

**ORDINANCE NO. 2021-026**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SPECIAL LAND USE APPLICATION SUBMITTED BY POMPANO AUTOPLEX, LLC TO PERMIT THE CONSTRUCTION OF A NEW MAZDA AUTOMOBILE DEALERSHIP WITH SHOWROOM, INDOOR SERVICE BAYS, AND THREE (3) STORY PARKING STRUCTURE GENERALLY LOCATED AT THE NORTHWEST CORNER OF SAMPLE ROAD AND CORAL TREE CIRCLE, AS LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR VIOLATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Pompano Autoplex, LLC has made an application for special land use approval to allow an automobile dealership with showroom, indoor service bays, and a three-story parking structure for the property legally described in Exhibit "A," generally located at the northwest corner of Sample Road and Coral Tree Circle; and

**WHEREAS**, Section 13-35, "Special Land Use," of the City's Land Development Code provides criteria for review and consideration of a special land use application by the City Commission; 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 has determined that the above described special land use meets the standards and requirements of Section 13-35, "Special Land Use," of the City's Land Development Code based upon the evidence presented at the public hearing, 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: Finding.** That the City Commission finds and determines that the above described special land use meets the requirements of Section 13-35, “Special Land Use,” of the City of Coconut Creek Code of Ordinances.

**Section 3: Approval.** That the special land use for the property 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:

1. Outstanding DRC comments remain effective throughout the development review process and shall be addressed prior to the issuance of a building permit.
2. Loading and unloading operations to be restricted to the same business hours of operation established herein.
3. Loading vehicles shall not wait on subject property or street right-of-way prior to opening hours.
4. No outdoor loudspeakers shall be allowed on site, except in connection with a surveillance security system.
5. Vehicle test driving shall be limited to arterial roadways such as Sample Road or Lyons Road. No residential streets will be used for this purpose except for the portion of Coral Tree Circle used to access Sample Road from the southern entrance to the property. Test driving of vehicles using the north access driveway is prohibited.
6. No vehicle may be displayed on elevated or inclined ramp, with its hood up, trunk lid up or doors open.
7. Hours of operation may be expanded by Resolution of the City Commission (without the need for an amendment to the Special Land Use ordinance) upon application by the owner.

Proposed hours are:

Showroom: Monday to Friday - 9 am to 9 pm

Saturday - 9 am to 7 pm

Sunday - 11 am to 5 pm

Service: Monday to Saturday -7:30 am to 6 pm with after-hours pickup and drop off.

8. Parking of vehicles on site for various purposes (i.e. new display, used display, customer and employee) shall only be in the designated parking spaces consistent with the approved site plan.
9. Prior to the issuance of a Certificate of Occupancy, the specialty paving treatments on the sidewalk and roadway on Coral Tree Circle at the intersection of Coral Tree Circle and Sample Road shall be cleaned, painted or removed and replaced accordingly.
10. Within 90 days following the adoption of this ordinance, the property owner shall submit the necessary city development review applications for the installation of a decorative automatic gate at the north driveway onto Coral Tree Circle. The gate shall provide a Knox gate switch or Knox padlock to permit city or emergency vehicle access at all times of the day. City staff shall work with the property owner to determine the appropriate times of the day the gate will be opened and closed to the public, the design, location, and other planning and engineering issues subject to traffic engineering and site plan standards. The gate shall be permitted, installed and operational prior to the issuance of a Certificate of Occupancy.
11. To ensure a safer environment for residents adjacent to the project site, within 30 days of the issuance of a Certificate of Occupancy by the Building Division, City staff or independent consultant hired by the City on a cost recovery basis shall initiate an evaluation of traffic impacts along Coral Tree Circle related to the Mazda Dealership. If necessary, the timing of the evaluation shall be adjusted to ensure it is completed as soon as possible, but during a time period in which school is in session. The purpose of the evaluation will be to assess safety issues associated with morning school bus stop pick-up and afternoon school bus stop drop-off in the vicinity adjacent to the Olivine Residential Development entrance. The evaluation shall include input from the Olivine Residential Community through at least one community outreach meeting hosted by the City and Mazda. The evaluation shall be used to formulate mitigation strategies by City staff or consultant that may include, but shall not be limited to the following:
  - Adding an additional School Crossing Guard;
  - Providing a police detail for morning school bus pick-up and/or afternoon school bus drop-off; and/or
  - Physical improvements within the right-of-way, as may be recommended by the City's Traffic Management Team, such as speed tables, decorative pavers and/or signage.

Any recommendation or combination of recommendations that are implemented, shall be funded by the applicant. No less than six-months after implementation of any given mitigation strategy other than physical improvements within the right-of-way, the applicant may petition the City Manager to authorize an evaluation based on a change in conditions, to determine whether or not a specific mitigation strategy is still warranted. Relief from any mitigation strategy shall be considered independently of any other mitigation strategy.

**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 ordinance. 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 ordinance 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 ordinance.

**Section 5: 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 6: 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 7: Effective Date.** That this ordinance shall become effective upon its passage on second and final reading.

**PASSED FIRST READING THIS 14<sup>TH</sup> DAY OF OCTOBER, 2021.**

**PASSED SECOND READING THIS 28<sup>TH</sup> DAY OF OCTOBER, 2021.**

\_\_\_\_\_  
Rebecca A. Tooley, Mayor

Attest:

\_\_\_\_\_  
Marianne Bowers, Interim 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>
Welch	<u>Aye</u>	<u>Aye</u>
Railey	<u>Aye</u>	<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.