

**RESOLUTION NO. 2024-109**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SITE PLAN REQUEST OF DAVID AULD OF JOHNS FAMILY PARTNERS, LLLP TO CONSTRUCT EIGHT (8) INDIVIDUAL COMMERCIAL BUILDINGS, TOTALING 67,366 SQUARE FEET FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, GENERALLY DESCRIBED AS BLOCK 3 OF THE MAINSTREET AT COCONUT CREEK DEVELOPMENT; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the applicant, Scott Backman of Miskel Backman, LLP, on behalf of the property owner, David Auld of Johns Family Partners, LLLP ("Applicant"), is requesting Site Plan approval for property generally located on the southwest corner of NW 40 Street (proposed) and Lyons Road, as legally described in Exhibit "A," attached hereto and made a part hereof; and

**WHEREAS**, the Applicant is seeking Site Plan approval for eight (8) individual commercial buildings, totaling 67,366 square feet, within the existing MainStreet at Coconut Creek Planned MainStreet Development District (MainStreet PMDD); and

**WHEREAS**, the proposed improvements are consistent with the MainStreet PMDD and Land Development Code of the City of Coconut Creek; and

**WHEREAS**, at its public hearing held on July 10, 2024, 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 conditions of approval; 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, is consistent with the requirements of the MainStreet at Coconut Creek PMDD, Article III, "Zoning Regulations," of Chapter 13, "Land Development Code," of the City of Coconut Creek, and the City of Coconut Creek Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED 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 resolution.

**Section 2: Finding.** That the City Commission finds and determines that the above described Site Plan complies with the MainStreet PMDD zoning regulations, the requirements of Article III, "Zoning Regulations," of Chapter 13, "Land Development Code," of the City of Coconut Creek Code of Ordinances, and the City of Coconut Creek Comprehensive Plan.

**Section 3: Approval.** That this Site Plan application for eight (8) individual commercial buildings, totaling 67,366 square feet, as depicted in Exhibit "B," attached hereto and incorporated herein, is hereby approved subject to the following conditions:

1. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to building permit issuance, or as otherwise stated therein.
2. The driveway between Retail Building E and D shall be channelized to prevent northbound left turn movements onto Lyons Road unless the northbound left turn movement is otherwise allowed by the City and Broward County.
3. No Building Permit shall be issued for Building D until the property owner obtains Special Land Use Approval for the drive-thru establishment in Building D. Should the City Commission approve the Special Land Use and place any conditions that require changes to the site plan, those changes shall be made in accordance with the MainStreet at Coconut Creek PMDD and the City's Land Development Code Section 13-549, "Modifications to Approved Site Plan," as applicable. Should the City Commission deny the Special Land Use, the property owner shall amend the site plan to remove the drive-thru feature in accordance with the MainStreet PMDD and Section 13-549 of the Land Development Code.
4. Prior to the issuance of a final Certificate of Occupancy for Block 3, the developer shall design, construct, and receive acceptance by the City up to the first lift of asphalt for the purpose of fire and police vehicles for: 1) the roadway segment of NW 40 Street from Lyons Road to the Block 3 west property line; 2) the roadway segment of NW 48

Street from Cullum Road to the intersection of NW 40 Street if not already constructed as part of Blocks 1, 2, 5, or 6.

5. If, at any time following the issuance of a building permit, the property owner or a tenant uses a valet parking operation, a valet parking operation plan shall be submitted to the City for review and comment by the Traffic Management Team prior to it becoming operational. In the event the property owner or tenant wishes to cease valet service operations, the property owner or tenant shall notify the City in writing a minimum of thirty (30) days prior to ceasing valet parking operations.
6. The alternative site plan sheets 034-C-10.1, 034-C-10.2, LP-2.1 labeled as "Alternative" plans are conceptual and shall not be a part of this site plan approval.
7. This approval shall not be effective until the applicant's sale of the property has closed and the MainStreet at Coconut Creek Development Agreement has become effective.

**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 resolution. 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 the City Commission may revoke this resolution at any time upon a determination that the Applicant is not in compliance with the City Code or this resolution.

