



Minutes of January 7, 2013

Meeting Called to order at 7:00 pm

1. ROLL CALL

P&Z Board Members

Table with 12 columns: MEMBERS, 1/7/13, 12/17/12, 11/5/12, 10/15/12, 10/1/12, 6/18/12, 5/16/12, 2/27/12, 12/19/11, 11/21/11, 10/3/11. Rows list board members and their attendance status (A, P, A***).

* Reappointed ** Resigned *** New appointment

STAFF PRESENT: Matt Wood, Director; Jason Chockley, Planner; Jeanette Wofford, City Arborist

APPLICANTS: Joe Keith, Mill Creek

Mr. Aronson introduced Mr. Elliott Weiner the newly appointed board member and asked him to introduce himself and explain a little bit about himself.

Mr. Weiner has been a resident of Cooper City for 15 years and lives in Embassy Lakes. He remarked that he has been involved with the Embassy Lakes HOA and their different committees.

2. P&Z BOARD - MINUTES - WAIVE/APPROVE – 12/17/12 MOTION TO WAIVE READING OF MINUTES OF 12/17/12: Motion to waive the reading of the minutes made by Mr. Roper and seconded by Ms. Sori. All ayes on voice vote. APPROVE: Motion to approve made by Mr. Roper and seconded by Ms. Sori. There were all ayes on voice vote. Motion was approved.

3. CORRESPONDENCE: None.

4. NEW BUSINESS:

A. MILL CREEK AT COOPER CITY – LOCATED AT SOUTHWEST 106 AVENUE AND SOUTHWEST 55 STREET

1. PUBLIC HEARING – REZONING PETITION # Z 9-1-12

Mr. Wood explained that the subject site is located at SW 55th Street and SW 106th Avenue and is 16.51 acres in size. He remarked that Centerline Homes requests rezoning to the R-1-B District in order to build 29 single family dwellings. Accompanying this petition are variance, site plan, and plat petitions which reflect all lots exceeding 11,000 square feet in size with the average lot size exceeding 12,700 square feet. The site plan reflects one and two story single-family homes, all with air-conditioned floor areas exceeding 3,000 square feet.

The proposed zoning change will utilize 13 flex units. The density of the development will increase from 1 unit/acre to approximately 1.7 units/acre. The underlying Future Land Use Designation of E-Estate allows up to 16 units on the subject site. However, Cooper City's Comprehensive Plan allows the utilization of flex units to be applied through a rezoning without need for a Land Use Plan Amendment as long as the density is not more than doubled on the property. The subject request therefore complies with the Comprehensive Plan Flex Rules as the number of units proposed would go from 16 to 29.

Mr. Wood continued to explain that Policy 1.4.4 of the City's Comprehensive Plan states that City zoning as to permitted uses and densities must be in compliance with, or be more restrictive than, the requirements of the City Land Use Plan. The subject request is consistent with this policy and the Article VI, Section 3 of the Future Land Use Implementation Section of the Cooper City Comprehensive Plan which allows the application of flex units to the site where the density proposed is not more than doubled for the site as allowed on the Future Land Use Map and in accordance with the subject request. Accordingly, the request can be considered consistent with the Comprehensive Plan.

Mr. Wood further explained that the property is bound on the north by vacant and platted lots in the City of Cooper City. To the west are single family estate residential lots in the Town of Davie. The property to the south is in the Indian Pond Subdivision, zoned A-1, Broward County and designated Estate on the Future Land Use Map. To the east are single-family homes in the Tindall Estates neighborhood of Cooper City designated Low (5) Residential also in Cooper City.

The general area of the site has been transitioning from predominantly agricultural uses to more low-density residential developments as proposed under the subject request. The proposed lot sizes on the subject site will serve to transition the allowed density of development from higher in the east to lower in the west. The proposed zoning may therefore be considered compatible with the surrounding land uses.

Living conditions in the surrounding area will not be adversely affected through the rezoning request. Lot sizes will be substantially larger than the 8,000 square foot minimum requirement of the R-1-B zoning district. The home sales prices are anticipated to be equal to or greater than values of similar sized homes in the area. The additional lots will bring home prices in line with market demand while improving the overall property value of the area.

