



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

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

**Date: December 11, 2024
Time: 7:00 p.m.
Meeting No. 2024-1211**

1. CALL TO ORDER

The meeting was called to order by Chair Colleen LaPlant at 7:03 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, Assistant City Attorney Cassandra Harvey, 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). (2024-1113)

MOTION: Light/Escoriza – To approve the Minutes of the November 13, 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 courts have decided that due process and fundamental fairness require that more formal procedures be followed.

Planning and Zoning Board Minutes

December 11, 2024

Page 2

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

Chair LaPlant inquired if there were any objections from Staff, the Applicant, the Board or the public to hear Agenda Items 4 and 5 together, as they were related, and there were no objections.

- 4. OAK TRAILS PARK: A REZONING APPLICATION FOR THE PROPERTIES LOCATED AT 4100 AND 4250 NW 74TH STREET, GENERALLY LOCATED ON THE EAST AND WEST BOUNDARIES OF OAK TRAILS PARK TO REQUEST A REZONING FROM A-1 (AGRICULTURAL DISTRICT) TO P (PARKS AND RECREATION) TO FACILITATE THE EXPANSION OF THE EXISTING CITY PARK FACILITY (QUASI-JUDICIAL)(PUBLIC HEARING)**

5. OAK TRAILS PARK: A SITE PLAN APPLICATION FOR THE EXPANSION OF AN EXISTING CITY PARK FACILITY LOCATED AT 4100, 4230, AND 4250 NW 74TH STREET. (QUASI-JUDICIAL)(PUBLIC HEARING)

Deputy City Attorney Mehaffey asked for any disclosures or ex-parte communications related to Agenda Items 4 or 5, and there were no disclosures.

Sustainable Development Assistant Director Lizet Aguiar presented the items, noting the Rezoning Application related to the two (2) parcels located on the east (4100 NW 74 Street) and west (4250 NW 74 Street) boundaries of the existing Oak Trails Park from A-1 (Agricultural) to P (Parks and Recreation). She explained the Site Plan Application would facilitate the expansion of the existing park facility to include the existing Oak Trails Park site located at 4230 NW 74 Street and the abutting parcels located at 4100 and 4250 NW 74 Street as outlined in Agenda Item 4. She described the surrounding residential area as well as commercial land use to the south, and a private school to the north. She provided a brief history of the City's acquisition of each of the parcels to address a lack of park space in the area, noting the three (3) parcels totaled fifteen (15) acres of park space. Ms. Aguiar explained that the site plan, as requested by residents, proposed passive uses, intended to be quiet in keeping with the neighborhood. She described the passive multi-uses proposed for the park and stated that the existing home on the third parcel would be remodeled and turned into a nature center, and remodeled to meet LEED requirements. She stated that sufficient parking would be provided and would accommodate overflow parking. Ms. Aguiar closed by stating that City staff found that Agenda Items 4 and 5 each complied with the City's Parks and Recreation Master Plan, the minimum site plan application review requirements, the City's Land Development Code, the City's Landscape Code, and the City's Comprehensive Plan and recommended approval of both agenda items, subject to outstanding DRC comments and the conditions listed in the staff memoranda.

Jessica Romer, Designer, and Brian Shore, Landscape Architect, with Miller Legg & Associates, Inc., presented the proposed Oak Trails Park improvements. They shared a site-analysis map, which depicted the existing structures on the property, the existing park, and proposed expansions. They noted that the goal of the project was to keep the area as natural as possible, maintaining the existing tree canopy. Ms. Romer reviewed the Florida Communities Trust Grant requirements. She noted the scope of the project had been limited to meeting the grant requirements. A plant palette was displayed, consisting of all Florida native plants. She noted that the final site plan would include a multi-use trail with most of the improvements being made on the easternmost parcel. She discussed the cross-sections to be included in the park. She shared the proposed amenities and fencing for the park and discussed the proposed Nature Center layout, including proposed renderings.

Chair LaPlant opened the public hearing on the item.

Darren Lagozzo, 3996 Crescent Creek Place, Coconut Creek, noted he was in favor of the park but had concerns about traffic and parking. He noted the buffer zone between the park and Crescent Creek but wanted to know how traffic concerns would be addressed.

Craig Valvo, 5122 NW 74 Court, Coconut Creek, thanked everyone who had worked on this project, noting the City's commitment to open space and parks. He also noted concerns about parking and security, citing limited visibility. He asked how the park would be secured when closed. He asked about the budget for the Nature Center. He

was supportive of the project.

