



PLANNING & ZONING ADVISORY BOARD

Minutes of October 1, 2012

Meeting Called to order at 7:01 p.m.

1. ROLL CALL

P&Z Board Members

Table with 12 columns (MEMBERS, 10/1/12, 6/18/12, 5/16/12, 2/27/12, 12/19/11, 11/21/11, 10/3/11, 9/19/11, 8/29/11, 7/18/11, 6/20/11) and 13 rows of member attendance records.

* Reappointed ** Resigned *** New appointment

STAFF PRESENT: Matt Wood, Director
Jason Chockley, Planner

APPLICANTS: Jimmy Wright - Monterra
Jose Acosta, Chen Moore - Monterra
Scott Backman, Esq., Siegel, Lipman, Dunay, LLP, TD Bank
Richard Tenn, Kimley Horn, TD Bank

2. P&Z BOARD - MINUTES - WAIVE/APPROVE - June 18, 2012 MOTION TO WAIVE READING OF MINUTES OF 6/18/12: Motion to waive the reading of the minutes made by Mr. Roper 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.

Mr. Aronson announced that Ro Woodward was not present tonight and asked the Board members to identify themselves when making a motion, as she transcribes the minutes.

3. CORRESPONDENCE: None.

4. NEW BUSINESS:

A. MONTERRA - LINEAR PARK GATES/ENTRY GATES - SITE PLAN PETITION # SPA 6-1-12 - LOCATED AT THE MONTERRA DEVELOPMENT

Mr. Wood explained that this item is a Site Plan Amendment for the Monterra development requesting the installation of decorative aluminum entry gates at three entrances to the community and for pedestrian access gates at two locations along the Monterra Linear Park. The entry gates are proposed at two locations along Monterra Boulevard; one at the main entrance from Pine Island Road and the other at the east entrance from University Drive. The third entry gate is proposed along Tarama Avenue just north of Sheridan Street.

The Monterra Linear Park pedestrian gates are also proposed at two locations. The first is at the north end of the FPL Easement at Stirling Road. The south gate is located approximately one half mile north of the southern limits of the Linear Park (just south of the pedestrian entrance into La Costa.)

Monterra Entry Gates. The applicant states the entry gates are in response to resident requests for visibly secure access to the Monterra community. The access drive configurations (resident/visitor/pedestrian lanes) will remain the same. The proposed gates are designed to coordinate with the existing access arms which will lower after every vehicle to discourage tailgating. In order to minimize time delays and avoid vehicle stacking, the proposed gates will remain in the open position when there is a constant stream of traffic. Pedestrian gates with keypads are to be installed at each location as well as at the existing gates on NW 82nd Way at the entrance into the Vista Del Sol neighborhood from Solano Avenue. The pedestrian gates will contain a keypad on the outside and will remain locked.

FPL Easement/Linear Park Pedestrian Gates. As with the entry gates, the applicant states the Linear Park gates are also in response to resident requests, in this case for added safety and security. The FPL corridor is currently approved on the Monterra plans as a walkway/linear park, open to the public with no access restrictions. Though the Linear Park will remain open to the general public, the proposed gates will require non-residents to enter through the main entrance at Pine Island Road. The proposed gates will be equipped with keypad locks to allow persons to enter at both locations. Each gate location will have two swing gates, providing a 20-foot access opening for FPL's maintenance vehicles.

Mr. Wood concluded that Staff finds that the requests meet the submittal requirements for this Site Plan Amendment to be deemed sufficient for consideration.

Mr. Jimmy Wright, CC DEVCO, introduced himself as the representative on behalf of the applicant. He commented that this proposal is being driven by the Monterra residents. They came in 2009 with the submittals and 2010 was the approvals for a number of changes to the Master Design Guidelines from what Touse/Coulter had originally proposed. Their original plan was to have Monterra Boulevard open without a guardhouse or significant entry features and then to have a guardhouse on each pod. He remarked that they wanted more of a sense of entry and wanted more security, so that original plan changed to a soft gate on Monterra Boulevard, near Pine Island Road, near University Drive and near Sheridan Street. There are 3 locations for the main vehicular gates. He pointed them on the display map. At the rear of Vista Del Sol there was always a resident only gate. At that time there were submitted guardhouses with barrier arms and they maintain the FP&L easement without any restrictions. They have now sold several hundred homes and have several hundred very vocal residents that they meet with every month and have a lot of community participation. He remarked that they have been asked many times by their residents to upgrade the three main vehicular and pedestrian entrance gates, as well as the rear entrance to Vista Del Sol, which is resident only, and to add 2 gates on the north and south ends of the FP&L easement. All of the pedestrian gates that are proposed will have a keypad similar to ones they have now on some portions of the site. There would be a key code for residents to get in and out freely. Pedestrian access for visitors would be restricted to the

