



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

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

**Date: February 14, 2024  
Time: 7:00 p.m.  
Meeting No. 2024-0214**

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**1. CALL TO ORDER**

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

**2. PRESENT UPON ROLL CALL:**

Colleen LaPlant, Vice Chair  
Mikkie Belvedere  
Alfred Delgado  
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.

**ABSENT:**

Jeffrey Barker, Chair

Deputy City Clerk Bowers informed the Board that Chair Barker had contacted the City Clerk Department to send notice that he would be unable to attend the meeting.

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

**3. APPROVAL OF MINUTES**

A MOTION APPROVING THE MINUTES FROM PREVIOUS PLANNING AND ZONING BOARD MEETING(S) (2024-0110).

**MOTION:** Belvedere/Delgado – To approve the Minutes of the January 10, 2024, Planning and Zoning Board Meeting, as presented.

**The Motion passed by a unanimous voice vote.**

Deputy City Attorney Mehaffey explained the City's quasi-judicial procedures that would be applied to Agenda Items 4 and 5, as follows (verbatim):

Florida courts have determined that there are certain types of matters, including Agenda Items 4 and 5 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

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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.

Deputy City Clerk Bowers confirmed the public notice requirements for Agenda Items 4 and 5 had been met.

### AGENDA ITEMS

#### 4. **MAINSTREET @ COCONUT CREEK BLOCK 1: A SITE PLAN APPLICATION TO CONSTRUCT 104 SINGLE FAMILY TOWNHOMES AND VILLAS WITHIN THE MAINSTREET PROJECT AREA. (QUASI-JUDICIAL)(PUBLIC HEARING)**

Vice Chair LaPlant advised that the applicant had requested Agenda Item 4 be postponed to a date certain of March 13, 2024.

**MOTION:** Fry/Belvedere – To continue Agenda Item 4 to the March 13, 2024, Planning and Zoning Board meeting.

**The Motion passed by a unanimous voice vote.**

**5. MAINSTREET @ COCONUT CREEK BLOCKS 5 & 6: A SITE PLAN APPLICATION TO CONSTRUCT 148 SINGLE FAMILY TOWNHOMES ON BLOCKS 5 & 6 WITHIN THE MAINSTREET PROJECT AREA. (QUASI-JUDICIAL)(PUBLIC HEARING)**

Deputy City Clerk Bowers swore in the witnesses.

Deputy City Attorney Mehaffey asked for any ex-parte disclosures related to Agenda Item 5, and there were no disclosures.

Sustainable Development Assistant Director Justin Proffitt presented the item, noting that the applicant provided updated architectural renderings, which had been distributed, and briefly summarized the phase one (1) approvals for the MainStreet project to date. He noted that the applicant was proposing to develop 148 single family townhomes on Blocks 5 and 6 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 recommend approval subject to the conditions outlined in the staff memorandum.

Scott Backman, Dunay, Miskel, and Backman, LLP, representing Johns Family Partners, LLP, presented on behalf of the applicant. He provided a *PowerPoint* presentation, including an overview of the MainStreet area. He highlighted the allowable and proposed densities and the intent to focus on neighborhood design. He shared elevations and renderings and commented on features of the townhomes briefly.

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

Board Member Nancy Fry asked whether all units would have street parking in the front and an alley in the back. Mr. Backman explained vehicle access to every unit on the block would be through the garage in an alley in the back. He noted there would be on-street parking on the north side in certain locations. Ms. Fry commented on anti-skateboarding devices on park amenity seating areas, and asked if there would be areas for kids to skateboard safely. Mr. Backman stated there would be a significant number of pedestrian and bicycle connections that would include skateboards, but there would be no specific amenity. He pointed out the condition for anti-skateboarding devices had been placed by the Police Department in the Development Review Committee (DRC) process.

