



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

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

**Date: September 13, 2023  
Time: 7:00 p.m.  
Meeting No. 2023-0913**

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**1. CALL TO ORDER**

The meeting was called to order by Chair Jeffrey Barker at 7:01 p.m.

**2. PRESENT UPON ROLL CALL:**

Chair Jeffrey Barker  
Vice Chair Colleen LaPlant  
Mikkie Belvedere  
Alfred Delgado  
Jeffrey Light  
Nancy Fry, Alternate

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

Chair Barker noted that the meeting was being conducted live with a quorum physically present, and Deputy City Attorney Kathy 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). (2023-0809)

**MOTION:** Belvedere/Delgado – To approve the Minutes of the August 9, 2023, Planning and Zoning Board Meeting, 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 4. Deputy City Clerk Marianne Bowers confirmed the public notice requirements for Agenda Item 4 had been met and swore in the witnesses.

**AGENDA ITEMS**

**4. GREEN DRAGON: A SPECIAL LAND USE APPLICATION TO PERMIT A MEDICAL MARIJUANA DISPENSARY TO BE LOCATED AT 6706 NORTH STATE ROAD 7/U.S. 441. (QUASI-JUDICIAL)(PUBLIC HEARING)**

Deputy City Attorney Mehaffey asked if there were any ex-parte communications or

disclosures related to Agenda Item 4, and there were no disclosures.

Sustainable Development Assistant Director Justin Proffitt summarized the request for special land use approval to permit a medical marijuana dispensary. He noted this was among the first applications of this type in Coconut Creek, and there would be an educational component of the discussion, as there were a number of State preemptions which governed the project.

Principal Planner Lizet Aguiar stated the applicant was applying to operate a medical marijuana dispensary in an existing 3,112 square-foot, freestanding building on the Colonial Plaza site. She summarized the Development Review Committee (DRC) review of the application, and the applicant's community outreach meeting. Ms. Aguiar advised that staff found the application in compliance with the Special Land Use requirements of the Land Development Code and the Comprehensive Plan and recommend approval subject to the conditions outlined in the staff report.

Eric Sevell, Green Dragon Florida LLC, began a *PowerPoint* presentation and provided a brief overview of the company and his background. He stated the plan was to complete an interior renovation of the building with no changes to the external structure. He highlighted the value of access for patients in Coconut Creek. Mr. Sevell explained the Coconut Creek Police Department had walked the site with him to collaborate on the security, and pointed to how the company would fit into the forward-thinking community of Coconut Creek. He stated anything that could be done to increase safety and open lines of communication was something the company was open to do. Mr. Sevell addressed concerns brought forward during the community outreach meeting, including those related to children, security, delivery, and traffic. He discussed the proposed layout, and showed examples of Green Dragon facilities in other communities.

Chair Barker opened the public hearing.

Ron Aronson, 5163 NW 74 Court, Coconut Creek, shared his experience visiting dispensaries in Boca Raton and Lake Worth. He stated those facilities seemed a lot more secure than the floor plan provided in this application. He noted that he did not have issue with the product or store as long as the inside was secure.

There being no further public comment, Chair Barker closed the public hearing.

Board Member Jeffrey Light asked for clarification on secure storage and licensing. Mr. Sevell explained the licensing system briefly and noted the specifics of the storage was regulated by the State and exempt from public disclosure. Deputy City Attorney Mehaffey added that State Statute laid out very detailed security requirements, as well as strict requirements on how the facilities were to be organized and structured. She stated there was also a public records exemption which protects the communication, display, and discussion of detailed security plans in a public setting.

Board Member Mikkie Belvedere asked if there would be a security person in uniform indoors at the facility. Mr. Sevell stated they did not find a security person necessary. Discussion continued regarding the floor plan.

Board Member Alfred Delgado asked about the rationale behind other municipalities and counties banning dispensaries. Mr. Sevell stated when the program was rolled out, local governments were given the opportunity to ban or regulate dispensaries, and there had been a patchwork of reasons provided. He noted a lot of the concern had been to wait

and see what it would look like, and it had turned out to be mundane. Mr. Delgado asked what the downside of a dispensary in Coconut Creek would be. Mr. Sevell stated critics of the use could be vocal, but the Florida voters had shown this was an issue people tend to agree on.

Chair Barker asked about the waiting room, and the philosophy of a separate waiting room. Mr. Sevell stated the goal was to move patients in and out quickly and noted it had not been a problem in other locations. He discussed the State statutory requirements and store operations briefly.

Staff nor the applicant had closing remarks.

