



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

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

**Date: March 8, 2017
Time: 7:00 p.m.**

1. CALL TO ORDER

The meeting was called to order by Chair Doug Young at 7:00 p.m.

2. PRESENT UPON ROLL CALL:

Chair Doug Young
Vice Chair Todd Rogers
Morris Chase
Jerry Poole
Alfred Delgado (Alternate)

Also present: Director of Sustainable Development Sheila Rose, Deputy Director of Sustainable Development Scott Stoudenmire, City Attorney Terrill Pyburn, Assistant City Attorney Eve Lewis, and Deputy City Clerk Marianne Bowers.

Absent: Debra Voorhees

Deputy City Clerk Bowers informed the Board that Ms. Voorhees had contacted the City Clerk Department to send notice that she would be unable to attend the meeting.

3. APPROVAL OF MINUTES

A MOTION APPROVING THE MINUTES FROM PREVIOUS PLANNING AND ZONING BOARD MEETING(S). (2017-0208)

MOTION: Chase/Delgado - To approve the Minutes of the February 8, 2017, meeting.

The Motion passed by a 4-0 voice vote.

Vice Chair Rogers asked about not voting on the minutes because he was not present at the February 8, 2017 meeting and noted that he was silent during the voice vote. Discussion ensued, and City Attorney Pyburn determined that it was acceptable for Mr. Rogers to not vote on the minutes. It was noted that Vice Chair Rogers did not have a voting conflict; however, he felt that he could not vote on the minutes because he did not have personal knowledge as to what had transpired at the previous meeting during his absence.

AGENDA ITEMS

4. LAND DEVELOPMENT CODE: AN AMENDMENT TO CHAPTER 13, "LAND DEVELOPMENT CODE," TO INCLUDE REGULATIONS PERTAINING TO MEDICAL MARIJUANA TREATMENT CENTERS. (PUBLIC HEARING)

Director of Sustainable Development Sheila Rose opened the discussion and distributed a map depicting the Medical Services Overlay Area. She gave an overview of the November 2016 Ballot Item, Amendment 2, to amend Florida's Constitution to further legalize the use and distribution of medical marijuana within the State. She explained that following voters' approval of the Constitutional Amendment, the City adopted a 90-day moratorium to study the appropriate locations and zoning regulations for medical marijuana treatment centers. She reminded the Board that the City previously adopted a Medical Services Overlay Area to encourage the development of medical uses in a focused area and noted that the draft medical marijuana zoning ordinance proposed to locate medical marijuana treatment centers within the Medical Services Overlay Area. She reviewed the boundaries of the Medical Services Overlay Area and discussed the special land use process and development conditions for medical marijuana treatment centers provided for in the proposed ordinance.

City Attorney Pyburn summarized the direction given by the City Commission at a workshop held on February 22, 2017, related to the proposed regulations, including location in the Medical Services Overlay Area and separation requirements from schools and other medical marijuana treatment centers. She explained that the State Department of Health rules for medical marijuana treatment centers permitted under the Constitutional Amendment were not finalized and that medical marijuana was not legal under Federal law. She discussed the potential security risks associated with the facilities because they would be cash only businesses and the purpose for location and separation requirements to protect the City and its residents. She noted that an extension of the 90-day moratorium was scheduled for the March 9, 2017, City Commission Meeting to allow time to finalize the proposed ordinance, which would be scheduled for first reading by the City Commission on March 23, 2017.

Mr. Chase spoke about security concerns associated with the proposed use and stated that facilities would need police detail to limit the public safety issues. City Attorney Pyburn pointed out the security requirements contained in the proposed ordinance and the additional security regulations included in the proposed state legislation. She explained that the Constitutional Amendment does not allow local governments to prohibit the use within their jurisdiction, but does allow the local government to establish regulations limiting the number and location of the facilities. Ms. Rose added that the City's proposed ordinance allows the Police Chief to impose additional public safety requirements during review of the special land use application. Discussion ensued regarding medical marijuana growers and the regulations for cultivating medical marijuana.

