

**RESOLUTION NO. 2024-053**

**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 PERMIT A MAXIMUM OF 148 SINGLE FAMILY TOWNHOMES FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, GENERALLY DESCRIBED AS BLOCKS 5 & 6 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 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 148 townhomes 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 February 14, 2024, the Planning and Zoning Board heard, reviewed, and duly considered the application materials, the reports, findings, and recommendations of the City staff, and together with the opinions and testimony stated at the public hearing, 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 and 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 requirements of Article III, "Zoning 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 Site Plan application for 148 townhomes, 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. Vehicle parking is not permitted on the rear alley fire access road nor on the valley gutters along this same roadway. Townhome garages shall be used for vehicle parking only. Storage and other use of the garages shall be limited in order to preserve space for vehicles inside the garage. Prior to the issuance of a Certificate of Occupancy (C.O.), the developer shall provide to the City a copy of the draft Declaration of Restrictive Covenants, Homeowner's Association documents, and proposed community rules to ensure that adequate rules to address this condition are included and enforceable by the association.
3. Armrests and anti-skateboard devices shall be used on proposed park and open space amenity seating areas.
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 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 state or federal agency or undertakes action that result in a violation of 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 11th day of April, 2024.

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Sandra L. Welch, Mayor

Attest:

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Joseph J. Kavanagh, City Clerk

Welch Aye

Railey Aye

Rydell Aye

Brodie Aye

Wasserman Aye

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**EXHIBIT "A"**

**Legal Description:**

LEGAL DESCRIPTION: BLOCK 5

A PARCEL OF LAND BEING A PORTION OF TRACTS 5 AND 6, 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 NORTHERNMOST SOUTHWEST CORNER OF SAID TRACT 6;

NORTH 00°29'53" WEST, ALONG THE WEST LINE OF SAID TRACT 6 AND THE EAST RIGHT-OF-WAY LINE FOR N.W. 48TH AVENUE AS SHOWN ON SAID MAINSTREET AT COCONUT CREEK, A DISTANCE OF 167.36 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE FOR THE NEXT TWO COURSES BEING ALONG THE SAID WEST LINE AND EAST RIGHT-OF-WAY LINE, NORTH 00°29'53" WEST, A DISTANCE OF 122.64 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE WEST;

THENCE NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 16°29'30" AND A RADIUS OF 230.00 FEET FOR AN ARC DISTANCE OF 66.20 FEET TO A POINT ON A NON-TANGENT LINE. SAID POINT ALSO BEING REFERENCE POINT "A";

THENCE NORTH 89°37'34" EAST, ALONG THE NORTH LINE OF BLOCK 5, A DISTANCE OF 211.46 FEET;

THENCE SOUTH 00°29'53" EAST ALONG THE EAST LINE OF BLOCK 5, A DISTANCE OF 187.48 FEET

THENCE SOUTH 89°30'07" WEST ALONG THE SOUTH LINE OF BLOCK 5, A DISTANCE OF 202.00 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH:

COMMENCE AT THE AFOREMENTIONED REFERENCE POINT "A";

THENCE SOUTH 89°37'23" WEST, A DISTANCE OF 63.66 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89°37'19" WEST, A DISTANCE OF 69.97 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST;

THENCE WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 44°37'19" AND A RADIUS OF 180.00 FEET FOR AN ARC DISTANCE OF 140.18 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 45°00'00" WEST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 107.97 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE SOUTHWESTERLY AND WESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 44°37'34" AND A RADIUS OF 100.00 FEET FOR AN ARC DISTANCE OF 77.89 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 89°37'34" WEST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 678.25 FEET. THE PREVIOUS FIVE COURSES BEING COINCIDENT WITH THE NORTH LINE OF BLOCK 5;

THENCE SOUTH 00°08'59" EAST, A DISTANCE OF 60.00 FEET;

THENCE NORTH 89°37'34" EAST, A DISTANCE OF 60.34 FEET;

THENCE SOUTH 00°22'26" EAST, A DISTANCE OF 152.70 FEET;

THENCE NORTH 89°36'04" EAST, A DISTANCE OF 116.00 FEET;

THENCE SOUTH 00°22'26" EAST, A DISTANCE OF 57.35 FEET. THE PREVIOUS FIVE COURSES BEING COINCIDENT WITH THE WEST LINE OF BLOCK 5;

