

ORDINANCE NO. 2023-033

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE REZONING REQUEST MADE BY DAVID AULD OF JOHNS FAMILY PARTNERS, LLLP AND THE CITY OF COCONUT CREEK TO REZONE FROM A-1 (AGRICULTURAL), MCJAMES PCD (PLANNED COMMERCE DISTRICT), R.M. GREEN PCD (PLANNED COMMERCE DISTRICT), AND IO-1 (INDUSTRIAL OFFICE DISTRICT) TO PMDD (PLANNED MAINSTREET DEVELOPMENT DISTRICT) AND ADOPT THE “MAINSTREET @ COCONUT CREEK PMDD” DEVELOPMENT STANDARDS TO PERMIT A MAXIMUM OF 2,360 MULTI-FAMILY RESIDENTIAL UNITS AND 225,000 SQUARE FEET OF NON-RESIDENTIAL USE FOR THE PROPERTIES LEGALLY DESCRIBED IN EXHIBIT “A,” ATTACHED HERETO AND MADE A PART HEREOF; 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 Dunay, Miskel & Backman, LLC, on behalf of the property owner David Auld of Johns Family Partners, LLLP, in cooperation with the City of Coconut Creek as a property owner (collectively the “Applicant”), is requesting a rezoning approval from A-1 (Agricultural), McJames PCD (Planned Commerce District), R.M. Green PCD (Planned Commerce District), and IO-1 (Industrial Office District) to PMDD (Planned MainStreet Development District) to permit a maximum of 2,360 multi-family residential units and 225,000 square feet of non-residential use for the properties generally located between Lyons Road and State Road 7 (U.S. 441) and between Wiles Road and Sample Road, as legally described in Exhibit “A,” attached hereto and made a part hereof; and

WHEREAS, the properties proposed for PMDD rezoning have an underlying future land use plan map designation of Regional Activity Center (RAC); and

WHEREAS, the proposed PMDD rezoning request is consistent with the RAC Future Land Use Map Designation and with the City of Coconut Creek’s Land Development Code and Comprehensive Plan; and

WHEREAS, the proposed alternative solutions outlined in Exhibit “P” of the MainStreet @ Coconut Creek PMDD ensure development will maintain the overall principles and purpose of the MainStreet Design Standards; and

WHEREAS, at its public hearing held on October 11, 2023, 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 recommended approval of this item to the City Commission subject to the following conditions:

1. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to the first City Commission meeting or as otherwise stated therein; and

WHEREAS, the City Commission has determined that the above described rezoning is in the best interest of the City and serves a public purpose based upon all the Development Review Committee comments and meeting minutes, Planning and Zoning Board meeting minutes, City staff reports, and findings pertaining to this project located within the official City Development/Project file kept within the Department of Sustainable Development incorporated herein.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

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. All exhibits attached hereto are made a part hereof and made a specific part of this ordinance.

Section 2: Finding. That the City Commission finds and determines that the rezoning complies with City Code Section 13-36(e), “Rezoning Standards,” is consistent with the City’s Comprehensive Plan, and that the proposed alternative solutions outlined in Exhibit “P” of the MainStreet @ Coconut Creek PMDD maintain the overall principles and purpose of the MainStreet Design Standards.

Section 3: Approval. That the City Commission hereby approves the rezoning and the MainStreet @ Coconut Creek PMDD, incorporating new development standards, and referencing the codified list of permitted and special land uses as provided in the

MainStreet @ Coconut Creek PMDD, attached hereto as Exhibit "B," for the property legally described in Exhibit "A," all as attached hereto and made a part hereof, subject to the following conditions of approval:

1. Outstanding DRC comments remain effective throughout the development review process and must be addressed as stated therein, provided all DRC comments and City Commission revisions directly affecting the MainStreet @ Coconut Creek PMDD document, shall be implemented and the revised document submitted to the City in final form no later than eleven (11) calendar days after approval by the City Commission on second reading.
2. Pursuant to Section ~~380.06~~163.3225, Fla. Stat., the applicant shall enter into a Development Agreement with the City of Coconut Creek, in a form approved by the City Attorney, upon the terms and conditions approved by the City Commission. Such Development Agreement, upon execution, shall be incorporated herein and compliance with the terms and conditions of such Development Agreement shall be a condition of approval of this MainStreet @ Coconut Creek PMDD.
3. The MainStreet @ Coconut Creek PMDD is consistent with the Development of Regional Impact (DRI) Development Order Ordinance No. 2023-034 and shall be maintained and adhered to in such a way as to maintain ongoing consistency with the DRI.
4. This ordinance establishes maximum densities, intensities, and heights at a general block level. Detailed, location-specific densities, intensities, and heights will be further defined and identified by the City Commission by resolution or ordinance as applicable, after recommendation by the Planning and Zoning Board, as each individual site plan is reviewed on a block-by-block basis.
5. 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.
6. ~~Prior to the second reading by the City Commission~~ consideration of the Developer's Agreement, the applicant shall provide appropriate Property Owner Association, Homeowner Association, or other applicable Unified Control documents, and maintenance and easement access agreement(s) for the PMDD in a form approved by the City Attorney's Office, which document(s) shall be executed and within seven (7) days of adoption of the PMDD ordinance. ~~Said documents shall be held in escrow until the subject property is transferred to the Developer applicant and recorded at the Developer's applicant's expense at the time of closing.~~
7. ~~Prior to City Commission consideration of the Developer's Agreement, the applicant shall provide appropriate Property Owner Association, Homeowner Association, or other applicable unified control documents, and maintenance and easement access agreement(s) in a form approved by the City Attorney's Office, which documents shall be executed and held in escrow until the subject property is transferred to the applicant and recorded at the applicant's expense at the time of closing.~~
7. The Streetscapes and Roadway Designs in Section III(C) of the MainStreet PMDD are conceptual and more detailed streetscape and roadway design plans will be shown on the Roadway Site Plan.

8. Development block site plans and building layout shown in the PMDD and in Exhibits G, H, I, Q, R, S, T, U, and ZA are conceptual and more detailed development block site plans will be shown on each development block site plan.

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 this ordinance may be revoked by the City Commission at any time upon a determination that the applicant is not in compliance with the City Code or this ordinance.

Section 5: 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 state or federal agency or undertakes action that result in a violation of state or federal law.

Section 6: Agreement for Services. That the Applicant, property owner, and/or assigns agree to use City franchisees for all services related to the development and use of the subject property.

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: 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 ordinance are hereby repealed to the extent of such conflict.

Section 9: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 14TH DAY OF DECEMBER, 2023.

PASSED SECOND READING THIS 25TH DAY OF JANUARY, 2024.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

	<u>1st</u>	<u>2nd</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>
Railey	<u>Aye</u>	<u>Aye</u>
Brodie	<u>Aye</u>	<u>Aye</u>
Wasserman	<u>Aye</u>	<u>Aye</u>

EXHIBIT "A"

Legal Description:

TRACTS 24, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 60, AND 73, BLOCK 89, PALM BEACH FARMS CO. PLAT NO. 3, AS PER MAP OF PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 54, OF THE PUBLIC RECORDS OF PALM BEACH, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA;

LESS AND EXCEPT THE NORTH 20 FEET OF TRACTS 33 AND 42 CONVEYED TO BROWARD COUNTY BY WARRANTY DEEDS RECORDED IN OFFICIAL RECORDS BOOK 24, PAGE 594 AND OFFICIAL RECORDS BOOK 14, PAGE 599;

LESS THOSE PORTIONS OF TRACTS 33 AND 55 CONVEYED TO THE BROWARD COUNTY EXPRESSWAY AUTHORITY, AND BROWARD COUNTY, FLORIDA, BY ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 13966, PAGE 480;

LESS THAT PORTION OF TRACT 24 KNOWN AS PARCEL NO. 101, CONVEYED TO THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, BY WARRANTY DEEDS RECORDED IN OFFICIAL RECORDS BOOK 21899, PAGES 826 THROUGH 842, INCLUSIVE AND THAT PORTION OF TRACT 42 KNOWN AS PARCEL NO. 102, CONVEYED TO THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, BY WARRANTY DEEDS RECORDED IN OFFICIAL RECORDS BOOK 21899, PAGES 845 THROUGH 861, INCLUSIVE, ALL OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA;

AND LESS ALL PREVIOUSLY DEEDED OR DEDICATED ROAD RIGHTS OF WAY.

