



CITY OF COCONUT CREEK PLANNING AND ZONING BOARD MINUTES

Government Center
4800 West Copans Road
Coconut Creek, FL 33063

Date: February 12, 2025
Time: 7:00 p.m.
Meeting No. 2025-0212

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

ABSENT:

Nancy Fry, Alternate

Also present: Deputy City Attorney Kathy Mehaffey, Sustainable Development Director Justin Proffitt, Sustainable Development Assistant Director 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. APPROVAL OF MINUTES

A MOTION APPROVING THE MINUTES FROM PREVIOUS PLANNING AND ZONING BOARD MEETING(S). (2024-1211)

MOTION: Barker/Light – To approve the Minutes of the December 11, 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 Items 4, 5, and 6, as follows (verbatim):

First, I want to remind everyone to silence your cell phones. Florida courts have determined that there are certain types of matters, including Agenda Items 4, 5, and 6 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

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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. Proper decorum is required and will be maintained at all times. Please refrain from vocal outbursts, jeering, cheering or applause.

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. Members of the public wishing to speak during the public hearing shall wait until they are acknowledged by the Board Chair. Once acknowledged, they shall come forward, clearly state his/her name and address for the record, and speak to the Board, using no more than three (3) minutes. Groups who wish to express their views collectively may select one (1) speaker to represent the group's views to the Board. The group's time is limited to the applicable allotment of all members of the group who are physically present at the meeting, or 12 minutes, whichever is shorter. Respect and proper decorum will be maintained throughout the meeting. Vocal outbursts, jeering, cheering or applause, can impair the rights of others and derail the decision making process. Will the Clerk please confirm compliance with the notice requirements?

Deputy City Clerk Bowers confirmed the public notice requirements for Agenda Items 4, 5, and 6 had been met and swore in the witnesses.

4. **LAND DEVELOPMENT CODE AMENDMENT:** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 1, "GENERALLY," SECTION 13-295, "DEFINITIONS," PROVIDING FOR NEW DEFINITIONS, AND DIVISION 2, "ZONING CLASSIFICATIONS AND GENERAL REQUIREMENTS," SECTION 13-319, "ZONING OVERLAY AREAS," BY ENACTING

SUBSECTION 13-319(C)(4), "VINKEMULDER EQUESTRIAN NEIGHBORHOOD OVERLAY AREA," ADOPTING A ZONING OVERLAY AREA GENERALLY LOCATED SOUTH OF WILES ROAD, WEST OF TRADEWINDS PARK, NORTH OF THE FLORIDA POWER AND LIGHT EASEMENT, AND EAST OF LYONS ROAD, AND NOT INCLUDING THE SAN MELLINA SUBDIVISION OR THE COQUINA SUBDIVISION, CHANGING THE LIST OF PERMITTED USES, SPECIAL LAND USES, AND PROHIBITED USES, AND IMPLEMENTING THE STANDARDS AND POLICIES THAT GUIDE DEVELOPMENT OF THE VINKEMULDER NEIGHBORHOOD WITHIN THE PROPERTY LEGALLY DESCRIBED IN THE ENACTING LANGUAGE. (QUASI-JUDICIAL) (PUBLIC HEARING) *(POSTPONED FROM THE DECEMBER 11, 2024, PLANNING AND ZONING BOARD MEETING)*

Deputy City Attorney Mehaffey asked for any disclosures or ex-parte communications related to Agenda Item 4, and there were no disclosures.

Sustainable Development Director Justin Proffitt presented the item, stating that on December 11, 2024, the Board held a public hearing on this item, which was subsequently continued to this meeting. He explained the revisions made between the hearings to address concerns raised by business owners and property owners in the Vinkemulder neighborhood, including refining of the definition section, revision of the prohibited uses, and deletion of the exemption section. He advised that staff recommended approval of the revised ordinance and Master Plan.

Chair LaPlant opened the public hearing on the item.

Shane Humble, 4101 Vinkemulder Road, Coconut Creek, expressed his appreciation for the effort to establish the Vinkemulder Equestrian Overlay Area. He stated that he endorsed the need to preserve the unique character of the neighborhood and expressed appreciation to the City for working with area residents. He asked that the verbal assurances that his business, CPM, was in good standing and allowed to continue unimpeded would be maintained in practice and on the record.

Joseph Pastura, 4060 Vinkemulder Road, Coconut Creek, stated that he lived in the neighborhood for 25 years, loved the character, and did not want it to change. He stated that he was against private and public schools being let into the neighborhood.