The subject site must meet all traffic concurrency regulations prior to permit approval. The 29 single family homes under the subject request are expected to add a total of 336 daily trips to SW 106th Avenue. From a traffic engineering standpoint, this increase is expected to have an insignificant impact on this roadway and will not otherwise adversely affect public safety.

Mr. Wood concluded that Staff recommends approval of the "Flex" rezoning request from the E-1 to the R-1-B District based on a finding that the petition can be considered consistent with the Comprehensive Plan and compatible with the surrounding land uses. Staff finds that the proposed development of the site for 29 single-family homes is expected to be an asset to the community; will not be a deterrent to the improvement of surrounding properties in accord with existing regulations; and will not otherwise adversely affect public safety.

Mr. Keith introduced himself as the representative of Centerline Homes. Mr. Keith stated that they agreed with the staff report.

Mr. Aronson opened the public hearing at 7:12 p.m.

Ms. Ann Gensemer, 5451 SW 106 Avenue, remarked that she lives at the property to the north. She remarked that her property is not platted and zoned agricultural and will remain agricultural.

Mr. Wood interjected that he was referring to other parcels to the north.

Ms. Gensemer expressed her concerns for the number of homes and protection of flooding of her property since it was lower than the proposed homes. She also commented that she was concerned how this development will affect them. She also wanted to know when they built the bridge would they maintain the flow of the canal. She mentioned they were grandfathered in and also expressed concern for protection of their trees.

Ms. Toby Perkins, 5220 SW 109 Avenue, remarked that she was not contiguous to this property and was one parcel to the north. She commented that her concerns were that the intent of the large properties on the west side of 106 was to be kept at no more than 1 home per acre. She remarked that when Cooper City annexed those properties all those properties were considered part of United Ranches. She referred to the House Bill that that was put forth by the State, which was ratified. She then referred to Section 2 of the House Bill and read the legal description and offered it to the Board for review. She concluded that she would like the Board to consider being compatible with United Ranches and Indian Pond as well and would like this property to be maintained as 1 home per acre.

Ms. Luz Lopez, 10701 SW 54th Street, remarked that she was Ms. Gensemer's neighbor and agreed with what she said.

Mr. Ira Libanoff, 10705 Indian Trail, stated he lived in Indian Pond. He remarked that as a resident of Indian Pond and a member of his HOA board, he said they had some concerns regarding the traffic, which he thought was addressed by the traffic study that was done. He then expressed that his main concern was that they have that beautiful area right across from them with trees and he would like to see that area and those trees preserved and maintained. He asked that be a part of the approved that tonight.

Mr. Aronson closed the Public Hearing at 7:21 p.m.

Mr. Aronson commented that the issues that seem to have been raised were flooding, fencing, protection of trees, traffic and the Statute.

Mr. Keith referred to the property directly to the northeast of this site. He explained this project was within the Central Broward Water Control District (CBWCD). Their new requirement is that you provide a minimum water management area of 25% of the gross property area, which this property does meet. They have also provided drainage calculations to the CBWCD, as well as an extensive evaluation to make sure there will not be any adverse impact to the surrounding neighbors. He mentioned that the City and the CBWCD require they put in measures along the property line such as 25 year flood dykes, etc., to make sure that the drainage within this property will not impact the neighboring property. He commented they would also work with the neighbors to make sure that the permits will be adequately installed along their property. He then explained this would be very similar to what they installed along The Ranches property that they built further along SW 106th Avenue.

Mr. Aronson commented that the lake in the rear of the property is the retention pond that the applicant was building.

Mr. Keith responded that was correct. The retention pond would be excavated on the site and was approximately 4 acres in size and was 25% of the land area of the property. The fill from that lake would be utilized to fill the property.

