



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: August 25, 2022
Time: 7:00 p.m.
Meeting No. 2022-0825R

CALL TO ORDER

Mayor Joshua Rydell called the meeting to order at 7:02 p.m.

PRESENT UPON ROLL CALL:

Mayor Joshua Rydell
Vice Mayor Sandra L. Welch
Commissioner Rebecca A. Tooley
Commissioner Jacqueline Railey
Commissioner John A. Brodie
City Manager Karen M. Brooks
City Attorney Terrill C. Pyburn
City Clerk Joseph J. Kavanagh

Mayor Rydell asked all to rise for the Pledge of Allegiance.

Mayor Rydell 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 C. Pyburn explained the procedures for public participation and comment for the meeting.

PRESENTATIONS

1. **22-153** A PRESENTATION OF THE COCONUT CREEK YOUTH VOLLEYBALL LEAGUE MAYOR'S AWARD

Antonio Palmer, Senior Recreation Programmer, and Mayor Rydell recognized the following Youth Volleyball League participants for their outstanding sportsmanship during the season:

2022 Youth Volleyball League Mayor's Award Recipients:

11U Division - Emma Busekrus (Sharks Team)
14U Division - Jelicia Dixon (Panthers Team)

2. **22-148** A PRESENTATION INTRODUCING NEW POLICE ANIMAL SERVICES OFFICER JENNIFER SHOFFNER.

Police Chief Albert "Butch" Arenal introduced the City's new Police Animal Services Officer, Jennifer Shoffner.

3. **22-164** A PRESENTATION OF THE 2022 AWARD FOR EXCELLENCE IN PUBLIC PROCUREMENT GIVEN BY THE FLORIDA ASSOCIATION OF PUBLIC PURCHASING OFFICIALS, INC. ("FAPPO").

Finance and Administrative Services Director Peta-Gay Lake presented the award, and Procurement Supervisor Althea Pemsel accepted the award on behalf of the Procurement Division.

4. **22-151** A PROCLAMATION RECOGNIZING SEPTEMBER 2022 AS “SUICIDE PREVENTION AWARENESS MONTH.”

Vice Mayor Welch read the proclamation into the record and presented it to Joycy Ann Lacombe of the League of Women Voters of Broward County.

INPUT FROM THE PUBLIC

Ashley Adams, Lyons Creek Middle School Parent Teacher Student Association (PTSA) President, spoke about issues with traffic at Lyons Creek Middle School. She stated there should be parent and community representatives present at meetings between the City and school partners on the matter. Mayor Rydell responded briefly and asked that Deputy City Manager Sheila Rose connect with Ms. Adams.

Adena Wilson, Community Engagement and Volunteer Recruiter for the Guardian ad Litem program, spoke regarding the program. She highlighted the need to support young people in foster care and discussed the volunteer model utilized by the program. She distributed brochures and contact information to the Commissioners.

City Clerk Kavanagh stated that no advanced public comments were received for Non-agenda or Consent Agenda items.

CONSENT AGENDA (Items 5, 7, and 8)

Mayor Rydell read each of the titles of the Consent Agenda Items into the record.

Agenda Items 6 and 9 were pulled by Vice Mayor Welch and heard before the Regular Agenda.

5. **22-146** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2022-0714R)
7. **RES**
 2022-166 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED AMENDMENT NO. 1 TO THE PARTNERSHIP AGREEMENT WITH JUNIOR ACHIEVEMENT OF SOUTH FLORIDA, INC. FOR SPONSORSHIP OF TWO (2) COCONUT CREEK GOVERNMENT STOREFRONTS IN THE BIZTOWN SECTOR OF JA WORLD FOR AN ADDITIONAL THREE (3) YEAR TERM.
8. **RES**
 2022-167 A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE PREPARATION, IMPLEMENTATION, AND ADMINISTRATION BY BROWARD COUNTY OF THE CITY OF COCONUT CREEK’S HOME PROGRAM FUNDS FOR THE PROGRAM YEAR 2020-2021.

MOTION: Tooley/Welch – To approve Consent Agenda Items 5, 7, and 8.

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

Sustainable Development

6. **22-165** A MOTION TO WAIVE THE BUILDING AND ENGINEERING PERMIT FEES FOR SOS CHILDREN’S VILLAGES ASSOCIATED WITH THE APPROVED SITE PLAN MODIFICATION FOR THE ADDITION TO EXISTING ADMINISTRATIVE OFFICES CONSISTENT WITH THE PROVISIONS OF SECTION 13-83(4)N.2. OF THE CITY’S LAND DEVELOPMENT CODE.

