

To: City of Coconut Creek Development Review Committee

From: Scott Backman, Esq., *Miskel Backman, LLP*  
Christina Bilenki, Esq., *Miskel Backman, LLP*  
Beth Schrantz, Land Planner, *Miskel Backman, LLP*

Date: May 13, 2025

RE: MainStreet Block 3 Special Land Use  
Responses to Comments – (PZ-25010002)

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### **BUILDING COMMENTS**

This shall not imply full compliance with the Florida Building Code. Submittal of a building permit application and plans are required for full review to obtain a building permit.

**RESPONSE: Acknowledged. Thank you.**

*Note: Every effort has been made to identify code violations. Any oversight by the reviewer shall not be considered as authority to violate, set aside, cancel or alter applicable codes or ordinances. The plan review and permit issuance shall not be considered a warranty or guarantee. The designer is responsible for following all applicable federal, state, and municipal codes and ordinances.*

**RESPONSE: Acknowledged. Thank you.**

### **ENGINEERING COMMENTS**

1. This review shall not imply full compliance with the Florida Fire Prevention Code (FFPC). The requirements/provisions of the FFPC shall be met during building permit review.

**RESPONSE: Acknowledged. Thank you.**

### **FIRE COMMENTS**

This review shall not imply full compliance with the Florida Fire Prevention Code (FFPC). The requirements/provisions of the FFPC shall be met during building permit review.

**RESPONSE: Acknowledged. Thank you.**

### **LANDSCAPING COMMENTS**

No Comments at this time.

**RESPONSE: Acknowledged. Thank you.**

### **PHOTOMETRICS COMMENTS**

No Comments at this time.

**RESPONSE: Acknowledged. Thank you.**

### **POLICE COMMENTS**

No Comments at this time.

**RESPONSE: Acknowledged. Thank you.**

### **SUSTAINABILITY COMMENTS**

No Comments at this time.

**RESPONSE: Acknowledged. Thank you.**

### **TRANSPORTATION CONSULTANT**

2. Traffic Generation Statement: Provide your source or reference for the AM and PM peak hour trip generation calculations assigned to Fast Casual Restaurant.

**RESPONSE: For this use, the trip generation rates for different categories of restaurants that include a drive-through component were reviewed. The highest peak hour trip generation rate is for a coffee shop with drive-through; therefore, this rate was used even though the tenant is not known and may be a different category of drive-through restaurant. The relevant ITE excerpts have been included in the Appendix, for reference.**

3. Traffic Generation Statement: The ITE outlines that AM and PM Peak hour trips are different if the Fast Food Restaurant + Drive thru if it consists of Fast Food with a drive thru, or a Coffee Shop with a drive thru or a Coffee/Bagel Shop with a drive thru. Please confirm that the most intense possible use assigned to 2,800 sf with the drive thru has been calculated for both AM and PM Peak Hour Trips. It is relevant that the updated Traffic Generation Statement shall provide trip estimates based on the estimated (2,800 sf) and most intense possible usage of the facility.

**RESPONSE: The land use has been updated to Coffee Shop with Drive-Through to reflect the land use with a drive-through component that generates the highest number of peak hour trips.**

4. The Site Plan reflects Retail Building D to be 7,000 square feet with a drive thru. The updated Block 3 Traffic Generation Statement appears to limit the allocated space within Building D to 2,800 square feet of fast food restaurant with a drive thru. Is this a restriction of Building D to limit fast food to 2,800 sf.?

**RESPONSE: Yes, the proposed drive-through use is restricted to the northern 2,800 square foot bay within the 7,000 square foot Building D. The remainder of the building will be occupied by non-drive-through tenants. The Justification Statement has been modified to clarify this.**

5. An amended Site Plan or typical driveway detail of the driveway between Retail Building "E & D" is required. As Conditioned in the Site Plan Approval (Resolution No. 2024-109), Section 3, Item No. 2. The driveway between Retail Building E and D shall be channelized to prevent northbound left turn movements onto Lyons Road. Moreover, as dedicated on Sheet 8 of 9 of the Approved MainStreet Plat, a 50-foot driveway opening is dedicated to right-turn only.

**RESPONSE:** Please see the revised Site Plan, which has been updated to reflect the driveway channelization per the referenced condition of approval.

