



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

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

**Date: October 1, 2024
Time: 7:00 p.m.
Meeting No. 2024-1001SP**

1. CALL TO ORDER

The meeting was called to order by Chair Colleen LaPlant at 7:01 p.m.

2. PRESENT UPON ROLL CALL:

Colleen LaPlant, Chairperson
Jeffrey Barker, Vice Chairperson
Solomon Briks
Alex Escoriza
Nancy Fry, Alternate

ABSENT:

Jeffrey Light

Deputy City Clerk Marianne Bowers advised that Jeffrey Light had informed the City Clerk Department that he was unable to attend the meeting.

Also present: Deputy City Attorney Kathy Mehaffey, Sustainable Development 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.

Chair LaPlant asked if there were any objections to hearing Agenda Item 4 before Agenda Item 3, and there were none.

AGENDA ITEMS

- 4. LAND DEVELOPMENT CODE AMENDMENT: AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE II, "SUBDIVISION REGULATIONS," DIVISION 2, "SUBDIVISION PLAT REQUIREMENTS," SECTION 13-169, "WATER AND WASTERWATER EXTENSION REGULATIONS," IN ORDER TO PROVIDE FUTURE CONNECTIONS TO ADJACENT LOT(S) AND OR TRACT(S). (PUBLIC HEARING)**

Sustainable Development Director Justin Proffitt introduced Utilities & Engineering Department Assistant Director Randall Blanchette. Mr. Blanchette explained that the City proposed an amendment to Section 13-169 of the Code of Ordinances, regarding water and wastewater extension regulations. He noted that the existing policy required property owners developing land to extend water and wastewater infrastructure to their

property lines, ensuring future connections for adjacent lots, at their expense. The amendment aimed to clearly define these responsibilities in the Code and specify exemptions to ensure fairness, supporting the City's growth and sustainability goals. Mr. Blanchette explained that requests for exceptions would be evaluated on a case-by-case basis to address any undue burdens, providing flexibility and clarity for future developments.

Board Member Alex Escoriza asked about the proposed amendment's potential impact on property owners. Mr. Blanchette explained that the proposed amendment was intended to define an existing policy to add it to the City Code. The policy addressed undeveloped areas in the City, for example in the north end of the City and the MainStreet Project Area. Mr. Escoriza asked for further clarification how exceptions to the regulation would be handled, and Mr. Blanchette explained that each lot had unique characteristics that would dictate if an exception were deemed necessary, which would be reviewed on a case-by-case basis. Discussion ensued regarding an example exception. Mr. Escoriza suggested that it would be helpful to have a clearer framework for reviewing exceptions.

Board Member Solomon Briks asked for further clarification on the application of the regulation. Mr. Blanchette explained that in many cases, there was an existing connection to properties, called a "stub out," which provided water and wastewater access. The amendment would require property owners developing land to extend the infrastructure to the edge of their property lines, ensuring adjacent undeveloped properties could access the utilities in the future, adding that this regulation mirrored what previous developers had done, allowing future developments the same access. Mr. Blanchette further explained that if an adjacent property was undeveloped, the infrastructure would be extended to the property line to allow for future connections, ensuring the next property owner had access, just as the current developer does.

Vice Chair Jeffrey Barker asked for a recent example of this policy being implemented and inquired if there was a development familiar to the Board that might have been affected. Mr. Proffitt responded, explaining that this would more likely impact rural areas like the Vinkemulder area, where a "stub out" exists on 39th Avenue but did not extend into the neighborhood. He explained that if development would occur there, the property owner would need to extend the infrastructure, as required by the ordinance. He noted similar situations in the northern area of the City, though no recent developments had encountered this issue. Vice Chair Barker followed up with a question about long, deep properties, asking if requiring an extension across the length of such a property might be unreasonable compared to extending it across the width. Mr. Proffitt agreed, stating they would evaluate the property dynamics and consider if adjacent lots had easier access from other sides when determining the reasonableness of the extension.

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.

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

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

Deputy City Attorney Mehaffey explained the City's quasi-judicial procedures that would be applied to Agenda Item 3, as follows (verbatim):

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Florida courts have determined that there are certain types of matters, including Agenda Item 3 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?

Deputy City Clerk Marianne Bowers confirmed the public notice requirements for Agenda Item 3 had been met and swore in the witnesses.

3. **MAINSTREET @ COCONUT CREEK ROADWAYS: A SITE PLAN APPLICATION TO CONSTRUCT ROADWAYS INFRASTRUCTURE, ON-STREET PARKING, AND OTHER HARDSCAPE ELEMENTS FOR THE MAINSTREET AT COCONUT CREEK DEVELOPMENT. (QUASI-JUDICIAL)(PUBLIC HEARING)**

Deputy City Attorney Mehaffey asked for any disclosures or ex-parte communications related to Agenda Item 3, and there were none.

