



PLANNING & ZONING ADVISORY BOARD

Minutes of March 7, 2011

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

1. **ROLL CALL**

P&Z Board Members

MEMBERS	3/7/11	2/7/11	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
Marianne McCoy	P	P	A	C A N C E L L E D	P	P	P	P	P	P	A
Diane Sori	P	P	P		P	A	P	P	P	A	P
Helen Cohen	***P										
Michelle Keirnan, V/Chair	P	P	P		P	A	P	P	P	P	P
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	P	P		A	P	A	A	P	P	P
David Nall	***P										
John Valenti	P	P	P		P	P	P	P	P	P	A
Bart Roper	P	P	P		P	P	P	A	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: *Ms. Milana Mesherberg, T-Mobile*

Mr. Aronson introduced Mr. David Nall and Ms. Helen Cohen, and welcomed them as new members to the P&Z Board.

2. **P&Z BOARD - MINUTES - WAIVE/APPROVE – FEBRUARY 7, 2011 MOTION TO WAIVE READING OF MINUTES OF 2/7/11:** Motion to waive the reading of the minutes made by Ms. Sori and seconded by Mr. Valenti. All ayes on voice vote. **APPROVE:** Motion to approve made by Mr. Roper and seconded by Mr. Valenti. There were all ayes on voice vote. Motion was approved.

3. **CORRESPONDENCE:**
A. SUNSHINE LAW UPDATE VIA CITY ATTORNEY

Mr. Aronson reminded the Board they are governed by the Sunshine Law and that they should comply with it.

B. LETTER FROM REV. HATTABOUGH II, PENTECOSTAL CHURCH

Mr. Wood explained this was some correspondence they received and was asked to put this letter in the packets. It is from Rev. Hattabough from the Pentecostal Church who was asking if it would be possible to increase the maximum size sign or the writing size and would better help businesses be more visible from roads.

Mr. Aronson asked if there was any background on that correspondence.

Mr. Wood said that the request came through the City Manager's office and he was trying to find out more information on specifically what the request is and when he does get more information he will pass that onto the Board.

4. **NEW BUSINESS:**

A. T-MOBILE FB 1324C TOWER (PUBLIC WORKS CELL TOWER) SITE PLAN AMENDMENT PETITION # SPA 1-2-11 – LOCATED AT 9070 SW 51 STREET

Mr. Wood explained that this item is a site plan amendment application for T-Mobile South, LLC. in order to co-locate telecommunications antennas on the existing stealth telecommunications tower designed to resemble a flagpole. The existing stealth tower is 85 feet in height and is located at the Public Works compound fronting SW 51st Street. The modifications requested to this site include the following:

1. One 128 square foot lease area for the ground equipment within the existing tower compound located at the northeast corner of the Public Works property.
2. Antennas concealed within a ten-foot extension canister of the existing tower for a total height of 95 feet.

The lease area is for the proposed equipment cabinets and includes a utility easement to serve the site. The concealment canister is designed to camouflage the antennas and blend with the existing flagpole design. Access to the site is provided from SW 51st Street to the north via an existing access road currently on site. The ground equipment will be screened from view by the existing fencing and landscaping adjacent to the site.

Mr. Wood concluded that the Development Review Committee reviewed the subject petition and found the site plan amendment consistent with Code requirements. The Planning & Zoning Board may therefore recommend approval of this site plan amendment subject to the applicant obtaining all certificates, permits, licenses, sureties and other approvals that are required by any federal, state and/or local authorities.

Ms. Milana Mesherberg introduced herself and that she represents the applicant. She commented that they agree with the Staff's recommendation.

Mr. Konhauzer remarked that currently the tower is at 85 feet and although most of the equipment is concealed within it, will any of it be exposed.

Ms. Mesherberg responded no, they are putting a canister on top of the 85 feet. The canister will resemble the existing flag pole and it will look exactly the same, just an additional 10 feet. Their antennas will be at 90 feet so the antennas will be housed inside the canister.

MOTION: TO APPROVE T-MOBILE FB 1324C TOWER (PUBLIC WORKS CELL TOWER) SITE PLAN AMENDMENT PETITION # SPA 1-2-11 – LOCATED AT 9070 SW 51 STREET. MOTION MADE BY MR. ROPER AND SECONDED BY MR. VALENTI. There were all ayes on roll call vote. Motion was approved.

