



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

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

**Date: May 8, 2024  
Time: 7:00 p.m.  
Meeting No. 2024-0508**

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**1. CALL TO ORDER**

The meeting was called to order by Sustainable Development Assistant Director Justin Proffitt at 7:08 p.m.

**2. PRESENT UPON ROLL CALL:**

Jeffrey Barker  
Alex Escoriza  
Nancy Fry, Alternate

**ABSENT:**

Solomon Briks  
Colleen LaPlant  
Jeffrey Light

Deputy City Clerk Marianne Bowers advised that Solomon Briks, Colleen LaPlant, and Jeffrey Light had informed the City Clerk Department that they were unable to attend the meeting.

Also present: Deputy City Attorney Kathy Mehaffey, Assistant City Manager and Sustainable Development Director Scott Stoudenmire, Sustainable Development Assistant Director Justin Proffitt, Principal Planner Lizet Aguiar, and Deputy City Clerk Marianne Bowers.

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. INTRODUCTION OF BOARD MEMBERS AND STAFF**

Staff and Board members introduced themselves in turn.

**4. OATH OF OFFICE**

Deputy City Clerk Marianne Bowers administered the Oath of Office to those members of the Planning and Zoning Board present.

**PRESENTATIONS**

**5. OVERVIEW OF THE CITY'S VISION 2030 STRATEGIC PLAN, INCLUDING UNITY IN OUR COMMUNITY.**

Assistant to the City Manager Bernadette Hughes presented the City's Vision 2030 Strategic Plan. She shared the City's Vision Statement, Mission, and Values. She discussed the City's Unity in our Community programming and associated website. She encouraged the Board to review the documents and contact her with any questions.

**6. OVERVIEW OF FLORIDA'S SUNSHINE LAW, PUBLIC RECORDS LAW, ETHICS LAWS, COCONUT CREEK'S LOBBYIST REGISTRATION REQUIREMENTS, AND QUASI-JUDICIAL PROCEDURES.**

Deputy City Attorney Kathy Mehaffey provided an overview of the essential regulations associated with being a board member and an overview presentation on the following topics:

- Sunshine Law – Section 286.011 Florida Statutes;
- Public Records Law – Chapter 119, Florida Statutes;
- Social Media;
- Voting Conflicts of Interest – Section 112.3143, Florida Statutes;
- Code of Ethics for Public Officers and Employees – Section 112.313, Florida Statutes;
- Quasi-Judicial Procedures;
- Board Basics; and
- Parliamentary Procedure.

Deputy City Attorney Mehaffey answered questions and advised that a more in-depth presentation would be made at the June meeting. She encouraged the Board members to contact the staff liaison or the legal department with any further inquiries.

**7. OVERVIEW OF BOARD MISSION, GUIDELINES, 2024-2025 OBJECTIVES.**

Mr. Proffitt provided an overview of the Planning and Zoning Board role and responsibilities, beginning with a review of State Statute and the City Code creating the Board. He reviewed the responsibilities of the Board and discussed the Comprehensive Plan and Land Development Code briefly, as well as the types of applications that come before the Board, as well as the role of the Development Review Committee.

**8. ELECTION OF CHAIR AND VICE CHAIR**

Mr. Proffitt opened the floor for nominations for the position of Board Chair.

Board Member Nancy Fry nominated Colleen LaPlant as Chair. There being no further nominations, Ms. LaPlant was named Board Chair.

Mr. Proffitt opened the floor for nominations for the position of Board Vice Chair.

Ms. Fry nominated Jeffrey Barker as Vice Chair. There being no further nominations, Mr. Barker was named Vice Chair and took over as Acting Chair of the meeting.

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### 9. APPROVAL OF MINUTES

A MOTION APPROVING THE MINUTES FROM PREVIOUS PLANNING AND ZONING BOARD MEETING(S). (2024-0313)

**MOTION:** Fry/ Escoriza – To approve the Minutes of the March 13, 2024, Planning and Zoning Board Meeting, as presented.

