RESOLUTION NO. 2021-193

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SITE PLAN REQUEST OF HILLSBORO MARKETPLACE INVESTMENTS, LLC FOR THE PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF HILLSBORO 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, Hillsboro Marketplace Investments, LLC ("Applicant"), is requesting site plan approval for property generally located at the northeast corner of Hillsboro Boulevard and Lyons Road (Marketplace at Hillsboro Plaza), as legally described in Exhibit "A;" and

WHEREAS, the Applicant is seeking site plan approval for improvements to the existing Marketplace at Hillsboro Plaza, including façade renovations and site plan modifications; and

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

WHEREAS, at its public hearing held on August 11, 2021, 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 the following condition:

a. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to issuance of a building permit; 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 Marketplace at Hillsboro II PCD 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 and with the Marketplace at Hillsboro II PCD zoning regulations.

Section 3: Approval. That this site plan application for improvements to the existing Marketplace at Hillsboro shopping plaza, including façade renovations and site modifications, for the property legally described in Exhibit "A," having been recommended for approval by the Planning and Zoning Board on August 11, 2021, and having been reviewed by the City Commission, is hereby approved subject to the following conditions:

a. Outstanding DRC comments remain effective throughout the development review process and shall be addressed prior to the issuance of a building permit.
b. Tree Removal Permit(s) must be obtained by the applicant prior to any tree removal.
c. No tree removal may occur until the completion of façade improvements identified in Phase 4 as shown in the Proposed Master Site Phasing Plan Sheet 032-SP-3, dated April 14, 2021.
d. The property owner(s) shall properly maintain the median landscaping on NW 71st Street as shown on the Street Buffer Entry Landscape Plan dated February 18, 1998.
e. Prior to the issuance of the first Certificate of Occupancy or Certificate of Completion, whichever comes first, on the proposed shopping center improvements, the property owner(s) shall paint, stucco, and repair as necessary the north and east perimeter buffer wall shown on Sheet LP-1.1 of the Overall Landscape Plan.

f. Prior to the issuance of the first Certificate of Occupancy or Certificate of Completion, whichever comes first, the property owner(s) shall install delivery vehicle wayfinding signage at the NW 71st Street driveway entrance to guide those vehicles into the plaza at that driveway to avoid driving further east on NW 71st into the residential neighborhood.

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 effect immediately upon its adoption.

Adopted this 23rd **day of** September**, 2021.**

Rebecca A. Tooley

Rebecca A. Tooley, Mayor

Attest:

Marianne Bowers

Marianne Bowers, Interim City Clerk

Tooley	Aye
Rydell	Aye
Sarbone	Aye
Welch	Aye
Railey	Aye

JP:ae
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EXHIBIT "A"

Legal Description:

BEING A PORTION OF PARCEL "A," "HILLSBORO CENTER," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 133, PAGE 4, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND A PORTION OF PARCEL "A," "HILLSBORO CENTER — NO. 2," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 142, PAGE 45, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.