

Return to: (enclose self-addressed stamped envelope)

Name: Marla Neufeld, Esq.

Address: 200 E. Broward Blvd., Suite 1800  
Fort Lauderdale, FL 33301

This Instrument Prepared by:

Marla Neufeld, Esq.  
Greenspoon Marder  
200 E. Broward Blvd, Suite 1800  
Fort Lauderdale, Florida 33301

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**NOTICE: PURCHASERS, GRANTEEES, 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.**

**AMENDMENT TO**  
**EDUCATIONAL MITIGATION AGREEMENTS**  
**IN CONNECTION WITH BROWARD COUNTY**  
**LAND USE TEXT AMENDMENT PCT 04-2**  
**AS AMENDED BY PCT 06-1, PCT 13-2, and PCT 16-2**

**THIS AMENDMENT TO EDUCATIONAL MITIGATION AGREEMENTS** ("2016 Amendment") made this \_\_\_\_\_ of \_\_\_\_\_, 2017, and entered into by and between:

**THE CITY OF PEMBROKE PINES**, a municipal corporation, its successors and assigns, with an address of 10100 Pines Boulevard, Pembroke Pines, FL 33026, ("City"),

AND

**BROWARD COUNTY**, a political subdivision of the State of Florida, with an address of 115 South Andrews Avenue, Fort Lauderdale, Florida 33301 ("County"),

AND

**THE SCHOOL BOARD OF BROWARD COUNTY**, a body corporate and political subdivision of the State of Florida, with an address of 600 Southeast 3<sup>rd</sup> Avenue, Fort Lauderdale, Florida 33301 ("School Board").

**WITNESSETH:**

WHEREAS, the City, through Sun Trust Bank, as Trustee of Pembroke Pines Land Trust, Florida Land Trust Agreement No. 56-02-137-6900246, as the fee simple owner of the entire 146.47 acres of the development known as Pembroke Pines City Center, as more particularly described on **Exhibit "A"** ("City Center Property"), filed an initial land use plan text amendment application for

the City Center Property ("PCT 04-2") to create the Pembroke Pines City Center Local Activity Center ("LAC") for 325 townhomes and 425 high-rise units. In connection with PCT 04-2, the City entered into an Educational Mitigation Agreement between the City, the School Board, and County recorded in Book 42695, Pages 32-60 of the Official Records of Broward County, Florida which required payment of the higher of student station cost factors fees or school impact fees per dwelling unit ("2004 School Agreement"); and

WHEREAS, the second land use plan text amendment application filed by the City for the City Center Property ("PCT 06-1") added 250 additional high-rise units. In connection with PCT 06-1, the City entered into an Educational Mitigation Agreement between the City, the School Board, and County recorded in Book 44153, Pages 647-675 of the Official Records of Broward County, Florida which required payment of the higher of student station cost factors fees or school impact fees ("2006 School Agreement"); and

WHEREAS, since approval of the 2004 School Agreement and the 2006 School Agreement, the County and the City, in conjunction with the School Board, have adopted public school concurrency regulations which require all new residential development to comply with development review criteria for public school concurrency which will necessitate public school concurrency review either at the plat or site plan (or functional equivalent) stage of development review; and

WHEREAS, Chapter 5, Article IX, Broward County Code of Ordinances, 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 third land use plan text amendment application filed by the City for the City Center Property ("PCT 13-2") amended the LAC to allow a total of 1,365 dwelling units consisting of 275 townhomes, 415 multi-family, and 675 high-rise dwelling units (of which 250 high rise units would be affordable housing units). In connection with PCT 13-2, the City entered into the First Amendment to Educational Mitigation Agreement between the City, the School Board, and County recorded in Book 50522, Pages 1173-1194 of the Official Records of Broward County, Florida which required that the 365 dwelling units added by PCT 13-2 pay the higher of student station cost factors fees or school impact fees per dwelling unit ("2013 School Agreement"); and

WHEREAS, all of the 1,365 previously approved dwelling units in the LAC are herein after referred to as "Previously Approved Units" and shall continue to be bound by the 2004 School Agreement, 2006 School Agreement, and 2013 School Agreement and the requirements contained therein including the payment of the higher of student station cost factors fees or school impact fees prior to environmental review approval of construction plans by the Broward County Planning and Development Management Division; and

WHEREAS, the 2013 School Agreement assigned 275 townhomes and 425 high-rise units to Pines City Center Residences Phase I, LLC and Pines City Center Residences Phase II, LLC. The 2013 School Agreement assigned 365 multi-family units to RD Pembroke Apartments, LLC. The City has issued building permits for the 1,065 units assigned to Pines City Center Residences Phase I LLC, Pines City Center Residences Phase II, LLC, and RD Pembroke Apartments, LLC ("Assigned Units") in compliance with the terms of the 2013 School Agreement; and

WHEREAS, a fourth land use plan text amendment filed by the City for the City Center Property ("PCT 16-2") and approved by the Broward County Board of County Commissioners further added 476 residential dwelling units to the LAC consisting of 450 multi-family market rate units (reviewed as garden apartment) and 26 high rise affordable housing units ("New Units") resulting in a total of 1,841 dwelling units consisting of 701 high-rise dwelling units (276 of which shall be affordable housing units), 275 townhomes, and 865 multi-family units (415 reviewed as mid-rise and 450 reviewed as garden apartment); and

WHEREAS, City has agreed to mitigate the impact of students anticipated from the development of the New Units in the LAC pursuant to this 2016 Amendment as well as to continue to mitigate the impacts of the Previously Approved Units pursuant to 2004 School Agreement, 2006 School Agreement, and 2013 School Agreement; and

WHEREAS, the School District's Facility Planning and Real Estate Department issued a School Consistency Review Report (SBBC-1014-2011) for the New Units dated December 8, 2015 regarding PCT 16-2, a copy is attached hereto as **Exhibit B**; and

WHEREAS, of the 1,841 dwelling units allowed by PCT 16-2, 1,065 are Assigned Units and 776 dwelling units are remaining units to be built in the LAC ("Unassigned Units"); and

