

**RESOLUTION NO. 2024-157**

**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 A MAXIMUM OF 172 CONDOMINIUM UNITS FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, GENERALLY DESCRIBED AS BLOCK 15A 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 legally described in Exhibit "A," attached hereto and made a part hereof; and

**WHEREAS**, the Applicant is seeking Site Plan approval for 172 condominium units 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 September 11, 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 172 condominium units, 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 the issuance of a building permit 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. The final site plan shall be submitted to the City pursuant to Section 13-26(l)(5), Final Documentation, showing that side-building façades will be updated per window placement DRC comments in relation to visibility into the A/C corrals. Windows of an appropriate size and shape will be provided, but will be strategically placed to prevent direct views into the A/C corrals from inside of the residential dwelling unit but will still allow adequate natural light to enter the residence.
4. 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 appropriate plat references contained in the legal description included as 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 \_\_\_\_\_

**EXHIBIT "A"**

**LEGAL DESCRIPTION: BLOCK 15A**

A PARCEL OF LAND BEING A PORTION OF TRACT 1, MAINSTREET AT COCONUT CREEK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK \_\_\_\_, PAGE \_\_\_\_ OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA. SAID LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHERNMOST NORTHEAST CORNER OF SAID TRACT 1;

THENCE SOUTH 00°25'05" EAST, A DISTANCE OF 78.00 FEET;

THENCE SOUTH 00°25'05" EAST, A DISTANCE OF 775.45 FEET. THE PREVIOUS TWO COURSES ARE COINCIDENT WITH THE EAST LINE OF SAID TRACT 1 AND THE WEST RIGHT-OF-WAY LINE FOR BANKS ROAD;

THENCE SOUTH 89°37'38" WEST, A DISTANCE OF 411.71 FEET;

THENCE NORTH 00°25'03" WEST, A DISTANCE OF 262.68 FEET;

THENCE NORTH 44°36'03" EAST, A DISTANCE OF 58.41 FEET;

THENCE NORTH 89°37'38" EAST, A DISTANCE OF 210.39 FEET;

THENCE NORTH 00°25'07" WEST, A DISTANCE OF 408.90 FEET;

THENCE SOUTH 89°38'15" WEST, A DISTANCE OF 755.00 FEET;

THENCE NORTH 00°25'05" WEST, A DISTANCE OF 142.40 FEET;

THENCE NORTH 89°37'35" EAST, A DISTANCE OF 27.83 FEET;

THENCE NORTH 00°03'35" WEST, A DISTANCE OF 12.10 FEET;

THENCE NORTH 89°38'15" EAST, A DISTANCE OF 489.85 FEET;

THENCE SOUTH 81°17'00" EAST, A DISTANCE OF 75.81 FEET;

THENCE NORTH 89°37'28" EAST, A DISTANCE OF 257.40 FEET. THE PREVIOUS THREE COURSES ARE COINCIDENT WITH THE SOUTH LINE OF T-1 BUFFER AS SHOWN ON SAID MAINSTREET AT COCONUT CREEK PLAT AND THE NORTH LINE OF SAID TRACT 1;

THENCE SOUTH 00°25'05" EAST, A DISTANCE OF 80.04 FEET

THENCE NORTH 89°37'10" EAST, A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING;

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA, AND CONTAINING 321,262.66 SQUARE FEET, 7.3752 ACRES