



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: September 23, 2021
Time: 7:00 p.m.
Regular Meeting No. 2021-0923R

CALL TO ORDER

Mayor Rebecca A. Tooley called the meeting to order at 7:00 p.m.

PRESENT UPON ROLL CALL:

Mayor Rebecca A. Tooley
Vice Mayor Joshua Rydell
Commissioner Lou Sarbone
Commissioner Sandra L. Welch
Commissioner Jacqueline Railey
City Manager Karen M. Brooks
City Attorney Terrill C. Pyburn
Records Specialist Darnette Grant

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

Mayor Tooley 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.

PRESENTATIONS

1. **21-205** A PROCLAMATION RECOGNIZING JONATHAN MANCEBO OF RISE AS ONE.

Vice Mayor Rydell read the proclamation into the record and presented it to Jonathan Mancebo in recognition of his Rise as One mobile doorbell unit.

City Manager Karen Brooks stated the City of Coconut Creek was fortunate to have such a passionate advocate in the community and awarded Rise as One \$500 to support the efforts of the non-profit.

INPUT FROM THE PUBLIC

Records Specialist Darnette Grant stated there were no advanced public comments received for non-agenda or consent agenda items.

CONSENT AGENDA (*Items 2-4*)

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

Consent Agenda Item 3 was pulled by Vice Mayor Rydell and heard before the Regular Agenda.

2. **21-221** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2021-0826WS AND 2021-0826R)
4. **21-207** A MOTION TO GRANT AN EXTENSION FOR THE FISCAL YEAR 2021 VICTORIA ISLES NEIGHBORHOOD ENHANCEMENT GRANT LANDSCAPE DESIGN PROJECT.

MOTION: Sarbone/Welch – To approve Consent Agenda Items 2 and 4.

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

City Commission

3. **21-210** A MOTION TO CANCEL THE NOVEMBER 11, NOVEMBER 25, AND DECEMBER 23, 2021, REGULAR CITY COMMISSION MEETINGS AND HOLD A SPECIAL COMMISSION MEETING ON NOVEMBER 18, 2021.

Mayor Tooley read the Motion into the record.

MOTION: Rydell/Welch – To approve Agenda Item 3.

Vice Mayor Rydell asked for clarification on the meetings to be cancelled. City Manager Brooks stated the City typically cancels the second meeting in November and the second meeting in December, but this year the first meeting in November was a holiday, so it was being rescheduled to November 18.

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

REGULAR AGENDA

Public Works Department

5. **RES 2021-162** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A CONSULTING SERVICES WORK AUTHORIZATION WITH CPZ ARCHITECTS, INC. TO PROVIDE DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE LAKESIDE PARK IMPROVEMENTS.

Mayor Tooley read the Resolution title into the record.

MOTION: Rydell/Railey – To approve Resolution No. 2021-162.

Parks and Recreation Director Wayne Tobey presented the item and providing a brief background on Lakeside Park and the adjacent lot. He explained the improvements to the site were included in the Parks and Recreation Master Plan completed in 2019 and noted CPZ Architects had been selected as the architect on the project. He commented that the firm would participate in public outreach meetings, and then provide two sets of plans to choose from.

Vice Mayor Rydell asked for information on other Parks and Recreation projects CPZ Architects had been involved with, and Mr. Tobey reviewed a list of projects.

Commissioner Welch asserted the park would be a needed enhancement to the north end of the City. She asked for clarification on the outdoor fitness area at the park, and Mr. Tobey responded

that those details would be worked out through the community outreach process.

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

Sustainable Development

City Attorney Pyburn read aloud the City's quasi-judicial procedures that would be applied to items 6 through 10. Records Specialist Grant confirmed public notice requirements had been met for the Quasi-Judicial items 6 through 10 and swore in the witnesses. Mayor Tooley asked if there were any objections by the Commission, staff, the applicant, or the public to hear Agenda Items 6 through 10 together as they were related, and there were none.