**Upon roll call, the Motion passed by a 3-0 vote.**

### AGENDA ITEMS

Deputy City Attorney Mehaffey explained the City's quasi-judicial procedures that would be applied to Agenda Item 10, as follows (verbatim):

Florida courts have determined that there are certain types of matters, including Agenda Item 10 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 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?

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Deputy City Clerk Bowers confirmed the public notice requirements for Item 10 had been met and swore in the witnesses.

**10. MAINSTREET @ COCONUT CREEK BLOCK 11: A SITE PLAN APPLICATION TO CONSTRUCT 124 CONDOMINIUMS WITHIN THE MAINSTREET PROJECT AREA. (QUASI-JUDICIAL)(PUBLIC HEARING)**

Deputy City Attorney Mehaffey asked for any disclosures or ex-parte communications related to Agenda Item 10, and there were no disclosures.

Mr. Proffitt presented the item, summarizing the site plan request and briefly reviewing the phase one (1) approvals for the MainStreet project to date. He noted that the applicant was proposing to develop 124 condominiums on Block 11 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 MainStreet Planned MainStreet Development District (PMDD) regulations, 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.

Christina Bilenki, Miskel Backman, LLP, representing Johns Family Partners, LLLP, presented on behalf of the applicant. She provided 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 advised that Block 11 was approximately 4.83 acres at the corner of Cullum Road and Banks Road, and the proposal was for 124 condominiums, made up of one (1), two (2), and three (3) bedroom units across six (6) buildings, each four (4) stories in height, with an adjacent park and wetland preserve. She advised the block had 218 parking spaces, electric vehicle (EV) charging stations, and bicycle racks throughout. She shared elevations and renderings and commented on features of the condominiums briefly.

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

Board Member Alex Escoriza referenced the renderings and asked if the parallel parking spots shown were included in the total parking count for the plan. Ms. Bilenki advised the on-street parking would be reviewed as part of the Master Roadway Plan. Mr. Escoriza noted that the four (4) EV charging stations represented two (2) percent of the total parking for the block and asked the reason behind that number. Ms. Bilenki stated there were more EV spaces throughout MainStreet, noting the townhouses with garages were all EV ready. Mr. Proffitt added that additional on-street EV charging would also be included in the plan. Mr. Escoriza inquired about the location of and security at the ingress and egress of the buildings. Ms. Bilenki explained there was a stairwell to the upper floors, as well as an elevator in the center court. She advised there was no separate security in those areas.

Ms. Fry asked if parking would be designated for residents or would be first come, first served. Ms. Bilenki stated parking was specific to residents of this building. Ms. Fry inquired as to the square footage of units. Landon Massel, 13<sup>th</sup> Floor Homes, explained the condominiums ranged from about 1,000 to 1,500 square feet. Ms. Fry asked for clarification on placement of two (2) story units and Mr. Massel clarified.

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Vice Chair Barker asked if gutters and downspouts were integrated architecturally into the buildings. Mike Nunziata, 13<sup>th</sup> Floor Homes, stated there would be gutters on the building, and advised that details would be confirmed with the architect, but they would be placed in a way that was not offensive.

Mr. Escoriza asked about price range. Ms. Bilenki advised it would be a market rate product, but it was difficult to know the range at this point in the process.

Ms. Fry asked if there would be restrictions on leasing or short-term vacation rentals. Mr. Proffitt advised that the City had an ordinance which regulated vacation rentals, and in many cases Homeowners Associations prohibit them or establish strict rules. Mr. Nunziata explained each block would have its own Association, and short-term rentals would be restricted at that level. He stated renting units for periods longer than six (6) months would typically be allowed.

Neither staff nor the applicant had closing remarks.

**MOTION:** Fry/Escoriza – To recommend approval of Agenda Item 10, as presented.

**Upon roll call, the Motion passed by a 3-0 vote.**

**11. COMMUNICATIONS AND REPORTS**

Mr. Proffitt advised of future applications that would be coming before the Board as the MainStreet project moved forward.

**12. ADJOURNMENT**

The meeting was adjourned at 8:27 p.m.



*Marianne E. Bowers*

Marianne E. Bowers, CMC  
Deputy City Clerk

6/12/24

Date