

POMPANO AUTOPLEX, LLC
2677 NORTHLAKE BOULEVARD
NORTH PALM BEACH, FL 33403

August 11, 2023

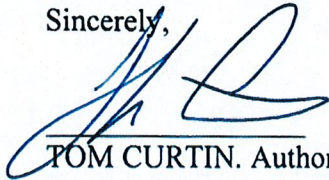
Mr. Joseph J. Kavanagh
City Clerk
City of Coconut Creek
4800 West Copans Road
Coconut Creek, FL 33063

Re: Coconut Creek Mazda Site Plan and Construction
Appeal of Administrative Decision (Sec. 13-34 and Section 13-81)

Dear Mr. Kavanagh:

Please accept this letter as Pompano Autoplex LLC's request to appeal to the City Commission the denial by the Planning and Zoning Board of Pompano Autoplex's appeal of an administrative decision as referenced above. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Curtin', written over a horizontal line.

TOM CURTIN. Authorized Agent

August 7, 2023

Mr. Joseph J. Kavanagh
City Clerk
City of Coconut Creek
4800 West Copans Road
Coconut Creek, FL 33063

Re: Coconut Creek Mazda Site Plan and Construction
Appeal of Administrative Decision (Sec. 13-34 and Section 13-81)

Dear Mr. Kavanagh:

Please accept this letter as the appeal by Pompano Autoplex LLC of the decision of the Director of Sustainable Development that the removal and replacement of trees on Sample Road as shown on the Existing Tree Disposition Plan Markup ("Plan Markup") attached to this letter and the replacement of the trees with a landscape plan that meets or exceeds the requirements of the City Code cannot be approved administratively so long as the tree replacement and alternate landscaping complies with the City's land development regulations. The Plan Markup depicts the trees by number. The trees in question are as follows:

1775, 1776, 1777, 1778, 1789 and 1818 are Live Oaks.

1779, 1819, 1821, 1824 and 1825 are Cabbage Palms.

Site Plan Approval and Issues with Existing Trees on Sample Road

The site plan for the Coconut Creek Mazda project at the corner of Sample Road and Coral Tree Circle was approved with Resolution No. 2021-196 on October 14, 2021. The site plan included a landscape plan that included several existing Live Oaks and other trees situated along the Southern Property Line, fronting Sample Road. In connection with the site plan approval, the Owner was required to relocate several trees on the site to allow for the reasonable development of the site and tree mitigation was approved to remove most of the other existing trees at a cost which was well over \$300,000. However, there were several Live Oaks and other trees on Sample Road that were required to remain. At the time of the approval of the site, it was thought that the sidewalk could be located around these trees and that the trees could be effectively pruned to allow for some site visibility for Mazda dealership.

Attached are photos of the trees in question along with a markup of the Existing Tree Disposition Plan showing the trees to be removed. Two of the Live Oaks are massive in size, extend into Sample Road, and have large, brittle limbs extending into our landscape/irrigation areas, curbing, and asphalt paving area. Also, the roots are so large that the new asphalt and curbing will get damaged quickly. The Owner also has site lighting to install in this area which is prohibitive due to the size of these trees. These trees are so large that they will cause a dangerous situation during heavy windstorms which could cause damage to new vehicles and pedestrians and dealership customers. The Owner believes that these trees create a

significant legal liability to both the owner and the City as it impacts the dealership property and cars and pedestrians on Sample Road. Moreover, until these trees are removed, the Owner can't install the site lighting, curbing or asphalt in this area. The Owner has made a \$20,000,000 investment in this project and these trees severely impair the visibility from Sample Road to the dealership. The financial impact on the dealership will be significant if the customers are unable to see the building and car inventory from Sample Road.

The City Arborist has inspected the trees and claims a few can't even be properly trimmed. We have contacted several of the approved City Arborists/Trimmers and no one will provide a proposal to trim these Live Oaks.

We respectfully request that these trees be removed, and suitable replacement trees be installed.

Criteria for Administrative Approval of Site Plan Modification.

Section 13-549 of the City's Land Development Code contains the following criteria for the administrative amendment of an approved site plan:

Modifications to an approved site plan may be permitted by the administrative approval of the director of sustainable development. Such approval will only be granted in accordance with the following standards:

- (1) The modification does not substantially alter the intent and character of an approved site plan;
- (2) Any additional structures contemplated by any modification shall clearly be accessory to a principal use or structure;
- (3) Any modification shall not generate additional off-street parking or intrude into approved off-street parking areas;
- (4) Any modification shall not substantially alter approved on- or off-site schematic engineering.
- (5) Enhancement landscape plans that do not substantially alter the intent and character of an approved landscape plan.

It is the Owner's position that as long as the substitute landscaping plan is an enhancement over and above the requirements of the Code, the Director of Sustainable Development has the ability to approve a modification to the existing site plan administratively which would allow the project to continue on its existing construction schedule without a significant delay.

