

CITY OF COCONUT CREEK

PLANNING AND ZONING BOARD MINUTES

**Government Center
4800 W. Copans Road
Coconut Creek, Florida**

**Date: April 8, 2015
Time: 7:00 p.m.
Regular Meeting No. 2015-04**

1. The meeting was called to order by Chairperson Doug Young at 7:02 p.m.
2. Present upon roll call:

Doug Young
Debra Voorhees
Colleen LaPlant
Morris Chase
Jerry Poole

Absent: Vice Chair Steve Harrison

Also present: Director of Sustainable Development Shelia Rose, City Attorney Terrill Pyburn, Assistant City Attorney Eve Lewis, Senior Planner Liz Aguiar, Senior Planner Linda Whitman, City Clerk Leslie May and Deputy City Clerk Lanelda Gaskins.

3. Approval of Minutes: Meeting No. 2015-03 – March 11, 2015

MOTION: Voorhees/Chase – To approve Minutes of Meeting No. 2015-03.

The motion passed unanimously.

4. *Mercedes Benz: a Release of Easement application to vacate a portion of the water/sewer/utility easement within Parcel A, Sawgrass Ranch Plat, to facilitate the expansion of the dealership located at 4250 N. State Road 7. (PUBLIC HEARING)

Director of Sustainable Development Shelia Rose noted this item is a release of an easement associated with site plan expansion for the Mercedes Benz dealership on State Road 7. She introduced Jason Gunther from Thomas Engineering Group, LLC, representative for the applicant. Ms. Rose explained that staff has done the due diligence to confirmed that the utilities are not necessary for the existing or future utilities. Staff is recommending approval.

Mr. Poole inquired about the existing utilities and the water lines. Mr. Gunther explained the existing City water line that is currently in the easement will be relocated where the service expansion is going and will provide other needs for the overall property. He also explained that there is a water system that runs around the property. There is a line that runs where the future expansion is going and there will be a line connected to prevent a dead end line.

The Planning & Zoning Board members confirmed that they saw the site plans for this expansion a few months ago.

Mr. Young opened the public hearing. There were no questions or comments, and the public hearing was closed.

Planning and Zoning Board Minutes

Meeting No. 2015-04

April 8, 2015

Page 2

MOTION: Voorhees/Chase – To approve Agenda Item No. 4, Mercedes Benz, a Release of Easement application to vacate a portion of the water/sewer/utility easement within Parcel A, Sawgrass Ranch Plat.

Upon roll call, the motion was passed on a 4-0 vote.

5. *Igreja Embaixada: a Special Land Use application to permit a church in a PCD (Planned Commerce District) zoning district located on the northeast corner of State Road 7 and Wiles Road in the Village Shoppes Plaza. (QUASI-JUDICIAL) (PUBLIC HEARING)

City Attorney Terrill Pyburn asked all witnesses that are present to speak on this item to stand and be sworn-in. Deputy City Clerk Lanelda Gaskins swore in the witnesses.

Ms. Pyburn asked the Board Members to disclose any ex-parte communication for this item. The Board Members confirmed there were none.

Ms. Rose provided a brief staff report on this item. She noted that this is a special land use for a place of worship to be located in the Village Shoppes Plaza located at the corner of Wiles Road and State Road 7. It is proposed to be a relatively significant size place of worship and it replaces a gym (workout facility). The applicant is her at the meeting tonight. The applicant has addressed the criteria for a special land use. Ms. Rose noted one of the principal concerns that staff looked at during the analysis of this project was the conflict with the parking; restrictions on the hours of operations that were offered by the petitioner, which may be beneficial to the hours of the restaurants. Senior Planners Liz Aguiar and Linda Whitman were both involved in the plan review and are here to answer any technical questions.

Pastor Rodrigo Ferreira, representative for the applicant spoke on this item. He explained the location will be used as a church, a place of worship. Currently Igreja Embaixada Do Reino De Deus Corp has a church in Boca Raton and has been in that area for 15 years. The church is now expanding their ministry and is seeking to open a church in the City of Coconut Creek.

