

RESOLUTION NO. 2021-196

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SITE PLAN REQUEST OF POMPANO AUTOPLEX, LLC FOR THE PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SAMPLE ROAD AND CORAL TREE CIRCLE, LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant, Pompano Autoplex, LLC ("Applicant"), is requesting site plan approval for an automobile dealership on the property generally located at the northwest corner of Sample Road and Coral Tree Circle at the address of 3757 Coral Tree Circle, legally described in Exhibit "A;" and

WHEREAS, the site plan provides for the construction of an automobile dealership with a two-story, 16,094 square foot main showroom with sales and administrative offices attached to a three-story structure immediately behind the showroom, providing 90,582 square feet of parts and equipment storage, ground floor service bays, and structured parking for inventory and employee parking; and

WHEREAS, the proposed site plan is in compliance with the Tartan Planned Unit Development (PUD) zoning district and Article III, "Zoning Regulations," of Chapter 13, "Land Development Code," of the City of Coconut Creek; and

WHEREAS, at its public hearing held on September 8, 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 conditions; and

WHEREAS, the City Commission finds and determines that this site plan is in the best interest of the City and based upon the evidence presented at the public hearing, and 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, and is consistent with the requirements of the Tartan Planned Unit Development (PUD) zoning district regulations and Article III, "Zoning Regulations," of Chapter 13, "Land Development Code," of the City of Coconut Creek.

NOW, THEREFORE, BE IT RESOLVED 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 resolution.

Section 2: Finding. That the City Commission finds and determines that the above described site plan complies with the requirements of Article III, "Zoning Regulations," of Chapter 13, "Land Development Code," of the City of Coconut Creek and with the Tartan Planned Unit Development (PUD) zoning district.

Section 3: Approval. That this site plan application for the development of an automobile dealership for the property legally described in Exhibit "A," having been recommended for approval by the Planning and Zoning Board on September 8, 2021, and having been reviewed by the City Commission, is hereby approved subject to the following conditions:

- a. Outstanding DRC comments remain effective throughout the development review process and shall be addressed prior to the issuance of a building permit.
- b. Site Plan approval is contingent upon approval of the Special Land Use for the Automobile Dealership by the City Commission.
- c. Site Plan approval is contingent upon approval of the Plat Note Amendment by the City of Coconut Creek and Broward County, as proposed in the application.
- d. Site plan approval is contingent upon approval of the vacation and abandonment of the utility easements by the City Commission, as proposed in the application.
- e. This site plan is subject to the conditions of approval outlined in the Special Land Use approval Ordinance No. 2021-026.

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

resolution. 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 resolution 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 resolution.

Section 5: Compliance with Applicable Codes. That the final site plan and building plans shall comply with all applicable zoning regulations and building codes.

Section 6: Other Approvals. That this approval does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the City for issuance of the approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of state or federal law.

Section 7: Severability. That should any section or provision of this resolution, 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 resolution are hereby repealed to the extent of such conflict.

Section 9: Effective Date. That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 14th day of October, 2021.

Rebecca A. Tooley, Mayor

Attest:

Marianne Bowers, Interim City Clerk

Tooley	<u>Aye</u>
Rydell	<u>Aye</u>
Sarbone	<u>Aye</u>
Welch	<u>Aye</u>
Railey	<u>Aye</u>

JP:ae

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EXHIBIT "A"

Legal Description:

A portion of Tract B, Tartan Coconut Creek Phase IV, according to the Plat thereof, as recorded in Plat Book 130, Page 25, Public Records, Broward County, Florida.