

RESOLUTION NO. 2018-227

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SITE PLAN REQUEST OF RPT REALTY, L.P. FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY KNOWN AS A PORTION OF TRACT A, SAWGRASS PARK OF COMMERCE COMMERCIAL SECTION "B," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 144, PAGE 33, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; PROVIDING FOR A PUBLIC PURPOSE; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the property, RPT Realty, L.P. ("Property Owner"), is requesting site plan approval for said property described in Exhibit "A;" and

WHEREAS, the Property Owner is seeking site plan approval for the development of a Wendy's fast food restaurant with drive-thru and outdoor dining area at Coral Creek Shops plaza, generally located at the southeast corner of Johnson Road and State Road 7 (US 441); and

WHEREAS, adoption of this resolution shall approve the development of a Wendy's fast food restaurant with drive-thru and outdoor dining area; and

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

WHEREAS, at its public hearing held on September 12, 2018, 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 condition:

- a. 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 finds and determines that this site plan is in the best interest of the City 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, 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: Public Purpose. That the City Commission finds and determines that the above described site plan is in the best interest of the residents of the City of Coconut Creek and serves a public purpose.

Section 3: That this site plan application submitted by RPT Realty, L.P. for the development of a Wendy’s fast food restaurant with drive-thru and outdoor dining area at the Coral Creek Shops plaza, as more particularly described in Exhibit “A,” having been recommended for approval by the Planning and Zoning Board on September 12, 2018, and having been reviewed by the City Commission, is hereby approved on the following condition:

- a. Outstanding DRC comments remain effective throughout the development review process and shall be addressed prior to the issuance of a building permit.

Section 4: That the final site plan and building plans shall comply with all applicable zoning regulations and building codes.

Section 5: 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 6: That this resolution shall be in full force and effect immediately upon final approval of rezoning and special land use ordinances.

Adopted this 28th day of February, 2019.

Joshua Rydell, Mayor

Attest:

Leslie Wallace May, City Clerk

Rydell	<u>Nay</u>
Welch	<u>Aye</u>
Tooley	<u>Aye</u>
Sarbone	<u>Aye</u>
Belvedere	<u>Aye</u>

WSS:ae

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EXHIBIT "A"

Legal Description:

A portion of Tract A, "Sawgrass Park of Commerce Commercial Section "B," according to the Plat thereof, as recorded in Plat Book 144, Page 33, of the Public Records of Broward County, Florida.