

**ORDINANCE NO. 2020-001**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE "7-ELEVEN #34941 PLAT," LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY KNOWN AS A PORTION OF TRACT 3, BLOCK 94, "PALM BEACH FARMS COMPANY PLAT NO. 3," IN SECTION 31, TOWNSHIP 48 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TAKE ANY NECESSARY ACTIONS TO EFFECTUATE SAID APPROVAL AS AUTHORIZED BY THE CITY OF COCONUT CREEK CODE OF ORDINANCES; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the owner of the property, 7-Eleven, Inc. ("Property Owner"), through an application in accordance with Section 13-164 of the Coconut Creek Code of Ordinances, has requested plat approval for the "7-Eleven #34941 Plat," legally described as a portion of Tract 3, Block 94, "Palm Beach Farms Company Plat No.3," in Section 31, Township 48 South, Range 42 East, according to the plat thereof, as recorded in Plat Book 2, Page 54, of the Public Records of Palm Beach County, Florida; and

**WHEREAS**, the "7-Eleven #34941 Plat" prepared by Pulice Land Surveyors, Inc. is incorporated herein by reference and made part of this ordinance as Exhibit "B;" and

**WHEREAS**, the underlying land use is Commercial; and

**WHEREAS**, the property is currently zoned B-2 (Convenience Shopping) / B-3 (Community Shopping); and

**WHEREAS**, the final plat is consistent with the zoning; and

**WHEREAS**, the plat is prepared in accordance with State of Florida Platting Law, Chapter 177, Florida Statutes; and

**WHEREAS**, a Plat Improvement Engineering Plan has been submitted to the City Engineer for review and has received conceptual approval of cost estimates for public improvement performance guarantees; and

**WHEREAS**, performance guarantees for plat improvements shall be submitted prior to issuance of engineering permits or building permits, whichever occurs first; and

**WHEREAS**, at a public hearing held on December 11, 2019, the City's Planning and Zoning Board recommended the approval of said plat to the City Commission; and

**WHEREAS**, the City Commission has determined that the above described plat approval 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, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:**

**Section 1: Ratification.** That the foregoing recitations are hereby ratified as true and correct, and are incorporated into the plat approval as a condition of said approval by reference.

**Section 2:** That the reports, findings, and recommendations of the City staff and the Planning and Zoning Board are hereby incorporated, and all exhibits submitted and facts or opinions stated at the Planning and Zoning Board public hearing have been transmitted and considered by the City Commission.

**Section 3:** That the "7-Eleven #34941 Plat," a replat of a portion of Tract 3, Block 94, "Palm Beach Farms Company Plat No.3," in Section 31, Township 48 South, Range 42 East, according to the plat thereof, as recorded in Plat Book 2, Page 54, of the Public Records of Palm Beach County, Florida, and legally described in Exhibit "A," is hereby approved with the following conditions:

- a. The plat shall be completed in accordance with Sections 13-164.1, 13-165, 13-166 and 13-186(a)(b)(d)(e), Coconut Creek Code of Ordinances.
- b. The property owner shall be required to execute and obtain the City's approval of a Water and Wastewater Agreement prior to the recordation of the plat in the Public Records of Broward County, Florida consistent with the provision of

Section 13-166(c), Coconut Creek Code of Ordinances. The aforementioned action shall set forth the terms and conditions of proposed water and wastewater service for the plat.

- c. Construction estimates shall be submitted to the City Engineering Division. A guarantee in the form of a bond shall be submitted to the City prior to the issuance of engineering permits or building permits. The submission of bonds shall be required prior to the issuance of any engineering and building permits. The Director of Sustainable Development shall require public improvements to be initiated by the owner or assigns with a 90-day notice.
- d. Any modifications to the plat document made within two weeks of the plat recordation shall be made known to the City Engineer by providing engineer of record annotation to print copies of the plat.
- e. Required easements, as identified during the plat review, must be recorded concurrent with the plat recordation.

**Section 4:** That the “7-Eleven #34941 Plat” conforms to the concurrency requirements set forth under Section 13-140 “Consistency and Concurrency Determination Standards” and said plat is consistent with City/County Comprehensive Plans and Section 13-141 “Levels of Services” within the City of Coconut Creek Land Development Code.

**Section 5:** That the “7-Eleven #34941 Plat” is hereby approved subject to conditions, required improvements, and/or obligations as described in Broward County’s final Development Review Report for the Plat. The property owner shall provide to the City copies of all County Agreements related to such improvements and obligations upon recordation.