main guardhouse, which is manned 24 hours a day, which is the entrance on Monterra Blvd. off of Pine Island Road. In terms of vehicular gates the current barriers, which are the PVC arms that frequently get hit and broken and knocked down would be upgraded with decorative black aluminum rail gates and would be consistent with the black aluminum picket and pilaster that is currently around the community. He commented that they are going for a very upscale look at all the entrances. They spent a lot of money landscaping and a lot of effort coming up with a community identity; such as the towers, which produced a lot of debate and thought everyone would agree that they look great. He feels that they look beautiful and this like the towers would be an improvement to the look of the community.

Mr. Konhauzer commented that the gates were great and will be an addition to the aesthetic appeal of the community. He then discussed the access to the pedestrian walkthrough that starts on Stirling and ends on Sheridan Street and asked if anyone has walked that area. He said that it was one of the best kept secrets of Cooper City and was magnificent. He then asked if they are going to limit the access and who was going to pay to maintain it, and was it Monterra.

Mr. Wright responded yes, it was Monterra and was owned by the Community Development District (CDD).

Mr. Konhauzer then confirmed that it was open to the public.

Mr. Wright responded that was correct.

Mr. Konhauzer commented that if the public then has to go to the gates to walk to that point, it would be making it impossible for them to go through the gate access.

Mr. Wright explained that what they wanted to restrict was people cutting through the community, which is the biggest residential concern. You have this transient movement that goes straight through the community. We still want it to be there as an amenity for the community and for the public. If you enter through the main entrance either in your car or on foot, you can park at the club house or you can walk straight in and enjoy the use of the path to the north and south.

Mr. Konhauzer interjected that those would be closed with key pads.

Mr. Wright responded that it would have a key pad if the pedestrian was approaching from the outside of the community. You don't need a key code to exit the community.

Mr. Konhauzer remarked that the pedestrian walk-through in the FP&L easement would be cut off to the public unless they drove to or walked from some other area and went into the main gates.

Mr. Wright responded that the idea is everyone is going to be entering through the main guardhouse. You can come in through the main guardhouse and exit to the north.

Mr. Konhauzer commented that if a pedestrian who wanted to go on the FP&L easement whether it be from Sheridan Street or Stirling Road, would have to go through the main gates and would not have access through the key pad gates.

Mr. Wright responded that was correct.

Mr. Konhauzer remarked that it would virtually cut-off the public from having the ability to use that FP&L easement.

Mr. Wright commented that the intent is they are trying to increase the security of the community. The idea is that you can still use the path and still exit if you were going to do a loop around the community and out either way, you would be entering the community at a point where there is a guard, cameras and lighting. He did mention they cannot have any lights under the FP&L easement. The idea is that they have a very secure looking entry and they would still maintain public access in and out of what they feel is a beautiful amenity.

Mr. Laufenberg commented that the entrance from Stirling Road and Pine Island Road will be gated now and you will not have access down the sidewalks.

Mr. Wright responded yes, that is correct.

Mr. Laufenberg remarked that he didn't see where the gates would be cutting off the FP&L easements.

Mr. Wright pointed out the locations – on the north end of Stirling Road and on the south end of the dog park going through the passes. The south third will still be open (across from Publix). If you entered from Pine Island, which is across from Cooper City Commons there is no gate until you go 1,500 feet where the tot lot and the dog park area is and that is where the proposed gate will be located.

Mr. Laufenberg commented that the gate will seal off both sides – Stirling Road and Pine Island Road except for that footage referred to and the entrance to use that area will only be on Pine Island Road.

Mr. Wright responded that the entrance for people who don't have the code will be from the Pine Island entrance.

Mr. Roper commented that Staff and Commission worked very hard with FP&L to have that sidewalk put in and opened to the general public. That was part of the agreement and thought it was also part of the agreement they made with CCDEVCO. He thought there was nothing put in the agreement about a gate being put in. He was under the impression that it was to be open to the public all the time.

