RESOLUTION NO. 2023-097

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SITE PLAN REQUEST OF COOLIDGE, INC. FOR THE PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF ATLANTIC BOULEVARD AND LYONS ROAD, 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, Coolidge, Inc. ("Applicant"), is requesting Site Plan approval for the property generally located at the northwest corner Atlantic Boulevard and Lyons Road, as legally described in Exhibit "A;" and

WHEREAS, the Applicant is seeking Site Plan approval for the development of a light industrial, flex space, and warehouse; and

WHEREAS, the proposed improvements are consistent with the PCD (Greystar Cocomar Planned Commerce District) zoning and Land Development Code of the City of Coconut Creek; and

WHEREAS, at its public hearing held on April 12, 2023, 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 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 and with the Greystar Cocomar PCD (Planned Commerce District) zoning regulations.

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 requirements of Article III, "Zoning Regulations," of Chapter 13, "Land Development Code," of the City of Coconut Creek Code of Ordinances and with the Greystar Cocomar PCD zoning regulations.

Section 3: Approval. That this Site Plan application for the development of a light industrial, flex space, and warehouse project for the property legally described in Exhibit "A," having been recommended for approval by the Planning and Zoning Board on April 12, 2023, and having been reviewed by the City Commission, is hereby approved subject to the following conditions:

1. Approval by the City Commission of Ordinance No. 2023-012, adopting the "Greystar Cocomar PCD" zoning and Ordinance No. 2023-013, amending the List of Permitted and Special Land Uses for the Greystar Cocomar PCD in the Land Development Code.
2. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to issuance of a building permit unless otherwise stated therein.
3. Prior to the issuance of a principal building permit, the property owner shall coordinate the permitting and construction of the adjacent northbound Lyons Road turn lane and median improvements that impact existing landscaping, irrigation, and hardscape (paver) materials and be authorized to mobilize and proceed by the City's Public Works Director.
4. Prior to the second reading public hearing of the rezoning request, the applicant shall record in the public records of Broward County in a form acceptable to the City Attorney's Office, the Declaration in Lieu of Unity of Title and Cross Access Easement(s), including a limitation of no more than 79 truck dock doors on the site.
5. Greystar has committed to the following additional conditions of approval for the approved site plan, ("Approved Site Plan); conditions or improvements which are intended to run with the land, as provided herein, shall be committed to in writing and recorded as covenants running with the land in the official Broward County records.
   a. CONCRETE WALLS: Prior to commencing vertical construction of buildings A, B, or C as shown on the Approved Site Plan, the applicant shall build an 8-foot

concrete wall from Banks Road on the north side of Luland Plat in the City of Margate and the Tilinda Plat to the west side of the Cocomar canal right-of-way, including along the southern border of the City's Coco Point Park; from the east side of the Cocomar canal right-of-way and along the north side of Parcel B of the Cocopalms Plat, which shall continue north adjacent to the west side of the right-of-way of Lyons Road along the east side of the Cocopalms neighborhood, all as shown on a revised site plan(s) to be provided to the City for review and approval by the City DRC. Portions of this wall will be on the applicant's property and portions of the wall will be on property owned by other parties. The requirement to build a wall on any private, municipal or public property, other than the applicant's property, is conditioned upon receiving requisite written approvals and easements from those property owners. Nothing in this condition shall supersede or exempt the applicant's adherence to any City land development code or other regulatory requirements, including but not limited to, buffering requirements for this development project relating to walls, fencing, or landscaping. Only horizontal construction including, but not limited to, clearing, grubbing, site work, utilities, building foundations of the site shall be allowed to proceed concurrently with the wall construction. See "Attachment A" for an aerial map of the location and ground view details of the wall, attached hereto and incorporated herein. (Also depicted on the site plan.)

b. Prior to the issuance of a building permit for vertical construction, for walls that are to be built on property other than the applicant's property, the applicant shall provide to the City fully executed copies of agreements, easements, or other legal documents to the satisfaction of the City Attorney addressing issues including, but not limited to, maintenance, code enforcement liability, access, irrigation, and adherence to city wall and landscape buffer code or other applicable regulatory requirements. The required document(s) shall be recorded in the official records books of Broward County.

c. Prior to the issuance of a building permit for vertical construction, the applicant shall install landscaping as required by the City's land development code on the north side of the wall upon applicant's property that faces the neighbors in the Tilinda Plat and Parcel B of the Cocopalms Plat.

d. The applicant shall improve upon and replace any landscaping in the Cocopalms landscape easement adjacent to Lyons Road that was damaged due to construction activity related to the wall installation, subject to the requirements of any authority having jurisdiction over the plantings or other third-party beneficiaries with rights in these locations (i.e. utility providers) if applicable. The applicant is not responsible for ongoing maintenance of the landscaping in either of these areas. See "Attachment A" for a ground view depiction of the landscape improvements for both of these areas. The applicant shall provide a maintenance agreement with the property owner for future landscape maintenance of any landscaping planted by the applicant on property owned by a person or entity other than the applicant.

