



# PLANNING & ZONING ADVISORY BOARD

## Minutes of January 18, 2011

Meeting Called to order at 7:02 p.m.

### 1. **ROLL CALL**

P&Z Board Members

MEMBERS	1/18/11	1/3/11	12/20/10	12/6/10	11/1/10	8/16/10	6/21/10	5/17/10	4/5/10	3/15/10	3/1/10
Marianne McCoy	A	C A N C E L L E D	P	P	P	P	P	P	A	P	P
Diane Sori	P		P	A	P	P	P	A	P	P	P
Bob Sands	A		A	A	A	A	P	A	P	P	P
Michelle Keirnan, V/Chair	P		P	A	P	P	P	P	P	P	A
Craig Konhauzer	P		P	P	P	P	P	P	P	P	P
Mark Aronson, Chair	P		P	P	P	P	P	P	P	P	P
Ben Schulman	P		A	P	A	A	P	P	P	A	P
Vacant									**R	P	P
John Valenti	P		P	P	P	P	P	P	A	P	A
Bart Roper	P		P	P	A	P	P	P	P	P	P

\* Reappointed \*\* Resigned \*\*\* New appointment

**STAFF PRESENT:** *Matt Wood, Director*  
*Trevor Markley, Senior Planner*  
*Ro Woodward, Administrative Coordinator*  
*Jeanette Wofford, City Arborist*

**APPLICANTS:** *Michael Mellion, Owner, Havana's Cuban Cuisine*

2. **P&Z BOARD - MINUTES - WAIVE/APPROVE – December 20, 2010 MOTION TO WAIVE READING OF MINUTES OF 12/20/10:** Motion to waive the reading of the minutes made by Mr. Roper and seconded by Mr. Konhauzer. All ayes on voice vote. **APPROVE:** Motion to approve made by Mr. Konhauzer and seconded by Mr. Roper. There were all ayes on voice vote. Motion was approved.

3. **CORRESPONDENCE**  
None

4. **NEW BUSINESS:**

#### A. HAVANA'S CUBAN CUISINE – LOCATED AT 8600 GRIFFIN ROAD

##### 1. SITE PLAN AMENDMENT PETITION # SPA 10-2-10 – OUTDOOR SEATING

Mr. Wood explained that this item is a site plan amendment petition for Timberlake Plaza to introduce an outdoor area for Havana's Restaurant.

Specifically the petition involves the following amendments to the existing approved site plan:

1. Adding a seating area immediately adjacent to the east side of the building.
2. Adding glass double doors to the east end of the building to provide an additional means of ingress/egress for customers and employees.
3. Incorporating a window into the existing glass side of the bay for ease of wait staff and for customer walk-up service. The window is separated from the vehicular drive aisle by a curb and walkway so it could not and would not be used as a drive-thru.

4. Adding storage to the rear of the bay between the building and the rear drive aisle.

Plans show the outdoor seating area consisting of approximately 115 square feet located on the sidewalk with five tables and up to 20 chairs. Service to the outdoor seating area would be only thru wait staff. Along the east end of the outdoor seating area, bollards would be installed along with a decorative railing to separate the area from the adjacent drive aisle. The various aspects of the site plan amendment including the new double doors not only add outdoor seating but also virtually re-orient this end bay to face east instead of north where the existing single door would remain and as do the other bays in the center. The walk-up window is proposed to not only be utilized by staff but also to provide quick service for customers that would not utilize the tables and so that they would not have to go inside the restaurant for take-away service. The plans also include landscape and photometric plans for those aspects of the alterations as well as elevation views.

Mr. Wood concluded that the Development Review Committee recommends approval of the site plan amendment petition subject to adding pavement marking and signage by the curb area to indicate “no parking, no stopping, and no standing” along the east end of the building in order to restrict customers from leaving their car in the active drive aisle to utilize the walk-up window.

Mr. Mellion introduced himself as the owner of Havana’s Cuban Cuisine located at 8600 Griffin Road. He commented that the Staff Report reflects accurately what he has proposed.

Ms. Keirnan arrived at 7:08 p.m.

Mr. Konhauzer commented that they had a discussion on this at the last meeting that there were less seats at this restaurant than at the last restaurant.

