

ORDINANCE NO. 2020-003

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SPECIAL LAND USE APPLICATION SUBMITTED BY 7-ELEVEN, INC. TO PERMIT A CONVENIENCE STORE WITH FUEL SALES FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY KNOWN AS A PORTION OF TRACT 3, BLOCK 94, "PALM BEACH FARMS COMPANY PLAT NO. 3," IN SECTION 31, TOWNSHIP 48 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, PURSUANT TO THE PROVISIONS OF SECTION 13-35, "SPECIAL LAND USE," OF THE CITY OF COCONUT CREEK CODE OF ORDINANCES; PROVIDING FOR A PUBLIC PURPOSE; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 7-Eleven, Inc. has made application for a convenience store with fuel sales for the property described in Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, Section 13-35 of the City's Land Development Code permits said use as a special land use; and

WHEREAS, at its public hearing held on December 11, 2019, 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:

1. 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 has determined that the above described special land use 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, 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: Public Purpose. That the City Commission finds and determines that the above described special land use is in the best interest of the City and serves a public purpose.

Section 3: Approval. That the special land use application submitted by 7-Eleven, Inc. for the property located at 4960 and 4990 Coconut Creek Parkway, and more particularly described in Exhibit “A,” having been recommended for approval by the Planning and Zoning Board on December 11, 2019, and having been reviewed by the City Commission, is hereby approved subject to the following condition:

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

Section 4: 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 5: 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 6: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 23RD DAY OF JANUARY, 2020.

PASSED SECOND READING THIS 13TH DAY OF FEBRUARY, 2020.

Sandra L. Welch, Mayor

Attest:

Leslie Wallace May, City Clerk

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

WSS:ae

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EXHIBIT "A"

Legal Description:

A PORTION OF TRACT 3, BLOCK 94, "PALM BEACH FARMS COMPANY PLAT NO. 3," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING SITUATE IN BROWARD COUNTY, FLORIDA, AND BEING IN SECTION 31, TOWNSHIP 48 SOUTH, RANGE 42 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 31; THENCE RUN NORTH 89 DEGREES 49 MINUTES 20 SECONDS EAST ALONG THE CENTERLINE OF HAMMONDVILLE ROAD (STATE ROAD 814) FOR 2453.70 FEET; THENCE RUN SOUTH 0 DEGREES 40 MINUTES 20 SECONDS WEST FOR 50.00 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 49 MINUTES 20 SECONDS EAST, ALONG A LINE 50.00 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF SAID HAMMONDVILLE ROAD FOR 150.02 FEET TO A POINT ON THE WEST LINE OF "FARM STORE PARCEL" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 93, PAGE 47, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE RUN SOUTH 0 DEGREES 37 MINUTES 50 SECONDS WEST ALONG THE WEST LINE OF SAID "FARM STORE PARCEL" FOR 125.00 FEET TO THE SOUTHWEST CORNER OF SAID "FARM STORE PARCEL"; THENCE RUN NORTH 89 DEGREES 49 MINUTES 20 SECONDS EAST ALONG THE SOUTH LINE OF SAID "FARM STORE PARCEL" AND THE EASTERLY EXTENSION THEREOF FOR 85.58 FEET; THENCE RUN SOUTH 0 DEGREES 37 MINUTES 50 SECONDS WEST ALONG A LINE PARALLEL WITH AND 900.00 FEET WEST OF THE EAST LINE OF SAID TRACT 3 FOR 52.00 FEET; THENCE RUN NORTH 89 DEGREES 19 MINUTES 47 SECONDS WEST ALONG A LINE PARALLEL WITH AND 350.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 3 FOR 235.70 FEET; THENCE RUN NORTH 0 DEGREES 40 MINUTES 20 SECONDS EAST FOR 173.51 FEET TO THE POINT OF BEGINNING.

Together with:

A PORTION OF TRACT 3, OF BLOCK 94, "PALM BEACH FARMS COMPANY PLAT NO. 3," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING SECTION 31, TOWNSHIP 48 SOUTH, RANGE 42 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31, THENCE RUN NORTH 89°49'20" EAST, ALONG THE CENTERLINE OF HAMMONDVILLE ROAD FOR 2253.68 FEET; THENCE RUN SOUTH 00°40'20" WEST, ALONG THE CENTERLINE OF BANKS ROAD, FOR 50.01 FEET; THENCE RUN NORTH 89°49'20" EAST, FOR A DISTANCE OF 185.02 FEET; THENCE SOUTH 00°40'20" WEST FOR A DISTANCE OF 173.51 FEET TO A POINT ON THENCE NORTH LINE OF PARCEL "A" BELL OF MARGATE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 85,

PAGE 45, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE RUN NORTH 89°19'47" WEST, FOR A DISTANCE OF 185.00 FEET; THENCE RUN NORTH 00°40' 20" EAST, ALONG A LINE PARALLEL WITH AND 15.00 FEET EAST OF THE CENTERLINE OF BANKS ROAD FOR 170.77 FEET TO THE POINT OF BEGINNING.