WHEREAS, pursuant to PCT 16-2 the Unassigned Units, which includes the 476 New Units, are proposed to consist of the following units:

- 276 high-rise affordable housing (collectively "AFU")
- 102 townhouse
- 285 garden apartment
- 113 high rise; and

WHEREAS, the City is the fee simple owner of approximately 13+/- acres located within a portion of the City Center Property, more particularly described on **Exhibit C**. Terra City Center MF, LLC ("Terra") is under contract to purchase the 13+/- acres (Phase 2 Residential) from the City; and

WHEREAS, the City, in conjunction with the School Board, seeks to clarify the assignment of 387 units to Terra which will consist of 102 townhouse units and 285 garden apartment units as defined in the Broward County Land Development Code; and

WHEREAS, the units allocated to Terra are further restricted as follows:

- 51 two bedroom townhouse
- 51 three or more bedroom townhouse
- 171 one bedroom garden apartment
- 90 two bedroom garden apartment
- 24 three more bedroom garden apartment; and

WHEREAS, the remaining 389 high rise units (which include AFU) will be utilized in the future by the City or assigned by the City to another entity at a later date; and

WHEREAS, as a condition for approval of PCT 16-2, the City was required to amend the

2004 School Agreement, 2006 School Agreement, and 2013 School Agreement with the School Board and County to recognize the incorporation of the New Units and reflect the students anticipated from New Units, and to enable legal enforcement of the commitment made before any building permits can be issued for the New Units in the LAC; and

WHEREAS, in connection with PCT 16-2, the City, County, and School Board are desirous of amending the 2004 School Agreement, 2006 School Agreement, and 2013 School Agreement upon the terms and provisions as hereinafter set forth.

NOW, THEREFORE, in consideration of the foregoing premises and the promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree:

1. The foregoing recitals set forth above are true and correct and are incorporated herein by this reference.
2. The City, County and School Board do hereby confirm, ratify and reaffirm the covenants, restrictions and obligations contained in the 2004 School Agreement, 2006 School Agreement, and 2013 School Agreement.
3. This 2016 Amendment shall be deemed part of, but shall take precedence over and supersede any provisions to the contrary contained in the 2004 School Agreement, 2006 School Agreement, and 2013 School Agreement.
4. The City has issued building permits for the Assigned Units and the appropriate school mitigation fees have been paid and satisfied for the Assigned Units.
5. The City shall reserve 276 of the Unassigned Units in the LAC for AFUs.
6. The building permits for Unassigned Units may be issued by the City in any order subject to approval by the City and payment of the applicable school mitigation or impact fees for the units being permitted.
7. The City, County and School Board acknowledge and approve the total 1,841 permitted residential units and mix within the LAC as specified in the County approved Land Use Plan Amendment PCT 16-2. Any application for 776 Unassigned Units (consisting of 102 townhouse, 285 garden apartment, and 389 high rise units of which bedroom mix for townhouse and garden apartment units as specified on page 3) shall be consistent with PCT 16-2 and subject to the imposition of educational mitigation in the manner set forth in 2004 School Agreement, 2006 School Agreement, 2013 School Agreement and this 2016 Amendment. The City shall require that all Unassigned Units (a) be assessed the higher of student station cost factor fees, or school impact fees, consistent with the terms of this 2016 Amendment, on a site specific project basis the actual amount due shall be determined at time of payment; (b) monitor and make certain that development within the LAC will be built as specified herein for residential type and mix, and (c) as otherwise may be required to comply with this 2016 Amendment.

8. Based on the currently effective Student Generation Rates contained in the Broward County Land Development Code (BCLDC) Table attached hereto as **Exhibit D**, the Unassigned 776 Units (consisting of 51 two bedroom and 51 three or more bedroom townhouse; 171 one bedroom, 90 two bedroom, and 24 three or more bedroom garden apartments; and, 389 high rise units are anticipated to generate a total of 74 students consisting of 38 elementary school students, 17 middle school students and 19 high school students into Broward County Public Schools.

9. The City shall provide written notification to the Director of the School Board Facility Planning and Real Estate Department or their designee ("Director") as provided herein, upon site plan or plat approval of any residential project authorized pursuant to Amendment PCT 16-2. Notification shall include project location and number and type of units approved in the site plan or plat and shall be confirmed by the City at the time of a building permit is issued.

10. Prior to the issuance of a building permit for construction of an Unassigned Unit, the City shall verify that the owner, applicant and/or developer has paid the applicable student mitigation fees or impact fees for the residential units being permitted as set forth herein. Failure to verify and ensure payment of the student mitigation fees prior to issuance of a building permit shall constitute a default of this 2016 Amendment. 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 PCT 16-2 or this 2016 Amendment by any remedy provided by law or equity.

11. The student station cost factors fees per dwelling unit for each of the Unassigned 776 Units (consisting of 102 townhouse, 285 garden apartment, and 389 high rise units of which bedroom mix for townhouse and garden apartment units as specified on page 3) within the LAC shall be an amount derived from the cost per student station using the current Student Station Cost Factors 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. Based on the calculation utilizing the State of Florida Student Station Cost Factors, published December 2016 and attached hereto as **Exhibit "E"**, the per dwelling unit cost for the 776 Unassigned Units would be \$2,355.00 for March 2017, which amount may change from time to time. In no event shall the student station cost factors fees assessed per dwelling unit be less than the applicable Educational Impact Fee for the type of unit and the actual amount due shall be determined at the time of payment.

