

RESOLUTION NO. 2025-106

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SPECIAL LAND USE APPLICATION SUBMITTED BY SCOTT BACKMAN OF MISKEL BACKMAN, LLP TO PERMIT AN APPROXIMATELY 2,800 SQUARE FOOT RESTAURANT WITH A DRIVE-THRU USE WITHIN BLOCK 3 OF THE MAINSTREET AT COCONUT CREEK DEVELOPMENT, LEGALLY DESCRIBED IN EXHIBIT “A,” ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR VIOLATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Scott Backman of Miskel Backman, LLP has made an application for Special Land Use approval to permit a 2,800 square foot restaurant with a drive-thru use within Block 3 of the MainStreet at Coconut Creek Development, legally described in Exhibit “A,” attached hereto and incorporated herein; and

WHEREAS, Section 13-35, “Special land use,” of the City’s Land Development Code provides criteria for review and consideration of a Special Land Use application by the City Commission; and

WHEREAS, at its public hearing held on June 11, 2025, the Planning and Zoning Board heard, reviewed, and duly considered the reports, findings, and recommendations of the City Staff, together with the testimony stated at the public hearing and has recommended approval of this item to the City Commission subject to conditions; and

WHEREAS, the City Commission has determined that the above described Special Land Use meets the standards and requirements of Section 13-35, “Special land use,” based upon the evidence presented at the public hearing, 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.

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. All exhibits attached hereto are incorporated herein and made a specific part of this resolution.

Section 2: Finding. That the City Commission finds and determines that the above described Special Land Use meets the requirements of Section 13-35, “Special land use,” of the City of Coconut Creek Code of Ordinances.

Section 3: Approval. That the Special Land Use for the property described in Exhibit “A,” having been recommended for approval by the Planning & Zoning Board on June 11, 2025, and having been reviewed by the City Commission, is hereby approved subject to the following conditions:

1. Any outstanding DRC comments remain effective throughout the development review process. Any unaddressed comments are incorporated herein as conditions of approval of the final resolution and must be addressed prior to issuance of a building permit unless otherwise stated therein.
2. This special land use shall be limited to an approximately 2,800 square foot restaurant with a drive-thru in Building D for either a “Fast Casual Restaurant” (ITE 930) with Drive-Thru or a “Coffee Shop with Drive-Thru” (ITE 937), as defined by the Institute of Transportation Engineers (ITE) and further defined in the applicant’s justification statement and incorporated herein by reference.
3. Tenants with operational characteristics that exceed the traffic generation and operational thresholds outlined in the approved traffic generation statement for “Fast Casual Restaurant” (ITE 930) with a Drive-Thru or a “Coffee Shop with Drive-Thru” (ITE 937) prepared by Kimley-Horn, dated May 12, 2025 as revised and incorporated herein by reference, are not permitted under this special land use approval.
4. Prior to the issuance of a Building Permit for occupancy of the space, the property owner or tenant shall provide to the City an affidavit demonstrating compliance with conditions 2 and 3.
5. Hours of operation for the drive-thru facility shall be restricted to:
 - a. Sunday through Thursday: 6:00 AM to 11:00 PM;
 - b. Friday and Saturday: 6:00 AM to 12:00 AM; and

