

**ORDINANCE NO. 2017-001**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SPECIAL LAND USE APPLICATION SUBMITTED BY WAL-MART STORES EAST, LP, FOR A LIQUOR STORE FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY KNOWN AS WAL-MART AT COCONUT CREEK PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 176, PAGES 141-142 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; PURSUANT TO THE PROVISIONS OF SECTION 13-35, CITY OF COCONUT CREEK CODE OF ORDINANCES; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Wal-Mart Stores East, LP, has made application for a liquor store for a portion of 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 permits said use as a special land use; and

**WHEREAS**, at its public hearing held on October 12, 2016, 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 the following conditions:

1. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to issuance of a building permit; and
2. The applicant shall consult with City staff and the Coconut Creek Police Department for additional security needs at the facility; and

**WHEREAS**, the City Commission has determined that the above described special land use is in the best interests of the residents of the City of Coconut Creek and serves a public purpose.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1:** That the special land use application submitted by Wal-Mart Stores East, LP, for a liquor store located at 5571 Hillsboro Boulevard, Coconut Creek, FL 33073, and more particularly described as Wal-Mart at Coconut Creek Plat, according to the Plat thereof, as recorded in Plat Book 176, Pages 141-142, of the Public Records of Broward County, Florida, having been recommended for approval by the Planning and Zoning Board on October 12, 2016, and having been reviewed on Second Reading by the City Commission, on January 26, 2017, is hereby approved subject to the following conditions:

- a. Outstanding DRC comments remain effective throughout the development review process and shall be addressed prior to the issuance of a building permit.
- b. The applicant shall consult with City staff and the Coconut Creek Police Department for additional security needs at the facility.
- c. Wal-Mart agrees to gather and share data related to the market demand and the public safety impacts to the City justifying the need to maintain the closing hours as 12:00 a.m. This data shall be shared with the Director of Sustainable Development within six (6) months of opening the liquor store and periodically as requested.

**Section 2:** That the final site plans and building plan shall comply with all applicable zoning regulations and building codes.

**Section 3:** That the operation of the liquor store shall be subject to the following conditions:

- a. Hours of operation are limited as follows:  
Monday through Saturday 8:00 a.m. – 12:00 a.m.  
Sunday 9:00 a.m. – 12:00 a.m.

**Section 4:** That the City Commission finds and determines that the above described special land use is in the best interests of the residents of the City of Coconut Creek and serves a public purpose.

**Section 5: Severability.** That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

**Section 6: Conflicts.** That all ordinances or parts of ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

**Section 7: Effective Date.** That this Ordinance shall become effective upon its passage on second and final reading.

**PASSED FIRST READING THIS 12<sup>th</sup> DAY OF JANUARY, 2017.**

**PASSED SECOND READING THIS 26<sup>th</sup> DAY OF JANUARY, 2017.**

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Mikkie Belvedere, Mayor

Attest:

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Leslie Wallace May, City Clerk

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

## EXHIBIT "A"

### **Legal Description:**

A portion of Wal-Mart at Coconut Creek Plat, according to the Plat thereof, as recorded in Plat Book 176, Pages 141-142, of the Public Records of Broward County, Florida.