



CITY OF COCONUT CREEK PLANNING AND ZONING BOARD MINUTES

Government Center
4800 West Copans Road
Coconut Creek, FL 33063

Date: July 13, 2022
Time: 7:00 p.m.
Meeting No. 2022-0713

1. CALL TO ORDER

The meeting was called to order by Chair Doug Young at 7:00 p.m.

2. PRESENT UPON ROLL CALL:

Chair Doug Young
Vice Chair Thomas Casey
Jeffrey Barker
Steven Hall
Corinne Lajoie
Colleen LaPlant, Alternate

Also present: City Attorney Terrill C. Pyburn, Sustainable Development Director Scott Stoudenmire, Sustainable Development Assistant Director Justin Proffitt, Principal Planner Lizet Aguiar, Senior Planner Linda Whitman, and Deputy City Clerk Marianne Bowers.

Chair Young noted that the meeting was being conducted live with a quorum physically present, and explained that, in light of the pandemic, accommodations were made to allow the public to provide advanced comments without the need to attend the meeting. City Attorney Terrill Pyburn explained the procedures for public participation and comment for the meeting.

3. APPROVAL OF MINUTES

A MOTION APPROVING THE MINUTES FROM PREVIOUS PLANNING AND ZONING BOARD MEETING(S) (2022-0511).

MOTION: Hall/Casey – To approve the Minutes of the May 11, 2022, Planning and Zoning Board Meeting.

Upon roll call, the Motion passed by a 5-0 vote.

Deputy City Clerk Marianne Bowers administered the Oath of Office to Jeffrey Barker. She noted Corinne Lajoie had been sworn in prior to the meeting.

AGENDA ITEMS

City Attorney Pyburn explained the City's quasi-judicial procedures that would be applied to agenda items 4 through 8. Deputy City Clerk Bowers confirmed the public notice requirements for agenda items 4 through 8 had been met, and swore in the witnesses.

Chair Young asked if there were any objections to hearing items 4, 5, and 6 together, as they were related, and there were no objections.

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4. **LEDER HILLSBORO:** A REZONING APPLICATION TO REQUEST A REZONING FROM CF (COMMUNITY FACILITY) TO PCD (PLANNED COMMERCE DISTRICT) BY AMENDING AND EXPANDING THE EXISTING LEDER HILLSBORO BOULEVARD PCD LOCATED AT 4191/4181 AND 4171 WEST HILLSBORO BOULEVARD TO INCLUDE THE PROPERTY LOCATED AT 4161 WEST HILLSBORO BOULEVARD. (QUASI-JUDICIAL)(PUBLIC HEARING)
5. **LEDER HILLSBORO:** A SPECIAL LAND USE APPLICATION FOR THE DEVELOPMENT OF A SELF-STORAGE FACILITY LOCATED AT 4161 WEST HILLSBORO BOULEVARD. (QUASI-JUDICIAL)(PUBLIC HEARING)
6. **LEDER HILLSBORO:** A SITE PLAN APPLICATION FOR THE DEVELOPMENT OF A SELF-STORAGE FACILITY LOCATED AT 4161 WEST HILLSBORO BOULEVARD. (QUASI-JUDICIAL)(PUBLIC HEARING)

City Attorney Pyburn asked that the Board make any applicable ex-parte disclosures for items 4, 5, and 6, and there were none.

Sustainable Development Assistant Director Justin Proffitt introduced the planners who had been involved on the project and noted the applicant was represented by James Kahn, Senior Planner, Keith and Associates. He explained the project sought to expand and amend the existing Leder Hillsboro Boulevard Planned Commerce District (PCD). He reviewed the businesses currently within the project and provided additional background on the subject parcel and its historical uses. Mr. Proffitt stated the Board had previously approved a rezoning and site plan for an office building on the property, but that project had been impacted by the COVID-19 pandemic and a revised application had been submitted. He noted the community outreach meetings that had been held, summarized the findings noted in the staff report, and stated staff found that the application complied with the City's Land Development Code and Comprehensive Plan.

Principal Planner Lizet Aguiar briefly discussed the project's extended timeline, and Mr. Proffitt added staff was recommending approval of the rezoning, special land use, and site plan applications subject to the conditions outlined in the staff reports, noting the applicant had accepted the conditions.