e. For the portion of wall that is installed along the eastern boundary of the Cocopalms community or along other segments extending beyond the property lines of the applicant's property, the applicant shall have an on-going obligation to repair or replace the 8-foot wall if it is damaged. Maintenance of the wall by the applicant will include restoring structural damages (including cracks, holes,

or other deficiencies) caused by accidents, decay, Acts of God, etc. and will exclude cosmetic details such as paint wear or chipping. All portions of the wall within the applicant's property shall be subject to the maintenance and care provisions in the City's land development code. The applicant must arrange for and provide to the City, a copy of all cross access and maintenance agreements demonstrating responsibilities for ongoing structural and aesthetic maintenance responsibilities and assignation and acceptance of responsibility by the applicable property owner for all conditions in an enforcement action, prior to issuance of permit for the wall.

f. The applicant must submit an application to the City of Coconut Creek and any other applicable entity or agency to vacate the utility easement(s) as shown on the recorded plat for this property, or in the alternative, proof that any preexisting easement rights have been vacated, prior to issuance of any permit.

g. PRIVATE USE EASEMENTS: Prior to the issuance of a building permit for the wall, the applicant shall grant a 12-foot irrevocable private use easement to each individual property owner with land located within the Tilinda Plat and Parcel B of the Cocopalms Plat along the northern boundary of applicant's property and abutting the adjacent property owner's property. A complete list of properties is shown in "Attachment B," attached hereto and incorporated herein (commonly referred to herein as "Property Owners"). The list purposefully excludes all property owners who abut the natural preserve area, as designated by Broward County, where there is insufficient area to provide the private use easement due to the requirements of the preserve. The 12-foot private use easement must be irrevocable/binding upon the applicant (owner of the servient land) and all subsequent owners of said servient land, assignable to future owners of the dominant land, enforceable by all parties, run with the land, and cannot be vacated without the City's written consent obtained in advance. The 12-foot private use easement will be recorded by the applicant, at its sole expense, and applicant will also provide authorization to Property Owners to apply for permits to erect fencing or other uses permitted under the easement upon the private use easement. (Also depicted on the site plan and within the PCD regulations.)

h. SIGN: Prior to the issuance of the first Certificate of Occupancy, the applicant shall design, construct, and install the monument entrance sign, at its sole expense, in substantially the form depicted in "Attachment C," attached hereto and incorporated herein, or in such form as the City's DRC may instruct otherwise. The applicant shall also provide the City of Coconut Creek with a bill of sale for the monument sign structure itself, along with a specific purpose easement upon the land that the monument sign structure occupies and access from the adjoining right-of-way for purposes of maintenance and sign alterations. The applicant will be responsible for the costs of lighting the sign in perpetuity. Said specific purpose easement must be granted in a form deemed legally sufficient by the City Attorney, and recorded in the official records books of Broward County at applicant's sole expense. (Also depicted on the site plan and within the PCD regulations.)

i. COCO POINT PARK: Prior to the issuance of the first Certificate of Occupancy, the applicant must complete all City permitting requirements and construct all Coco Point Park improvements (to be included in a separate set of drawings for review and approval by City) including but not limited to, passing inspections for

all solar lights and a solar charging station in Coco Point Park. An agreement including, but not limited to, terms and conditions and providing for installation and maintenance by the applicant and any subsequent owner of the subject property, in perpetuity, shall be executed by the applicant and City. (Also included in site plan back-up documents.)

j. SITE ENTRY POINTS: Left turns out onto Lyons Road are prohibited. (Also depicted on the site plan and within the PCD regulations.)

k. REDUCTION OF BAYS: Reduce overall truck bay count to 79, allocated as such:
   i) Building A – 13
   ii) Building B – 32
   iii) Building C – 34
   iv) Prior to issuance of any building permit for vertical construction for any of these buildings, the applicant will submit to the City a revised plan showing the revised building elevations where truck bay doors were removed for review and approval by City DRC. (Also depicted on the site plan.)

l. TRAFFIC SIGNAL: Prior to issuance of a building permit for vertical construction for Building A, B, or C, the applicant shall provide sufficient security interest benefitting the City for a new traffic signal and execute a traffic signalization agreement with the City of Coconut Creek in a form acceptable to the City Attorney, as well as provide cost estimates as outlined in such agreement for a traffic signal at the site's entrance on West Atlantic Boulevard. (Also depicted on the site plan and within the PCD regulations.) This obligation and the required security shall remain in place for four (4) years following issuance of the certificate of occupancy for the last building on the site plan.

