

ORDINANCE NO. 2017-015

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING ORDINANCE 2013-007, WHICH APPROVED THE GUNTHER VOLKSWAGEN PLANNED MAINSTREET DEVELOPMENT DISTRICT (PMDD) AND HEREBY APPROVING THE MODIFICATION REQUEST OF GUNTHER MOTOR COMPANY TO INTRODUCE A NEW VOLVO AUTOMOBILE DEALERSHIP AT THE EXISTING GUNTHER VOLKSWAGEN SITE 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; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the property, Gunther Motor Company ("Property Owner"), is requesting a modification of the Gunther Volkswagen Planned MainStreet Development District (PMDD); and

WHEREAS, the proposed PMDD rezoning modification has an underlying land use of Regional Activity Center; and

WHEREAS, the proposed PMDD rezoning modification is consistent with the effective land use plan of the City of Coconut Creek; and

WHEREAS, the property owner has met the requirements of Section 13-361, Code of Ordinances, entitled "MainStreet Project Area Design Standards" and all other requirements of Chapter 13, Code of Ordinances, Article III thereof, entitled "Zoning Regulations," of the City of Coconut Creek; and

WHEREAS, the proposed change to the Gunther Motor Company PMDD would promote the public health, safety, and welfare of the residents of the City of Coconut Creek; and

WHEREAS, at its public hearing held on March 8, 2017, 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 the following condition:

- a. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to issuance of a building permit; and

WHEREAS, the City Commission finds and determines that this action is in the best interest of the City 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 official City Development/Project file kept within the Department of Sustainable Development.

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

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.

Section 2: Public Purpose. That the City Commission finds and determines that the above described rezoning is in the best interest of the residents of the City of Coconut Creek and serves a public purpose.

Section 3: That the rezoning application submitted by Gunther Motor Company for a modification to the existing PMDD to the pre-owned sales building to provide for a new Gunther Volvo Dealership located at the southeast corner of North State Road 7/U.S. 441 and Cullum Road, and more particularly described in Exhibit “A,” having been recommended for approval by the Planning and Zoning Board on March 8, 2017, and having been reviewed by the City Commission, is hereby approved subject to the following condition:

- a. Outstanding DRC comments remain effective throughout the development review process and shall be addressed prior to the issuance of a building permit.

Section 4: That the Gunther Motor Company and their assigns shall proceed in compliance with the Gunther Motor Company PMDD as modified; and

Section 5: That the Gunther Motor Company PMDD shall operate under unified control and adequate documentation has been submitted and certified by the City Attorney to ensure unified control.

Section 6: That this rezoning shall not be construed to create a right to any development of the property that fails to meet the requirements of Chapter 13, City of Coconut Creek Code of Ordinances, and any other Broward County land development regulations, except as specifically provided in this ordinance.

Section 7: 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 8: Effective Date. That this Ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 27TH DAY OF APRIL, 2017.

PASSED SECOND READING THIS _____ DAY OF _____, 2017.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

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

WSS:jw

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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.