



## CITY OF COCONUT CREEK PLANNING AND ZONING BOARD MINUTES

Government Center  
4800 West Copans Road  
Coconut Creek, FL 33063

Date: March 13, 2024  
Time: 7:00 p.m.  
Meeting No. 2024-0313

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### 1. CALL TO ORDER

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

### 2. PRESENT UPON ROLL CALL:

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

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

#### ABSENT:

Jeffrey Barker, Chair

Deputy City Clerk Marianne Bowers informed the Board that Chair Barker had contacted the City Clerk Department to send notice that he would be unable to attend the meeting.

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). (2024-0214)

**MOTION:** Belvedere/Fry – To approve the Minutes of the February 14, 2024, 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 Items 4 and 5, as follows (verbatim):

Florida courts have determined that there are certain types of matters, including Items 4 and 5 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.

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

## **AGENDA ITEMS**

### **4. MAINSTREET @ COCONUT CREEK BLOCK 1: A SITE PLAN APPLICATION TO CONSTRUCT 104 SINGLE FAMILY TOWNHOMES AND VILLAS WITHIN THE MAINSTREET PROJECT AREA. (QUASI-JUDICIAL)(PUBLIC HEARING)**

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

Sustainable Development Assistant Director Justin Proffitt presented the item, noting that the applicant provided updated architectural renderings, which had been distributed, and briefly summarized the phase one (1) approvals for the MainStreet project to date. He noted that the applicant was proposing to develop 104 single family townhomes and villas on Block 1 of the MainStreet Master Plan. He noted this request was also contingent upon final adoption of the MainStreet at Coconut Creek Development Agreement by the City Commission. He advised that staff found the site plan to be in compliance with the site plan

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application review standards, the Planned MainStreet Development District (PMDD), MainStreet Master Plan, MainStreet Design Standards, the City's Land Development Code, and the City's Comprehensive Plan, and recommended approval subject to the conditions outlined in the staff memorandum.

Christina Bilenki, Miskel Backman, LLP, representing Johns Family Partners, LLLP, presented on behalf of the applicant. She provided a *PowerPoint* presentation, including an overview of the MainStreet area. She highlighted the allowable and proposed densities and the intent to focus on neighborhood design. She advised that Block 1 was approximately 8.82 acres located at the corner of Cullum Road and Lyons Road, and the proposal was for 20 buildings, each containing four (4) to eight (8) dwelling units, for a total of 104 units, with an internal park and 240 parking spaces. She shared elevations and renderings and commented on features of the townhomes and villas briefly.

Vice Chair LaPlant opened the public hearing on the item. There were no questions or comments from the public, and Vice Chair LaPlant closed the public hearing.

Board Member Nancy Fry inquired as to the difference between the townhomes and villas. Ms. Bilenki explained the townhomes were larger than the villas and had garages but included similar architectural features. Ms. Fry asked whether this block would be gated. Ms. Bilenki commented that this block was unique in that it was among the gated blocks of the project, and there would be a main gate for vehicular traffic. Ms. Fry asked about sound buffering. Landon Massel, 13<sup>th</sup> Floor Homes, stated there was not a sound buffer, but there was distance between Lyons Road and the homes. He described the buffer briefly. Discussion continued regarding access to amenities.

Board Member Jeffrey Light commented on the flood elevation and asked how flooding of the property would be addressed. Zachary Todd, Civil Engineer, HSQ Group, advised the block was part of a larger master drainage system to mitigate water retention. Mr. Light asked how the restriction against using garages for storage would be enforced. Ms. Bilenki stated the restriction would be included in the Homeowners Association (HOA) documents and enforced if parking became an issue. She noted City staff would review the enforcement mechanisms. Discussion ensued. Mr. Light asked whether the entrance on 48<sup>th</sup> Avenue was the only vehicular ingress and egress. Ms. Bilenki confirmed. She added 48<sup>th</sup> Avenue did not currently connect to Cullum Road, but it would as part of this project. Mr. Light inquired as to whether there would be an effort to connect Block 1 to the Promenade. Ms. Bilenki advised that on the west side of 48<sup>th</sup> Street, there was a pedestrian crosswalk with lighting proposed.

