



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

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

**Date: March 11, 2020
Time: 7:00 p.m.
Meeting No. 2020-0311**

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
Steve Hall
Jeffrey Barker, Alternate

Absent: Debra Voorhees

Also present: Assistant City Attorney Eve Lewis, 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). (2020-0212)

MOTION: Young/Hall - To approve the Minutes of the February 12, 2020, meeting.

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

AGENDA ITEMS

Assistant City Attorney Lewis 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 stated that Agenda Item 4 included a special land use application to expand an existing special land use to allow liquor to be served at 4939 Coconut Creek Parkway.

Assistant City Attorney Lewis asked if there were any disclosures and/or ex parte communications from the board for Agenda Item 4, and there were none.

- 4. OFF THE WALL: A SPECIAL LAND USE TO EXPAND AN EXISTING SPECIAL LAND USE TO ALLOW LIQUOR TO BE SERVED AT 4939 COCONUT CREEK PARKWAY. (QUASI-JUDICIAL)(PUBLIC HEARING)**

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Deputy Director of Sustainable Development Scott Stoudenmire read the staff report into the record. He explained that the applicant was requesting an amendment to the previously-approved Special Land Use Ordinance for Off the Wall to allow full liquor service for the restaurant service area, noting that currently beer and wine was permitted. He provided a brief summary of the previously-approved special land use and stated that staff was recommending approval of the application. In response to a question from the board, Mr. Stoudenmire commented that staff's recommendation of approval included support for the hours of operation. Discussion ensued regarding the original Special Land Use Ordinance, and Mr. Stoudenmire noted that the Planning & Zoning Board recommended the original application for approval without the sale of beer and wine, and the City Commission removed the board's restriction.

Sam Eyal Yecutieli, Off the Wall Co-owner, 2040 NE 214 Terrace, Miami, gave a brief overview of the business, noting that the Coconut Creek location was the first of four locations for Off the Wall. He began a *PowerPoint* presentation and explained the changing industry trends for indoor amusement facilities with a focus on entertaining adults as well as children. He stated that the Davie location had a full liquor license and provided a comparison of sales between the Coconut Creek and Davie locations. He explained the reason for their request to serve liquor at the Coconut Creek location was to increase sales. He discussed several competitors in the area, which served liquor. Mr. Eyal Yecutieli and Irvin Mendel, Off The Wall Co-owner, discussed the attractions available at the Coconut Creek and Davie locations, explaining that Coconut Creek offers more attractions and features a new air park course while sales continue to decline. Discussion ensued regarding declining sales and business demographics.

Mr. Stoudenmire explained that the owners provided outreach to the tenants in Coconut Creek Plaza, notifying them of their request to sell liquor, and no feedback was received from the plaza tenants. Discussion ensued regarding the percentage of alcohol sales and business hours of operation. Mr. Mendel further discussed the integration of alcohol sales with the family entertainment use. Mr. Eyal Yecutieli explained the marketing operations to attract business to the facility. He discussed the existing floor plan and lounge area layout. Mr. Stoudenmire commented that the Police Department contacted the Davie Police Department during their review of the application through the development review process, and the Davie Police Department advised there were no issues with the sale of liquor at the Davie location. Discussion ensued regarding the existing restaurant and lounge area of the facility and uses within the City that had liquor licenses.

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

Staff and the applicant had no closing remarks.

MOTION: Barker/Young – Move to approve Agenda Item 4 as presented.

The board requested to have further discussion on the item before voting. Mr. Stoudenmire clarified that in addition to the plaza tenant outreach, public notice letters were mailed to property owners within 500 feet of the facility, notifying them of the application request and inviting them to attend the Planning & Zoning Board meeting. Discussion ensued. Mr. Stoudenmire commented that there had been no issues at the facility since it opened seven years prior. He clarified that the applicant's original special land use request in 2012 was presented to the Planning and Zoning Board with the sale of beer and wine, and that the board recommended approval of the application with the

restriction that beer and wine not be sold, which the City Commission reversed after hearing additional testimony.

Upon roll call, the Motion failed by a 2-3 vote, with Vice Chair Young, Mr. Casey, and Mr. Hall voting nay.

Following Agenda Item 6, Assistant City Attorney Lewis requested that Agenda Item 4 be brought back up for a procedural motion correction. She noted that the original motion to approve the Off the Wall Special Land Use Application failed and noted that rules of procedure suggest that motions be made with an affirmative action.

MOTION: Young/Hall – Move to deny Agenda Item 4.

Upon roll call, the Motion passed by a 3-2 vote, with Chair Poole and Mr. Barker voting nay.

Chair Poole asked if there were any objections from the board, applicant, or staff to hear Agenda Items 5 and 6 together as they were related, and there were no objections. He stated that the items included a rezoning application to rezone the land located at 4161 West Hillsboro Boulevard from CF to PCD and join it with the existing Leder Hillsboro PCD and a site plan application for the development of a four (4) story office building located on the newly added parcel.

Assistant City Attorney Lewis asked if there were any disclosures and/or ex parte communications from the board for Agenda Items 5 or 6, and there were none.

5. **LEDER HILLSBORO:** A REZONING APPLICATION TO REQUEST A REZONING FROM CF (COMMUNITY FACILITY) TO PCD (PLANNED COMMERCE DISTRICT) BY AMENDING AND EXPANDING THE EXISTING LEDER HILLSBORO PCD LOCATED AT 4181 AND 4171 WEST HILLSBORO BOULEVARD, TO INCLUDE THE PROPERTY LOCATED AT 4161 WEST HILLSBORO BOULEVARD. (QUASI-JUDICIAL)(PUBLIC HEARING)
6. **LEDER HILLSBORO:** A SITE PLAN APPLICATION FOR THE DEVELOPMENT OF A FOUR (4) STORY OFFICE BUILDING LOCATED AT 4161 WEST HILLSBORO BOULEVARD. (QUASI-JUDICIAL)(PUBLIC HEARING)

Mr. Stoudenmire read the staff report for each item into the record. He provided a brief overview of the development of the Leder Hillsboro PCD in 2017. He stated that since that time, the owner had acquired the parcel of land to the east of the development and proposed to add the parcel to the PCD to develop a four-story office building. He commented that staff worked extensively with the applicant on the building architecture and screening and noted that staff was recommending approval of the applications subject to the following conditions:

1. Preparation and execution of legal documents necessary to amend the PCD consistent with Sections 13-355, 13-356, and 13-357 of the City of Coconut Creek Land Development Code; and
2. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to issuance of a building permit.

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Attorney Deena Gray of Greenspoon Marder, 200 East Broward Boulevard, Fort Lauderdale, on behalf of the applicant, began a *PowerPoint* presentation and described the project location along Hillsboro Boulevard and the first two phases of the development. She explained the request to include the parcel of land to the east of the existing development into the Leder Hillsboro PCD by rezoning it from CF (Community Facility) to PCD (Planned Commerce District). She reviewed the proposed site plan for the four-story office building, noting that it was oriented closer to Hillsboro Boulevard to provide more separation from the adjacent residential properties. She explained that a six foot wall would be installed along the property line with landscaping to buffer the residential properties. Discussion ensued regarding the buffer. Ms. Gray explained the site access and noted the site was designed as a campus with the two existing buildings. She briefly reviewed the landscape plan and green space ratios. She displayed renderings of the proposed building. Discussion ensued regarding the building orientation and height of the building.

Architect Juan Caycedo, RLC Architects, explained the building elevations and orientation to Hillsboro Boulevard, noting that the building stairs were located at the back of the building. He further explained that the building placement at the southwest end of the property was designed to provide a buffer from the adjacent residential properties.

Property Owner Sean Leder, 2769 NW 19 Way, Boca Raton, answered several questions from the board. He stated that there were no tenants for the office building yet because preleasing had not begun and commented that the building was designed for small suite office space. He further explained that he acquired the new parcel with fee simple ownership and that the shared access between the new parcel and the existing parcels was already in place. He stated that the proposed site plan included additional cross access at the back of the site for traffic flow throughout the campus. He commented that the design of the building discouraged overflow parking to the adjacent Sherwin Williams paint store.

Chair Poole opened the public hearing. Cecile Lobban, 7087 Crescent Creek Lane, Coconut Creek, was sworn-in and asked for clarification on where the privacy wall would be constructed. Mr. Stoudenmire responded that the wall would be constructed between the properties and would not encroach on her property. She commented that she was concerned with the height of the proposed building and the impact on her property value. She asked if the building height could be reduced to two stories. She inquired if the privacy wall would be decorative and if the landscape material would be high enough to screen the building from her view. She requested that the privacy wall be installed as the first part of construction. She asked if the covered parking would be viewable from the adjacent residences and how close the parking spaces would be to the privacy wall. She stated that her residence was vibrating from the construction of the previously approved storage facility, and she was concerned about potential structural damage to her home.

Charmaine Buchanan, 7093 Crescent Creek Lane, Coconut Creek, was sworn-in and stated that she was concerned with possible structural damage to her residence from the impacts of construction, how late cars would be parked in the lot, and the height of the office building. She commented that the construction material and debris were an eye sore.

There were no further questions or comments, and the public hearing was closed.

Ms. Gray explained that the building placement was designed to provide the most screening from the adjacent residential properties. She displayed the proposed landscape plan and commented that the trees being installed were approximately 12 feet in height to provide screening. She stated that the applicant was agreeable to installing the privacy wall as soon as possible after the site infrastructure was in place. She commented on the property values and improved development. She commented that the property owner would look into concerns with late night activity in the parking lot. Staff clarified that the covered parking area was underneath the building, not in the parking field, and that the privacy wall, as proposed, was a six foot masonry wall. Ms. Gray stated that they would meet with the residents to further discuss their concerns, including the construction vibration. She clarified that the parking spaces adjacent to the privacy wall were ten feet from the wall. Mr. Leder briefly spoke about overnight parking and the businesses' hours of operation. He discussed the considerations for the height of the building and noted that it was not cost effective to reduce the height. He explained the vibrations from the road construction process and commented that the construction debris was temporary. He was supportive of installing the privacy wall as soon as possible, and staff commented that it was possible to permit the wall as the first part of construction and encouraged it. Mr. Barker suggested that the landscaping immediately adjacent to the privacy wall be installed as soon as possible if irrigation could be provided.

Discussion ensued regarding tilt up construction and concrete pouring on site. Mr. Hall asked if construction hours could be restricted, and Mr. Stoudenmire responded that the board could make recommendations for conditions of approval to the City Commission, with the final decision made by the City Commission. Discussion ensued regarding the logistics of pouring concrete and associated truck traffic.

Upon request from the public, Chair Poole reopened the public hearing. Cecile Lobban, 7087 Crescent Creek Lane, Coconut Creek, commented that the hours of construction was a major concern for her. She mentioned again her concern of potential structural damage to her home from the vibration of construction. There were no further questions or comments, and the public hearing was closed.

Staff had no closing remarks. The applicant assured the board that they would meet with the residents to discuss their concerns.

MOTION: Young/Casey – Move to approve Agenda Item 5 as presented.

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

MOTION: Casey/Young – Move to approve Agenda Item 6 as presented.

Upon roll call, the Motion passed by a 4-1 vote, with Mr. Hall voting nay.

7. COCONUT CREEK CITY HALL AND COMMUNICATION TOWER: A CONVEYANCE OF EASEMENT APPLICATION TO CONVEY A NON-EXCLUSIVE REVOCABLE UTILITY EASEMENT LOCATED AT 4800 WEST COPANS ROAD. (QUASI-JUDICIAL) (PUBLIC HEARING)

Mr. Stoudenmire noted that Agenda Item 7 was tabled at the February 11 Planning & Zoning Board meeting to tonight's meeting and stated that staff was requesting the item be tabled to the May 13, 2020, Planning & Zoning Board Meeting. Vice Chair Young moved to table the item, seconded by Mr. Casey.

The Board took a five minute recess, and the meeting reconvened at 9:07 p.m.

8. **LAND DEVELOPMENT CODE:** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE I, "ADMINISTRATION, REGULATION AND PROCEDURES," DIVISION 3, "IMPLEMENTATION PROCEDURES," SECTION 13-41, "REQUESTS FOR ACCOMMODATION," IN ORDER TO UPDATE REQUIREMENTS AND PROCEDURES FOR ACCOMMODATION FROM THE CITY'S LAND DEVELOPMENT CODE, PROVIDE FOR REVOCATION OF A REASONABLE ACCOMMODATION UNDER CERTAIN CIRCUMSTANCES, AND PROVIDE FOR ANNUAL RECERTIFICATION. (PUBLIC HEARING)

Assistant City Attorney Lewis explained that the proposed amendments to the Land Development Code would update the requirements and procedures related to requests for reasonable accommodation, provide for the revocation of a reasonable accommodation, and an annual recertification process. Discussion ensued regarding application of the proposed amendments in relation to reasonable accommodations for physical structures versus types of uses. Assistant City Attorney Lewis noted that requests for reasonable accommodation are approved administratively. She commented that the process providing for reasonable accommodation ensures compliance with the requirements of the Americans with Disabilities Act (ADA) and Fair Housing Act (FHA).

There was no one present from the public for the public hearing.

MOTION: Hall/Young - Move to approve Agenda Item 8 as presented.

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

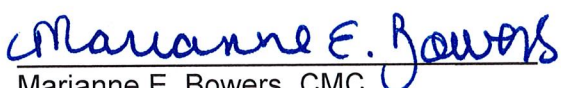
9. COMMUNICATIONS AND REPORTS

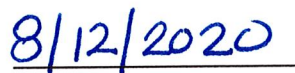
Mr. Stoudenmire noted that the April 8, 2020, Planning and Zoning Board Meeting was on the first night of Passover, and staff was recommending canceling the meeting. Mr. Hall made a motion to cancel the April 8 meeting, seconded by Mr. Barker, and all were in favor.

Deputy City Clerk Bowers advised that the applications for the 2020 board appointments were available on the website and due to the City Clerk Department no later than April 6, along with a brief resume. She advised that the City had begun its Vision 2030 Strategic Planning process, and the City Manager's Office invited the board members to participate in the upcoming community meetings and provide input on the process.

10. ADJOURNMENT

The meeting was adjourned at 9:18 p.m.


Marianne E. Bowers, CMC
Deputy City Clerk


Date