Dennis Mele, Attorney, Greenspoon Marder LLP, on behalf of the applicant, shared a *PowerPoint* presentation, outlining the project, and stated the applicant concurred with the staff report. He reviewed the existing phases of the development and provided a brief history of the property. He explained the changes to the original proposal due to increases in office vacancy as a result of the rise in the number of people working from home. Attorney Mele discussed buffering, sidewalks, and the extension of the existing wall. He reviewed images of the neighboring parcels and explained how the project planned to fit into the existing neighborhood, including separation from residential neighbors and landscaping. He stated self-storage was being contemplated as a response to community concerns related to alternate plans presented at community meetings, explaining it was the lowest traffic generator that could be placed on the property and there was a demand for the use. He provided additional detail on the community meetings held.

Chair Young opened the public hearing. Deputy City Clerk Bowers read two (2) written comments received via email, attached as Exhibit 1, as follows:

Harlan D. Wenig, 4022 Crescent Creek Place, Coconut Creek, objected to the redevelopment. He stated an additional self-storage unit would bring nothing positive to

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the community and would impact the safety and quality of the neighborhood.

Gary and Cecile Lobban, 7087 Crescent Creek Place, Coconut Creek stated they were concerned with the proposed development. They stated the development encroached on the property rights of the neighboring properties and should be no higher than one (1) story, and noting it would impact property values and potentially damage foundations.

There being no further public comments, Chair Young closed the public hearing.

Attorney Mele commented in response to the emails received. He noted a market study had been conducted and reflected a clear demand. He addressed concerns regarding an increase in crime, noting that the Police Department had reviewed the plan as part of the Development Review process. Continuing, he asserted the construction methods were not any different from any other project that would be built on site and stated the developer would work with the Building Division to ensure construction was done in a way which was respectful of the neighbors.

Vice Chair Casey asked whether City staff was satisfied with the fire egress on the third and fourth floors. Mr. Proffitt stated the Development Review Committee (DRC) includes representatives from the Police Department, Fire Department, and Building Department, and the issue had not been raised. He noted full building permits would be submitted and reviewed if the project was approved by the City Commission.

Mr. Hall asked whether the time of construction work could be restricted to not begin before 8 a.m. Mr. Proffitt explained the work would need to comply with the City's Ordinances, which allows work to begin at 7 a.m. Ms. Aguiar stated there was a process for change to work hours, and discussion continued regarding the start time.

Mr. Hall asked for clarification on the landscaping drawings and expressed concern regarding the trees in the buffer, including how long it would take for the trees to reach full height and the impact of roots on neighboring properties. Attorney Mele explained the developers had increased the density and height of the trees in consideration of the neighbors and would consider additional modifications.

Mr. Barker asked about the portion of the landscape buffer which was shown below grade, and discussion ensued regarding the tree species being utilized in the identified area. Mr. Barker asked for clarification on the lighting plan, and stated he would like extra care to be given to the light sources on the east side of the property.

Senior Planner Linda Whitman addressed Mr. Barker's questions, discussing the mix of trees that staff had recommended, and stated staff was amenable to changes to the type of tree, as long as the native quantity requirements were met. She explained the lighting requirements, noting there should not be any glare coming off the building in any place after hours. She explained that the building permit inspection process was in place to confirm compliance with the approved plan. Mr. Proffitt provided additional clarification on the location of the lights.

Ms. Lajoie referenced the retaining wall at the southeast corner of the property and asked if it contributed to the grade variation. Attorney Mele explained that the Florida Department of Transportation (FDOT) owned property on the east was lower, because it had never been filled and built up. Discussion ensued regarding the grade change.

Ms. Lajoie inquired as to whether the buffer trees could be planted now so they were larger when the building opens. Attorney Mele responded that the applicant would be comfortable with a condition that required the planting happen early in the construction process, once grading was complete.

Discussion ensued regarding the placement of the building, and it was noted that existing utilities prevented the building from being moved further west. Further discussion ensued regarding the inconsistent spacing of trees, and Attorney Mele provided additional detail, pointing out the trees were substantially thickened adjacent to the homes, as opposed to the FDOT parcel.

Ms. Lajoie asked what type of mitigation or relief was available to the neighbors during construction. Attorney Mele referenced the concerns regarding vibration and stated the project did not require dynamic compaction. He asserted they would address the issues as much as they could and noted it would be standard construction without a lot of excavation or filling.

Attorney Mele responded to questions regarding the electric vehicle charging stations, noting that the three (3) stations would be open to the public, and that there would be six (6) RV storage bays at the back of the property, which fit beneath the canopy.