Vice Chair Rogers asked about the timeline related to the approval of the Medical Services Overlay Area and the Constitutional Amendment. City Attorney Pyburn explained that the Medical Services Overlay Area was adopted several months prior to the consideration of the Constitutional Amendment by voters on the November 2016 Ballot. Discussion ensued regarding the definition of a medical marijuana treatment center. City Attorney Pyburn said that the proposed ordinance does not permit medical marijuana treatment centers to co-locate with other medical uses. Discussion ensued regarding security requirements and the development review process.

The Board discussed location and separation requirements for the medical marijuana treatment centers. Vice Chair Rogers spoke about vehicular access to the treatment centers with a proximity to school facilities. Discussion ensued regarding limiting access to state and county arterial roadways.

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

MOTION: Poole/Rogers – To approve Agenda Item 4, a Land Development Code amendment to include regulations pertaining to Medical Marijuana Treatment Centers, subject to the recommendation that staff research limiting access to the medical marijuana treatment centers to only state and county arterial roadways.

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

Assistant City Attorney Lewis gave an overview of the quasi-judicial procedures that would be applied to Agenda Items 5 through 10. Deputy City Clerk Bowers confirmed that the advertising requirements were met for the quasi-judicial items. The witnesses were sworn-in, and instructed that when they come forward to speak, to state their name and address clearly for the record and whether or not they were sworn-in and understood the rules of the proceedings.

5. MCDONALD'S: A SITE PLAN APPLICATION FOR BUILDING AND SITE MODIFICATIONS TO THE EXISTING MCDONALD'S LOCATED AT 4480 NORTH STATE ROAD 7. (QUASI-JUDICIAL)(PUBLIC HEARING)

Assistant City Attorney Lewis asked if there were any disclosures and/or ex parte communications from the Board, and the Board stated there were none. Assistant City Attorney Lewis asked if anyone wanted to remove the item from the quasi-judicial agenda. There were no requests to remove item.

Mr. Stoudenmire noted that Agenda Item 5 and Agenda Item 6 were companion items and asked to present the applications together. There were no objections from the Board or the Applicant to hear the items together. Mr. Stoudenmire read the staff reports for each agenda item into the record. He gave a brief overview of the McDonald's site and noted that the applicant proposed to make façade improvements and site modifications to the traffic circulation and drive-thru facility. He added that improvements would also be made to the perimeter sidewalk consistent with the MainStreet Design Standards. He explained that the sign deviation application proposed to add a second menu board for the expanded drive-thru. Mr. Stoudenmire stated that staff recommended approval of the applications and that the site plan application required final action by the City Commission because it is located in the MainStreet Project Area (MSPA).

Craig McDonald of Corporate Property Services, Inc., on behalf of McDonald's, introduced himself and began a *PowerPoint* presentation. He explained the proposed changes to the traffic circulation, drive-thru facility, façade, roof, building interior, sidewalk, and landscaping.

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

MOTION: Chase/Delgado – To approve Agenda Item 5, a site plan application for building and site modifications to the existing McDonald's located at 4480 North State Road 7.

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

6. **MCDONALD'S:** A SIGN DEVIATION APPLICATION TO ALLOW A SECOND MENU BOARD IN CONJUNCTION WITH THE TANDEM DRIVE-THRU INSTEAD OF ONE (1) MENU BOARD AS PERMITTED BY CODE FOR THE PROPERTY LOCATED AT 4480 NORTH STATE ROAD 7. (QUASI-JUDICIAL)(PUBLIC HEARING)

MOTION: Chase/Rogers – To approve Agenda Item 6, a sign deviation application to allow a second menu board in conjunction with the tandem drive-thru instead of one (1) menu board as permitted by Code for the property located at 4480 North State Road 7.

