

RESOLUTION NO. 2023-070

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SITE PLAN REQUEST OF HAMSA HAND HOLDINGS, LLC, FOR THE PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF COCONUT CREEK PARKWAY 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, Hamsa Hand Holdings, LLC ("Applicant"), is requesting Site Plan approval for property generally located at the southwest corner of Coconut Creek Parkway and Lyons Road (Strada Plaza), as legally described in Exhibit "A;" and

WHEREAS, the Applicant is seeking Site Plan approval for the development of a grocery store, self-storage facility, and fast food coffee shop with drive-thru at Strada Plaza; and

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

WHEREAS, at its public hearing held on March 8, 2023, 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 conditions:

1. Approval by the City Commission of Ordinance No. 2023-006, providing for an amendment of the Hale PCD zoning and Ordinance No. 2023-005, amending the List of Permitted and Special Land Uses for the Hale PCD in the Land Development Code.
2. Prior to the issuance of a Principal Building Permit for a Grocery Store, or prior to the issuance of a Building Permit for the third (3rd) Building, whichever comes first,

the off-site public sidewalk and transit improvements shown on the site plan and related plan sheets shall be completed.

3. The property owner shall be responsible for the construction and maintenance of the off-site public sidewalk and transit improvements shown on the site plan and related plan sheets in perpetuity and must enter into a maintenance agreement with the City prior to obtaining a permit for construction of said improvements.
4. All other outstanding DRC comments remain effective throughout the development review process. Any conditions not met prior to City Commission will be included in the final ordinance and must be addressed prior to the 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 Hale PCD (Planned Commerce District) 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 Code of Ordinances and with the Hale PCD zoning regulations.

Section 3: Approval. That this Site Plan application for the development of a grocery store, self-storage facility, and fast food coffee shop with drive-thru at the Strada Plaza for the property legally described in Exhibit "A," having been recommended for approval by the Planning and Zoning Board on March 8, 2023, and having been reviewed by the City Commission, is hereby approved subject to the following conditions:

1. Approval by the City Commission of Ordinance No. 2023-006, providing for an amendment of the Hale PCD zoning and Ordinance No. 2023-005, amending the List of Permitted and Special Land Uses for the Hale PCD in the Land Development Code.
2. Prior to the issuance of a Principal Building Permit for a Grocery Store, or prior to the issuance of a Building Permit for the third (3rd) Building, whichever comes first, the off-site public sidewalk and transit improvements shown on the site plan and related plan sheets shall be completed.
3. The property owner shall be responsible for the construction and maintenance of the off-site public sidewalk and transit improvements shown on the site plan and related plan sheets in perpetuity and must enter into a maintenance agreement with the City prior to obtaining a permit for construction of said improvements.
4. The applicant will work with City Staff to make sure that there is no visibility of storage units from the outside, with the materials to be determined by City staff.
5. All other outstanding DRC comments remain effective throughout the development review process. Any conditions not met prior to City Commission will be included in the final ordinance and must be addressed prior to the issuance of a building permit.

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 effective only after approval by the City Commission of Ordinance No. 2023-006, providing for an amendment of the Hale PCD zoning and Ordinance No. 2023-005, amending the List of Permitted and Special Land Uses for the Hale PCD in the Land Development Code.

Adopted this 11th day of May, 2023.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

Rydell	<u>Aye</u>
Welch	<u>Aye</u>
Railey	<u>Nay</u>
Brodie	<u>Aye</u>
Wasserman	<u>Aye</u>

JP:ae

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EXHIBIT "A"

Legal Description:

TRACT B, THE HALE PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 137, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.