



CITY OF COCONUT CREEK PLANNING AND ZONING BOARD MINUTES

Government Center
4800 West Copans Road
Coconut Creek, FL 33063

Date: June 12, 2024
Time: 7:00 p.m.
Meeting No. 2024-0612

1. CALL TO ORDER

The meeting was called to order by Chair Colleen LaPlant at 7:01 p.m.

2. PRESENT UPON ROLL CALL:

Colleen LaPlant, Chairperson
Jeffrey Barker, Vice Chairperson
Solomon Briks
Alex Escoriaza
Jeffrey Light
Nancy Fry, Alternate

Also present: Deputy City Attorney Kathy Mehaffey, Sustainable Development Assistant Director Justin Proffitt, Principal Planner Lizet Aguiar, and Deputy City Clerk Marianne Bowers.

Deputy City Attorney Kathy Mehaffey noted that the meeting was being conducted live with a quorum physically present and explained the procedures for public participation and comment for the meeting.

3. INTRODUCTION OF BOARD MEMBERS AND STAFF

Staff and Board members introduced themselves in turn.

4. OATH OF OFFICE

Deputy City Clerk Marianne Bowers administered the Oath of Office to Chair Colleen LaPlant, Solomon Briks, and Jeffrey Light, who were not present at the May 8, 2024, re-organization meeting.

5. APPROVAL OF MINUTES

A MOTION APPROVING THE MINUTES FROM PREVIOUS PLANNING AND ZONING BOARD MEETING(S) (2024-0508).

MOTION: Barker/Escoriaza – To approve the Minutes of the May 8, 2024, Planning and Zoning Board Meeting, as presented.

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

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AGENDA ITEMS

Deputy City Attorney Mehaffey explained the City's quasi-judicial procedures that would be applied to Agenda Items 6 and 7, as follows (verbatim):

Florida courts have determined that there are certain types of matters, including Agenda Items 6 and 7 on tonight's agenda, that are to be treated differently than other items considered by the Board. In these quasi-judicial applications, the Board is applying existing rules and policies to a factual situation and is therefore acting like a Judge and Jury do in a trial held in the courtroom. In such cases, the courts have decided that due process and fundamental fairness require that more formal procedures be followed.

The Board's decision must be based on the evidence and information that is presented at the public hearing including the agenda materials, staff recommendation, testimony presented at the public hearing, and the deliberations of the Board. The quasi-judicial procedures require that the Board consider the evidence presented to it and base their decision on the applicable law and primarily on credible evidence presented whether by staff, the applicant, or members of the public.

In a quasi-judicial proceeding, the Board is not allowed to take into consideration public sentiment or the popularity of a particular development proposal or application. The Board may only consider competent substantial evidence. This means testimony or other evidence that a reasonable mind would accept as credible and adequate to support a conclusion. Florida courts have made it clear that mere generalized statements of opposition are to be disregarded, but fact-based testimony can be considered competent and substantial evidence. This can include eyewitness observation testimony about relevant facts and documentary evidence, including photographs, aerials, and maps. Citizens who want to participate in a quasi-judicial hearing can testify as to factual matters and any element of the case that would not require specialized training or specific academic degrees. Their testimony will be considered provided their testimony is backed up by established facts, studies, or evidence that is not conjecture or just based on a feeling. The quasi-judicial hearing process is not a popularity contest. The strict rules of evidence do not apply during the public hearing, but any comments must be relevant to the agenda item.

Everyone who seeks to speak on an item will be given an opportunity to speak. If you intend to provide testimony as to any of the applications to be considered tonight, you will be sworn in before your testimony is taken. Please know if you speak, you may be subject to cross examination; the Board may comment or ask questions of persons addressing the Board at any time. If you refuse to either be cross-examined or to be sworn, your testimony will be considered in that context and given its due weight. The general public will not be permitted to cross examine witnesses, but may request that the Board direct questions on their behalf to the applicant or staff. Will the Clerk please confirm compliance with the notice requirements?

Deputy City Clerk Bowers confirmed the public notice requirements for Items 6 and 7 had been met and swore in the witnesses.

6. TACO BELL: A SITE PLAN APPLICATION TO CONSTRUCT A 2,376 SQUARE FOOT FREE-STANDING FAST FOOD RESTAURANT TO BE LOCATED AT 6061 LYONS ROAD. (QUASI-JUDICIAL) (PUBLIC HEARING)

Deputy City Attorney Mehaffey asked for any disclosures or ex-parte communications related to Agenda Item 6. Chair LaPlant disclosed a site visit and Board Members Nancy

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Fry and Alex Escoriza noted driving by the site.

Sustainable Development Assistant Director Justin Proffitt presented the item, explaining the site plan application request to construct a 2,376 square foot, free-standing, fast food restaurant to be located at 6061 Lyons Road. He advised the site was located within the existing El Dorado Shopping Center in a Planned Commerce District (PCD). He advised staff reviewed the application and found that the site plan was in compliance with the Sawgrass Exchange PCD and the City's Land Development Code and recommended approval subject to the conditions outlined in the staff report.

Craig McDonald, Corporate Property Services, presented on behalf of the applicant. He presented a brief overview of the site and highlighted the green initiatives to be included in the project. He shared the site plan, survey, elevations, and renderings and commented on ingress and egress. He discussed the public outreach meeting conducted by the applicant and traffic plan review.

Chair LaPlant opened the public hearing on the item. There were no questions or comments from the public, and Chair LaPlant closed the public hearing.

Board Member Nancy Fry asked if there was drive-through stacking data available for a weekend rather than for a week day. Mr. McDonald advised that the data provided was for the worst-case scenario. Ms. Fry expressed concern with traffic on Lyons Road being blocked during busy times. Mr. McDonald stated the proposed stacking exceeded the requirements of Code and would not back up to Lyons Road. Ms. Fry stated there had been a discussion on social media about a nearby use limiting access by teens and children in the early afternoon and asked if Taco Bell had similar plans. Mr. McDonald responded that there were no plans at this time. Ms. Fry asked if the colors would match the restaurants on either side. Mr. McDonald stated the colors would be compatible.

Board Member Jeffrey Light inquired as to how many handicap parking spaces would be provided and how the electric vehicle (EV) charging spaces would be operated. Mr. McDonald stated there would be one (1) handicap space and EV-charging would be provided free of charge. Mr. Light asked for clarification on whether an automatic fire suppression system would be included. Mr. McDonald explained a sprinkler system was not required by the Florida Building Code due to the size of the building, but a fire suppression system around the cooking area would be provided.

Board Member Solomon Briks commented that the list of sustainability features was commendable. Eduardo Carcache, CKE Group, shared that Taco Bell had a list of green initiatives they integrated into every project they do.

Vice Chair Jeffery Barker asked for clarification on the trash pick-up plans, and Mr. McDonald noted the plans were approved by the waste hauler. Vice Chair Barker asked staff for clarification on the EV-charging stations. Mr. Proffitt noted the EV-charging stations were not currently Code-required, but satisfied the requirements for conspicuous displays of green.

Chair LaPlant shared concerns with the traffic, especially with the drive-through. She discussed existing conditions, including a lot of children who may want to cross the street to go to Taco Bell and standing water. Mr. McDonald advised that new drainage was being installed, which would tie into the master system. He noted there were signs and striping to manage cutting through the parking lot and stated the traffic study had been reviewed and approved.

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Ms. Fry asked if there was anything that could be done to slow down vehicles due to heavy middle school traffic. Discussion continued. Mr. Proffitt noted the queue observation analysis in the traffic study and pointed out that it appeared the busiest times would not conflict with when students were going to and leaving school.

Neither staff nor the applicant had closing remarks.

MOTION: Barker/Light – To recommend approval of Agenda Item 6, as presented.

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

7. MAINSTREET @ COCONUT CREEK BLOCK 2: A SITE PLAN APPLICATION TO CONSTRUCT A SINGLE STORY RESTAURANT, SINGLE STORY RETAIL BUILDING, AND ANCILLARY PARKING LOT WITHIN THE MAINSTREET PROJECT AREA. (QUASI-JUDICIAL)(PUBLIC HEARING)

Deputy City Attorney Mehaffey asked for any disclosures or ex-parte communications related to Agenda Item 7. Vice Chair Barker stated he had received a phone call from the applicant to note that the regular development team presenters would not be presenting this agenda item.

Mr. Proffitt presented the item, noting that the application request was for a commercial piece of the MainStreet development project. He briefly summarized the phase one (1) approvals for the MainStreet project to date. He noted that the applicant was proposing to develop a single story restaurant, single story retail building, and ancillary parking lot on Block 2 of the MainStreet Master Plan. He noted this request was also contingent upon final adoption of the MainStreet at Coconut Creek Development Agreement by the City Commission. He advised that the staff found the site plan to be in compliance with the site plan application review standards, the Planned MainStreet Development District (PMDD), MainStreet Master Plan, MainStreet Design Standards, the City's Land Development Code, and the City's Comprehensive Plan, and recommended approval subject to the conditions outlined in the staff report.

Deputy City Clerk Bowers swore-in Ele Zachariades, Miskel Backman, LLP, representing Johns Family Partners, LLLP, who presented on behalf of the applicant. Ms. Zachariades provided a *PowerPoint* presentation, including an overview of the MainStreet area. She highlighted the approved uses for each of the blocks, noting there were two (2) commercial blocks. She discussed the allowable and proposed densities. She advised the proposal for Block 2 was 13,217 square feet on 3.69 acres. She stated all Code requirements were being met, with additional overflow parking. She shared elevations and renderings.

Chair LaPlant opened the public hearing on the item. There were no questions or comments from the public, and Chair LaPlant closed the public hearing.

Ms. Fry asked how many tenants the retail building would house. Ms. Zachariades stated there would potentially be two (2) or three (3) tenants. Ms. Fry asked for clarification on what was depicted on the elevations. Brian Schmier, Schmier Property Group, explained the elements and discussed landscaping and access.

Mr. Light noted NW 40th Street would be built out to Lyons Road and asked if there would be a traffic light at the intersection. Chris Hagen, Kimley Horn and Associates,

explained they could not guarantee a signal, but it would be installed if Broward County determined the criteria was met. Mr. Schmier added that they expect to meet the criteria. Mr. Light asked if the restaurant tenant was finalized. Mr. Schmier advised the renderings were specific to a planned tenant's branding, but there was not yet an agreement in place.

Mr. Escoriza asked for clarification on the low trip count versus the number of parking spaces. Mr. Hagen discussed the calculation briefly.

Mr. Briks noted he was new to the Board and asked about the process of integrating each individual block into a larger plan. Discussion ensued regarding the considerations of the overall MainStreet Master Plan and various separate site plans and agreements the Board would be reviewing in the future. Mr. Hagen, Ms. Zachariades, and Mr. Proffitt provided additional details. Mr. Briks asked if there would be playgrounds in the MainStreet project. Mr. Proffitt noted the locations of various playgrounds and recreational facilities throughout the master plan.

Vice Chair Barker inquired as to the process for comparing the applications for each individual block to the full master plan and design standards. Mr. Proffitt explained that the comparison to the MainStreet Master Plan and MainStreet Design Standards was part of the Development Review Committee (DRC) process conducted by staff prior to making recommendations to the Board.

Chair LaPlant asked if the restaurant was set back from the road as far as the Cheesecake Factory. Mr. Proffitt stated it was closer to the road, with a sidewalk and direct pedestrian access.

Neither staff nor the applicant had closing remarks.

MOTION: Light/Barker – To recommend approval of Agenda Item 7, as presented.

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

8. COMMUNICATIONS AND REPORTS

Deputy City Attorney Mehaffey reminded the Board about Sunshine Law requirements and advised the Board Members to refrain from discussing the MainStreet project with one another due to remaining applications pending.

Deputy City Clerk Bowers reminded the Board Members to file their Form 1 by the July 1 deadline.

Ms. Fry recognized the seventh anniversary of the Pulse Nightclub shooting.

9. ADJOURNMENT

The meeting was adjourned at 8:12 p.m.

Marianne E. Bowers, CMC
Deputy City Clerk

Date