Director of Sustainable Development Scott Stoudenmire provided additional detail regarding Agenda Item 6, explaining the Commission had recommended assisting the non-profit applicant with permit fees at the approval of the site plan.

Vice Mayor Welch stated it was timely that the item came up just after the comments by Ms. Wilson regarding children being removed from unsafe homes.

Jillian Smath, Executive Director, SOS Children’s Villages Florida, spoke briefly.

Commissioner Railey asked the amount being waived, and Mr. Stoudenmire stated the reduction would be approximately \$20,000.

MOTION: Welch/Tooley – To approve Agenda Item 6.

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

City Attorney

9. **RES** A RESOLUTION AUTHORIZING THE MAYOR, OR DESIGNEE, TO EXECUTE
2022-158 THE THIRD AMENDMENT TO THE RESOURCE RECOVERY ASSET
LITIGATION SETTLEMENT AGREEMENT TO PROVIDE FOR EXTENSIONS IN
THE TIME PROVIDED TO SELL THE ALPHA 250 PROPERTY.

City Attorney Pyburn provided a brief history of the Alpha 250 property and stated the item was an extension on the sale pending a plan for Broward County solid waste disposal.

Vice Mayor Welch asked whether the other cities listed had approved the extension, and City Attorney Pyburn stated the cities had until October 7 to take action. Commissioner Tooley stated she was looking for the Alpha 250 to be used and not sold. She discussed the efforts of the Solid Waste Working Group.

MOTION: Welch/Tooley – To approve Resolution No. 2022-158.

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

REGULAR AGENDA

Community Relations

10. **RES** A RESOLUTION APPOINTING LAURA MCDERMOTT MATHERIC AS THE
2022-174 CITY’S FIRST POET LAUREATE FOR A TWO-YEAR TERM BEGINNING ON
SEPTEMBER 1, 2022, AND ENDING AUGUST 31, 2024.

Mayor Rydell read the Resolution title into the record.

MOTION: Tooley/Welch – To approve Resolution No. 2022-174.

Mayor Rydell stated Laura McDermott Matheric would be the first Poet Laureate in Broward County. He discussed her background, history of the position, and noted the position would include an honorarium of \$250 per year. The Commissioners each offered congratulations.

Ms. Matheric spoke briefly and shared a poem composed for the occasion.

Mayor Rydell opened the item to public comment. Patricia Duaybes applauded the initiative and inquired if the appointment had been opened for public application. She commented that Poet Laureates could not be funded by the government and an endowment needed to be created.

City Attorney Pyburn clarified that the new position included an honorarium of \$250 per year to fund costs of supplies and was not a salary. She stated under the City's purchasing policies a bid or selection process was not required and the matter was up to the discretion of the Commission. Discussion ensued regarding the provision of an honorarium and it was decided to amend the Resolution to remove the honorarium.

AMENDMENT: Welch/Tooley – To amend Resolution No. 2022-174 to delete the reference to an honorarium.

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

Upon roll call, the Resolution passed, as amended, by a 5-0 vote.

Mayor Rydell called for a recess at 7:53 p.m. and the meeting reconvened at 7:58 p.m.

Public Works Development

11. **RES 2022-155** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A CONSULTANT SERVICES WORK AUTHORIZATION WITH KIMLEY-HORN AND ASSOCIATES, INC. TO PROVIDE PROFESSIONAL SERVICES RELATED TO THE PREPARATION OF A TRANSIT MASTER PLAN.

Mayor Rydell read the Resolution title into the record.

MOTION: Welch/Railey – To approve Resolution No. 2022-155.

Sustainable Development Director Scott Stoudenmire presented the item, noting the work would include data collection and creation of a long-term Transit Master Plan.

Vice Mayor Welch asked for clarification on what mobility on demand would look like. John Lafferty, Senior Transit Planner with Kimley-Horn, stated the firm would meet with stakeholders, including public meetings, to create a plan which met the needs and demand. He briefly discussed projects in other communities as examples.

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

12. **RES 2022-148** A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A CONSULTANT AGREEMENT WITH ALFRED

BENESCH & COMPANY TO PROVIDE DESIGN SERVICES FOR ADA
ACCESSIBLE BUS PADS, SURTAX PROJECT NUMBER COCO-24 PURSUANT
TO RFQ NO. 04-20-22-11.

Mayor Rydell read the Resolution title into the record.

MOTION: Welch/Tooley – To approve Resolution No. 2022-148.