**MOTION: TO APPROVE SUBJECT TO DRC COMMENTS HAVANA’S CUBAN CUISINE – LOCATED AT 8600 GRIFFIN ROAD - SITE PLAN AMENDMENT PETITION # SPA 10-2-10 – OUTDOOR SEATING. MOTION MADE BY MR. ROPER AND SECONDED BY MR. KONHAUZER. There were all eyes on roll call vote. Motion was approved.**

**A. HAVANA’S CUBAN CUISINE – LOCATED AT 8600 GRIFFIN ROAD**

**1. SIGN WAIVER PETITION # SW 10-1-10**

Mr. Wood explained that this item is a Sign Waiver Application for the Havana’s located within Timberlake Plaza. The petition requests two waivers. The first would be to add an additional wall sign to the east wall of the building. The additional sign would not be in a secondary size as would be allowed if this were an outparcel or a freestanding building; and instead it requests the sign to be the same dimension as the primary sign on the north side of the business. For outparcels, secondary signs are permitted to be up to two-thirds the size of the primary sign. For a freestanding building not within shopping centers that do not choose to erect a ground sign, secondary signs are allowed on two side walls, up to one-third the size of the allowed ground sign.

The other waiver requests to add an additional lit “open” sign in the window facing Griffin Road. City Code was recently amended to allow a single lit “open” sign as part of window signage for which a permit was processed for such signage on the Pine Island Road side of the restaurant.

Code stipulates that waivers may be granted where at least one of the following is met:

- 1) Signs cannot be properly viewed due to physical site distinctions.

- 2) Architectural design of a structure and/or a site plan poses unique and extenuating characteristics whereby a waiver is in the city's best interests.
- 3) Literal enforcement would result in unreasonable and undue hardship upon the petitioner.

The applicant's justification for the additional wall sign is for visibility from Pine Island Road to the east. Aspects of the accompanying site plan amendment virtually re-orient the bay to the east where the additional wall sign is proposed to be above new double doors.

The applicant's justification for the additional lit "open" sign is for recognition of the restaurant being open while traveling on Griffin Road and prior to entering the center where the other lit "open" sign would be visible. The justification states "an additional sign is already permitted" and references a 4' requirement; however, that statement is not precisely correct. City Code was amended to allow only a single lit "open" sign. The definition of window signage does reference visibility from the exterior and specifies being within 4' of the window. Anything 4' or greater from the window would instead be an interior item which would not have the same signage regulations. It could be said that placing a lit sign 4' from the window has been used as a "loophole" whereby some businesses get around the regulation of a lit sign being used by placing it beyond the area that is regulated. In the applicant's justification he expresses concern for the visibility and inconvenience of the additional lit "open" sign and therefore has requested the additional waiver.

Mr. Wood remarked that Staff finds that the petition meets the submittal requirements for this sign waiver to be considered.

Mr. Wood concluded that the Planning and Zoning Board is requested to discuss the petition and make a recommendation. The Board may make a single recommendation on the petition as a whole or it may make a separate recommendation on each waiver. Board input will be forwarded to the City Commission for action.

Mr. Aronson asked for clarification and that there are two waivers being asked for now and one is the open sign and the second one is the sign facing Pine Island Road.

Mr. Wood responded that was correct.

Mr. Mellion pointed out on the display drawing the location of the sign above the double door entrance that matches the sign on the north side. He then pointed out the location of the open sign to the north and that he could probably put the sign 4 ½ feet away, but it would not have the same effect although it was within code. It would also refract off of the dark glass by putting it back. He would like to put it up against the glass as is on the east side.

**MOTION: TO APPROVE BOTH SIGN WAIVERS FOR HAVANA'S CUBAN CUISINE – LOCATED AT 8600 GRIFFIN ROAD SIGN WAIVER PETITION # SW 10-1-10. MOTION MADE BY MS. SORI AND SECONDED BY MR. KONHAUZER FOR DISCUSSION.**

Ms. Sori commented that she supports local business and anything they can do to help businesses stay in business because she is tired of something opening and a few months later it's closing and if something as simple as this will help draw in the customers, then she thought it should be allowed.

Mr. Roper commented that he has a problem is the second sign being the same size as the original sign. For a freestanding sign, for example would be a CVS Pharmacy, they have the regular sign on the front and on the side it would be 2/3rds the size. He explained that in the past the Board has spent a lot of time on sign code.

They went back and forth and discussed this with the business community and discussed any changes they wanted with regard to the sign code. The only change that they wanted to make was that they would like to have an open sign in the window. He remarked that having the open sign on both sides was not a problem. He did think that having a sign 2/3rds on one side should be sufficient. He said that if he put the 2/3<sup>rd</sup> sign on the front and the other one on the side he would not have a problem with, but to change code just for one person when they haven't done that for others in the past, he would have a problem with that.

Mr. Konhauzer wanted to know what size the letters would be at 2/3rds to make it legal according to code.

Mr. Markley responded that the code provides for at least for 18" of allowance and the 2/3rds of the allowed signage. There are some provisions that they could go even above 18" in certain circumstances, but at least 18" so 2/3rds of that would be 12".

Mr. Mellion interjected that it was 20" on the north side because the setback is over 75 feet.

Mr. Markley commented that the code provides that for every 24 foot from the building to the property line they can go an additional inch higher.

Mr. Mellion interjected it was to a maximum of 2 more inches.

Mr. Aronson remarked that on the north side the letters are 20 inches.

Mr. Mellion responded that was correct.

Mr. Roper suggested that they go by code.

Mr. Konhauzer thought that Mr. Markley was correct and thought that a sign that would be 13 inches in red lettering would suffice and would be much better than not having anything.

Mr. Mellion remarked that he would do that and didn't have a problem with that.

Ms. Keirnan commented that side of the building is not 75 feet from the roadway. She remarked that it is very close to the roadway and thought the smaller signage would be more aesthetic coinciding with what is on the front of the building also. With regard to the open sign, she said that she was seeing a lot of places in the City that put up signs and they are flashing and have too many colors.

Mr. Mellion interjected that was illegal.

Ms. Kiernan remarked that the sign would be all red.

Mr. Mellion commented that is red and blue and the sign would be constantly lit and doesn't flash.

Mr. Aronson explained that the applicant has agreed to reduce the sign to code on the east side.

**AMENDED MOTION: TO APPROVE AND THE SIGN ON THE EAST SIDE IS TWO-THIRDS THE HEIGHT OF THE LETTERING ON THE FRONT AND TO COMPLY WITH THE EXISTING CODE AND THE MOTION REMAINS REGARDING THE OPEN SIGN - FOR HAVANA'S CUBAN CUISINE – LOCATED AT 8600 GRIFFIN ROAD SIGN WAIVER PETITION # SW 10-1-10.**

**AMENDED MOTION MADE BY MS. SORI AND SECONDED BY MR. KONHAUZER. There were all eyes on roll call vote. Motion was approved.**

**B. \* PUBLIC HEARING COMPREHENSIVE PLAN AMENDMENT – CAPITAL IMPROVEMENTS ELEMENT AMENDMENT AND ANNUAL UPDATE**

Mr. Wood explained that this item is the proposed Capital Improvements Element (CIE) Update to the Cooper City Comprehensive Plan. This update has been prepared in response to amendments to State growth management legislation (Senate Bill 360, Laws of Florida 2005-290).

Section 163.3177(3)(b)1., Florida Statutes, requires that the City annually adopt its most recently approved Capital Improvements Schedule into the Comprehensive Plan. The purpose of the CIE is to identify the capital improvements that are needed to implement the Comprehensive Plan and ensure that adopted Level of Service Standards are achieved and maintained for concurrency related facilities, including sanitary sewer, solid waste, drainage, potable water, recreation and open space, schools, and transportation facilities, including mass transit, where applicable.

The Florida Statutes require that the annual update of the City's Capital Improvement Schedule be adopted into the Comprehensive Plan by ordinance. Section 163.3177(3)(b)2, provides that adoption of the annual update into the Plan is not subject to review and comment by the State and other agencies before adoption.

Notice of the proposed amendment has been properly published. Once adopted by the City Commission, a copy of the ordinance will be provided to the Florida Department of Community Affairs (DCA) as evidence of the City's compliance with Section 163.3177(3)(b)1, of the Florida Statutes.

Mr. Wood concluded that Staff recommends approval of the proposed Capital Improvements Element Update based on a finding that the amendments are consistent with Section 163.3177(3)(b)1., Florida Statutes, and have been adopted in accordance with statutory requirements at a duly noticed public hearing.

