

ORDINANCE NO. 2023-008

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SPECIAL LAND USE APPLICATION SUBMITTED BY HAMSA HAND HOLDINGS, LLC TO PERMIT A DRIVE-THRU FOR A CALI COFFEE RESTAURANT FOR THE PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF COCONUT CREEK PARKWAY AND LYONS ROAD, AS 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, Hamsa Hand Holdings, LLC has made an application for Special Land Use approval for a restaurant with a drive-thru for the property legally described in Exhibit "A," generally located at the southwest corner of Coconut Creek Parkway and Lyons Road; 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 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 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, 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 incorporated herein and made a specific part of this ordinance.

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 and Zoning Board on March 8, 2023, and having been reviewed by the City Commission, is hereby approved subject to the following condition:

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.

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

PASSED FIRST READING THIS 27TH DAY OF APRIL, 2023.

PASSED SECOND READING THIS 11TH DAY OF MAY, 2023.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

	<u>1st</u>	<u>2nd</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>

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.