

ORDINANCE NO. 2022-017

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SPECIAL LAND USE APPLICATION SUBMITTED BY 4161 HILLSBORO, LLC TO ALLOW A SELF-STORAGE FACILITY, LOCATED AT 4161 WEST HILLSBORO BOULEVARD, AS LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR VIOLATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 4161 Hillsboro, LLC has made an application for Special Land Use approval to allow a self-storage facility at 4161 West Hillsboro Boulevard, for the property legally described in Exhibit "A," and

WHEREAS, Section 13-35, "Special Land Use," of the City's Land Development Code provides criteria for review and consideration of a Special Land Use application by the City Commission; 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 Special Land Use meets the standards and requirements of Section 13-35, "Special Land Use," based upon the evidence presented at the public hearing, 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 Special Land Use meets the requirements of Section 13-35, “Special Land Use,” of the City of Coconut Creek Code of Ordinances.

Section 3: Approval. That the Special Land Use for the property described in Exhibit “A,” having been recommended for approval by the Planning and Zoning Board on July 13, 2022, and having been reviewed by the City Commission, is hereby approved subject to the following conditions:

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. 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. Hours of operation for the self-storage facility proposed at the 4161 Hillsboro parcel shall be 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: 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 6: 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 7: 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:

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.