**MOTION:** Belvedere/LaPlant – To approve Agenda Item 4, as presented.

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

5. **LAND DEVELOPMENT CODE AMENDMENT (LIVE LOCAL ORDINANCE):** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING REGULATIONS," DIVISION 3, "ZONING DISTRICT REGULATIONS AND TABLES," TO CREATE SECTION 13-363, "QUALIFYING DEVELOPMENT PURSUANT TO SECTION 166.04151(7), FLORIDA STATUTES, UNDER THE LIVE LOCAL ACT," AND AMENDING DIVISION 5, "SITE PLAN REVIEW REQUIREMENTS," BY AMENDING SECTION 13-546, "APPROVAL REQUIRED," AND CREATING SECTION 13-551, "SITE PLAN REVIEW PROCEDURES FOR APPLICATIONS PURSUANT TO SECTION 166.04151(7), FLORIDA STATUTES," TO PROVIDE FOR DEVELOPMENT REGULATIONS AND ADMINISTRATIVE REVIEW OF CERTAIN AFFORDABLE HOUSING PROJECTS PURSUANT TO STATE LAW; AND BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE I, "ADMINISTRATION, REGULATIONS AND PROCEDURES," DIVISION 3, "IMPLEMENTATION PROCEDURES," SECTION 13-34, "APPEALS," TO PROVIDE FOR CITY COMMISSION REVIEW OF ADMINISTRATIVE DECISIONS. (PUBLIC HEARING)

Mr. Proffitt presented the item, noting the proposed ordinance would amend the Land Development Code to create a new section to address requirements under the Live Local Act and an amendment to Site Plan review procedures, requirements, and appeals for consistency with the Act. He explained the main goal of the Live Local Act was to promote the development, availability, and provide opportunities for affordable housing statewide. Mr. Proffitt provided a summary of the Act and the programs created, explaining that in addition to a prohibition on rent control, the Act included preemptions related to land use, development requirements, and disposal of City-owned property for affordable housing. He stated there were a number of regulations in the Act dealing with property tax exemptions which were being evaluated and may require a future ordinance, and discussed the creation of a Hometown Hero program to assist residents in home purchases.

Mr. Proffitt explained the term "qualified development" was being utilized to define eligible development projects under the Act. He noted qualified developments would be multi-family, mixed-use, rental development proposed pursuant to the Act, and pointed out the Act required a minimum of sixty-five percent (65%) of the total square footage used for residential purposes with forty percent (40%) of that being affordable. Mr. Proffitt stated the City was adding a requirement that a minimum of thirty-five (35) percent of the total square footage should be dedicated to non-residential uses as

permitted within the zoning district. He noted the Act allowed for mixed-use residential development in commercial and industrial areas of the City, where housing was not currently permitted. He stated a concern in reviewing the Act was to make sure that job centers and tax bases were preserved. He noted the addition of a requirement that the affordable component be maintained for at least a period of thirty (30) years. Discussion ensued regarding the minimum requirements.

Mr. Proffitt reviewed the chart of affordable housing income levels and maximum rent rates as determined by the Florida Housing Finance Corporation for each Florida County. He stated there were multiple categories of affordability for different income levels, and the Act established a maximum one hundred twenty percent (120%) of the area median income (AMI) as the standard for housing projects that can come forward under the Act. He provided examples for a single person and family of four (4).

Continuing, Mr. Proffitt highlighted the preemptions within the Act related to land use, density and building height. Mr. Proffitt explained that typically in Coconut Creek, residential development was not permitted out-right on commercial or industrial property, but the Act now permits such development without rezoning or other Code or Comprehensive Plan changes. He added that if a project was a qualified development under the Act, it could only be reviewed administratively by the City, meaning no Planning and Zoning Board or City Commission public hearings. He stated the City review process would follow the DRC process to meet the requirements.

Ms. Belvedere asked for further clarification on the reasons behind the ordinance and Mr. Proffitt noted the ordinance served to fill the gap between the requirements of the Live Local Act and the City's existing Land Development Code, including setting minimum development standards for non-residential use in a mixed-use development and multi-family developments.