Mr. Wood responded that was the way it was originally approved and is the way it is currently approved. This represents a change to the site plan approval.

Mr. Roper asked the applicant if they would consider the possibility of closing it at night only and have it open during the day to the general public.

Mr. Wright responded that they would have to discuss that with the residents and, again, this has been driven by the residents. He remarked that the emphasis was to have all of the general population that enters the community coming through the main entrance where they have the security, lighting, the guard and the cameras where it is a very secure looking entrance.

Mr. Roper commented that he understood that, but that was not the intent of the sidewalk.

Ms. Stern remarked that she understands everyone's points, but as a retired police officer, she commented that she completely understands what the residents are concerned about. She thought that keeping it open in the daytime was almost worse than keeping it open at night, because most burglaries happen during the daytime. That walkway through the community is a perfect place for burglars to access into the homes. If you lived in there and didn't want your property being taken, she thought that if they own it and if they give the public access was very generous to all the other residents in Cooper City. It may take an extra few minutes to park your car and walk, ride your bike or do whatever you are going to do. She thought that would create a security issue having that access open.

Mr. Cutler asked if the gates were going to swing open and close.

Mr. Wright responded that was correct.

Mr. Cutler then wanted to know if they will be timed so that when its high traffic it won't backup traffic so the residents will not get He said that he has seen the gates and they take a long time to open and close for every single car. He wanted the residents to understand what they are getting, an up and down and open at the same time.

Mr. Aronson commented that Embassy Lakes installed those aluminum gates.....

Mr. Cutler interjected they were nightmares and that was why they got them out and that was why he was bringing it up. He felt that he was protecting the residents and do they understand what they are about to get because then it becomes a frustration issue and if they are broken then it is a real frustration issue.

Mr. Wright responded that in order to deal with that what they have proposed is on the entry gates where you have a resident entry that a lot of people coming in at the same time in the afternoon. The arm that is up front is a two arm trap. You pull up and you flash your card the first arm goes up, pull in, it goes down behind you. The second arm goes up and then you go. They are proposing to keep the front arm on the trap and then the swinging gate is the back side of the trap. When you approach you still have an arm to get in and out. The slower swinging gate is the second piece of that so if during a high volume time it was his understanding that the second gate could stay open if another car came up and one arm could operate during high volumes and it was just the barrier arm that would zip up and zip down.

Mr. Cutler commented that he was saying this for the residents and he didn't know if it would impede traffic, if for some reason they do it and that then becomes a City problem. He expressed a concern of the public too and would hope the applicant would talk to the guards and tell them to man it properly because they could not be happy at a later date.

Mr. Laufenberg remarked that his neighborhood, located on the other side of the street, was going to be doing the same thing. They are going to do the double arms and they understand those gates go very slow. During their high traffic times from 4 p.m. to 7 p.m. they are going to keep their metal gates open and they will still have the 2 arms installed. So the trap will always exist, but during the high volume, they are going to have those gates stay open. He remarked that he is the President of his HOA and understands completely the maintenance issue and the costs and hopes this applicant does as well. With regard to the safety issue that was brought up, he commented that they had a major safety issue. They have had robberies in his community because their 2 gates were always left open. Since then the CDD cooperated with them to seal off one end of the community off of Stirling Road and the other end has an access with a lock instead of a code. Since then they have had no robberies and halted all the traffic coming through their community. He remarked that he understood wanting to keep unwanted individuals from coming through their community and is a must.

Mr. Roper wanted to know that in order to get to that walkway and the FP&L easement you have to go through the main gate and have to be approved to go through.

Mr. Wright responded yes, you have to ask the guard and he will let you through.

Mr. Roper then asked what are you going to tell the guard and is the guard going to arbitrarily let you through because you can go in and walk.

Mr. Wright responded that it is a public road, yes.

Mr. Konhauzer commented that Mr. Wright said the word "public road" and are you taking public out of that road.

Mr. Aronson responded no, what happens is that it means that they can't prevent you from coming in.

Ms. Stern asked if they were taking license plate numbers.

Mr. Wright responded they have a camera system that keeps track of the in and out traffic.

Ms. Stern remarked that she understands that but police officers can't identify bad guys from a camera system. It just doesn't work that way. She asked if the guards would be taking the tag numbers or anything like that.

