

ORDINANCE NO. 2017-014

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING ORDINANCE 2013-009, WHICH APPROVED THE GUNTHER VOLKSWAGEN SITE PLAN, AND HEREBY APPROVING THE MODIFICATION REQUEST OF GUNTHER MOTOR COMPANY TO PROVIDE FOR A NEW GUNTHER VOLVO SHOWROOM, FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY KNOWN AS TRACTS "A" AND "C," WHITWORTH PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 164, PAGE 1, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the property, Gunther Motor Company ("Property Owner"), is requesting a modification to the approved Gunther Motor Company Site Plan Ordinance; and

WHEREAS, adoption of the Ordinance will amend Ordinance 2013-009, relating to permitted development intensities for commercial use; and

WHEREAS, the property owner originally proposed a development program of 79,000 square feet of new and used showroom space, offices, and service bays, and 179,000 square feet of garage of inventory, storage, and employee parking; and

WHEREAS, the Property Owner proposes to construct a 8,573 square foot addition to the existing Gunther Volkswagen pre-owned sales building; and

WHEREAS, the Property Owner has processed a PMDD modification, known as the Gunther Motor Company PMDD, concurrent with the site plan; and

WHEREAS, the proposed site plan is consistent with the Gunther Motor Company PMDD; and

WHEREAS, adoption of this Ordinance shall approve an expansion to the pre-owned sales building to provide for a new vehicle showroom and administrative and sales offices for a new Gunther Volvo Auto Dealership; and

WHEREAS, the proposed change to the Gunther Motor Company Site Plan would promote the public health, safety, and welfare of the residents of the City of Coconut Creek; and

WHEREAS, at a public hearing held on March 8, 2017, 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 condition:

- a. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to 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:

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 site plan is in the best interest of the residents of the City of Coconut Creek and serves a public purpose.

Section 3: That the City Commission hereby approves the modification request of Gunther Motor Company for the property legally described in Exhibit "A," attached hereto and made a part hereof, and hereby amends Ordinance 2013-009.

Section 4: That the Gunther Motor Company Site Plan shall be modified by providing for the construction of an 8,573 square foot addition to the existing Gunther Volkswagen pre-owned sales building; and

Section 5: That through the adoption of this Ordinance, the City Commission hereby vests the specific intensities shown on the site plan consisting of 87,000 square feet of new and used showroom space, offices, and service bays, and 179,000 square feet of garage for inventory, storage, and employee parking.

Section 6: That In addition to the conditions recommended by the Planning and Zoning Board, the Property Owner shall be subject to the following conditions:

- a. An increase in intensity is permitted for accessory structures associated with primary use and may be approved through the Administrative Approval process with the Department of Sustainable Development. An increase in intensity for anything other than accessory structures will require an amendment to this Site Plan Ordinance.
- b. The development intensity as depicted on the site plan shall be vested for a period of 18 months from final site plan approval by the City Commission. If a building permit is not issued within the 18 month period, the development intensity granted by this ordinance shall expire. If construction does not commence within 180 days from issuance of said building permit, the development intensity granted by this ordinance shall expire.

Section 7: That the site plan application submitted by Gunther Motor Company for an addition to the existing pre-owned sales building to provide for a new Gunther Volvo Dealership located at the southeast corner of North State Road 7/U.S. 441 and Cullum Road, and more particularly described in Exhibit "A," having been recommended for approval by the Planning and Zoning Board on March 8, 2017, and having been reviewed by the City Commission, is hereby approved subject to the following condition:

- a. Outstanding DRC comments remain effective throughout the development review process and shall be addressed prior to the issuance of a building permit.

Section 8: That the final site plan and building plans shall comply with all applicable zoning regulations and building codes.

Section 9: 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 10: Effective Date. That this Ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 27TH DAY OF APRIL, 2017.

PASSED SECOND READING THIS _____ DAY OF _____, 2017.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

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

WSS:jw

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volvo.docx

EXHIBIT "A"

Legal Description:

Tracts "A" and "C," Whitworth Plat No. 1, according to the Plat thereof, as recorded in Plat Book 164, Page 1, of the Public Records of Broward County, Florida.