



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

**Government Center
4800 West Copans Road
Coconut Creek, FL 33063**

**Date: July 10, 2024
Time: 7:00 p.m.
Meeting No. 2024-0710**

1. CALL TO ORDER

The meeting was called to order by Chair Colleen LaPlant at 7:02 p.m.

2. PRESENT UPON ROLL CALL:

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

Also present: Deputy City Attorney Kathy Mehaffey, Sustainable Development Director Justin Proffitt, Principal Planner Lizet Aguiar, and Administrative Coordinator Danielle Nowak.

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. APPROVAL OF MINUTES

A MOTION APPROVING THE MINUTES FROM PREVIOUS PLANNING AND ZONING BOARD MEETING(S). (2024-0612).

MOTION: Light/Briks – To approve the Minutes of the June 12, 2024, Planning and Zoning Board Meeting, as presented.

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

AGENDA ITEMS

Deputy City Attorney Mehaffey explained the City's quasi-judicial procedures that would be applied to Agenda Item 4, as follows (verbatim):

Florida courts have determined that there are certain types of matters, including Agenda Item 4 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

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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?

Administrative Coordinator Danielle Nowak confirmed the public notice requirements for Agenda Item 4 had been met and swore in the witnesses.

4. MAINSTREET @ COCONUT CREEK BLOCK 3: A SITE PLAN APPLICATION TO CONSTRUCT EIGHT (8) INDIVIDUAL COMMERCIAL BUILDINGS WITHIN BLOCK 3 OF THE MAINSTREET PROJECT AREA. (QUASI-JUDICIAL)(PUBLIC HEARING)

Deputy City Attorney Mehaffey asked for any disclosures or ex-parte communications related to Agenda Item 4, there were none.

Sustainable Development Director Justin Proffitt presented the item, summarizing the Block 3 site plan application request and briefly reviewed the approvals for the MainStreet project to date. He advised that the staff found that the site plan complied with the site plan application review standards, the MainStreet Planned MainStreet Development District (PMDD) zoning standards, the MainStreet design standards, the City's Land Development Code, and the City's Comprehensive Plan, and recommended approval subject to the conditions as outlined in the staff report.

Ele Zachariades, Miskel Backman, LLP, representing Johns Family Partners, LLLP, shared a *PowerPoint* presentation, including an overview of the MainStreet area. She highlighted the allowable and proposed densities and the intent to focus on neighborhood design. She shared elevations and renderings and commented on features of the commercial buildings briefly.

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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 if there were any restrictions on fast food as referenced in the Retail D building. Mr. Proffitt advised that fast food was an approved use, however, the Mainstreet PMDD was limited to one (1) drive-thru. Ms. Fry inquired as to whether design standards would be applied, using the example of a McDonalds. Ms. Zachariades stated there were no secured end users for any of the buildings at this time, and the color swatches as presented were what was being contemplated. Ms. Fry asked if there was a pedestrian walkway between the Retail F1 and Retail F2 buildings. Ms. Zachariades stated there was not. Ms. Fry noted a staff comment requesting that bollards be put in place and asked if the response from the applicant was adequate. Mr. Proffitt stated the comment was from the Police Department and the response was found to be satisfactory. Ms. Fry commented on a request for benches to not have center armrests and asked if this was a part of City Code. Mr. Proffitt advised that Crime Prevention Through Environmental Design (CPTED) standards were in the City Code, and the Police Department provides a set of guidelines. He stated it was a balance of design and function, and not all applicants were able to accommodate all issues raised. Ms. Fry asked for clarification on the location of the dumpsters, and Ms. Zachariades shared a slide showing the location.

Ms. Zachariades clarified her response to a previous question, noting that the Retail D building was a multi-tenant building, so irrespective of who the tenant was, the design would be as shown.

Mr. Light asked for clarification on the vehicular access points to the block. Ms. Zachariades reviewed the four (4) access points, including two (2) on NW 40 Avenue and two (2) on Lyons Road. She reviewed the planned turns. Mr. Light commented that the presentation indicated there were four (4) electric vehicle (EV) spaces required, and four (4) provided. He asked for clarification on the requirements. Ms. Zachariades noted there was a recent Senate Bill that had changed the ability of municipalities to require EV parking, but the project was providing for it. Mr. Light asked about retention and treatment of stormwater prior to discharge. Mike Troxell, Thomas Engineering, explained that Broward County and the South Florida Water Management District required treatment of the first half inch of rainfall on site, and that was being accomplished through exfiltration trenches under the parking lot. Mr. Light asked if the units would be rented or sold. Ms. Zachariades stated the units would be rental. She explained they were looking at personal services, retail, and restaurant end users.