MOTION: Lajoie/Hall – To approve Agenda Item 4, as presented.

Upon roll call, the Motion passed by a 5-0 vote.

MOTION: Casey/Hall – To approve Agenda Item 5, as presented.

Upon roll call, the Motion passed by a 5-0 vote.

MOTION: Barker/Hall – To approve Agenda Item 6 with the condition that the landscaping plan be reworked, specifically the northeast corner adjacent to the homes as per the discretion of the applicant's landscape architect and City staff prior to hearing by the City Commission.

Upon roll call, the Motion passed by a 5-0 vote.

7. GAMERS HEAVEN: A SPECIAL LAND USE APPLICATION FOR THE DEVELOPMENT OF AN INDOOR AMUSEMENT CENTER LOCATED AT 1447 LYONS ROAD. (QUASI-JUDICIAL)(PUBLIC HEARING)

City Attorney Pyburn asked that the Board make any applicable ex-parte disclosures, and there were none.

Mr. Proffitt presented the item, noting the applicant, Player One Gaming, LLC, was requesting special land use for an indoor amusement center at 1447 Lyons Road, within the Lyons Plaza Shopping Center. He stated the applicant had a neighborhood outreach meeting and noted staff had not received any written or voicemail comments regarding the application. He summarized the staff report and stated staff found that the application complied with the City's Land Development Code and Comprehensive Plan. He stated staff recommended approval of the application subject to the conditions outlined in the staff report, adding that the applicant had agreed to the conditions.

Joseph Hanley, Player One Gaming, LLC, shared a brief video documenting the notification for the community outreach meeting and stated they had been overwhelmed by the response. He provided a brief background of the team involved in the project and their interest in providing a place for young people to socialize with peers. He explained the business would offer video games, table top games, a library with youth book clubs, as well as snacks, and beverages. Mr. Hanley shared images of another franchise store and discussed the proposed floor plan. He noted changes to the plan based on comments

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from the DRC, including special events.

Chair Young opened the public hearing. Deputy City Clerk Bowers stated that no advanced public comments were received for the item. There being no further public comment, Chair Young closed the public hearing.

Discussion ensued regarding the nearest location of the franchise. Mr. Hanley noted the closest open franchise was in Pennsylvania, with another store in the works in Raleigh, North Carolina. He stated the team had plans to expand throughout Florida. He discussed the library portion of the store, explaining books would be made available for reading on premises.

Ms. Lajoie asked staff whether there was a provision to revisit the special land use once it was granted, and Ms. Aguiar stated once the application was approved or approved with conditions, there was not a future renewal of the application.

Discussion ensued regarding the maximum occupancy of the facility, and Mr. Hanley discussed his expectations for use, with up to 50 guests during the day and 100 or more for special events.

Discussion ensued regarding the location of the store in Lyons Plaza as well as the targeted demographic.

Mr. Hall expressed concern regarding high school students crossing the street and loitering outside the building. Mr. Hanley stated the facility was family friendly and would be marketed to every age group. Mr. Proffitt noted there was a crosswalk between the high school and adjoining shopping plaza, noting the location on the map. Discussion continued regarding safe crossing of students from the high school. Mr. Hanley responded to concerns regarding the gathering of guests outside the store, noting that they would be happy to implement a "no loitering" rule. He noted there would be between four (4) and six (6) employees at the location.

Discussion ensued regarding the business model providing most of the services by membership, providing the business some familiarity and control over its clientele.

Chair Young asked staff whether there had been any problems with Off the Wall, located in the adjacent shopping center. Ms. Aguiar responded that staff was not aware of any Code Enforcement cases or Police issues inside or outside the business.

Discussion ensued regarding the hours of operation for the business. Mr. Hanley explained the original request was 10 a.m. to 3 a.m. to allow for safe dismissal following extended sports tournaments. He noted staff had voiced their concerns, and the team would be amenable to a 2 a.m. closing. Discussion continued regarding the Police Department's review of the closing time through the Development Review process, and Ms. Aguiar noted the Police Department reserved the right to continue to work with the applicant if the need should arise.

Chair Young inquired as to plans for security on site. Mr. Hanley stated the applicant would be open to any Police that wish to monitor the premises. He noted inside, banning guests not complying with rules and the subscription model had been effective at other locations. Mr. Hanley explained the 10 p.m. curfew for minors, noting the curfew would be enforced with a combination of wristbands and stamps. Mr. Hanley closed, noting all four (4) partners would be managing the store.

