

**ORDINANCE NO. 2013-007**

**AN ORDINANCE OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE REQUEST OF GUNTHER MOTOR COMPANY, TO REZONE FROM PCD (PLANNED COMMERCE DISTRICT) TO PMDD (PLANNED MAINSTREET DEVELOPMENT DISTRICT) FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, PURSUANT TO THE PROVISIONS OF SECTION 3, ENTITLED "IMPLEMENTATION AND USING THE STANDARDS," COCONUT CREEK MAINSTREET DESIGN STANDARDS; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the owner of the property, Gunther Motor Company ("Property Owner"), is requesting a rezoning of the Property described in Exhibit "A," from PCD (Planned Commerce District) to PMDD (Planned MainStreet Development District); and

**WHEREAS**, the proposed PMDD rezoning has an underlying land use of Regional Activity Center; and

**WHEREAS**, the proposed PMDD rezoning request is consistent with the effective land use plan of the City of Coconut Creek; and

**WHEREAS**, the Property Owner has met the requirements of Section 13-361, Code of Ordinances, entitled "MainStreet Project Area Design Standards" and all other requirements of Chapter 13, Code of Ordinances, Article III thereof, entitled "Zoning Regulations," of the City of Coconut Creek; and

**WHEREAS**, the proposed development would promote the public health, safety and welfare of the residents of the City of Coconut Creek; and

**WHEREAS**, at its meeting of February 13, 2013, the City's Planning and Zoning Board recommended approval of said rezoning request subject to the following conditions:

1. All outstanding DRC comments shall be addressed by the applicant.

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

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1:** That the foregoing recitations are hereby ratified as true and correct, and are incorporated into the terms and conditions of this Ordinance.

**Section 2:** That the City Commission hereby accepts the recommendation of the Planning and Zoning Board of February 13, 2013, which recommended approval, subject to conditions, for the rezoning petition by Gunther Motor Company ("Property Owner") for the property legally described in Exhibit "A", attached hereto and made a part hereof, and hereby approves the rezoning request from PCD (Planned Commerce District) to PMDD (Planned MainStreet Development District); subject to the following conditions:

- a. All outstanding DRC comments shall be addressed by the applicant.

**Section 3:** In addition to the conditions recommended by the Planning and Zoning Board, the Property Owner shall be subject to the following conditions:

- a. The PMDD development program shall be subject to the density and intensity limitations provided for in the MainStreet Regional Activity Center, as amended.
- b. Specific densities and intensities shall not be granted by this Ordinance. Specific densities and intensities shall only be granted by the City Commission upon adoption of an ordinance approving the final site plan. Any increase in density and intensity not provided for in said Site Plan Ordinance shall require Planning and Zoning Board and City Commission approval.

**Section 4:** That Gunther Motor Company and their assigns shall proceed in compliance with the PMDD Zoning Plan as modified, attached hereto as Exhibit "B."

**Section 5:** That the Gunther Volkswagen PMDD shall operate under unified control and adequate documentation has been submitted and certified by the City Attorney to ensure unified control.

**Section 6:** That this rezoning shall not be construed to create a right to any development of the property that fails to meet the requirements of Chapter 13, City of Coconut Creek Code of Ordinances, and any other Broward County land development regulations, except as specifically provided in this ordinance.

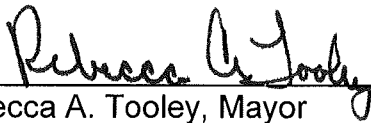
**Section 7:** That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

**Section 8:** That all ordinances or parts of ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

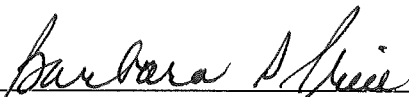
**Section 9:** That this Ordinance shall take effect immediately upon its passage and adoption.

PASSED FIRST READING THIS 28th DAY OF March, 2013.

PASSED SECOND READING THIS 11th DAY OF April, 2013.

  
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Rebecca A. Tooley, Mayor

Attest:

  
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Barbara S. Price, MMC  
City Clerk

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

## EXHIBIT "A"

### Legal Description:

Tracts "A" and "C", Whitworth Plat No. 1, according to the Plat thereof as recorded in Plat Book 164, Page 1, of the Public Records of Broward County, Florida