

RESOLUTION NO. 2010-063

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A MODIFICATION TO THE ARCHBISHOP EDWARD A. MCCARTHY HIGH SCHOOL ("MCCARTHY HIGH SCHOOL") SITE PLAN TO PROVIDE FOR THE EXPANSION AND THE RELOCATION OF THE ATHLETIC FIELD BLEACHERS AND TO PROVIDE FOR A ONE-STORY LOCKER ROOM BUILDING AND ADJACENT CONCESSION STAND, TOTALING 650 SQUARE FEET, AT THE NORTHEAST CORNER OF THE SITE ADJACENT TO THE SOFTBALL FIELD; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

WHEREAS, the Archbishop Edward A. McCarthy High School Site Plan (the "Property") is legally described as:

Parcel "A", "BROWARD CENTRAL CATHOLIC HIGH SCHOOL, according to the Plat thereof as recorded in Plat Book 163, Page 32, of the Public Records of Broward County, Florida; and

WHEREAS, the Property is approximately 32.52 net acres in area and is located within a CF, Community Facility zoning district, which allows private academic schools; and

WHEREAS, on September 4th, 2008, pursuant to Resolution No. 2008-097, the Town Council approved a modification to the Archbishop Edward A. McCarthy High School site plan, to provide for, subject to expiration, a new two-story, fourteen (14) classroom building west of the two-story, fifteen (15) classroom building on the southeast corner of the complex, outdoor lighting for the illumination of the football and baseball fields, the placement of two (2) temporary modular classrooms totaling 2,200 square feet, two (2) tennis courts, two (2) basketball courts, an outdoor swimming complex, and the enclosure of an existing pavilion; and

WHEREAS, also on September 4th, 2008, the Board or Adjustment approved Resolution No. VA-052-10, which authorized a height variance for the athletic field lighting structures, subject to an agreement between the school and

the Town that provides for buffering and limitations on the use of the athletic field lighting; and

WHEREAS, the modified site plan approval expired in September 2009, since the school failed to apply for a building permit to complete the build out of the site plan, as provided by the ULDC and as a condition of site plan approval; and

WHEREAS, the applicant has sought re-approval of the modified site plan, with a modification to the athletic field bleachers, and the addition of a locker room and concession stand building; and

WHEREAS, the proposed site plan substitutes a large grandstand on the east side of the football field and one smaller bleacher across the field for two same-sized sets of low-rise bleachers on opposite sides of the field as originally approved; and

WHEREAS, seating capacity would be increased to 2,537; and

WHEREAS, to accommodate the grandstands seating a recorded cross-parking agreement will be provided with St. Marks Church, to the south; and

WHEREAS, a one-story locker room building and adjacent concession stand, totaling 650 square feet, are proposed at the northeast corner of the site adjacent to the softball field; and

WHEREAS, all other improvements depicted on the site plan already exist, with the exception of the proposed 2-story classroom addition, pool and athletic courts previously approved as part of the 2008 site plan; and

WHEREAS, the site plan complies with plot coverage, impervious area, Floor Area Ratio, drainage and the plat note; and

WHEREAS, the site's landscaping currently fails to comply with the Town's Code, but the site shall comply with the Town's landscape code requirements within six months from the date the surety for the landscape improvements has been posted.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. That, at a duly noticed public hearing held on May 20, 2010, following the review of the staff report and all written and oral evidence received during the advertised public hearing, the Town Council hereby approves the Archbishop Edward A. McCarthy High School Site Plan Modification subject to the following agreed upon conditions:

a. Site plan approval shall be conditioned upon the approval of variance application, VA-052-10. If the variance application is denied, the plans for the grandstand bleachers must be modified to conform to height standards set forth by the Town's ULDC.

b. Prior to issuance of a permit for any proposed improvement, including but not limited to the grandstand, bleachers, athletic courts, and classroom building, the petitioner shall:

- (A) Provide a Shared Parking Agreement with St, Marks Church, Restrictive Covenant, or an alternative legal agreement acceptable to the Town Attorney, which shall be recorded in the public records of Broward County, to ensure that there will be sufficient parking to utilize the grandstands. This Agreement shall provide, in furtherance of Section 080-040 of the Town's ULDC, that when the grandstands are being utilized there shall be no other uses at either facility.
- (B) Apply for after-the-fact permits for all previously constructed improvements for which there is no documentation that building permits were issued.
- (C) Submit a current tree survey, and a new landscape plan that demonstrates compliance with the Town's current landscaping requirements. Permits for proposed improvements shall not be issued until the Town landscape inspector approves the landscape plans.
- (D) Provide a bond or other surety acceptable to the Town Attorney for the cost of all landscape and irrigation materials, and installation pursuant to the approved landscape plan. Obtain at least 3 proposals for same from landscape contractors certified by Florida Nursery Growers Landscape Association, and provide surety in the amount of the highest cost proposal, as approved by the Town's landscape consultant.
- (E) Bring the site into compliance with the required landscape plan within six months of the date that surety is provided. Failure to comply within this timeframe shall result in forfeit of the surety amount unless the Town Administrator is requested in writing, and grants, in writing, an extension, at the Town Administrator's sole discretion, thirty days prior to the expiration of the surety for good cause. Forfeiture of the surety does not satisfy the requirement of the applicant to make the landscape improvements, it shall solely serve as an agreed to liquidated damages for the applicant's failure to comply with the landscape requirements within the agreed timeframe.

- (F) Comply with all technical site plan review comments made in the memorandum dated May 6, 2010 from The Mellgren Planning Group.
- (G) Applicant shall pay to the Town of Southwest Ranches an amount equal to the total expenses incurred by the Town in the processing and finalizing of this application, prior to the issuance of the first building permit. This includes, but may not be limited to, expenses for engineering, planning, legal, advertising, five (5%) percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this application.

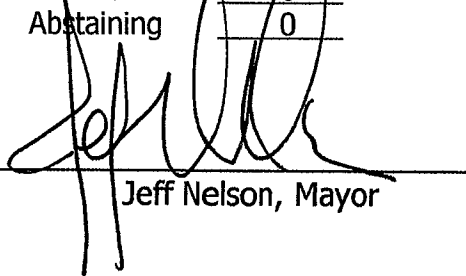
Section 3. The Mayor, Town Administrator and Town Attorney are each authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

Section 4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 20th day of May, 2010, on a motion by Council Member Freddy Fisikelli and seconded by Council Member Doug McKay.

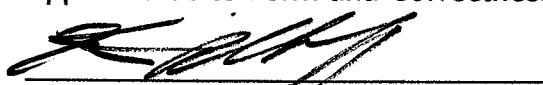
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|------------|----------|
| Nelson | <u>Y</u> |
| Knight | <u>Y</u> |
| Breitkreuz | <u>Y</u> |
| Fisikelli | <u>Y</u> |
| McKay | <u>Y</u> |

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|------------|----------|
| Ayes | <u>5</u> |
| Nays | <u>0</u> |
| Absent | <u>0</u> |
| Abstaining | <u>0</u> |

By: 
 Jeff Nelson, Mayor

ATTEST:

 Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:

 Keith M. Poliakoff, Town Attorney
 ACTIVE: 3044360_1