Mr. Proffitt explained the maximum density for qualified developments in the City would be forty (40) dwelling units per acre consistent with the highest permitted density in the MainStreet area. He stated building height would vary depending on the location of the development. He noted if it was beyond one (1) mile of the MainStreet area, allowable developments would be three (3) to six (6) stories. He advised that beyond these preemptions, the City's Code requirements related to landscaping, setbacks, open space, parking, and concurrency would apply. Mr. Proffitt summarized the regulations that were addressed by the ordinance that were not provided for in State law, including minimum non-residential floor area, application of development regulations, procedures to be followed, minimum dwelling unit size, equivalency of affordable and market rate unit designs, affordability commitment and enforcement procedures, and appeals procedures. Mr. Proffitt shared a map of potentially eligible properties in Coconut Creek. He stated there were not any application requests submitted at this time. He closed by advising that staff recommended approval of the ordinance.

Mr. Light asked for clarification on the amendment to the appeal process, noting it appeared to eliminate the Board's role in appeals, not just appeals under the Act. Deputy City Attorney Mehaffey stated this was correct, and noted the alternative was that appeals go to court. She confirmed it would apply to other types of appeals, which was consistent with the changes the Commission had adopted previously and was basically a clean-up that implemented those changes and made a cleaner process for this particular set of zoning appeals.

Mr. Delgado asked if the amended language was a consequence of the appeal heard by

the Board the previous month. Deputy City Attorney Mehaffey outlined the costs involved in changing an ordinance, and noted that for this reason, changes were typically timed when code sections were touched by other changes. She clarified that the Board was only being eliminated from the appeals process not from review of other development applications.

Chair Barker recommended that the appeals language remain in the Code as-is. He stated this would be an opportunity for some input from the Board on projects which have had the public process removed by the State. He asserted this would remain an expedited process and would not draw out the appeal, while offering checks and balances with staff. Discussion continued regarding the appeals process and opportunities to place items on the public record.

Mr. Light asked whether it would be possible for a developer to turn a Live Local Act project into condominiums once it was done. Mr. Proffitt stated that right now, State law specifies rental. He noted it could change later.

Board Member Nancy Fry asked whether a project could mix residential with industrial. Mr. Proffitt explained mixed-use could be vertical, in the same building, or it could be horizontal, which would be separate components on the same site. Ms. Fry noted the fine for violation of the affordability requirement and stated it seemed light. Deputy City Attorney Mehaffey clarified that it was per day, per violation. She noted that most of the City's maximum fines were \$250 a day, and it escalated quickly. Mr. Proffitt pointed out there were also other penalties, including court proceedings. Ms. Fry asked whether there was anything the City was giving up rights to in the ordinance that would need to be fixed if the Live Local Act were overturned. Deputy City Attorney Mehaffey stated if the Act were changed significantly, there would be revisions and clarifications. Discussion continued.

Mr. Delgado reiterated his preference that the Board be included in the appeal process, noting the public participation in the process was already being pared down. He stated if there were case law to back the change, he might feel differently. Deputy City Attorney Mehaffey explained there was a concern that the more non-administrative participation there was in the process, the more in conflict with the Statute the City would be.

Chair Barker asked for clarification on the sixty-five percent (65%) residential minimum and thirty-five percent (35%) commercial use, and asked whether that was strictly setting the percentages. Mr. Proffitt confirmed this was a minimum and maximum. Chair Barker asserted the percentages could be problematic in their lack of flexibility, resulting in someone feeling prohibited from developing under the Act. City Attorney Mehaffey advised that the Statute specifically provides that any City that does not have a certain amount of commercial property can impose and require a non-residential component. Discussion continued regarding potential scenarios.

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

**MOTION:** Light/Delgado – To recommend the City Commission approve the ordinance with an amendment to leave the language in 13-34, "Appeals," as-is.

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

**6. COMMUNICATIONS AND REPORTS**

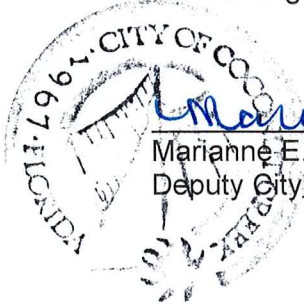
Mr. Delgado shared a concern regarding a sign near Tradewinds Elementary School where the sidewalk narrows and recommended that the corners be sanded down for the safety of the children. Mr. Proffitt stated staff would reach out to the School Administration.

Ms. Aguiar provided a brief update on the MainStreet project applications and noted the applicant had begun their community outreach process. She stated there was a website in place, and the first community outreach meeting would be held Tuesday, September 19, from 5 p.m. to 7:30 p.m. at the Residence Inn by Marriott.

City Attorney Mehaffey reminded the Board of the Sunshine Law provisions that applied to the MainStreet project.

**7. ADJOURNMENT**

The meeting was adjourned at 8:47 p.m.



  
Marianne E. Bowers, CMG  
Deputy City Clerk

10/11/23  
Date