m. COMMUNITY GARDEN: Prior to issuance of the first Certificate of Occupancy, the applicant shall construct an approximately 4,000 square foot community garden on the east side of the project site (adjacent to the walking trail along Lyons Road). The applicant will submit plans, which shall include a Garden Management Plan and a method for establishing public access, to the City for the community garden for review and approval by City DRC. The applicant shall maintain the community garden. The garden will be open to residents of Coconut Creek. If the City subsequently determines, in its sole discretion, that the community garden is no longer viable due to lack of use, maintenance problems, or other health or safety issues, the City will give notice to the applicant of same. The applicant will have a reasonable period of time not to exceed six (6) months to remove the community garden and install the landscaping that was previously planned for this area. See "Attachment D," attached hereto and incorporated herein, for a depiction of the community garden and the landscaping previously planned for this area. (Also depicted on the site plan.)

n. BUILDING LENGTH REDUCTION. The applicant shall provide a revised site plan to the City showing the building length reductions as provided below for review and approval by the City DRC.
   i) BUILDING A. Building A shall be reduced from 378 feet in length to 358 feet. The applicant shall shift the driveway along the northern wall of Building A, south 20 feet, and provide 20 feet of additional landscaping on the north side of the driveway, incorporating any existing tree canopy that can be preserved in the additional landscape area.

ii) Building B shall be reduced from 872 feet in length to 852 feet. The applicant shall retain the driveway in the current location and shall provide 20 feet of additional landscaping between the northern end of Building B and the driveway, incorporating any existing tree canopy that can be preserved in the additional landscape area.

6. The applicant shall provide a revised Site Plan with all required modifications, as described herein, within 20 days of the effective date of this resolution.

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 this resolution 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 resolution.

Section 5: Compliance with Applicable Codes. That the final Site Plan and building plans shall comply with all applicable zoning regulations and building codes.

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 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 effective only after approval by the City Commission of Ordinance No. 2023-012, adopting the "Greystar Cocomar PCD" zoning, and Ordinance No. 2023-013, amending the List of Permitted and Special Land Uses for the Greystar Cocomar PCD in the Land Development Code.

Adopted this 9th day of November, 2023.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

Rydell	Aye
Welch	Aye
Railey	Aye
Brodie	Aye
Wasserman	Nay

JP:ae
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EXHIBIT "A"

Legal Description:

Parcel "A" of the Tilinda Plat, according to the Plat thereof, as recorded in Plat Book 143, Page 21, of the Public Records of Broward County, Florida.

Parcel "A" of the Coolidge Plat, according to the Plat thereof, as recorded in Plat Book 143, Page 40, of the Public Records of Broward County, Florida.

Parcel "B" of the Cocopalms Plat, according to the Plat thereof, as recorded in Plat Book 154, Page 41, of the Public Records of Broward County, Florida.

Attachment A

AERIAL WITH WALL & FENCE LOCATION

GREYSTAR®

IBI

VIEW FROM COCOPALMS - BUILDINGS B & C

NORTH/NEIGHBOR VIEW – LAKEWOOD EAST/BUILDING A

KEYPLAN

Attachment A

Attachment A

Attachment B

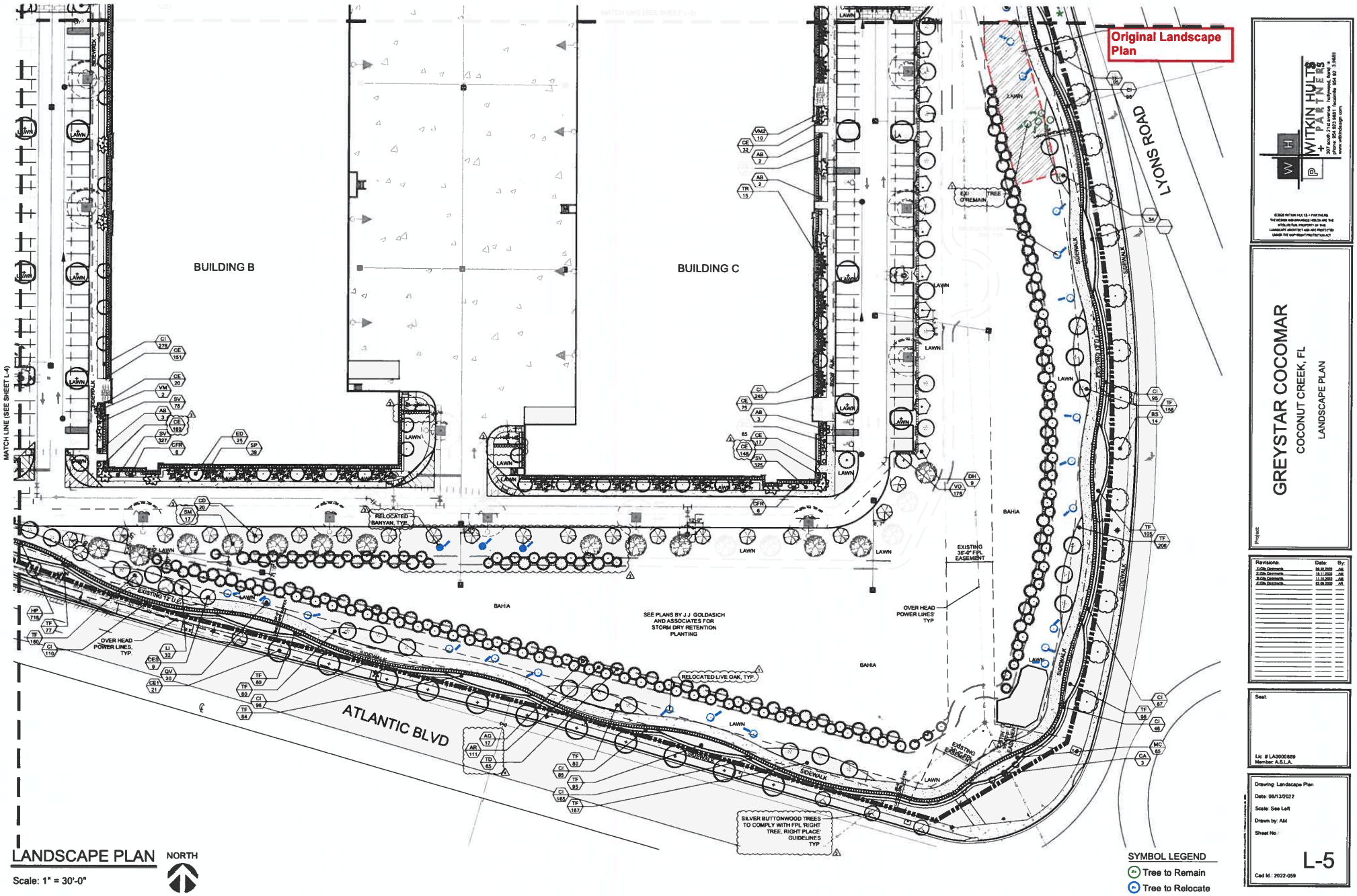
Lakewood East

Property Owner	Address	ID #
CONBOY, DAVID A & DANA S	4890 NW 6 STREET, COCONUT CREEK FL 33063-4646	4842 31 11 0790
ACKER, JAMES E & BETH L; JAMES & BETH ACKER REV LIV TR	4946 NW 6 STREET, COCONUT CREEK FL 33063-4644	4842 31 09 0100
JAMES, RAYMOND A	4950 NW 6 STREET, COCONUT CREEK FL 33063	4842 31 09 0090

Coco Palms

Property Owner	Address	ID #
JOSEPH, SAMUEL	4712 NW 5 COURT, COCONUT CREEK FL 33063-6739	4842 31 30 1200
CARVALHO, ANSELMO & MARILENE S	4718 NW 5 COURT, COCONUT CREEK FL 33063-6739	4842 31 30 1190
BOCHE, JONATHAN & MARISA	4724 NW 5 COURT, COCONUT CREEK FL 33063-6739	4842 31 30 1180
SADDLER, MICHAEL P & JACQUELINE	4730 NW 5 COURT, COCONUT CREEK FL 33063-6739	4842 31 30 1170
CRAWFORD, GENEVA G	4736 NW 5 COURT, COCONUT CREEK FL 33063-6739	4842 31 30 1160
ZIOLKOWSKA, MILENA; HEAD, PAUL S	4742 NW 5 COURT, COCONUT CREEK FL 33063	4842 31 30 1150
NARINE, PARMESHWAR & DIANE P	4748 NW 5 COURT, COCONUT CREEK FL 33063-6739	4842 31 30 1140
KLEINUBING, PIERRE H/E; KLEINUBING, SUSANNA	4754 NW 5 COURT, COCONUT CREEK FL 33063-6739	4842 31 30 1130
WILLIAMS, STEPHEN H/E; GHERSI, ANDREA	4760 NW 5 COURT, COCONUT CREEK FL 33063-6739	4842 31 30 1120
BOFILL, KATHIA R & BOFILL MEITE, LEUDYS I	4766 NW 5 COURT, COCONUT CREEK FL 33063-6739	4842 31 30 1110
SUSANJ, MARIAN	4772 NW 5 COURT, COCONUT CREEK FL 33063-6739	4842 31 30 1100
WIGGAN, LISA J P H/E; SEVILLE, BRIDGETTE E	4778 NW 5 COURT, COCONUT CREEK FL 33063-6739	4842 31 30 1090
PRICE, JULIA A	4784 NW 5 COURT, COCONUT CREEK FL 33063-6739	4842 31 30 1080

Attachment C

Attachment D

Attachment D