Public Works Project Manager Brian Rosen presented the item, noting the project was fully-funded with Surtax dollars and included bus stops along City roads.

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

Sustainable Development

City Attorney Pyburn explained the City's quasi-judicial procedures that would be applied to Agenda Items 13 through 17. City Clerk Kavanagh confirmed the public notice requirements had been met for Items 13 through 17 and swore in the witnesses.

13. **ORD 2022-012** AN ORDINANCE AMENDING ORDINANCE NO. 2006-039, AS AMENDED BY ORDINANCE NO. 2008-004, AS AMENDED BY ORDINANCE NO. 2013-005, AS AMENDED BY ORDINANCE NO. 2015-057, WHICH APPROVED THE LYONS WILES SITE PLAN, AND HEREBY APPROVING THE SITE PLAN MODIFICATION REQUEST OF MCA PROMENADE OWNER, LLC, RELATING TO THE OVERALL DEVELOPMENT FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF. (QUASI-JUDICIAL)(SECOND PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

Commissioner Tooley made a motion to move the item for discussion, seconded by Vice Mayor Welch.

City Attorney Pyburn asked if there were any disclosures on behalf of the Commission for Item 13 since first reading on July 14, and there were none.

Sustainable Development Director Scott Stoudenmire presented the item, noting the issues that were raised upon first reading of the ordinance and summarized the changes to the ordinance:

- correcting the total square footage;
- adding a condition of approval for the applicant to coordinate with staff to locate a Ride Share location;
- adding a condition of approval for the applicant to coordinate with staff to finalize a Valet Parking route and location, and
- adding a condition of approval to evaluate and address, if warranted, the need for additional security in the overall plaza.

Attorney Dennis Mele, Greenspoon Marder, presented on behalf of the property owners. He summarized a meeting that had been held between the owners and the Police Department regarding potential safety, security, and traffic issues in the Promenade.

Mayor Rydell opened the public hearing. City Clerk Kavanagh read an advanced public comment received by email into the record, a copy of which is attached hereto as Exhibit "1," from Liz

Warren that addressed traffic and violence in the area of the Promenade. She asked the plan to address issues of parking and safety, and whether cameras would be installed.

Susan Sargis, 4677 Waycross Drive, Coconut Creek, expressed concern regarding the valet using Monarch High School, including hours of parking at the high school, valet drivers potentially interacting with students just learning to drive, and flooding. She stated the Cheesecake Factory should not be permitted to use the lot prior to 4 p.m. and asked logistical questions regarding the agreement with Monarch High School and payment for use of the school lot.

There were no further questions or comments from the public, and Mayor Rydell closed the public hearing.

Attorney Mele addressed Ms. Sargis' comments regarding valet parking at Monarch High School. He explained the agreement was already in effect, and the lot was predominantly used on weekends and busy nights. He stated the applicant did not anticipate much change in the operation, and noted they were working with the Police Department regarding safety.

Vice Mayor Welch asked that Attorney Mele expand on his response to Ms. Sargis' comments. Attorney Mele provided additional detail.

Vice Mayor Welch inquired as to how many handicapped parking spaces would be removed in anticipation of queuing needs. Mr. Stoudenmire explained one (1) space was moved, but the Promenade continues to exceed all ADA Code requirements.

Vice Mayor Welch clarified questions related to valet parking. Mr. Stoudenmire responded that evaluation of the valet parking provisions was ongoing.

Mayor Rydell provided additional clarification on the contract between the Broward County School Board and the Promenade. He noted there was no overlap permitted between the two (2) uses, and the Promenade was responsible for cleaning.

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

14. **ORD 2022-015** AN ORDINANCE APPROVING THE SPECIAL LAND USE APPLICATION SUBMITTED BY PLAYER ONE GAMING, LLC, TO PERMIT AN INDOOR ONLY AMUSEMENT CENTER, LOCATED AT 1447 LYONS ROAD, WITHIN LYONS PLAZA, LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF. (QUASI-JUDICIAL) (FIRST PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

Commissioner Tooley made a motion to move the item for discussion, seconded by Vice Mayor Welch.

City Attorney Pyburn asked if there were any disclosures on behalf of the Commission for Item 14, and the following disclosures were made:

- Commissioner Railey disclosed that she had spoken with neighboring businesses at Lyons Plaza (Goldcoast Ballroom and the Center for Independent Living) and the Principal of Dave Thomas Education Center, in addition to attending a meeting with City Attorney Pyburn and the owners of the applicant business.

