

**ORDINANCE NO. 2023-012**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE REZONING REQUEST MADE BY COOLIDGE, INC. TO AMEND AND RENAME THE EXISTING COCOMAR PLAZA PLANNED COMMERCE DISTRICT (PCD) TO THE GREYSTAR COCOMAR PCD AND TO REVISE DEVELOPMENT STANDARDS AND THE LIST OF PERMITTED AND SPECIAL LAND USES IN ORDER TO CONSTRUCT A LIGHT INDUSTRIAL, FLEX SPACE, AND WAREHOUSE DEVELOPMENT FOR THE PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF ATLANTIC BOULEVARD AND LYONS ROAD, LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Coolidge, Inc. is requesting rezoning approval to rename the existing Cocomar Plaza Planned Commerce District (PCD) to the Greystar Cocomar PCD and to revise the development standards and the list of permitted and special uses in order to construct a light industrial, flex space, and warehouse development for property generally located at the northwest corner of Atlantic Boulevard and Lyons Road, as legally described in Exhibit "A," attached hereto and made a part hereof; and

**WHEREAS**, the City's Comprehensive Plan, Plan Implementation Element for Commercial Land Use, permits the use of: "Wholesale, storage, light fabricating and warehouse uses, if deemed appropriate by the City" on commercially-zoned parcels of land; and

**WHEREAS**, the proposed rezoning to PCD is compatible with the surrounding existing zoning designations and uses for the properties in this vicinity subject to the City Commission finding that the uses proposed in the PCD are appropriate; and

**WHEREAS**, the proposed rezoning will be consistent with the City of Coconut Creek Comprehensive Plan and Future Land Use Map subject to the City Commission finding that the uses proposed in the PCD are appropriate; and

**WHEREAS**, at its public hearing held on April 12, 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 conditions; and

**WHEREAS**, the City Commission has determined that the above described rezoning is in the best interest of the City and serves a public purpose based upon all the Development Review Committee comments and minutes, Planning and Zoning Board minutes, City staff reports, and findings pertaining to this project located within the official City Development/Project file kept within the Department of Sustainable Development.

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:**

**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 ordinance. All exhibits attached hereto are made a part hereof and made a specific part of this ordinance.

**Section 2: Findings.** That the City Commission finds and determines that:

1. This rezoning meets the requirements of the City’s Land Development Code, including Section 13-36, “Zoning Map Amendments,” subsection (e), “Standards for Decisions,” and Section 13-356, “Same [PCD, Planned Commerce District Generally] – “Rezoning of land to PCD;”
2. The light industrial, flex space, and warehouse development uses as designed are appropriate according to the City’s Comprehensive Plan definitions of compatibility, functional relationship, and suitability;
3. The proposed application is consistent with the City of Coconut Creek Comprehensive Plan and Future Land Use Map; and
4. Based on the testimony, evidence and findings stated on the record, the amendments to the PCD zoning plan provide appropriate development regulations and mitigation to ensure compatibility and promote the public health, safety and welfare.

**Section 3: Approval.** That the City Commission accepts the recommendation of the Planning and Zoning Board of April 12, 2023, and hereby approves the rezoning, adopting the Greystar Cocomar PCD, incorporating new development standards and an updated list of permitted and special land uses as provided in the Greystar Cocomar PCD, attached hereto as Exhibit “B,” for the property legally described in Exhibit “A,” all as attached hereto and made a part hereof, subject to the following conditions of approval:

1. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to issuance of a building permit unless otherwise stated therein.
2. Prior to the issuance of a principal building permit, the property owner shall coordinate the permitting and construction of the adjacent northbound Lyons Road turn lane and median improvements that impact existing landscaping, irrigation, and hardscape (paver) materials and be authorized to mobilize and proceed by the City's Public Works Director.
3. Prior to the second reading public hearing of the rezoning request, the applicant shall record in the public records of Broward County and submit in a form acceptable to the City Attorney's Office, the Declaration in Lieu of Unity of Title and Cross Access Easement(s).
4. The hours of operation in Section N, "Voluntary Conditions," of the Greystar Cocomar PCD document for the operation for all businesses and business activity on the property shall be restricted to:
  - 7:00 a.m. – 9:00 p.m. Monday through Saturday; and
  - 8:00 a.m. – 8:00 p.m. Sunday.
5. Greystar has committed to the following additional conditions of approval to include in the Greystar Cocomar PCD document; conditions or improvements which are intended to run with the land, as provided herein, shall be committed to in writing and recorded as covenants running with the land in the official Broward County records.
  - a. SECURITY: The applicant shall provide 24-hour camera security system for the business park.
  - b. JOB CREATION: The applicant shall host a Career Fair at Cocomar Business Park for, at a minimum, but not limited to, the following local non-profit agencies and educational institutions, as provided in the jobs program letter attached as "Attachment A," attached hereto and incorporated herein:
    - i. ARC Broward;
    - ii. Foundation for Independent Living;
    - iii. Junior Achievement;
    - iv. Career Source Broward (Veterans Program);
    - v. Broward College; and
    - vi. Atlantic Technical College.
  - c. ADDRESS: The applicant shall assign the building addresses to the West Atlantic Boulevard entrance, subject to the approval of the authorities having jurisdiction over address assignments.
  - d. LEASES: The applicant's leases shall include the following minimum terms and conditions:
    - i. Assess fines on a business if their commercial vehicle is idling outside of business hours identified in the PCD design guidelines.
    - ii. Share recommended commercial vehicle routes with all businesses in the park.
    - iii. Cocomar Business Park tenants shall be encouraged to share all job openings with local non-profit organizations and education institutions, including, but not limited to:
      1. ARC Broward;
      2. The Foundation for Independent Living;
      3. Junior Achievement;

4. Career Source Broward (Veterans Program);
  5. Broward College; and
  6. Atlantic Technical College.
- e. SIGN: The monument entrance sign as depicted in "Attachment B" shall be incorporated into the PCD regulating document.
  - f. TRAFFIC SIGNAL: The applicant shall provide sufficient security interest to the City for the future traffic signal at the entrance of the site on West Atlantic Boulevard, and the associated traffic signalization agreement is incorporated into the PCD regulating document.
  - g. SITE ENTRY: The prohibition on left turns out onto Lyons Road shall be incorporated into the PCD regulating document.
  - h. PRIVATE USE EASEMENTS: The 12-foot private use easement for adjacent Property Owners shall be incorporated into the PCD regulating document.

**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 ordinance. 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 ordinance 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 ordinance.

**Section 5: 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 state or federal law.

**Section 6: Agreement for Services.** That the applicant, property owner, and or assigns agree to use City franchisees for all services related to the development and use of the subject property.

**Section 7: 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 8: Severability.** That should any section or provision of this ordinance, 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: Effective Date.** That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 26<sup>TH</sup> DAY OF OCTOBER, 2023.

PASSED SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
Joshua Rydell, Mayor

Attest:

\_\_\_\_\_  
Joseph J. Kavanagh, City Clerk

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

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JP:ae

## EXHIBIT "A"

### **Legal Description:**

Parcel "A" of the Tilinda Plat, according to the Plat thereof, as recorded in Plat Book 143, Page 21, of the Public Records of Broward County, Florida.

Parcel "A" of the Coolidge Plat, according to the Plat thereof, as recorded in Plat Book 143, Page 40, of the Public Records of Broward County, Florida.

Parcel "B" of the Cocopalms Plat, according to the Plat thereof, as recorded in Plat Book 154, Page 41, of the Public Records of Broward County, Florida.

**EXHIBIT "B"**

(Greystar Cocomar PCD document)