

ORDINANCE NO. 2020-025

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE "VISTA GARDENS BALLROOM PLAT," FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY LOCATED AT 5011 WEST HILLSBORO BOULEVARD PURSUANT TO THE REQUIREMENTS OF SECTION 13-166, "FINAL PLAT ACCEPTANCE," OF THE CITY OF COCONUT CREEK CODE OF ORDINANCES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TAKE ANY NECESSARY ACTIONS TO EFFECTUATE SAID APPROVAL; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the property, Vista Gardens Ballroom LLC, ("Property Owner"), through an application in accordance with Section 13-165 of the Coconut Creek Code of Ordinances, has requested plat approval for the "Vista Gardens Ballroom Plat," legally described in Exhibit "A," attached hereto and incorporated herein and generally located at 5011 West Hillsboro Boulevard, within the City of Coconut Creek, Florida; and

WHEREAS, the "Vista Gardens Ballroom Plat," as prepared by Deni Land Surveyors, Inc., is incorporated herein by reference and made part of this ordinance as Exhibit "B;" and

WHEREAS, the underlying land use is Commercial; and

WHEREAS, the property is currently zoned A-1 (Agricultural) and O-2 (Local Office); and

WHEREAS, prior to development, the property will be rezoned to B-3 (Community Shopping); and

WHEREAS, the final plat shall be consistent with the zoning; and

WHEREAS, the plat is prepared in accordance with State of Florida Platting Law, Chapter 177, Florida Statutes; and

WHEREAS, a Plat Improvement Engineering Plan has been submitted to the City Engineer for review and has received conceptual approval of cost estimates for public improvement performance guarantees; and

WHEREAS, performance guarantees for plat improvements shall be submitted prior to issuance of engineering permits or building permits, whichever occurs first; and

WHEREAS, at a public hearing held on August 12, 2020, the City's Planning and Zoning Board recommended the approval of said plat to the City Commission; and

WHEREAS, the City Commission, after deliberation finds that approval of the "Vista Gardens Ballroom Plat" is in the best interest of the residents of the City of Coconut Creek; and

WHEREAS, the City Commission has determined that the above described plat approval is in the best interest of the City and that the public easements and dedications therein serve 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 office 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: That the foregoing recitations are hereby ratified as true and correct, and are incorporated into the plat approval as a condition of said approval by reference. All Exhibits attached hereto are incorporated herein and made a specific part of this ordinance.

Section 2: That the reports, findings and recommendations of the City staff and the Planning and Zoning Board are hereby incorporated, and all exhibits submitted and

facts or opinions stated at the Planning and Zoning Board public hearing have been transmitted and considered by the City Commission.

Section 3: That the “Vista Gardens Ballroom Plat,” generally located at 5011 West Hillsboro Boulevard and legally described in Exhibit “A,” attached hereto and incorporated herein, is hereby approved subject to the following conditions:

- a. The plat shall be completed in accordance with Sections 13-164.1, 13-165, 13-166 and 13-186(a)(b)(d)(e), Coconut Creek Code of Ordinances.
- b. The property owner shall be required to execute and obtain the City’s approval of a Water and Wastewater Agreement prior to the recordation of the plat in the Public Records of Broward County, Florida consistent with the provision of Section 13-166(c), Coconut Creek Code of Ordinances. The aforementioned action shall set forth the terms and conditions of proposed water and wastewater service for the plat.
- c. Construction estimates shall be submitted to the City Engineering Division. A guarantee in the form of a bond shall be submitted to the City prior to the issuance of engineering permits or building permits. The submission of bonds shall be required prior to the issuance of any engineering and building permits. The Director of Sustainable Development shall require public improvements to be initiated by the owner or assigns with a 90-day notice.
- d. Any modifications to the plat document made within two weeks of the plat recordation shall be made known to the City Engineer by providing engineer of record annotation to print copies of the plat.
- e. Required easements, as identified during the plat review, must be recorded concurrent with the plat recordation.

Section 4: That the “Vista Gardens Ballroom Plat” conforms to the concurrency requirements set forth under Section 13-140 “Consistency and Concurrency Determination Standards” and said plat is consistent with City/County Comprehensive Plans and Section 13-141 “Levels of Services” within the City of Coconut Creek Land Development Code.

Section 5: That the “Vista Gardens Ballroom Plat” is hereby approved subject to conditions, required improvements, and/or obligations as described in Broward County’s final Development Review Report for the Plat. The property owner shall provide to the City copies of all County Agreements related to such improvements and obligations upon recordation.

Section 6: That Vista Gardens Ballroom, LLC, and or their assigns, agree to use City franchisees for cable TV, telephone, electric, waste removal, and recycling related to the development and use of the subject property.

Section 7: That the appropriate City officials are authorized to sign the face of the plat as necessary.

Section 8: That this ordinance shall be recorded in the Public Records of Broward County, Florida, with the Petitioner to pay the cost thereof and forward a recorded copy and mylar to the City.

Section 9: 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 10: That all ordinances or parts of ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

Section 11: That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 10TH DAY OF SEPTEMBER, 2020.

PASSED SECOND READING THIS 24TH DAY OF SEPTEMBER, 2020.

Louis Sarbone, Mayor

Attest:

Leslie Wallace May, City Clerk

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

EXHIBIT "A"

Legal Description:

THE EAST 100 FEET OF THE WEST 215 FEET, EXCEPTING THEREFROM THE NORTH 280 FEET OF THE WEST ½ OF TRACT 3, IN BLOCK 85, OF PALM BEACH FARMS COMPANY'S PLAT NO.3, AS SHOWN IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LESS THE SOUTH 60 FEET THEREOF.

TOGETHER WITH:

THE EAST 115 FEET, LESS THE NORTH 280 FEET OF THE WEST ½ OF TRACT 3, BLOCK 85, PALM BEACH FARMS COMPANY'S PLAT NO.3 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 60 FEET THEREOF.

AND:

TRACT A-1 BUFFER TOGETHER WITH TRACT "A" ACCORDING TO THE PLAT OF "JANIS PLAT", AS RECORDED IN PLAT BOOK 174, PAGE 18, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTH 260 FEET OF SAID TRACT "A". SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA;