

ORDINANCE NO. 2017-049

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE REZONING REQUEST OF LEDER HILLSBORO CO. LTD. TO REZONE FROM COMMUNITY SHOPPING (B-3) TO PLANNED COMMERCE DISTRICT (PCD) FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY KNOWN AS ALL OF PARCEL "A," "LEDER HILLSBORO COMPANY LIMITED - PART 2," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 166, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH ALL OF TRACT "A," "LEDER HILLSBORO COMPANY LIMITED - PART 1," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 125, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; PROVIDING FOR A PUBLIC PURPOSE; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, owner of the property described in Exhibit "A," attached hereto and made a part hereof, Leder Hillsboro Co. LTD., is requesting a rezoning of said property from Community Shopping (B-3) to Planned Commerce District (PCD); and

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

WHEREAS, the owners have met the 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 public hearing held on October 11, 2017, 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 action 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 ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA AS FOLLOWS:

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.

Section 2: Public Purpose. 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 serves a public purpose.

Section 3: That the PCD rezoning application submitted by Leder Hillsboro Co. LTD. (Property Owner), for the rezoning for the property generally located on the north side of Hillsboro Boulevard, between Lyons Road and Florida’S Turnpike, and more particularly described in Exhibit “A,” having been recommended for approval by the Planning and Zoning Board on October 11, 2017, and having been reviewed by the City Commission, is hereby approved subject to 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 Leder Hillsboro Co. LTD. and their assigns shall proceed in compliance with the PCD Zoning Plan.

Section 5: 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: 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 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: Effective Date. That this Ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 9TH DAY OF NOVEMBER, 2017.

PASSED SECOND READING THIS 14TH DAY OF DECEMBER, 2017.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

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

EXHIBIT "A"

Legal Description:

All of Parcel "A," "LEDER HILLSBORO COMPANY LIMITED - PART 2," according to the Plat thereof, as recorded in Plat Book 166, Page 43, of the Public Records of Broward County, Florida. TOGETHER WITH: All of Tract "A," "LEDER HILLSBORO COMPANY LIMITED - PART 1," according to the Plat thereof, as recorded in Plat Book 125, Page 31, of the Public Records of Broward County, Florida.