Mr. Keith then referred to the fencing and remarked that they would install a fence around the entire perimeter of the property. Along the Indian Pond parcel they would install a landscape buffer adjacent to their required drainage easements. Within that landscape buffer utilize as many of the native trees that are there as long as they don't interfere with the District requirements for drainage and drainage retention. They would also install a fence or an aluminum picket fence combination along that property line and embellish that with additional landscaping to maintain as much buffering as they can between Indian Pond and Mill Creek. He commented that the balance of the property would have perimeter trees along the entire boundary of the property. They were very sensitive to the beautiful trees along the south property line of Indian Pond that they want to preserve.

Mr. Keith commented that they do have to put a bridge across that canal. He also commented they have been working extensively with the CBWCD where they were going to put in temporary construction flow piping within the canal to make they maintain the flow within the canal. The CBWCD was requiring they install a larger pipe in the canal during construction as compared to what is present along the entire length of SW 106th Avenue. There won't be any issues related to the flow of the canal. He also mentioned that he would be happy to meet with Indian Pond residents if they had any other concerns.

Mr. Keith then commented they were not aware that this parcel is included within the overall legal description of the United Ranches. He has asked his surveyor is that once they get the overall legal description they will check that against this legal description for this property. This was news to them.

Mr. Aronson interjected that if it is, then they would have a jurisdictional problem.

Mr. Keith responded that he understood that and this was news to them and to the City as well, but would like the opportunity to go ahead and move forward with this project with the understanding they will deal with the City's Growth Management Department confirming that the legal description does or does not include the United Ranches project.

Ms. Sori remarked that the thought this was a beautiful project and not to know that this was a preservation area was very serious. She said they didn't do their homework. She remarked these people have been here for 30 years and have a right to their open space. She stated that she would not support this.

Ms. Stern asked Mr. Wood if project would fall under the United Ranches area or does more investigation need to be done on that.

Mr. Wood responded that this was news to the City as well. He didn't have the legal description in front of him and would have to take this under advisement. The City has moved forward with properties that have been voluntarily annexed and it appears that there may have been some United Ranches area that was required, but the intent of the Bill was to establish the preservation area and this may or may not fall within that. He commented that he was not convinced this would fall with that. Before they jump to conclusions that this is part of an area that is required to go before a preservation board, he thought it should be investigated further.

Ms. Sori interjected that she thought this should be tabled until this is found out. If this goes forward and it turns out that it is illegal there would be big problems.

Mr. Wood recommended they go forward with the project and if there is an issue with procedures then it would have to come back before the Board. He remarked there were some areas that were annexed into Cooper City and

some areas went into the Town of Davie and those areas could be subject to the preservation. It was not his understanding that was part of the area that was annexed into Cooper City.

Mr. Roper agreed with Mr. Wood and said that it was news to him also. He didn't think this was part of the annexation agreement. He asked the petitioner if they have had a meeting with the residents of Indian Pond.

Mr. Keith explained that one of the owners of his company has contacted one of the individuals that lives there. He didn't have the name.

Mr. Roper explained that normally when they are doing a development like this that is adjacent to another development they normally ask that the developer have a meeting with them to explain what is going on have to give input. As it stands now, he doesn't have any input from Indian Pond.

Mr. Aronson commented that all the residents of Indian Pond received notice. He remarked that Mr. Wood had received a phone call from a resident and Mr. Libanoff has showed up tonight. He then commented that the Board would go forward tonight with Mill Creek petitions. He then remarked that if it is determined that before the City Commission meeting that they are within this area then they will have to table it at that time.

Mr. Keith responded they understood that.

Mr. Aronson remarked that the Statute doesn't say that this land has to be preserved. What the Statute says is that when the property is annexed it will come into the municipality where its being annexed with these existing zoning classification that it had prior to that time. It then goes on to say if the municipality is considering changing the zoning, before it does that, the property owner who is requesting the zoning change has to meet with the United Ranches Preservation Board to present its position. It doesn't say if the United Ranches Preservation Board disagrees with the project that the owner can't go forward. It simply says they have to meet with them. He explained then that if the municipality is considering the rezoning it needs a super majority vote. If this property is within the United Ranches Preservation area the Commission can't pass it on a 3/2 vote, it would have to be a majority vote. It was just a jurisdictional impediment. He didn't recall a Cooper City property being in there, but it could have been. He commented that it was a checkerboard annexation.