- Commissioner Tooley disclosed that she had met with City Attorney Pyburn and the owners.
- Vice Mayor Welch disclosed that she had attended a meeting with City Attorney Pyburn and the owners, as well as having electronic conversations with Atlantic Technical College staff.
- Commissioner Brodie disclosed that he had attended a meeting with City Attorney Pyburn and the owners of the business.

Sustainable Development Assistant Director Justin Proffitt presented the item, explaining the applicants were requesting Special Land Use approval to open a business called Gamers Heaven. He discussed the extensive review by the Development Review Committee (DRC) to ensure compliance with the Code and stated the applicant had held a well-attended community outreach meeting. He stated staff found the application consistent with Land Use Standards and the City's Comprehensive Plan, and the Planning & Zoning Board had recommended approval. He noted staff recommended approval subject to the conditions outlined in the staff report.

Joseph Hanley, Founding Partner of Player One Gaming, LLC, presented on behalf of the applicant. He provided a brief outline of the background of the team involved in the project and their interest in providing a place for young people to socialize with their peers post-pandemic. Mr. Hanley shared images of another store in the franchise and discussed the planned setup of the building. He discussed record keeping, explaining staff would have records of who was on site at all times. He provided an overview of the eSports concept and shared the stores offerings, including video games, table top games, a library with youth book clubs, as well as snacks and beverages. He discussed changes to the plan made in response to concerns brought up at previous meetings, including monitoring of alcohol and minors, and hours of operation.

Mayor Rydell opened the public hearing. City Clerk Kavanagh read an advanced public comment received by email into the record, a copy of which is attached hereto as Exhibit "2," from Roswitha Kucera, who wrote that as Wynmoor residents, she and her husband used Lyons Plaza frequently. She stated they had concerns regarding the potential impacts on the safe and clean environment and disapproved of the application.

There were no further questions or comments from the public, and Mayor Rydell closed the public hearing.

Commissioner Tooley stated she was happier with the earlier closing presented. She asked when alcohol service would end. John Acosta, Player One Gaming, stated alcohol service would stop at 12 a.m. Commissioner Tooley asserted she was initially upset by the application when she first saw it, but the owners had made a lot of changes for the better. She asked that a police detail be considered when having large events.

Commissioner Brodie stated he believed the business would bring life to the strip mall and add to the community. He noted community outreach would help to show people they were not a threat, and stated he liked the addition of businesses in technology.

Commissioner Railey stated she had an issue with minors and adults together in a place where alcohol was being served. She expressed concern that the business was a temptation for students at area schools not to go to class and pointed out other entertainment businesses open after school hours. She stated she supported adding life to the shopping center but asked at what cost. She inquired regarding security and staffing. Mr. Acosta responded and explained minors were not permitted in the area where alcohol was served and consumed. Commissioner Railey expressed concern regarding the hours of operation and stated she believed the adjusted

time to 2 a.m. was still excessive.

Vice Mayor Welch stated she was happy with the change to 2 a.m., as the previously recommended time was not harmonious with other recreation in the area. She asked for additional clarity regarding the service of alcohol. Mr. Acosta explained and showed images of the area where alcohol was allowed. Upon further discussion, the applicants agreed to cordon off the alcohol area to resolve concerns.

Vice Mayor Welch discussed potential partnership with Atlantic Technical College and shared excerpts from her communication with staff. She stated she had concerns, but believed if the business was handled carefully, it could be an asset to the community.

Mayor Rydell spoke in support of the business concept. He explained he wanted a condition which addressed making sure minors did not walk out of the building without parental supervision. He asserted that logistically, the café needed to not be moved away from the front entrance and asked that be addressed prior to second reading. He expressed concern regarding online safety and asked whether outside laptops and other equipment would be permitted inside. Mr. Acosta stated it would not, as equipment would be provided for that purpose. He explained the devices would be on the company's network and there would be monitoring.

Mayor Rydell stated he wanted detail officers on site for large events, and Mr. Acosta agreed. Mr. Proffitt provided additional detail and stated the detail officer requirement would be added as a condition prior to second reading.

Mayor Rydell stated with safety addressed, he loved the concept of the business.

Commissioner Railey reiterated her concern with the hours. Discussion ensued.

Mr. Hanley provided a brief closing statement. He addressed concerns regarding young people coming into the store and discussed opportunities to work with the community to support the youth who were coming through the store.

Mr. Acosta added comments regarding the importance of engaging youth and providing an outlet that would protect against suicide and child abuse.