Ms. Rose noted staff's comments as follows: the church would not be allowed to expand beyond the boundaries of the identified property, and the hours of operation would be identified as outlined on page 3 of the Planning and Zoning staff report. Mr. Ferreira advised he was very comfortable with the hours of operations representative advised he was very comfortable with the hours of operations.

Mr. Chase expressed his concerns regarding parking. Mr. Ferreira explained that there is a large parking lot area behind the building that can be used.

Mr. Poole asked if there were any other businesses in the area that may want to expand today or in the future. Ms. Rose explained there is a vacant 12,000 square foot medical office building, 950 square foot space available and a 15,046 square foot space available, which are scattered throughout the plaza. The 12,000 square foot vacant space is the proposed space for the church and the other vacant spaces are to the north end of the shopping center.

Ms. LaPlant inquired about security in the parking lot and expressed concerns with the late nights. Ms. Rose explained there are no police required detail services in the shopping center, and she is not aware of the property owner having security. Mr.

Planning and Zoning Board Minutes
Meeting No. 2015-04
April 8, 2015
Page 3

Ferreira explained regarding the 9:30 time, the church has never had a problem in Boca Raton and does not think there will be a problem in Coconut Creek.

Mr. Young asked how many parishioners and the size of the building in Boca Raton. Mr. Ferreira explained there are around 200 parishioners and the location is very small in Boca Raton. Mr. Ferreira elaborated on the attendance during services.

Discussion ensued regarding the hours of operation for the services, particularly the Sunday service from 10 a.m. to 11:00 a.m., parking space concerns, and the additional parking area behind the building. Ms. Rose clarified that the property one drive way over (State Farm agent and smaller one story offices with the fountain) is a separate piece of property and the City does not have a record of a cross parking agreement. She explained that because the shopping centers work as a package, the City does not support the idea of designating parking, however they can encourage the church to park behind the building. Staff has looked at the site plans and is comfortable that the hours of operation will allow for the flexibility and that there will not be a crush of parking. Staff is recommending approval.

Mr. Young opened the public hearing. There were no questions or comments, and the public hearing was closed.

City Attorney Terrill Pyburn asked if there were any cross examination or rebuttal. There were none.

MOTION: Voorhees/LaPlant – To approve Agenda Item No. 5, a Special Land Use application to permit a church in a PCD (Planned Commerce District) zoning district located on the northeast corner of State Road 7 and Wiles Road in the Village Shoppes Plaza, as amended to change the hours of operations for the Main Service on Sundays from 9:00 a.m. to 11:00 a.m. instead of 10:00 a.m. to 11:00 a.m.

Upon roll call, the motion was passed on a 4-1 vote.

6. * Continental Fidelity: a Sign Deviation application to allow for a 10 foot high and 90 inches wide monument sign located at 6111 Lyons Road. (QUASI-JUDICIAL) (PUBLIC HEARING)

City Attorney Terrill Pyburn asked all witnesses that are present to speak on this item to stand and be sworn-in. Deputy City Clerk Lanelda Gaskins swore in the witnesses.

Ms. Pyburn asked the Board Members to disclose any ex-parte communication for this item. The Board Members confirmed there were none.

Ms. Rose noted this item was an application for a sign deviation to allow for at 10 foot by 90 inch monument sign to replace the existing monument sign at the Starbucks, north of the Sawgrass Expressway. The proposed sign has moved very slowly through the staff review process with recommendations, questions and comments going back and forth. Throughout the application period the staff has maintained the position that without the sign being a designer sign that the City could not support the proposed sign at this location. The Applicant has spent a great deal of time pursuing this issue and would like to present their position.

Mr. Chase inquired if there were regulations regarding the size of the signs. Ms. Rose explained that the size would be permitted at 6 feet, could be moved closer to the road

and that there are some utility conflicts. She noted the applicant is requesting go to 10 feet at 90 inches which does exceed the size limitation of the City's Code. Mr. Chase asked if the staff was recommending approval. Staff is not recommending approval of this item.