Mr. Wood added that the County zoning regulations that were in place at the time of the annexation are the regulations in place, so there is nothing required for the City to change those property zonings. Those zonings were maintained when they came into the City and at this time the property owner or the applicant to the Cooper City zoning.

Mr. Cutler commented that assuming there is no problems with the preservation; he thought these were very nice looking homes. He thought it would enhance the value of everything else around there and all the neighbors. He thought that there were other areas that would concern him more than this project does.

Mr. Nall wanted to know who performed the traffic study.

Mr. Wood responded it was the applicant's traffic consultant.

Mr. Nall explained that he used to live on SW 106th years ago and the traffic back then was alright. But, with the new development traffic has gotten heavier since Griffin Road was widened. He expressed his concern that the traffic study says there will be no significant impact and thought that it will make an impact. He mentioned that right now a lot of people use it because Palm Avenue is torn up, but even without that SW 106th was still quite busy.

Mr. Keith responded that Cooper City asked them to provide a traffic study. That study analyzed the current traffic patterns, but also the anticipated traffic patterns due to this project. The results were that no improvements were going to be needed at the intersection of their property and SW 106 Avenue. They have volunteered to add a right turn lane at the intersection it will create an alleviation of any foreseen traffic congestion at that location. They are also going to provide additional storage at the gated facility it will be an asset to that road rather than a detriment.

Mr. Nall wanted to know if it was a manned gate.

Mr. Keith responded that it was not.

Mr. Roper asked what the stacking capacity was on the turn lane.

Mr. Keith responded that it would be 5 cars with gated facility and additional stacking within the turn lane which is another 3 or 4 parking spaces, so a total of 8 or 9 spaces that are measured at 25 feet long.

Mr. Roper then wanted to know if there was any stacking going north.

Mr. Keith responded no, it would be a straight left turn movement into the site, which is similar to the other projects down the street.

MOTION: TO TABLE UNTIL THE BOARD FINDS OUT IF THIS IS PRESERVATION PROPERTY. MOTION MADE BY MS. SORI. NO SECOND TO THE MOTION. MOTION FAILED.

MOTION: TO APPROVE SUBJECT TO CONFIRMATION THAT THIS PROPERTY IS WITHOUT JURISDICTIONAL REQUIREMENTS OF THIS UNITED RANCHES STATUTE MILL CREEK AT COOPER CITY REZONING PETITION # Z 9-1-12. MOTION MADE BY MS. STERN AND SECONDED BY MR. CULTER. There were six aye votes and one no vote made by Ms. Sori. Motion was approved.

A. MILL CREEK AT COOPER CITY – LOCATED AT SOUTHWEST 106 AVENUE AND SOUTHWEST 55 STREET

2. PUBLIC HEARING – VARIANCE PETITION # V 9-1-12

Mr. Wood explained that the Variance request is from Section 23-30(d) of the Code to increase the maximum building coverage from 33% to 40% of the lot. The subject site is located at SW 55th Street and SW 106th Avenue and is 16.51 acres in size. One variance is requested for approval of the accompanying site plan as submitted. The exact number of lots requiring the variance will depend on which model home is sold on a given lot. There are five different model homes proposed under this petition. Based on sales history of Centerline Homes previous development -- The Ranches at Cooper City -- the number of lots requiring the variance is expected to be low because, ironically, the two models requiring the largest number of lot variances, are also the smallest homes in air-conditioned living area. The expectation is that, as with the Ranches subdivision, the larger homes will be the biggest sellers.

Though not a part of the variance request, the applicants are also requesting a front yard setback exception pursuant to Section 23-30(i) of the Code which allows the Planning and Zoning Board to grant reasonable modifications of the setback requirements in the R-1-B district where strict enforcement of the setback would be a hardship. In the subject case, relief from the front setback is requested for two of the five models proposed. These are the models with side load garages. The request would allow the

front setback for these models to be reduced from 25 to 20 feet. The applicant estimates that no more than 50% of the lots will need the setback reduction. Floor plans and elevations are included in the site plan amendment package.

