

ORDINANCE NO. 2019-016

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, PROPOSING TO CHANGE THE LIST OF PERMITTED, SPECIAL AND PROHIBITED USES AND TO MODIFY SITE DESIGN STANDARDS WITHIN THE VILLAGE SHOPPES OF COCONUT CREEK PLANNED COMMERCE DISTRICT (PCD) BY AMENDING ORDINANCE NO. 2007-011, WHICH APPROVED THE VILLAGE SHOPPES OF COCONUT CREEK PLANNED COMMERCE DISTRICT (PCD) GENERALLY LOCATED AT 4670 STATE ROAD 7 (441), AT THE NORTHEAST CORNER OF WILES AND STATE ROAD 7 AS LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, PURSUANT TO THE PROVISIONS OF SECTIONS 13-36, 13-355, AND 13-356, COCONUT CREEK CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Village Shoppes of Coconut Creek Investments, LLC, is requesting a modification to the approved Village Shoppes of Coconut Creek Planned Commerce District (PCD); and

WHEREAS, adoption of this Ordinance will amend Ordinance No. 2007-011 relating to the site design standards for the Village Shoppes of Coconut Creek; and

WHEREAS, Village Shoppes of Coconut Creek Investments, LLC, as owner, is requesting modifications to the existing Village Shoppes of Coconut Creek PCD, to allow for the modification of the PCD Land Use Plan and providing for modified site design standards for the development; and

WHEREAS, the proposed modification of the Village Shoppes of Coconut Creek PCD is consistent with the City of Coconut Creek Comprehensive Plan and Land Use Map and Plat; and

WHEREAS, at its public hearing held on July 10, 2019, 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

considered two alternative development scenarios and recommended approval of Alternative 1 and approval of Alternative 2; and

WHEREAS, all staff reports, minutes of meetings, findings of fact and support documents are hereby incorporated as referenced; and

WHEREAS, the proposed change to the PCD would promote the public health, safety and welfare of the residents of the City of Coconut Creek.

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 findings of fact, staff reports and documents and exhibits attached hereto are incorporated herein and made a specific part of this ordinance.

Section 2: Findings. That the City Commission finds and determines that the above described amendment meets the requirements of the City’s Land Development Code and particularly, Section 13-36(e) and is consistent with the City of Coconut Creek Comprehensive Plan and Land Use Map.

Section 3: City Commission Action.

- (a) That the amendment to the Village Shoppes Of Coconut Creek Planned Commerce District (PCD), **Alternative 1**, submitted by Village Shoppes of Coconut Creek Investments, LLC entitled Village Shoppes of Coconut Creek Planned Commerce District and dated October 2018, for a free-standing Chick-Fil-A restaurant with a dual drive-thru lane for the property generally located at the Village Shoppes of Coconut Creek Plaza, located at 4670 State Road 7 (US 441), is hereby denied as submitted; and
- (b) That the amendment to the Village Shoppes Of Coconut Creek Planned Commerce District (PCD), **Alternative 2**, submitted by Village Shoppes of Coconut Creek Investments, LLC, entitled Village Shoppes of Coconut Creek Planned Commerce District and dated August 2019, for a free-standing Chick-Fil-A restaurant with a dual drive-thru lane as shown on Exhibit “B,” for the property generally located at the Village Shoppes of Coconut Creek Plaza, located at 4670 State Road 7 (US 441), and more particularly described in Exhibit “A,” is hereby approved as modified to reflect:
 - 1. Any revisions directed by the City Commission on August 8, 2019, and

2. Any revisions necessary for compliance with the condition of approval; and
- (c) Any approval granted herein shall be subject to the following condition:
 1. Outstanding DRC comments remain effective throughout the development review process and shall be addressed prior to the issuance of a building permit, unless any individual comment is superseded by this action.

Section 4: Other Approvals. This approval does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the City for issuance of the approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of state or federal law.

Section 5: 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 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 11TH DAY OF JULY _____, 2019.

PASSED SECOND READING THIS 8TH DAY OF AUGUST _____, 2019.

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

EXHIBIT "A"

LEGAL DESCRIPTION:

PARCEL 1

TRACTS A, A-1, B AND B-1, OF SPEAR PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 170, PAGE 82, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL CONVEYED TO BROWARD COUNTY BY WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 42609, PAGE 1973, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

RIGHT OF WAY DEDICATION

A PORTION OF TRACT B-1, SPEAR PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 170, PAGE 82, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT B-1, SAID CORNER BEING ALONG THE ARC OF A CIRCULAR CURVE CONCAVE SOUTHERLY, FROM WHICH THE RADIUS POINT OF THE NEXT DESCRIBED CURVE BEARS SOUTH 08°06'29" WEST; THENCE WESTERLY ALONG THE SOUTH BOUNDARY OF SAID TRACT B-1 AND THE ARC OF SAID CURVE, HAVING A RADIUS OF 3455.00 FEET, THROUGH A CENTRAL ANGLE OF 00°11'02", FROM AN ARCH DISTANCE OF 11.09 FEET TO A POINT OF CUSP; THENCE EASTERLY AND NORTHEASTERLY ALONG THE ARCH OF A CIRCULAR CURVE CONCAVE NORTHERLY, FROM WHICH THE RADIUS POINT BEARS NORTH 04°29'22" EAST, SAID CURVE HAVING A RADIUS OF 18.42 FEET, THROUGH A CENTRAL ANGLE OF 35°34'25", FOR AN ARC DISTANCE OF 11.44 FEET TO A POINT ON THE EAST BOUNDARY OF SAID TRACT B-1; THENCE SOUTH 00°24'15" EAST ALONG SAID EAST BOUNDARY A DISTANCE OF 4.14 FEET TO THE POINT OF BEGINNING.

PARCEL 2

TRACT B, OF ALEXANDER-YOUNG PLAT, ACCORDING TO THE PLATER THEREOF, AS RECORDED IN PLAT BOOK 164, PAGE 10, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.