



Minutes of November 5, 2012

Meeting Called to order at 7:00 p.m.

1. ROLL CALL

P&Z Board Members

MEMBERS	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	9/19/11	8/29/11
Marianne McCoy	P	P	A	P	P	P	A	P	P	P	P
Diane Sori	P	P	A	A	P	P	P	P	A	A	P
Charles Cutler	P	A	P	P	P	P	P	A***			
Michelle Keirnan Stern	P	P	P	P	P	P	P	P	P	P	P
Craig Konhauzer V/Chair	P	P	P	P	P	P	P	P	P	P	P
Mark Aronson, Chair	P	P	P	P	P	P	P	P	P	P	P
David Nall	A	P	A	P	P	A	A	P	P	P	P
John Valenti	P	P	P	P	P	P	P	P	P	P	P
Bart Roper	P	P	P	P	P	P	P	P	A	P	P
Gary Laufenberg	A	P	P	P	P	P	P***				

* Reappointed ** Resigned *** New appointment

STAFF PRESENT: Matt Wood, Director
Jason Chockley, Planner
Ro Woodward, Administrative Coordinator
Jeanette Wofford, City Arborist

APPLICANTS: Hope Calhoun, Esq. Greenspoon, Marder, PA, 1st Baptist Church
Pastor Tom Odom, 1st Baptist Church
Mike Gai, Engineer, 1st Baptist Church

2. **P&Z BOARD - MINUTES - WAIVE/APPROVE – 11/5/12 MOTION TO WAIVE READING OF MINUTES OF 11/5/12:**

Motion to waive the reading of the minutes made by Mr. Valenti and seconded by Ms. Sori. All ayes on voice vote. **APPROVE:** Motion to approve made by Mr. Valenti and seconded by Ms. McCoy. There were all ayes on voice vote. Motion was approved.

3. **CORRESPONDENCE:**

None.

4. **NEW BUSINESS:**

A. FIRST BAPTIST CHURCH OF SOUTHWEST BROWARD – LOCATED AT 9741 BERECHAH DRIVE

1. REZONING PETITION # Z 8-1-11

Mr. Wood pointed out there is a correction to the agenda and the correct name is First Baptist Church of Southwest Broward and should be changed to reflect the name correctly.

Mr. Wood explained that this item is the First Baptist Church of Southwest Broward, located 9741 Berechah Drive -- Generally located on the east side of Palm Avenue, north of Sheridan Street and immediately south of the Renaissance Charter School.

Mr. Wood then explained that the Rezoning request is from A-1, Agricultural (County) to X-1, Civic District (City), and that this application is being processed concurrently with applications for Conditional Use and Preliminary/Final Site Plan and Plat Amendment, necessary for approval of a proposed church.

The subject site is approximately 5.2 acres in size and is currently vacant/agricultural land. The land use and zoning of the surrounding areas can be described as follows:

East: Vacant land owned by the First Baptist Church of Southwest Broward, zoned A-1, Agricultural (County), and Land Use Plan designated E, Estate.

North: Renaissance Charter School zoned X-1, Civic District and Land Use Plan designated E, Estate.

West: Across Palm Avenue are single family homes in the Embassy Lakes subdivision, zoned PRD, Planned Residential Development and Land Use Plan designated LM, Low Medium Residential.

South: Vacant/agricultural land zoned B-3, General Business District and Land Use Plan designated E, Estate.

Mr. Wood then commented that this petition is part of a package of petitions being processed by the agents for the First Baptist Church of Southwest Broward in order to construct a church and ancillary uses on the property. In 2010, approximately nine acres of the church's property to the north was rezoned to X-1, Civic district, and sold for development as the Renaissance Charter School. In addition, the church's property to the south at the corner with Sheridan Street and Palm Avenue was sold for development of a commercial center including the CVS drugstore, now open on the corner.

The subject site is designated "Estate" on the Cooper City Future Land Use Map. This application is consistent with the permitted uses of the Estate Category of the Cooper City Comprehensive Plan and accordingly Policy 1.1.2, which provides that the City shall allow those uses permitted within each land use category listed in the Future Land Use Element for each parcel in the city so designated on the adopted Future Land Use Map. The proposed change is also consistent with Section 3.02(a)(6) of the City's Comprehensive Plan to provide for community facilities designed to serve the residential area in parcels designated in a residential land use category. As such, the rezoning request may be considered consistent with the City Comprehensive Plan.