The applicants justify the building coverage variance request based on a number of considerations including the following:

1. The Central Broward Drainage District requirement to set aside 25% of the property for water management results in a decrease in lot size in order to obtain a reasonable lot yield. Without the water management tract, the lot areas could expand to over 19,000 square feet and no variance would be necessary as a building coverage of over 6,300 square feet could be achieved. The petitioners state that this Drainage District requirement presents special and unique conditions applicable to this property and that no other residential developments with similar lot sizes in the area have been required to set aside more than 25% of the property for water management purposes.
2. The applicants further state that these special and unique conditions are not directly attributable to their proposed plans. The Drainage District requirements have become more exacting over time resulting in a decrease in the amount of developable land area. This change to the drainage requirements is not based upon actions of the developer.
3. Other residential land has been developed throughout Cooper City without this drainage district requirement. Therefore the newer codes deprive the petitioner of rights previously enjoyed with similarly zoned property throughout the City.
4. The variance, if approved, would be the minimum variance necessary for the petitioner to make reasonable use of the property. The applicant demonstrates the variance will apply only to selected lots. Three of the five models, for example, only require a variance on up to 10 of the 29 lots. Model E only exceeds the maximum lot coverage by 2 square feet on 6 of the 10 lots.

Though not a variance as such, the following considerations, among others, are included in the applicant's justification for the front setback exception:

1. The setback reduction will only apply to selected lots. Three of the five models are not being considered for this exception. Only Models A and E with the side load garages, will seek a reduction of up to 5 feet on a lot by lot basis
2. Driveways to side load garages are longer; therefore cars parked in the driveway will generally be further from the street than with a front load garage.
3. The amount of private open space will remain the same within each lot even if the exception is granted. If the front yard is reduced by 5' the rear yard will increase by the same dimension.

Mr. Wood commented that Staff has determined that the application meets all the submittal requirements for review and processing of a variance petition and may be recommended for approval based on the following findings:

1. Special and unique conditions exist which are peculiar to the petitioner's case as no other residential developments in the area with similar lot sizes have been required to set aside more than 25% of the property for water management purposes.

2. The granting of this variance will not be detrimental to the public welfare or injurious to property or improvements in the zoning district or surrounding neighborhood. Homes will be substantially larger than the 8,000 square foot minimum requirement of the R-1-B zoning district. The home sales prices are anticipated to be equal to or greater than values of similar sized homes in the area. The additional lots will bring home prices in line with market demand while improving the overall property value of the area.

Mr. Wood concluded that as to the front yard setback exception, this may also be recommended for approval as the exception applies only to a limited number of lots (with the side load garages) where cars parked in the driveway will generally be further from the street than with a front load garage. In addition, even if the exception is granted the amount of private open space within each lot will not be decreased.

Mr. Keith commented that they agree with the Staff Report. He remarked that based on the larger and deeper lots they are providing and will not have to put drainage within the individual lots similar to The Ranches. It gave them the opportunity to provide a bigger footprint. The market rate now is demanding a larger footprint. The smallest unit will be no less than 3,000 square feet under air and upwards to 4,000 square feet. They are also introducing the side load garage and make the streetscape more interesting with architecture facing the street. The City was adamant they provide the 60 foot street right-of-way to make sure that the streetscape and the width of the road right-of-way remains at the City's requirements. The reduction in the 5 foot front setback for a side loaded garage would not have any adverse impacts to the spacing of the street and feeling of volume within the streets. Because of that they have introduced additional architect on the front. He thought the single story side loaded garage and the larger single story house will not be the largest seller, but thinks it is about a 60/40 split – 40% being single story homes and 60% for 2 story because it would offer a larger footprint with more bedrooms.

Mr. Aronson opened that Public Hearing at 7:48 p.m.

Ms. Ann Gensemer, 5451 SW 106 Avenue, commented that a landscape buffer was going to be offered to Indian Pond and she would like to know if there was going to be a landscape buffer to E&L Ranch.

Ms. Toby Perkins, 5220 SW 109 Avenue, mentioned that she had a copy of this bill.

Mr. Wood responded that they have looked at it and he did not see it in the legal description of the United Ranches Bill.