MOTION: Tooley/Brodie – To approve Ordinance No. 2022-015 on first reading.

Upon roll call, the Ordinance passed on first reading by a 3-1 vote, with Commissioner Railey voting nay and Vice Mayor Welch absent for the vote.

15. **ORD 2022-016** AN ORDINANCE APPROVING THE REZONING REQUEST SUBMITTED BY 4161 HILLSBORO, LLC AND LEDER HILLSBORO, LLC, TO REZONE 4161 WEST HILLSBORO BOULEVARD FROM CF (COMMUNITY FACILITY) TO PCD (PLANNED COMMERCE DISTRICT), ALLOCATING 2.915 ACRES OF COMMERCIAL FLEXIBILITY ACREAGE TO BE REDESIGNATED FROM RESIDENTIAL TO COMMERCIAL FOR THE PROPERTY LOCATED AT 4161 HILLSBORO BOULEVARD AND LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF; AND BY AMENDING THE EXISTING LEDER HILLSBORO PCD GENERALLY LOCATED AT 4161-4191 WEST HILLSBORO BOULEVARD AND LEGALLY DESCRIBED IN EXHIBIT "B," ATTACHED HERETO AND MADE A PART HEREOF, TO INCLUDE THE REZONED CF ZONED PARCEL AND REVISE THE LEDER HILLSBORO PCD

DEVELOPMENT REGULATIONS AS PROVIDED IN EXHIBIT “C,” ATTACHED
HERETO AND MADE A PART HEREOF. (QUASI-JUDICIAL)(FIRST PUBLIC
HEARING)

Mayor Rydell noted Items 15 through 17 were related and there were no objections to hear the items together.

City Attorney Pyburn read the Ordinance titles into the record, and Mayor Rydell read the Resolution title into the record.

Commissioner Tooley made a motion to move item 15 for discussion, seconded by Vice Mayor Welch.

Vice Mayor Welch made a motion to move item 16 for discussion, seconded by Commissioner Tooley.

Commissioner Tooley made a motion to move item 17 for discussion, seconded by Vice Mayor Welch.

City Attorney Pyburn asked if there were any disclosures or ex-parte communications on behalf of the Commission for Items 15 through 17, and the following disclosures were made.

- Commissioner Tooley, Commissioner Brodie, Commissioner Railey, and Vice Mayor Welch stated they had each received a phone call from resident Cecile Lobban on the matter.
- Mayor Rydell stated he had also spoken with Cecile and had attended community meetings at the Extra Space self-storage facility and the Recreation Center and had also discussed the project with Attorney Mele.

Sustainable Development Assistant Director Justin Proffitt presented the items, stating the property owner sought to expand the existing Planned Commercial District (PCD), and reviewed the businesses currently on the site. He stated staff found that the applications were consistent with Land Use Standards and the City's Comprehensive Plan, as well as the City's procedural requirements. He stated the Planning & Zoning Board had recommended approval and added conditions regarding buffering, which were contemplated in the current plan as presented. He noted staff recommended approval subject to the conditions outlined in the staff report.

Attorney Mele stated it had nothing to do with the items currently before the Commission, but his client was willing to fund the endowment for the City's Poet Laureate as discussed in Item 9.

Attorney Mele presented on behalf of the property owners, reviewing aerial photos of the property and discussed the present buildings and businesses. He explained the history of the application, noting there had been changes in response to the changing needs of the public following COVID-19 and the input of the neighbors. He discussed the proposed project and differences between the Community Facility (CF) District and a PCD. He shared a line-of-sight diagram to illustrate potential impact on neighboring properties, noting efforts to recess the loading area and minimize exposure to the neighbors.

Attorney Mele discussed the community outreach meetings and pointed out the applicant had expanded the notice distance to include a larger area. He stated among the items brought up at those meetings was that people did not want to look at the storage units. He reviewed screening plans for the property and discussed how the application met each of the criteria required under

the Code.

Mayor Rydell opened the public hearing on Items 15 through 17.

Gary Lobban, 7087 Crescent Creek Lane, Coconut Creek, expressed concern regarding the impact the rezoning would have on the residents already living in the neighborhood. He stated he did not want a three (3) story building in his backyard but could live with one (1) story.

Cecile Lobban, 7087 Crescent Creek Lane, Coconut Creek, stated she did not object to the construction, but to the impact on the four (4) neighboring homes. She asserted it would lower their property values, encroach on their properties, and be an eyesore. She asked that the north side of the building be limited to one (1) story, if possible. She noted there were already three (3) storage facilities in the vicinity and asked that enhanced sidewalks be incorporated in the project.

