

ORDINANCE NO. 2013-009

AN ORDINANCE OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SITE PLAN REQUEST OF GUNTHER MOTOR COMPANY, FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY KNOWN AS TRACTS "A" AND "C", WHITWORTH PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 164, PAGE 1, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

WHEREAS, the owner of the property, Gunther Motor Company ("Property Owner"), is requesting site plan approval for said property; and

WHEREAS, the Property Owner proposes to construct a new multi-level vehicle storage garage with additional service bays and expansion of existing pre-owned vehicle building; and

WHEREAS, the Property Owner has processed a PMDD rezoning, known as Gunther Volkswagen PMDD, concurrent with the site plan; and

WHEREAS, the proposed site plan is consistent with the Gunther Volkswagen PMDD; and

WHEREAS, adoption of this Ordinance shall approve a development program of 79,000 square feet of new and used showroom space, offices, and service bays, and 179,000 square feet of garage for inventory, storage, and employee parking;

WHEREAS, the Property Owner has committed to participate in the City's Undergrounding Utility Phase III project for Cullum Road and has processed a Underground Utility Waiver application for overhead utilities along State Road 7; and

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

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

1. All outstanding DRC comments shall be addressed by the applicant.

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 City Commission has reviewed and hereby approves the site plan for Gunther Motor Company, attached hereto and made a part hereof as Exhibit "B."

Section 2: That the City Commission hereby accepts the recommendation of the Planning and Zoning Board of February 13, 2013, which recommended approval, subject to conditions, for the rezoning petition by Gunther Motor Company ("Property Owner") for the property legally described in Exhibit "A", attached hereto and made a part hereof, and hereby approves the site plan, subject to the following conditions:

- a. All outstanding DRC comments shall be addressed by the applicant.

Section 3: That through the adoption of this Ordinance, the City Commission hereby vests the specific intensities shown on the site plan consisting of 79,000 square feet of new and used showroom space, offices, and service bays, and 179,000 square feet of garage for inventory, storage, and employee parking.

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

- a. An increase in intensity is permitted for accessory structures associated with primary use and may be approved through the Administrative Approval process with Department of Sustainable Development. An increase in intensity for anything other than accessory structures will require an amendment to this Site Plan Ordinance.
- b. The development intensity as depicted on the site plan shall be vested for a period of 18 months from final site plan approval by the City Commission. If a building permit is not issued within the 18 month period, the development intensity granted by this ordinance shall expire. If construction does not commence within 180 days from issuance of said building permit, the development intensity granted by this ordinance shall expire.
- c. As part of building permit submittal, the Property Owner shall provide the following:

1. A green building project narrative demonstrating the Property Owner intent to meet the selected LEED components as outlined during the development review.
2. A construction and demolition plan for the project that addresses construction waste and recyclables.

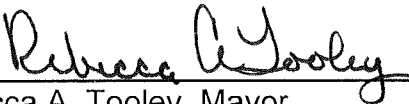
Section 5: That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

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 take effect immediately upon its passage and adoption.

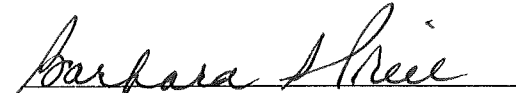
PASSED FIRST READING THIS 28th DAY OF March, 2013.

PASSED SECOND READING THIS 11th DAY OF April, 2013.



 Rebecca A. Tooley, Mayor

Attest:



 Barbara S. Price, MMC
 City Clerk

	<u>1st</u>	<u>2nd</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Aronson	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Absent</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>

SR:WSS:jw

S:\Data\Development Services\Common\Documents\PLANNING & ZONING\Project Coordinator\Ordinances\Ord743 site plan for gunther.docx

EXHIBIT "A"

Legal Description:

Tracts "A" and "C", Whitworth Plat No. 1, according to the Plat thereof as recorded in Plat Book 164, Page 1, of the Public Records of Broward County, Florida