

ORDINANCE NO. 2023-016

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE REZONING REQUEST MADE BY TT OF SAMPLE, INC. TO AMEND THE EXISTING INFINITI PLANNED MAINSTREET DEVELOPMENT DISTRICT (PMDD) TO CHANGE THE NAME TO THE INFINITI-LINCOLN OF COCONUT CREEK PMDD AND REVISE THE DEVELOPMENT STANDARDS TO INCLUDE A NEW LINCOLN AUTOMOBILE DEALERSHIP FOR THE PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF SAMPLE ROAD, BETWEEN STATE ROAD 7/U.S. 441 AND NW 54 AVENUE (WOCHNA BOULEVARD), 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, Jay Huebner of HSQ Group, Inc., on behalf of the property owner, TT of Sample, Inc. ("Applicant"), is requesting approval to amend the existing Infiniti Planned MainStreet Development District (PMDD) for the property generally located on the north side of Sample Road, between State Road 7/ U.S. 441 and NW 54 Avenue (Wochna Blvd), as legally described in Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the Applicant is requesting a rezoning approval to amend the existing Infiniti PMDD to change the name to the Infiniti-Lincoln of Coconut Creek PMDD and revise the development standards to add a 25,802 square foot Lincoln automobile dealership; and

WHEREAS, the proposed revisions are consistent with the Land Development Code and Comprehensive Plan of the City of Coconut Creek; and

WHEREAS, at its public hearing held on June 14, 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 must be addressed prior to the issuance of a building permit unless otherwise stated therein; 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 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 made a part hereof and made a specific part of this ordinance.

Section 2: Finding. That the City Commission finds and determines that the rezoning complies with City Code Section 13-36(e), “Rezoning Standards,” and the City’s Comprehensive Plan.

Section 3: Approval. That the City Commission hereby approves the rezoning renaming and amending the Infiniti PMDD, incorporating new development standards, and referencing the codified list of permitted and special land uses as provided in the Infiniti-Lincoln of Coconut Creek PMDD, 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 condition of approval:

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: 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 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: 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 24TH DAY OF AUGUST, 2023.

PASSED SECOND READING THIS 14TH DAY OF SEPTEMBER, 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>

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Lincoln%20of%20Coconut%20Creek%20PMDD%20Site%20Plan.docx
JP:ae

EXHIBIT "A"

Legal Description:

A PORTION OF TRACT "B" OF THE COMMERCE CENTER OF COCONUT CREEK PLAT, AS RECORDED IN PLAT BOOK 131, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.