

ORDINANCE NO. 2023-006

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE REZONING REQUEST MADE BY HAMSA HAND HOLDINGS, LLC TO AMEND THE EXISTING HALE PCD (PLANNED COMMERCE DISTRICT) TO REVISE DEVELOPMENT STANDARDS AND THE LIST OF PERMITTED AND SPECIAL LAND USES IN ORDER TO CONSTRUCT A GROCERY STORE, SELF-STORAGE FACILITY, AND FAST FOOD COFFEE SHOP WITH DRIVE-THRU FOR THE PROPERTY GENERALLY LOCATED AT 4808-4888 COCONUT CREEK PARKWAY, 1019 LYONS ROAD, AND 1049 LYONS ROAD, LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Hamsa Hand Holdings, LLC is requesting rezoning approval to amend the existing Hale PCD (Planned Commerce District) to revise the development standards and the list of permitted and special land uses in order to construct a grocery store, self-storage facility, and fast food coffee shop with drive-thru for the property legally described in Exhibit "A," attached hereto and incorporated herein; and

WHEREAS, the City's Comprehensive Plan permits the use of: "Wholesale, storage, light fabricating and warehouse uses, if deemed appropriate by the City" on commercially zoned parcels of land; and

WHEREAS, the proposed rezoning to PCD is compatible with the surrounding existing zoning designations and uses for the properties in this vicinity; and

WHEREAS, the proposed rezoning will be consistent with the City of Coconut Creek Comprehensive Plan and Future Land Use Map; and

WHEREAS, at its public hearing held on March 8, 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 has recommended approval of this item to the City Commission subject to conditions; 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 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, 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: Findings. That the City Commission finds and determines that:

1. The above described amendment meets the requirements of the City’s Land Development Code, including Section 13-36, “Zoning Map Amendments,” subsection (e), “Standards for Decisions,” and Section 13-356, “Same [PCD, Planned Commerce District Generally] – Rezoning of land to PCD;”
2. The proposed self-storage facility land use is appropriate; and
3. The proposed application is consistent with the City of Coconut Creek Comprehensive Plan and Future Land Use Map.

Section 3: Approval. That the City Commission accepts the recommendation of the Planning and Zoning Board of March 8, 2023, and hereby approves the rezoning and amendments to the Hale PCD by incorporating new development standards and an updated list of permitted and special land uses as provided in the Hale PCD, 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 prior to issuance of a building permit unless otherwise stated therein.
2. The applicant shall record the Unified Control Agreement and the Access Easement Agreement as approved by the City Attorney’s Office prior to second reading of this ordinance.

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 ordinance. 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 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: 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 8: 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 9: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 27TH DAY OF APRIL, 2023.

PASSED SECOND READING THIS 11TH DAY OF MAY, 2023.

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>

JP:ae

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EXHIBIT "A"

Legal Description of Rezoning

TRACT B, THE HALE PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 137, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

EXHIBIT "B"

(Hale PCD Document)