

ORDINANCE NO. 2018-031

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE “LYONS COMMUNITY CENTER PLAT,” LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY KNOWN AS A PORTION OF TRACT 25, BLOCK 83, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, TOGETHER WITH A PORTION OF PARCEL “A,” NORTH BROWARD SCHOOL REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 183, PAGE 103, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TAKE ANY NECESSARY ACTIONS TO EFFECTUATE SAID APPROVAL AS AUTHORIZED BY THE CITY OF COCONUT CREEK CODE OF ORDINANCES; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the property, Lyons 7600, LLC (“Property Owner”), through an application in accordance with Section 13-164 of the Coconut Creek Code of Ordinances, has requested plat approval for the “Lyons Community Center Plat,” legally described as a portion of Tract 25, Block 83, Palm Beach Farms Company Plat No. 3, according to the Plat thereof, as recorded in Plat Book 2, Pages 45 through 54, together with a portion of Parcel “A,” North Broward School Replat, according to the Plat thereof, as recorded in Plat Book 183, Page 103, both of the Public Records of Broward County, Florida; and

WHEREAS, the “Lyons Community Center Plat,” prepared by Keith and Associates, is incorporated herein by reference and made part of this Ordinance as Exhibit “B;” and

WHEREAS, the underlying land use is residential; and

WHEREAS, the property is currently zoned A-1 (Agricultural District); and

WHEREAS, the final plat is consistent with the zoning; and

WHEREAS, the plat is prepared in accordance with State of Florida Platting Law, Chapter 177, Florida Statutes; and

WHEREAS, a Plat Improvement Engineering Plan has been submitted to the City Engineer for review and has received conceptual approval of cost estimates for public improvement performance guarantees; and

WHEREAS, performance guarantees for plat improvements shall be submitted prior to issuance of engineering permits or building permits, whichever occurs first; and

WHEREAS, at a public hearing held on September 12, 2018, the City's Planning and Zoning Board recommended the approval of said plat to the City Commission subject to the outstanding DRC Comments; and

WHEREAS, the City Commission, after deliberation, finds that approval of the "Lyons Community Center Plat" is in the best interest of the residents of the City of Coconut Creek; and

WHEREAS, the City Commission has determined that the above described plat 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, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: 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: That the Development Review Committee comments, 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 have been considered.

Section 3: That the “Lyons Community Center Plat,” legally described as a portion of Tract 25, Block 83, Palm Beach Farms Company Plat No. 3, according to the Plat thereof, as recorded in Plat Book 2, Pages 45 through 54, together with a portion of Parcel “A,” North Broward School Replat, according to the Plat thereof, as recorded in Plat Book 183, Page 103, both of the Public Records of Broward County, Florida; and, is hereby approved with the following conditions:

- a. The plat shall be completed in accordance with Sections 13-164.1, 13-165, 13-166, and 13-186(a)(b)(d)(e), Coconut Creek Code of Ordinances.
- b. The property owner shall be required to execute and obtain the City’s approval of a Water and Wastewater Agreement prior to the recordation of the plat in the Public Records of Broward County, Florida, consistent with the provision of Section 13-166(c), Coconut Creek Code of Ordinances. The aforementioned action shall set forth the terms and conditions of proposed water and wastewater service for the plat.
- c. Construction estimates shall be submitted to the City Engineering Division. A guarantee in the form of a bond shall be submitted to the City prior to the issuance of engineering permits or building permits. The submission of bonds shall be required prior to the issuance of any engineering and building permits. The Director of Sustainable Development shall require public improvements to be initiated by the owner or assigns with a 90-day notice.
- d. Any modifications to the plat document made within two weeks of the plat recordation shall be made known to the City Engineer by providing engineer of record annotation to print copies of the plat.
- e. Required easements, as identified during the plat review, must be recorded concurrent with the plat recordation.
- f. Final approval is subject to satisfying the outstanding DRC Comments.

Section 4: That the “Lyons Community Center Plat” has conformed to the concurrency requirements set forth under Section 13-140 “Consistency and Concurrency Determination Standards” and said plat is consistent with City/County Comprehensive Plans and Section 13-141 “Levels of Services” within the City of Coconut Creek Land Development Code.

Section 5: That the “Lyons Community Center Plat” is hereby approved subject to conditions, required improvements, and/or obligations as described in Broward County’s final Development Review Report for the Plat. The property owner shall provide to the City copies of all County Agreements related to such improvements and obligations upon recordation.

Section 6: That the property owner, Lyons 7600, LLC, and or his assigns, agree to use City franchisees for cable TV, telephone, electric, waste removal, and recycling related to the development and use of the subject property.

Section 7: That the appropriate City officials are authorized to sign the face of the plat as necessary.

Section 8: Recordation. That this ordinance shall be recorded in the Public Records of Broward County, Florida, with the Petitioner to pay the cost thereof and forward a recorded copy and mylar to the City.

Section 9: 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 10: 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 11: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 24TH DAY OF JANUARY, 2019.

PASSED SECOND READING THIS 14TH DAY OF FEBRUARY, 2019.

Joshua Rydell, Mayor

Attest:

Leslie Wallace May, City Clerk

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

WSS:ae

EXHIBIT "A"

Legal Description:

The west 330.00 feet of tract 40, Block 85, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof, on file in the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 45 through 54; said land lying, being and situate in Broward County, Florida.