

ORDINANCE NO. 2022-012

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING ORDINANCE NO. 2006-039, AS AMENDED BY ORDINANCE NO. 2008-004, AS AMENDED BY ORDINANCE NO. 2013-005, AS AMENDED BY ORDINANCE NO. 2015-057, WHICH APPROVED THE LYONS WILES SITE PLAN, AND HEREBY APPROVING THE SITE PLAN MODIFICATION REQUEST OF MCA PROMENADE OWNER, LLC, RELATING TO THE OVERALL DEVELOPMENT FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF; PURSUANT TO THE PROVISIONS OF ORDINANCE NO. 2006-039 RELATING TO THE DEVELOPMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the property, MCA Promenade, LLC ("Property Owner"), is requesting a modification to the approved Lyons Wiles Site Plan Ordinance; and

WHEREAS, adoption of this Ordinance will amend Ordinance No. 2006-039, as amended by Ordinance No. 2008-004, Ordinance No. 2013-005, and Ordinance No. 2015-057, relating to the approved development program; and

WHEREAS, the Property Owner originally proposed a mixed-use development, including 254,300 square feet of retail and restaurant space, 50,000 square feet of office space, and 456 residential units, which was amended in 2013 to replace the residential units with a movie theater, and again in 2015 to construct a free-standing restaurant on the vacant parcel previously approved for two (2) retail buildings; and

WHEREAS, adoption of this Ordinance shall approve a 9,067 square foot restaurant, including 1422 square feet of outdoor dining in an existing tenant space; and

WHEREAS, the proposed site plan is generally consistent with the MainStreet Design Standards; and

WHEREAS, the proposed change to the Lyons Wiles Site Plan would promote the public health, safety, and welfare of the residents of the City of Coconut Creek; and

WHEREAS, at its meeting of July 13, 2022, the City’s Planning and Zoning Board recommended approval of said site plan modification request subject to the following condition:

1. All outstanding DRC comments shall remain effective throughout the development review process and shall be addressed by the applicant prior to the issuance of a building permit; and

WHEREAS, the City Commission finds and determines that this site plan is in the best interest of the City, and based upon the evidence presented at the public hearing, and 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, is consistent with the requirements of the Lyons Wiles PMDD zoning regulations and the MainStreet Design Standards.

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: That at its meeting of July 13, 2022, the City’s Planning and Zoning Board recommended approval of said site plan modification request 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 3: That the City Commission hereby approves the site plan modification request of MCA Promenade, LLC for the property legally described in Exhibit “A,” attached hereto and made a part hereof, and hereby amends Ordinance No. 2006-039, as amended by Ordinance No. 2008-004, as amended by Ordinance No. 2013-005, and as amended by Ordinance No. 2015-057.

Section 4: That the Lyons Wiles Site Plan shall be amended to permit a 9,067 square foot restaurant, including 1,422 square feet of outdoor dining in an existing tenant space.

Section 5: That in addition to the conditions recommended by the Planning and Zoning Board, the site plan shall be subject to the following conditions:

- a. Coordinate with staff to locate a Ride Share Station.
- b. Coordinate with staff to finalize details of valet parking route and location.
- c. Evaluate and address, if warranted, the need for additional security for the overall plaza.

Section 6: 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 resolution are hereby repealed to the extent of such conflict.

Section 7: 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 8: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 14TH DAY OF JULY, 2022.

PASSED SECOND READING THIS 25TH DAY OF AUGUST, 2022.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

	<u>1st</u>	<u>2nd</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Railey	<u>Aye</u>	<u>Aye</u>
Brodie	<u>Aye</u>	<u>Aye</u>

WSS:ae

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EXHIBIT "A"

Legal Description:

A Portion of Parcel "A," Green Farm Replat, as recorded in Plat Book 173, Pages 116 and 117, of the Public Records of Broward County, Florida.