

## Executive Summary

### Release of Declaration of Restrictive Covenants Regarding Land Use Plan Amendments PC 05-23/PC 07-20, Shoal Creek

Shoal Creek Properties – Pompano, LLC (aka Vintage Park Apartments) Land Use Plan Amendment (LUPA) PC 05-23 consists of approximately 5.56 acres and is located west of Federal Highway and south of NW 48<sup>th</sup> Street in the City of Pompano Beach. In 2005, Golf-Tam, Inc. proposed a land use change from Commercial and Low (5) Residential to Irregular (21) Residential to permit the development of 115 townhouse residential units on the site. The District's review of the proposal indicated that the development would generate a total of 16 additional students (8 elementary, 3 middle, and 5 high school). Schools affected during the review period, the 2005-06 school year, were Norcrest Elementary, Deerfield Beach Middle, and Deerfield Beach High Schools; and at that time, it was determined that mitigation was due for the anticipated additional 3 middle school students plus applicable school impact fee due on 115 townhouse units.

On August 14, 2006, Shoal Creek Properties – Pompano, LLC, voluntarily committed to provide mitigation to address 3 additional middle school students attributed to the overcrowded school by paying, in one lump sum, the total cost of Student Station Cost Factors for 3 middle school students plus the applicable school impact fee for 115 townhouse units. Shoal Creek Properties – Pompano, LLC memorialized the mitigation commitment via execution and recordation of an Amended and Restated Declaration of Restrictive Covenants (DRC) (BK 42588, Pages 1,233 – 1,243) as the original DRC (BK 42549, Pages 705-715) contained the wrong mitigation amount.

In 2007, Shoal Creek Properties – Pompano, LLC, changed the land use designation for the site from Irregular (21) Residential to Irregular (36) Residential via LUPA PC 07-20. On June 11, 2012, Shoal Creek Properties – Pompano, LLC, voluntarily committed to provide mitigation to address 3 additional middle school students in one lump sum, the total cost of Student Station Cost Factors for 3 middle school students plus the applicable school impact fee for 115 townhouse units. Shoal Creek Properties – Pompano, LLC memorialized the mitigation commitment via execution and recordation of a Second Amendment to the DRC (BK 48854, Pages 149 – 166). On October 11, 2013, Shoal Creek Properties – Pompano, LLC, paid a total of \$305,290.00 in total mitigation due for the 249 mid-rise units (which addresses mitigation for 3 middle school students and school impact fees due for the project).

On September 4, 2019, Shoal Creek Properties – Pompano, LLC, via its agent requested a Release of the property from the DRC. Staff recommends that the School Board approve the Release of the DRCs regarding the voluntary mitigation commitment for LUPA PC 05-23/PC 07-20, Shoal Creek Properties – Pompano, LLC (aka Vintage Park Apartments).