

ORDINANCE NO. 2019-017

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SPECIAL LAND USE APPLICATION SUBMITTED BY VILLAGE SHOPPES OF COCONUT CREEK INVESTMENTS, LLC TO PERMIT A CHICK-FIL-A RESTAURANT WITH A DUAL DRIVE-THRU LANE FOR THE PROPERTY GENERALLY LOCATED AT 4670 STATE ROAD 7 (441), AT THE NORTHEAST CORNER OF WILES AND STATE ROAD 7 AS LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, PURSUANT TO THE PROVISIONS OF SECTION 13-35, "SPECIAL LAND USE," OF THE CITY OF COCONUT CREEK CODE OF ORDINANCES; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Village Shoppes of Coconut Creek Investments, LLC has made application for a Chick-Fil-A restaurant with a dual drive-thru lane for the property described in Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, Section 13-35 of the City's Land Development Code provides a review process for special land uses to ensure such uses, which are not generally appropriate throughout the particular zoning district or classification, are appropriate as proposed in the specific location when considering that, if limited as to number, area, location or relation to a neighborhood, the specific circumstances of the development ensure the use will not adversely affect the public health, safety, comfort, appearance, morals and general welfare of the community; and

WHEREAS, at its public hearing held on July 10, 2019, 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 considered two alternative development scenarios and recommended approval of Alternative 1 and approval of Alternative 2; and

WHEREAS, the City Commission has determined, 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, that its final decision on the above described special land use application, as ordered herein is in the best interest of the City.

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 incorporated herein and made a specific part of this ordinance.

Section 2: Findings. That the City Commission finds and determines that the above described special land use meets the requirements of the City’s Land Development Code and particularly, Sections 13-35(f) and (g).

Section 3: City Commission Action.

- (a) That the special land use application **Alternative 1**, submitted by Village Shoppes of Coconut Creek Investments, LLC entitled Chick-Fil-A at Village Shoppes of Coconut Creek Special Land Use and dated October 2018, as shown on the attached site plan (Alternative 1) for a dual drive-thru lane for a free-standing Chick-Fil-A restaurant for the property generally located at the Village Shoppes of Coconut Creek Plaza, located at 4670 State Road 7 (US 441), is hereby denied as submitted; and
- (b) That the special land use application **Alternative 2**, submitted by Village Shoppes of Coconut Creek Investments, LLC, entitled Chick-Fil-A at Village Shoppes of Coconut Creek Special Land Use and dated August 2019, as shown on the attached site plan (Alternative 2), attached as Exhibit “B,” for a dual drive-thru lane for a free-standing Chick-Fil-A restaurant for the property generally located at the Village Shoppes of Coconut Creek Plaza, located at 4670 State Road 7 (US 441), and more particularly described in Exhibit “A,” is hereby approved as submitted; and
- (c) Any approval granted herein shall be subject to the following condition:
 - 1. Outstanding DRC comments remain effective throughout the development review process and shall be addressed prior to the submittal of a building permit, unless any individual comment is superseded by this action.

Section 4: Other Approvals. This approval does not in any way create a right on the part of the applicant to obtain a permit from a 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 5: 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 6: 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 7: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING 11TH DAY OF JULY, 2019.

PASSED SECOND READING THIS 8TH DAY OF AUGUST, 2019.

Sandra L. Welch, Mayor

Attest:

Leslie Wallace May, City Clerk

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

EXHIBIT "A"

Legal Description:

A PARCEL OF LAND LYING WITHIN AND BEING A PORTION OF TRACT B, ALEXANDER-YOUNG PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 164, PAGE 10, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT B, SAID ALEXANDER-YOUNG PLAT, THENCE NORTH 89°37'35" EAST ALONG NORTH LINE OF SAID TRACT B, A DISTANCE OF 208.01 FEET; THENCE SOUTH 01°00'19" EAST A DISTANCE OF 235.0' FEET; THENCE SOUTH 89°37'35" WEST A DISTANCE OF 208.01 FEET TO THE WEST LINE OF SAID TRACT B; THENCE NORTH 01°00'19" WEST ALONG SAID WEST LINE A DISTANCE OF 235.01 FEET TO THE POINT OF BEGINNING.

CONTAINING +/- 48,883 SQUARE FEET OR 1.1222 ACRES MORE OR LESS.