**Section 5: Compliance with Applicable Codes and Development Agreement.** That the final Site Plan and building plans shall comply with all applicable zoning regulations, building codes, and the terms and conditions of the MainStreet at Coconut Creek Development Agreement.

**Section 6: 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 county, 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 county, state or federal agency or undertakes action that result in a violation of county, state or federal law.

**Section 7: Direction to City Clerk.** That the City Clerk, or designee, is hereby directed to incorporate the new legal description in Exhibit "A," attached hereto, upon recordation of the MainStreet at Coconut Creek Plat.

**Section 8: Severability.** That should any section or provision of this resolution, 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 resolution are hereby repealed to the extent of such conflict.

**Section 10: Effective Date.** That this resolution shall be in full force and effect upon its adoption provided that the site plan approved herein shall not be effective until the applicant's sale of the property has closed and the MainStreet at Coconut Creek Development Agreement has become effective.

**Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.**

\_\_\_\_\_  
Sandra L. Welch, Mayor

Attest:

\_\_\_\_\_  
Joseph J. Kavanagh, City Clerk

Welch \_\_\_\_\_

Railey \_\_\_\_\_

Rydell \_\_\_\_\_

Brodie \_\_\_\_\_

Wasserman \_\_\_\_\_

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**EXHIBIT "A"**

**LEGAL DESCRIPTION: BLOCK 3**

A PORTION OF PARCEL "A", LYONS COMMONS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 181, PAGES 183-184 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND A PORTION OF TRACT 57, BLOCK 9, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45-54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID PARCEL "A"; THENCE SOUTH 89°38'26" WEST, A DISTANCE OF 314.00 FEET;

THENCE NORTH 00°24'34" WEST, A DISTANCE OF 330.11 FEET TO THE NORTHEAST CORNER OF PARCEL D, LYONS CREEK PLAT ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 169, PAGE 42 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA;

THENCE SOUTH 89°38'26" WEST ALONG THE NORTH LINE OF SAID PARCEL D AND THE SOUTH LINE OF SAID TRACT 57, A DISTANCE OF 260.52 FEET;

THENCE NORTH 00°21'34" WEST, A DISTANCE OF 569.53 FEET; THENCE NORTH 75°00'00" EAST, A DISTANCE OF 83.55 FEET; THENCE NORTH 81°02'17" EAST, A DISTANCE OF 142.05 FEET; THENCE NORTH 89°41'36" EAST, A DISTANCE OF 304.63 FEET;

THENCE SOUTH 42°39'25" EAST, A DISTANCE OF 67.81 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL "A" AND THE WEST RIGHT OF WAY LINE FOR LYONS ROAD;

THENCE SOUTH 04°44'39" WEST, A DISTANCE OF 32.57 FEET; THENCE SOUTH 00°37'01" EAST, A DISTANCE OF 265.17 FEET; THENCE NORTH 89°23'12" EAST, A DISTANCE OF 6.50 FEET; THENCE SOUTH 00°36'48" EAST, A DISTANCE OF 78.92 FEET; THENCE SOUTH 03°06'20" WEST, A DISTANCE OF 100.21 FEET; THENCE SOUTH 00°36'48" EAST, A DISTANCE OF 84.91 FEET; THENCE SOUTH 89°37'26" WEST, A DISTANCE OF 5.50 FEET; THENCE SOUTH 00°24'34" EAST, A DISTANCE OF 180.09 FEET; THENCE NORTH 89°35'26" EAST, A DISTANCE OF 12.00 FEET; THENCE SOUTH 00°26'31" EAST, A DISTANCE OF 109.83 FEET; THENCE SOUTH 89°37'06" WEST, A DISTANCE OF 3.00 FEET;

THENCE SOUTH 00°19'13" EAST, A DISTANCE OF 40.22 FEET, THE PREVIOUS MENTIONED 12 COURSES BEING COINCIDENT WITH THE SAID EAST LINE AND WEST RIGHT OF WAY LINE. SAID POINT BEING THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA AND CONTAINING 446,723.53 SQUARE FEET, 10.2554 ACRES