Liping Bright, 7400 NW 44 Terrace, Unincorporated Broward County, stated she was supportive of the project but expressed concerns about traffic and hoped for a traffic light at NW 74 Street. She inquired about the recreation uses proposed and hoped youth sports would be available.

Jorge Castillo, 7136 Crescent Creek Way, Coconut Creek, and President of the Crescent Creek Homeowner's Association, said the biggest concern would be the position of the pavilion near the parking area. He said that would be right next to their community. He asked about flipping the site plan.

Public Works Assistant Director Brian Rosen addressed public comments. He said that flipping the park amenities would not be possible since city staff would be working with an existing structure. He stated that the entire site would be fenced with gates across entrances to control vehicular access. The hours of the park will be dawn to dusk. The building would be retrofitted with security cameras and there would be exterior lights. He said the portions of the park that were currently dark would remain the same. Mr. Rosen noted that the site plan, in accordance with the grant requirements, would have an acre of native habitat buffering the site adjacent to the Crescent Creek neighborhood. He added that the park was being designed to accommodate future needs if warranted.

Darren Lagozzo, 3996 Crescent Creek Place, Coconut Creek, reiterated his support for the park, but remained concerned about the traffic on NW 74 Street. He inquired if a bike lane or pedestrian trail could be installed along NW 74 Street, beginning at Lyons Road to improve pedestrian safety.

Liping Bright, 7400 NW 44 Terrace, Unincorporated Broward County, inquired if the City had any plans to acquire additional property in the area.

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

Board Member Nancy Fry asked if the existing walkway would remain. Mr. Rosen said it would remain and be connected, but it was currently constructed of recycled rubber. She asked if the small parking lot on the western parcel near the two (2) multipurpose fields would remain, and asked if parkgoers would have to park on the east side and cross through the existing portion to access the multipurpose fields. Mr. Rosen confirmed and explained that there would also be an area to create a parking lot in the western segment in the future. Ms. Fry asked about programming for the multipurpose fields. Mr. Rosen responded that organized sports would not be allowed to be consistent with the passive recreation use.

Board Member Jeffrey Light wondered why the future land use designations were for residential E1 and L5 when the property use was a park. Ms. Aguiar responded that the zoning designation was different from the land use of the property. She said rezoning the property to Parks was a zoning designation that was permitted in a residential land use. She added that it was permitted through the City's Code and the Comprehensive Plan.

Board Member Alex Escoriza asked how long the full trail would be once added to the existing trail. Mr. Rosen stated the new trail would be one half mile long and the existing trail was approximately one quarter of a mile long. Mr. Escoriza also asked if the picnic areas would be consistent with other parks that had been updated. Mr. Rosen said it

would be basic tables on a pad, strategically placed in shaded areas. Mr. Escoriza asked if the fitness area would be similar to Windmill Park, and Mr. Rosen said it would be clustered similar to Windmill but the amenities would be a little different. Mr. Escoriza asked if consideration had been given to publishing the findings related to traffic for the community. Mr. Rosen noted that traffic calming devices were outside of the scope of this project, but he thought there were existing speedbumps on NW 74 Street.

Board Member Solomon Briks expressed his support for the project.

Vice Chair Jeffrey Barker asked about the gate for the west lot. Mr. Rosen said the gate would be closed and strictly intended for maintenance access and possible future use, noting there would be no curb cuts.

Chair LaPlant highlighted questions from the public regarding parking and noted there would be twenty-nine (29) parking spaces and sixty-six (66) overflow parking spaces. She asked how the remainder of the project would be funded after the grant dollars were expended. Ms. Aguiar noted the \$1.1 million grant would reimburse the City for the acquisition of the property, and the remaining funding was programmed in the City's Capital Improvement Budget.

In closing, Ms. Aguiar addressed security concerns heard during the public hearing and noted that the Police Department did review the plan during the Development Review process and noted that there would be security cameras on the building at the park. Mr. Proffitt noted that traffic and bike lanes were not a part of the scope of this project. He said the City was always looking for opportunities, with funding from the Broward Metropolitan Planning Organization (MPO), to obtain grants for bicycle lanes and roadway enhancements. He said there were no current improvements identified for NW 74 Street at this time. However, there were projects in and around the area that could have enhanced walkways in the future. He said the traffic impact would be negligible in terms of the adjacent roadway and staff did not anticipate a negative impact on the road.

Mr. Barker asked if utilization of the current driveway was a consideration during design of the project. Mr. Shore said many options were explored and noted the current design minimized impacts to existing trees and building impacts.

