

ORDINANCE NO. 2020-002

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE REZONING REQUEST OF 7-ELEVEN, INC. TO REZONE FROM B-2 (CONVENIENCE SHOPPING) TO B-3 (COMMUNITY SHOPPING) FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY KNOWN AS A PORTION OF TRACT 3, BLOCK 94, "PALM BEACH FARMS COMPANY PLAT NO. 3," IN SECTION 31, TOWNSHIP 48 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; PROVIDING FOR A PUBLIC PURPOSE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 7-Eleven, Inc., owner of the property described in Exhibit "A," attached hereto and made a part hereof, is requesting a rezoning of said property from B-2 (Convenience Shopping) to B-3 (Community Shopping); and

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

WHEREAS, the owner has met the requirements of Chapter 13, Code of Ordinances, Article III thereof, entitled "Zoning Regulations," of the City of Coconut Creek; and

WHEREAS, the Planning and Zoning Board has recommended approval of the rezoning at its December 11, 2019, meeting; 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 incorporated herein and 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: Approval. That the City Commission hereby accepts the recommendation of the Planning and Zoning Board of December 11, 2019, and hereby approves the application made by Keith and Associates, on behalf of the owner 7-Eleven, Inc., for the property legally described in Exhibit “A,” attached hereto and made a part hereof, and hereby approves the rezoning request from B-2 (Convenience Shopping) to B-3 (Community Shopping).

Section 4: 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 5: 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 6: That the City of Coconut Creek Sustainable Development Director shall make the necessary changes to the official zoning map of the City to effectuate said rezoning.

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 23RD DAY OF JANUARY, 2020.

PASSED SECOND READING THIS 13TH DAY OF FEBRUARY, 2020.

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>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>

WSS:ae

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EXHIBIT "A"

Legal Description:

A PORTION OF TRACT 3, OF BLOCK 94, "PALM BEACH FARMS COMPANY PLAT NO. 3," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING SECTION 31, TOWNSHIP 48 SOUTH, RANGE 42 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31, THENCE RUN NORTH 89°49'20" EAST, ALONG THE CENTERLINE OF HAMMONDVILLE ROAD FOR 2253.68 FEET; THENCE RUN SOUTH 00°40'20" WEST, ALONG THE CENTERLINE OF BANKS ROAD, FOR 50.01 FEET; THENCE RUN NORTH 89°49'20" EAST, FOR A DISTANCE OF 185.02 FEET; THENCE SOUTH 00°40'20" WEST FOR A DISTANCE OF 173.51 FEET TO A POINT ON THENCE NORTH LINE OF PARCEL "A" BELL OF MARGATE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 85, PAGE 45, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE RUN NORTH 89°19'47" WEST, FOR A DISTANCE OF 185.00 FEET; THENCE RUN NORTH 00°40' 20" EAST, ALONG A LINE PARALLEL WITH AND 15.00 FEET EAST OF THE CENTERLINE OF BANKS ROAD FOR 170.77 FEET TO THE POINT OF BEGINNING.