## **URBAN DESIGN AND DEVELOPMENT COMMENTS**

### **General Comments**

1. Pending Applicant's presentation at Planning and Zoning Board and City Commission meetings.

**RESPONSE:** Acknowledged. Thank you.

2. DRC comments to be addressed prior to placement on the Planning and Zoning Board agenda.

**RESPONSE:** Acknowledged. Thank you.

3. Façade and monument signs shall be reviewed for compliance during building permit review.

**RESPONSE:** Acknowledged. Thank you.

### **Special Land Use**

4. The Special Land Use will not receive a favorable staff recommendation without tenant details including name and or type of business proposed in tenant space seeking Special Land Use approval. There is a significant difference in actual traffic generation rates, peak hour stacking needs, circulation demands, parking, noise, lighting, odor emissions, and popularity between tenants such as a Chick-Fil-A versus a less popular or less in-demand fast food chain. The site plan nor the application addresses the potential for additional considerations such as:

(a) Extra on-site circulation and queueing/stacking needs,

- i. May need an on-site queue management plan (cones, staff directing cars during peak times).

**RESPONSE:** A queueing analysis has been included in the updated traffic statement. It was determined that the 300 feet of provided queueing area from the order window is expected to be sufficient for the proposed drive-through use. As such, on-site queue management is not anticipated to be needed.

- ii. May need additional stacking spaces than minimum code requirement

**RESPONSE:** The City requires a minimum of six (6) eighteen foot (18') long queueing spaces, which requires 108 feet of queueing. As illustrated on the site plan, there is 185 feet of queueing from the menu board to the first point of conflict, thus providing ten (10) queueing spaces before the menu board, which exceeds the minimum code requirement by four (4) queueing spaces. An additional +/- 106 feet of queueing is provided from the menu board to the pick up window, thus providing an additional five (5) queueing spaces for a total of fifteen (15) queueing spaces. This is 2.5 times the code minimum required. As such, no queueing issue is anticipated.

(b) Need for outside staff to manage on-site circulation,

**RESPONSE:** Outside staff is not anticipated to be needed to manage on-site circulation. The applicant is limiting the type of use to Fast Casual Restaurant or Coffee Shop, as further defined in these comment responses. The proposed stacking exceeds typical requirements for this type of restaurant use. Additionally, the drive thru entrance is located at the south east corner of

the parking lot, approximately 150' from the Lyons Road throated entry, which will further ensure unimpeded on-site circulation.

- (c) Double drive-through lanes versus the single lane as proposed,

**RESPONSE:** Double drive-through lanes are not anticipated to be needed. The applicant is limiting the type of use to Fast Casual Restaurant or Coffee Shop, as further defined in these comment responses. In addition to the foregoing, it is infeasible to fit a double drive-through due to the depth of the site, the adjacent Lyons Road entrance and the code required bypass lane.

- (d) Covered drive-through order areas versus the lack of one here,

**RESPONSE:** While a covered drive-through area is not anticipated it is increasingly common as a convenience to customers during inclement weather. The design of the order area is typically dictated by the national tenant and will be reviewed at the time of the building permit. Any proposed covered order area would need to be of a quality commensurate with the project.

- (e) Reserved drive-through over capacity parking areas and mobile order pickup lane for customers waiting for food orders.

**RESPONSE:** Mobile/online order pickup (BOPIS) is the new standard for all retail tenants. This standard applies to grocery (Publix, Whole Foods, etc.), retail (REI, Nordstrom, Sephora, Nieman Marcus), as well as restaurants (Chipotle, Starbucks, PuraVida). In previous decades this was generally known as carry-out. We anticipate having mobile order pickup and short-term designated spaces distributed throughout the entire project for the benefit of all tenants.

- (f) Hours of operation between the various brands and their unusually high demand.

**RESPONSE:** The applicant proposes to limit the hours of operation to 5:00 AM to 2:00 AM, unless otherwise approved by the City.

5. The Special Land Use approval focuses on site-specific, operator-specific impacts, not just abstract categories from the ITE manual. Without knowing the tenant, staff is concerned that the traffic study may not be reflecting on the most intense use and therefore, trip generator. We are also concerned that the site plan may not be appropriately designed based on the proposed use, as outlined in these comments. These differences materially affect the City's ability to accurately evaluate and assess compliance with Special Land Use criteria.