Chair LaPlant said she would like to see some work put into a bicycle lane because she believed it would help with safety. Ms. Fry echoed Chair LaPlant's comment about the bicycle lane.

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

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

Chair LaPlant asked for clarification on the addition of bike lanes along NW 74 Street. Mr. Proffitt clarified that bicycle lanes would not be a part of this park project. Additionally, he said expectations would need to be managed for bicycle lanes on this roadway due to the size of the road. He added that staff would bring this request to the traffic team, and the Utilities and Engineering Department for evaluation.

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

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

6. **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 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)

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

Sustainable Development Director Justin Proffitt presented the item, summarizing the proximity of the Vinkemulder neighborhood to Tradewinds Park with a direct connection to the neighborhood for horses, horse trails, and pedestrian access. He noted that Broward County was developing a long-term plan to enhance the park with public meeting venues, a new community garden, an open-air auditorium, new animal barns, water features and picnic pavilions, which innovative programming would positively impact the area. Mr. Proffitt provided a brief history of the equestrian overlay area, noting that in 2023, the City Commission directed City staff to initiate a study of the neighborhood to address the unique rural and equestrian character of the neighborhood amidst increasing development pressures. He noted that the City utilized the expertise and services of one of the City's architecture, landscape design, and urban planning consultants, Josh Rak from Bermello and Ajamil, to create a Neighborhood Master Plan.

Mr. Rak presented a summary of the Neighborhood Master Plan and the proposed Zoning Overlay Ordinance. He provided highlights surrounding the project and discussed key objectives to protect the area's unique identity; promote sustainable, low impact development that respects the neighborhood's character; and enhance safety, mobility and quality of life. He discussed key project milestones, including the project initiation and kick-off, existing conditions analysis and preliminary findings, development of draft planning recommendations/overlay language, and the final master plan and zoning overlay. Mr. Rak summarized the extensive community engagement. He shared the five (5) master plan themes that were utilized in developing the final plan, including traffic management and safety; equestrian amenities/trail management; neighborhood identity/character preservation; infrastructure/connectivity improvements; and environmental and community concerns.

Mr. Rak presented the following key recommendations:

- Beautification at neighborhood entrance;
- Intersection improvements;
- Multi-use recreational trail;
- Intersection improvements;
- City-owned five (5)-acre property;
- Access control along Wiles Road; and
- Prohibit access along Wiles Road.

Mr. Rak explained the Zoning Overlay District, which was a series of frameworks that addressed the regulation of uses on the property within the neighborhood and a maximum residential density. He discussed additional development regulations that focus on the way the properties address the public right-of-way, the treatment of those landscaped areas, and any buffering, walls, or fencing that could be required to instill the City's vision. He then spoke more about each of the categories of the framework for the zoning overlay, which would remain low density, residential, agricultural and equestrian uses. He noted that the zoning overlay proposed prohibited uses for high impact commercial activities that may bring significant traffic or disruption to the area.

Mr. Proffitt presented the City staff findings and analysis, and stated that it was recommended that the City Commission consider approval of the following requests:

1. Adoption of the Vinkemulder Equestrian Neighborhood Master Plan;
2. Amendment of Section 13-319, Zoning Overlay Areas, of the City's Land Development Code to create the Vinkemulder Equestrian Neighborhood Overlay Area; and
3. Adoption of a zoning map amendment to delineate the Vinkemulder Equestrian Neighborhood Overlay area, adding a supplemental zoning overlay designation in addition to the existing underlying zoning designations.

A list of A-1 Permitted and Special Land Uses was presented, which included Overlay Permitted and Special Land Uses.

Chair LaPlant opened the public hearing on the item.

Ejola Cook, 4201 Vinkemulder Road, Coconut Creek, expressed appreciation to the City and consultants for the consideration they had given to the Vinkemulder Community. She highlighted the large number of horses and farm animals in the neighborhood and stressed the importance of the initiative to maintain the area. She also spoke about the fencing along Wiles Road and the importance of safety for the horses and pedestrians in the area.

Shane Humble, 4101 Vinkemulder Road, Coconut Creek, spoke on behalf of Complete Property Maintenance, supporting the City's overall goals and efforts to shape this unique neighborhood for the future. He expressed concern with some of the language within the ordinance as it related to existing businesses. He asked, on behalf of the existing businesses in the area, that the City consider supporting the community-oriented services while maintaining the overlay course principle. He requested a rewrite of the proposed ordinance, regarding business expansion provisions, performance-based criteria, design and aesthetic standards, and administrative review process.

