

**ORDINANCE NO. 2023-011**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SITE PLAN REQUEST OF GUNTHER MOTOR COMPANY FOR THE PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF NORTH STATE ROAD 7/U.S. 441 AND CULLUM 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, Gunther Motor Company ("Applicant"), is requesting Site Plan approval for the property generally located at the southeast corner of North State Road 7/U.S. 441 and Cullum 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 1,343 square foot building expansion to the existing Volvo Dealership for the addition of a Mitsubishi Auto Dealership for a combined total of 13,137 square feet at the existing Gunther site; and

**WHEREAS**, the proposed improvements are consistent with the Gunther Motor Company Planned MainStreet Development District (Gunther Motor Company PMDD) and Land Development Code of the City of Coconut Creek; 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 the following conditions:

1. All other outstanding DRC comments remain effective throughout the development review process; 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 Code of Ordinances and with the Gunther Motor Company PMDD zoning regulations.

**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.

**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 Gunther Motor Company PMDD zoning regulations.

**Section 3: Approval.** That this Site Plan application for a building expansion to the existing Volvo Dealership for the addition of a Mitsubishi Auto Dealership at the existing Gunther site, having been recommended for approval by the Planning and Zoning Board on April 12, 2023, and having been reviewed by the City Commission, is hereby approved subject to the following conditions:

1. All other outstanding DRC comments remain effective throughout the development review process and must be addressed prior to the issuance of a building permit unless otherwise stated therein.

**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 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: 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 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 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 ordinance are hereby repealed to the extent of such conflict.

**Section 9: Effective Date.** That this ordinance shall become effective upon its passage on second and final reading.

**PASSED FIRST READING THIS 25<sup>TH</sup> DAY OF MAY, 2023.**

**PASSED SECOND READING THIS 8TH DAY OF JUNE, 2023.**

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

Attest:

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Joseph J. Kavanagh, City Clerk

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

## EXHIBIT "A"

### **Legal Description:**

TRACTS "A" AND "C," WHITWORTH PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 164, PAGE 1, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.