



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

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

**Date: December 9, 2020
Time: 7:00 p.m.
Meeting No. 2020-1209**

1. CALL TO ORDER

The meeting was called to order by Chair Doug Young at 7:01 p.m.

2. PRESENT UPON ROLL CALL:

Chair Doug Young
Vice Chair Jerry Poole
Steven Hall
Jeffrey Barker, Alternate

Also present: Deputy City Attorney Kathryn Mehaffey, Sustainable Development Director Scott Stoudenmire, Principal Planner Lizet Aguiar, and Deputy City Clerk Marianne Bowers.

Absent: Debra Voorhees and Thomas Casey

Chair Young explained that Governor Ron DeSantis' Executive Order 20-52, as continuously extended, and Section 252.38, Florida Statutes, authorized all local governments to waive procedures and formalities otherwise required by both state and local law as necessary to allow local governments to continue to perform public work and take whatever prudent action is necessary to ensure the health, safety, and welfare of the community. He noted that the meeting was being conducted live with a quorum physical present. Deputy City Attorney Kathryn Mehaffey 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). (2020-1014)

MOTION: Poole/Hall - To approve the Minutes of the October 14, 2020, meeting.

The Motion passed by a unanimous voice vote.

AGENDA ITEMS

Deputy City Attorney Mehaffey gave an overview of the quasi-judicial procedures that would be applied to Agenda Item 4. Deputy City Clerk Bowers confirmed that the public notice requirements were met and swore in the witnesses.

4. WILLIS LEASE: A VACATION OF EASEMENT APPLICATION TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT 4700 LYONS TECHNOLOGY PARKWAY. (QUASI-JUDICIAL) (PUBLIC HEARING)

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Chair Young introduced the agenda item. Deputy City Attorney Mehaffey asked if there were any disclosures and/or ex parte communications from the Board, and there were none.

Principal Planner Lizet Aguiar gave a brief presentation on the item. She explained the applicant was requesting to vacate a portion of a 12-foot-wide utility easement within a portion of Parcel A of the Lyons Corporate Plat, located at 4700 Lyons Technology Parkway. She provided background on the overall site development project, which received Planning and Zoning Board approval on August 8, 2018, and City Commission approval on September 27, 2018, to build a 24,350 square foot warehouse and office building.

Ms. Aguiar stated utilities were located elsewhere, rendering the easement unnecessary, and staff recommended approval of the application subject to addressing the outstanding DRC comments prior to issuance of a building permit.

Paul Brewer, Paul E. Brewer & Associates, Inc., 12321 NW 35th St, Coral Springs, on behalf of the owner, Coconut Creek Aviation Assets, Scott Flaherty, CEO, stated that the waterline, which was previously in the easement, had been removed; and at that time, the City had asked for abandonment. He showed images of the property and outlined the project.

Chair Young opened the public hearing. Deputy City Clerk Bowers stated there were no advanced public comments received on the item, and there were no further questions or comments from the public. Chair Young closed the public hearing.

Neither staff, nor the applicant, had any closing remarks.

MOTION: Hall/Poole – Move to approve Agenda Item 4.

Upon roll call, the Motion passed by a 4-0 vote.

- 5. LAND DEVELOPMENT CODE: AN AMENDMENT TO CHAPTER 13, "LAND DEVELOPMENT CODE," TO CREATE A NEW SECTION 13-322, "VACATION RENTALS." (PUBLIC HEARING)**

Chair Young introduced the agenda item.

Sustainable Development Director Scott Stoudenmire asked that items 5 and 6 be heard together, as they were companion items. There being no objections from the Board, he provided a brief presentation on the items, explaining item 5 established regulations regarding vacation rental registration and inspection and item 6 established fees to implement those regulations. He provided background on the proposal, explaining that the City had experienced Code Enforcement and Police issues related to vacation rentals located in the community, and the amendment would provide public safety safeguards and registration requirements but would not prohibit the use. He explained the proposed life-safety measures, registration requirements, and associated fees.

Chair Young asked how the City would know weekly inspections were made by the owner or responsible party. Deputy City Attorney Mehaffey commented that the language provided the ability to address problems by asking for copies of weekly inspections and a mechanism for enforcement when necessary. Discussion ensued regarding the weekly inspection requirement and the expenses covered by the annual registration fee.

Mr. Poole stated the weekly requirement was arbitrary and questioned whether the timeframe made sense for all owners.

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Mr. Hall asked how many vacation rentals there were believed to be in the City. Mr. Stoudenmire stated there were homes, condominiums, and rooms registered on the websites such as VRBO and Airbnb. He noted it was not necessarily an issue of quantity, as a single rental can cause multiple problems.

Mr. Hall asked for clarification as to whether these changes would restrict those looking to lease their homes out long-term. Deputy City Attorney Mehaffey stated the definition of a vacation rental was set by State law, and covered periods of less than 30 days more than three (3) times in a calendar year.

Discussion ensued regarding whether individual room rentals should be covered by the Code. Deputy City Attorney Mehaffey stated typically those situations were different due to the owner continuing to occupy the unit.

Mr. Hall asked if renters could be restricted from vacation rental use. Deputy City Attorney Mehaffey stated the City did not have the legal authority to prohibit this use. Discussion ensued regarding requiring the owner sign off on the paperwork.

Mr. Hall asked for clarification regarding Homeowners Association (HOA) restrictions on vacation rentals and asked if the City would be maintaining a list of which HOAs did not allow for the use. Deputy City Attorney Mehaffey stated the City did not have the authority to enforce HOA deed restrictions. She noted the wording in the Code was to assert that the Code did not override the HOA rules. Discussion ensued regarding how HOA approval is handled in building permit applications.

Mr. Hall stated it would be a good idea to require external security cameras in the minimum life safety requirements. Deputy City Attorney Mehaffey explained there were statutes limiting the City's ability to require security cameras, and she would have to review them to determine if this circumstance was covered.

Mr. Hall asked if the building permit process and the vacation rental process were tied together. Mr. Stoudenmire stated if someone altered a home to accommodate a vacation rental it would bring in the building disciplines, otherwise they were not part of the process.

Mr. Hall stated he would like to see the weekly inspection by the owner replaced with a surprise inspection by the City, with due notice.

Chair Young opened the public hearing for items 5 and 6. Deputy City Clerk Bowers stated there were no advanced public comments received on the items. There were no further questions or comments from the public, and Chair Young closed the public hearing.

Discussion ensued regarding recommended changes to the inspection requirements.

MOTION: Hall/Barker – Move to approve Agenda Item 5 incorporating the amendments as discussed by the Board.

Deputy City Attorney Mehaffey restated the proposed changes, noting the removal of "once weekly" from paragraph c.9 on page 11 and the addition of paragraph (g).5 on page 10 to state the City had the right, but not the obligation, to inspect as needed.

Upon roll call, the Motion passed by a 4-0 vote.

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6. **LAND DEVELOPMENT CODE:** AN AMENDMENT TO CHAPTER 13, "LAND DEVELOPMENT CODE," TO ADD FEES FOR VACATION RENTAL REGISTRATION AND INSPECTIONS. (PUBLIC HEARING)

MOTION: Barker/Hall – Move to approve Agenda Item 6.

Upon roll call, the Motion passed by a 4-0 vote.


7. **COMMUNICATIONS AND REPORTS**

There were no communications or reports from the Board or staff.

8. **ADJOURNMENT**

The meeting was adjourned at 7:53 p.m.

Transcribed by: C. Parkinson, Prototype, Inc.



Marianne E. Bowers

Marianne E. Bowers, CMC
Deputy City Clerk

1/13/2021
Date