



**CITY OF COCONUT CREEK
PLANNING AND ZONING BOARD MINUTES**

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

**Date: December 13, 2017
Time: 7:00 p.m.**

1. CALL TO ORDER

The meeting was called to order by Chair Morris Chase at 7:00 p.m.

2. PRESENT UPON ROLL CALL:

Chair Morris Chase
Vice Chair Doug Young
Ronald Honick, Alternate

Also present: Sustainable Development Deputy Director Scott Stoudenmire, City Attorney Terrill Pyburn, and Deputy City Clerk Marianne Bowers.

Absent: Steve Hall
Jerry Poole
Debra Voorhees

Deputy City Clerk Bowers informed the Board that Mr. Hall, Mr. Poole, and Ms. Voorhees had contacted the City Clerk Department to send notice that they would be unable to attend the meeting.

3. NEW BOARD MEMBER INTRODUCTION AND OATH OF OFFICE

With new Board Member Steve Hall not in attendance, this item was not heard.

4. APPROVAL OF MINUTES

A MOTION APPROVING THE MINUTES FROM PREVIOUS PLANNING AND ZONING BOARD MEETING(S). (2017-1011)

MOTION: Young/Honick - To approve the Minutes of the October 11, 2017, meeting.

The Motion passed by a unanimous voice vote.

AGENDA ITEMS

Vice Chair Young made a motion to hear Agenda Item 6 before Agenda Item 5, seconded by Mr. Honick. All were in favor, and the Motion carried.

5. GUNTHER MOTORS: A VACATION OF EASEMENT APPLICATION TO VACATE A PORTION OF A 15-FOOT WIDE WATER EASEMENT LOCATED AT 4350 NORTH STATE ROAD 7. (PUBLIC HEARING)

Mr. Stoudenmire read the staff report into the record and gave a brief overview of the project. He reminded the Board that they had previously approved a Planned MainStreet Development District (PMDD) amendment and site plan application to expand the Gunther Volkswagen site to include a Volvo dealership. He introduced the applicant, Joseph Roles, who was sworn in by Deputy City Clerk Bowers. Mr. Roles began a *PowerPoint* presentation and explained that during construction of the Volvo dealership the water meter serving the site was relocated, which eliminated the need for a portion of the easement. Discussion ensued.

Chair Chase opened the public hearing. There were no questions or comments from the public, and the public hearing was closed.

MOTION: Young/Honick – To approve Agenda Item 5, a vacation of easement application to vacate a portion of a 15-foot wide water easement located at 4350 North State Road 7 subject to the outstanding DRC Comments.

Upon roll call, the Motion passed by a 3-0 vote.

6. **LAND DEVELOPMENT CODE: AN AMENDMENT TO CHAPTER 13, "LAND DEVELOPMENT CODE," BY AMENDING SECTION 13-321, "MEDICAL MARIJUANA TREATMENT CENTERS," BY RENAMING IT TO "MEDICAL MARIJUANA DISPENSARIES;" BY AMENDING SECTION 13-621, "MASTER BUSINESS LIST - B-2, B-3 AND B-4," SECTION 13-623, "MASTER BUSINESS LIST - O-2 AND O-3," AND SECTION 13-625, "MASTER BUSINESS LIST – MSOA," TO PROVIDE FOR "MEDICAL MARIJUANA DISPENSARY" USES AS A SPECIAL LAND USE AMONG THE USES LISTED. (PUBLIC HEARING)**

Mr. Stoudenmire reminded the Board that they had previously approved an amendment to the Land Development Code to provide for Medical Marijuana Treatment Centers. City Attorney Pyburn explained that there were two proposed ordinances to address recent changes to state law regarding medical marijuana. She gave a brief history of the City's Medical Marijuana Ordinance, which provided for the Medical Marijuana Treatment Center use as a special land use in the Medical Services Overlay Area (MSOA). She explained that since the adoption of that Ordinance, state law was amended to require that dispensaries be either banned or treated the same as pharmacies. She noted that the draft ordinances incorporated the new requirement into the City's Land Development Code. She explained the provisions for special land use approval. Ms. Pyburn clarified that Medical Marijuana Treatment Centers, which included the growing, manufacturing, and processing of medical marijuana, were still restricted to the MSOA, but dispensaries could be located in the same zoning districts as pharmacies. Discussion ensued regarding separation requirements and special land use conditions.