Chris Jackson, 7097 Crescent Creek Lane, Coconut Creek, explained he owned a property which backed up to the project. He shared experience with work on the site, noting when building Pet Paradise, equipment was on site as early as 5 a.m. He discussed issues with care and management of the existing property, including overgrown landscaping and damage to the wall along the property. Continuing, he shared concern regarding the construction period and asked for considerations to include removing the RV storage, lowering the height, and adding a wall that was thicker and taller than that existing.

Charmaine Buchanan, 7093 Crescent Creek Lane, Coconut Creek, stated her main concern was a three (3) story building in her backyard. She shared issues with construction of past parts of the project, noting that they had led to shaking of her home. Continuing, she stated roots from the proposed oak trees along the perimeter would cause breaking up of her pool. She noted there were existing security issues.

George Borges, 4045 Crescent Creek Place, Coconut Creek, spoke in opposition to the project. He stated the building would impact his ability to use his telescope in his backyard and asserted it would lower property values. He shared an aerial photo to illustrate issues with water retention following storms.

Willie Jones, 7124 Crescent Creek Lane, Coconut Creek, asked whether a traffic impact study had been completed, and stated the building would have issues with security. He asserted the RV storage and traffic would lead to additional noise, and the buffer would not be able to stop it. He stated the impact on property values and quality of life needed to be considered and asked how illegal dumping and other crime issues would be addressed.

City Clerk Kavanagh read two (2) advanced public comments received by email into the record, which are attached hereto as Exhibit "3" as follows:

George Borges, 4045 Crescent Creek Place, Coconut Creek, expressed concern regarding flooding issues that would result from a three (3) story building on the property.

Gary and Cecile Lobban, 7087 Crescent Creek Lane, Coconut Creek, wrote to object to the project. They expressed concern regarding the impact on property values and privacy and stated this was not the original intent for the development.

There were no further questions or comments from the public, and Mayor Rydell closed the public hearing.

Attorney Mele apologized to Mr. Lobban for leaving out the transition from one (1) story to three (3) story in his presentation. He noted a single story had been the original intent, but City staff had not approved of the project due to the individual garage doors on a single-story storage facility. Continuing, he addressed comments regarding landscaping and drainage. He stated this property would drain more effectively once the site was built due to construction requirements. He noted a photometric plan to address light pollution would be part of the project, and there would be no spill over of light from the site onto other properties allowed.

Attorney Mele continued to address resident concerns, explaining the DRC process had included review of the impacts brought up. He stated there would be cameras for security and noted plans to move the wall and put in landscaping. He noted the oak trees would have root barriers so they would not break up sidewalks or swimming pools. In closing, Attorney Mele reiterated what was permitted under the current zoning.

Mayor Rydell asked for clarification on the original plans and the parking which would be required, and Attorney Mele provided information.

Commissioner Brodie stated he had walked the property the previous day. He asserted three (3) stories would block the view from the residences. He commented that quality of life would be impacted. He stated that compromise was needed.

Commissioner Tooley asked for clarification on the height of the building. Attorney Mele shared an image and explained the plan. Commissioner Tooley asked whether the back section of the building could be further lowered. Attorney Mele stated the three (3) story portion could be lowered to two (2) stories. He noted the neighboring houses were two (2) stories.

Commissioner Tooley asked Attorney Mele to respond to resident concerns regarding bulldozers working at 5 a.m. Attorney Mele stated that was not going to happen, and the applicant would follow the requirements set out by the Building Division.

Commissioner Railey asked if there was an opportunity to relocate the RV storage. Attorney Mele responded, noting there are only six (6) RV spaces, and they would not create a large amount of activity.

Mayor Rydell asked the hours of operation. Mr. Proffitt responded that it would be 6 a.m. to 10 p.m.

Vice Mayor Welch asked why the back of the building could not be reduced to one (1) story. Mr. Stoudenmire explained when the application was first submitted, it included a series of roll up doors along the eastern property line, and staff utilized their experience to suggest changes. He noted the change was made to protect residents from the types of issues which occur with that type of storage facility. He stated being self-contained helps to eliminate traffic and noise, and staff felt it would be a better neighbor to the residents.

Commissioner Welch asked staff to respond to issues related to drainage. Utilities and Engineering Director Osama Elshami noted drainage issues within Crescent Creek had to do with a 22-year-old existing system and stated he would look at the issue with the resident. He explained the developer would be required to meet the requirements of water retention and would need to be self-sufficient.