Ms. Luz Angela Lopez, 10701 SW 54 Street, commented that she lived next to Ms. Gensemer and would like to know also if there will be a buffer offered on the west side of the property.

Mr. Ira Libanoff, 10705 Indian Trail, remarked that he was not aware of anyone from Centerline Homes contacting their HOA, but he did have Mr. Keith's card and he has indicated that he will meet with their HOA. He then mentioned that he thought these houses were going to be very nice, but there is a difference when you have property that is zoned for 1 acre lots and homes that are built on 1 acre lots they are different homes that are built on ½ acre lots, size wise, amenity wise, and etc. He didn't want anyone to be fooled by the fact that a home built on a ½ acre lot doesn't necessarily enhance the property value of a house that's on multiple acres or even their one acre homes. He didn't think it would enhance all the property values on the west side of SW 106 Avenue because he didn't think that was the case and thought it a study was done the appraisers would not agree with them.

Mr. Aronson closed the Public Hearing at 7:53 p.m.

Mr. Keith responded that a landscape buffer will encompass that entire project. Along the south property line there will be a 10 foot landscape buffer that abuts an additional 20 foot drainage easement, of which 10 feet of that will be considered common area. Along the western property line there will be a lake there will be a 5 foot landscape buffer with trees and then another 25 feet of common area with a lake bank down to the water's edge. He remarked that the people living on the western side of this property would enjoy the vistas of the lake and trees. On the northern and around the 5-acres that is not platted, he commented there will be a 9 foot landscape buffer with planting and a fence. With regards to the comments relative to the architecture, he mentioned that Centerline Homes does build estate size homes. Unfortunately, the market for 1/unit per acre is not there and the market has not come back yet. He explained that a 4,000 square foot house on an acre does not give the value to the neighboring properties that has a 7,000 square foot house on the same acre. They believe if you are looking at a comparable process that a 4,000 square foot house on a ½ acre lot does not necessarily compare to a 7,000 square foot house on a one acre parcel.

Ms. Sori commented that she was the only Board member that was a decorator by profession. She thought the homes were magnificent. She agreed with the gentleman from Indian Homes and this was not how the homes were going to look. She asked how much space is there between each home, 15 to 20 feet.

Mr. Keith responded yes it is 15 to 20 feet.

Ms. Sori continued to comment that was not really compatible with the Indian Pond homes. She thought these were going to be very large homes stacked one on top of another and would not keep the value of Indian Pond. She remarked the diagrams were very misleading and was not what the development was going to look like. She mentioned that they did not look at the preservation issue and everyone is speculating, but a lady brought in rulings from the State. She again mentioned that this needs to be tabled.

Mr. Aronson responded the Board has already addressed that and the Board has chosen not to table this. As far as they can tell this is not within the United Ranches preservation.

Ms. Sori interjected what information did Mr. Aronson get and this hasn't been seen by anybody.

Mr. Wood commented that Ms. Perkins has acknowledged that it was a mistake and the tracks and subject site is not within that area.

Ms. Perkins remarked that she made a mistake and the subject sites were taken out of the referendum because they voluntarily annexed into Cooper City, but in the State Bill it looks like they might be.....

Mr. Aronson interjected that either way the applicant will confirm that with a surveyor who will certify one way or another and all the motions tonight would be subject to the confirmation this property is not within that area because if it is then there would be a problem.

Mr. Keith concurred with Mr. Aronson and that they did understand that and agreed.

Mr. Cutler commented that for comparison, the Isles in Embassy Lakes is this similar square foot homes to lots that the Isles would be, and people consider very nice and valuable. He wanted to get a better understanding for comparison

5. OLD BUSINESS:

None.

6. GROWTH MANAGEMENT DIRECTOR'S REPORT:

Mr. Wood commented that the next regularly scheduled meeting would be on Monday, January 7th, 2013 and that there was an advertised petition that would be coming before the Board. He then explained that project.

7. BOARD MEMBERS' CONCERNS:

None.

8. ADJOURNMENT:

The Meeting adjourned at 8:17 p.m.