Kamran Ajami, 3900 NW 43 Street, Coconut Creek, while supportive of the overall goals, expressed concern about adding restrictions to the area.

Alex Lapierre, 4201 NW 43 Street, Coconut Creek, owner of JLS Nursery and Landscaping, stated he was also concerned about the ability to continue to grow a functional business.

Shyam Soogrim, 4070 NW 43 Street, Coconut Creek thought the master plan only considered people with horses. He asked about the rest of the residential properties in the area. He also spoke about the language regarding businesses.

Bryant Moyer, 4360 Vinkemulder Road, Coconut Creek, asked about the proposed change in land use if properties that existed would be considered existing nonconforming. If so, would those properties be eligible for Special Exception Use in the future. He also asked what uses were outlined that would no longer be allowed.

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

Ms. Fry commented on the importance of Vinkemulder area to Coconut Creek and the historical value of it. She asked about including language in the ordinance to state that any nonconforming uses could be brought up for appeal and what would that look like. Mr. Proffitt responded, noting that one of the goals when the regulations were developed was to acknowledge existing businesses. There were certain prohibitions in the new ordinance, which included landscape and lawn maintenance as a principal or accessory use. It would also prohibit plant and tree nurseries, including wholesale sales operations. He commented that every effort was made to recognize that some of the businesses existed as plant and tree nurseries and may have incidental uses of lawn landscape and lawn maintenance. He reiterated that goal was to find a balance in the zoning. He said the purpose of the ordinance was not to freeze existing businesses but try to find a middle ground and not declare the existing businesses as typical legal nonconforming uses, but to allow them to exist and operate under their valid business tax receipt once the ordinance was adopted. He commented that the concerns expressed would be taken into consideration.

Mr. Light asked for clarification why lawn businesses and tree nurseries were prohibited. Mr. Proffitt clarified those types of businesses were never a permitted use in A-1 and RS-1 zoning categories and language was intended to clarify the existing regulations. He further explained that those business and associated truck traffic were not compatible with the equestrian nature of the area. Mr. Light asked about the residential lot size provisions. Mr. Proffitt discussed concerns associated with intensification of development in terms of density. He said all properties were being brought to parity with each other in terms of density. Mr. Light agreed with some of the comments implied regarding existing businesses. He did not feel that the language in the ordinance provided much guidance to the business owners.

Mr. Escoriza asked for confirmation that the sale of a business, noting as long as it did not change, was not in conflict with the overlay. Mr. Proffitt confirmed. Discussion ensued regarding scenarios that may be considered an expansion of an existing business. Mr. Escoriza suggested that further clarification was needed on what was prohibited and what was not as it related to businesses.

Mr. Briks asked if the businesses had input on the ordinance, and Mr. Proffitt noted the various community meetings that were held where concepts were discussed but not the specific language of the proposed ordinance. Mr. Briks asked if there were valid points presented by the businesses that could be considered in amending the ordinance language. Mr. Proffitt noted that staff needed to further evaluate some of the issues presented to ensure an appropriate balance was maintained among the character of the neighborhood and existing businesses.

Vice Chair Barker said that if more time was going to be taken to consider the ordinance language, he would like more definitive information with regard to the two-acre situation. He wanted to be cautious about limiting someone who had a house on a parcel that may be less than two (2) acres in support of property rights. He asked for clarification about

Planning and Zoning Board Minutes

December 11, 2024

Page 9

the existing lawn maintenance and nursery businesses in the A-1 zoning district as not permitted in the A-1 zoning district. Mr. Proffitt responded noting that lawn and landscape maintenance was never a permitted use; however, wholesale nurseries were permitted. He echoed the concerns of the business owners and suggested clarifying language in the ordinance. Discussion ensued.

Mr. Proffitt recommended continuation of Agenda Item 6, until the February 12, 2025, board meeting to allow staff time to consider all points heard and to meet with the community members to hear their concerns.

MOTION: Barker/Light – To recommend continuation of Agenda Item 6 to the February 12, 2025, Planning and Zoning Board meeting.

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

Deputy City Attorney Mehaffey reminded the Board that the item was quasi-judicial and would come before the Board again on February 12, 2025. She advised the Board members to refrain from talking about the item until the public hearing and she would ask for disclosures from the Board at that hearing.

7. COMMUNICATIONS AND REPORTS

There were no communications or reports.

8. ADJOURNMENT

The meeting was adjourned at 8:53 p.m.

Marianne E. Bowers, CMC
Deputy City Clerk

Date