Mr. Escoriaza confirmed the walking paths were denoted by pavers versus regular concrete for parking and other sidewalks. Ms. Zachariades stated that was correct. Mr. Escoriaza asked if the walkway between the Retail A and Retail B buildings would extend to Block 4. Ms. Zachariades advised that it would. Mr. Escoriaza inquired as to how many total tenants were expected. Brian Schmier, Schmier Property Group, advised that was to be determined, as each building was intended to be subdivided and size would depend on interest. He noted it was possible a tenant would take an entire building based on their business size. Mr. Escoriaza asked if a larger tenant such as a grocery store was expected. Mr. Schmier stated not at this point in time, but that was fluid, and the project was designed to accommodate the right tenant.

Mr. Barker suggested there was an opportunity at the central entrance between buildings G and F1 for additional protection between vehicular traffic and the pedestrian walkway. Ms. Zachariades commented that the point was understood. Mr. Schmier

explained there were architectural features planned. Mr. Barker asked for clarification on the drive-thru allowance. Mr. Proffitt stated the PMDD permitted one (1) drive-thru for one (1) establishment in the entire MainStreet development.

Chair LaPlant asked for clarification if there was a market planned for Block 3. Mr. Schmier stated they would like to have a market, if they are able to get the right market. He noted the success of the project depended on which tenants were placed in the development. Chair LaPlant stated she was concerned about tenant commitments, as there was a number of vacant spaces in the adjacent commercial project, the Promenade. Mr. Schmier advised there were a number of letters of intent but no tenants that were ready for public announcement. He discussed the effort to attract the right tenants briefly, including quality design, visibility, access, and parking distribution. Chair LaPlant asked about root barriers for the trees and the mix of trees. Mr. Proffitt commented on changes to the overall landscaping industry to provide larger areas for planting and root barriers. Chair LaPlant expressed concern with conflict between traffic and the turns available at the ingress and egress. Adam Kerr, Transportation Engineer, Kimley-Horn and Associates, provided additional clarification. He noted there were options available. Chair LaPlant asked about traffic signals. Ms. Zachariades explained they would need to prove signalization was warranted, but that was the intent. Mr. Proffitt advised there was a commitment made in the Development of Regional Impact (DRI) ordinance where the applicant would need to monitor the signaling requirements and warrant criteria, and if warranted, they would build it. Chair LaPlant asked if the restaurant and other buildings would be too close to the street. Mr. Proffitt stated the design standards called for these types of designs, but it was also set back by a large walkway, a swale, and strip of green. Chair LaPlant noted changes to the development calendar and asked for clarification on when the Development Agreement would be coming forward. Mr. Proffitt explained the desire was to get the Development Agreement done as soon as possible. Chair LaPlant pointed to the difference between the original commercial square footage approved and the current proposal. Mr. Proffitt discussed changes made since the original discussion 20 years ago and stated the commercial square footage was significantly less.

Mr. Barker asked for clarification on the boundary between Block 3 and Block 4. Ms. Zachariades shared images to explain. Mr. Schmier added that there would be an enhanced greenway with a decorative fence.

Ms. Fry asked if there would be a dedicated left and dedicated right turn between the Retail D and Retail E buildings. Ms. Zachariades stated there was one (1) lane. Ms. Fry expressed concern that people making a left turn would be blocking traffic. Ms. Zachariades noted the queued traffic would be within the development. Mr. Schmier provided additional clarification, noting the light cycle and the internal stacking. Discussion ensued.

Neither staff nor the applicant had closing remarks.

MOTION: Barker/Escoriza – To recommend approval of Agenda Item 4, as presented.

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

5. COMMUNICATIONS AND REPORTS

There were no communications or reports.

6. ADJOURNMENT

The meeting was adjourned at 7:50 p.m.



Marianne E. Bowers
Marianne E. Bowers, CMC
Deputy City Clerk

8/14/24
Date