.1	1.1323	14,443	16,569	21,913
Dec-2007	201.5	1.1346	14,471	16,592	21,956
Jan-2008	201.8	1.1363	14,493	16,617	21,999
Feb-2008	202.2	1.1385	14,522	16,650	22,033
Mar-2008	202.5	1.1402	14,543	16,674	22,065
Apr-2008	202.9	1.1425	14,572	16,707	22,109
May-2008	203.2	1.1441	14,594	16,732	22,141
Jun-2008	203.6	1.1464	14,622	16,765	22,185
Jul-2008	204.0	1.1486	14,651	16,798	22,229
Aug-2008	204.3	1.1503	14,673	16,823	22,261
Sep-2008	204.7	1.1526	14,701	16,855	22,305
Oct-2008	205.1	1.1548	14,730	16,888	22,349
Nov-2008	205.5	1.1571	14,759	16,921	22,392
Dec-2008	205.9	1.1593	14,787	16,954	22,436
Jan-2009	206.2	1.1610	14,809	16,979	22,468
Feb-2009	206.6	1.1633	14,838	17,012	22,512
Mar-2009	206.9	1.1650	14,859	17,037	22,545
Apr-2009	207.3	1.1672	14,888	17,070	22,588
May-2009	207.7	1.1695	14,917	17,103	22,632
Jun-2009	208.1	1.1717	14,945	17,135	22,675
Jul-2009	208.5	1.1740	14,974	17,168	22,719

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Aug-2009	208.9	1.1762	15,003	17,201	22,763
Sep-2009	209.3	1.1785	15,032	17,234	22,806
Oct-2009	209.7	1.1807	15,060	17,267	22,850
Nov-2009	210.1	1.1830	15,089	17,300	22,893
Dec-2009	210.6	1.1858	15,125	17,341	22,948
Jan-2010	211.0	1.1881	15,154	17,374	22,991
Feb-2010	211.4	1.1903	15,182	17,407	23,035
Mar-2010	211.9	1.1931	15,218	17,448	23,089
Apr-2010	212.3	1.1954	15,247	17,481	23,133
May-2010	212.7	1.1976	15,276	17,514	23,177
Jun-2010	213.1	1.1999	15,305	17,547	23,220
Jul-2010	213.6	1.2027	15,340	17,588	23,275
Aug-2010	214.0	1.2050	15,369	17,621	23,318
Sep-2010	214.5	1.2078	15,405	17,662	23,373
Oct-2010	214.9	1.2100	15,434	17,695	23,416
Nov-2010	215.4	1.2128	15,470	17,737	23,471
Dec-2010	215.8	1.2151	15,498	17,769	23,514
Jan-2011	216.3	1.2179	15,534	17,811	23,569
Feb-2011	216.7	1.2202	15,563	17,844	23,612
Mar-2011	217.2	1.2230	15,599	17,885	23,667
Apr-2011	217.7	1.2258	15,635	17,926	23,721
May-2011	218.1	1.2280	15,664	17,959	23,765
Jun-2011	218.6	1.2309	15,700	18,000	23,820
Jul-2011	218.1	1.2337	15,735	18,041	23,874
Aug-2011	219.6	1.2365	15,771	18,082	23,928
Sep-2011	220.1	1.2393	15,807	18,124	23,983
Oct-2011	220.6	1.2421	15,843	18,165	24,037
Nov-2011	221.1	1.2449	15,879	18,206	24,092
Dec-2011	221.6	1.2477	15,915	18,247	24,146
Jan-2012	222.1	1.2506	15,951	18,288	24,201
Feb-2012	222.6	1.2534	15,987	18,329	24,255
Mar-2012	223.0	1.2556	16,016	18,362	24,299
Apr-2012	223.5	1.2584	16,051	18,404	24,353
May-2012	224.0	1.2613	16,087	18,445	24,408
Jun-2012	224.5	1.2641	16,123	18,486	24,462

Return to: (enclose self-addressed stamped envelope)

Name: Dennis D. Mele, Esq.

