

ORDINANCE NO. 2024-007

AN ORDINANCE 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 PERMIT A MAXIMUM OF 472 MULTI-FAMILY RESIDENTIAL UNITS FOR THE PROPERTIES LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF; 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 Dunay, Miskel & Backman, LLC, 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 north side of Sample Road, east of State Road 7/U.S. 441, and west of NW 54 Avenue (Wochna Boulevard), as legally described in Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the Applicant is seeking Site Plan approval for 472 multi-family residential 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 January 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; 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 Article III, "Zoning Regulations," of Chapter 13, "Land Development Code," of the City of Coconut Creek.

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.

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

Section 3: Approval. That this Site Plan application for 472 multi-family residential units, having been recommended for approval by the Planning and Zoning Board on January 10, 2024, and having been reviewed by the City Commission, 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. Prior to the issuance of a Certificate of Occupancy, the developer shall design, construct, and receive acceptance by the City for the entire roadway segment of City Market Avenue as shown on the Roadway Site Plan. The City Market Avenue streetscape infrastructure improvements identified in the MainStreet PMDD and on the Roadway Site Plan may be reduced along the east side of the roadway segment adjacent to the Marbella development parcel provided that a minimum of a two (2)-lane roadway with the west side streetscape improvements and sidewalk, drainage, pavement, lighting, signage and pavement markings be constructed and accepted by the City.
3. Prior to the issuance of a Certificate of Occupancy, the developer shall design, construct, and receive acceptance by the Florida Department of Transportation (FDOT) for the westbound Sample Road deceleration right-turn lane onto City Market Avenue as shown on the Roadway Site Plan.
4. 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.
5. 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 ordinance. 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 this ordinance may be revoked by the City Commission at any time upon a determination that the Applicant is not in compliance with the City Code or this ordinance.

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 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 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: 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 ordinance are hereby repealed to the extent of such conflict.

Section 9: Effective Date. That this ordinance shall become effective upon its passage on second and final reading provided that the site plan approved herein shall not be effective until the applicant's sale of the property closing and the MainStreet at Coconut Creek Development Agreement has become effective.

PASSED FIRST READING THIS 22ND DAY OF FEBRUARY, 2024.

PASSED SECOND READING THIS 14TH DAY OF MARCH, 2024.

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>
Railey	<u>Aye</u>	<u>Aye</u>
Brodie	<u>Aye</u>	<u>Aye</u>
Wasserman	<u>Aye</u>	<u>Aye</u>

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JP:ae

EXHIBIT "A"

Legal Description:

LEGAL DESCRIPTION: BLOCK 4

A PARCEL OF LAND BEING A PORTION OF TRACTS 57 AND 58, BLOCK 89, PALM BEACH COUNTY FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45-54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 58;

THENCE NORTH 89°38'26" EAST ALONG THE SOUTH LINE OF SAID TRACT 58, A DISTANCE OF 82.02 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE NORTH 89°38'26" EAST, ALONG SAID SOUTH LINE AND THE SOUTH LINE OF SAID TRACT 57, A DISTANCE OF 984.41 FEET;

THENCE NORTH 00°20'45" WEST, A DISTANCE OF 571.25 FEET;

THENCE SOUTH 75°00'40" WEST, A DISTANCE OF 49.95 FEET;

THENCE SOUTH 89°38'22" WEST, A DISTANCE OF 936.56 FEET;

THENCE SOUTH 00°23'39" EAST, A DISTANCE OF 558.62 FEET TO THE POINT OF BEGINNING;

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA AND CONTAINING 550,359.64 SQUARE FEET, 12.6345 ACRES