

ORDINANCE NO. 2017-041

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE REQUEST OF FIRST COAST ENERGY, LLP TO REZONE FROM CONVENIENCE SHOPPING DISTRICT (B-2) TO PLANNED MAINSTREET DEVELOPMENT DISTRICT (PMDD) FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY KNOWN AS TRACT "C" OF LYONS AND SAMPLE ROAD PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 152, PAGE 44, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; PROVIDING FOR A PUBLIC PURPOSE; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the property, First Coast Energy, LLP ("Property Owner"), is requesting a rezoning of the property described in Exhibit "A," from Convenience Shopping District (B-2) to a Planned MainStreet Development District (PMDD); and

WHEREAS, the proposed PMDD rezoning has an underlying land use of Regional Activity Center; and

WHEREAS, the proposed PMDD rezoning request is consistent with the effective land use plan of the City of Coconut Creek; and

WHEREAS, the property owner has met the requirements of Section 13-361, Code of Ordinances, entitled "MainStreet Project Area Design Standards," and all other requirements of Chapter 13, Code of Ordinances, Article III thereof, entitled "Zoning Regulations," of the City of Coconut Creek; and

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

WHEREAS, at its public hearing held on July 12, 2017, 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:

- a. 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 finds and determines that this action is in the best interest of the City 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: 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.

Section 2: Public Purpose. That the City Commission finds and determines that the above described rezoning is in the best interest of the residents of the City of Coconut Creek and serves a public purpose.

Section 3: That the PMDD rezoning application submitted by First Coast Energy, LLP for the rezoning for the property generally located at the northwest corner of Sample Road and Lyons Road, and more particularly described in Exhibit “A,” having been recommended for approval by the Planning and Zoning Board on July 12, 2017, and having been reviewed by the City Commission, is hereby approved subject to the following condition:

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

Section 4: In addition to the conditions recommended by the Planning and Zoning Board, the Property Owner shall be subject to the following conditions:

- a. The PMDD development program shall be subject to the density and intensity limitations provided for in the MainStreet Regional Activity Center, as amended.

- b. Specific densities and intensities shall not be granted by this Ordinance. Specific densities and intensities shall only be granted by the City Commission upon adoption of an ordinance approving the final site plan. Any increase in density and intensity not provided for in said Site Plan Ordinance shall require Planning and Zoning Board and City Commission approval.

Section 5: That First Coast Energy, LLP and their assigns shall proceed in compliance with the PMDD Zoning Plan.

Section 6: That the Shell/Daily's C-Store, No. 1810 PMDD shall operate under unified control and adequate documentation has been submitted and certified by the City Attorney to ensure unified control.

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: 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: Effective Date. That this Ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 28TH DAY OF SEPTEMBER, 2017.

PASSED SECOND READING THIS 26TH DAY OF OCTOBER, 2017.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, 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>
Belvedere	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>

EXHIBIT "A"

Legal Description:

Tract "C" of Lyons and Sample Road Plat, according to the Plat thereof, as recorded in Plat Book 152, Page 44, of the Public Records of Broward County, Florida.