B. DISCUSSION FOR POSSIBLE CHANGES TO AMEND CHAPTER 23, SECTION 83 OF THE MUNICIPAL CODE OF ORDINANCES RELATIVE POOL FENCES

Mr. Wood explained that during enforcement through the magistrate process on properties for proper fencing around pools, examination of the City Code language specifying what would be proper fencing was reviewed. The current City Code was deemed sufficient; however, it was recognized that it could be improved with clarification that the requirement be for a permanent fence and that a "baby fence" did not satisfy the regulation.

Therefore, the attached Code change specifies the requirement as "permanent" and gives provisions on what qualifies as permanent. The proposed change mentions Florida Building Code (FBC) for reference to also satisfy FBC requirements; but the City Code does not recount those requirements since they may be updated

separately and are appropriate for FBC but not necessary to be repeated in City Code. The change also updates the language for processing of violations with the current procedures.

Mr. Wood concluded that the Planning and Zoning Board is requested to discuss and comment on the proposed Code revision. The Board's recommendation will be forwarded to the City Commission for action.

Mr. Aronson commented that the permanent fence that they are talking about only has to be on the perimeter of the property and you can still have a baby fence on the interior.

Mr. Wood responded absolutely.

Mr. Aronson remarked that he was under the impression that you had to have a permanent fence on the exterior.

Mr. Wood responded that you do have to have a permanent fence. This would not allow the baby fence to count as a permanent fence if there is no other fencing around the property. He also pointed out that it was unclear in the code and now they are defining it.

Mr. Markley commented that the term in City Code required fence and the City Attorney opined that as the zoning officials with the authority of how it was implemented that was sufficient, but to remove any question that it was meant to be "permanent fence" and what a permanent fence would be the proposed code change is coming through.

Mr. Aronson remarked that a screened patio is permanent deemed a permanent fence.

Mr. Markley responded that was correct. A screened enclosure does still satisfy that requirement as well.

Mr. Aronson commented that if you have a permanent fence around your property the baby fence around your pool is sufficient.

Ms. Sori wanted to know if people that already have fences would be grandfathered in and would this be for new construction.

Mr. Markley explained that is no new grandfathering because it is not that there is a change to what is being enforced it is a clarification of exactly what is required.

Mr. Roper commented that they are approving that the definition is now being classified as a permanent structure.

Mr. Wood referred to the backup material and he pointed out proposed language is in the strike through and underline format in red to focus in on what that language is and then he proceeded to read the code change.

Ms. Sori wanted to know if a picket fence could be an aluminum or wooden picket fence.

Mr. Markley responded that according to the Florida Building Code the material would not be subject to the City Code, so that doesn't change.

Mr. Schulman asked if there has there been issues raised where people think and are trying to say that a baby fence was used as a permanent fence.

Mr. Markley responded that someone came to the Magistrate and that their regular permanent fence had come down and in one case they had a baby fence and in another case they put up the orange mesh construction fencing and they wanted that to satisfy it. It was upheld and did not satisfy it, but to take any questions out of anyone in the future thinking that could qualify as a fence is and that is why they are going through the code change.

Mr. Aronson thought that was very short sighted of the owner and it was very dangerous.

MOTION: TO RECOMMEND THE AMENDMENT AS DRAFTED BE APPROVED TO AMEND CHAPTER 23, SECTION 83 OF THE MUNICIPAL CODE OF ORDINANCES RELATIVE POOL FENCES. MOTION MADE BY MR. ROPER AND SECONDED BY MS. MCCOY. There were all eyes on roll call. Motion was approved.

5. OLD BUSINESS:

None.

6. GROWTH MANAGEMENT DIRECTOR'S REPORT:

Mr. Wood deferred to Mr. Markley for any upcoming petitions.

Mr. Markley commented that there will not be a second meeting in March, but they do have a petition scheduled for the 1st meeting in April.

