

RESOLUTION NO. 2024-107

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 DEVELOP A RETAIL BUILDING AND A FREESTANDING RESTAURANT, TOTALING 13,217 SQUARE FEET, WITH ANCILLARY PARKING FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, GENERALLY DESCRIBED AS BLOCK 2 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 northwest corner of NW 40 Street (proposed) and Lyons Road, as legally described in Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the Applicant is seeking Site Plan approval for a retail building and freestanding restaurant, totaling 13,217 square feet, 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 June 12, 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 a retail building and freestanding restaurant, totaling 13,217 square feet, 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. Prior to the issuance of a Certificate of Occupancy, the property owner shall provide legal documentation, which may include a cross access agreement and/or covenant, ensuring that the driveway connecting Blocks 2 and 5 shall remain open in perpetuity for vehicle traffic, which shall be reviewed and approved by the City Attorney's Office and recorded in the public records of Broward County, Florida at the applicant's expense. A recorded copy shall be returned to the City.
3. If, at any time following the issuance of a building permit, the property owner or a tenant uses a valet parking operation, a valet parking operation plan shall be submitted to the City for review and comment by the Traffic Management Team prior to it becoming operational. In the event the property owner or tenant wishes to cease valet service operations, the property owner or tenant shall notify the City in writing a minimum of thirty (30) days prior to ceasing valet parking operations.
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 new legal description in 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 _____

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EXHIBIT "A"

LEGAL DESCRIPTION: BLOCK 2

A PARCEL OF LAND BEING A PORTION OF TRACT 55, BLOCK 89 PALM BEACH FARMS CO. PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA. SAID LANDS NOW LYING IN SECTION 18, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BEING AND SITUATE IN BROWARD COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 55;

THENCE NORTH 00°24'34" WEST ALONG THE EAST LINE OF SAID TRACT 55, A DISTANCE OF 374.99 FEET; THENCE SOUTH 89°40'17" WEST, A DISTANCE OF 16.79 FEET TO A POINT ON THE EXISTING RIGHT OF WAY LINE FOR LYONS ROAD AND THE POINT OF BEGINNING;

THENCE SOUTH 89°40'17" WEST, A DISTANCE OF 295.18 FEET;

THENCE SOUTH 00°22'53" EAST, A DISTANCE OF 339.48 FEET TO A POINT 36.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 55;

THENCE NORTH 89°37'32" EAST ALONG THE SAID SOUTH LINE, A DISTANCE OF 254.14 FEET;

THENCE NORTH 44°36'29" EAST, A DISTANCE OF 42.85 FEET TO A POINT ON A LINE 12.00 FEET WEST OF AND PARALLEL WITH THE EXISTING RIGHT OF WAY LINE FOR LYONS ROAD;

THENCE NORTH 00°36'48" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 168.82 FEET;

THENCE NORTH 12°26'00" EAST, A DISTANCE OF 53.16 FEET TO A POINT ON THE SAID EXISTING RIGHT OF WAY LINE; THENCE NORTH 00°36'48" WEST ALONG SAID EXISTING RIGHT OF WAY LINE, A DISTANCE OF 88.28 FEET TO THE POINT OF BEGINNING;

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA AND CONTAINING 2.2324 ACRES (97,243.86 SQUARE FEET), MORE OR LESS.