Susan Bogen, Sign-A-Rama, Deerfield Beach, representative for the property owner/manager noted this application has been traveling through the City for some time. She gave her presentation and entered Exhibit A through C into the record. Exhibit A is an intersection on Lyons Road; Exhibit B is the El Dorado sign, and Exhibit C is the Shell pricing sign. She referred to Exhibit A and noted that the sign was a little hard to find by her photography.

Mr. Chase asked where the photographer was standing when the picture (Exhibit A) was taken. Ms. Bogen explained it was approaching from the south to the north on Lyons Road. She proceed with her presentation referring to the pictures on Exhibits A, B, C and D. She referred to Exhibit D, is proposed conditions and explained that this sign is designed to meet the City's Code with the exception of the height. During the process she learned about the utility easement and that the City does not permit a sign within a utility easement. Ms. Bogen explained the plaza is suffering because there is no exposure.

Ms. Voorhees commented about the landscaping and mentioned the landscaping is overwhelming. Discussion ensued with Orly Titlebaum and Property Manager Rod Blazen the signing issue and maintaining the property. Ms. Rose discussed the distinction between the El Dorado shopping center monument sign and the subject property, proposed sign for the outparcel. She recommended bring the berm down to open the view of the shopping center. Ms. Voorhees asked who is responsible for the berm. Ms. Rose explained the removal of the berm was recommended through the process. Ms. Titlebaum explained the property is owned by the Home Owners Association. She expressed concerns with the Shell pricing signs. Discussion continued regarding signage and the City regulations. Mr. Chase asked if sign could be reduced to a 9 foot sign. Ms. Rose explained the sign could be reduced to 9 feet sign, however in order to meet the Code requirements they would lose the lower panel.

City Attorney Terrill Pyburn clarified the specific provision with regards to hardships as outlined on page three (3) of the Staff Report, paragraph 5.a. and 5.b.

Mr. Young asked if the landscape requirements were hinder the signs along with the location of the easement that eliminate the ability to fix the situation. He also inquired about the coloration of the sign and the berm. Ms. Rose explained regarding the sign color is architecturally consistent with the plaza.

Discussion ensued regarding the berm, improving the property and a grant for the property owners to utilize to help them. Ms. Rose explained that there is a commercial incentive grant program that is offered for tenets to do signage and visual improvements, and they could be eligible to modifying the property in front to open the view. The Home Owners Association would have to agree. Ms. Titlebaum and the Property Manager explained that they have been maintaining the property in order to comply with the City.

City Attorney Pyburn clarified that the Sign Deviation Standards set forth in the City's Code and the Staff Report are one through five (1 – 5). Each of these standards applies and staff has to make a finding with regards to the staff report.

Mr. Young opened the public hearing. There were no questions or comments, and the public hearing was closed.

MOTION: LaPlant/Voorhees – To approve Agenda Item No. 6, *Continental Fidelity: a Sign Deviation application to allow for a 10 foot high and 90 inches wide monument sign located at 6111 Lyons Road and that the applicant's sign proposal is consistent with the sign deviation standards set forth in Section 13-473(c) and find that this particular property is unique because there is a utility easement in the front of the property, and a landscape buffer that is maintained/managed by an absentee Home Owner Association and a plaza that is filled with users other than traditional retail tenants.

Upon roll call, the motion was passed on a 4-0 vote.

7. *Land Development Code: an amendment to Chapter 13, "Land Development Code," amending Section 13-469.2 as it relates to temporary real estate sign standards. (PUBLIC HEARING)

Director of Sustainable Development Shelia Rose noted that this item is a proposed amendment to the temporary signage ordinance. She explained there have been some false starts over the last few years as it relate to commercial signage. There was a period where banners was allowed during the recession and dialed it back. A permanent banner program was implemented and it provides for some flexibility to have the advertising near the street. Staff is proposing an amendment to the temporary real estate sign to develop some standards and consistency with the signs. The neighboring Cities, City of Parkland and Coral Springs are very restricted. She noted that the enforcement has not been aggressive and many signs do not comply with the code, and the City has begun to address this issue more aggressively. She discussed the proposed changes outlined in the draft ordinance, noting the signs would be three by three (3x3) in size with four foot (4) over all height.

Mr. Poole asked if there are two (2) signs does it have to be on a corner. Ms. Senior Planner Liz Aguiar explained if there are two street frontages the signs could be parallel to each roadway, or if the signs are set up in a V shape there could be two faces on one street, and two faces on the other street. It gives a better angel from the street. Mr. Poole asked if there could be two colors on the signs. Ms. Rose confirmed that two colors are permitted; the logo could be two colors and must be maintained.

Ms. Voorhees inquired about business owners being notified of the new changes and inspection of the signage. Ms. Rose explained business owners will be notified via mail and informed of the new changes.

Ms. LaPlant asked if this excludes the City signs. Ms. Rose explained it is the temporary wooden real estate signs.

Mr. Poole asked if it is designated where the signs can be. Ms. Aguiar noted the setbacks and easements, etc. are listed in other sections of the code.

Ms. Rose explained the only proposed changes are the existing size of temporary real estate signs, colors, construction details and height. The placement issues are covered in other sections of the code. She noted the entire section of the code could be given

the board for further review, if necessary. Mr. Poole said he would like to see the entire section.

Mr. Chase, Ms. Voorhees, Ms. LaPlant and Mr. Young were in favor of voting on this item.

Mr. Poole advised he does not see a reason to vote on this item tonight.

Ms. LaPlant inquired about the section that had a change on it. Ms. Rose explained the graphic shown as Figure 1 should be three (3) and three (3) on the size as oppose to four (4).

Mr. Young opened the public hearing. There were no questions or comments, and the public hearing was closed.

MOTION: Voorhees/Chase– To approve Agenda Item No. 7, Land Development Code: an amendment to Chapter 13, “Land Development Code,” amending Section 13-469.2 as it relates to temporary real estate sign standards with amendment to the sign size and height as recommended by staff to three by three (3x3) in size with four foot (4) over all height.

Upon roll call, the motion was passed on a 4-0 vote.

8. *Land Development Code: an amendment to Chapter 13, “Land Development Code,” amending Section 13-374 as it relates to lighting standards and requirements. (PUBLIC HEARING)

Mr. Chase disclosed that he met with Linda Whitman regarding this item.

Director of Sustainable Development Shelia Rose presented this item. This item was presented at the March 11, 2015 Planning and Zoning Board meeting. There are some significant changes this section.

Senior Planner Linda Whitman noted she met with Mr. Chase in the Wymoor community. She briefly spoke about her observation of the Wynmoor area. She mentioned this item was sent out to the industry for feedback regarding engineers that do lighting plans, lighting designs and styles. She has not received the feedback but anticipate it in the next few weeks. In addition, she provided a brief over view of the draft ordinance.

Mr. Young inquired about the language in Section 2.c.1.a. General Provisions, Applicability, regarding the permit requirements to switch out a fixture for a like-style fixture”. He asked if it required a permit to change the light. Ms. Whitman explained that he would need a permit, per the Building Department. Discussion ensued regarding the permit requirements for light fixtures that are like-style. Ms. Rose advised that staff will obtain clarification regarding Section 2.c.1.a.

Mr. Young opened the public hearing. There were no questions or comments, and the public hearing was closed.

MOTION: Voorhees /Chase– To approve Agenda Item No. 8, *Land Development Code: an amendment to Chapter 13, “Land Development Code,” amending Section 13-374 as it relates to lighting standards and requirements.

Upon roll call, the motion was passed on a 4-0 vote.

Planning and Zoning Board Minutes
Meeting No. 2015-04
April 8, 2015
Page 7

9. Adjournment

The meeting was adjourned at 8:29 p.m.

Lanelda D. Gaskins, CMC
Deputy City Clerk