Mr. Wright responded when you pull in there is a camera looking right at the rear of the vehicle. On all of their visitor lanes and resident lanes the cameras are installed in a way that they catch either a license plate or a view of the driver such as from inside the guardhouse looking at the

driver. The idea is that they want this to look secure and when guests are coming in that is what they are seeing is that you are on camera. There is a camera behind you getting your tag, and there is a camera looking right at you when you pull up and talking to the guard.

Ms. Stern commented that layers of protection are the best way to make burglars go to another town to do burglaries instead of staying in Cooper City.

Mr. Wright responded that is exactly the intent of these improvements.

MOTION: TO APPROVE MONTERRA – LINEAR PARK GATES/ENTRY GATES – SITE PLAN PETITION # SPA 6-1-12. MOTION MADE BY MS. STERN AND SECONDED BY MR. LAUFENBERG. There were four aye votes and there were no votes made by Mr. Roper, Mr. Valenti and Mr. Konhauzer. Motion was approved.

4. B. TD BANK AT SHERIDAN SQUARE – LOCATED AT 9991 SHERIDAN STREET

1. SITE PLAN PETITION # SP 5-1-12

Mr. Wood explained this item is a Preliminary/Final Site Plan petition for the TD Bank @ Sheridan Square. Sheridan Square is a 9.10 acre master planned commercial center which includes the existing CVS Pharmacy at the northeast corner of Sheridan Street and Palm Avenue. The approved Master Plan reflects conceptual bank and office buildings in addition to the CVS drugstore. The subject request involves final site plan approval of the bank portion of the overall plan.

This item is being presented for Preliminary/Final Site Plan approval pursuant to Section 24-43(b) of the Zoning Code, which allows plans to be reviewed as final submittals at the initial stage of review if the plans and supporting data comply in all respects with the requirements for a final plan.

The site plan reflects the bank building at approximately 3,000 square feet however the building placement has been slightly revised to accommodate a shift of the drive-thru lanes from the east to the north side of the building. There have also been minor changes to the parking and vehicular use area on site to accommodate the specific bank building design.

The architectural plans reflect the building with a combination of beige and tan colored walls with a cultured stone base and a deep red colored barrel tile roof. The architectural colors have been selected to be consistent with the adjacent CVS drugstore building.

The signage as submitted will require City Commission approval of two sign waivers that have been submitted concurrently with this Site Plan Amendment petition. The requests are summarized as follows:

1. To increase the allowable height of the wall sign letters from 14 to 24 inches.
2. To permit two additional colors - Dark Green and Light Green – for the project.

Mr. Wood concluded that the Development Review Committee recommends approval of the preliminary/final site plan subject to the following:

1. Submittal of an executed utility service agreement and payment of utility reservation fees (ERCs) prior to City Commission Approval of the Final Site Plan.
2. Payment of General Government Impact Fees and any outstanding Broward County fees prior to permit issuance.
3. City Commission Approval of the sign waiver requests submitted concurrently with this petition.

Mr. Scott Backman introduced himself as the representative for TD Bank and commented they are in agreement with the Staff Report and Staff conditions. He then explained this is the Cedarwood commercial shopping center located at the northeast corner of Sheridan Street and Palm Avenue. He referred to the approved master site plan with the CVS that is finished and open. The pad was approved for a bank and they are modifying the configuration. There is also a 75,000 square foot office building that is proposed to the north of the site. He remarked that what has been modified on the site is that the drive-thru has been shifted to the north side and some reconfigurations of the parking areas. One of the other big changes that occurred as part of the CVS approval is the access configuration off of Sheridan Street. There have not been any substantial changes to the master site plan. He also commented that he represented TD Bank throughout South Florida and has worked with the Growth Management Staff to make sure they would be complimentary with the rest of the shopping center.

Mr. Laufenberg wanted to know if you could make a left or right at the CVS if it all flows together.

Mr. Backman responded that was correct.

MOTION: TO APPROVE TD BANK AT SHERIDAN SQUARE SITE PLAN PETITION # SP 5-1-12 – LOCATED AT 9991 SHERIDAN STREET. MOTION MADE BY MR. ROPER AND SECONDED BY MS. STERN. There were all ayes on roll call. Motion was approved.

