

ORDINANCE NO. 2018-026

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE REZONING REQUEST OF RPT REALTY, L.P. TO REZONE FROM B-2 (CONVENIENCE SHOPPING) AND B-3 (COMMUNITY SHOPPING) TO PLANNED COMMERCE DISTRICT (PCD) FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY KNOWN AS A PORTION OF TRACT A, SAWGRASS PARK OF COMMERCE COMMERCIAL SECTION "B," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 144, PAGE 33, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; PROVIDING FOR A PUBLIC PURPOSE; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, owners of the property described in Exhibit "A," attached hereto and made a part hereof, RPT Realty, L.P., are requesting a rezoning of said property from Convenience Shopping District (B-2) and Community Shopping (B-3) to Planned Commerce District (PCD); and

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

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

WHEREAS, the proposed development would promote the public health, safety, and welfare of the residents of the City of Coconut Creek; and

WHEREAS, at its public hearing held on September 12, 2018, 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:

- a. The applicant providing proof of unity of control;
- b. The applicant providing an amendment to the master site plan to show general land use module instead of specific business name;
- c. The applicant providing a maintenance agreement for the entire PCD;
- d. Outstanding DRC comments remain effective throughout the development review process and shall be addressed prior to the issuance of a building permit; and

WHEREAS, the City Commission finds and determines that this action is in the best interest of the City 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, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA AS FOLLOWS:

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.

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: That the PCD rezoning application submitted by RPT Realty, L.P. (Property Owner) for the rezoning for the property generally located on the southeast corner of Johnson Road and State Road 7/US 441 at Coral Creek Shops more particularly described in Exhibit “A,” having been recommended for approval by the Planning and Zoning Board on September 12, 2018, and having been reviewed by the City Commission, is hereby approved subject to the following conditions:

- a. The applicant providing proof of unity of control within sixty (60) days of the approval of the rezoning;
- b. The applicant providing an amendment to the master site plan to show general land use module instead of specific business name;
- c. The applicant providing a maintenance agreement for the entire PCD; and
- d. Outstanding DRC comments remain effective throughout the development review process and shall be addressed prior to the issuance of a building permit.

Section 4: That RPT Realty , L.P. and their assigns shall proceed in compliance with the PCD Zoning Plan.

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

PASSED FIRST READING THIS 28TH DAY OF FEBRUARY, 2019.

PASSED SECOND READING THIS 14TH DAY OF MARCH, 2019.

Joshua Rydell, Mayor

Attest:

Leslie Wallace May, City Clerk

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

WSS;ae 10-25-18

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EXHIBIT "A"

Legal Description:

A portion of Tract A, Sawgrass Park of Commerce Commercial Section "B," according to the Plat thereof, as recorded in Plat Book 144, Page 33, of the Public Records of Broward County, Florida.