**RESPONSE:** As discussed in detail with staff, it is not possible to identify the tenant at this time, and it is critical to the success of the leasing strategy for this commercial center that there be some flexibility in the end use. In addition, it is important to note that the traffic impact analysis contemplates the most intensive trip generation of any type of restaurant or coffee shop. That said, the applicant is committed to ensuring that the drive thru use is operated only by a quality tenant that does not create adverse impacts for the center, community, or the surrounding road network. To that end, the applicant proposes to limit the use of the space to "Fast Casual Restaurant" or "Coffee Shop" uses, which will be defined as follows for purposes of the proposed restriction:

"Fast Casual Restaurant" shall mean a restaurant with no (or very limited) wait staff or table service. A customer typically orders by walking up to a counter, fax, online, or in the drive thru, and seats themselves. The menu generally contains higher-quality, made-to-order food items with fewer frozen or processed ingredients than at a fast-food restaurant, or allows the

customer to creates their own meal by selecting individual items/ingredients from a list of pre-cooked options including but not limited to bases (i.e. greens, rice, starch), vegetables, proteins (i.e. chicken, steak, fish, tofu), toppings, and sauces. Most patrons eat their meal within the restaurant, but a significant proportion of the restaurant sales can be carry-out, mobile pickup, or drive-thru orders. A fast casual restaurant typically serves lunch and dinner; some serve breakfast. A typical duration of stay for an eat-in customer is 40 minutes or less. Typical Fast Casual Restaurants include, but are not limited to Just Salad, Chipotle, Cava, Habit Burger, Panera, Sweet Green, etc. The following are examples of non-fast casual restaurants: McDonalds, Taco Bell, Wendy's, Burger King, Chick Fil A, etc.

**"Coffee Shop"** shall mean a coffee and donut restaurant that has a drive-through window as well as a walk-in entrance area at which a patron can purchase and consume items. The restaurant sells freshly brewed coffee (along with coffee-related accessories) and a variety of food/drink products such as donuts, bagels, breads, muffins, cakes, sandwiches, wraps, salads, and other hot and cold beverages.

6. As acknowledged, unless additional time is granted at the time of approval, a Special Land Use approval by the city commission shall expire eighteen (18) months from the date of approval, as provided in table 13-26-2, "Development approval duration and extensions."

**RESPONSE: Acknowledged. Thank you.**

7. As acknowledged, the applicant is responsible for posting a public hearing notice sign on the property in accordance with the timelines prescribed in table 13-26-3, "Notice Requirements,".

**RESPONSE: Acknowledged. Thank you.**

8. What are the proposed hours of operation, and are they compatible with the surrounding area, particularly adjacent single-family residential uses? The Special Land Use cannot receive a favorable staff recommendation without the hours of operation for the proposed use.

**RESPONSE: The applicant proposes to limit the hours of operation to 5:00 AM to 2:00 AM, unless otherwise approved by the City.**

9. Is the sale of alcohol for on-site or off-site consumption or both proposed? What type of alcohol license will be requested, and does it comply with location and licensing requirements?

**RESPONSE: Although the tenant has not yet been identified, it is likely that the tenant will require the ability to provide alcohol sales in conjunction with the proposed drive-thru restaurant use. Any alcohol sales will require additional City sign-off through the State's licensing requirements.**

10. Is outdoor dining proposed? If so, provide details demonstrating compliance with PMDD Section E. Building Design Standards, 1. A. Commercial Use, 1. e, specifically regarding noise, signage, alcoholic beverages, and hours of operation. (Further refer to LDC Sec.13-326, as applicable)

**RESPONSE: Yes, outdoor dining may be proposed in conjunction with the proposed drive-thru Fast Casual Restaurant or Coffee Shop. As noted in Section 13-362 of the City's LDC, any outdoor dining proposed will be accessory to the restaurant with hours not greater than that of the restaurant, or as otherwise restricted by the City, and will comply with the requirements and standards of LDC Section 13-380, Outdoor dining and outdoor cafes.**

11. Refer to transportation comments for detailed evaluation of traffic circulation and site access particularly on Lyons Road.

**RESPONSE: Please refer to the Transportation responses.**

12. If reserved parking is proposed for valet service, food pick-up, or other dedicated uses, explain the impact on adjacent tenants and compliance with PMDD shared parking requirements. Refer to comment #18 below.