7. BOARD MEMBERS' CONCERNS:

Ms. Sori commented that since she has been on the Board she has noticed that when they do their decisions they are either unanimous or not, but they all work together to get the best possible decisions they can. She said that they also work well with Mr. Wood, Mr. Markley and Ms. Wofford and there is no problem. However, she remarked that in the past few months at the Commission meetings there are very bad problems now. She commented that the P&Z Board is slammed all the time. The Staff is not shown the respect that they are due. She explained that this is not done by all members of the Commission. This is done by a few members of the Commission. She referred to Havana Café when the P&Z Board had approved the 2/3 size lettering for the side of their restaurant, the petitioner was very happy with that and gave the P&Z Board no problem. It went before the Commission and the petitioner had no problem with it until certain members of the Commission made a problem and made an issue of it. She remarked we are now faced because the Board was totally disrespected, and if you hear the audio of the Commission meeting you will hear how Mr. Wood was slammed and the P&Z Board was slammed and very derogatory comments.

Ms. Sori went on to say that as a result, the petitioner was all hyped up and he took back his agreement on the 2/3 size lettering. She said they are now faced with the big signs all the way around the building. She remarked that this Board was not being shown the respect. It is one thing if the Commission disagrees with the Board's recommendations because they really feel that the ruling is wrong. However, to go against what the petitioner agrees upon and then just slams the Board and slam Staff is just wrong.

After speaking to some people, Ms. Sori then proposed that at every Commission meeting where there is an open public forum a member of the P&Z Board on a rotating basis sit with Mr. Wood and Mr. Markley and if there is a problem, the P&Z Board member can speak and say why the Board did certain things. The Board member can be sworn in under the open public forum. She thought that there would be more respect if the Board would backup their decisions because it is getting totally, totally out of hand. She again referred to the

audio and if you go even before that you will hear that at times it has been so bad that it's not funny. She commented that Board members are volunteers and are here because we are trying to help our City. We don't need to be slammed and attacked by certain members of the Commission and neither does Staff. She then mentioned that she doesn't want to be like 441. She remarked that she agreed with certain things that Mr. Roper and Ms. McCoy have said and we don't need these big signs. We are a small home town and if people want to live in a big City with big signs, there is Davie, Pembroke Pines, and Hollywood. We are losing what Cooper City is because we are not getting the respect that our decisions should be getting.

Mr. Konhauzer remarked that he agreed with what Ms. Sori just commented and doesn't want to look like a 441 or the University corridor where Cooper City is "Someplace Special". He saw some notes where the bollards were discussed for Havana. It was not a matter of personal attacks because he can get beyond that, but what he couldn't get past was to watch out for our citizens. To have outdoor seating and not to have bollards is an exposure to our City and God forbid that someone hit their gas instead of their brakes someone in those tables or standing out there was going to die. He commented that he wanted to make it very clear that this is a question that has to be raised.

Mr. Aronson commented that the Board approved it with bollards and wanted to know what the Commission does.

Mr. Konhauzer responded yes, the Board approved it with bollards. He remarked that he did read it and the Commission felt that the Board was causing too much exposure monetarily to the businesses. He expressed his concern for the safety of the citizens and so should the City.

Mr. Aronson wanted to know if that petition that was brought before the Board with the bollards. The petitioner brought that application before the Board and it included bollards.

Ms. Sori remarked that the Commission said wait a minute you are costing the petitioner too much money, after the petitioner agreed with the Board and said yes, the bollards had to be there and had no problem with it until certain members of the Commission tried to be the "nights on white horses" and say "I'm sticking up for the businesses". It became a soap-box instead of doing what was right for the City. She also thought that the Board unanimously agreed on that and so did the petitioner.

Mr. Konhauzer again mentioned that he was very concerned for the safety of our citizens and the exposure to our City.

Mr. Aronson remarked that we have a long history of requiring bollards for outdoor seating that is by parking. He commented that frankly, if a Commissioner had a problem he thought the intelligent move would have been to address it to the Board directly and not through a Commission meeting and not to amend the petition at the hearing.

Mr. Roper asked what the Commission said the Board did wrong.

Mr. Wood responded that the Commission approved the bollards for Havana Café. He said that it was The Spot, which was the petition before that and the Commission did not uphold all the bollards for that application. He remarked that the Commission felt that it was something that was costing the applicant money.

Ms. McCoy asked if the Code says that bollards have to be in place.

Mr. Wood responded that the bollards are something that is not specifically required, but it has been something historically addressed to protect and provide the physical separation between an outdoor seating area and the vehicular use area.