Address:  
200 East Broward Boulevard  
15th Floor  
Fort Lauderdale, Florida 33301

This Instrument Prepared by:  
Ruden McClosky  
200 East Broward Boulevard  
15th Floor  
Fort Lauderdale, Florida 33301

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

# THIS IS NOT AN DECLARATION OF RESTRICTIVE COVENANTS

*11/11* THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration") made this *11/11* of *MARCH*, 2011 by JOHNS FAMILY PARTNERS, LLLP, a Florida limited liability limited partnership, having an address of 4850 SW 51<sup>ST</sup> Terrace, Ocala, Florida, 34474 ("Owner"), shall be for the benefit of the BROWARD COUNTY, a political subdivision of the State of Florida, with a post office address at 115 South Andrews Avenue, Fort Lauderdale, FL 33301 ("County").

**WITNESSETH:**

WHEREAS, Owner is the fee simple owner of approximately 157 acres of land, generally located north of Sample Road between State Road 7 and Lyons Road and more particularly described in Exhibit "A" attached hereto ("Property"); and

WHEREAS, the Property is located within the City of Coconut Creek ("City") MainStreet Regional Activity Center ("RAC"); and

WHEREAS, Owner has made application to the City and County for text changes to the City of Coconut Creek Land Use Plan and Broward County Land Use Plan pertaining to the intensity of uses permitted within the RAC; and

WHEREAS, the City Commission approved an amendment to the RAC pursuant to City Application No.: PZ09010004 (the "City RAC Amendment"); and

WHEREAS, the County Commission approved an amendment to the RAC pursuant to Broward County Land Use Plan Amendment PCT 10-3 (the "County RAC Amendment"); and

WHEREAS, both the County RAC Amendment and the City RAC Amendment increase the development intensity of the RAC within the Property with the addition of 800,000 square feet of

RM:7435406:6

(6)

commercial use, 244,500 square feet of office use, and 3,750 multi-family dwelling units (the "Additional Development Intensity"), allowing a total development intensity within the Property of 3,750 multi-family dwelling units, 525,000 square feet of office use, and 1,625,000 square feet of commercial use (the "Total Property Development Intensity"); and

WHEREAS, both the County RAC Amendment and the City RAC Amendment apply to the entire RAC, however, the Total Property Development Intensity is specific to the Property; and

WHEREAS, the Total Property Development Intensity generates traffic on the regional roadway network, and Owner has offered to enter into this Declaration to establish fair share fees to mitigate any impacts; and

WHEREAS, Owner agrees to enter into this Declaration for the benefit of the County, and the County agrees to accept this Declaration in order to place certain restrictions on the development of the Property upon "Final Approval" (as hereinafter defined) of the Application.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Owner hereby declares that the Property specifically referenced herein shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the covenants, restrictions, and regulations hereinafter set forth, all of which shall run with such property and any part thereof and which shall be binding upon all parties having any right, title or interest in such property or any part thereof, their heirs, successors and assigns.

1. Recitations. The recitations set forth above are true and correct and are incorporated into this Declaration by this reference.

2. Mitigation Payment. County and Owner hereby acknowledge that roadway mitigation is needed to support the development of the Property in accordance with the Total Property Development Intensity within the RAC. Owner hereby acknowledges that the development of the Property is subject to Owner's payment of a roadway mitigation fee in the amount of \$5,871,854 ("Mitigation Payment").

The fee is calculated to be: \$594.62 per residential townhouse unit; \$341.02 per residential high-rise unit; \$2.404 per square foot of retail/commercial use; and \$1.26 per square foot of office use, and shall be paid to the County prior to environmental review approval of construction plans for each building permit. These amounts shall be adjusted every October 1 by the amount of change reflected for previous twelve (12) month period in the Implicit Price Deflator of the Gross National Product prepared by the United States Department of Commerce Bureau of Economic Analysis. This obligation may also be entirely satisfied at any time by paying the total amount of the unpaid mitigation fee as adjusted annually.

3. Amendments. This Declaration shall not be modified, amended or released as to any portion of the Property except by written instrument, executed by the then owner or owners of the portion of the Property affected by such modification, amendment, or release and approved in writing by the County. Any amendment, modification or release of this Declaration shall be recorded in the Public Records of Broward County, Florida.