- 6. ORD 2021-021** AN ORDINANCE CHANGING THE LIST OF PERMITTED AND SPECIAL LAND USES AND MODIFYING SITE DESIGN STANDARDS AND DEVELOPMENT REGULATIONS, BY REZONING THE PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF HILLSBORO BOULEVARD AND LYONS ROAD, AS LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, FROM PCD (MARKETPLACE AT HILLSBORO), PLANNED COMMERCE DISTRICT, TO PCD (MARKETPLACE AT HILLSBORO II), PLANNED COMMERCE DISTRICT, AMENDING ORDINANCE NO. 144-96 TO THE EXTENT SUPERSEDED BY THIS REZONING, PROVIDING FOR FINDINGS. (QUASI-JUDICIAL)(FIRST PUBLIC HEARING)
- 7. RES 2021-193** A RESOLUTION APPROVING THE SITE PLAN REQUEST OF HILLSBORO MARKETPLACE INVESTMENTS, LLC, FOR THE PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF HILLSBORO BOULEVARD AND LYONS ROAD, LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF. (QUASI-JUDICIAL)(PUBLIC HEARING)
- 8. ORD 2021-022** AN ORDINANCE APPROVING THE SPECIAL LAND USE APPLICATION SUBMITTED BY HILLSBORO MARKETPLACE INVESTMENTS, LLC TO PERMIT A DRIVE-THRU FOR A CALI COFFEE RESTAURANT FOR THE PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF HILLSBORO BOULEVARD AND LYONS ROAD (WEST OUTPARCEL), AS LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF. (QUASI-JUDICIAL)(FIRST PUBLIC HEARING)
- 9. RES 2021-170** A RESOLUTION APPROVING THE SITE PLAN REQUEST OF HILLSBORO MARKETPLACE INVESTMENTS, LLC, FOR THE PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF HILLSBORO BOULEVARD AND LYONS ROAD WITHIN THE HILLSBORO MARKETPLACE PLAZA (WEST OUTPARCEL), LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF. (QUASI-JUDICIAL)(PUBLIC HEARING)
- 10. RES 2021-172** A RESOLUTION APPROVING THE SITE PLAN REQUEST OF HILLSBORO MARKETPLACE INVESTMENTS, LLC, FOR THE PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF HILLSBORO BOULEVARD AND LYONS ROAD WITHIN THE HILLSBORO MARKETPLACE PLAZA (EAST OUTPARCEL), LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF. (QUASI-JUDICIAL)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance titles and Mayor Tooley read the Resolution titles into

the record.

Vice Mayor Rydell made a motion to hear Agenda Items 6 through 10, seconded by Commissioner Railey.

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

- Vice Mayor Rydell stated he had attended a meeting with the applicant and staff, had spoken with the owner regarding agenda and non-agenda items, and had received emails regarding legal issues with the development of the plaza which were submitted to staff and are a part of the disclosed public record;
- Mayor Tooley stated she had visited the property on September 11;
- Commissioner Railey stated she visited the property on September 21; and
- Commissioner Welch stated she had visited the site and spoken with some of the tenants.

Director of Sustainable Development Scott Stoudenmire presented the items related to the Marketplace at Hillsboro project, explaining the development had been under review with the Development Review Committee since 2019. He explained the project represented a part of the priority redevelopment area along the Hillsboro Boulevard corridor and briefly shared details of other development along the corridor. He shared a map of the development, noting the gas station was not part of the effort. He reviewed the applications and noted the proposed improvements. He stated there were also three vacation of easement applications, which would be heard with the second reading of the rezoning and special land use ordinances.

Mr. Stoudenmire explained the delays in the project, including COVID-19, application complications, and continuances due to difficulty demonstrating unified control of the site. He discussed the properties that had chosen not to be included in the redevelopment project and the efforts made with the City Attorney's office to move forward without the involvement of Walgreen's and Burger King in the revised Planned Commerce District (PCD). He explained both of those properties stand on their own and had their own site plans but were included in the original PCD. He stated after reviewing the project, the Planning and Zoning (P&Z) Board had recommended approval.

Mr. Stoudenmire shared the concerns raised by the attorney for Walgreen's at the P&Z meeting, which had to do with traffic and stacking as a result of the Cali Coffee drive thru lane and potential to interfere with their operations. He stated staff and the applicant have committed to seek resolution to their concerns, and since that time, an agreement of conditions between the two parties had been developed and was included in the backup. He noted that, with that agreement, Walgreen's was satisfied with the protections in place.

Attorney John Voigt, Doumar Allsworth, presented on behalf of the applicant. He introduced co-counsel and the design team present. He stated the existing buildings were remaining, but the proposal was to redo the façade to make the plaza more inviting and enhanced, including signage, and to add Cali Coffee and a small retail building in the outparcels. He briefly discussed how the concerns of Walgreen's had been addressed.

James Kahn, Planner with Keith, Inc., presented the architecture and design of the project, opening with a *PowerPoint* presentation reviewing the site and history.

Douglas Mummaw, Architect with Mummaw and Associates, continued the *PowerPoint*

presentation. He shared the proposed rebranding, site plan, preservation of existing trees, use of materials and colors to provide individuality and blend with the environment, and pedestrian-friendly architecture of the proposed project and reviewed the outparcels briefly.

Mr. Voigt reviewed the site design criteria and special land use criteria and explained how the application met each.

Mr. Kahn closed the applicant's presentation by sharing a brief video animation depicting the project architectural design.

Mayor Tooley opened the public hearing.

Beth Agami and Ilan Agami, 5843 NW 40 Avenue, spoke regarding their son and brother, Daniel Agami, a former Coconut Creek Police Explorer and Army veteran killed in the line of duty in 2007. They shared that the post office in the plaza had been named after Daniel in 2009, but the name had never been reflected and asked the help of the new plaza owners to display the name and recognize Specialist Daniel Agami.

Robert Eisen, Investments Limited, spoke as the owner's representative and stated this was the first he had heard of the post office issue and stated the family's request would be honored by the owners to the best of their ability.

Records Specialist Grant stated there were no advanced public comments received for the item, and Mayor Tooley closed the public hearing.

Vice Mayor Rydell stated he had listened to the P&Z meeting and noted the discussion regarding Cali Coffee at the meeting. He pointed out a slide in the applicant's *PowerPoint* presentation which highlighted the company and stated Coconut Creek would be blessed to have them in the City. He noted the business owner's passion and business model. He asserted the project had been presented to the P&Z Board as a soft staff denial based on the issues with Walgreen's. Mr. Stoudenmire stated that was a fair characterization, based on the unified control issue. Vice Mayor Rydell pointed to the agreement between the applicant and Walgreen's regarding stacking in the drive-thru, and asked for confirmation that this was the reason the application was now being recommended for approval by staff. Mr. Stoudenmire stated it was now clear that there were two separate PCDs, which made staff far more comfortable than they were previously.

Vice Mayor Rydell commented on the egress at Walgreen's and stated he did not see validity in the original complaint, as Walgreen's and Cali Coffee would stack people in opposite directions. Mr. Stoudenmire stated there was a significant redesign of the Cali Coffee project in order to avoid problems. Vice Mayor Rydell added that Cali Coffee was a great business for the City of Hollywood, noting they were active and engaged in that community. He commented positively on the mix of businesses in the plaza and asked if there were plans for a tenant for the additional outparcel. Discussion ensued regarding the phasing of the project and parking.

Vice Mayor Rydell commented on the P&Z condition regarding the west entrance to the plaza and truck access. He asked the intent of the applicant to address the issue. Mr. Mummaw stated there were community outreach agreements, which would include signage. Vice Mayor Rydell asked for additional detail on the community outreach. Discussion ensued regarding community feedback, a public meeting, and notices mailed and posted.

Vice Mayor Rydell thanked the plaza owners for awarding a COVID-19 scholarship to a Coconut Creek business impacted by the pandemic, and for the effort to develop the plaza.

Commissioner Railey thanked the Agami family for their son's service and thanked Mr. Eisen for the willingness to accommodate the family's request. She asked how greenspace was impacted by the project and expressed concern regarding flooding of the parking lots. Mr. Kahn addressed the drainage, explaining the PCD had gone through the drainage permit process as one parcel and none of the applicable information was being changed. He noted the permits would be rerun with the new calculations, but the system was existing.

Commissioner Railey asked what percentage would have overhead covering for pedestrian traffic. Mr. Mummaw responded that he did not have a calculation and walked through the existing and additional canopies.

Commissioner Railey asked the timeline for construction. Mr. Mummaw stated that would be a discussion for this meeting, but the applicant was ready to submit the first phase of the project.

Commissioner Welch agreed the project was instrumental to redevelopment of the corridor. She mentioned the signage and stated other plazas had struggled with tenant visibility. She asked if there would also be prominent monument markers at the entryways. Mr. Mummaw explained signage was a priority and outlined how it would be addressed.

Commissioner Welch asked for clarification on whether Cali Coffee would sell food at this site. Mr. Mummaw stated they would not be preparing anything but drinks, and any food would be pre-packaged.