THENCE NORTH 89°37'34" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF N.W. 40TH STREET AS SHOWN ON SAID MAINSTREET AT COCONUT CREEK AND THE SOUTH LINE OF BLOCK 5, A DISTANCE OF 378.22 FEET;

THENCE NORTH 00°22'26" WEST, A DISTANCE OF 94.00 FEET;

THENCE NORTH 89°37'34" EAST, A DISTANCE OF 40.00 FEET;

THENCE SOUTH 00°22'26" EAST, A DISTANCE OF 94.00 FEET;

THENCE NORTH 89°37'34" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF N.W. 40TH STREET AS SHOWN ON SAID MAINSTREET AT COCONUT CREEK AND THE SOUTH LINE OF BLOCK 5, A DISTANCE OF 327.67 FEET;

THENCE NORTH 00°22'26" WEST, A DISTANCE OF 56.03 FEET;

THENCE NORTH 89°30'07" EAST, A DISTANCE OF 113.64 FEET;

THENCE NORTH 00°29'53" WEST ALONG THE WEST RIGHT-OF-WAY LINE FOR SAID N.W. 48TH AVENUE AND THE EAST LINE OF BLOCK 5, A DISTANCE OF 304.90 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE WEST;

THENCE NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 22°38'11" AND A RADIUS OF 170.00 FEET FOR AN ARC DISTANCE OF 67.16 FEET TO A POINT ON A NON-TANGENT LINE AND THE POINT OF BEGINNING

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA, AND CONTAINING 324,548.19 SQUARE FEET, 7.4506 ACRES

**Legal Description:**

LEGAL DESCRIPTION: BLOCK 6

A PARCEL OF LAND BEING A PORTION OF TRACT 5, 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 NORTHERNMOST SOUTHWEST CORNER OF SAID TRACT 5;

THENCE NORTH 00°25'05" WEST ALONG THE WEST LINE OF SAID TRACT 5 AND EAST RIGHT-OF-WAY OF BANKS ROAD, A DISTANCE OF 43.95 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE ALONG SAID WEST LINE AND RIGHT-OF-WAY LINE, NORTH 00°25'06" WEST, A DISTANCE OF 227.45 FEET

THENCE NORTH 89°34'51" EAST, A DISTANCE OF 31.52 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST;

THENCE EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 15°25'09" AND A RADIUS OF 160.00 FEET FOR AN ARC DISTANCE OF 43.06 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 75°00'00" EAST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 336.86 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 15°22'26" AND A RADIUS OF 220.00 FEET FOR AN ARC DISTANCE OF 59.03 FEET TO A POINT OF TANGENCY;

THENCE NORTH 89°37'34" EAST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 550.18 FEET;

THENCE SOUTH 00°08'59" EAST, A DISTANCE OF 60.00 FEET;

THENCE SOUTH 89°37'34" WEST, A DISTANCE OF 59.66 FEET;

THENCE SOUTH 00°22'26" EAST, A DISTANCE OF 152.70 FEET;

THENCE SOUTH 89°37'34" WEST, A DISTANCE OF 116.00 FEET;

THENCE SOUTH 00°22'26" EAST, A DISTANCE OF 57.30 FEET;

THENCE SOUTH 89°37'28" WEST, A DISTANCE OF 376.33 FEET;

THENCE NORTH 00°22'26" WEST, A DISTANCE OF 94.01 FEET;

THENCE SOUTH 89°37'34" WEST, A DISTANCE OF 36.39 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 11°29'13" AND A RADIUS OF 111.66 FEET FOR AN ARC DISTANCE OF 22.39 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE SOUTH 15°00'00" WEST, A DISTANCE OF 93.42 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST; A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF SOUTH 10°53'00" WEST;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 04°06'30" AND A RADIUS OF 319.68 FEET FOR AN ARC DISTANCE OF 22.92 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE NORTH 75°00'00" WEST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 191.02 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST;

THENCE NORTHWESTERLY AND WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 09°59'18" AND A RADIUS OF 400.18 FEET FOR AN ARC DISTANCE OF 69.76 FEET TO A POINT ON A NON-TANGENT LINE;

THENCE NORTH 15°00'00" EAST, A DISTANCE OF 73.36 FEET;

THENCE SOUTH 89°39'30" WEST, A DISTANCE OF 116.01 FEET TO THE POINT OF BEGINNING;

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA, AND CONTAINING 244,228.84 SQUARE FEET, 5.6082 ACRES