12. In the event that the total number of units change from what is represented herein and there is an increase in the number of units or a change in unit type(s) and/or bedroom mix, the City or the then current owner agrees to provide written notification to the Director, with a copy to the Broward County Planning and Development Management Division. The Director, or designee, shall determine the additional students anticipated from any change in the residential type, bedroom mix or increase in residential units beyond the 776 multi-family units (the Unassigned Units) contemplated herein and shall notify the City and the County of any further increase in the number of anticipated students. If it is determined upon review that additional students would be generated by the change proposed to the approved development level reflected herein, and that excess permanent capacity would not be available to accommodate the anticipated additional students, the City (or the then current owner) shall the n propose additional mitigation for the newly anticipated additional students consistent with the terms of this 2016 Amendment and subject to the terms and provisions contained in the adopted School Board Growth Management Policy. In the event that changes in the overall mix of residential units and/or mix of bedrooms result in a net reduction in the amount of

units, no refund of any portion of the school impact and/or mitigation fees shall be due and owing to the City by the County or the School Board. ,

13. EFFECTIVE DATE. This 2016 Amendment shall become effective upon its recording in the Public Records of Broward County, Florida (“Effective Date”) and the provisions hereof shall constitute a covenant running with the land and shall remain in full force and effect and binding upon the undersigned, their heirs, legal representatives, successors, grantees and assigns until released as provided herein.

14. NOTICE. 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 16 Amendment, the parties designate the following as the respective places for giving notice:

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

With a copy to:

Director, Facility Planning and Real Estate Department  
The School Board of Broward County, Florida  
Facility Planning and Real Estate Department  
Kathleen C. Wright Administrative Building  
600 Southeast 3<sup>rd</sup> Avenue, 8<sup>th</sup> Floor  
Fort Lauderdale, FL 33301

For COUNTY:

Director, Planning and Development Management Division of Broward County  
One North University Drive, Suite 102A  
Plantation, FL 33324

For CITY:

City Manager  
City of Pembroke Pines  
10100 Pines Boulevard  
Pembroke Pines, FL 33026

14. SEVERABILITY. If any provision of this 2016 Amendment is declared invalid or unenforceable by a court of competent jurisdiction, the invalid or unenforceable provision will be stricken from the 2016 Amendment, and the balance of the 2016 Amendment will remain in full force and effect as long as doing so would not affect the overall purpose or intent of the 16 Amendment.

15. RELEASE. When all of the obligations set forth herein are fully paid and performed, County and the School Board, 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 fees, 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.

16. VENUE; CHOICE OF LAW. Any controversies or legal issues arising out of this 2016 Amendment and any action involving the enforcement or interpretation of any such rights hereunder shall be submitted to the jurisdiction of the State Court of the Seventeenth Judicial Circuit of Broward County, Florida, the venue sitis, and shall be governed by the laws of the State of Florida.

17. CAPTIONS AND PARAGRAPH HEADINGS. Captions and paragraph headings contained in this 2016 Amendment are for convenience and reference only and in no way define, describe, extend, or limit the scope of this 2016 Amendment, nor the intent of any provisions hereof.

18. NO WAIVER. No waiver of any provisions of this 2016 Amendment 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.

19. EXHIBITS. All Exhibits attached hereto contain additional terms of this 2016 Amendment and are incorporated herein by reference.

20. 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 16 Amendment.

21. 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 2016 Amendment and executed by the County, City, and School Board.

22. COUNTERPARTS. This 2016 Amendment may be executed in three (3) counterparts, each of which may be deemed to be an original, and all of which together will constitute one and the same instrument.

23. RECORDING. The City agrees to record this 2016 Amendment in the Broward County Public Records, at its expense.

IN WITNESS WHEREOF, the parties have made and executed this 2016 Amendment on the respective dates under each signature: 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 \_\_\_\_\_, 2017, School Board, signing by and through its Chair, authorized to execute same by Board action on the \_\_\_\_ day of \_\_\_\_\_, 2017, and City, signing by and through its City Manager duly authorized to execute same on the \_\_\_\_ day of \_\_\_\_\_, 2017.

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WITH SIGNATURE PAGES FOLLOWING.]

[See Following Page for Signatures]



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: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_, 2017

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

By \_\_\_\_\_  
Assistant County Attorney  
\_\_\_\_\_ day of \_\_\_\_\_ 2017

SCHOOL BOARD

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD  
COUNTY, FLORIDA

ATTEST:

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_ 2017

Approved as to Form:

By: \_\_\_\_\_  
Barbara J. Myrick, its General Counsel

\_\_\_\_\_ day of \_\_\_\_\_, 2017

CITY

WITNESSES:

CITY OF PEMBROKE PINES

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: City Manager

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_, 2017

ATTEST:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: City Manager

\_\_\_\_\_  
City Clerk

\_\_\_\_\_ day of \_\_\_\_\_, 2017

APPROVED AS TO FORM:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: City Attorney

\_\_\_\_\_ day of \_\_\_\_\_ 2017

## EXHIBIT "A"

### CITY CENTER PROPERTY

#### LEGAL DESCRIPTION PARCEL 1:

Portions of Tracts 35-43 and 54-60, Section 18, Township 51 South, Range 41 East of "The Everglades Sugar & Land Co. Subdivision", according to the plat thereof as recorded in Plat Book 2, Page 39, of the Public Records of Miami - Dade County, Florida, said portions described as follows:

Begin at the Northeast corner of Parcel "A" "PINES LAKE COMMERCIAL CENTER", according to the plat thereof as recorded in Plat Book 161, Page 31, of the Public Records of Broward County, Florida (P.O. B. #1); thence along a line parallel with and 100.00 feet South of the North line of the South half (S 1/2) of said Section 18, also being the South right of way line of Pines Boulevard as described in Deed Book 173, Page 441 and Deed Book 634, Page 183 of said Public Records of Broward County, Florida, North 87° 49' 48" East 2552.54 feet to the Westerly line of a 120 foot Florida Power & Light Company Easement as described in Official Records Book 2222, Page 704, of said Public Records of Broward County, Florida; thence along said Westerly line, South 32° 14' 16" West 1751.20 feet to the Northeast corner of Parcel "A", Pines Central Park, according to the plat thereof as recorded in Plat Book 168, Page 21 of said Public Records of Broward County, Florida; thence along the North line of said Parcel "A" North 86° 15' 29" West 764.98 feet to the Northerly most Northwest corner of said Parcel "A", thence along the Northerly prolongation of a Westerly line of said Parcel "A", North 17° 18' 09" East 128.08 feet; thence South 87° 49' 48" West 973.00 feet; thence North 01° 46' 39" West 177.23; thence North 87° 49' 48" East 127.02 feet to the Southerly prolongation of the East line of said Parcel "A" of "PINES LAKE COMMERCIAL CENTER"; thence along said Southerly prolongation and said East line, North 02° 10' 12" West 1068.04 feet to the Point of Beginning.