Commissioner Welch stated she had asked about the location of the bus stops because it was an opportunity to bring additional pedestrians into the plaza. She noted she was told there was not a stop on Lyons Road to visit the plaza, and asserted she hoped it could be added. Mr. Stoudenmire stated this was something staff could work on. He noted there was a new bus shelter programmed to go in at Hillsboro Boulevard.

Commissioner Welch stated staff had done a miraculous job of working through the hurdles and noted she appreciated that. She asked about the concerns related to the east parcel and parking at the building. She asked if there would be sufficient ADA access and parking for the east outparcel. Mr. Mummaw pointed to the accessibility on the plan near the front door and sides.

Commissioner Welch mentioned Mr. Mancebo's Rise as One project and asked that it be considered for the outparcels, and thanked Mr. Eisen for listening to the Agami family. Mr. Mummaw stated he had engaged with staff regarding ideas in the courtyard to make something outside and permanent. He noted he would be honored to participate.

Commissioner Sarbone echoed the appreciation to the applicant for stepping up in regard to the naming of the post office. He asked staff to engage in the effort. Commissioner Sarbone stated the renderings were fantastic and asserted if the project looked anything like the renderings, it would be among Coconut Creek's busiest. He asked for clarification on parking, and whether the Walgreen's and Burger King were included in the overall calculations of the parking plan. Mr. Stoudenmire stated the Walgreen's stands entirely on its own and discussed shared parking for the remaining businesses. Commissioner Sarbone agreed with Vice Mayor Rydell, stating he did not see where Walgreen's came up with its objection. Mr. Stoudenmire stated someone in the organization was familiar with the Cali Coffee in Hollywood, and it had led to some questions. Commissioner Sarbone commented on the benefits of the Cali Coffee business model and stated he was in favor of the project.

Mayor Tooley stated she thought the project was awesome and noted it had been a long time since there was this type of business in the shopping center. She thanked the applicant for a great project.

Vice Mayor Rydell asked if the tire store would be refaced. Mr. Mummaw explained they were contemplating how that would be refaced and the overall façade improved. He noted it was not a part of this approval.

MOTION: Welch/Railey – To approve Ordinance No. 2021-021 on first reading.

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

MOTION: Sarbone/Railey – To approve Resolution No. 2021-193.

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

MOTION: Welch/Sarbone – To approve Ordinance No. 2021-022 on first reading.

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

MOTION: Sarbone/Railey – To approve Resolution No. 2021-170.

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

MOTION: Sarbone/Railey – To approve Resolution No. 2021-172.

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

11. **ORD 2021-020** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION I, "GENERALLY," SECTION 13-295, "DEFINITIONS," TO PROVIDE FOR DEFINITIONS; AMENDING DIVISION 2, "ZONING CLASSIFICATIONS AND GENERAL REQUIREMENTS," BY CREATING A NEW SECTION 13-323, "HOTELS," AMENDING DIVISION 4, "ACCESSORY USES AND STRUCTURES," SUBDIVISION II, "PARKING REGULATIONS AND REQUIREMENTS," SECTION 13-400, "RESIDENTIAL USE PARKING SPACE REQUIREMENTS," TO PROVIDE UPDATED HOTEL AND EXTENDED STAY HOTEL PARKING REQUIREMENTS AND SECTION 13-409, "OFF-STREET LOADING REQUIREMENTS," TO PROVIDE UPDATED LOADING SPACE REQUIREMENTS; AND AMENDING DIVISION 8, "MASTER BUSINESS LIST," SECTION 13-621, "MASTER BUSINESS LIST B-1, B-3, AND B-4," AND SECTION 13-623, "MASTER BUSINESS LIST O-2, O-3," TO IDENTIFY SPECIAL LAND USE REQUIREMENTS AND PROVIDE FOR EXTENDED STAY HOTELS AS SPECIAL LAND USES. (FIRST PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Rydell – To approve Ordinance No. 2021-020 on first reading.

Assistant Director of Sustainable Development Justin Proffitt presented the item, which was a City-initiated ordinance to address a need to have regulations for hotels and extended stay

hotels to ensure well-run, quality establishments in Coconut Creek. He provided a brief overview of the research that had gone into development of the Ordinance. Mr. Proffitt stated he had spoken with the owner of the two existing hotels in Coconut Creek and was in the process of reviewing his comments.

