

**RESOLUTION NO. 2024-070**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE “MAINSTREET AT COCONUT CREEK PLAT,” FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT “A,” ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY LOCATED NORTH OF SAMPLE ROAD, WEST OF LYONS ROAD, SOUTH OF WILES ROAD, AND EAST OF STATE ROAD 7/US 441, PURSUANT TO THE REQUIREMENTS OF SECTION 13-166, “FINAL PLAT ACCEPTANCE,” OF THE CITY OF COCONUT CREEK CODE OF ORDINANCES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TAKE ANY NECESSARY ACTIONS TO EFFECTUATE SAID APPROVAL; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Coconut Creek together with the applicant, Scott Backman of Miskel Backman LLP, on behalf of the property owners, David Auld of Johns Family Partners, LLLP (“Applicant”) and Elster/Rocatica LLC, are requesting Plat approval for property generally located north of Sample Road, west of Lyons Road, south of Wiles Road and east of State Road 7/US 441, as legally described in Exhibit “A,” attached hereto and made a part hereof; and

**WHEREAS**, the “MainStreet at Coconut Creek Plat,” as prepared by Craven Thompson & Associates, Inc., is incorporated herein by reference and made part of this resolution as Exhibit “B;” and

**WHEREAS**, the underlying future land use designation is Regional Activity Center (RAC); and

**WHEREAS**, the property is currently zoned MainStreet at Coconut Creek Planned MainStreet Development District (MainStreet PMDD); and

**WHEREAS**, the Plat is prepared in accordance with State of Florida Platting Law, Chapter 177, Florida Statutes; and

**WHEREAS**, Engineering Plans have been submitted to the City Engineer for review and have received conceptual approval subject to the City’s review and approval of cost estimates for public improvement performance guarantees outlined in the pending Development Agreement between the future developer and the City; and

**WHEREAS**, at its public hearing held on March 13, 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 Plat 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, is consistent with the requirements of the MainStreet at Coconut Creek PMDD and Article II, “Subdivision 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 Plat complies with the requirements of Article II, “Subdivision Regulations,” of Chapter 13, “Land Development Code,” of the City of Coconut Creek Code of Ordinances and with the MainStreet PMDD zoning regulations and the City of Coconut Creek Comprehensive Plan.

**Section 3: Approval.** That this application for the MainStreet at Coconut Creek Plat, 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. This approval is subject to Public School Concurrency determination and mitigation required by the Broward County School Board and pursuant to the Regional Activity Center Educational Mitigation Agreement.
3. This approval is contingent on the applicant's sale of the property closing and shall not be effective until the effective date of the MainStreet at Coconut Creek Development Agreement.

**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 "MainStreet at Coconut Creek Plat" conforms to the concurrency requirements set forth under Section 13-140, "Consistency and Concurrency Determination Standards," and said Plat is consistent with the City/County Comprehensive Plans and Section 13-141, "Levels of Service," within the City of Coconut Creek Land Development Code and 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 state or federal agency or undertakes action that result in a violation of state or federal law.

**Section 7: 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 8: 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 9: Effective Date.** That this resolution shall be in full force and effect upon its adoption provided that the plat 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:

#### LEGAL DESCRIPTION:

A PARCEL OF LAND BEING TRACTS 24, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 60, AND 73, BLOCK 89, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45-54, OF THE PUBLIC RECORDS OF PALM BEACH, FLORIDA, SAID LANDS NOW LYING IN SECTION 18, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BEING AND SITUATE IN BROWARD COUNTY, FLORIDA; LESS AND EXCEPT THE NORTH 20 FEET OF TRACTS 33 AND 42 CONVEYED TO BROWARD COUNTY BY WARRANTY DEEDS RECORDED IN OFFICIAL RECORDS BOOK 14, PAGE 599 AND OFFICIAL RECORDS BOOK 24, PAGE 594; TOGETHER WITH ALL OF PARCEL "A", LYONS COMMONS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 181, PAGES 183-184, TOGETHER WITH A PORTION OF PARCEL A, MCJAMES PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 147, PAGE 18, TOGETHER WITH PARCELS A AND "B", AND A PORTION OF WILES ROAD AND BANKS ROAD RIGHT-OF-WAYS, R. M. GREEN CORPORATION PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 164, PAGE 19, ALL OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID R.M. GREEN CORPORATION PLAT;

