

ORDINANCE NO. 2015-012

AN ORDINANCE OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE REQUEST OF KLEMOW AT 5150 HILLSBORO, INC., AND FIRST BAPTIST CHURCH AT HILLSBORO INC., TO REZONE FROM PCD (PLANNED COMMERCE DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT) FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owners of the property described in Exhibit "A," attached hereto and made a part hereof, Klemow at 5150 Hillsboro, Inc., and First Baptist Church at Hillsboro Inc., are requesting a rezoning of said property from PCD (Planned Commerce District) to PUD (Planned Unit Development); and

WHEREAS, the proposed rezoning to PUD has an underlying land use of O2 (Local Office) with a future land use of OP (Office Professional); and

WHEREAS, the proposed rezoning 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 Planning and Zoning Board has recommended approval of the PUD modification at its February 11, 2015 meeting, subject to the following conditions:

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

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing recitations are hereby ratified as true and correct, and are incorporated into the terms and conditions of this Ordinance.

Section 2: That the City Commission hereby accepts the recommendation of the Planning and Zoning Board of February 11, 2015, which recommended approval of the rezoning petition of Klemow at 5150 Hillsboro, Inc. and First Baptist Church at Hillsboro, Inc., for the property legally described in Exhibit "A", attached hereto and made a part hereof, and hereby approves the rezoning request from PCD (Planned Commerce District) to PUD (Planned Unit Development); subject to the following conditions:

- a. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to the issuance of a building permit.
- b. Development shall be conducted in two phases. Phase I shall be the townhomes and up to 50,000 square feet of development on the church parcel. Phase II shall be the remainder of the church development. Prior to requesting a building permit for any development in Phase II, a traffic signal warrant analysis for Hillsboro Boulevard and NW 51 Street shall be submitted. If the signal is warranted, the applicant shall bond for 50% of the cost of the signal prior to the issuance of building permit for Phase II.
- c. Should a signal not be warranted, pursuant to section b., the City reserves the right to require the owner of the school to provide police details as needed at the owner's expense. The need for a police detail shall be determined by the City's Chief of Police based on traffic conditions at the school and the surrounding roadway network at the completion of the Phase II or anytime thereafter.

Section 3: That Klemow at 5150 Hillsboro, Inc. and First Baptist Church and their assigns shall proceed in compliance with the PUD Rezoning Development Plan, attached hereto and made a part hereof as Exhibit "B."

Section 4: Per Section 13-267, Land Development Code, Public Sites and Open Spaces, five (5) percent of the gross area to be platted is required to be dedicated to the City for use as parks or a cash donation be made equivalent to the land's value. Based upon the site design commitments included in the approved Long Pines PUD and site

plan, the City Commission hereby approves acceptance of a cash donation in the amount of \$150,000 as the total park impact donation to the recreation acquisition and development fund. All or a portion of this fee may be offset by developer improvements made to the Long Pine Greenway in accordance with the City's final construction plans.

Section 5: That Klemow at 5150 Hillsboro, Inc. and First Baptist Church at Hillsboro, Inc., and their assigns shall complete the Long Pine Greenway construction, including landscaping, irrigation and lighting for the length of the greenway starting at the western limits of the 5150 Hillsboro Plat to the greenway connection on the west side of the Broward County Bridge, located immediately south of the Westcreek Pineland Preserve. Construction of this obligation shall be completed prior to the issuance of the final Certificate of Occupancy for the project known as In The Pines.

Section 6: That Klemow at 5150 Hillsboro, Inc. and First Baptist Church at Hillsboro, Inc., and their assigns have agreed to use City franchisees for all services related to the development and use of the subject property.

Section 7: 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 8: That the City of Coconut Creek Sustainable Development Director shall make the necessary changes to the official zoning map of the City to effectuate said rezoning.

Section 9: That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 10: That all ordinances or parts of ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

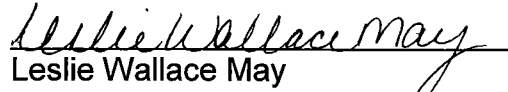
Section 11: That this Ordinance shall take effect immediately upon its passage and adoption.

PASSED FIRST READING THIS 23rd DAY OF APRIL, 2015.

PASSED SECOND READING THIS 9th DAY OF JULY, 2015.


Rebecca A. Tooley, Mayor

Attest:


Leslie Wallace May
City Clerk

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

WSS:jw

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EXHIBIT "A"

LEGAL DESCRIPTION:

PARCEL A:

Tracts "A", "B1", and "B2", 5150 Hillsboro, According to the Plat Thereof, as Recorded in Plat Book 176, Page 189 of the Public Records of Broward County, Florida.
Said Lands Situate in the City of Coconut Creek, Broward County, Florida.

PARCEL B:

That portion of Tracts A, B, LB1, and LB2, First Baptist Church at Hillsboro, According to the Plat Thereof as Recorded in Plat Book 176, Page 123, of the Public Records of Broward County, Florida.

PARCEL C:

Tracts A, B, LB, LB1, LB2, and LB3, First Baptist Church at Hillsboro, According to the Plat Thereof, as Recorded in Plat Book 176, Pages 123 and 124 of the Public Records of Broward County, Florida, less the property described in Parcel B above.

Said Lands Situate in the City of Coconut Creek, Broward County, Florida.