Commissioner Welch stated she felt the residents had been heard, and she hoped the comments were well received by the applicant and would be addressed and mitigated where

possible during the permitting process.

Mayor Rydell asked the applicant to walk him through proposed security. Property Owner Sean Leder stated the same developer was being used as at his existing storage facility and the cameras would be similarly placed. Attorney Mele noted the building permit plans would include the cameras so they could be reviewed.

Mayor Rydell discussed the resident concerns and stated he would like to see it as one (1) story on the back side. He noted the permitted uses by right and stated the owner had gone above and beyond in addressing resident concerns. He asserted hearing of construction at 5 a.m. was a significant concern.

Discussion ensued regarding the difference between one (1) and two (2) stories and creative approaches to address the concern. Attorney Mele stated the applicant was amenable to making the front of the building five (5) stories and the back side one (1) story or doing four (4) stories and two (2) stories.

Mr. Stoudenmire expressed concern regarding time constraints to review a changed plan in time for the second reading in two (2) weeks. Mayor Rydell asked the applicant whether they would accept 30 days prior to second reading to make changes to the plan. Attorney Mele agreed and expressed concern regarding new change requests at the second reading. Discussion ensued.

Mayor Rydell requested that the applicant provide real photographs in place of renderings for second reading, and Vice Mayor Welch requested an illustration of trees at planting from the view of the residents. Mayor Rydell asked for confirmation that the wall on NW 71st Street would be redone. Attorney Mele stated that wall would be removed and reconstructed. Discussion ensued regarding potential amendments to the items.

Mayor Rydell passed the gavel to make an amendment to the motion, and Vice Mayor Welch passed the gavel back to second the motion.

AMENDMENT: Rydell/Welch – To amend Items 15, 16, and 17 to add a condition that the north side of the building be two (2) stories and the south side of the building to be four (4) stories.

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

MOTION: Railey/Welch – To approve Ordinance No. 2022-016, as amended, on first reading.

Upon roll call, the Ordinance, as amended, passed on first reading by a 5-0 vote.

16. **ORD 2022-017** AN ORDINANCE APPROVING THE SPECIAL LAND USE APPLICATION SUBMITTED BY 4161 HILLSBORO, LLC TO ALLOW A SELF-STORAGE FACILITY, LOCATED AT 4161 WEST HILLSBORO BOULEVARD, AS LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF. (QUASI-JUDICIAL) (FIRST PUBLIC HEARING)

MOTION: Tooley/Railey – To approve Ordinance No. 2022-017, as amended, on first reading.

Upon roll call, the Ordinance, as amended was passed on first reading by a 5-0 vote.

17. **RES 2022-165** A RESOLUTION APPROVING THE SITE PLAN REQUEST SUBMITTED BY 4161 HILLSBORO, LLC FOR THE PROPERTY LOCATED AT 4161 HILLSBORO BOULEVARD LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF. (PUBLIC HEARING)

MOTION: Tooley/Welch – To approve Resolution No. 2022-165, as amended.

Upon roll call, the Resolution, as amended, passed by a 5-0 vote.

City Commission

18. **ORD 2022-011** AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF COCONUT ARTICLE III, "CITY COMMISSION," BY AMENDING SECTION 305, "VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES;" AND ARTICLE VII, "REGISTRATION AND ELECTIONS," BY REPEALING SECTION 713, "VACANCY IN CANDIDACY FOR OFFICE," TO PROVIDE FOR CLARIFICATION REGARDING THE PROCESS FOR FILLING VACANCIES; PROVIDING FOR THE FORM OF THE BALLOT QUESTION UPON APPROVAL BY THE MAJORITY OF ELECTORS VOTING IN THE MARCH 14, 2023, MUNICIPAL ELECTION. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Tooley/Welch – To adopt Ordinance No. 2022-011.

City Attorney Pyburn presented the item, noting the item provides the process for filling vacancies on the Commission and stated the next agenda item would address the procedures for the same. There were no comments from the public.

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

19. **ORD 2022-010** AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 8, "ELECTIONS," ARTICLE V, "ELECTION ADMINISTRATION," BY AMENDING SECTION 8-104, "VACANCIES; GENERALLY, AND IN CANDIDACY," TO PROVIDE THE PROCESS FOR FILLING VACANCIES UPON APPROVAL BY THE MAJORITY OF ELECTORS VOTING IN THE MARCH 14, 2023, MUNICIPAL ELECTION OF THE BALLOT ITEM SUBMITTED AS PART OF THE REFERENDUM ORDINANCE. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Railey – To approve Ordinance No. 2022-010 on first reading.

