

ORDINANCE NO. 2021-022

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SPECIAL LAND USE APPLICATION SUBMITTED BY HILLSBORO MARKETPLACE INVESTMENTS, LLC TO PERMIT A DRIVE-THRU FOR A CALI COFFEE RESTAURANT FOR THE PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF HILLSBORO BOULEVARD AND LYONS ROAD (WEST OUTPARCEL), AS LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Hillsboro Marketplace Investments, LLC has made an application for a restaurant with a drive-thru for the property legally described in Exhibit "A;" generally located at the northeast corner of Hillsboro Boulevard and Lyons Road (West Outparcel); and

WHEREAS, Section 13-35, "Special Land Use," of the City's Land Development Code provides criteria for review and consideration of a special land use application by the City Commission; and

WHEREAS, at its public hearing held on August 11, 2021, 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:

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 meets the standards and requirements of Section 13-35, "Special Land

Use,” based upon the evidence presented at the public hearing, 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, 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 exhibits attached hereto are incorporated herein and made a specific part of this ordinance.

Section 2: Finding. That the City Commission finds and determines that the above described special land use meets the requirements of Section 13-35, “Special Land Use,” of the City of Coconut Creek Code of Ordinances.

Section 3: Approval. That the special land use for the property described in Exhibit “A,” having been recommended for approval by the Planning and Zoning Board on August 11, 2021, and having been reviewed by the City Commission, is hereby approved 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.
2. Drive-thru Operations
 - a. Traffic volume and stacking of cars at the drive-thru are a concern for both the applicant and the adjacent Walgreens property. As a result, the tenant, Cali Coffee, shall have employees outside of the facility to take orders from vehicles in the drive-thru lane during heavy sales periods to speed processing times and ensure the drive-thru queue does not extend beyond ten (10) vehicles as provided in the site plan. At a minimum, such outside order takers shall be provided any time the drive-thru queue is ten (10) or more vehicles or the drive-thru queue blocks the pedestrian crosswalk or a drive aisle external to the West Outparcel. Further, these employees will monitor and direct traffic as needed to ensure that the pedestrian crosswalk and drive aisles external to the West Outparcel are not blocked and access to any portion of the Walgreens parcel is not unreasonably impeded.
 - b. Applicant shall provide Walgreens with a contact for Cali Coffee’s on-site manager and Hillsboro Marketplace Investments,

LLC, for notification of any issues arising with traffic obstructing the external drive aisles and/or access to the Walgreens parcel. The current designated contact for Cali Coffee is Craig Avera via email to calicoffee@calicoffee.net and for Hillsboro Marketplace Investments, LLC, is Robert Eisen via email to reisen@investmentslimited.com . Said contacts shall be updated as necessary to ensure responsiveness.

c. In the event the applicant fails to abide by the terms of condition #2a, then the City shall enforce this provision through the code enforcement process. After the initial written warning to the applicant, any future code violation related to this condition, shall result in a summons to appear before the next scheduled Special Magistrate meeting.

Section 4: Violation of Conditions. That failure to adhere to the terms and conditions of the approval above shall be considered a violation of the City Code and persons found violating the conditions shall be subject to the penalties prescribed by the City Code, including but not limited to, the revocation of the approvals granted by this ordinance. The applicant understands and acknowledges that it must comply with all other applicable requirements of the City before it may commence construction or operation, and this ordinance may be revoked by the City Commission at any time upon a determination that the applicant is not in compliance with the City Code or this ordinance.

Section 5: 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 6: 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 7: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 23RD DAY OF SEPTEMBER , 2021.

PASSED SECOND READING THIS 14TH DAY OF OCTOBER , 2021.

Rebecca A. Tooley, Mayor

Attest:

Marianne Bowers, Interim 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>
Welch	<u>Aye</u>	<u>Aye</u>
Railey	<u>Aye</u>	<u>Aye</u>

JP:ae

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EXHIBIT "A"

Legal Description:

A portion of Parcel "A," "Hillsboro Center – No. 2," according to the Plat thereof, as recorded in Plat Book 142, Page 45, of the Public Records of Broward County, Florida. Containing 27,055 square feet/06211 acres, more or less said lands situate in the City of Coconut Creek, Broward County, Florida subject to easements, restrictions, reservations and rights-of-ways of record.