The process of an appeal of an administrative decision is set forth in Section 13-34 – Appeals. The information required in Sec. 13-34 (2) is provided below:

(a) Identification of the action which is being appealed;

As discussed above, the Owner is appealing the determination by the Director of Sustainable Development that the proposed site plan modification to remove four Live Oak trees on Sample Road as shown on the existing site plan and the approval of a substitute landscape plan for the Sample Road frontage cannot be accomplished administratively under Section 13-549 of the City Code.

(b) Identification of who or what board took the action and the date it was made.

The decision was made on August 1, 2023, by the Director of Sustainable Development.

(c) The basis of the appeal;

The proposed site plan modification to remove the Live Oak and Cabbage Palm trees as discussed above and as shown on the Plan Markup and the approval of an alternate landscape plan that complies with or exceeds the City Code are modifications to an approved site plan that are allowed under Section 13-549 to be approved administratively.

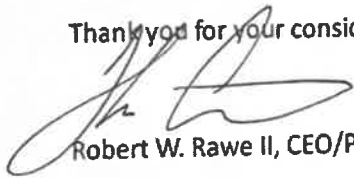
(d) The relief being sought;

The Owner requests that a determination be made by the approving body that the proposed modification to the site plan of Coconut Creek Mazda to remove the trees on the Sample Road frontage listed above and the approval of an alternative landscape plan for the Sample Road frontage that meets or exceeds the City Code may be approved administratively under Section 13-549 of the City Code.

(e) The name of the aggrieved party, the aggrieved party's substantial interest in the matter and how the decision has adversely affected the aggrieved party.

The name of the aggrieved party is Pompano Autoplex, LLC which is the owner of the property. The decision not to allow the site plan modification to be processed administratively will delay the completion of the project and the opening of the dealership. A regular site plan modification takes approximately six months and this kind of delay would be very detrimental to the project and to the Owner.

Thank you for your consideration.



Robert W. Rawe II, CEO/President

AutoBuilders General Contracting Services, Inc.

REVISION	DATE
1	drc comments 5/3/21
2	drc comments #2 7/20/21
3	P&Z comments 9/16/21
4	eng comments no changes this sheet 11/4/21
5	Add tree removal after the fact during construction 4/8/22

LBLA, Inc.
Landscape Architecture

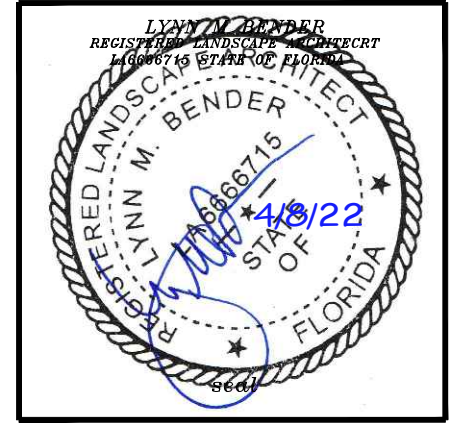
5610 Adair Way
Lake Worth, FL 33467
Phone: 561-644-3237
LbenderLarch@gmail.com
FL-LA666715

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CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND FIELD CONDITIONS AND NOTIFY L.A. ARCHITECT & ENGINEER IMMEDIATELY OF ANY DISCREPANCIES.