Ms. Sori commented that the petitioner agreed with the bollards, and then suddenly when the petitioner is standing before the Commission, some members of the Commission hype up the petitioner and say to the petitioner you are spending too much money and you shouldn't be spending this kind of money so a whole brew-ha-ha resulted and suddenly they do not have the bollards that are needed. The Commission lowered the number of bollards, and there is safety involved and God forbid somebody gets hurt, then that's a lawsuit.

Mr. Aronson responded that they are an advisory Board and that is the Commission's prerogative and if we don't agree with it then we don't agree with it. He expressed his concern for what happened with the signage issue.

Ms. Sori commented that the Commission wanted the larger letters and the petitioner was very happy with the 2/3 size letters until the members of the Commission hyped him up and suddenly and then he wanted the bigger letters.

Mr. Aronson remarked that he wasn't there, but it sounds like they are kind of schizophrenic because typically we have a problem with too much signage and now on their own motion the Commission chose to increase the signage beyond the size that the petitioner had agreed to. Again, was that a compromise they made at the meeting?

Mr. Wood responded that was a condition of approval. It was tailored after the code requirements that applies to the free standing outparcel buildings and was in keeping with that particular provision.

Mr. Roper commented that wasn't even a part of the code, so they actually got a variance on that issue.

Ms. Sori remarked that the petitioner never asked for it and that was the whole point. It was like members of the Commission do not care what the Board says.

Mr. Aronson commented that again, that is their prerogative, but if that's the case then they can save us a lot of time and effort by just doing away with the Board and that is up to them as well. In terms of sending someone to the meeting, he thought that would be a good idea in cases where the Board has approved something of substance. This petition tonight was a fairly straight forward one. He also thought that the person that should go would be the Chair. He said that he was happy to go, but his term is up in a few months.

Mr. Roper remarked that years ago the Chair of the Board attended every meeting and sat with the Growth Management Director and if the Chair was not there then someone else from the Board was an alternate.

Ms. Sori thought the Board would get a little more respect if it shows that not only were they supporting Mr. Wood and Mr. Markley and Staff, but they are supporting their decisions.

Mr. Konhauzer commented that whatever Commissioner decided to get rid of the bollards the Board member was present they could have explained this is why they are here and were they sure they wanted to take the safety of our citizens away.

Mr. Aronson remarked that what he doesn't want to happen is a public debate on those kinds of things with the Commissioners. He would have preferred that the Commissioner or Commissioners who had concerns about that contact us in advance. It is not hard to get in touch with him or the rest of the Board or contact all of us via e-mail. He thought that was short sighted.

Mr. Konhauzer mentioned the Sunshine Law. He then commented that the Board could make the suggestion to Commission that when there are questions perhaps they can contact the Board.

Mr. Aronson interjected that he was going to back track and commented that it would have been more appropriate for the Commission or Commissioners to contact Staff first about it and then the Board could have dealt with it before.

Mr. Konhauzer asked if the Board should make that suggestion to the Commission that on issue like this perhaps they should know the reason before hand and given that opportunity ...

Mr. Aronson remarked that the reasoning was set forth in the minutes. He then wondered if all the Commissioners read the minutes.

Mr. Roper mentioned that a lot of time some of them don't pick up their backup packets.

Ms. Sori agreed with Mr. Roper.

Mr. Aronson remarked that you don't let the facts get in the way. He asked the Board if they wanted him to attend the next meeting and he will. He also commented that he was not going to stand up there and grand stand and that would not help the Board.

Ms. McCoy agreed that was not necessary.

Mr. Roper explained that the reason Board members were present was because if anybody on the Commission wanted to ask a question about what was discussed they would get the proper interpretation of the Board's minutes. It was not to give a presentation, but was just in case they had any questions.

Ms. McCoy interjected that there were also five to seven development issues on every agenda at that point so there was a lot of building going on.

Ms. Cohen commented that the Education Advisory Board does that. If there is something coming up or a program the Chair attends the meeting.

MOTION: IF THERE IS A PLANNING AND ZONING ITEM ON THE AGENDA AT THE CITY COMMISSION MEETING, THE CHAIRPERSON OF THE P&Z BOARD OR ITS DESIGNEE SHOULD APPEAR ON BEHALF OF THE BOARD. MOTION MADE BY MS. SORI AND SECONDED BY MR. KONHAUZER. There were all ayes on voice vote. Motion was approved.