4. B. TD BANK AT SHERIDAN SQUARE – LOCATED AT 9991 SHERIDAN STREET

2. SIGN WAIVER PETITION # SW 8-1-12

Mr. Wood explained that this item is a Sign Waiver for TD Bank @ Sheridan Square. The petitioner requests two waivers from Section 25-23 of the Code relative to permanent wall signage, summarized as follows:

1. To increase the allowable height of the wall sign letters from 14 to 24 inches.
2. To permit two additional colors - Dark Green and Light Green – for the project.

For a freestanding building within a shopping center the Code provides for one primary and one secondary wall sign or for four secondary wall signs. Under this request, the applicant is proposing three secondary wall signs with 24” letters but at a significantly smaller sign area than

would be permitted by Code (15.07 square feet instead of 44). The signs would be located on the east, south and west sides of the building.

The approved sign package for the Sheridan Square center permits three colors – red, white and a color to be determined in the future with the approval of the proposed office building. The applicant's color waiver request seeks approval of the two green colors (Dark Green No. DN0023 and PMS 361 Light Green) while still allowing the third color for the overall center to be determined at a later date.

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 larger letter size is to address in their words "the extreme setbacks from Sheridan Street and Palm Avenue, coupled with the minimal Code permitted sign area, are such that the visibility of the project will be obstructed from those desiring to access the project". The applicant further justifies the request by pointing out that the requested wall signs are significantly smaller than permitted by Code. The secondary signs are permitted to be 44 square feet and the petitioner is requesting signs with an area of just over 15 square feet.

As to the sign waiver for colors, the petitioner states the requested light and dark shades of green will be compatible and complimentary with the existing and future signage of the center. The request includes consideration of the petitioner's federally protected trademark and colors which according to the applicant "is more important than ever for the brand of the project to be readily identifiable". The applicant states that it is imperative to both the safety of the bank customer (to safely navigate to the bank) and the economic vitality of the bank branch that customers are able to identify the project.

Comment [M1]:

Mr. Wood concluded that Staff finds that the petition meets the submittal requirements for this sign waiver to be considered. The Planning and Zoning Board is requested to discuss the petition and make a recommendation. Board input will be forwarded to the City Commission for action.

Mr. Backman explained they were asking for a 15.07 square foot sign in three locations on the building. There is an interesting calculation in that when determining what size signage is permitted on the wall of the building; you take a few different factors into consideration. The maximum square footage that they would be permitted for four secondary wall signs would actually be 44 square feet. However, because of the manner in which the TD Bank logo lays out you can only stretch it so wide and so high that the maximum permitted letter height for the logo is 14 inches, which results in 5 square foot signs. He then pointed to the display map. It looks a little out of place on the building, but with the extreme setback of the building from Sheridan Street that is 50 feet just from the traveling to the property line, it's setback another 100 feet to the building and that is only from the turn lane. He was not talking about the rest of the 4-lanes on Sheridan Street and obviously a lot further from Palm Avenue. Again, he commented that they were making a very reasonable and modest request and just asking for something that is a little more appropriate in scale to the building and still substantially less than the maximum size that might be permitted under the City Code. The colors are federally registered trademark for TD Bank. There are 2

greens and he explained those colors. Because they are in a shopping center, he remarked there is a uniform sign plan that is place and are entitled by Code to 3 colors. Currently there are 2 colors in place, red and white for CVS. He said that originally when they spoke with Staff that they would take the third color and then request a waiver for the fourth color. In thinking this out it made more sense for TD Bank to request the sign waiver and it would be completely in conformance with their federally registered trademark and leave the color option available for the larger office building tenant that would be coming in at some point in the future.

Mr. Konhauzer commented that he agreed with Staff as well as the size and scale that it looks kind of funky to be as small as it is to be a 14 inch versus the 24 inch. He remarked that he has done research and found that especially with the setbacks and you are searching for the space and you hit the car in front of you. It's also a safety issue. He thought that aesthetically, scale wise, functionally, including the colors because it is part of a trademark, he thought it was a great thing.

Mr. Stern wanted to know if they would be putting out a monument sign as well.

Mr. Backman responded that they might be coming back and requesting that at some point in the future. The center itself is entitled to 2 monument signs, one on each roadway for the center as a whole. There is at least one other center in the City that has identified the name of the center as well as the individual tenants. He knew that his client, TD Bank would very much like its own monument sign, but that is not part of their request right now.