MOTION: Lajoie/Barker – To approve Agenda Item 7 as presented.

Upon roll call, the Motion passed by a 5-0 vote.

8. **PROMENADE TENANT 50-B7:** A SITE PLAN APPLICATION TO PERMIT A RESTAURANT WITH OUTDOOR DINING IN A VACANT TENANT SPACE WITHIN THE LYONS WILES PMDD (PLANNED MAINSTREET DEVELOPMENT DISTRICT), ALSO KNOWN AS THE PROMENADE AT COCONUT CREEK. (QUASI-JUDICIAL)(PUBLIC HEARING)

City Attorney Pyburn asked that the Board make any applicable ex-parte disclosures, and there were none.

Mr. Proffitt presented the item, explaining the proposed site plan modification would permit a Cheesecake Factory restaurant with associated outdoor dining. He provided a brief background on the property. Ms. Aguiar clarified the floor area of the proposed project, explaining it was shown in the staff report at 13,479 square feet, but the tenant space was 9,067 square feet with 1,422 square feet of outdoor patio. She noted a discrepancy which required additional explanation from the applicant. Mr. Proffitt continued, noting the modification was before the Board due to its location in the MainStreet area with a previously approved PMDD. He explained the project would renovate the former Banana Republic space and a portion of an adjacent space. He added that the facades would also significantly change. He noted the applicant had a neighborhood outreach meeting, with staff receiving one (1) inquiry related to the project. Mr. Proffitt summarized the staff report and stated staff found that the application complied with the City's Land Development Code and Comprehensive Plan, recommending approval subject to conditions outlined in the staff report. He noted the applicant had agreed to the conditions.

Dennis Mele, Attorney, Greenspoon Marder LLP, on behalf of the applicant, shared a *PowerPoint* presentation, outlining the project. He explained the lower square footage numbers read by Ms. Aguiar were correct, and explained the discrepancy was due to the project only utilizing a portion of the adjacent location instead of the full bay. He shared the proposed building elevations and stated the façade would be less bright than the Las Olas location in order to be consistent with the look of the surrounding shopping center. Continuing, Attorney Mele outlined the parking and valet plans for the restaurant. He stated two (2) community meetings had been held, including a meeting with surrounding neighborhood residents and the tenants of the shopping center.

Chair Young opened the public hearing. Deputy City Clerk Bowers read one (1) written comment received via email, attached as Exhibit 2, as follows:

Dave Oxley inquired as to the parking arrangement with Monarch High School for additional valet parking, and whether a backup plan was in place if the School District chose not to renew the contract.

Thomas Fox, 4470 NW 45 Terrace, Coconut Creek, spoke on behalf of the Coquina Homeowners Association across the street from the project. He asked what the City Engineer and Police Department had to say about reconfiguring traffic on the south side of the street, noting he believed traffic would be overwhelming without a preemptive change.

Anthony Horne, 4411 NW 41 Place, Coconut Creek, echoed Mr. Fox's concerns regarding an increase in traffic to the section of Lyons Road. He stated it was already difficult to get into the Coquina neighborhood and noted there was a lack of visibility.

There being no further public comment, Chair Young closed the public hearing.

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Attorney Mele stated the original plat had included posting a bond with Broward County for a traffic signal at Cullum Road, and that bond was still posted. He explained the bond would go toward the installation of a traffic light if the County determined Cullum Road had met the traffic threshold. He addressed current traffic and parking and asserted the valet would help with the issue.

Discussion ensued regarding the location of the outdoor dining area on the north side of the building and logistics of the fenced patio.

Ms. Lajoie asked if the applicant knew when the next County traffic study would be done. Attorney Mele stated under the terms of the traffic signalization they have with the County, the study could be done at any time while the agreement was still in effect. He noted the agreement had been in effect for approximately 15 years. Discussion ensued regarding the process.

Ms. Lajoie inquired as to whether a ridesharing drop off location had been considered. Attorney Mele stated the applicant was happy to work with staff to establish a rideshare station in a place that would not impede traffic.

Discussion ensued regarding the location of truck deliveries, and Attorney Mele indicated the loading dock behind DSW would be utilized in conjunction with hand trucks from there. Ms. LaPlant commented it was a narrow area and asked where trucks would park during the renovation. Attorney Mele stated the applicant would work with the City to establish a safe construction plan.

