



CITY OF COCONUT CREEK PLANNING AND ZONING BOARD MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: January 8, 2020
Time: 7:00 p.m.
Meeting No. 2020-0108

1. CALL TO ORDER

The meeting was called to order by Chair Jerry Poole at 7:00 p.m.

2. PRESENT UPON ROLL CALL:

Chair Jerry Poole
Vice Chair Doug Young
Thomas Casey
Debra Voorhees
Jeffrey Barker, Alternate

Absent: Steve Hall

Also present: Deputy City Attorney Kathryn Mehaffey, Sustainable Development Deputy Director Scott Stoudenmire, Principal Planner Lizet Aguiar, and Deputy City Clerk Marianne Bowers.

3. APPROVAL OF MINUTES

A MOTION APPROVING THE MINUTES FROM PREVIOUS PLANNING AND ZONING BOARD MEETING(S). (2019-1211)

MOTION: Young/Casey - To approve the Minutes of the December 11, 2019, meeting.

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

AGENDA ITEMS

Deputy City Attorney Kathryn Mehaffey gave an overview of the quasi-judicial procedures that would be applied to Agenda Items 4 through 6. Deputy City Clerk Marianne Bowers confirmed that the public notice requirements were met for Agenda Items 4 through 6 and swore-in the witnesses.

Chair Poole asked if there were any objections from the board, applicant, or staff to hear Agenda Items 4 and 5 together as they were related, and there were no objections. He stated that the items included a vacation of easement application to vacate a portion of an FPL easement and a vacation of easement application to vacate a portion of a sewer and wastewater easement for the property located at 4670 North State Road 7. Deputy City Attorney Mehaffey asked if there were any disclosures and/or ex parte communications from the board for Agenda Items 4 or 5, and there were none.

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4. **CHICK-FIL-A:** A VACATION OF EASEMENT APPLICATION TO VACATE A PORTION OF A FPL EASEMENT LOCATED AT 4670 NORTH STATE ROAD 7. (QUASI-JUDICIAL) (PUBLIC HEARING)
5. **CHICK-FIL-A:** A VACATION OF EASEMENT APPLICATION TO VACATE A PORTION OF A SEWER AND WASTE WATER UTILITY EASEMENT LOCATED AT 4670 NORTH STATE ROAD 7. (QUASI-JUDICIAL) (PUBLIC HEARING)

Sustainable Development Deputy Director Scott Stoudenmire read the staff reports for each item into the record. He gave a brief overview of the Chick-Fil-A project, commenting that the rezoning, special land use, and site plan applications, were approved last year. He noted that a portion of the FPL easement, including a transformer box, and a portion of the City sewer and waste water easement were in conflict with the proposed design of the Chick-Fil-A. He stated that the applicant was required to vacate the easements and relocate the infrastructure within the easements. Mr. Stoudenmire noted that both FPL and the City Engineering Department provided letters of no objection to the vacation requests, and staff was recommending approval of the applications. Mr. Stoudenmire discussed the permitting process for projects after site plan approval and noted that the engineering permit for the Chick-Fil-A development had been approved.

Attorney Dwayne Dickerson of Dunay, Miskel, and Backman, 14 SE 4 Street, Boca Raton, on behalf of the applicant, noted that new easements would be dedicated to the City after construction was complete. Staff and the applicant had no closing remarks.

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

MOTION: Casey/Voorhees – Move to approve Agenda Item 4.

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

MOTION: Barker/Young – Move to approve Agenda Item 5.

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

Mr. Stoudenmire commented that the applications would be scheduled for final consideration by the City Commission.

6. **LYONS EXCHANGE CENTER:** AN UNDERGROUND UTILITY WAIVER APPLICATION FOR THE PROPERTY LOCATED AT 6301 LYONS ROAD. (QUASI-JUDICIAL) (PUBLIC HEARING)

Chair Poole stated that Agenda Item 6 was an underground utility waiver application for the property located at 6301 Lyons Road. Deputy City Attorney Mehaffey asked if there were any disclosures and/or ex parte communications from the board for Agenda Item 6, and there were none.

Mr. Stoudenmire read the staff report into the record and provided a brief history of the project, commenting that the site plan was approved in June 2019. He explained the code requirements for undergrounding of utilities. He stated that the subject property was located between two properties that were developed before the adoption of the undergrounding ordinance, and it was not feasible to bury the utility lines for the project

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due to the adjacent sites' overhead lines. Mr. Stoudenmire noted that the applicant provided a cost estimate to bury the FPL distribution lines, Comcast lines, and AT&T lines in the amount of \$86,625, and staff was recommending approval of the waiver application subject to the payment in lieu of undergrounding into the City's Underground Utility Trust Fund.

Deena Gray of Greenspoon Marder, 200 East Broward Boulevard, Fort Lauderdale, on behalf of the applicant, introduced herself and commented that she was available to answer any questions. She clarified that the utility lines subject to the waiver request were along Lyons Road. Staff and the applicant had no closing remarks.

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

MOTION: Voorhees/Barker – Move to approve Agenda Item 6.

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

Mr. Stoudenmire note that the application would proceed to the City Commission for final consideration.

7. **LAND DEVELOPMENT CODE:** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING SECTION 13-348, "PLANNED UNIT DEVELOPMENT DISTRICT," SECTION 13-349, "REZONING OF LAND TO PUD," SECTION 13-350, "INFORMATION REQUIRED WITH PUD REZONING PETITION," AND SECTION 13-351, "ISSUANCE OF BUILDING PERMITS FOR PUD DISTRICTS," TO UPDATE REQUIREMENTS AND PROCEDURES FOR PLANNED UNIT DEVELOPMENT DISTRICT ZONING AND REZONINGS AND TO REVISE THE LIST OF PERMITTED AND SPECIAL LAND USES WITHIN PLANNED UNIT DEVELOPMENTS; AMENDING SECTION 13-355, "PCD, PLANNED COMMERCE DISTRICT-GENERALLY," SECTION 13-356, "SAME-REZONING OF LAND TO PCD," SECTION 13-357, "SAME-INFORMATION REQUIRED WITH PCD REZONING PETITION," AND SECTION 13-358, "SAME-ISSUANCE OF BUILDING PERMITS FOR PCD," TO UPDATE REQUIREMENTS AND PROCEDURES FOR PLANNED COMMERCE DISTRICTS AND PLANNED COMMERCE DISTRICT REZONINGS AND TO REVISE THE LIST OF PERMITTED AND SPECIAL LAND USES WITHIN PLANNED COMMERCE DISTRICTS. (PUBLIC HEARING)

Chair Poole stated that Agenda Item 7 included amendments to the Land Development Code related to requirements and procedures for Planned Unit Development Districts (PUD) and Planned Commerce Districts (PCD). Mr. Stoudenmire explained that the code amendments proposed to update outdated terminology and processes and provide clarification related to development regulations included within PUDs/PCDs that deviate from standard code provisions. He further explained the amendment clarifies that the City Commission could approve deviations that were compatible with adjacent development and provided for enhanced design standards. He noted that this was the current process but would now be delineated in the appropriate sections of code.

Deputy City Attorney Mehaffey noted that the code amendment also proposed to delete provisions in PUDs and PCDs that allow special land uses to be treated as permitted land uses if they met certain conditions. She noted that all special land uses would be required to go through the regular special land use process in the existing code. Discussion

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ensued regarding the uniformity of procedures within the Land Development Code. Mr. Stoudenmire noted that there were several existing PCDs in the City that already contained the proposed special land use language. In response to a question from the board, Deputy City Attorney Mehaffey clarified that the proposed special land use language would change how special land uses within PUDs and PCDs were processed to be consistent with the existing code.

Chair Poole opened the public hearing. Dwayne Dickerson of Dunay, Miskel, and Backman, 14 SE 4 Street, Boca Raton, asked for clarification on the removal of language related to maximum density calculations in the PUD regulations. Staff clarified that it was redundant language contained in other sections of code. There were no further comments or questions from the public, and the public hearing closed.

MOTION: Casey/Young - Move to approve Agenda Item 7.

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

8. COMMUNICATIONS AND REPORTS

There were no communications or reports.

9. ADJOURNMENT

The meeting was adjourned at 7:27 p.m.

Marianne E. Bowers, CMC
Deputy City Clerk

Date