Together with:

Portions of Tracts 33-36 and 58-64, Section 18, Township 51 South, Range 41 East of "The Everglades Sugar & Land Co. Subdivision", according to the plat thereof as recorded in Plat Book 2, Page 39, of the Public Records of Miami - Dade County, Florida, said portions described as follows:

Begin at the Southwest corner of Parcel "A" "PEMBROKE PINES CITY HALL PLAT", according to the plat thereof as recorded in Plat Book 136, Page 23, of the Public Records of Broward County, Florida (P.O.B. #2); thence along the South line of said Tract "A" North 87° 52' 43" East 976.49 feet to the Southeast corner of said Tract "A"; thence along a line parallel with and 100.00 feet West of the East line of the Southeast Quarter (SE 1/4) of said Section 18, South 02° 07' 17" East 1421.17 feet so a line parallel with and 50.00 feet North of the South line of said Southeast Quarter (SE 1/4), also being the North right of way line of Washington Street as described in Deed Book 634, Page 183, of said Public Records of Broward County, Florida; thence along said parallel line, South 87° 49' 35" West 1985.51 feet to the Easterly line of a 160 foot Florida Power & Light Company Easement as described in Official Records Book 222, Page 552, of said Public Records of Broward County, Florida; thence along said Easterly line, North 32° 14' 01" East 1723.66 feet to the Westerly prolongation of said South line of Tract "A";

thence along said Westerly prolongation, North 87° 52' 43" East 36.34 feet to the Point of Beginning.

Said lands situate, lying and being in the City of Pembroke Pines, Broward County, Florida.

**PARCEL 2: (FP&L Easement Property)**

That portion of land described in Official Records Book 2222, Page 704, Official Records Book 2222, Page 552 and Official Records Book 1192, Page 114. all of the Public Records of Broward County, Florida, lying South of South right of way line of Pines Boulevard as described in Deed Book 173, Page 441 and Deed Book 634, Page 183, of said Public Records and lying North of the North right of way line of Washington Street as described in Deed Book 634, Page 183, of said Public Records, said portion of land more particularly described as follows:

Begin at the Northwest corner of Tract "A", PEMBROKE PINES CITY HALL PLAT, according to the plat thereof as recorded in Plat Book 136, Page 23, of said Public Records; thence along the Westerly line of said Tract "A", and the Southwesterly extension thereof South 32 degrees 14 minutes 01 seconds West 3018.92 feet to said North right of way line of Washington Street, said North right of way line being 50.00 feet North of the South line of the Southeast quarter (SE 1/4) of Section 16, Township 51 South, Range 41 East; thence along said North right of way line, South 87 degrees 49 minutes 35 seconds West 376.19 feet to the Southeast corner of Tract A, F.P. & L Hollybrook Substation, according to the plat thereof as recorded in Plat Book 120, Page 42, of said Public Records; thence along the Easterly line of said Tract "A", along the Easterly line of Parcel "A", Pines Central Park, according to the plat thereof as recorded in Plat Book 168, Page 21, of said Public Records and along the Northwesterly extension thereof, North 32 degrees 14 minutes 10 seconds East 3019.00 feet to said South right of way line of Pines Boulevard, said South right of way line being 100.00 feet South of the North line of the South half (S 1/2) of said Section 18; thence along said South right of way line, North 87 degrees 49 minutes 48 seconds East 375.91 feet to the Point of Beginning.

Said lands situate, lying and being in the City of Pembroke Pines, Broward County, Florida.

**EXHIBIT “B”**

**SCHOOL CAPACITY AVAILABILITY DETERMINATION**

The School Board of Broward County, Florida  
**SCHOOL CONSISTENCY REVIEW REPORT**

**LAND USE**

**SBBC-1014-2011**

**County No: PCT 16-2**

**Pembroke Pines City Center**

**December 8, 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)

# SCHOOL CONSISTENCY REVIEW REPORT - LAND USE

| PROJECT INFORMATION          |                            | IMPACT OF PROPOSED CHANGE |           |                | PROPERTY INFORMATION |                        |
|------------------------------|----------------------------|---------------------------|-----------|----------------|----------------------|------------------------|
| Date:                        | December 8, 2015           | Units Permitted           | 1,365     | Units Proposed | 1,841                | Existing Land Use: LAC |
| Name:                        | Pembroke Pines City Center | NET CHANGE (UNITS):       |           |                | 476                  | Proposed Land Use: LAC |
| SBBC Project Number:         | SBBC-1014-2011             | Students                  | Permitted | Proposed       | NET CHANGE           | Current Zoning: MXD    |
| County Project Number:       | PCT 16-2                   | Elem                      | 68        | 155            | 87                   | Proposed Zoning: MXD   |
| Municipality Project Number: |                            | Mid                       | 29        | 80             | 51                   | Section: 18            |
| Owner/Developer:             | Terra Group                | High                      | 43        | 98             | 55                   | Township: 51           |
| Jurisdiction:                | Pembroke Pines             | Total                     | 140       | 333            | 193                  | Range: 41              |

