

ORDINANCE NO. 2018-027

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SPECIAL LAND USE APPLICATION SUBMITTED BY RPT REALTY, L.P. TO PERMIT A DRIVE-THRU AT A PROPOSED WENDY'S RESTAURANT 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, PURSUANT TO THE PROVISIONS OF SECTION 13-35, "SPECIAL LAND USE," OF THE CITY OF COCONUT CREEK CODE OF ORDINANCES; PROVIDING FOR A PUBLIC PURPOSE; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, RPT Realty, L.P. has made application for a drive-thru at a proposed Wendy's restaurant for 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 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 condition:

1. 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 has determined that the above described special land use 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, 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. 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 special land use is in the best interest of the City and serves a public purpose.

Section 3: That the special land use application submitted by RPT Realty, L.P. for the property generally located at the southeast corner of Johnson Road and State Road 7/US 441 at Coral Creek Shops, and 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:

1. Outstanding DRC comments remain effective throughout the development review process and shall be addressed prior to the issuance of a building permit.
2. The Applicant will provide traffic calming measures acceptable to both the Applicant and City staff.

Section 4: 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 5: 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 6: 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

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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.