

## **Executive Summary**

### **Release of Declaration of Restrictive Covenants Regarding Land Use Plan Amendment PC 06-23 and PC 07-2**

Toscana Park Villas (aka Pineapple Grove Properties, LTD) Land Use Plan Amendment (LUPA) PC 06-23 consists of approximately 10.4 acres and is located in the southwest corner of State Road 7 and NW 31<sup>st</sup> Street in the City of Margate. In 2006, Pineapple Grove Properties, Ltd. proposed a land use change from Commercial Recreation to Irregular (12) Residential to permit the development of 136 townhouse residential units on the site. The District's review of the proposal indicated that the development would generate a total of 37 students (19 elementary, 8 middle, and 10 high). Schools affected during the review period, the 2005-06 school year, were Margate Elementary, Margate Middle, and Coral Springs High Schools; and at that time, it was determined that mitigation was due for the anticipated students at the elementary school level.

In 2007, Pineapple Grove Properties, LTD, via LUPA 07-2, added 126 additional garden apartment units to the property and changed the unit mix to all 262 garden apartment units, which was anticipated to generate a total of 63 students (31 elementary, 14 middle, and 18 high). This change and resultant mitigation requirement was captured in the Declaration of Restrictive Covenants (DRC) (OR BK 48517, Pages 1930 to 1944), which was executed by the applicant on December 15, 2011. Consistent with the requirements contained in the DRC, Pineapple Grove Properties, LTD, via its agent voluntarily agreed to provide mitigation to address 19 elementary school students by paying, in one lump sum, the total cost of two modular classrooms for the project. In 2014, at the site plan stage of the development, the applicant reduced the total number of units to 240 garden apartment units but the mitigation requirement remained unchanged. The mitigation due was satisfied on July 17, 2014, by paying in one lump sum the mitigation amount due of \$520,000 to The School Board of Broward County, Florida (SBBC).

In 2016, Pineapple Grove Properties, LTD via its agent advised staff via the provision of the Certificate of Occupancy (CO) issued by the City of Margate that they had completed the project, which consisted of 240 garden apartment (68 one bedroom, 124 two bedroom, and 48 three or more bedroom) units. The information was subsequently verified by the City of Margate. As a result, Pineapple Grove Properties, LTD requested a Release of the property from the DRC. Therefore, it is recommended that SBBC approve the Release of the DRC regarding the voluntary mitigation commitment for LUPA PC 06-23 and PC 07-2, Pineapple Grove Properties, LTD.