## SHORT RANGE - 5-YEAR IMPACT

| Currently Assigned Schools | Gross Capacity | LOS Capacity | Benchmark* Enrollment | Over/Under LOS | Classroom Equivalent Needed to Meet LOS | % of Gross Capacity |
|----------------------------|----------------|--------------|-----------------------|----------------|---|---------------------|
| Pines Lakes Elementary     | 927            | 927          | 577                   | -350           | -19                                     | 62.2%               |
| Pines Middle               | 1,769          | 1,769        | 1,130                 | -639           | -29                                     | 63.9%               |
| Flanagan, Charles W. High  | 3,034          | 3,034        | 2,835                 | -199           | -7                                      | 93.4%               |
|                            |                |              |                       |                |   |                     |
|                            |                |              |                       |                |   |                     |
|                            |                |              |                       |                |   |                     |
|                            |                |              |                       |                |   |                     |
|                            |                |              |                       |                |   |                     |
|                            |                |              |                       |                |   |                     |

| Currently Assigned Schools | Adjusted Benchmark | Over/Under LOS-Adj. Benchmark Enrollment | % Gross Capacity Adjusted Benchmark | Projected Enrollment |       |       |       |       |
|----------------------------|--------------------|--|-------------------------------------|----------------------|-------|-------|-------|-------|
|                            |                    |  |                                     | 16/17                | 17/18 | 18/19 | 19/20 | 20/21 |
| Pines Lakes Elementary     | 577                | -350                                     | 62.2%                               | 593                  | 556   | 586   | 582   | 562   |
| Pines Middle               | 1,130              | -639                                     | 63.9%                               | 1,074                | 1,028 | 1,129 | 1,050 | 1,058 |
| Flanagan, Charles W. High  | 2,835              | -199                                     | 93.4%                               | 2,815                | 2,840 | 2,848 | 2,868 | 2,938 |
|                            |                    |  |                                     |                      |       |       |       |       |
|                            |                    |  |                                     |                      |       |       |       |       |
|                            |                    |  |                                     |                      |       |       |       |       |
|                            |                    |  |                                     |                      |       |       |       |       |

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code. A traditional cohort survival methodology is used to project school-by-school District traditional school enrollment out over the next five years, and a proportional share of charter school enrollment is used to project future charter school enrollment by school level Districtwide. For more information: <http://www.broward.k12.fl.us/dsa/EnrollmentProj.shtml>. The annual benchmark enrollment is used to apply individual charter school enrollment impacts against school facility review processes.

\*The first Monday following Labor Day  
INFORMATION CONTAINED HEREIN IS CURRENT AS OF THE DATE OF REVIEW



## LONG RANGE - TEN-YEAR IMPACT

| Impacted Planning Area | School District's Planning Area Data |                      |                                   | Aggregate Projected Enrollment |        |        |        |        |
|------------------------|--------------------------------------|----------------------|-----------------------------------|--------------------------------|--------|--------|--------|--------|
|                        | Aggregate School Capacity            | Aggregate Enrollment | Aggregate Over/(Under) Enrollment | 20/21                          | 21/22  | 22/23  | 23/24  | 24/25  |
| Area F - Elementary    | 19,263                               | 15,193               | -4,070                            | 18,028                         | 18,123 | 18,218 | 18,312 | 18,407 |
| Area F - Middle        | 11,173                               | 7,563                | -3,610                            | 10,643                         | 10,620 | 10,598 | 10,575 | 10,553 |
| Area F - High          | 14,319                               | 12,876               | -1,443                            | 13,601                         | 13,560 | 13,519 | 13,477 | 13,436 |

## CHARTER SCHOOL INFORMATION

| Charter Schools within 2-mile radius  | 2015-16 Contract Permanent Capacity | 2015-16 Benchmark* Enrollment | Over/(Under) | Projected Enrollment |       |       |
|---------------------------------------|-------------------------------------|-------------------------------|--------------|----------------------|-------|-------|
|                                       |                                     |                               |              | 16/17                | 17/18 | 18/19 |
| Atlantic Montessori Charter           | 144                                 | 123                           | -21          | 123                  | 123   | 123   |
| Atlantic Montessori Charter West      | 500                                 | 108                           | -392         | 108                  | 108   | 108   |
| Kidz Choice Charter                   | 750                                 | 154                           | -596         | 154                  | 154   | 154   |
| Pembroke Pines E_west Central         | 2,470                               | 1,876                         | -594         | 1,876                | 1,876 | 1,876 |
| Renaissance Charter @ Pines           | 1,145                               | 799                           | -346         | 799                  | 799   | 799   |
| Renaissance Charter Ms @ Pines        | 1,145                               | 182                           | -963         | 182                  | 182   | 182   |
| Somerset Academy Charter High Miramar | 1,000                               | 311                           | -689         | 311                  | 311   | 311   |
| Somerset Academy Hollywood Middle     | 193                                 | 11                            | -182         | 11                   | 11    | 11    |

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code. A traditional cohort survival methodology is used to project school-by-school District traditional school enrollment out over the next five years, and a proportional share of charter school enrollment is used to project future charter school enrollment by school level Districtwide. For more information: <http://www.broward.k12.fl.us/dsai/EnrollmentProj.shtml>. The annual benchmark school enrollment is used to apply individual charter school enrollment impacts against school facility review processes.

\*The first Monday following Labor Day  
INFORMATION CONTAINED HEREIN IS CURRENT AS OF THE DATE OF REVIEW

# **PLANNED AND FUNDED CAPACITY ADDITION IN THE ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN** (Years 1 - 5)

| School(s)                 | Description of Capacity Additions   |
|---------------------------|---|
| Pines Lakes Elementary    | There are no capacity additions scheduled in the ADEFP that would impact the FISH capacity of the school. |
| Pines Middle              | There are no capacity additions scheduled in the ADEFP that would impact the FISH capacity of the school. |
| Flanagan, Charles W. High | Permanent Class Room addition to allow for the removal of portable buildings.                             |
|                           |   |
|                           |   |
|                           |   |
|                           |   |
|                           |   |
|                           |   |
|                           |   |

# **PLANNED CAPACITY ADDITION IN THE ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN** (Years 6 - 10)

| Capacity Additions for Planning Area F |          |
|--|----------|
| School Level                           | Comments |
| Elementary                             | None     |
| Middle                                 | None     |
| High                                   | None     |

\*The first Monday following Labor Day  
INFORMATION CONTAINED HEREIN IS CURRENT AS OF THE DATE OF REVIEW