Ejola Cook, 4201 Vinkemulder Road, Coconut Creek, shared documents, outlining proposed revisions to the ordinance. She stated once green space was gone, it would never come back. She noted the definitions did not include anything related to equine activities and suggested an addition pursuant to State Statute. She asked that language related to agricultural property, schools, and assembly be adjusted to match State Statute.

Drew Phillips, 4320 Vinkemulder Road, Coconut Creek, requested that the reference to assembly in the ordinance be clarified. He commented that exemptions in the equine section should include the street tree requirements, as horses were finicky and could be sensitive to specific plants. He asserted that the neighborhood had gotten involved in the overlay in order to ensure the preservation of the neighborhood character and not to have more code requirements.

Andy and Michelle Cody, 4551 NW 39 Avenue, Coconut Creek, stated that the initiative that started out in an effort to eliminate drug rehabs and large assemblies like a mega church had turned into hunt clubs, golf courses, places of assembly, and schools. He

asserted additional definition was needed and expressed concern that homeschool support programs and homeschool co-ops would be considered schools. He stated additional changes were needed prior to a vote.

Bryant Moyer, 4360 Vinkemulder Road, Coconut Creek, stated he wanted to make sure the land uses as they existed prior to the annexation from Broward County had not changed, regardless of changes to the definitions in the ordinance.

There were no more questions or comments from the public, and Chair LaPlant closed the public hearing.

Board member Jeffrey Light noted the section on variances and asked for clarification on the reasons for singling out this situation. Mr. Proffitt advised that the recommendation was to not allow for variances in the overlay area because an overriding theme in the community input meetings had been to lower the intensity and not to allow intense and dense types of land uses to occur in the neighborhood. He noted there were no properties in the district that were legally subdivided to less than two (2) acres. Mr. Light asked if there were variances allowed in all areas outside of this overlay. He expressed concern that this requirement would inadvertently take land from someone who had a property less than two (2) acres. Mr. Proffitt stated the analysis had been conducted, and there was not a property of less than two (2) acres in the district.

Board Member Alex Escoriza noted there was still some contention around prohibited uses and suggested the definition of places of assembly be further clarified. Mr. Proffitt referenced the existing definition in the Land Development Code and stated that, depending on the type of land use, building codes attach additional requirements. He added brief background on the land uses and the catalysts for their inclusion.

Board Member Solomon Briks commented on the concern from the public that something other than a school would be categorized as a school, or that large family gatherings would be considered assembly, and asked staff for clarification. Mr. Proffitt stated that he did not believe one-off events like family holidays met the intent of what was being regulated. He noted that the homeschool co-op may not be a permitted land use if it was not stated in the Code, but there was a procedure for evaluation to determine this. Mr. Briks asked for clarification that the variance prohibition was for lot size only. Mr. Proffitt confirmed this was correct. He stated this prohibition would go a long way to protect the integrity of the neighborhood.

Vice Chair Jeffrey Barker commented that he was sympathetic to the concern Mr. Light had expressed in relation to a property less than two (2) acres and suggested a potential revision to accommodate for rights-of-way.

Chair LaPlant stated she appreciated the amendments.

Mr. Proffitt commended the residents for taking part in the process. He stated this was among the most unique neighborhoods in the City and the overall goal to preserve the neighborhood and protect the equestrian theme was accomplished.

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

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

Mr. Proffitt reviewed next steps briefly regarding Agenda Item 4, noting that the City

Commission would hold two (2) public hearings on the item.

Chair LaPlant inquired if there were any objections from Staff, the Applicant, the Board, or the Public to hear Agenda Items 5 and 6 together, as they were related, and there were no objections.

5. **MAINSTREET @ COCONUT CREEK BLOCK 8:** A SITE PLAN APPLICATION TO CONSTRUCT ONE HUNDRED AND FIFTY TWO (152) SINGLE-FAMILY TOWNHOMES AND VILLAS WITHIN BLOCK 8 OF THE MAINSTREET AT COCONUT CREEK DEVELOPMENT. (QUASI-JUDICIAL)(PUBLIC HEARING)
6. **MAINSTREET @ COCONUT CREEK PARKS AND OPEN SPACES:** A SITE PLAN APPLICATION TO CONSTRUCT PUBLIC AND PRIVATE PARKS, OPEN SPACES, AND OTHER HARDSCAPE ELEMENTS FOR THE MAINSTREET AT COCONUT CREEK DEVELOPMENT. (QUASI-JUDICIAL)(PUBLIC HEARING)

Deputy City Attorney Mehaffey asked if there were any disclosures or ex-parte communications related to Agenda Items 5 and 6, and there were no disclosures.

