

**ORDINANCE NO. 2020-027**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE REZONING REQUEST OF VISTA GARDENS BALLROOM, LLC TO REZONE FROM A-1 (AGRICULTURAL) AND O-2 (LOCAL OFFICE) TO B-3 (COMMUNITY SHOPPING) FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY LOCATED AT 5011 WEST HILLSBORO BOULEVARD PURSUANT TO THE REQUIREMENTS OF SECTION 13-36, "ZONING MAP AMENDMENTS," OF THE CITY OF COCONUT CREEK CODE OF ORDINANCES; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Vista Gardens Ballroom, LLC and the City of Coconut Creek, owners of the property generally located at 5011 West Hillsboro Boulevard, legally described in Exhibit "A," attached hereto and made a part hereof, are requesting a rezoning of said property from A-1 (Agricultural) and O-2 (Local Office) to B-3 (Community Shopping); and

**WHEREAS**, the proposed rezoning will be consistent with the effective land use plan of the City of Coconut Creek, as amended; and

**WHEREAS**, the owner has met the requirements of Section 13-36, Code of Ordinances, entitled "Zoning Map Amendments," of the City of Coconut Creek; and

**WHEREAS**, the Planning and Zoning Board has recommended approval of the rezoning at its August 12, 2020, meeting, 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
2. Acceptance of the applicant's proffered Declaration of Restrictive Covenants attached hereto and made a part hereof as Exhibit "B;" and

**WHEREAS**, the City Commission has determined that the above described rezoning 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 “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: Findings.** That the City Commission finds and determines that the above described rezoning is in the best interest of the residents of the City of Coconut Creek and meets the requirements of Section 13-36(e), “Standards for Decision,” for Zoning Map amendments.

**Section 3: Approval.** That the City Commission accepts the recommendation of the Planning and Zoning Board of August 12, 2020, and hereby approves the rezoning request from A-1 (Agricultural) and O-2 (Local Office) to B-3 (Community Shopping) for the property legally described in Exhibit “A,” attached hereto and made a part hereof.

**Section 4: Development Requirements.** That the applicant, property owner, and or successors and assigns agree:

- a. To use City franchisees for all services related to the development and use of the subject property; and
- b. To execute, record and comply with the Declaration of Restrictive Covenants proffered by Vista Gardens Ballroom, LLC, attached hereto and made a part hereof, in Exhibit “B.”

**Section 5: Compliance with Applicable Codes.** 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 6: Amendment of Zoning Map.** That the City of Coconut Creek Sustainable Development Director shall make the necessary changes to the official zoning map of the City to effectuate said rezoning.

**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: 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 9: Effective Date.** That this ordinance shall become effective upon the effective date of the accompanying Land Use Plan Amendment Ordinance No. 2020-026.

**PASSED FIRST READING THIS 10<sup>TH</sup> DAY OF SEPTEMBER, 2020.**

**PASSED SECOND READING THIS 24<sup>TH</sup> DAY OF SEPTEMBER, 2020.**

\_\_\_\_\_  
Louis Sarbone, Mayor

Attest:

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

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

WSS:ae

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## EXHIBIT "A"

### Legal Description:

THE EAST 100 FEET OF THE WEST 215 FEET, EXCEPTING THEREFROM THE NORTH 280 FEET OF THE WEST ½ OF TRACT 3, IN BLOCK 85, OF PALM BEACH FARMS COMPANY'S PLAT NO.3, AS SHOWN IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LESS THE SOUTH 60 FEET THEREOF.

TOGETHER WITH:

THE EAST 115 FEET, LESS THE NORTH 280 FEET OF THE WEST ½ OF TRACT 3, BLOCK 85, PALM BEACH FARMS COMPANY'S PLAT NO.3 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 60 FEET THEREOF.

AND:

TRACT A-1 BUFFER TOGETHER WITH TRACT "A" ACCORDING TO THE PLAT OF "JANIS PLAT", AS RECORDED IN PLAT BOOK 174, PAGE 18, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTH 260 FEET OF SAID TRACT "A". SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA.