



CITY OF COCONUT CREEK PLANNING AND ZONING BOARD MINUTES

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

**Date: June 11, 2025
Time: 7:00 p.m.
Meeting No. 2025-0611**

1. CALL TO ORDER

The meeting was called to order by Sustainable Development Assistant Director Lizet Aguiar at 7:01 p.m.

2. PRESENT UPON ROLL CALL:

Solomon Briks
Alex Escoriaza
Nancy Fry
Colleen LaPlant
Jeffrey Light

Also present: Sustainable Development Assistant Director Lizet Aguiar, Sustainable Development Director Justin Proffitt, Assistant City Attorney Cassandra Harvey, and Deputy City Clerk Marianne E. Bowers.

Deputy City Clerk Bowers advised the Board that Alternate Board Member Nikki-Ann Thomson had resigned her position, and a replacement would be appointed by the City Commission at a future meeting.

Assistant City Attorney Harvey noted that the meeting was being conducted live with a quorum physically present and explained the procedures for the meeting.

3. INTRODUCTION OF BOARD MEMBERS AND STAFF

Board members and staff introduced themselves in turn.

4. OATH OF OFFICE

Deputy City Clerk Bowers administered the Oath of Office to the members of the Planning and Zoning Board.

PRESENTATIONS

5. OVERVIEW OF THE CITY'S VISION 2030 STRATEGIC PLAN.

Government Affairs Manager Bernadette Hughes presented the City's Vision 2030 Strategic Plan, highlighting the City's Vision Statement, Mission Statement, and Values. She encouraged the Board to review the plan and contact her with any questions.

Agenda Item 6 was heard following Agenda Item 10.

6. OVERVIEW OF BOARD MISSION, GUIDELINES, 2025-2025 OBJECTIVES.

Sustainable Development Director Justin Proffitt provided an overview of the Planning and Zoning Board functions, beginning with a review of State Statute and the City Code creating the Board. He reviewed the responsibilities of the Board and discussed the Comprehensive Plan and Land Development Code briefly, as well as the types of decisions which come before the Board and the role of the Development Review Committee.

7. ELECTION OF CHAIR AND VICE CHAIR

Ms. Aguiar opened the floor for nominations for the position of Board Chair.

Board Member Colleen LaPlant nominated Jeffrey Light as Chair, seconded by Board Member Nancy Fry. There being no further nominations, Mr. Light was seated as Board Chair.

Chair Light nominated Colleen LaPlant as Vice Chair, seconded by Board Member Fry. There being no further nominations, Ms. LaPlant was seated as Vice Chair.

8. APPROVAL OF MINUTES

A MOTION APPROVING THE MINUTES FROM PREVIOUS PLANNING AND ZONING BOARD MEETING(S). (2025-0409)

MOTION: Fry/LaPlant – To approve the Minutes of the April 9, 2025, Planning and Zoning Board Meeting.

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

AGENDA ITEMS

Assistant City Attorney Harvey explained the City's quasi-judicial procedures that would be applied to Agenda Item 9, 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 Item 9 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. 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. Will the Clerk please confirm compliance with the notice requirements?

Deputy City Clerk Bowers confirmed the public notice requirements for Agenda Item 9 had been met and swore in the witnesses.

9. MAINSTREET @ COCONUT CREEK BLOCK 3: A SPECIAL LAND USE APPLICATION TO PERMIT A DRIVE-THRU USE AT THE BLOCK 3 RETAIL BUILDING D OF THE MAINSTREET PROJECT AREA. (QUASI-JUDICIAL)(PUBLIC HEARING)

Assistant City Attorney Harvey asked for any disclosures or ex-parte communications related to Agenda Item 9, and there were no disclosures.

Ms. Aguiar presented the item, summarizing the application for special land use approval to permit a drive-thru use at the Block 3 retail building D of the MainStreet development project. She reviewed the list of permitted uses and stated restaurants were permitted, but a drive-thru was considered a special land use. She advised that the Site Plan for Block 3 reflected the potential use for a drive-thru when approved by the Planning and Zoning Board on July 10, 2024 and the City Commission on August 8, 2024. She noted that Block 3 was approved with eight (8) buildings, but only one (1) building was proposed for a drive-thru, and the MainStreet Planned MainStreet Development District (PMDD) only allowed one (1) drive-thru in the block. She advised that staff found the special land use application compliant with the Planned MainStreet Development District (PMDD) regulations, MainStreet Design Standards, special land use requirements, the City's Land Development Code, and the City's Comprehensive Plan, and recommend approval subject to the conditions of approval outlined in the staff memorandum, including hours of operation. Mr. Proffitt added that the hours of operation in the staff conditions of approval would apply only to the drive-thru operation, and the indoor restaurant would not be subject to these restrictions.

Chair Light asked if this would be the only restaurant on Block 3. Ms. Aguiar advised that permitted uses for Block 3 allowed for restaurant uses as well as retail and service, and there would not be a limit to one (1) restaurant, only one (1) drive-thru facility.

Christina Bilenki, Miskel Backman, LLP, representing Johns Family Partners, LLLP, provided a *PowerPoint* presentation, including an overview of the MainStreet area. She reviewed plans for Block 3 and retail building D, noting it was the southernmost building within the block. She stated the site plan was unchanged, so parking, landscaping, and other aspects of the block would remain as previously approved. She explained the applicant was restricting potential tenants for the drive-thru space to fast casual restaurants or coffee shops. She shared elevations and renderings and reviewed justification for the project against the special land use criteria.

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

Vice Chair LaPlant asked for clarification on the proposed location of the drive-thru and traffic circulation. Ms. Bilenki explained the building was located at the southern end of the block and showed circulation on the map.

Board Member Nancy Fry inquired about the plan for queueing. Chris Hagan, Traffic Engineer, Kimley-Horn and Associates, advised a queueing analysis had been conducted. He outlined the plan to accommodate vehicles and stated that if recurring issues were to be identified during operation, a management plan could be put in place. Ms. Fry asked if the building would be split as indicated in the images. Ms. Bilenki advised that the elevations provided were a sample, and the layout would ultimately be determined by the needs of the tenants. Discussion continued regarding the elevations.

Board Member Alex Escoriza asked staff for clarification on the procedure for approval of the application. Ms. Aguiar explained.

Chair Light stated he did not understand the use of a drive-thru with fast casual restaurants. Brian Schmier, Schmier Property Group, provided an overview of how the drive-thru would be utilized and its use for fast casual restaurants at other locations. He clarified that a fast food facility was not permitted for this location. Chair Light asked about plans for a traffic light at NW 40th Street. Mr. Hagan advised that the signal at this intersection and another signal proposed at Lyons Road and Cullum Road were going through the Broward County process, but installation would not be approved without the signal criteria being met, including demonstration of traffic volumes. He stated the conditions of the project required installation of the signals if County approval was granted.

Neither staff nor the applicant had closing remarks.

MOTION: Fry/Escoriza – To recommend approval of Agenda Item 9, as presented.

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

10. **LAND DEVELOPMENT CODE AMENDMENT:** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE I, "ADMINISTRATION, REGULATIONS AND PROCEDURES," DIVISION 2, "ADMINISTRATION," SECTION 13-16, "PLANNING AND ZONING BOARD," TO ADD ECONOMIC DEVELOPMENT AS AN OPTIONAL CRITERIA FOR PLANNING AND ZONING BOARD MEMBERSHIP. (PUBLIC HEARING)

Ms. Aguiar presented the item, explaining the proposal to add experience in economic development as an additional category of relevant experience for consideration for

Planning and Zoning Board members had been a recommendation of the 2025 Charter Review Board. She stated the City Commission had directed staff to draft language to add the category to the membership criteria, and that language was before the Board at this time. She advised that staff recommended approval of the Code amendment.

Mr. Escoriza shared that he had served on the Charter Review Board and made the recommendation based on his own experience.

Board Member Solomon Briks spoke in support of the addition, commenting on the impact of economic development on planning and zoning matters.

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

MOTION: LaPlant/Fry – To recommend approval of Agenda Item 10, as presented.

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

11. COMMUNICATIONS AND REPORTS

Ms. Aguiar directed Board members to where they could access her contact information, noted upcoming anticipated applications that would be coming before the Board, and reminded Board members to file their Form 1 financial disclosure by the July 1 deadline.

Vice Chair LaPlant thanked the Board for her nomination to serve as Vice Chair for the coming year. She suggested that the Planning and Zoning Board members be invited to ribbon cutting events for projects that the Board reviewed. Mr. Proffitt noted that he would follow up with staff and report back to the Board.

12. ADJOURNMENT

The meeting was adjourned at 8:14 p.m.

Marianne E. Bowers, CMC
Deputy City Clerk

Date