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

7. **4660 NW 74 PLACE:** A VARIANCE APPLICATION FROM SECTION 13-333 (D)(4) OF THE CITY OF COCONUT CREEK LAND DEVELOPMENT CODE TO REDUCE THE REQUIRED MINIMUM FRONT SETBACK FROM FIFTY (50) FEET TO THIRTY (30) FEET AND FROM SECTION 13-333 (D)(6) TO REDUCE THE REQUIRED REAR SETBACK FROM FIFTY (50) TO THIRTEEN (13) FEET. (QUASI-JUDICIAL)(PUBLIC HEARING)

Mr. Stoudenmire read a written request from the Applicant for Agenda Items 7 and 8 into the record, requesting to table the items to the April Meeting.

MOTION: Rogers/Chase – To table Agenda Items 7 and 8 to the April Meeting of the Planning and Zoning Board.

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

8. **4680 NW 74 PLACE:** A VARIANCE APPLICATION FROM SECTION 13-333 (D)(4) OF THE CITY OF COCONUT CREEK LAND DEVELOPMENT CODE TO REDUCE THE REQUIRED MINIMUM FRONT SETBACK FROM FIFTY (50) FEET TO THIRTY (30) FEET AND FROM SECTION 13-333 (D)(6) TO REDUCE THE REQUIRED REAR SETBACK FROM FIFTY (50) TO THIRTEEN (13) FEET. (QUASI-JUDICIAL)(PUBLIC HEARING)

Tabled - see motion under Agenda Item 7.

9. **GUNTHER:** A PMDD REZONING MODIFICATION TO ACCOMMODATE A NEW GUNTHER VOLVO DEALERSHIP LOCATED AT 4350 NORTH STATE ROAD 7. (QUASI-JUDICIAL)(PUBLIC HEARING)

Assistant City Attorney Lewis asked if there were any disclosures and/or ex parte communications from the Board, and the Board stated there were none. Assistant City Attorney Lewis asked if anyone wanted to remove the item from the quasi-judicial agenda. There were no requests to remove the item.

Mr. Stoudenmire noted that Agenda Item 9 and Agenda Item 10 were companion items and asked to present the applications together. There were no objections from the Board

or the Applicant to hear the items together. Mr. Stoudenmire read the staff reports for each agenda item into the record. He gave a brief history of the project and explained that the applications were a proposed expansion of the Gunther Volkswagen car dealership to provide for a Volvo car dealership.

Daniel Taylor, Attorney with the law firm Tripp Scott, on behalf of the Applicant, introduced himself and gave an overview of the project. He introduced Kevin Cruz of Stiles Architectural Group, who began a *PowerPoint* presentation. Mr. Cruz discussed the proposed changes to the existing building and noted that the building would be Green Globe certified. He reviewed several of the project's green features as part of the certification process.

Mr. Stoudenmire explained that the Green Globe certification was an alternate design solution to the PMDD-required LEED certification that met the intent of the MainStreet Design Guidelines, and staff was supporting the alternate solution. Discussion ensued regarding the electric vehicle charging stations as the project's conspicuous display of green.

MOTION: Delgado/Poole – To approve Agenda Item 9, a PMDD Rezoning Modification to accommodate a new Gunther Volvo Dealership located at 4350 North State Road 7.

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

- 10. GUNTHER:** A PMDD SITE PLAN APPLICATION FOR SITE PLAN MODIFICATIONS TO THE EXISTING PRE-OWNED BUILDING TO ACCOMMODATE A NEW VOLVO DEALERSHIP LOCATED AT 4350 NORTH STATE ROAD 7. (QUASI-JUDICIAL)(PUBLIC HEARING)

MOTION: Rogers/Poole – To approve Agenda Item 10, a PMDD Site Plan Application for site plan modifications to the existing pre-owned building to accommodate a new Volvo Dealership located at 4350 North State Road 7.

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

Mr. Stoudenmire noted that the applications would proceed to the City Commission for final action.

11. COMMUNICATIONS AND REPORTS

Deputy City Clerk Bowers distributed the Application Form for City Boards and advised the Board that the deadline to submit the application and resume for the April appointments was March 27.

12. ADJOURNMENT

The meeting was adjourned at 8:14 p.m.

Transcribed by: Marianne Bowers

Leslie Wallace May, MMC
City Clerk

Date