**Section 6:** That 7-Eleven, Inc., and or their assigns, agree to use City franchisees for cable TV, telephone, electric, waste removal, and recycling related to the development and use of the subject property.

**Section 7:** That the appropriate City officials are authorized to sign the face of the plat as necessary.

**Section 8: Recordation.** That this ordinance shall be recorded in the Public Records of Broward County, Florida, with the Petitioner to pay the cost thereof and forward a recorded copy and mylar to the City.

**Section 9: 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 10: Severability.** That should any section or provision of this ordinance or any portion thereof, 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 11: Effective Date.** That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 23<sup>RD</sup> DAY OF JANUARY, 2020.

PASSED SECOND READING THIS 13<sup>TH</sup> DAY OF FEBRUARY, 2020.

\_\_\_\_\_  
Sandra L. Welch, Mayor

Attest:

\_\_\_\_\_  
Leslie Wallace May, City Clerk

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

WSS:ae

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## EXHIBIT "A"

### Legal Description:

A PORTION OF TRACT 3, BLOCK 94, "PALM BEACH FARMS COMPANY PLAT NO. 3," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING SITUATE IN BROWARD COUNTY, FLORIDA, AND BEING IN SECTION 31, TOWNSHIP 48 SOUTH, RANGE 42 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 31; THENCE RUN NORTH 89 DEGREES 49 MINUTES 20 SECONDS EAST ALONG THE CENTERLINE OF HAMMONDVILLE ROAD (STATE ROAD 814) FOR 2453.70 FEET; THENCE RUN SOUTH 0 DEGREES 40 MINUTES 20 SECONDS WEST FOR 50.00 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 49 MINUTES 20 SECONDS EAST, ALONG A LINE 50.00 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF SAID HAMMONDVILLE ROAD FOR 150.02 FEET TO A POINT ON THE WEST LINE OF "FARM STORE PARCEL" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 93, PAGE 47, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE RUN SOUTH 0 DEGREES 37 MINUTES 50 SECONDS WEST ALONG THE WEST LINE OF SAID "FARM STORE PARCEL" FOR 125.00 FEET TO THE SOUTHWEST CORNER OF SAID "FARM STORE PARCEL"; THENCE RUN NORTH 89 DEGREES 49 MINUTES 20 SECONDS EAST ALONG THE SOUTH LINE OF SAID "FARM STORE PARCEL" AND THE EASTERLY EXTENSION THEREOF FOR 85.58 FEET; THENCE RUN SOUTH 0 DEGREES 37 MINUTES 50 SECONDS WEST ALONG A LINE PARALLEL WITH AND 900.00 FEET WEST OF THE EAST LINE OF SAID TRACT 3 FOR 52.00 FEET; THENCE RUN NORTH 89 DEGREES 19 MINUTES 47 SECONDS WEST ALONG A LINE PARALLEL WITH AND 350.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 3 FOR 235.70 FEET; THENCE RUN NORTH 0 DEGREES 40 MINUTES 20 SECONDS EAST FOR 173.51 FEET TO THE POINT OF BEGINNING.

Together with:

A PORTION OF TRACT 3, OF BLOCK 94, "PALM BEACH FARMS COMPANY PLAT NO. 3," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING SECTION 31, TOWNSHIP 48 SOUTH, RANGE 42 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31, THENCE RUN NORTH 89°49'20" EAST, ALONG THE CENTERLINE OF HAMMONDVILLE ROAD FOR 2253.68 FEET; THENCE RUN SOUTH 00°40'20" WEST, ALONG THE CENTERLINE OF BANKS ROAD, FOR 50.01 FEET; THENCE RUN NORTH 89°49'20" EAST, FOR A DISTANCE OF 185.02 FEET; THENCE SOUTH 00°40'20" WEST FOR A DISTANCE OF 173.51 FEET TO A POINT ON THENCE NORTH LINE OF PARCEL "A" BELL OF MARGATE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 85, PAGE 45, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE RUN NORTH 89°19'47" WEST, FOR A DISTANCE OF 185.00 FEET; THENCE

RUN NORTH 00°40' 20" EAST, ALONG A LINE PARALLEL WITH AND 15.00 FEET EAST OF THE CENTERLINE OF BANKS ROAD FOR 170.77 FEET TO THE POINT OF BEGINNING.