- c. A Coffee Shop with Drive-Thru (ITE 937) may open at 5:30 AM daily.
6. Alcohol sales for on-site or off-site consumption shall be prohibited from the drive-thru facility.
 7. Prior to the issuance of a Certificate of Occupancy, the tenant or property owner 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.
 8. Prior to the issuance of a Certificate of Occupancy, the property owner shall ensure that a designated recycling receptacle(s) is provided in the trash enclosure located east of Building D in order to provide an on-site recycling program for customers and employees consistent with the MainStreet at Coconut Creek PMDD sustainability commitments.
 9. Prior to the issuance of a Certificate of Occupancy, the tenant or property owner, if utilizing single-use plastics without a self-serve station as defined in Sections 12-70 and 12-72 of the City's Code of Ordinances, shall provide copies of and the locations of the required signage notifying customers that single-use plastic food accessories are available upon request.
 10. Prior to the issuance of a tenant Certificate of Occupancy, the property owner shall provide to the tenant educational materials offered by the City of Coconut Creek, detailing food waste diversion practices and programs, which shall include information regarding the following techniques: source separation and composting of pre-consumer food scraps (e.g., fruit and vegetable trimmings, expired inventory); donation of safe, unsold food to certified food recovery programs (e.g., food banks) where feasible; or coordination with third-party composting programs if commercial compost pickup is available.
 11. 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 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: 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 ordinance are hereby repealed to the extent of such conflict.

Section 6: 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 7: Effective Date. That this resolution shall be in full force and effect immediately upon its adoption provided that the special land use 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 _____, 2025.

Jacqueline Railey, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

	<u>1st</u>	<u>2nd</u>
Railey	_____	_____
Wasserman	_____	_____
Welch	_____	_____
Rydell	_____	_____
Brodie	_____	_____

EXHIBIT "A"

Legal Description: BLOCK 3

A PORTION OF PARCEL "A", LYONS COMMONS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 181, PAGES 183-184 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND A PORTION OF TRACT 57, BLOCK 9, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45-54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID PARCEL "A"; THENCE SOUTH 89°38'26" WEST, A DISTANCE OF 314.00 FEET;

THENCE NORTH 00°24'34" WEST, A DISTANCE OF 330.11 FEET TO THE NORTHEAST CORNER OF PARCEL D, LYONS CREEK PLAT ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 169, PAGE 42 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA;

THENCE SOUTH 89°38'26" WEST ALONG THE NORTH LINE OF SAID PARCEL D AND THE SOUTH LINE OF SAID TRACT 57, A DISTANCE OF 260.52 FEET;

THENCE NORTH 00°21'34" WEST, A DISTANCE OF 569.53 FEET; THENCE NORTH 75°00'00" EAST, A DISTANCE OF 83.55 FEET; THENCE NORTH 81°02'17" EAST, A DISTANCE OF 142.05 FEET; THENCE NORTH 89°41'36" EAST, A DISTANCE OF 304.63 FEET;

THENCE SOUTH 42°39'25" EAST, A DISTANCE OF 67.81 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL "A" AND THE WEST RIGHT OF WAY LINE FOR LYONS ROAD;

THENCE SOUTH 04°44'39" WEST, A DISTANCE OF 32.57 FEET;

THENCE SOUTH 00°37'01" EAST, A DISTANCE OF 265.17 FEET;

THENCE NORTH 89°23'12" EAST, A DISTANCE OF 6.50 FEET;

THENCE SOUTH 00°36'48" EAST, A DISTANCE OF 78.92 FEET;

THENCE SOUTH 03°06'20" WEST, A DISTANCE OF 100.21 FEET;

THENCE SOUTH 00°36'48" EAST, A DISTANCE OF 84.91 FEET;

THENCE SOUTH 89°37'26" WEST, A DISTANCE OF 5.50 FEET;

THENCE SOUTH 00°24'34" EAST, A DISTANCE OF 180.09 FEET;

THENCE NORTH 89°35'26" EAST, A DISTANCE OF 12.00 FEET;

THENCE SOUTH 00°26'31" EAST, A DISTANCE OF 109.83 FEET;

THENCE SOUTH 89°37'06" WEST, A DISTANCE OF 3.00 FEET;

THENCE SOUTH 00°19'13" EAST, A DISTANCE OF 40.22 FEET, THE PREVIOUS MENTIONED 12 COURSES BEING COINCIDENT WITH THE SAID EAST LINE AND WEST RIGHT OF WAY LINE. SAID POINT BEING THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA AND CONTAINING 446,723.53 SQUARE FEET, 10.2554 ACRES.