

ORDINANCE NO. 2021-021

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, CHANGING THE LIST OF PERMITTED AND SPECIAL LAND USES AND MODIFYING SITE DESIGN STANDARDS AND DEVELOPMENT REGULATIONS, BY REZONING THE PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF HILLSBORO BOULEVARD AND LYONS ROAD, AS LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, FROM PCD (MARKETPLACE AT HILLSBORO PLANNED COMMERCE DISTRICT) TO PCD (MARKETPLACE AT HILLSBORO II PLANNED COMMERCE DISTRICT); AMENDING ORDINANCE NO. 144-96 TO THE EXTENT SUPERSEDED BY THIS REZONING; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant, Hillsboro Marketplace Investments, LLC ("Applicant), is requesting rezoning approval to change the list of permitted and special land uses and modify site design standards, by changing the zoning from PCD (Marketplace at Hillsboro Planned Commerce District), as adopted by Ordinance No. 144-96, to PCD (Marketplace at Hillsboro II Planned Commerce District), generally located at the northeast corner of Hillsboro Boulevard and Lyons Road; and

WHEREAS, the proposed rezoning will be consistent with the City of Coconut Creek Comprehensive Plan and Future Land Use Map; and

WHEREAS, at its public hearing held on August 11, 2021, the Planning and Zoning Board heard, reviewed, and duly considered the reports, findings, and recommendations of the City staff, together with opinions and testimony stated at the public hearing and has recommended approval of the rezoning at its, meeting, subject to conditions; and

WHEREAS, all staff reports, minutes of meetings, findings of fact, and support documents are hereby incorporated as referenced; and

WHEREAS, the proposed change to the PCD would promote the public health, safety, and welfare of the residents of the City of Coconut Creek.

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: Findings. That the City Commission finds and determines that the above described amendment meets the requirements of the City’s Land Development Code and particularly, Section 13-36, “Zoning Map Amendments,” subsection (e), “Standards for Decisions,” and is consistent with the City of Coconut Creek Comprehensive Plan and Future Land Use Map.

Section 3: Approval. That the City Commission accepts the recommendation of the Planning and Zoning Board of August 11, 2021, and hereby approves the rezoning from PCD (Marketplace at Hillsboro Planned Commerce District) to PCD (Marketplace at Hillsboro II Planned Commerce District), incorporating new development standards and an updated list of permitted and special land uses as provided and adopted hereby in Exhibit Q, for the property legally described in Exhibit “A,” attached hereto and made a part hereof and subject to the following conditions of approval:

- a. Outstanding DRC comments remain effective throughout the development review process and shall be addressed prior to the issuance of a building permit.
- b. The property owner(s) shall properly maintain the median landscaping on NW 71st Street as shown on the Street Buffer Entry Landscape Plan dated February 18, 1998.
- c. Prior to the issuance of the first Certificate of Occupancy or Certificate of Completion, whichever comes first, on the proposed shopping center improvements, the property owner(s) shall paint, stucco, and repair as necessary the north and east perimeter buffer wall shown on Sheet LP-1.1 of the Overall Landscape Plan.
- d. Prior to the issuance of the first Certificate of Occupancy or Certificate of Completion, whichever comes first, the property owner(s) shall install delivery vehicle wayfinding signage at the NW 71st Street driveway entrance to guide those vehicles into the plaza at that driveway to avoid driving further east on NW 71st into the residential neighborhood.
- e. The property owner(s) shall provide to the City a fully executed and publicly recorded copy of the Unity of Title or Covenant in Lieu of Unity of Title demonstrating unified control pursuant to

Section 13-355(b)(6) of the Land Development Code for the subject parcels within the Planned Commerce District within 30 days of the approval of this ordinance.

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: 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 6: Agreement for Services. That the applicant, property owner, and or assigns agree to use City franchisees for all services related to the development and use of the subject property.

Section 7: Amendment of Ordinance No. 144-96. That Ordinance No. 144-96, adopted August 7, 1996, is hereby amended to the extent superseded by this ordinance.

Section 8: 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 9: 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 10: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 23RD DAY OF SEPTEMBER, 2021.

PASSED SECOND READING THIS 14TH 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

\\pdcl\data\Development Services\Common\Documents\PLANNING & ZONING\Project Coordinator\Ordinances\ORD 2021-021 Marketplace at Hillsboro PCD.doc

EXHIBIT "A"

Legal Description:

BEING A PORTION OF PARCEL "A," "HILLSBORO CENTER," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 133, PAGE 4, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND A PORTION OF PARCEL "A," "HILLSBORO CENTER — NO. 2," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 142, PAGE 45, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.