

ORDINANCE NO. 2013-005

AN ORDINANCE OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING ORDINANCE NO. 2006-039, AS AMENDED BY ORDINANCE NO. 2008-004, WHICH APPROVED THE LYONS WILES SITE PLAN, AND HEREBY APPROVING THE MODIFICATION REQUEST OF GARRISON INVESTMENT GROUP, RELATING TO DEVELOPMENT INTENSITY FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, PURSUANT TO THE PROVISIONS OF ORDINANCE NO. 2006-039 RELATING TO INCREASED INTENSITIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

WHEREAS, the owner of the property, Garrison Investment Group ("Property Owner"), is requesting a modification to the approved Lyons Wiles Site Plan Ordinance; and

WHEREAS, adoption of this Ordinance will amend Ordinance No. 2006-039, as amended by Ordinance No. 2008-004, relating to permitted development intensities for commercial use; and

WHEREAS, the Property Owner originally proposed a mixed-use development including 254,300 square feet of retail and restaurant space, 50,000 square feet of office space, and 456 residential units; and

WHEREAS, the Property Owner is requesting a modification to the Lyons Wiles Site Plan Ordinance by removing the 456 residential units; and

WHEREAS, the Property Owner is requesting to construct a movie theater on the parcel previously approved for residential use; and

WHEREAS, adoption of this Ordinance shall approve a mixed-use development including 268,000 square feet of retail and restaurant space, including a theater, and 50,000 square feet of office space; and

WHEREAS, the future retail and office intensity that is proposed for Buildings D, G, and K1 as indicated in the Lyons Wiles PMDD Ordinance, shall be formally allocated through an amendment to this Site Plan Ordinance; and

WHEREAS, the proposed site plan is generally consistent with the MainStreet Design Standards; and

WHEREAS, the proposed change to the Lyons Wiles Site Plan would promote the public health, safety, and welfare of the residents of the City of Coconut Creek; and

WHEREAS, at its meeting of February 13, 2013, the City's Planning and Zoning Board recommended approval of said site plan modification request subject to the following conditions:

1. All outstanding DRC comments shall be addressed by the applicant prior to the issuance of a building permit; and

WHEREAS, all staff reports, minutes of meetings, findings of fact and support documents are hereby incorporated as referenced;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing recitations are hereby ratified as true and correct, and are incorporated into the terms and conditions of this Ordinance.

Section 2: That at its meeting of February 13, 2013, the City's Planning and Zoning Board recommended approval of said site plan modification request subject to the following conditions:

1. All outstanding DRC comments shall be addressed by the applicant prior to the issuance of a building permit.

Section 3: That the City Commission hereby approves the modification request of Garrison Investment Group for the property legally described in Exhibit "A," attached hereto and made a part hereof, and hereby amends Ordinance No. 2006-039, as amended by Ordinance No. 2008-004.

Section 4: That the Lyons Wiles Site Plan shall be modified by removing 456 residential units from the development program.

Section 5: That the Lyons Wiles Site Plan shall be amended to permit a movie theater use on the parcel previously approved for residential use.

Section 6: That through the adoption of this Ordinance, the City Commission hereby vests the specific intensities for a mixed-use development totaling 268,000 square feet of retail and restaurant space, including a theater, and 50,000 square feet of office space.

Section 2: That the Mayor is hereby authorized to execute the attached easement deed granting said easement to Florida Power & Light Company.

Section 3: That in the event any provision of application of the Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 4: That all Ordinances or parts of Ordinances in conflict herewith are to the extent of said conflict, hereby repealed.


Section 5: That this Ordinance shall take effect immediately upon its passage.

PASSED FIRST READING THIS 28th DAY OF February, 2013.

PASSED SECOND READING THIS 14th DAY OF March, 2013.


Rebecca A. Tooley, Mayor

Attest:


Barbara S. Price, MMC
City Clerk

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Gerber	<u>Aye</u>	<u>Aye</u>	<u>Tooley</u>
Belvedere	<u>Aye</u>	<u>Aye</u>	<u>Aronson</u>
Sarbone	<u>Aye</u>	<u>Aye</u>	<u>Sarbone</u>
Tooley	<u>Aye</u>	<u>Aye</u>	<u>Belvedere</u>
Aronson	<u>Aye</u>	<u>Aye</u>	<u>Welch</u>

EXHIBIT "A"

Legal Description:

Parcel "A", Green Farm Replat, according to the Plat thereof as recorded in Plat Book 173, Page 116, of the Public Records of Broward County, Florida. Said lands lying in the City of Coconut Creek, Broward County, Florida, containing 23 acres more or less.