

RESOLUTION NO. 2024-087

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SITE PLAN REQUEST OF DAVID AULD OF JOHNS FAMILY PARTNERS, LLLP TO PERMIT A MAXIMUM OF 124 CONDOMINIUM UNITS FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT “A,” ATTACHED HERETO AND MADE A PART HEREOF, GENERALLY DESCRIBED AS BLOCK 11 OF THE MAINSTREET AT COCONUT CREEK DEVELOPMENT; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant, Scott Backman of Miskel Backman, LLP, on behalf of the property owner, David Auld of Johns Family Partners, LLLP (“Applicant”), is requesting Site Plan approval for property generally located on the southeast corner of Cullum Road and Banks Road, as legally described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, the Applicant is seeking Site Plan approval for 124 condominium units within the existing MainStreet at Coconut Creek Planned MainStreet Development District (MainStreet PMDD); and

WHEREAS, the proposed improvements are consistent with the MainStreet PMDD and Land Development Code of the City of Coconut Creek; and

WHEREAS, at its public hearing held on May 8, 2024, 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 conditions of approval; and

WHEREAS, the City Commission finds and determines that this Site Plan is in the best interest of the City and based upon the evidence presented at the public hearing, and 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, is consistent with the requirements of the MainStreet at Coconut Creek PMDD, Article III, "Zoning Regulations," of Chapter 13, "Land Development Code," of the City of Coconut Creek, and the City of Coconut Creek Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED 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 resolution.

Section 2: Finding. That the City Commission finds and determines that the above described Site Plan complies with the MainStreet PMDD zoning regulations, the requirements of Article III, "Zoning Regulations," of Chapter 13, "Land Development Code," of the City of Coconut Creek Code of Ordinances, and the City of Coconut Creek Comprehensive Plan.

Section 3: Approval. That this Site Plan application for 124 condominium units, as depicted in Exhibit "B," attached hereto and incorporated herein, is hereby approved subject to the following conditions:

1. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to building permit issuance or as otherwise stated therein.
2. This approval is subject to Public School Concurrency determination and mitigation required by the Broward County School Board and pursuant to the Regional Activity Center Educational Mitigation Agreement.
3. This approval shall not be effective until the applicant's sale of the property has closed and the MainStreet at Coconut Creek Development Agreement has become effective.

Section 4: Violation of Conditions. That failure to adhere to the terms and conditions of the approval above shall be considered a violation of the City Code and persons found violating the conditions shall be subject to the penalties prescribed by the City Code, including but not limited to, the revocation of the approvals granted by this resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the City before it may commence construction or operation, and the City Commission may revoke this resolution at any time upon a determination that the Applicant is not in compliance with the City Code or this resolution.

Section 5: Compliance with Applicable Codes and Development Agreement. That the final Site Plan and building plans shall comply with all applicable zoning

regulations, building codes, and the terms and conditions of the MainStreet at Coconut Creek Development Agreement.

Section 6: Other Approvals. That this approval does not in any way create a right on the part of the Applicant to obtain a permit from a county, state, or federal agency, and does not create liability on the part of the City for issuance of the approval if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a county, state or federal agency or undertakes action that result in a violation of county, state or federal law.

Section 7: Direction to City Clerk. That the City Clerk, or designee, is hereby directed to incorporate the appropriate plat references contained in the legal description included as Exhibit "A," attached hereto, upon recordation of the MainStreet at Coconut Creek Plat.

Section 8: Severability. That should any section or provision of this resolution, 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 9: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

Section 10: Effective Date. That this resolution shall be in full force and effect upon its adoption provided that the Site Plan approved herein shall not be effective until the applicant's sale of the property has closed and the MainStreet at Coconut Creek Development Agreement has become effective.

Adopted this _____ day of _____, 2024.

Sandra L. Welch, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

Welch _____

Railey _____

Rydell _____

Brodie _____

Wasserman _____

EXHIBIT "A"

LEGAL DESCRIPTION: BLOCK 11

A PARCEL OF LAND BEING A PORTION OF TRACT 5, MAINSTREET AT COCONUT CREEK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK ____, PAGE ____ OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA. SAID LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHERN MOST, NORTHWEST CORNER OF SAID TRACT 5;

THENCE SOUTH 0°25'06" EAST ALONG THE WEST LINE OF SAID TRACT 5 AND THE EAST RIGHT-OF-WAY LINE FOR BANKS ROAD, A DISTANCE OF 25.04 FEET TO A POINT 50.10 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 5 AND TO THE POINT OF BEGINNING;

THENCE NORTH 89°37'34" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 295.35 FEET;

THENCE SOUTH 00°25'06" EAST, A DISTANCE OF 258.61 FEET;

THENCE SOUTH 25°00'00" EAST, A DISTANCE OF 213.45 FEET;

THENCE SOUTH 00°25'56" EAST, A DISTANCE OF 177.50 FEET TO A POINT ON THE NORTH LINE OF 265 FOOT FLORIDA, POWER, AND LIGHT UTILITY EASEMENT ACCORDING TO THE OFFICIAL RECORDS BOOK 1004, PAGE 379 OF THE SAID PUBLIC RECORDS;

THENCE SOUTH 89°37'34" WEST ALONG SAID NORTH LINE, A DISTANCE OF 384.19 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 5;

THENCE NORTH 00°25'06" WEST ALONG THE SAID WEST LINE AND SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 630.15 FEET TO THE POINT OF BEGINNING;

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA, AND CONTAINING 210,495.17 SQUARE FEET, 4.8323 ACRES