## Comments

Information contained in the application indicates that the approximately 146.37 acre site is generally located on the west side of Palm Avenue between Pines Boulevard and Washington Street in the City of Pembroke Pines. The current land use designation for the site is Local Activity Center (LAC). Current land use designation allows 675 high-rise and 275 townhouse (all three or more bedrooms) units, and 415 midrise (all two or more bedroom – which were reviewed as garden apartment units) which generate 140 students (68 elementary, 29 middle, and 43 high). The applicant proposes 275 townhouse (all three or more bedrooms), 450 garden apartment (all three or more bedroom), 415 midrise (all two or more bedroom) and 701 high-rise residential units by keeping the land use designation as LAC, which are anticipated to generate 333 students (155 elementary, 80 middle and 98 high). Therefore, the additional units as proposed will generate 193 additional students (87 elementary, 51 middle, and 55 high) into Broward County Public Schools. The initial application (PC 04-2) for the LAC site was for 325 townhouse (all three or more bedrooms) and 425 high-rise units and is subject to a tri-party agreement which requires payment of student station cost factors per dwelling unit. In 2006, the City added 250 additional high-rise residential units to the site via application PCT 06-1, which is subject to another tri-party agreement and requires payment of student station cost factors per dwelling unit. In 2013, the City added 365 additional residential units to the site via application PCT 13-2, which is subject to first amended tri-party agreement and mitigation requirements are outlined in the first amended tri-party agreement. The current application was reviewed based on its location in the School District's Long Range Seven Planning Areas, and Ten-Year Long Range Plan contained in the Adopted District Educational Facilities Plan (DEFP). However, the statistical data regarding the Level of Service (LOS) standard status of the actual schools impacted by this land use application in the initial five years of the ten-year period is depicted herein for informational purposes only.

Schools serving the amendment site in the 2015-16 school year are Pine Lakes Elementary, Pines Middle, and Charles Flanagan High. Based on the District's Public School Concurrence Planning Document, all the Schools are operating below the adopted LOS of 100% of their capacities in the 2015-16 school year. Incorporating the cumulative students anticipated from approved and vested developments anticipated to be built within the next three years (2015-16 – 2017-18), all of the Schools are expected to operate below the adopted LOS of 100% through the 2017-18 school year. It should be noted that the school capacity or Florida Inventory of School Houses (FISH) for the impacted schools reflects compliance with the class size constitutional amendment and the permanent capacity additions that are planned for the schools within the first three years of the Five-Year Adopted DEFP FY 2015-16 – 2019-20. Also, to ensure maximum utilization of the impacted Concurrence Service Areas, the Board may utilize other options such as school boundary changes to accommodate students generated from developments in the County. Charter schools located within a two-mile radius of the site in the 2015-16 school year are depicted above.

Capital Improvements scheduled in the long range section (2020-21 to 2024-25) of the currently Adopted DEFP Fiscal Years 2015-16 – 2019-20 regarding pertinent impacted schools are depicted above. Based on the School District's Seven Long Range Planning Areas, the amendment site is located within School District Planning Area "F" and the elementary, middle and high schools currently serving Planning Area "F" and their cumulative twentieth day student enrollments, permanent capacities and ten-year student enrollment projections are depicted herein. Therefore, Planning Area "F" is anticipated to have sufficient excess capacity to support the students generated by the residential units proposed in the Planning Areas.

Please be advised that the mitigation for the student impact anticipated from previously approved applications PC 04-2, PCT 06-1, and PCT 13-2 are addressed in the Educational Mitigation Agreements and First Amended Educational Mitigation Agreement between Broward County, the City of Pembroke Pines, and the School Board of Broward County, Florida. Since the application for LUPA PCT 16-2 adds more residential units to the LAC site, the existing Agreements must be amended to address the anticipated students from the proposed additional units. Therefore, staff recommends that approval of LUPA PCT 16-2 should be conditioned upon amendment of the Agreements to address students anticipated from additional units proposed.

Also, be advised that if approved, the units from this project will be subject to a public school concurrence review at the plat, site plan (or functional equivalent) phase of development review, whichever comes first.

\*The first Monday following Labor Day  
INFORMATION CONTAINED HEREIN IS CURRENT AS OF THE DATE OF REVIEW

The School Board of Broward County, Florida  
**SCHOOL CONSISTENCY REVIEW REPORT**

PROJECT NUMBER: SBBC-1014-2011

Dec. 8, 2015

Date

Reviewed By:



Signature

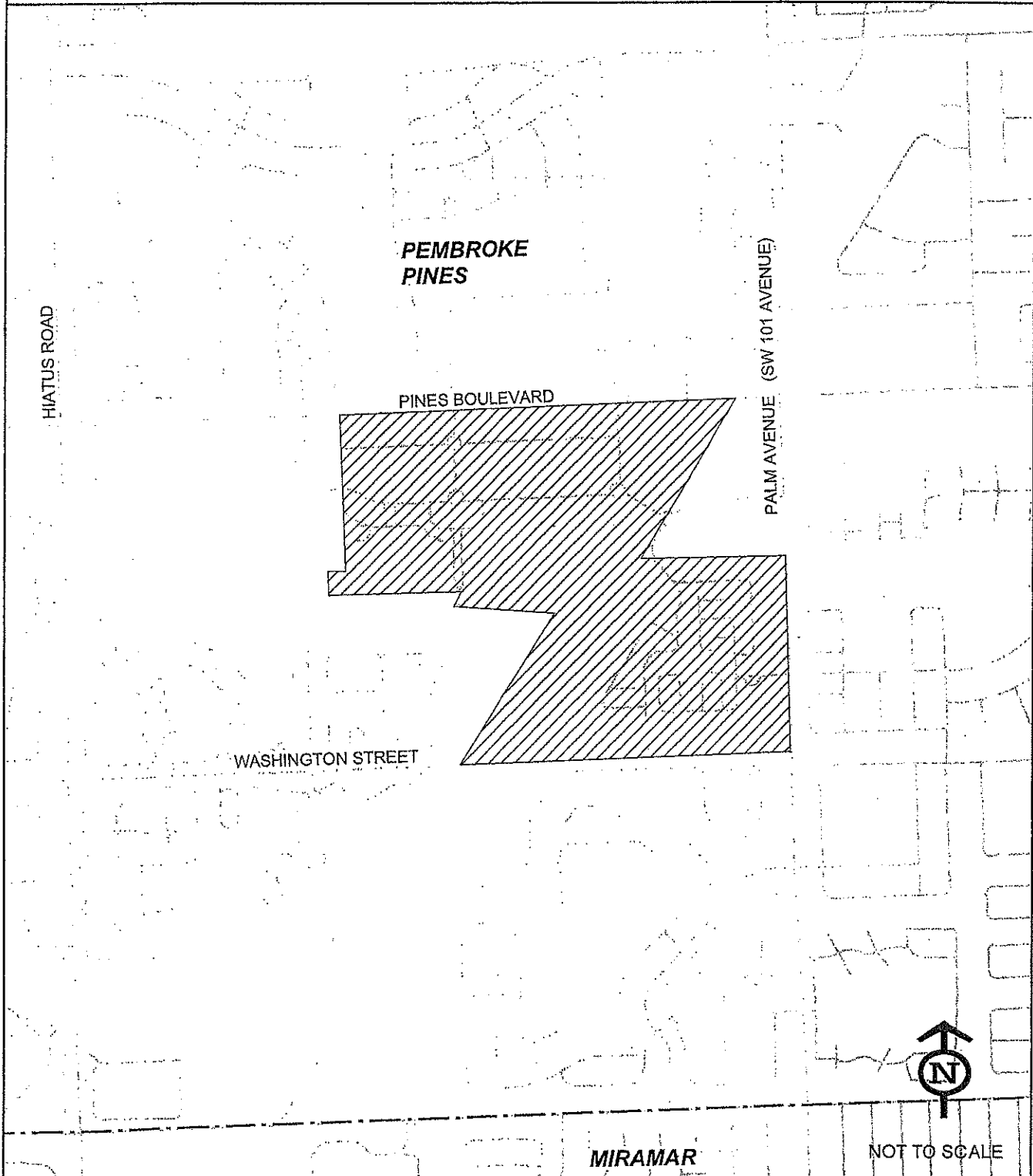
Mohammed Rasheduzzaman, AICP

Name

Planner

Title

# Amendment PCT 16-2



**EXHIBIT "C"**

**PHASE 2 RESIDENTIAL PROPERTY LEGAL DESCRIPTION**

PINES CITY CENTER

LEGAL DESCRIPTION

Parcel 4

A parcel of land being a portion of Parcel "A", PEMBROKE PINES CITY CENTER, according to the Plat thereof as recorded in Plat Book 176, Pages 86 through 91 of the Public Records of Broward County, Florida; being more particularly described as follows:

COMMENCE at the most northerly northwest corner of Parcel "A", PINES CENTRAL PARK, according to the Plat thereof as recorded in Plat Book 168, Page 21 of the Public Records of Broward County, Florida, said point being a southwest corner of said Parcel "A", PEMBROKE PINES CITY CENTER; thence along a West line of said Parcel "A", PEMBROKE PINES CITY CENTER, North 17°18'09" East, 128.09 feet; thence North 83°11'00" East, 58.53 feet to the POINT OF BEGINNING; thence North 2°08'51" West, 19.16 feet; thence North 49°45'28" East, 24.86 feet; thence North 2°08'51" West, 73.45 feet to a point on the arc of a non-tangent curve, (a radial line through said point bears South 64°16'59" East); thence northeasterly along the arc of said curve being concave to the northwest, having a radius of 34.50 feet, a central angle of 27°51'51", an arc distance of 16.78 feet; thence North 2°08'51" West, 28.67 feet to a point on the arc of tangent curve; thence northerly along the arc of said curve, having a radius of 34.50 feet, a central angle of 27°51'51", an arc distance of 16.78 feet; thence North 2°08'51" West, 460.52 feet to a point on the southerly line of that certain parcel of land as described in Official Records Book 51163, Page 1095 of the Public Records of Broward County, Florida; thence along said line the following thirty-four (34) courses and distances, North 87°51'09" East, 72.63 feet to a point on the arc of a tangent curve; thence easterly along the arc of said curve being concave to the South, having a radius of 37.50 feet, a central angle of 3°04'54", an arc distance of 2.02 feet; thence tangent to said curve, South 89°03'57" East, 101.30 feet; thence North 87°51'09" East, 10.46 feet to a point on the arc of a tangent curve; thence southeasterly along the arc of said curve being concave to the South, having a radius of 4.00 feet, a central angle of 45°00'00", an arc distance of 3.14 feet; thence tangent to said curve, South 47°08'51" East, 5.56 feet to a point on the arc of a tangent curve; thence southeasterly along the arc of said curve being concave to the southwest, having a radius of 4.00 feet, a central angle of 45°00'00", an arc distance of 3.14 feet; thence tangent to said curve, South 2°08'51" East, 14.36 feet; thence North 87°51'09" East, 41.99 feet; thence North 2°08'51" West, 13.33 feet; thence North 87°51'09" East, 4.46 feet to a point on the arc of a tangent curve; thence northeasterly along the arc of said curve being concave to the northwest, having a radius of 3.00 feet, a central angle of 45°00'00", an arc distance of 2.36 feet; thence North 42°51'09" East, 9.78 feet to a point on the arc of a tangent curve; thence northeasterly along the arc of said curve being concave to the southeast, having a radius of 4.00 feet, a central angle of 45°00'00", an arc distance of 3.14 feet; thence North 87°51'09" East, 60.92 feet to a point being on the arc of a tangent curve; thence easterly along the arc of said curve being concave to the South, having a radius of 29.00 feet, a central angle of 9°03'07", an arc distance of 4.58 feet; thence tangent to said curve South 83°05'44" East, 60.07 feet to a point on the arc of a tangent curve; thence easterly along the arc of said curve being concave to the North, having a radius of 31.00 feet, a central angle of 9°03'07", an arc distance of 4.90 feet; thence tangent to said curve, North 87°51'09" East, 89.95 feet to a point on the arc of a tangent curve; thence southeasterly along the arc of said curve being concave to the southwest, having a radius of 32.00 feet, a central angle of 58°32'19", an arc distance of 32.69 feet; thence North 87°51'09"