City Attorney Pyburn presented the item, stating the item was previously delayed to allow time to discuss the process with the Supervisor of Elections, and noted technical changes would be made between first and second reading to reflect the requirements of the Supervisor of Elections.

Upon roll call, the Ordinance passed on first reading by a 5-0 vote.

EXHIBIT "1"

From: lizwarren1974
To: [CommissionComments](#)
Subject: Cheesecake meeting
Date: Thursday, July 14, 2022 8:32:04 PM

Good day,
to whom it may concern,
I live near and frequent the promenade on a regular basis.
Over the years we have been experiencing more and more traffic in the promenade and along with that we have experienced more disturbance and violence such as the incident in December 2018:
<https://coconutcreeknews.net/gun-shots-at-the-promenade-leos-take-down-shooter-p876-192.htm>

I have stopped driving into the plaza on weekends; thankfully I live just 5 minutes walking distance from it.
It's literally impossible to find parking during season and at times we have found ourselves going all the way to the top of the garage, found no parking and then having to drive back down again with no luck.
Can you imagine the impact of what Cheesecake will do with 200 to 300 more cars in the plaza??

My daughter worked in the promenade last year and especially during season it got very uncomfortable for her when she would finish work and had to walk to the parking garage alone.

Are we setting ourselves up for failure? I am in Commercial real estate and I have seen this many times....this plaza has changed hands a number of times, but we live and work in Coconut Creek....owners of Promenade can do what they like now and then sell the plaza but we will be the ones left with the messy situation.
What is the plan to address the flow of new customers and people in the plaza?
Is proper surveillance and cameras to be installed?

We hope this is addressed now; we don't have to come back later., look at this email and say" We should have done something about it"it will be too late.

Liz

Sent from my T-Mobile 4G LTE Device

EXHIBIT "2"

From: [Roswitha Kucera](#)
To: [DRC](#)
Subject: Special Land Use for Indoor Amusement Center
Date: Thursday, July 14, 2022 11:57:25 AM

Dear Mr. Stoudenmire;

My husband and I are longtime residents at Wynmoor and have regular business visits to Lyons Plaza, i.e. Dry Cleaner, Dermatologist, Beauty Parlor, Physical Therapist, Luncheonets, etc. I can only imagine how this would impact our safe and clean environment. No need to become graphic about it, you and I know that life will not be the same.

I therefore -vehemently- disapprove of any such "Special Land Use".

Respectfully,
Roswitha & Herwig Kucera
2502 Antigua Terrace, Apt. G 4, Coconut Creek, FL 33066

EXHIBIT "3"

From: [George Borges](#)
To: [CommissionComments](#)
Subject: Notice of Public Hearing (Leder Development Project) Request for rezoning, and Special Land Use Approval
Date: Thursday, August 25, 2022 9:09:25 AM

Good morning Commissioners.

I would like to respectfully speak a few minutes in the hearing about the flood it might cause putting a big building in that particular location.

We currently have a flooding problem and influx of water that comes from that land into our neighborhood due to the elevation, inclination and water drainage in the area.

Thank you very much for your approval.

GEORGE BORGES

From: [Gary Lobban](#)
To: [CommissionComments](#)
Cc: cecilelobban@gmail.com
Subject: Leder Development Project
Date: Thursday, August 25, 2022 9:19:42 AM

To the City Commissioners:

This is a formal objection to the proposed rezoning on behalf of the entire Crescent Creek Community. This building will impact not only the 4 homes immediately behind the proposed structure but the entire community with respect to property values. And the impact will be a negative one not positive. I don't foresee how my property value will be enhanced from what it is now to having a 3-4 story commercial building looming into our yards and view.

The North side structure should be limited to no higher than 1 story. Anything higher is encroaching on the residents living behind it. It will affect our Privacy, and the enjoyment of our homes. Your backyard should be for recreational purposes and not have a commercial building towering into it. The proposed foliage is not sufficient to buffer this and will take years to mature.

Considering that this was not the intended use of the property the concerns of the residents to be impacted by this change should be given consideration. I guarantee if this were proposed in the immediate back yard of any of your homes you would be objecting to this as well.

We have been residents of this community for 23 years and respectfully ask that the city give us due consideration here.

Regards,

Gary & Cecile Lobban

Residents: 7087 Crescent Creek Ln. Coconut Creek FL 33073