City Attorney Pyburn opened the public hearing. There were no questions or comments from the public, and the public hearing was closed.

MOTION: Honick/Young – To approve Agenda Item 6, an amendment to Chapter 13, "Land Development Code," by amending Section 13-321, "Medical Marijuana Treatment Centers," by renaming it to "Medical Marijuana Dispensaries;" by amending Section 13-621, "Master Business List – B-2, B-3 and B-4," Section 13-623, "Master Business List – O-2 and O-3," and Section 13-625, "Master Business List – MSOA," to provide for "Medical Marijuana Dispensary" uses as a special land use among the uses listed.

Upon roll call, the Motion failed by a 2-1 vote, with Chair Chase voting nay.

Discussion ensued.

MOTION: Young/Honick – To reconsider Agenda Item 6.

The Motion passed by a unanimous voice vote.

MOTION: Honick/Young – To approve Agenda Item 6, an amendment to Chapter 13, "Land Development Code," by amending Section 13-321, "Medical Marijuana Treatment Centers," by renaming it to "Medical Marijuana Dispensaries;" by amending Section 13-621, "Master Business List – B-2, B-3 and B-4," Section 13-623, "Master Business List – O-2 and O-3," and Section 13-625, "Master Business List – MSOA," to provide for "Medical Marijuana Dispensary" uses as a special land use among the uses listed.

Upon roll call, the Motion passed by a 3-0 vote.

- 7. LAND DEVELOPMENT CODE: AN AMENDMENT TO CHAPTER 13, "LAND DEVELOPMENT CODE," BY AMENDING SECTION 13-538, "ANTENNAS NOT LOCATED ON TELECOMMUNICATIONS TOWERS," 13-541.3, "PLACEMENT OR MAINTENANCE OF A WIRELESS COMMUNICATIONS FACILITY IN PUBLIC RIGHTS-OF-WAY" AND 13-541.13, "ENFORCEMENT REMEDIES," IN ORDER TO UPDATE THE CITY'S TELECOMMUNICATIONS ORDINANCES TO COMPORT WITH RECENT CHANGES TO STATE AND FEDERAL LAW AND TO ENSURE CONSISTENCY WITH INDUSTRY STANDARDS. (PUBLIC HEARING)**

Mr. Stoudenmire explained that the City recently adopted a significant amendment to the wireless facilities provisions in the Land Development Code; however, recent changes to state law required an amendment to the provisions for small cell wireless facilities. He introduced the City's consultant, Elizabeth Smith from CityScape Consultants, Inc., and explained that small cell facilities are those that would be added to existing poles in the right-of-way. He noted that height limitations and review timeframes had been amended to be consistent with State Statute, and that staff included provisions for screening and concealment techniques to help protect the aesthetics of the City. Ms. Smith commented that the small cell facilities were part of the deployment of the new 5G technology. She explained that CityScape was in the process of updating the City's Wireless Master Plan, which would include a projection of the infrastructure needed for the 5G technology deployment over the next ten years. Discussion ensued. City Attorney Pyburn noted that the City's moratorium on the processing of applications or issuance of building permits for small wireless facilities expires in January.

Chair Chase opened the public hearing. There were no questions or comments from the public, and the public hearing was closed.

MOTION: Young/Honick – To approve Agenda Item 7, an amendment to Chapter 13, "Land Development Code," by amending Section 13-538, "Antennas not located on telecommunications towers," Section 13-541.3, "Placement or maintenance of a wireless communications facility in public rights-of-way," and 13-541.13, "Enforcement remedies," in order to update the City's telecommunications ordinances to comport with recent changes to State and Federal law and to ensure consistency with industry standards.

Upon roll call, the Motion passed by a 3-0 vote.

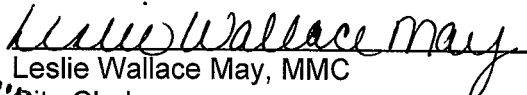
8. COMMUNICATIONS AND REPORTS

Mr. Stoudenmire wished the Board happy holidays.

9. ADJOURNMENT

The meeting was adjourned at 7:28 p.m.

Transcribed by: Marianne Bowers


Leslie Wallace May, MMC
City Clerk

1/10/2018
Date