Mr. Wood introduced Mr. Montes de Oca Cooper City Finance Director and that he was present tonight to properly answer any questions.

Mr. Montes de Oca commented that the numbers regarding revenues and expenditures were provided by his department. He remarked that some of these numbers already include some of the impact they anticipate that Monterra is going to have in both revenues and expenditures of the City, and a very small increase in the form of revenue from ad valorem tax, other than the Monterra development.

Mr. Roper remarked that he noticed in public safety and was looking at 2014 where it estimates the population going up to 37,500 (on page 8-14) and yet he was not seeing a big increase in public safety and knows that public safety is in a contract with Monterra that we have to provide any additional fire fighters and a fire station and was that taken into consideration in these figures.

Mr. Montes de Oca responded no and basically they took the current figures now and added the 5% that it requires every year. That does not include additional personnel.

Mr. Aronson opened that public hearing at 7:25 p.m. and seeing no one to speak closed that public hearing at 7:25 p.m.

**MOTION: TO APPROVE THE COMPREHENSIVE PLAN AMENDMENT – CAPITAL IMPROVEMENTS ELEMENT AMENDMENT AND ANNUAL UPDATE. MOTION MADE BY MR. ROPER AND SECONDED BY MR. VALENTI. There were all ayes on roll call vote. Motion was approved.**

**5. OLD BUSINESS:**

None.

**6. GROWTH MANAGEMENT DIRECTOR'S REPORT:**

Mr. Wood explained that are a several upcoming petitions and deferred to Mr. Markley for pending dates.

Mr. Markley commented that the first next regularly scheduled meeting is Monday February 7, 2011 and there are advertised items for that meeting. The third Monday in February falls on a holiday, so if there is a need for an additional meeting Staff will be getting in touch with the P&Z Board members for an alternate date.

**7. BOARD MEMBERS' CONCERNS:**

Mr. Roper wanted to know what was going on with the CVS Pharmacy and that he would like to see some taxes out of that.

Mr. Markley responded that the local business tax receipt would have already been issued and the City should also be receiving the property taxes.

Mr. Roper then wanted to know what was going on with the 27 acres and was there anything from Monterra on when they plan to develop that property for the City. They are supposed to go ahead and add additional soil and bring up the grade, it was supposed to be irrigated and sodded.

Mr. Wood responded they are going through the permitting process. Monterra is meeting all their obligations and what has been holding up the approval process is the permitting process through some of the other agencies. The last of which is Central Broward Water Control District, (CBWCD), and there was some drainage issues and they haven't received approval from them yet. He commented that the engineers are working through and modifying the drainage plan and the onsite retention requirements so that they can meet the environmental permitting requirements.

Mr. Roper asked when is the synagogue was going to take care of crossing the canal. He recalled that it was a specific date for compliance.

Mr. Wood responded that Temple Beth Emet had been granted some additional time to seek grant money that they have applied for and it is pending the outcome of that.

Mr. Aronson wanted to know if the 27 acre site was going to be a passive park.

Mr. Wood commented that a small portion of it will be passive, 3.4 acres, which was purchased under the Broward County Open Space Bond Program. The southwest corner of the site will be passive recreation. The rest of the site is intended to be active recreation and at this time it is proposed to be soccer fields.

Ms. Sori wanted to know when they were going to start the widening of 100th Avenue.

Ms. Wofford responded that it has started and you don't see it with a lot of the utility relocations. She commented that right now they were relocating some of the AT&T boxes off of what is going to be a right-of-way on to the 51<sup>st</sup> Avenue median. From what she has seen they still haven't started to alter the irrigation, which they will need to water those new trees. If you see that happening in February then the trees will probably be moved the end of February or possibly March, but there have been a lot of delays such as engineering design issues, utility conflicts, etc.

Ms. Sori asked if it was true that two houses are going to be taken down for that widening or was that just rumors circulating around.

Ms. Wofford responded that was a long time ago.

Ms. Sori then asked if there was going to be wall near Stirling Springs, an 8 ft wall in like what is on Griffin Road.

Ms. Wofford responded that it is traffic divider.

**8. ADJOURNMENT:**

The Meeting adjourned at 7:34 p.m.