MOTION: TO APPROVE TD BANK AT SHERIDAN SQUARE SIGN WAIVER PETITION # SW 8-1-12 – LOCATED AT 9991 SHERIDAN STREET. MOTION MADE BY MR. KONHAUZER AND SECONDED BY MR. LAUFENBERG. There were all eyes on roll call. Motion was approved.

5. OLD BUSINESS:

Mr. Roper commented when someone comes in to request a permit to put up a fence and it has to be shadowbox, is the City now approving a solid shadowbox or solid fence and is board on board in the City Code.

Mr. Chockley explained there are three fence types; one is a stockade, which are boards spaced next to each other. There is the board on board, which has an overlay so it gives it more of a 3D look, and then there is the shadowbox fence, which has the view in between the boards.

Mr. Roper wanted to know when the board on board was approved.

Mr. Chockley responded they have always been permitted, you are just not allowed all types on certain lots. Anything double frontage is required to be shadowbox to maintain consistency. If you go down Stirling Road on the north in the back of Flamingo Gardens, those are all double frontage lots that are required to

Mr. Roper interjected that he was seeing board on board, shadowbox and everything and he is not seeing consistency any more.

Mr. Chockley remarked those fences should all be shadowbox. There has been plenty of that have been issued....

Mr. Roper interjected that when he rides down Stirling Road and the fences that were put on along Stirling Road on the south side....

Mr. Chockley commented that if you were referring to the Rock Creek side of Stirling Road where those residents want the wall, the vast majority of those fences were put in illegally without permits and they never became code cases because the hedges were there. When the hedges came down all of those became code cases. That is why so many of the residents were so vocal because they put up the fences and spent the money, but they were not done with permits.

Mr. Roper mentioned that some of them are shadowbox and some are not.

Mr. Chockley responded that row would have to be completely shadowbox fencing. The only exception that now has come into play with people wanting privacy in their backyards is that some people will put a double layer of wood on the inside so you don't get as much view, but the outside boards still has its facing so that it has shadowbox look from the outside, but you still get more privacy. The look will be consistent throughout.

Mr. Roper said that wasn't code.

Mr. Chockley remarked that the code has changed when you get into shadowbox in relation to pools. Now you are not allowed as much spacing between the slats because kids can stick their feet in and crawl over, so now even in the pool safety code, which is in the State ordinance, spacing is kept to a certain minimum, so the slats go in between what used to be a wider space.

Mr. Roper commented that he didn't recall that ever being brought up and they have changed the fence code to be that. He said that was what he was asking.

Mr. Chockley reiterated that everything double frontage lot is still required to be shadowbox and the north end of Sailboat Way are all required to be shadowbox fences.

Mr. Roper wanted to know how was it shadowbox when it's solid on the back and there is separation on the front and that is the question he was asking.

Mr. Chockley responded that the way it is viewed is that it is kind of shadowbox in nature. With the slats in between that would cut the restriction of both the look and still make the safety code of the pool preventing children from climbing over it.

Mr. Konhauzer commented that the true definition of shadowbox was exactly what Mr. Chockley was saying and that it doesn't specifically say that it has to have an opening, but from a side view it is one board, a box that is shallower, the next board, etc. That would be a shadowbox. He thought that the gray area was whether or not there is an open or a crease or whether it was completely closed.

Mr. Roper remarked that if it is code he would have no problem. He was just questioning it because he did not recall that ever having been put in that way as code.

Mr. Chockley responded that as far as a code change he didn't think there has been much to change the way code is written. Code doesn't get into specific spacing requirements of the slats. It says shadowbox design.

Mr. Roper explained that it used to be when someone came in for a permit to put in a fence, they were given specific guidelines showing exactly how the fence was to be.

Mr. Wood confirmed that there was an illustration that showed that.

Mr. Konhauzer thought the question was even though they were showing different styles of shadowboxing consistency was not being followed and that is the issue.

Mr. Roper commented that was the question he was bringing up.

Mr. Chockley responded that there are no plans necessarily that come in specifics. The Building Department has a handout that has shadowbox, but they don't necessarily specify whether it's 3 inch spacing or 5 inch spacing. The Florida Building Code has changed where certain spacing no longer meets the pool safety act because it's too easy to get a foot in there and step over the fence.

Mr. Roper remarked that if its code he was not questioning it, but he said that he just didn't see consistency.

Mr. Chockley commented there are plenty of code cases that were done without permits that are still in the works of being put in.