**RESPONSE: Mobile/online order pickup (BOPIS) is the new standard for all retail tenants. This standard applies to grocery (Publix, Whole Foods, etc.), retail (REI, Nordstrom, Sephora, Nieman Marcus), as well as restaurants (Chipotle, Starbucks, PuraVida). In previous decades this was generally known as carry-out we anticipate having mobile order pickup and short-term designated spaces distributed throughout the entire project for the benefit of all tenants.**

13. Building size discrepancy: The application identifies 2,800 square feet of use within a 7,000 square-foot building. What is the intended use of the remaining 4,200 square feet? Will the remainder be reserved for future expansion, a separate tenant, or a different use?

**RESPONSE: Yes, the proposed drive thru use is restricted to the northern 2,800 square foot bay within the 7,000 square foot Building D. The remainder of the building will be occupied by non-drive thru tenants. The Justification Statement has been modified to clarify this.**

14. Provide an interior floor plan an outdoor dining layout that clearly identifies customer and non-customer areas within these two areas.

**RESPONSE: As noted above, a tenant has not yet been confirmed for this space. As such, it is not possible to provide a detailed interior floor plan detailing the customer and non-customer areas. However, a floor plan for the building is provided that notes the proposed 2,800 square foot drive-thru tenant space.**

**Pursuant to site plan Resolution 2024-109 for Block 3**

15. All outstanding DRC comments remain effective throughout the development review process and must be addressed prior to building permit issuance or as otherwise stated therein.

**RESPONSE: Acknowledged. Thank you.**

16. The driveway between Retail Building E and D shall be channelized to prevent northbound left turn movements onto Lyons Road unless the northbound left turn movement is otherwise allowed by the City and Broward County. Provide a plan or detail for review.

**RESPONSE: Please refer to the revised Site Plan, which has been updated to reflect the**

17. No Building Permit shall be issued for Building D until the property owner obtains Special Land Use Approval for the drive-thru establishment in Building D. Should the City Commission approve the Special Land Use and place any conditions that require changes to the site plan, those changes shall be made in accordance with the MainStreet at Coconut Creek PMDD and the City's Land Development Code Sec.13-549, as applicable. Should the City Commission deny the Special Land Use, the property owner shall amend the site plan to remove the drive-thru feature in accordance with the MainStreet PMDD and Sec.13-549 of the Land Development Code.

**RESPONSE: Acknowledged. Thank you.**

18. If at any time following the issuance of a building permit, the property owner or a tenant uses a valet parking operation, a valet parking operation plan shall be submitted to the City for review and comment by the Traffic Management Team prior to it becoming operational. In the event the property owner or tenant wishes to cease valet service operations, the property owner or tenant shall notify the City in writing a minimum of thirty (30) days prior to ceasing valet parking operations.

**RESPONSE: Acknowledged. Thank you.**

19. If approved, this special land use shall not be effective until the applicant's sale of the property has closed and the MainStreet at Coconut Creek Development Agreement has become effective.

**RESPONSE: Acknowledged. Thank you.**



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To: Coconut Creek Development Review Committee

From: Scott Backman, Esq., *Miskel Backman, LLP*  
Christina Bilenki, Esq., *Miskel Backman, LLP*  
Beth Schrantz, Land Planner, *Miskel Backman, LLP*

Date: April 10, 2025

RE: MainStreet Block 3 Special Land Use  
Responses to Comments – (PZ-25010002)

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**A. BUILDING COMMENTS**

This shall not imply full compliance with the Florida Building Code. Submittal of a building permit application and plans are required for full review to obtain a building permit.

**RESPONSE: Acknowledged. Thank you.**

Note: Every effort has been made to identify code violations. Any oversight by the reviewer shall not be considered as authority to violate, set aside, cancel or alter applicable codes or ordinances. The plan review and permit issuance shall not be considered a warranty or guarantee. The designer is responsible for following all applicable federal, state, and municipal codes and ordinances.

**RESPONSE: Acknowledged. Thank you.**

**B. ENGINEERING COMMENTS**

No comments at this time.