Mr. Hall asked for clarification on how the parking count was determined. He stated there was an existing issue with availability of parking. Attorney Mele explained the parking calculations were established as part of the zoning district, and the proposal exceeded the requirements. Discussion continued regarding availability of parking and alternate valet arrangements if the School Board did not renew its contract.

Mr. Hall expressed concern with the age of the parking study. Attorney Mele provided a brief history of the shopping center and the design intent for most of the parking to be in the area garages.

Mr. Hall inquired as to the amount of the bond with the County for the streetlight. Attorney Mele stated the applicant's share was \$50,000, which would be a portion of what was required. He noted the County had the opportunity to have the property to the south share in the cost of the traffic light when it was platted. Discussion ensued regarding the full cost of the traffic light. Director of Sustainable Development Scott Stoudenmire explained the property behind the Promenade was a Development of Regional Impact, and the signal at Cullum and Lyons Roads was part of the mitigation obligation included in that property's development order once the County's warrant requirements were met.

Mr. Barker commented on the outdoor patio area and the amount of public space it would take up. He noted the City Commission might consider a way to reduce the width by two (2) feet. Attorney Mele stated he would speak with the Cheesecake Factory representatives and see if there was something that could be done to address the concern.

Discussion ensued regarding the use of the parking garages, and Ms. LaPlant suggested additional signage to indicate availability of parking. Mr. Hall stated he still had concerns regarding the traffic and parking and did not believe it had been addressed. Attorney Mele re-iterated that the parking exceeded Code requirements and the valet was being offered in addition to that on-site parking.

MOTION: Casey/Barker – To approve Agenda Item 8 as presented.

Upon roll call, the Motion passed by a 4-1 vote, with Mr. Hall voting nay.

9. **CODE AMENDMENT:** BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE I, "ADMINISTRATION, REGULATIONS AND PROCEDURES," DIVISION 3, "IMPLEMENTATION PROCEDURES" BY ENACTING A NEW SECTION 13-35.1, "COMMUNITY RESIDENCE APPLICATION FORM; COMMUNITY RESIDENCE AND INSTITUTIONAL COMMUNITY RESIDENCE SPECIAL EXCEPTION PERMITS AND REASONABLE ACCOMMODATION REQUIREMENTS;" AMENDING ARTICLE III, "ZONING REGULATIONS," DIVISION 1. "GENERALLY," BY AMENDING SECTION 13-295 "DEFINITIONS;" TO UPDATE EXISTING DEFINITIONS, PROVIDE NEW DEFINITIONS AND REMOVE OBSOLETE DEFINITIONS, AND AMENDING DIVISION 3., "ZONING DISTRICT REGULATIONS AND TABLES," BY AMENDING SECTIONS 13-332, "A-1 AGRICULTURAL DISTRICT," 13-333, "RS-1 RESIDENTIAL SINGLE-FAMILY DETACHED DISTRICT," 13-337, "RC-8 RESIDENTIAL ATTACHED DISTRICT," 13-338, "RM-10 RESIDENTIAL MULTI-FAMILY DISTRICT," 13-340, "MH-1 MOBILE HOME PARK DISTRICT," 13-354, "CF COMMUNITY FACILITY DISTRICT," AND 13-625, "MASTER BUSINESS LIST-MSOA" TO PROVIDE FOR UPDATES CONSISTENT WITH RECENT CHANGES TO STATE AND FEDERAL LAWS. (PUBLIC HEARING)

City Attorney Pyburn presented the item, providing a brief overview of the proposed ordinance. She explained it provided a definition for community residences for people with disabilities and stated the ordinance would apply to any new applications for such residences. She explained existing residences would be required to provide proof of licensure by October 1, 2023. She outlined the regulations and accommodations through County, State, and Federal requirements. Discussion ensued regarding implementation of the ordinance provisions.

Chair Young opened the public hearing. Deputy City Clerk Bowers stated there were no advanced public comments received for the item. There being no further public comment, Chair Young closed the public hearing.

MOTION: Hall/Barker – To approve Agenda Item 9 as presented.

Upon roll call, the Motion passed by a 5-0 vote.

10. COMMUNICATIONS AND REPORTS

There were no communications or reports.

11. ADJOURNMENT

The meeting was adjourned at 9:09 p.m.

Marianne E. Bowers, CMC
Deputy City Clerk

Date