

ORDINANCE NO. 2022-016

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE REZONING REQUEST SUBMITTED BY 4161 HILLSBORO, LLC AND LEDER HILLSBORO, LLC TO REZONE 4161 WEST HILLSBORO BOULEVARD FROM CF (COMMUNITY FACILITY) TO PCD (PLANNED COMMERCE DISTRICT), ALLOCATING 2.915 ACRES OF COMMERCIAL FLEXIBILITY ACREAGE TO BE REDESIGNATED FROM RESIDENTIAL TO COMMERCIAL FOR THE PROPERTY LOCATED AT 4161 HILLSBORO BOULEVARD AND LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF; AND BY AMENDING THE EXISTING LEDER HILLSBORO PCD GENERALLY LOCATED AT 4161-4191 WEST HILLSBORO BOULEVARD AND LEGALLY DESCRIBED IN EXHIBIT "B," ATTACHED HERETO AND MADE A PART HEREOF, TO INCLUDE THE REZONED CF ZONED PARCEL AND REVISE THE LEDER HILLSBORO PCD DEVELOPMENT REGULATIONS, AS PROVIDED IN EXHIBIT "C," ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 4161 Hillsboro, LLC is requesting rezoning approval to rezone the eastern parcel, 4161 West Hillsboro Boulevard, from CF (Community Facility) to PCD (Planned Commerce District) by amending the existing Leder Hillsboro PCD to include the CF zoned parcel, for the property legally described in Exhibit "A;" and

WHEREAS, the City of Coconut Creek Future Land Use Map designates this real property for Low-3, Residential 3 DU/AC, thus necessitating the allocation of 2.915 Residential-to-Commercial Flexibility Acres from Residential to Commercial land use; and

WHEREAS, in addition to adding the 4161 West Hillsboro property, the proposed rezoning will amend the entire Leder Hillsboro PCD area, generally located at 4161-4191 West Hillsboro Boulevard as legally described in Exhibit "B," to provide updated development regulations, for the entire Leder Hillsboro PCD area all as provided in Exhibit "C," the Leder Hillsboro PCD, attached hereto and incorporated herein; and

WHEREAS, the proposed rezoning to PCD is compatible with the surrounding existing zoning designations and uses for the properties in this vicinity; and

WHEREAS, the proposed rezoning will be consistent with the City of Coconut Creek Comprehensive Plan and Future Land Use Map; and

WHEREAS, at its public hearing held on July 13, 2022, the Planning and Zoning Board heard, reviewed, and duly considered the reports, findings, and recommendations of the City Staff, together with the opinions and testimony stated at the public hearing and has recommended approval of this item to the City Commission subject to conditions; and

WHEREAS, the City Commission has determined that the above described rezoning is in the best interest of the City and serves a public purpose based upon all the Development Review Committee comments and minutes, Planning and Zoning Board minutes, City staff reports, and findings of fact pertaining to this project located within the official City Development/Project file kept within the Department of Sustainable Development.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance. All Exhibits attached hereto are incorporated herein and made a specific part of this ordinance.

Section 2: Finding. That the City Commission finds and determines that the above described amendment meets the requirements of the City’s Land Development Code and particularly, Section 13-36, “Zoning Map Amendments,” subsection (e), “Standards for Decisions” and Section 13-356, “Same [PCD, Planned Commerce District Generally] – Rezoning of land to PCD,” and is consistent with the City of Coconut Creek Comprehensive Plan and Future Land Use Map.

Section 3: Approval. That the City Commission accepts the recommendation of the Planning and Zoning Board of July 13, 2022, and hereby approves the rezoning from CF (Community Facility) to PCD (Planned Commerce District) for the property generally located at 4161 West Hillsboro Boulevard and legally described in Exhibit “A”

and amendments to the Leder Hillsboro PCD generally located at 4161-4191 West Hillsboro Boulevard as legally described in Exhibit "B," by incorporating new development standards and an updated list of permitted and special land uses as provided in the Leder Hillsboro PCD, attached hereto as Exhibit "C," all as attached hereto and made a part hereof subject to the following conditions of approval:

1. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to issuance of a building permit unless otherwise stated therein.
2. Additional landscaping, in addition to the approved plans, shall be provided as shown on the additional exhibit Landscape Plan Sheet LP-101, dated 08-03-2022, provided by the applicant, as follows:
 - a. Sabal Palms have been added to provide additional screening from the houses to the new building. The heads of the palms will grow thick quickly to provide a visual barrier while the oaks and green buttonwood fill in.
 - b. The proposed clusia hedge will be allowed to grow to a maximum of 8' for additional screening and to allow the oaks and green buttonwood fill in.
 - c. Root barrier product will be provided along the fence line to limit the root system of the oaks and green buttonwoods from growing into the backyards of the adjacent homes.
 - d. All of the landscape material on the eastern property line, adjacent to the 4 homes, will be planted immediately after the drainage area has been excavated and the slopes stabilized to allow the material to get a "head start" in filling in prior to the remainder of the construction on site.
3. The hours of operation for the self-storage facility on the 4161 Hillsboro parcel are limited to 6:00 a.m. to 10:00 p.m. daily.
4. The sidewalk pedestrian access easement identified in the PCD regulations and proposed within the landscape buffer along Hillsboro Boulevard shall be recorded in the public records of Broward County, Florida prior to the issuance of a Certificate of Occupancy for Phase III of the PCD.
5. The first Electric Vehicle Charging Station identified in the PCD shall be installed prior to the issuance of a Certificate of Occupancy, the second charging station will be installed within three (3) years of the City Commission approval of the project, and the third charging station will be installed within five (5) years of the City Commission approval of the project.
6. The applicant shall record the Unified Control Agreement and the Access Easement Agreement as approved by the City Attorney's Office within 30 days of approval.

Section 4: Violation of Conditions. That failure to adhere to the terms and conditions of the approval above shall be considered a violation of the City Code and persons found violating the conditions shall be subject to the penalties prescribed by the City Code, including but not limited to, the revocation of the approvals granted by this ordinance. The applicant understands and acknowledges that it must comply with all other applicable requirements of the City before it may commence construction or operation, and this ordinance may be revoked by the City Commission at any time upon a determination that the applicant is not in compliance with the City Code or this ordinance.

Section 5: Other Approvals. That this approval does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the City for issuance of the approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of state or federal law.

Section 6: Agreement for Services. That the applicant, property owner, and or assigns agree to use City franchisees for all services related to the development and use of the subject property.

Section 7: Amendment of Ordinance No. 2017-049. That the Leder Hillsboro PCD adopted by Ordinance No. 2017-049, adopted December 14, 2017, is hereby replaced in its entirety by the Leder Hillsboro PCD adopted herein. Conditions of the PCD rezoning imposed in Ordinance No. 2017-049 shall continue to apply to the amended PCD as applicable.

Section 8: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 9: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 10: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 25TH DAY OF AUGUST, 2022.

PASSED SECOND READING THIS _____ DAY OF _____, 2022.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

	<u>1st</u>	<u>2nd</u>
Rydell	<u>Aye</u>	_____
Welch	<u>Aye</u>	_____
Tooley	<u>Aye</u>	_____
Railey	<u>Aye</u>	_____
Brodie	<u>Aye</u>	_____

EXHIBIT "A"

Legal Description of Rezoning:

All of Parcel "A," Workingman's Nursery, according to the Plat thereof, as recorded in Plat Book 126, Page 22, of the Public Records of Broward County, Florida.

EXHIBIT "B"

Legal Description of Entire PCD:

All of Tract "A," Leder Hillsboro Company Limited Part 1, according to the Plat thereof, as recorded in Plat Book 125, Page 31, of the Public Records of Broward County, Florida, together with;

All of Parcel "A," Leder Hillsboro Company Limited Part 2, according to the Plat thereof, as recorded in Plat Book 166, Page 43, of the Public Records of Broward County, Florida, together with;

All of Parcel "A," Workingman's Nursery, according to the Plat thereof, as recorded in Plat Book 126, Page 22, of the Public Records of Broward County, Florida.