RM:7435406:6

4. Recordation and Effective Date. This Declaration shall not become effective until Final Approval and upon recordation amongst the Public Records of Broward County, Florida. Once recorded, this Declaration shall run with the Property for the sole benefit of County and does not operate as a restriction in favor of any property owner, and shall bind all successors and assigns to the title of the Property. As used herein, "Final Approval" shall mean the approval of the Application by the County and the expiration of any appeal period applicable thereto without an appeal having been taken or, if taken, when finally dismissed with no further appeal permitted.

5. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part thereof invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect.

6. Captions, Headings and Titles. Articles and paragraph captions, headings and titles inserted throughout this Declaration are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Declaration.

7. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

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**MORTGAGEE-CORPORATION/PARTNERSHIP**

Mortgagee, being the holder of a mortgage relating to the parcel(s) described in **Exhibit "A"** hereby consents and joins in for the purpose of agreeing that its mortgage shall be subordinated to the foregoing Agreement.

Witnesses (if partnership):

LEGACY BANK OF FLORIDA, a Florida banking corporation

Cindy Lou Nesbitt  
(Signature)  
Print name: Cindy Lou Nesbitt

By: Patricia A. Bentley  
(Signature)  
Print name: PATRICIA A BENTLEY

Art Shelley  
(Signature)  
Print name: ART SHELLEY

Title: SVP  
Address: 12 SE 7th Street Suite 600  
Pr. Lauderdale Fl 33302

3 day of February, 2011

ATTEST (if corporation):

Pamela A. Olson  
(Secretary Signature)  
Print Name of Secretary: Pamela A. Olson

(CORPORATE SEAL)



**ACKNOWLEDGMENT - CORPORATION/PARTNERSHIP**

STATE OF FLORIDA )  
 ) SS.  
COUNTY OF Broward )

The foregoing instrument was acknowledged before me this 3 day of February, 2011, by Patricia A. Bentley, as SVP of Legacy Bank of Florida, a Florida banking corporation, on behalf of the bank. He or she:  
 is personally known to me, or  
 has produced identification. Type of identification produced \_\_\_\_\_

(Seal)   
My commission expires \_\_\_\_\_

NOTARY PUBLIC:  
Cindy Lou Nesbitt  
Print name: Cindy Lou Nesbitt

EXHIBIT "A"LEGAL DESCRIPTION OF THE PROPERTY

TRACTS 24, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 60, AND 73, BLOCK 89, PALM BEACH FARMS CO. PLAT NO. 3, AS PER MAP OF PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 54, OF THE PUBLIC RECORDS OF PALM BEACH, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA; LESS AND EXCEPT THE NORTH 20 FEET OF TRACTS 33 AND 42 CONVEYED TO BROWARD COUNTY BY WARRANTY DEEDS RECORDED IN OFFICIAL RECORDS BOOK 24, PAGE 594 AND OFFICIAL RECORDS BOOK 14, PAGE 599; LESS THOSE PORTIONS OF TRACTS 33 AND 55 CONVEYED TO THE BROWARD COUNTY EXPRESSWAY AUTHORITY, AND BROWARD COUNTY, FLORIDA, BY ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 13966, PAGE 480; LESS THAT PORTION OF TRACT 24 KNOWN AS PARCEL NO. 101, CONVEYED TO THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, BY WARRANTY DEEDS RECORDED IN OFFICIAL RECORDS BOOK 21899, PAGES 826 THROUGH 842, INCLUSIVE AND THAT PORTION OF TRACT 42 KNOWN AS PARCEL NO. 102, CONVEYED TO THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, BY WARRANTY DEEDS RECORDED IN OFFICIAL RECORDS BOOK 21899, PAGES 845 THROUGH 861, INCLUSIVE, ALL OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND LESS ALL PREVIOUSLY DEEDED OR DEDICATED ROAD RIGHTS OF WAY.

TOGETHER WITH ALL OF THE UNDERLYING PLATTED RIGHTS-OF-WAY AS DELINEATED ON THE AFORESAID PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 3, LYING IMMEDIATELY ADJACENT TO AND BEING CONTIGUOUS WITH THE AFORESAID TRACTS 24, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 60, AND 73 IN BLOCK 89.