



Broward County

Legislation Details (With Text)

File #: 20-192 **Version:** 1

Status: Agenda Ready

In control: Resilient Environment - Urban Planning Division

On agenda: 2/11/2020 **Final action:** 2/11/2020

Title: MOTION TO APPROVE Termination and Release of Declaration of Restrictive Covenants in connection with Broward County Land Use Plan Amendment PC 04-22 for Oak Tree Plat. (Commission District 9)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Application, 2. Exhibit 2 - Location Map, 3. Exhibit 3 - Termination and Release of Declaration of Restrictive Covenants, 4. Exhibit 4 - Planning Council Memorandum

Date	Ver.	Action By	Action	Result
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Broward County Commission Regular Meeting

Director's Name: Henry A. Sniezek

Department: Environmental Protection

Division: Planning & Development Management

Information

Requested Action

MOTION TO APPROVE Termination and Release of Declaration of Restrictive Covenants in connection with Broward County Land Use Plan Amendment PC 04-22 for Oak Tree Plat. (Commission District 9)

Why Action is Necessary

Ensures compliance with voluntary commitments related to Land Use Plan Amendment PC 04-22 contained in the Declaration of Restrictive Covenants as recorded in Official Records Book 40448, Page 854 as amended by Amended Declaration of Restrictive Covenants recorded in Official Records Book 40917, Page 1604.

What Action Accomplishes

Releases a portion of land from the voluntary commitments related to Land Use Plan Amendment PC 04-22 and as contemplated in Land Use Plan Amendment PC 19-2.

Is this Action Goal Related

No

Previous Action Taken

None.

Summary Explanation/Background

THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT AND THE PLANNING AND DEVELOPMENT MANAGEMENT DIVISION RECOMMEND APPROVAL OF THE ABOVE MOTION.

A request has been filed with the Planning and Development Management Division to release a portion of land from the Declaration of Restrictive Covenants as recorded in Official Records Book 40448, Page 854 as amended by Amended Declaration of Restrictive Covenants recorded in Official Records Book 40917, Page 1604 ("Tri-Party Agreements") related to mitigation of impacts for additional students generated and voluntary commitments made in conjunction with Land Use Plan Amendment PC 04-22 ("LUPA") (Exhibits 1 and 2). The applicant has replatted a portion of the land affected by the Tri-Party Agreements known as the Oak Tree Property Redevelopment (002-MP-19) plat ("Plat") that was approved by the Board on December 10, 2019. Broward County School Board's review of the Plat, determined that adequate school capacity was available for the 273 single-family detached units and 132 townhouse units on the 139.2 acres proposed by the Plat. Therefore, the applicant is requesting to release the portion of land that is in the Plat from the Tri-Party Agreements. The School Board approved the Termination and Release of Declaration of Restrictive Covenants on July 23, 2019 and has joined the attached agreement (Exhibit 3).

Broward County Planning Council staff indicates no objection to this request (Exhibit 4).

Staff recommends approval of the applicant's request and the agreement has been approved as to form by the County Attorney's Office.

Source of Additional Information

Josie P. Sesodia, AICP, Director, Planning and Development Management Division, (954) 357-6602

Fiscal Impact

Fiscal Impact/Cost Summary

No fiscal impact.