

ORDINANCE NO. 2017-042

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SITE PLAN REQUEST OF FIRST COAST ENERGY, LLP FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY KNOWN AS TRACT "C" OF LYONS AND SAMPLE ROAD PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 152, PAGE 44, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; PROVIDING FOR A PUBLIC PURPOSE; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the property, First Coast Energy, LLP ("Property Owner"), is requesting a site plan approval for the property described in Exhibit "A;" and

WHEREAS, the Property Owner proposes to re-develop the site with a new 5,000 square-foot convenience store, eight-pump, sixteen fueling position gas station, and car wash; and

WHEREAS, the Property Owner has processed a PMDD rezoning, known as the Shell/Daily's PMDD, concurrent with the site plan; and

WHEREAS, the proposed site plan is consistent with the Shell/Daily's PMDD; and

WHEREAS, adoption of this Ordinance shall approve the redevelopment for the construction of a new 5,000 square-foot convenience store, eight-pump, sixteen fueling position gas station, and car wash; and

WHEREAS, the proposed re-development of the existing gas station site 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 July 12, 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 site plan request of First Coast Energy, LLP for the property legally described in Exhibit “A,” attached hereto and made a part hereof.

Section 4: That this site plan application submitted by First Coast Energy, LLP for the re-development of a 5,000 square-foot convenience store, eight-pump, sixteen fueling position gas station, and car wash for the property generally located at the northwest corner of Sample Road and Lyons Road, as more particularly described in Exhibit “A,” having been recommended for approval by the Planning and Zoning Board on July 12, 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 5: That through the adoption of this Ordinance, the City Commission hereby vests the specific intensities shown on the site plan, consisting of 5,000 square feet of convenience store, eight-pump, sixteen fueling position gas station, and a 1,300 square-foot car wash.

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 final site plan and building plans shall comply with all applicable zoning regulations and building codes.

Section 8: 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 9: Effective Date. That this Ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 28TH DAY OF SEPTEMBER, 2017.

PASSED SECOND READING THIS 26TH DAY OF OCTOBER, 2017.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

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

WSS:jw

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EXHIBIT "A"

Legal Description:

Tract "C" of Lyons and Sample Road Plat, according to the Plat thereof, as recorded in Plat Book 152, Page 44, of the Public Records of Broward County, Florida.