Sustainable Development Director Justin Proffitt introduced Principal Planner Lizet Aguiar to make staff's presentation. Ms. Aguiar noted that the MainStreet at Coconut Creek roadway site plan included over three (3) miles of new roads, infrastructure, parking, and hardscape elements. She stated the applicant, Scott Backman of Miskel

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Backman LLP, on behalf of Johns Family Partners, LLLP, was seeking site plan approval for the roadways in MainStreet. She stated the zoning of the property was the MainStreet PMDD and the property was currently vacant land within a Regional Activity Center designation. Key roadways included Northwest 40 Street, Northwest 48 Avenue, and Northwest 54 Terrace, along with the completion of missing links on Cullum Road and Banks Road. She noted that the plan emphasized walkability with a 12-foot-wide multi-use path, tree coverage for shade, benches, and pedestrian safety features like crosswalks and lighting, and she confirmed that the design complied with the Planned MainStreet Development District (PMDD), the City's Land Development Code, and the City's Comprehensive Plan, and recommended approval, subject to the conditions as outlined in the staff report.

Scott Backman, Miskel Backman, LLP, representing Johns Family Partners, LLLP, expressed appreciation to the City and the Board for holding the special meeting to consider the Roadways Site Plan. He began a *PowerPoint* presentation to provide graphic representation of the proposed roadway network in MainStreet. Mr. Backman noted this was not a typical site plan, but due to the size of the project it was decided to isolate the roadway network, pedestrian amenities, and utility network into a separate site plan package. He noted the roadway network would close the grid in the MainStreet Project Area by completing missing links and constructing new roadways. He summarized the project history, overall master plan, and blocks approved to date. Continuing, Mr. Backman highlighted the seven (7) roadways, thirteen (13) intersections, and general streetscape features included in the plan. He reviewed the proposed phasing plan and highlighted the necessary infrastructure needs for construction of the various blocks. Mr. Backman shared several slides that summarized the various streetscape types for each roadway, providing graphic depictions and locations of each. Pedestrian safety and walkability were highlighted as top priorities. Mr. Backman explained that, as part of the City's Complete Streets initiative, the roadways were designed to accommodate all forms of mobility, including vehicles, pedestrians, cyclists, and public transportation users. A 12-foot-wide multi-use path would provide shared access for residents and cyclists, supported by strategically placed trees and landscape islands every two (2) parking spaces to enhance comfort and safety. Mr. Backman underscored that MainStreet was intended to be a walkable community, with amenities like benches for resting, paved crosswalks, and pedestrian-scale lighting, making the environment more pedestrian-friendly than car-focused. Mr. Backman concluded by noting that staff recommended approval, subject to addressing outstanding DRC comments and meeting the conditions outlined in the staff memo.

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.

Board Member Nancy Fry asked if the bike lanes would be clearly marked for safety, noting concerns about unclear lanes, similar to Hollywood Beach. Mr. Backman confirmed that the bike lanes would be delineated by saw cut and markings, though not in a different color or material. Ms. Fry asked about the bike lane placement at the intersection of Banks Road and Wiles Road, noting it appeared between vehicle lanes. Mr. Backman explained that the design was intentional for turn lanes, as bicycles followed road rules and turned with vehicles in the outer lane, ensuring it complied with legal and technical standards. Ms. Fry asked where the second pedestrian crosswalk at Cullum Road would connect within the Promenade. Mr. Backman explained that it aligned with the pedestrian area in front of the movie theater, near the DSW and parking garage. Ms. Fry asked for an update on the traffic signalization along Lyons Road, particularly the coordination with Broward County to accelerate the timeline. Mr.

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Backman explained that while the City has been pushing for the signals at Lyons Road and NW 40th for two (2) years, it ultimately depended on Broward County's approval. He confirmed that signal construction was planned for early in the project, likely during phase one, with both signals being constructed by the developer, pending County approval.

Mr. Escoriza asked about vehicle signaling, including flashing lights at mid-block crossings, and utilities for the MainStreet development. Mr. Backman explained that mid-block crossings would include flashers, though not at every intersection. He noted that some overhead utility lines would remain, particularly the FPL lines through the easement, but most other utility lines would be buried. Mr. Escoriza asked if there were plans to mitigate tree canopy shade only covering one side of the street during different times of the day. Mr. Backman noted that the green space master plan, to be presented at a later date, would include more details on landscaping to enhance shade and walkability, with many sidewalks eventually covered by mature tree canopies. Mr. Proffitt noted that "Right Tree Right Place" principals were used in the design to ensure proper tree type and placement for optimal coverage. Mr. Escoriza also inquired about micro-mobility solutions. Mr. Backman mentioned that while none were planned at the time, the development was designed to be compatible with future transit stops and micro-mobility options. Mr. Proffitt added that the City was working with Broward County on long-term plans for mobility hubs and transportation innovations.