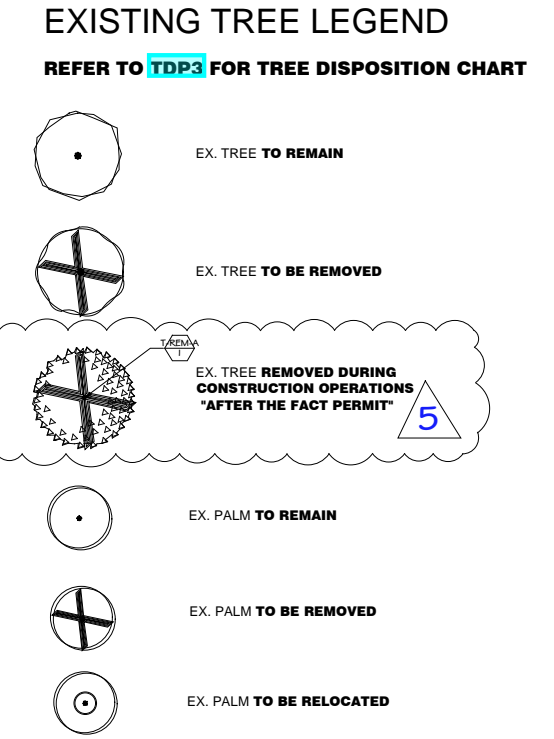
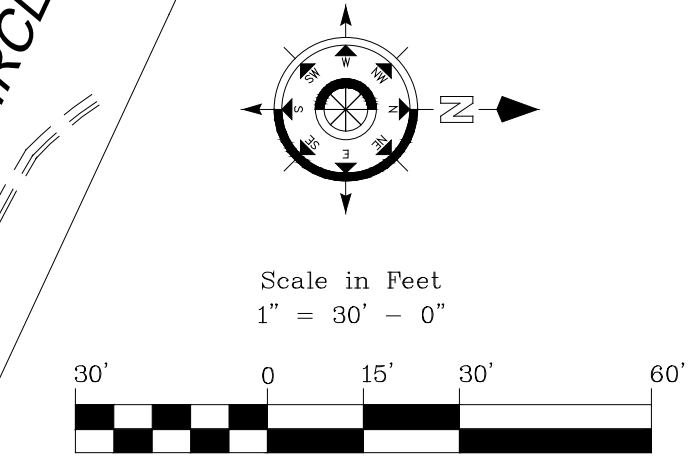
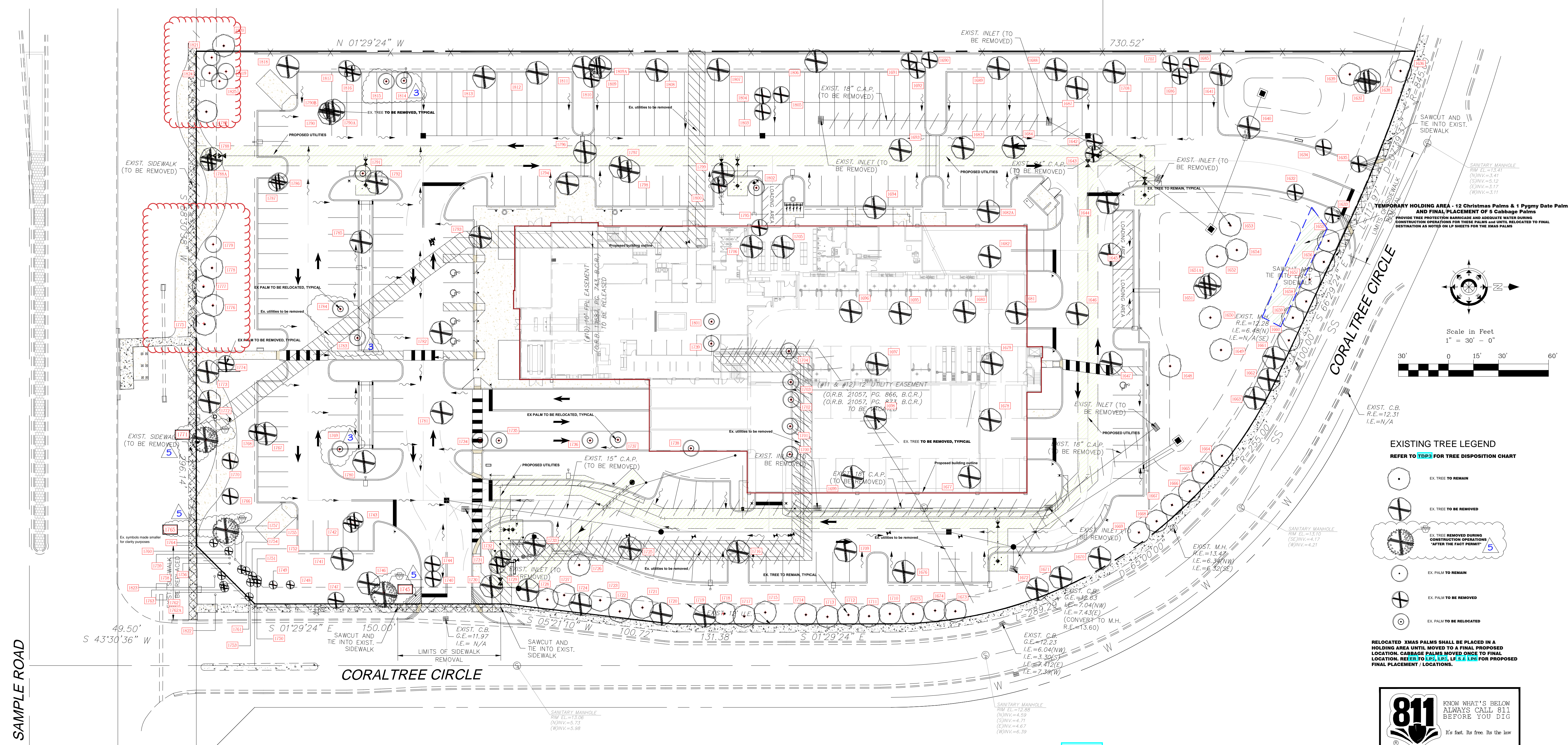
COCONUT CREEK MAZDA
3757 CORAL TREE CIRCLE
COCONUT CREEK, FLORIDA 33073