Board Member Jeffrey Light asked for clarification on the path of NW 40<sup>th</sup> Avenue. Mr. Backman advised that the street was being created by the developer. He stated it would run from Cullum Road to NW 40<sup>th</sup> Street. Mr. Light noted flood elevations and asked whether the first floor of the units would need to be raised. Jay Huebner, HSQ Group, Civil Engineer on the project, explained the site had a minimum site elevation of 14 feet, and fill would be added in some areas to get to that level. Mr. Light commented that front porches had been a time-honored way of creating neighborhoods, and asked for clarification if the project included front porches. Mr. Backman advised that there were some small front porches, but there were private front yards for gathering on virtually all of the townhouse units. Ms. Fry noted that in her neighborhood, there was also socializing in the rear load alleyways.

Board Member Alfred Delgado asked for clarification on the condition of approval related to anti-skateboarding devices and whether there was a conflict in the DRC report as to whether

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the Homeowners Association (HOA) had authority over the issue. Mr. Proffitt explained the proposed amenities did not include arm rests and anti-skateboarding devices so staff had made them a condition of approval to reduce damage to the pedestrian amenities. Mr. Delgado asked the applicant if they had a response to staff condition two (2), which stated vehicle parking was not permitted on the rear alley fire access road nor on the valley gutters. Mr. Huebner stated the applicant agreed and had also placed the restriction in the HOA documents. He commented on the solar benches briefly, noting there was not an option from the manufacturer to include the center bar to address the anti-skateboarding device condition so the applicant had requested the ability to retrofit the benches if it became an issue. Discussion continued.

Board Member Mikkie Belvedere asked about the water tank shown on the plans. She noted it could be used as an educational opportunity. Mr. Backman stated the intention was that it would be utilized for such purpose and reviewed the sustainable features of the community briefly. Ms. Belvedere inquired as to whether any of the sections would be gated. Mr. Backman advised that some blocks would be gated, and some would not, but not the blocks before the Board at this time. Ms. Belvedere asked about water access. Mr. Backman stated they would be connecting and expanding the reuse lines. Ms. Belvedere asked whether raising the site to meet flood requirements would cause problems with adjacent properties. Mr. Backman stated there would not be issues. Mr. Huebner advised that it would actually help with flooding on adjacent properties. Ms. Belvedere asked about plans for the civic node and whether there would be a community center or place to hold weddings and events. Mr. Backman provided a brief overview of the project and plans for the gathering spaces. Mr. Proffitt added additional detail, noting plans for the City's portion were to be determined.

Vice Chair LaPlant asked for clarification on which streets were existing and which were proposed, and Mr. Backman explained. Vice Chair LaPlant inquired as to the garage and parking spaces. Mr. Backman advised that all the units would have one (1) car garages and two (2) car driveways. Continuing, Vice Chair LaPlant asked for further clarification on the anti-skateboarding devices. Mr. Proffitt explained. Ms. Belvedere stated the City had previously had a park that allowed skateboarding, but it was a problem and had to be closed so she was happy to see the condition of approval.

Vice Chair LaPlant asked about the timeline for the development agreement. Mr. Proffitt commented on the complexity of the agreement and stated it was being worked out and was likely to come forward in the next few months. Deputy City Attorney Mehaffey explained further what was covered in the agreement.

Mr. Light asked when construction was expected to start. Mr. Backman provided a brief overview of the estimated timeline. He stated the first phase and infrastructure were expected to begin in mid-2025, with a five (5) to six (6) year buildout time. Discussion continued regarding the timeline and approval contingencies.

Mr. Delgado asked about potential ideas for the civic node. Mr. Proffitt discussed recreational facility plans and noted the question at this time was what was most appropriate in that setting.

Staff nor the applicant had closing remarks.

**MOTION:** Fry/Delgado – To recommend approval of Agenda Item 5, as presented.

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

**6. COMMUNICATIONS AND REPORTS**

Vice Chair LaPlant shared that the next public meetings regarding the proposed Sawgrass Expressway expansion were scheduled for February 27 and 28. Discussion ensued regarding the project and messaging.

Deputy City Clerk Bowers shared that board applications were open for appointments for the coming year. She noted that the deadline to submit applications was April 8, and board appointments would take place at the April 25 City Commission meeting.

**7. ADJOURNMENT**

The meeting was adjourned at 8:02 p.m.



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

3/13/2024  
Date