THENCE SOUTH 89°37'35" WEST ALONG THE NORTH LINE OF SAID R.M. GREEN CORPORATION PLAT, THE EASTERLY PROLONGATION OF THE EXISTING SOUTH RIGHT-OF-WAY LINE, AND THE EXISTING SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 940.00 FEET;

THENCE SOUTH 00°25'05" EAST, A DISTANCE OF 12.00 FEET;

THENCE SOUTH 89°37'35" WEST, A DISTANCE OF 55.85 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 02°58'02" AND A RADIUS OF 3,467.00 FEET FOR AN ARC DISTANCE OF 179.55 FEET TO A POINT ON A NON-TANGENT LINE. THE PREVIOUS THREE COURSES BEING COINCIDENT WITH THE SAID SOUTH RIGHT-OF-WAY LINE.

THENCE SOUTH 00°19'53" EAST, A DISTANCE OF 613.01 FEET TO THE NORTH LINE OF TRACT "A", WHITWORTH PLAT NO. 1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 164, PAGE 1 OF THE SAID PUBLIC RECORDS;

THENCE NORTH 89°37'35" EAST ALONG SAID NORTH LINE, A DISTANCE OF 186.21 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "B";

THENCE SOUTH 00°24'52" EAST ALONG EAST LINE OF SAID TRACT "A" AND THE WEST LINE OF SAID TRACT 24, A DISTANCE OF 608.06 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE FOR CULLUM ROAD;

THENCE NORTH 89°37'43" EAST ALONG THE SAID NORTH RIGHT OF WAY LINE AND IT'S EASTERLY EXTENSION THEREOF, A DISTANCE OF 169.71 FEET;

THENCE NORTH 44°37'43" EAST, A DISTANCE OF 21.21 FEET

THENCE NORTH 89°37'43" EAST, A DISTANCE OF 77.91 FEET;

THENCE SOUTH 45°16'52" EAST, A DISTANCE OF 24.15 FEET;

THENCE SOUTH 00°24'20" EAST, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 24;

THENCE NORTH 89°37'33" EAST, A DISTANCE OF 710.42 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 24 AND THE WEST RIGHT OF WAY LINE FOR BANKS ROAD. THE PREVIOUS FOUR COURSES ARE COINCIDENT WITH THE SAID NORTH RIGHT-OF-WAY LINE OF CULLUM ROAD;

THENCE NORTH 00°25'05" WEST ALONG SAID EAST LINE AND WEST RIGHT OF WAY LINE, A DISTANCE OF 1,280.52 FEET TO THE NORTHEAST CORNER OF SAID R.M. GREEN CORPORATION PLAT AND THE POINT OF BEGINNING;

TOGETHER WITH:

BEGIN AT THE NORTHEAST CORNER OF PARCEL "A", SAWGRASS RANCH ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 158, PAGE 24 OF THE SAID PUBLIC RECORDS, SAID POINT BEING 20 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID TRACT 42;

THENCE NORTH 89°37'33" EAST ALONG PARALLEL LINE, A DISTANCE OF 489.29 FEET;

THENCE SOUTH 45°23'24" EAST, A DISTANCE OF 34.65 FEET TO A POINT ON THE EXISTING RIGHT-OF-WAY LINE FOR N.W. 54TH AVENUE (WOCHNA BOULEVARD);

THENCE SOUTH 00°24'31" EAST ALONG SAID RIGHT OF WAY LINE AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 615.41 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 42;

THENCE SOUTH 89°37'52" WEST ALONG THE SAID SOUTH LINE, A DISTANCE OF 514.37 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 42 AND THE SOUTHEAST CORNER OF SAID PARCEL "A";

THENCE NORTH 00°21'18" WEST ALONG THE WEST LINE OF SAID TRACT 42 AND THE EAST LINE OF SAID PARCEL "A", A DISTANCE OF 639.86 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH:

BEGIN AT THE SOUTHEAST CORNER OF SAID TRACT 48, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE FOR BANKS ROAD;