TOGETHER WITH:

ALL OF PARCEL "A", AND A PORTION OF THE ROW DEDICATED BY LYONS COMMONS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 181, PAGES 183-184 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

A PORTION OF PARCEL "A", MCJAMES PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 147, PAGE 18, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, IS DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID PARCEL THENCE ALONG THE BOUNDARY OF SAID PARCEL "A" FOR THE FOLLOWING TWO (2) COURSES: (1) SOUTH 00°24'36" EAST, 608.36 FEET; (2) SOUTH 89°37'53" WEST 185.75 FEET; THENCE NORTH 00°22 1 /07" WEST, 613.01 FEET TO THE NORTH BOUNDARY OF SAID PARCEL "A" AND A POINT ON A 3,467.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE NORTH WHOSE RADIUS POINT BEARS NORTH 02°35'55" EAST; THENCE EASTERLY ALONG SAID BOUNDARY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 02°58'02 "T AN ARC DISTANCE OF 179.54 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID NORTH BOUNDARY, NORTH 89°37'53" EAST 5.85 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PARCEL "A" AND "B", R. M. GREEN CORPORATION PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 164, PAGE 19, IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

PORTIONS OF A AND B, HIGH SCHOOL "GGG" SITE 354.1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 170, PAGES 99-101 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. BEGINNING AT THE WESTERN-MOST SOUTHWEST CORNER OF SAID PARCEL B; THENCE NORTH 00°25'05" WEST, ALONG THE WEST LINE OF SAID PARCEL B, A DISTANCE OF 478.00 FEET; THENCE NORTH 89°37'35" EAST, ALONG A LINE 508.00 FEET NORTH OF, WHEN MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE SOUTH LINE OF SAID PARCEL B, A DISTANCE OF 212.00 FEET; THENCE SOUTH 00°25'05" EAST, ALONG A LINE 212.00 FEET EAST OF, WHEN MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH SAID WEST LINE, A DISTANCE OF 108.00 FEET; THENCE NORTH 89°37'35" EAST ALONG A LINE 400.00 FEET NORTH OF, WHEN MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE SOUTH LINE OF SAID PARCEL B, A DISTANCE OF 806.47 FEET; THENCE SOUTH 37°30'40" EAST, A DISTANCE OF 24.76 FEET; THENCE SOUTH 00°22'25" EAST A DISTANCE OF 380.27 FEET TO A POINT ON SAID SOUTH LINE OF PARCEL B; THENCE SOUTH 89°37'35" WEST, ALONG SAID SOUTH LINE OF PARCEL B, A DISTANCE OF 1003.10 FEET; THENCE NORTH 45°23'43" WEST, ALONG THE SOUTHWEST LINE OF SAID PARCEL B, A DISTANCE OF 42.44 FEET TO THE POINT OF BEGINNING.

LESS THE FOLLOWING: (HOME DEPOT PARCEL)

A PORTION OF PARCEL "A" OF R. M. GREEN CORPORATION PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 164, PAGE 19, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF PARCEL OF SAID PLAT, THENCE ALONG THE WEST LINE OF SAID PARCEL "B" (BEARING BASIS) NORTH 00°24'36" WEST, 28.64 FEET; THENCE NORTH 60°23'56" EAST 74.46 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°24'36" WEST, 217.00 FEET; THENCE NORTH 89°37'53" EAST 600.00 FEET; THENCE SOUTH 00° /24'36" EAST, 217.00 FEET; THENCE SOUTH 89°37'53" WEST 600.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA.