

RESOLUTION NO. 2024-100

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SITE PLAN REQUEST OF LYONS ROAD GROUP, LLC, FOR A 2,376 SQUARE FOOT, TACO BELL FAST FOOD RESTAURANT WITH A DRIVE-THROUGH ON THE PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF SAWGRASS BOULEVARD WEST OF LYONS ROAD AT 6061 LYONS ROAD, AND LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant, Eduardo Carcache, CKE Group, Inc. on behalf of the property owner, Lyons Road Group, LLC ("Applicant"), is requesting Site Plan approval for the property generally located on the southwest corner of Sawgrass Boulevard 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 to construct a 2,376 square foot, free-standing, Taco Bell fast food restaurant with a drive-through to be located at 6061 Lyons Road within the Sawgrass Exchange PUD/PCD; and

WHEREAS, the proposed improvements are consistent with the Sawgrass Exchange PUD/PCD Development Plan 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 Site Plan 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 the Sawgrass Exchange PUD/PCD Development Plan and 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.

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 Sawgrass Exchange PUD/PCD Development Plan, and the City of Coconut Creek Comprehensive Plan.

Section 3: Approval. That this Site Plan application to construct a 2,376 square foot, free-standing, Taco Bell fast food restaurant with a drive-through, 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 business shall join the Coconut Creek Police Department's Trespass Enforcement Program and post "No Trespassing" signage in accordance with the Program and Florida State Statutes.

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. 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 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 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 upon its adoption.

Adopted this _____ day of _____, 2024.

Sandra L. Welch, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

Welch _____
Railey _____
Rydell _____
Brodie _____
Wasserman _____

EXHIBIT "A"

Legal Description:

A portion of Parcels "B" and "E," of the SAWGRASS EXCHANGE PLAT, according to the Plat thereof, as recorded in Plat Book 165, Page 2, of the Public Records of Broward County, Florida.