THENCE SOUTH 89°37'57" WEST ALONG THE SOUTH LINE OF SAID TRACT 48, A DISTANCE OF 330.09 FEET TO SOUTHWEST CORNER OF SAID TRACT 48, SAID POINT ALSO BEING REFERRED TO AS REFERENCE POINT "A" COMMERCE CENTER OF COCONUT CREEK ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 131, PAGE 30 OF THE SAID PUBLIC RECORDS;

THENCE NORTH 00°24'31" WEST ALONG THE WEST LINE OF SAID TRACT 48 AND THE EAST LINE OF TRACT "F" OF SAID COMMERCE CENTER OF COCONUT CREEK, A DISTANCE OF 660.03 FEET TO THE NORTHWEST CORNER OF SAID TRACT 48 AND THE NORTHEAST CORNER OF SAID TRACT F;

THENCE SOUTH 89°37'49" WEST ALONG THE SOUTH LINE OF SAID TRACT 41 AND THE NORTH LINE OF SAID TRACT "F", A DISTANCE OF 395.14 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE FOR N.W. 54<sup>TH</sup> AVENUE (WOCHNA BOULEVARD) AND TO THE NORTHWEST CORNER OF SAID TRACT "F" AND THE SOUTHWEST CORNER OF SAID TRACT 41;

THENCE NORTH 00°24'31" WEST ALONG OF SAID RIGHT OF WAY LINE, ITS NORTHERLY EXTENSION THEREOF, AND THE WEST LINE OF SAID TRACT 41, A DISTANCE OF 634.40 FEET;

THENCE NORTH 44°36'44" EAST, A DISTANCE OF 36.06 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE FOR CULLUM ROAD;

THENCE NORTH 89°37'33" EAST ALONG SAID SOUTH RIGHT OF WAY LINE AND THE NORTH LINE SAID TRACT 41, A DISTANCE OF 699.51 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE FOR SAID BANKS ROAD;

THENCE SOUTH 00°25'06" EAST ALONG SAID WEST RIGHT OF WAY LINE AND THE EAST LINE OF SAID TRACTS 41 AND 48, A DISTANCE OF 1,320.00 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH:

BEGIN AT THE NORTHWEST CORNER OF SAID TRACT 40, SAID POINT BEING AT THE RIGHT-OF-WAY CORNER FOR BOTH BANKS AND CULLUM ROAD;

THENCE NORTH 89°37'35" EAST ALONG SAID SOUTH RIGHT OF WAY LINE AND NORTH LINE OF SAID TRACTS 34, 35, 36, 37, 38, 39, AND 40, BLOCK 89, A DISTANCE OF 2,310.42 FEET TO THE NORTHEAST CORNER OF SAID TRACT 34;

THENCE SOUTH 00°24'39" EAST ALONG THE EAST LINE OF SAID TRACT 34 AND THE WEST LINE OF SAID TRACT 33, A DISTANCE OF 20.00 FEET;

THENCE NORTH 89°37'35" EAST, A DISTANCE OF 309.98 FEET TO A POINT 20.08 FEET WEST OF THE EAST LINE OF SAID TRACT 33, SAID POINT ALSO BEING ON THE WEST RIGHT OF WAY LINE FOR LYONS ROAD;

THENCE SOUTH 00°36'48" EAST ALONG THE SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1,300.48 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 55 AND BEING 15.45 FEET WEST OF THE SOUTHEAST CORNER OF SAID TRACT 55;

THENCE SOUTH 89°37'32" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 314.54 FEET;

THENCE SOUTH 00°24'34" EAST, A DISTANCE OF 60.00 FEET TO A POINT 18.25 FEET NORTHERLY OF THE NORTHWEST CORNER OF SAID PARCEL "A", LYONS COMMONS PLAT;

THENCE NORTH 89°37'32" EAST ALONG A LINE 18.25 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SAID PARCEL "A", A DISTANCE OF 284.75 FEET;

THENCE SOUTH 44°13'59" EAST, A DISTANCE OF 43.49 FEET;

THENCE SOUTH 04°41'29" WEST, A DISTANCE OF 70.30 FEET;