The proposed X-1, Civic District and the intended church uses are considered compatible with the surrounding existing and planned land uses. As previously described, the parcels that were recently under church ownership have been developed on adjacent properties for commercial and school uses. This has been in conjunction with this subject site being planned for a new church building. To the north the adjacent charter school use is expected to be a compatible community facility use with the intended church. Consistent with Policies 1.1.2 and 1.1.7 of the City's Comprehensive Plan, the rezoning request would allow a desired church to be located in an appropriate land use category while minimizing the impact of incompatible land uses.

The proposed church associated with this rezoning must meet all traffic concurrency regulations prior to permit issuance. Through the plat process, Broward County will assess the additional traffic generated by the additional uses and will require additional transit impact fees to be paid prior to the issuance of a

building permit. The property is adequately situated with direct access on Palm Avenue, an arterial roadway in the City.

A traffic statement has been submitted with the accompanying site plan which indicates that peak traffic hours for the church will be on Sunday mornings from 8am to 12pm. accordingly, the request should not have any adverse affect on the safety and convenience of vehicular and pedestrian circulation in the area.

Mr. Wood concluded that Staff recommends approval of the rezoning request from A-1, Agricultural District (County) to X-1, Civic District (City) subject to approval of the Conditional Use petition being processed concurrently with this rezoning application. If the Conditional Use petition is not approved, the zoning shall revert back to remain the A-1 (County) zoning designation. This recommendation is based on a finding that the petition can be considered consistent with the Comprehensive Plan; compatible with surrounding land uses; and upholding of the safety and convenience of pedestrian and vehicular circulation in the area.

Ms. Hope Calhoun, Esq. introduced herself as representative on behalf of the applicant. She commented that they would accept any conditions listed in the Staff Report. She mentioned they have discussed this area for a long time. She referred to the aerial and explained the history of this property to date and explained that the parcel they were discussing now is the 5.32 acres. It still has a County zoning designation and was important to get into the appropriate City zoning district. The purpose they are asking it to be rezoned for is a church. The existing church facility sits further to the northeast. They are going to create a new church sanctuary. She believed they have satisfied all zoning criteria in the City's code and asked that the Board approve their rezoning request.

Mr. Aronson opened the Public Hearing opened at 7:10 p.m., and seeing no one to speak, closed Public Hearing at 7:11 p.m.

Mr. Cutler wanted to know if this was asked if this was just going to be a church or a church with a pre-school.

Ms. Calhoun responded the right now it is just intended to be a church.

Mr. Cutler commented that there is a school there now and they have talked about peak traffic there now and he wanted to understand what the future plans were and if they were intending on adding a pre-school in the future.

Ms. Calhoun responded that as far as she knows now it is just for a church. If they do intend to put a school there they would have to come back and get additional approval and the Board would know.

MOTION: TO APPROVE SUBJECT TO APPROVAL OF THE CONDITIONAL USE PETITION - FIRST BAPTIST CHURCH OF SOUTHWEST BROWARD REZONING PETITION # Z 8-1-11. MOTION MADE BY MR. KONHAUZER AND SECONDED BY MR. ROPER. There were all ayes on roll call vote. Motion was approved.

A. FIRST BAPTIST CHURCH OF SOUTHWEST BROWARD – LOCATED AT 9741 BERECHAH DRIVE

1. CONDITIONAL USE PETITION # CU 8-1-11

Mr. Wood explained that the Conditional Use for a proposed church and ancillary uses. This application has been submitted concurrently with applications for rezoning from the A-1, Agricultural District (County), to the X-1, Civic District (City) and Preliminary/Final Site Plan and Plat Amendment petitions.

The proposed use of this property for a church is consistent with the type of use and structures intended within the X-I Civic district. This church use is specifically listed in Sec.23-10 Use Regulations Schedule, of the City's Code of Ordinances, as permitted, subject to Conditional Use approval by the City Commission.

The subject site is designated "Estate" on the Cooper City Future Land Use Map. This application is consistent with the permitted uses of the Estate Category as previously stated. The proposed use complies with all applicable regulations and specific standards in the Code. