



CITY OF COCONUT CREEK
PLANNING AND ZONING BOARD MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: August 11, 2021
Time: 7:00 p.m.
Meeting No. 2021-0811

1. **CALL TO ORDER**

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

2. **PRESENT UPON ROLL CALL:**

Steven Hall, Chair
Doug Young, Vice Chair
Jeffrey Barker
Thomas Casey
Debra Voorhees

Absent:
Colleen LaPlant, Alternate

Also present: Deputy City Attorney Kathy Mehaffey, Director of Sustainable Development Scott Stoudenmire, Sustainable Development Assistant Director Justin Proffitt, Principal Planner Lizet Aguiar, Senior Planner Linda Whitman, Interim City Clerk Marianne Bowers, and Administrative Coordinator Danielle Nowak.

Chair Hall noted that the meeting was being conducted live with a quorum physically present, and explained that, in light of the pandemic, accommodations were made to allow the public to provide advanced comments without the need to attend the meeting. Deputy City Attorney Kathy Mehaffey explained the procedures for public participation and comment for the meeting.

3. **APPROVAL OF MINUTES**

A MOTION APPROVING THE MINUTES FROM PREVIOUS PLANNING AND ZONING BOARD MEETING NO. 2021-0714.

MOTION: Young/Barker – To approve the Minutes of the July 14, 2021, Planning and Zoning Board Meeting.

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

AGENDA ITEMS

Deputy City Attorney Mehaffey read aloud the City's quasi-judicial procedures that would be applied to items four (4) through eight (8). Interim City Clerk Bowers confirmed public notice requirements had been met for the Quasi-Judicial items four (4) through eight (8) and swore in the witnesses.

Chair Hall asked if there were any objections to hear items four (4) through eight (8) together, as they were related, and there were no objections. Deputy City Attorney Mehaffey asked the Board if there were any ex parte disclosures, and there were none.

4. MARKETPLACE AT HILLSBORO: A REZONING APPLICATION TO MODIFY AN EXISTING PLANNED COMMERCE DISTRICT (PCD) TO INCLUDE NEW DEVELOPMENT STANDARDS AND AN UPDATED LIST OF PERMITTED USES. (QUASI JUDICIAL) (PUBLIC HEARING)

Director of Sustainable Development Scott Stoudenmire presented the items related to the Marketplace at Hillsboro, explaining the development had been under DRC review since 2019. He explained the project represented a part of the Hillsboro redevelopment corridor and briefly shared details of other development along the corridor.

Director of Sustainable Development Stoudenmire provided an overview of the five (5) applications on the agenda and stated notice had been given for three (3) additional applications for vacation of easements, but staff was later reminded that a Code change had made the process more efficient, which removed the requirement that those applications go through the Planning and Zoning Board. He noted those would be heard by the City Commission at a later date. Director of Sustainable Development Stoudenmire discussed delays as the project moved through the process. He noted staff was present to answer questions as needed.

John Voigt, Attorney with Doumar, Allsworth, et. al of Fort Lauderdale introduced himself and the team to present on behalf of the applicant.

Michael Weiner, Attorney with Sach, Sax, and Caplan of Boca Raton, referenced the staff report and stated staff had recommended approval, subject to conditions as listed. He noted there were no variances, exceptions, or waivers being requested. Mr. Weiner discussed the Planned Commercial District (PCD) and its impact on the progress of the project. He asserted that a declaration had been utilized in the past and argued it still met the requirements for a unity of control.

Mr. Weiner stated the application met all requirements of the Code and was willing to take the extra steps requested by the City. He asserted the development was something positive for Coconut Creek and asked for the support of the Board.

James Kahn, Planner with Keith, Inc., presented the architecture and design of the project, opening with a brief video and followed by a *PowerPoint* presentation reviewing the site, history, and changes needed to the PCD to move forward.

Douglas Mummaw, Architect with Mummaw and Associates, continued the *PowerPoint* presentation. He shared the proposed rebranding, site plan, preserving existing trees, use of materials and colors to provide individuality and blend with the environment, and pedestrian-friendly architecture of the proposed project and reviewed the outparcels briefly.

Mr. Voigt discussed the special land use to have a drive-thru and discussed the redesign, which had been necessary to change the proposed business in the west outparcel from Taco Bell to Cali Coffee. He briefly explained the Cali Coffee business, explaining it was a coffee company with drive-thru and walk-up service windows and sharing sustainability information from the company's website.

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Mr. Voigt reviewed the special land use criteria and explained how the application met each requirement.

Mr. Voigt discussed the public participation, which had been conducted for the project. He explained all of the tenants that came to the public meeting were enthusiastic. He reviewed efforts to attempt to include the three parcels not owned by the applicant, Burger King, Walgreen's, and Chevron, as well as the information and updates sent to each. Mr. Voigt shared a timeline of communication with the neighboring businesses and changes made to the plan to address concerns regarding competition and traffic.

Shaun MacKenzie, MacKenzie Engineering and Planning, Palm City, reviewed the traffic study for the project, as well as for another Cali Coffee location. He testified that the study illustrated what had been designed for the Marketplace at Hillsboro location was more than adequate for the needs of the drive-thru.

Craig Avera, co-owner of Cali Coffee, provided background on the company. He stated the Hollywood location was the flagship location and discussed the offerings. He explained it was a youthful company, which prided itself on making people's days better and discussed the core value of speed and how it is accomplished.

Mr. Kahn stated the applications followed the guidelines of the new PCD and pointed the Board to the proposed new Marketplace at Hillsboro PCD document associated with the PCD rezoning application. He explained he was present to answer any associated questions. Continuing, Mr. Kahn stated the same was true for the site plan criteria and reviewed that information before summarizing the full project briefly.

Chair Hall asked Mr. Stoudenmire if staff had any questions of the applicant. Mr. Stoudenmire stated they did not.

Chair Hall asked if the applicant had any questions for City staff. Mr. Voigt stated they did not have any questions, and thanked staff for their efforts.

Chair Hall opened the public hearing on items 4 through 8.

Interim City Clerk Bowers stated there was one (1) advanced comment received for the project applications.

Sustainable Development Assistant Director Justin Proffitt read a letter from Mike Covelli, 7200 NW 43rd Avenue. Mr. Covelli stated updating the overall aesthetics of the shopping center and landscaping was a positive action. He asserted the application and staff report stated there were no impacts to the tenants to the rear of the location, but the changes would result in additional service, noise, and lights at the rear of the shopping center. He asked that additional buffer be added to provide adequate screening from the adjacent residential neighborhood, and that the buffer be a part of the first phase of the project. Additionally, Mr. Covelli asked that truck traffic on the residential roads be restricted and the median on 41st Avenue be included in the landscape plan.

There were no additional advanced public comments received.

Edwin J. Stacker, Attorney with Shutts & Bowen, Fort Lauderdale, spoke on behalf of Walgreen's. He stated Walgreen's had been in the location since 2002 and owned just over two (2) acres on the corner. He explained the company is excited for the development but had concern regarding the proposed Cali Coffee site. Mr. Stacker

asserted their concern was regarding ingress and egress to the site, traffic, and stacking in the drive-thru. He reviewed the comments in the staff report related to the declaration of unity of control and stated he took exception to what he saw as a revision of the requirements.

Mr. Stacker stated he objected to the application moving forward and felt it should again be continued. He noted that the drive-thru for Cali Coffee was the only objection Walgreen's had, and argued it was completely incompatible with the surrounding area. Mr. Stacker asserted that if the application moved forward, it would need to be over the objections of his client, though they were supportive of the overall development.

There were no further questions or comments from the public, and Chair Hall closed the public hearing.

Mr. Voigt stated the project's landscape architect was available to respond to questions brought up in the letter from Mr. Covelli, but the main issue was that there was an easement present in the back of the shopping center preventing additional trees from being planted. He noted Mr. Covelli had created the original PCD in 1996. Mr. Voigt stated the applicant was amenable to do the maximum allowable landscaping.

Chair Hall opened the topic to Board discussion.

Vice Chair Young asked that the Board Attorney respond to Mr. Stacker's comments, regarding moving forward with a PCD without all parties on board. Deputy City Attorney Mehaffey stated at this point, that was something the City would evaluate as part of a completeness review. She explained the applicant had the right to request the application move forward so the City Commission could evaluate and make a determination as to whether or not that item was complete.

Vice Chair Young asked if the Board could recommend approval of the site plan at this time. Deputy City Attorney Mehaffey responded that they could if they so chose.

Mr. Barker asked if there was any indication that the west parcel where Cali Coffee was proposed would be anything other than a fast-food restaurant. Mr. Stoudenmire responded it was not specifically designed for a drive-thru or restaurant but was designed for commercial development.

Mr. Barker asked if original parking calculations for the retail center for higher intensity uses had been allocated for that use. He stated a coffee shop without indoor seating did not rise to that level of intensity, but he was trying to understand the negative concerns that were raised and how it related to expectations based on the previous PCD. Mr. Stoudenmire explained the PCD included a shared parking arrangement for the plaza, which was over parked and underutilized, however, the outparcel had generic commercial approval and the issues of traffic flow and parking were never truly a detailed concern. He stated staff had focused heavily on the traffic and parking analysis to make sure they were not jeopardizing any other tenants or outparcels.

Mr. Barker stated from his perspective, the fact that the west outparcel was being developed as a coffee shop with no interior seating does lend itself to more of an early morning operation that would have significantly less traffic during the time when Walgreen's is open. He asserted he recognized that did not answer the legal issues, but he did not see any issues with the traffic aspect of the application. Mr. Stoudenmire responded that staff had also evaluated the hours of operation and would agree with that

assessment.

Mr. Barker referenced Mr. Covelli's letter and asked if there was a prescribed minimum buffer as part of the PCD Code. Mr. Stoudenmire stated the original PCD had a specific buffer requirement, but it was clear the buffer had eroded over time.

Senior Planner Linda Whitman explained that, as mentioned earlier, there was a 12-foot utility easement that runs along the entire north side of the site, and trees were not permitted to be planted in that easement. Senior Planner Whitman stated the only opportunity the applicant had was to place shrub material in that location. She added that there were utilities in the easement.

Mr. Barker clarified that there was no standard minimum buffer requirement within the Code for any and all PCDs. He noted Mr. Covelli's letter alluded to it not meeting the requirement, so he wanted to know whether it did or did not. Mr. Stoudenmire stated there are minimum requirements within the PCD Code.

Principal Planner Lizet Aguiar explained the current Code requirement for the perimeter around the PCD was 25 feet. She stated based on the plans, the existing buffer appears to be 20 feet.

Mr. Barker asserted the other problem was that of the existing 20 feet, there was a portion of it which was not able to be landscaped. Principal Planner Lizet Aguiar responded that was correct, and of the 20 feet, 12 feet was an easement on the north side.

Mr. Barker additionally asked questions regarding square footage additions to the main plaza, whether the drive aisles were predominantly the same throughout the project, and stated there was not any addition to the size of the plaza. Mr. Weiner stated there were no additions and confirmed Mr. Barker's statements.

Ms. Voorhees asked if there was any plan to build up the deteriorated fence on the north side of the property or build a wall that would suffice as buffer. Mr. Stoudenmire noted the wall was in need of a repair, especially in a specific location. Mr. Weiner stated the applicant would agree to a condition to repair the wall to staff's satisfaction.

Ms. Voorhees asserted the best alternative to landscaping would be to repair the wall to the satisfaction of staff and make it up to date and asked if the shopping center was being knocked down and rebuilt, or just remodeled. Mr. Voigt responded that it was a remodel.

Chair Hall asked the attorney to clarify the items to proceed, and whether those were changes to meet Code, or conditions placed on the applicant. He asked if the City Commission would be granting a variance by allowing the application to move forward, noting that was their right. Deputy City Attorney Mehaffey explained the City Commission would be making a determination that the plan as proposed did not require participation by those property owners.

Chair Hall asked Mr. Stoudenmire to respond as to whether approval of these applications would in effect mean there were two (2) PCDs on the property, established in 1997 and 2021. Mr. Stoudenmire stated that was essentially correct.

Chair Hall stated there could be differences between the two (2) PCDs in building requirements and cosmetics. He asked whether new construction on the Burger King parcel would have to meet the 1997 standards in that case. Mr. Stoudenmire responded

that would be true of any issues addressed within the PCD, but if the PCD was silent on an issue, they would defer to the current Land Development Code.

Chair Hall pointed out the plan was to build two (2) new buildings on the outparcels and asked how long the construction project would take from start to finish. Mr. Mummaw explained the phasing plan was included in the Board materials and stated from beginning to end it would be about 18 months. He described the phasing to allow the center to operate through construction and stated there were five (5) phases.

Chair Hall referenced the Walgreen's concerns and asked the traffic engineer to clarify the grades for Lyons Road and what he expected traffic to be through that entrance. Mr. MacKenzie stated they had analyzed the traffic and presented the findings to the Board. He noted all traffic counts had been taken pre-COVID-19. Mr. MacKenzie explained all of the turn lanes and driveways were adequate and met City Code standards and County standards. He stated they had spoken to the Florida Department of Transportation (FDOT) to resecure the entrances, and they had also signed off on the safe access.

Chair Hall asked for additional clarification on the Lyons Road entrances. He stated most people coming out of that entrance make a U-turn to go south and asked how that would impact traffic flow. He asked if they had considered putting a light there. Mr. MacKenzie stated they had looked at that, but while there was an increase in traffic, it was not enough to warrant a traffic signal. He noted it was too close to Hillsboro Boulevard to consider a traffic signal, and the traffic was predicted to operate adequately.

Chair Hall asked Mr. MacKenzie to confirm that in his opinion, the site was suitable for the traffic projected, and it would not cause huge problems for the site. Mr. MacKenzie responded that was correct.

Chair Hall asked Mr. Stacker for clarification on his comments regarding the stack of cars at the Cali Coffee drive-thru, including what Walgreen's stack averaged. Mr. Stacker responded that he was not a traffic engineer and did not know. He asserted the Walgreen's issue was the stacking likely to occur and the congestion in the entrance roadway as well as traffic affecting deliveries. Mr. Stacker stated in his client's opinion, it was premature to say the site was acceptable. He added the site was very narrow and posed a concern.

Mr. Barker asked whether the unity of control was specifically in the Code that it was needed, or whether it was policy. Deputy City Attorney Mehaffey responded that there was a Code requirement for unified control for PCDs.

Chair Hall invited staff to make closing remarks.

Mr. Stoudenmire stated staff had no further comments.

Chair Hall invited the applicant to make closing remarks.

Mr. Weiner provided closing comments, addressing the unified control and stated there was nothing in the Code that stated control meant permission from all neighbors. He asserted the applicant had gone extra steps to put in additional documents to close any loopholes in the interpretation of the Code, and stated the Board was safe in supporting the application with the knowledge the documents were filed with the City Attorney's input.

MOTION: Casey/Young – To recommend approval of item four (4).

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

- 5. MARKETPLACE AT HILLSBORO:** A SITE PLAN APPLICATION FOR IMPROVEMENTS TO THE EXISTING MARKETPLACE AT HILLSBORO GENERALLY LOCATED AT THE NORTHEAST CORNER OF HILLSBORO BOULEVARD AND LYONS ROAD. (QUASI-JUDICIAL) (PUBLIC HEARING)

MOTION: Barker/Young – To recommend approval of item five (5) with the following conditions:

- The median on NW 71st Street and the maintenance of landscape be included in the responsibility of the owner of Hillsboro Marketplace;
- To the extent possible, to prohibit truck traffic from proceeding east beyond the access point to the shopping center, as long as permissible by Code, and that the City install whatever signage is necessary at the applicant's expense.

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

- 6. MARKETPLACE AT HILLSBORO WEST OUTPARCEL:** A SPECIAL LAND USE APPLICATION TO PERMIT A DRIVE-THRU AT THE PROPOSED RESTAURANT TO BE GENERALLY LOCATED AT THE NORTHEAST CORNER OF HILLSBORO BOULEVARD AND LYONS ROAD. (QUASI-JUDICIAL) (PUBLIC HEARING)

MOTION: Casey/Barker – To recommend approval of item six (6).

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

- 7. MARKETPLACE AT HILLSBORO WEST OUTPARCEL:** A SITE PLAN APPLICATION TO PERMIT DEVELOPMENT OF A FAST-FOOD RESTAURANT WITH DRIVE-THRU WITH OUTDOOR DINING GENERALLY LOCATED AT THE NORTHEAST CORNER OF HILLSBORO BOULEVARD AND LYONS ROAD. (QUASI-JUDICIAL) (PUBLIC HEARING)

MOTION: Casey/Young – To recommend approval of item seven (7).

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

- 8. MARKETPLACE AT HILLSBORO EAST OUTPARCEL:** A SITE PLAN APPLICATION TO PERMIT THE DEVELOPMENT OF A RETAIL BUILDING AT THE HILLSBORO MARKET PLAZA, GENERALLY LOCATED AT THE NORTHEAST CORNER OF HILLSBORO BOULEVARD AND LYONS ROAD. (QUASI-JUDICIAL) (PUBLIC HEARING)

MOTION: Young/Casey – To recommend approval of item eight (8).

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

- 9. *LAND DEVELOPMENT CODE:** AN AMENDMENT TO CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 1, "GENERALLY," SECTION 13-322, "HOTELS," AND AMENDING DIVISION 4, "ACCESSORY USES AND STRUCTURES," SUBDIVISION II, "PARKING REGULATIONS AND REQUIREMENTS," SECTION 13-400, "RESIDENTIAL USE PARKING SPACE REQUIREMENTS," TO PROVIDE UPDATED HOTEL AND EXTENDED STAY HOTEL PARKING REQUIREMENTS AND SECTION 13-409(B), "LOADING SPACE REQUIREMENTS," TO PROVIDE UPDATES LOADING SPACE REQUIREMENTS; AND

BY AMENDING DIVISION 8, "MASTER BUSINESS LIST," SECTION 13-621, "MASTER BUSINESS LIST B-2, B-3, B-4" AND SECTION 13-623, "MASTER BUSINESS LIST O-2, O-3." (PUBLIC HEARING)

Sustainable Development Assistant Director Justin Proffitt explained this was a City-initiated ordinance to adopt hotel and extended stay hotel regulations. He stated the City had recognized a need to establish minimum standards and outlined the process staff had gone through to develop the language, including evaluating State procedures and preemptions. Mr. Proffitt noted previous development applications had also been reviewed to determine how the ordinance would match up to those approved in the past. He stated a matrix of the regulations in other municipalities was also included in the backup.

Sustainable Development Assistant Director Justin Proffitt stated a review of the current Code revealed adequate definitions did not exist, and regulations specific to the construction or operation were not present. He provided a brief review of the existing and proposed standards and explained the proposed ordinance would provide new definitions of a hotel, extended stay hotel, and other necessary terms as well as minimum requirements for development and operational standards where allowable.

Chair Hall opened the public hearing. Interim City Clerk Bowers stated there were no advanced comments received for the item. There were no questions or comments from the public, and Chair Hall closed the public hearing.

MOTION: Voorhees/Young – To recommend approval of item nine (9).

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


10. COMMUNICATIONS AND REPORTS

Sustainable Development Assistant Director Justin Proffitt invited the Board to a public workshop at 5:30 p.m. on August 26 with the City Commission to discuss the MainStreet proposal. He noted the item was before the DRC the following morning, and comments were posted on the City's website.


11. ADJOURNMENT

The meeting was adjourned at 9:07 p.m.





Marianne E. Bowers, CMC
Interim City Clerk



Date