**RESPONSE: Acknowledged. Thank you.**

**C. FIRE COMMENTS**

This review shall not imply full compliance with the Florida Fire Prevention Code (FFPC). The requirements/provisions of the FFPC shall be met during building permit review

**RESPONSE: Acknowledged. Thank you.**

**D. LANDSCAPING COMMENTS**

No comments at this time.

**RESPONSE: Acknowledged. Thank you.**



**E. PHOTOMETRICS COMMENTS**

No comments at this time.

**RESPONSE: Acknowledged. Thank you.**

**F. POLICE COMMENTS**

No comments at this time.

**RESPONSE: Acknowledged. Thank you.**

**G. SUSTAINABILITY COMMENTS**

No comments at this time.

**RESPONSE: Acknowledged. Thank you.**

**H. TRANSPORTATION CONSULTANT**

No comments at this time.

**RESPONSE: Acknowledged. Thank you.**

**I. URBAN DESIGN AND DEVELOPMENT COMMENTS**

**General Comments**

1. Pending Applicant's presentation at Planning and Zoning Board and City Commission meetings.  
**RESPONSE: Acknowledged. Thank you.**
2. DRC comments to be addressed prior to placement on the Planning and Zoning Board agenda.  
**RESPONSE: Acknowledged. Thank you.**

**Special Land Use**

3. Façade and monument signs shall be reviewed for compliance during building permit review.  
**RESPONSE: Acknowledged. Thank you.**
4. Applicant shall provide proposed tenant details, including tenant's name and the type of business, when seeking Special Land Use approval. Staff shall not recommend approval without this information.  
**RESPONSE: As discussed with staff, it is not possible to specify the tenant due to confidentiality and non-disclosure agreements required in the leasing process. That said, it is anticipated that the user will be a quality coffee shop or fast casual restaurant use. In an effort to ensure that external impacts are fully analyzed and addressed, the traffic study for Block 3 has been updated to analyze the impact of the drive through component using the highest intensity ITE rate for such use – Fast Food Restaurant with Drive-Through Window. As detailed in the Traffic Generation Analysis, the traffic impact is well within the trips allocated to the PMDD, with 252 AM Peak Hour and 492 PM Peak Hour trips remaining following development of the currently proposed Block 3, inclusive of the drive through use, along with the other blocks previously submitted for individual site plan review. As such, the Special Land Use will not have an adverse impact on the surrounding road network. Further, the site and building design was developed**

**to ensure no adverse impacts to the area. As such, the applicant respectfully requests a staff recommendation of approval for the requested Special Land Use.**

5. *Approval time limitations.* Unless additional time is granted at the time of approval, a Special Land Use approval authorized by the city commission shall expire eighteen (18) months from approval date as provided in table 13-26-2, "Development approval duration and extensions." The duration of the approval period shall begin running the day after the effective date of the approval and shall expire if no permit has been issued for a principal building or improvement for which the approval was requested, or if all conditions and limitations of the approval have not been satisfied before the approval expires.

**RESPONSE: Acknowledged. Thank you.**

6. *Posted property notice.* The applicant shall be responsible for posting a public hearing notice sign on the property. Signs shall be placed on the property that is the subject of the application in accordance with timelines prescribed in table 13-26-3, "Notice Requirements," prior to a required or requested hearing as follows:

- Signs shall be posted facing each adjacent right-of-way.
- Signs shall be placed no more than five (5) feet from the street, or if there is a sidewalk, no more than two (2) feet beyond the property side edge of the sidewalk, so lettering is visible from the street. These measurements may be adjusted plus or minus up to two (2) feet for flexibility to address street conditions, including landscaping and topography, provided the sign as posted is clearly visible and legible from the street.
- A dated photograph of all signs shall be submitted to the department of sustainable development by the applicant within twenty-four (24) hours of the sign being posted.
- If the sign is destroyed or removed from the property, the applicant is responsible for obtaining and posting a new sign on the property and providing a new dated photograph.
- Sign(s) shall remain on the property until final disposition of the application. This includes any deferral, rehearing, appeal, or requirement for review or hearing by another body.
- Sign information shall be updated to include any additional public hearings or public hearing deferrals consistent with table 13-26-3, "Notice Requirements."

**RESPONSE: Signs will be posted in accordance with the above requirements prior to April 30<sup>th</sup> for the May 14<sup>th</sup> Planning and Zoning Board Meeting.**