Board Member Alfred Delgado asked for further clarification on the enforcement mechanism for storage in the townhouse garages. Ms. Bilenki stated the HOA would have enforcement ability similar to that of any other violation. Mr. Delgado asked the width of the sidewalks on Lyons Road and the greenway. Ms. Bilenki advised that there were 12-foot pathways around the perimeter of the project, and the greenway was 28 feet wide.

Vice Chair LaPlant expressed concern with the gated aspect of the community, noting traffic at the gated development north of the Promenade (Paloma Lakes) was backed up frequently. She commented on the number of vehicles per household. Ms. Bilenki noted the vehicular gate was not in the proximity of Lyons Road but on 48<sup>th</sup> Avenue. She noted a queuing analysis was conducted to ensure traffic did not stack up on thoroughfares. She reviewed available parking. Principal Planner Lizet Aguiar added additional context, explaining that Paloma Lakes was not originally designed as a gated community and concessions were made after the fact to allow for a gate. Vice Chair LaPlant asked for additional clarification on pedestrian access. Ms. Bilenki advised that pedestrians would be

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able to walk through the development, and there were no gates proposed for pedestrian access. Discussion ensued regarding recreational amenities for the block. Vice Chair LaPlant inquired as to the schedule for the development agreement. Mr. Proffitt advised that the agreement was extensive; and because it would take longer to finalize, the other MainStreet approvals were contingent upon its adoption. Discussion continued regarding the development agreement and Master Plan and access to amenities.

Mr. Delgado asked for clarification regarding the shielding of dumpsters. Mr. Proffitt described the dumpster locations and enclosure. Ms. Bilenki further explained that residents would maintain their own trash in the individual garages for streetside pickup and there would also be the option to bring garbage to the single dumpster at the northeast corner of the block.

Staff nor the applicant had closing remarks.

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

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

### 5. **MAINSTREET @ COCONUT CREEK PLAT:** A PLAT APPLICATION TO ALLOW FOR THE DEVELOPMENT OF 540 TOWNHOUSES; 1,820 MID-RISE MULTI-FAMILY UNITS WITH ANCILLARY USES; 225,000 SQUARE FEET OF COMMERCIAL USES; AND 50,000 SQUARE FEET OF GOVERNMENT USE. (QUASI-JUDICIAL)(PUBLIC HEARING)

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

Mr. Proffitt presented the item, explaining the plat would encompass the entire area of MainStreet. He stated the current plat as registered with Broward County was called the Palm Beach Farms Plat. He advised that the application was required by the County and was also necessary due to the creation of new roads, dedication of park and open spaces, and other considerations. He reviewed the restrictions for maximum residential units and non-residential square footage, as well as a description of the government uses. He noted this request was also contingent upon final adoption of the MainStreet at Coconut Creek Development Agreement by the City Commission. He advised that the staff found the plat to be in compliance with the plat application review standards, the Planned MainStreet Development District (PMDD), the City's Land Development Code, and the City's Comprehensive Plan, and staff recommended approval subject to the conditions outlined in the staff memorandum. He pointed out that the plat would ultimately need to be approved by the Broward County Commission, as well.

Ms. Bilenki presented on behalf of the applicant. She provided a *PowerPoint* presentation, reviewing the proposed plat boundary, including the City property. She stated the Palm Beach Farms Plat, which encompassed most of the development, did not meet the technical requirements of Broward County Code, and due to its platting being before June 4, 1953, the County required that it be replatted. She outlined the area to be included.

Vice Chair LaPlant opened the public hearing on the item. There were no questions or comments from the public, and Vice Chair LaPlant closed the public hearing.

Ms. Fry asked for clarification on the carve out on 40<sup>th</sup> Street. Ms. Bilenki advised that it was existing right-of-way that had already been dedicated. Ms. Fry asked about the portion of the plat reserved as Home Depot property and whether there were actions to take place as a

result. Ms. Bilenki stated a clean-up item, known as a plat note amendment, would be required at the County level.

Ms. Belvedere inquired as to whether the proposed roads would be Broward County roads. Mr. Proffitt stated they would be local City streets. Ms. Belvedere asked whether the City would be responsible for the roads, including traffic lights. Mr. Proffitt advised that the development agreement would outline who was responsible for which pieces, with the future MainStreet Master Association having some responsibilities in the right-of-way.

Vice Chair LaPlant stated she wanted to make sure there was enough access, and that access was open to emergency vehicles and other traffic. Mr. Proffitt explained the streets would be public and noted the Fire Department had reviewed the application during the Development Review Committee (DRC) process to ensure emergency vehicle compatibility.

Staff nor the applicant had closing remarks.

**MOTION:** Belvedere/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," TO CONSOLIDATE AND STREAMLINE DEVELOPMENT PROCEDURES, UPDATE PROCEDURES FOR SPECIAL LAND USES, PLATS, AND SITE PLANS, REVISE CITY DEPARTMENT NAMES AND THEIR RELATED DIRECTOR TITLES TO REFLECT THE CITY'S CURRENT ORGANIZATIONAL STRUCTURE, UPDATE STATUTORY REFERENCES, AND DELETE OBSOLETE REFERENCES. (PUBLIC HEARING)**

Mr. Proffitt discussed the proposed changes to the process and procedures included in the draft ordinance, including updates to statutory references and reorganization of the chapter for clarity. He reviewed new charts included to improve efficiency in the process and stated they would greatly improve transparency of the Code. He noted there were substantive changes outlined in the staff report, including changes to the approval process for certain types of applications and updates to the public notice mailing radius. He stated staff recommended approval of the proposed changes.

Ms. Fry pointed out the Planning and Zoning Board had been removed from the appeals process and asked the reason. Deputy City Attorney Mehaffey clarified that the correction had taken place in 2023. She provided brief history on the change. Ms. Fry asked whether a change in the approval process from ordinance to resolution would cause issues in that the Commission often asks for changes between first and second reading. Mr. Proffitt explained a continuation would be an option to allow for further analysis if requested by the Commission. Discussion continued regarding language relocated within the chapter.

Mr. Light asked for further clarification on the difference between ordinance and resolution. Deputy City Attorney Mehaffey outlined the differences and the public hearing requirements. Mr. Light highlighted the change to the appeals process and noted the Board had recommended against its approval. Deputy City Attorney Mehaffey clarified. Mr. Light pointed to the phrase "burden of proof" in Section 13-26(c) and stated he was uncomfortable with the term due to its technical legal meaning. Deputy City Attorney Mehaffey agreed to relabel the section as "applicant's burden." Mr. Light asked for clarification on the definitions of variances and special exceptions, a grandfathering clause from 2001, and formatting

standards. Deputy City Attorney Mehaffey and Mr. Proffitt clarified.

Mr. Delgado asked whether the change from ordinance to resolution for Special Land Use applications was intended to create better flexibility while still maintaining the same standards and safeguards. Mr. Proffitt confirmed, noting the changes streamlined the development review process, but noted all standards and technical reviews remained in place.

Ms. Belvedere complimented the work that had gone into the draft. She asked whether the Board would have access to a full draft to read without the underline and strike-through marks. Deputy City Attorney Mehaffey explained the following adoption, it would be integrated into the full Code in a clean format.

Vice Chair LaPlant opened the public hearing on the item. There were no questions or comments from the public, and Vice Chair LaPlant closed the public hearing.

**MOTION:** Fry/Delgado – To recommend approval of Agenda Item 6, as presented.

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

## **7. COMMUNICATIONS AND REPORTS**

Mr. Proffitt shared that the MainStreet development team would be holding additional public outreach meetings, and the notice would be sent to Board members once available.

Deputy City Attorney Mehaffey distributed an article about a land use application in Boca Raton and reminded the Board that text messages related to City business were public records. She also reminded the Board members about the Form 9 gift disclosure for anyone who visited the Butterfly Festival sponsor tent with more than one (1) guest.

## **8. ADJOURNMENT**

The meeting was adjourned at 8:41 p.m.

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Marianne E. Bowers, CMC  
Deputy City Clerk

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Date