Mr. Aronson asked when the next Commission meeting was.

Mr. Markley responded there is a Commission meeting tomorrow night and there are two Planning and Zoning petitions on the agenda.

Mr. Aronson confirmed what time the meeting starts (6:00 p.m.) and didn't think he could make the meeting at that time, but he thought he could make it by 6:30 p.m.

The Board discussed the petitions to be heard at the Commission meeting.

Mr. Wood reminded the Board that every recommendation the P&Z Board makes is forwarded on to the City Commission so they do get the recommendation and the motion and they get the minutes, which are pretty detailed.

Mr. Roper commented that every Commissioner is encouraged to meet with each Staff member that has something on the agenda prior to the night of the meeting.

Mr. Aronson wanted to know if the Chairperson shows up and sits in the audience it doesn't do any good and thought the Chairperson should sit with the Growth Management Director.

The Board members all agreed the Chair should sit with the Director.

Mr. Aronson thought there should be some preparation in advance of him sitting with the Director.

Ms. Sori commented that Mr. Aronson would be sworn in with Staff and whoever else is speaking.

Mr. Wood remarked that this is new for him too because it has not been discussed before. He mentioned that he would need to speak with the City Manager to find out what arrangements should be made.

Ms. McCoy commented that there were three chairs in the front table. It was the Public Works Director, Planning Director and P&Z Board member and it was done like that for many years.

Mr. Wood remarked that whether they would be sitting next to him or in the audience and if you would want to speak you would have to be sworn in at the initial hearing.

Mr. Wood said that he will call Mr. Aronson tomorrow after talking with the City Manager.

Mr. Schulman commented that our Board is being "slammed" and expressed his concern about the Board being constantly "slammed" and finds that to be very insulting and offensive. He remarked that he has not listened to the tapes.

Ms. Sori suggested that the Board members listen to the tapes of the past few Commission meetings and that they will realize that what she is saying is true. There are certain members of the Commission that show no respect to Staff whatsoever, no respect to P&Z whatsoever. By having a Board member present beside Mr. Wood showing that P&Z is united, not necessarily in their votes, but is united in supporting Staff, supporting the P&Z Board positions and that says a lot and maybe those people won't be so gun-hoe to act like they are acting.

Mr. Roper mentioned that if you want to see the Commission meeting you can go to the Cooper City website and you can watch the website meeting.

Mr. Konhauzer asked Mr. Aronson, as Chair, to send a letter to the Commission explaining that if there are any issues or questions that the Commission could contact the Board members within the Sunshine Law, so

we could explain why they voted the way they did and hope that we, they would realize that we are trying to be partners with them rather than being adversaries.

Mr. Schulman commented that if you are insulted by them that is deserving of an apology.

Mr. Aronson interjected that may be, but there is a certain amount of common courtesy and politeness and civility that is supposed to be maintained and that appears to be lacking, and not only the Cooper City Commission, but many public offices which is unfortunate. Maybe they will read these minutes and think about their actions. You can get the point across without being discourteous or nasty.

Ms. McCoy thought that by going to a Commission meeting would get that point across.

Mr. Roper mentioned that the minutes are pretty self explanatory if they read them.

Mr. Aronson asked what the rain barrel is and what the program is.

Mr. Wood responded that is part of the City's water conservation promotion.

Mr. Aronson commented that you could call the City and get a rain barrel.

Mr. Markley explained that he thought there were rebates for low flow toilets and there is a number of different things if you do to your home they can get you a rebates.

Mr. Aronson asked if the City has addressed the issue of putting in a well for irrigation for homeowners associations.

Mr. Wood responded that the City doesn't allow any new tap-ins for residential irrigation.

Mr. Aronson remarked that if you lived in a homeowners association and that declaration doesn't permit wells, while the City might give you a permit you might have a problem with the homeowners association and he wondered if the City has addressed that issue with homeowners associations.

Mr. Wood responded they would contact the Utilities Department and let him know.

Ms. Wofford commented that "Water Matters" is this weekend and they will be selling rain barrels and compost starts. They will have limited numbers, but their prices seem fairly reasonable. She thought that was in conjunction with the City's program. Water Matters day is at Tree Tops Park this weekend and you can get 2 free trees or plants.

8. ADJOURNMENT:

The Meeting adjourned at 7:40 p.m.