Sustainable Development Assistant Director Lizet Aguiar presented the items, summarizing the applications for site plan approval for Block 8, including 60 single-family townhomes and 92 villas, as well as for the parks and open spaces. She discussed the applicant's ongoing public engagement and noted these requests were also contingent upon final adoption of the MainStreet at Coconut Creek Development Agreement by the City Commission. She advised that staff found that the site plans complied with the site plan application review standards, the MainStreet Planned MainStreet Development District, 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 as outlined in the staff reports.

Scott Backman, Miskel Backman, LLP, representing Johns Family Partners, LLLP, shared 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 and villas briefly, and reviewed images of the proposed parks, open spaces, and other hardscape elements of the project. He advised that the applicant would work through the conditions of approval and finalize them prior to review of the application by the City Commission.

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.

Mr. Light asked for clarification on plans for the Homeowners Association (HOA) for Block 8. Mr. Backman stated there would be associations throughout the development, and Block 8 would likely have its own association. Mr. Light noted the trail system and asked if there was a system planned for separating pedestrians from bicyclists for safety. Mr. Backman advised the paths were a minimum of twelve (12) feet wide and in some instances substantially larger.

Mr. Escoriza referenced the renderings for Block 8 and asked if it would be gated. Mr. Backman confirmed it was a gated block. Mr. Escoriza asked about access to on-street parking. Mr. Backman explained further. Mr. Escoriza asked about the purpose served by the water tower and windmill. Ms. Aguiar discussed the historical representation of

the windmill. She noted the cistern was intended to function as a water collection and distribution system. Mr. Escoriza commented on the inclusion of bus shelters. Mr. Backman stated there were plans for proposed transportation internal to the project. He noted Broward County requirements were met in other areas. Mr. Escoriza stated the canopy was prevalent, and asked if there were renderings of how the park areas would look at night. Mr. Backman responded that there were not renderings prepared for this purpose, but lighting would meet the requirements of City Code and the Police Department. Mr. Escoriza asked about usage of the village green and defined recreation areas. Ms. Aguiar and Mr. Backman responded briefly.

Mr. Briks asked for clarification on the use of the term “dedication” and whether this included improvements. Mr. Backman stated two (2) acres were being given to the City as part of the development requirements. He advised that the City and applicant were now in final negotiations regarding the improvements to be included in the Development Agreement.

Vice Chair Barker inquired about parking for the townhouse units. He noted the internal dimensions of the garages was challenging and an increase in width should be considered so the garages were actually used to keep cars off the street. He suggested that staff review the requirements in the Code. Mr. Backman stated the depth of the garages had been increased and pointed out there was a condition of approval that required the developer to enforce use of the garages for parking.

Chair LaPlant asked about a commitment to pickleball courts. She stated there would be a lot of young people living in the development and pickleball was a hugely popular sport. Mr. Backman noted there were discussions with the City to introduce pickleball as a recreational/commercial activity adjacent to the village green within MainStreet although a final decision had not been made. He added that there would be courts within the apartment communities, though those would be limited to residents of those communities. Chair LaPlant asked about the number of electric vehicle (EV) charging stations in Block 8. Mr. Backman advised that in addition to the marked spaces, each garage was EV-ready. Chair LaPlant expressed concern with the parking available for visitors. Mr. Backman stated throughout the MainStreet area, there was a significant amount of parallel on street parking, none of which was counted toward parking requirements for the individual blocks. Chair LaPlant commented that there should be a market within MainStreet. Mr. Backman commented that there was an area of Block 3 that was designed to bring in a market if an appropriate partner was interested. He stated the opportunity had also been created to allow for future development of corner stores should it become appropriate.

MOTION: Barker/Light – To recommend approval of Agenda Item 5, as presented.

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

MOTION: Barker/Escoriza – To recommend approval of Agenda Item 6, as presented.

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

7. COMMUNICATIONS AND REPORTS

Deputy City Clerk Bowers shared that board applications were now available for the 2025-2026 appointments, which would take place in April.

Ms. Aguiar announced that the City Commission would hold a workshop on February 13 at 5:30 p.m. to discuss the MainStreet project.

Chair LaPlant reminded board members about the upcoming Butterfly Festival on February 22 and the Ambassador Program Bus Tour in March.

8. ADJOURNMENT

The meeting was adjourned at 8:49 p.m.

Marianne E. Bowers, CMC
Deputy City Clerk

Date