EXISTING TREE DISPOSITION PLAN



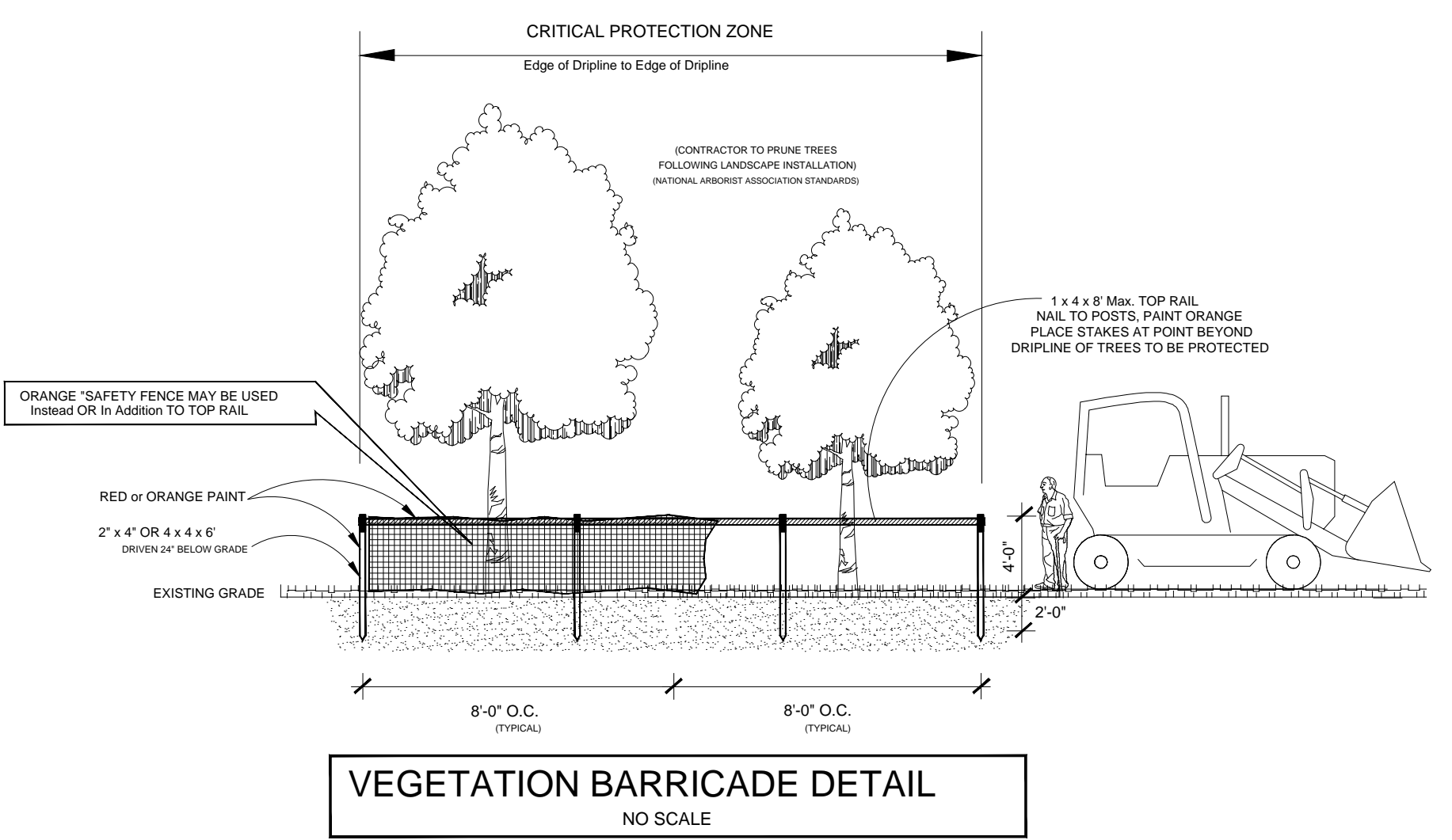
PROJECT NO. 20-569	CADD ID. MAZDA LP
DRAWN BY: LMB	CHECKED BY: LMB
SCALE: 1" = 30'-0"	DATE: 01-21-2021

SHEET:
TDP2
2 OF 3 SHEETS



RELOCATED XMAS PALMS SHALL BE PLACED IN A HOLDING AREA UNTIL MOVED TO A FINAL PROPOSED LOCATION. REFER TO LPS, LPS, LE & LPS FOR PROPOSED FINAL PLACEMENT LOCATIONS.

Refer to sheet **TDP3** for complete Tree Disposition Chart



A tree removal permit shall be required under the Coconut Creek Code of Ordinances to remove a tree as required by the city