THENCE SOUTH 00°36'48" EAST, A DISTANCE OF 265.00 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°24'34" WEST, A DISTANCE OF 110.01 FEET;

THENCE SOUTH 89°37'26" WEST, A DISTANCE OF 3.00 FEET;

THENCE SOUTH 00°24'34" EAST, A DISTANCE OF 40.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL "A". THE PREVIOUS TWELVE COURSES ARE COINCIDENT WITH THE EAST LINE OF SAID PARCEL "A" AND THE WEST RIGHT-OF-WAY LINE FOR LYONS ROAD;

THENCE SOUTH 89°37'59" WEST ALONG THE SOUTH LINE OF SAID PARCEL "A", A DISTANCE OF 314.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "A";

THENCE NORTH 00°24'34" WEST ALONG THE WEST LINE OF SAID PARCEL "A" AND THE EAST LINE OF PARCEL D-2 BUFFER, LYONS CREEK PLAT ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 169, PAGE 41 OF THE SAID PUBLIC RECORDS, A DISTANCE OF 330.11 FEET TO NORTHEAST CORNER OF SAID PARCEL D-2 BUFFER;

THENCE SOUTH 89°38'26" WEST ALONG THE NORTH LINE OF SAID PARCEL D-2 BUFFER AND PARCELS C-2 AND B-2 BUFFER, A DISTANCE OF 1,320.00 FEET TO THE NORTHWEST CORNER OF SAID LYONS CREEK PLAT;

THENCE SOUTH 00°24'34" EAST ALONG THE WEST LINE OF SAID LYONS CREEK PLAT, A DISTANCE OF 0.30 FEET TO THE NORTHEAST CORNER OF BERBER PLAT TWO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 182, PAGE 53 OF THE SAID PUBLIC RECORDS;

THENCE SOUTH 89°38'26" WEST ALONG THE NORTH LINE OF SAID BERBER PLAT TWO AND THE NORTH LINE OF TRACT A, SAID BERBER PLAT TWO, A DISTANCE OF 660.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT A, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID TRACT 73;



THENCE SOUTH 00°24'34" EAST ALONG THE WEST LINE OF SAID TRACT A AND THE EAST LINE OF SAID TRACT 73, A DISTANCE OF 660.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 73, SAID POINT BEING ON THE NORTH LINE OF A 50-FOOT ROAD RESERVATION DEDICATED BY SAID PALM BEACH FARMS CO. PLAT NO. 3;

THENCE SOUTH 89°38'26" WEST ALONG THE SOUTH LINE OF SAID TRACT 73 AND THE NORTH LINE OF SAID 50-FOOT ROAD RESERVATION, A DISTANCE OF 330.07 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 73, SAID POINT ALSO BEING ON THE EAST RIGHT OF WAY LINE FOR BANKS ROAD;

THENCE NORTH 00°25'06" WEST ALONG THE WEST LINE OF SAID TRACTS 60 AND 73 AND SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 1,334.98 FEET TO A POINT ON THE CENTERLINE FOR N.W. 40TH STREET;

THENCE CONTINUE NORTH 00°25'06" WEST ALONG SAID EAST RIGHT OF WAY LINE AND THE WEST LINE OF TRACTS 40 AND 49, A DISTANCE OF 1,335.37 FEET TO THE SAID NORTHWEST CORNER OF SAID TRACT 40, AND THE POINT OF BEGINNING;

LESS THE FOLLOWING:

A PORTION OF PARCEL A OF SAID R. M. GREEN CORPORATION PLAT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF PARCEL "B" OF SAID PLAT;

THENCE ALONG THE WEST LINE OF SAID PARCEL "B" NORTH 00°24'36" WEST, 28.64 FEET;

THENCE NORTH 60°23'56" EAST 74.46 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°24'36" WEST, 217.00 FEET;

THENCE NORTH 89°37'53" EAST 600.00 FEET;

THENCE SOUTH 00° 24'36" EAST, 217.00 FEET;

THENCE SOUTH 89°37'53" WEST 600.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA, AND CONTAINING 7,825,804.47 SQUARE FEET (179.656 ACRES), MORE OR LESS.