Vice Mayor Rydell asked City Attorney Pyburn to comment on the legal standing of the language of the Ordinance, and City Attorney Pyburn stated she was comfortable.

Commissioner Welch stated she thought the Ordinance put the City in an extremely good light, being comprehensive and having full oversight over applications. She noted she appreciated it.

Mayor Tooley opened the public hearing. Records Specialist Grant stated there were no advanced public comments received for the item, and no one had signed in to speak. Mayor Tooley closed the public hearing.

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

City Attorney

12. **ORD 2021-025** AN ORDINANCE AMENDING THE CITY’S CODE OF ORDINANCES, BY AMENDING CHAPTER 12, “GARBAGE AND REFUSE,” ARTICLE III, “RECYCLABLE WASTE,” DIVISION 1, “RESIDENTIALLY ZONED AREAS,” BY REPEALING SECTION 12-51, “SEGREGATION OF RESIDENTIAL RECYCLABLE WASTE,” AND 12-52, “COLLECTION OF RESIDENTIAL RECYCLABLE WASTE,” IN THEIR ENTIRETY TO REFLECT CHANGES IN RECYCLING PROCESSES. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Welch/Rydell – To approve Ordinance No. 2021-025 on first reading.

Commissioner Welch stated she had requested a current flow chart of where the items dropped at the recycling center go in the stream and appreciated that information having been shared. She noted it came up at a Homeowners Association (HOA) meeting when she went to discuss the City budget.

Records Specialist Grant stated there were no advanced public comments received for the item, and no one had signed in to speak.

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

CITY MANAGER REPORT

City Manager Brooks had no report.

CITY ATTORNEY REPORT

City Attorney Pyburn had no report.

COMMISSION COMMUNICATIONS

Commissioner Sarbone had no report.

Commissioner Welch stated she had heard at the Chamber of Commerce legislative meeting about a consulting opportunity for local businesses who were hiring, and she asked if those details were finalized, or if it was just a concept proposal. City Manager Brooks responded that she was not familiar with the issue. Commissioner Welch referenced the recent Cocomar Water Control District meeting and stated there was an open position. She asked if the City had anything to do with the conversation regarding filling the position and Mayor Tooley responded that they did not. Commissioner Welch shared that in her visits with the HOAs to discuss the budget, she had asked about communication preferences. She stated that residents at each meeting referenced news sites that were not affiliated with the City, and she shared the Cocogram link again for residents to sign up for the City newsletter. She shared additional feedback from conversations in the community, including concerns regarding the Mazda dealership discussed at a recent Planning & Zoning Board meeting. Commissioner Welch stated a Coconut Creek High School parent had asked her if there was anything the Police Department could do to assist with drop-off and pick-up at the school. Discussion ensued regarding issues at the other schools in the community and bussing problems.

Commissioner Railey stated she was excited for the Fire Chief and wished him the best of luck for the opening weekend of the Fire Department. She thanked the Police Department for their efforts regarding traffic and asked that residents have patience while driving. She referenced the proposed Mazda dealership and stated she also had questions regarding the traffic and location of the service bays.

Vice Mayor Rydell shared contact information for the principal, Tom Curtain, on the Mazda project and stated that Mr. Curtain was readily available to discuss concerns. He noted he had a meeting with him, and many of his concerns had been alleviated. Vice Mayor Rydell referenced the Memorandum of Understanding (MOU) regarding arresting children 12 and under and asked City Attorney Pyburn if she had distributed the document. City Attorney Pyburn responded that she had not, but she believed it would be coming up on a future agenda. Vice Mayor Rydell asserted the MOU was a proactive step the Police Chief had taken and asked that it be circulated to the Commissioners. He shared details of a conversation regarding a program in the City of Jupiter for building bridges with law enforcement by offering a two-week youth academy. He noted the program was wildly successful and encouraged staff to investigate. Vice Mayor Rydell briefly addressed vendors promoting license plate reading (LPR) setups to local HOAs and asked that staff put together a fact sheet to assist Commissioners in answering questions as they come up. He thanked staff for following through on the recent discussion regarding transparency by communicating to the community what would be on upcoming Commission agendas.

Mayor Tooley stated in response to questions regarding LPR, she directs residents to the Police Department. She noted she had been attending sports events and thought it was positive children had the opportunity to get out and play sports again.

ADJOURNMENT

The meeting was adjourned at 9:19 p.m.

Marianne Bowers, CMC
Interim City Clerk

Date