

ORDINANCE NO. 2006-039

A ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SITE PLAN REQUEST OF COCONUT CREEK DEVELOPMENT, LLC, FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY KNOWN AS 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 CONTAINING 23 ACRES MORE OR LESS; PROVIDING AN EFFECTIVE DATE

WHEREAS, the owner of the property, Coconut Creek Development, LLC ("Property Owner") is requesting site plan approval for said property; and

WHEREAS, the Property Owner proposes to construct 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 proposed site plan is generally consistent with the MainStreet Design Standards; and

WHEREAS, the Property Owner has filed a Planned MainStreet Development District (PMDD) rezoning application concurrent with the site plan, which is consistent with the effective land use plan of the City of Coconut Creek, and is based upon a strict adherence to the MainStreet Design Standards document; and

WHEREAS, at its meeting of August 9, 2006, the City's Planning and Zoning Board recommended the approval of said site plan request to the City Commission subject to the following conditions;

1. All outstanding DRC comments be addressed by the property owner including undergrounding utilities and perimeter landscaping.
2. Removal of proposed project signage from the site plan application and project signage to be addressed as an amendment to the site plan.

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

Section 1: That the City Commission has reviewed and approves the site plan for Coconut Creek Development, LLC, attached hereto and made a part hereof as Exhibit "B."

Section 2: That at its meeting of August 9, 2006, the City's Planning and Zoning Board recommended the approval of said site plan request to the City Commission with the following conditions:

- a. All outstanding DRC comments be addressed by the Applicant except as provided by Ordinance 2006-029.
- b. Removal of proposed project signage from the site plan application and project signage to be addressed as an amendment to the site plan.

Section 3: That through the adoption of this Ordinance, the City Commission hereby vests the specific densities and intensities shown on the site plan.

Section 4: In addition to the conditions recommended by the Planning and Zoning Board, the site plan shall be subject to the following conditions:

- a. An increase in intensity is permitted up to an additional 75,000 square feet for office space and will require an amendment to this Site Plan Ordinance. Additional intensity and/or density increase shall require an amendment to the Lyons/Wiles PMDD Ordinance.
- b. The commercial, office, and surface parking uses as depicted on the site plan shall be vested for a period of 18 months from final site plan approval by City Commission. If a building permit for a commercial or office principle building is not issued within the 18 month period, the commercial and office portion of the site plan shall expire. If construction does not commence within 180 days from issuance of said building permit, the commercial and office development program approval shall expire. A twelve (12) month extension of the site plan approval may be granted by the Development Services Director provided all applicable planning, building, zoning, and engineering regulations in effect at the time of the original site plan approval remain unchanged. An extension shall only be granted when an applicant has applied for an extension during the original effective period of the site plan and a determination that the project development is proceeding with due diligence has been made by the Development Services Director. Only one (1) extension shall be permitted. In the event construction does not

continue with due diligence, the development program shall expire upon written notice by the City to Coconut Creek Development, LLC, or their successors.

- c. The residential use and any parking garages shall be vested for a period of 24 months from final site plan approval by the City Commission. The property owner may request a one-time, 12 month extension prior to the end of the 24 month period. If a building permit for a residential principal building and a parking garage is not issued within the 12 month extension, the residential portion of the site plan approval shall expire. If construction does not commence within 180 days from issuance of building permit, the residential portion of the site plan approval shall expire. In the event construction does not thereafter continue with due diligence, the approval of the residential portion of the site plan shall expire upon written notice by the City to Coconut Development, LLC, or their successors.
- d. The Property Owner may modify architectural facades for individual tenant(s) so long as the overall architectural design of the project is not compromised. The property owner shall submit architectural plans to Development Services for review which shall be reviewed administratively by Development Services Department prior to submittal of building permits.
- e. Architectural facades where individual tenant(s) are proposed which require individual tenant storefront design or treatment shall be permitted to install wood storefronts consistent with the requirements of the Florida Building Code until tenant(s) are issued building permits. Wood storefronts shall be painted white on the exterior and contain the tenant name and the overall project name.

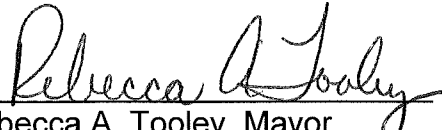
Section 5: That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 6: That all ordinances or parts of ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

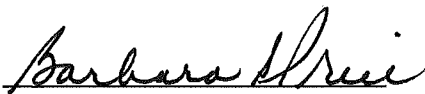
Section 7: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED FIRST READING THIS 9th DAY OF November, 2006.

PASSED SECOND READING THIS 19th DAY OF December 2006.


Rebecca A. Tooley, Mayor

ATTEST:


Barbara S. Price, MMC
City Clerk

	<u>1st</u>	<u>2nd</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Gerber	<u>Aye</u>	<u>Aye</u>
Freund	<u>Aye</u>	<u>Aye</u>
(Vacant)	_____	_____

WSS:jh:mb

\\Pdc\Data\Development Services\Common\Documents\Planning & Zoning\Commission\LyonsWiles site plan Ord 10-31-06.doc
10/30/06

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.