Mr. Briks asked about the timeline for realizing the vision of the MainStreet development, including when the public could expect to enjoy features like walking paths and nature areas. Mr. Backman replied that the goal had been to have permits and begin construction by the first or early second quarter of the following year. He noted that the phasing plan started with the area around the Promenade, Lyons Road, and Cullum Road, moving westward and northward. In addition to infrastructure, the project included restoring the wetland area near the Promenade to create a pristine, natural environment. While full completion was expected by the end of 2026 or early 2027, some public spaces, roadways, and pedestrian paths were planned to open earlier. He emphasized that as soon as roadways and infrastructure were ready, the public would be able to use them, even as vertical construction continued. Mr. Briks noted the complexity and scale of the project, and Mr. Backman noted that, if all went well, construction activity was expected to start in early to mid-2025.

Vice Chair Barker asked about the curved roadway design, and Mr. Backman explained it was modeled after Second Street in Boca Raton near Palmetto Park Road and Federal Highway. He noted that the concept, featuring small medians, was used as a reference for staff, who liked and expanded upon it in the project. Vice Chair Barker also asked if internal streets would be public or private, and Mr. Backman confirmed it would be a mix of both. Vice Chair Barker asked why the current application was brought before the Board instead of being covered under the master plan. Ms. Aguiar explained that early in the review process, staff decided to isolate the roadways as a separate site plan to allow for a more comprehensive evaluation and enabled staff to assess details such as buffers, on-street parking, and utilities in a holistic way rather than addressing them in pieces through the master plan.

Chair LaPlant asked if traffic signalization was needed during construction, and Mr. Backman explained the need for traffic signalization impacted the traffic more once the project was completed for residents and visitors to the project. Chair LaPlant asked for confirmation that the developer was responsible for paying for the traffic lights, and Mr. Backman confirmed it was included in the Development of Regional Impact (DRI)

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approval, noting only the intersection at NW 40th and NW 54th would be a cost share since the City and Seminole Tribe owned the land on one side of the intersection. Mr. Backman responded to questions regarding roadway maintenance, noting that it would be shared between the City and future property management entity depending on the location. Chair LaPlant asked how the roadway speed limit would be determined, and Mr. Proffitt noted that the PMDD document dictated twenty-five (25) miles per hour. Chris Hagan, Kimley-Horn Associates, confirmed it was consistent with neighborhood roadway design guidelines in Broward County and anything lower than that results in non-compliance. He explained other traffic calming measures were utilized to slow traffic. Discussion ensued regarding landscaping maintenance.

Mr. Briks asked if MainStreet would feature public art and events similar to Mizner Park in Boca Raton. Mr. Backman confirmed that MainStreet would include similar elements, such as unique amenities, green technology, artwork, and event spaces. He highlighted three (3) large parks, including the Main Plaza at NW 40th and City Market, and a two-acre Village Green, all designed to create experiences similar to, or exceeding, those at Mizner Park.

Ms. Fry asked if traffic calming measures, like tactical urbanism, were considered for MainStreet. Mr. Backman deferred to Mr. Hagan, who explained that the design included several traffic calming features, including road chicanes to shift alignment, on-street parking, and the presence of street trees and bike lanes intended to reduce speeds and encourage multimodal travel, helping ensure the area was not solely car dependent. Mr. Proffitt noted that around the City's Civic Node tactical urbanism design would be used with a flat street surface to slow traffic in a heavily-pedestrian area.

Mr. Escoriza asked if parallel parking would be free, and Mr. Proffitt explained that while parallel parking in the MainStreet area was currently planned to be free, there was no definitive answer about its future. Mr. Escoriza noted that parking often started out free but could evolve into a paid system over time, as seen in areas like downtown Doral. Mr. Proffitt responded that the City would need to review its ordinances and parking regulations before making any changes. Additionally, he noted that the City planned to work closely with the entity managing certain parking areas to determine how the issue might be handled in the future.

There were no closing remarks by staff or the applicant.

MOTION: Barker/Fry – To recommend approval of Agenda Item 3, as presented.

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

5. COMMUNICATIONS AND REPORTS

Mr. Proffitt noted several upcoming meetings, including the regular Planning and Zoning meeting on October 9, City Commission meeting on October 10 to review the Site Plan applications for Blocks 15A and 15B, and a newly-scheduled City Commission meeting on December 5 due to holiday cancellations. He encouraged checking the City's website for updates and confirmed there were no additional Special Planning and Zoning meetings currently planned.

Chair LaPlant mentioned the upcoming Ambassador Program bus tour on October 9, which Mr. Proffitt confirmed was in the works. He noted that the tour would highlight the City's trail system, with significant participation from the Parks and Recreation Department.

6. ADJOURNMENT

The meeting was adjourned at 8:29 p.m.



Marianne E. Bowers

Marianne E. Bowers, CMC
Deputy City Clerk

11/13/24

Date