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1 Density Residential; CF, Community Facilities; and R-1B, One-Family Detached
2 Dwelling for properties in this vicinity with frontage on Powerline Road being zoned
3 PRZD; and

4 **WHEREAS**, the applicant requests to rezone the site that consists of 6.60 acres;
5 and

6 **WHEREAS**, the area to be rezoned is shown in the Future Land Use Map as a
7 Medium Density Residential Use Area, so flexibility housing units would not be used to
8 accommodate this rezoning area in accordance with the Comprehensive Plan; and

9 **WHEREAS**, said application was heard and considered before the Oakland Park
10 Planning and Zoning Advisory Board and the City Commission of the City of Oakland
11 Park, Florida and at the said public hearings all objections, if any, were heard;

12
13 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
14 **OF THE CITY OF OAKLAND PARK, FLORIDA THAT:**

15 **SECTION 1.** That the forgoing “WHEREAS” clauses are hereby ratified and
16 confirmed as being true and correct and are hereby made a part of this Ordinance upon
17 adoption thereof.

18 **SECTION 2.** The City Commission, of the City of Oakland Park, Florida, after
19 hearing any and all comments and objections made during the course of duly advertised
20 and scheduled public hearings hereby finds that this rezoning request is consistent with
21 the following goals, objectives, and policies of the City of Oakland Park Comprehensive
22 Plan:
23 Objective 1.7: Use the Land Development Code to implement land use policies that
24 correspond to the categories on the Future Land Use Map.

1 Policy 1.7.1: Land use densities and intensities shall be consistent with the Future Land
2 Use Map, Section 3 of the Land Use Implementation.
3 Policy 1.7.3: Through the Land Development Code and Zoning Ordinance, establish
4 different intensities of commercial development compatible with adjacent and
5 surrounding uses.
6 Policy 1.11.1 The City shall continue to regulate the land use categories as depicted on
7 the future land use map according to the Land Use implementation section of this
8 Comprehensive Plan, consistent with the Broward County Land Use Plan.

9 **SECTION 3.** The City Commission of the City of Oakland Park, Florida, hereby
10 approves the rezoning request filed by CG Oakland Park, LLC requesting Rezoning from
11 B-2; General Business District and BP; Business Parking District to RM-16; Medium
12 Density Multi-Family Residential for the vacant property located at northwest corner of
13 N. Dixie Highway and NE 58th Street and with additional frontage on NE 9th Avenue
14 to enable a multi-family housing development on the site, more legally described as:

15

1 **LEGAL DESCRIPTION:**

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PARCEL 5:

That portion of the Southwest one-quarter (SW 1/4) of Section 11, Township 49 South, Range 42 East, Broward County, Florida, described as follows: Commencing at the Southwest corner of said Southwest one-quarter (SW 1/4); thence North 88 degrees 48' 20" East, along the South line of the said SW 1/4 of Section 11, a distance of 1,699.80 feet; thence North 01 degree 11' 40" West, perpendicular to the said South line, a distance of 982.27 feet to a point on the North Right-of-Way line of Northeast 58th Street and the Point of Beginning; thence continuing North 01 degree 11' 40" West along the aforesaid course, a distance of 349.03 feet; thence North 88 degrees 59' 50" East a distance of 434.76 feet to a point on the West Right-of-Way line of Old Dixie Highway, said line being 80 feet West of and parallel to the West Right-of-Way line of the Florida East Coast Railroad; thence South 01 degree 22' 40" East, along the said West Right-of-Way line of Old Dixie Highway, a distance of 347.61 feet to a point on the North Right-of-Way line of Northeast 58th Street; thence South 88 degrees 48' 05" West, along the said North Right-of-Way line, a distance of 435.88 feet to the Point of Beginning.

LESS AND EXCEPT the following described fee simple Right-of-Way described in the Order of Taking recorded in Official Records Book 17669, Page 923, of the Public Records of Broward County, Florida:

PARCEL NO. 108:

That portion of the Southwest 1/4 of Section 11, Township 49 South, Range 42 East, Broward County, Florida; more particularly described as follows:

COMMENCE at the Northeast corner of THE MEDICAL PLAZA, according to the plat thereof as recorded in Plat Book 102, Page 10, of the Public Records of Broward County, Florida; thence run North 02 degrees 41' 05" East along the Westerly Existing Right-of-Way line of Dixie Highway a distance of 166.80 feet; thence North 01 degree 45' 33" West along said Westerly Existing Right-of-Way line a distance of 575.64 feet to the point of intersection of the North line of a 60 foot Right-of-Way for NE 58th Street with the Westerly Existing Right-of-Way line of Dixie Highway, also being the Point of Beginning; thence continue North 01 degree 45' 33" West along said Existing Right-of-Way line a distance of 30.42 feet; thence South 19 degrees 54' 42" West a distance of 32.53 feet to the North Right-of-Way line of said NE 58th Street; thence North 89 degrees 07' 26" East along said North Right-of-Way line a distance of 12.02 feet to the Point of Beginning.

PARCEL 6:

Parcel "A" of MADRID SQUARE, according to the plat thereof as recorded in Plat Book 112, Page 8 of the Public Records of Broward County, Florida; together with easement rights in common with others over and across the South 20 feet of the South 1/2 of the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 11, Township 49 South, Range 42 East, lying West of Old Dixie Highway, LESS the West 475 feet thereof as set forth in the Warranty Deed recorded in Official Records Book 341, Page 116; all lying, situate and being in Broward County, Florida, which easement runs with the land.

3

4 **SECTION 4.** If any clause, section or other part of this Ordinance shall be held
5 by any Court of competent jurisdiction to be unconstitutional or invalid, such

1 unconstitutional or invalid part shall be considered as eliminated and in no way affecting
2 the validity of the other provisions of this Ordinance.

3 **SECTION 5.** All Ordinances or parts of Ordinances in conflict herewith are
4 hereby repealed to the extent of such conflicts.

5
6 **SECTION 6.** This Ordinance shall be effective upon its passage and adoption
7 by the City Commission of the City of Oakland Park.

8

9 **PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,**
10 **FLORIDA, ON FIRST READING, THIS _____ DAY OF _____ 2018.**

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S. GUEVREKIAN	_____
M. SPARKS	_____
M. CARN	_____
J. ADORNATO III	_____
T. LONERGAN	_____

1 **PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF**
2 **OAKLAND PARK, FLORIDA, ON SECOND READING, THIS ____ DAY OF**
3 **_____ 2018.**
4

5
6 CITY OF OAKLAND PARK, FLORIDA
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9

10 _____
11 MAYOR TIM LONERGAN
12

13 S. GUEVREKIAN _____

14 M. SPARKS _____

15 M. CARN _____

16 J. ADORNATO III _____

17 T. LONERGAN _____
18
19
20

21 ATTEST:
22
23

24 _____
25 RENEE M. SHROUT, CMC, CITY CLERK
26

27 LEGAL NOTE:
28

29 I hereby certify that I have approved the form of this Ordinance. (O-2018-XXX)
30

31 _____
32 DONALD J. DOODY, CITY ATTORNEY