PINES CITY CENTER

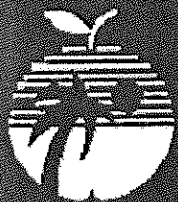
East, 89.36 feet to a point on the arc of a non-tangent curve, (a radial line through said point bears North 80°25'20" West); thence northeasterly along the arc of said curve being concave to the southeast, having a radius of 32.00 feet, a central angle of 78°16'30", an arc distance of 43.72 feet; thence tangent to said curve, North 87°51'09" East, 22.78 feet to a point on the arc of a tangent curve; thence easterly along the arc of said curve being concave to the south, having a radius 14.00 feet, a central angle of 9°05'25", an arc distance of 2.22 feet; thence tangent to said curve, South 83°03'26" East, 72.76 feet to a point on the arc of a tangent curve; thence easterly along the arc of said curve being concave to the North, having a radius of 26.00 feet, a central angle of 9°05'25", an arc distance of 4.13 feet; thence tangent to said curve, North 87°51'09" East, 86.13 feet to a point on the arc of a tangent curve; thence southeasterly along the arc of said curve being concave to the southwest, having a radius of 32.00 feet, a central angle of 78°28'02", an arc distance of 43.82 feet; thence North 87°51'09" East, 36.49 feet; thence North 2°12'05" West, 5.50 feet to a point on the arc of a tangent curve; thence northeasterly along the arc of said curve being concave to the southeast, having a radius of 32.07 feet, a central angle of 90°03'15", an arc distance of 50.41 feet; thence tangent to said curve, North 87°51'09" East, 205.65 feet to a point on the arc of a tangent curve; thence easterly along the arc of said curve being concave to the South, having a radius of 30.50 feet, a central angle of 20°29'00", an arc distance of 10.90 feet to a point of reverse curvature; thence easterly along the arc of said curve being concave to the North, having a radius of 69.50 feet, a central angle of 50°17'33", an arc distance of 61.00 feet to a point of reverse curvature; thence easterly along the arc of said curve being concave to the South, having a radius of 30.50 feet, a central angle of 54°13'20", an arc distance of 28.86 feet; thence along the westerly line of that certain 120' Florida Power & Light Company Easement, as described in Official Records Book 2222, Page 704, of the Public Records of Broward County, Florida, South 32°14'01" West, 530.04 feet; thence along the northerly line of that certain Lake Maintenance Easement as described in Official Records Book 46458, Page 1532 of the Public Records of Broward County, Florida and it's easterly extension thereof, South 87°49'49" West, 127.57 feet to a point on the arc of a tangent curve; thence southwesterly along the arc of said curve being concave to the southeast, having a radius of 30.00 feet, a central angle of 55°24'34", an arc distance of 29.01 feet; thence tangent to said curve, South 32°25'15" West, 197.52 feet to a point on the arc of a tangent curve; thence southwesterly along the arc of said curve being concave to the northwest, having a radius of 30.00 feet, a central angle of 55°24'34", an arc distance of 29.01 feet; thence tangent to said curve, South 87°49'49" West, 631.28 feet to a point on the arc of a tangent curve; thence southwesterly along the arc of said curve being concave to the South, having a radius of 30.00 feet, a central angle of 19°31'40", an arc distance of 10.22 feet to the Point of Beginning.

Said lands lying, being and situate in the City of Pembroke Pines, Broward County, Florida, and containing 583,437 square feet, (13.3939 acres) more or less.



**EXHIBIT "D"**

**BROWARD COUNTY STUDENT GENERATION RATES TABLE**



# FACILITY PLANNING AND REAL ESTATE DEPARTMENT GROWTH MANAGEMENT SECTION

## Generation Rate Detailed Information

|                            |                 |             |               |             |
|----------------------------|-----------------|-------------|---------------|-------------|
| Single Family              | <u>Bedrooms</u> | <u>Elem</u> | <u>Middle</u> | <u>High</u> |
|                            | 2 or less       | 0.000       | 0.000         | 0.000       |
|                            | 3               | 0.173       | 0.091         | 0.107       |
|                            | 4 or more       | 0.232       | 0.111         | 0.122       |
|                            | Average         |             |               |             |
| Townhouse/<br>Duplex/Villa | <u>Bedrooms</u> | <u>Elem</u> | <u>Middle</u> | <u>High</u> |
|                            | 1 or less       | 0.060       | 0.000         | 0.000       |
|                            | 2               | 0.109       | 0.049         | 0.056       |
|                            | 3 or more       | 0.177       | 0.076         | 0.110       |
|                            | Average         |             |               |             |
| Garden Apartment           | <u>Bedrooms</u> | <u>Elem</u> | <u>Middle</u> | <u>High</u> |
|                            | 1 or less       | 0.013       | 0.003         | 0.004       |
|                            | 2               | 0.136       | 0.056         | 0.044       |
|                            | 3 or more       | 0.193       | 0.113         | 0.123       |
|                            | Average         |             |               |             |
| Mid Rise Apartment         | <u>Bedrooms</u> | <u>Elem</u> | <u>Middle</u> | <u>High</u> |
|                            | Studio          | 0.008       | 0.004         | 0.004       |
|                            | 1               | 0.008       | 0.004         | 0.004       |
|                            | 2               | 0.028       | 0.013         | 0.021       |
|                            | Average         |             |               |             |
| High Rise Apartment        | <u>Bedrooms</u> | <u>Elem</u> | <u>Middle</u> | <u>High</u> |
|                            | Studio          | 0.010       | 0.004         | 0.006       |
|                            | 1               | 0.010       | 0.004         | 0.006       |
|                            | 2 or more       | 0.010       | 0.004         | 0.006       |
|                            | Average         | 0.010       | 0.004         | 0.006       |
| Mobile Home                | <u>Bedrooms</u> | <u>Elem</u> | <u>Middle</u> | <u>High</u> |
|                            | 1 or less       | 0.084       | 0.083         | 0.000       |
|                            | 2               | 0.084       | 0.083         | 0.000       |
|                            | 3 or more       | 0.182       | 0.182         | 0.000       |
|                            | Average         |             |               |             |

0.00 - No Students were observed in the sample.

Ordinance #2014-36 became effective January 26, 2015.

**EXHIBIT "E"**

**State of Florida Student Station Cost Factors  
December 2016**