Mr. Roper remarked that he was seeing new fences going up that are not consistent.

Mr. Chockley then commented that there are plenty of fences that go up without permits every day.

Mr. Aronson remarked that not in Cooper City, but his experience in his career, he has had a lot of issues where people say that they put it up and paid for it therefore they are entitled to it, there is no permit. He said that he also had situations where they have put up improvements such as fences, docks, and decks that encroach on other people's property. They got a permit and they are saying therefore, it's acceptable and it may not be because they put it on the wrong property. Just because it's there it doesn't mean it's correct.

Mr. Roper mentioned that he has also seen cases where people did something and they were made to take it down.

Mr. Konhauzer asked if they should discuss it further as to why it isn't consistent and should it be consistent.

Mr. Aronson commented that he thought this was a code enforcement issue.

Mr. Roper agreed that it is.

Mr. Chockley remarked that the Building Department doesn't require specifics when a homeowner comes in for a shadowbox fence, they don't ask if they are doing a 5 inch spacing or 3 inch spacing unless there is a pool involved.

Mr. Roper commented that if he was going to put up a shadowbox fence and get it signed off and then let it go.

Mr. Aronson thought that Mr. Roper's question is should our code define the specifications of what Cooper City feels is an inappropriate shadowbox fence, whether its 3 inches or 5 inches. Whether there should be some uniformity within Cooper City as to what a shadowbox fence is.

Mr. Roper responded that was correct and was all that he was asking. He said that he does not see consistency through the City. When he sees a new fence go up, he can see where someone put it up, but doesn't see consistency in the same block then something is wrong.

Mr. Chockley commented there are plenty of examples that fences are there without permits so those you have scratch from the beginning.

Mr. Aronson remarked that he has a shadowbox fence in his backyard around his pool. He was presuming that would be the narrower version of the shadowbox fence.

Mr. Chockley responded that would depend upon when the pool went in, it may not be. The older fences, no, but newer ones yes.

Mr. Aronson then commented that the shadowbox that is approved for a pool enclosure couldn't that just be the uniform approved shadowbox approved fence for Cooper City, because that would have the narrower spacing.

Mr. Chockley responded yes, if Code specifically adopts that it now requires 3 inch spacing max.

Mr. Aronson asked if there was a reason for the wider spacing fences when it's not around a pool enclosure.

Mr. Chockley responded that was for hurricane resilience. The more spacing you have the stronger it is going to be.

Mr. Aronson commented that there is a reason not to have the narrower spacing.

Mr. Chockley remarked that if you were not concerned with the privacy aspect, the wider the slat the stronger that fence was going to be.

6. GROWTH MANAGEMENT DIRECTOR'S REPORT:

Mr. Wood reported that the next P&Z Board meeting is scheduled for Monday, October 15, 2012, which is 2 weeks from tonight. He mentioned there is at least one item for that meeting. The next regularly scheduled meeting after that would be November 5th and there is a petition already scheduled for that night.

7. BOARD MEMBERS' CONCERNS:

Mr. Cutler commented that he was hearing from a lot of residents or customers that the trees used to be pruned back from the street at least once a year and it seems that it has been a long time and they are starting to grow into the parking lot. He wanted to know how often they should be shaped back so it looks nice from the road. He also knew that it was not a P&Z Board problem, but he wanted to understand for the public.

Mr. Chockley responded that Mr. Cutler would have to contact the Public Works Department. He knew that a lot of different funding has been cut, including tree pruning and other things, so what the schedule is now versus what it used to be 3 years ago you would have to contact them.

Mr. Roper commented that it was all done on a time table and because of budget constraints; it's not going to be done every year or every other year.

Mr. Wood mentioned that for the Fiscal Year 2013 budget they did put more money in this upcoming fiscal year that starts today, so there is more money in it this year than there has been in the past several years.

Mr. Aronson mentioned that with regard to the sign waiver tonight, he commented that in his view this was a perfect example of where a waiver was appropriate both because of the logo and the colors and because of the way their sign is configured, it made sense to him to grant it. These are the kinds of waivers that should be granted as opposed to some petitions that come in.

Mr. Cutler wanted to know if the Franklin School was still in the works and when did they want to open.

Mr. Wood responded yes, they were still going through the process and looking to open in 2013.

8. ADJOURNMENT:

The Meeting adjourned at 7:59 p.m.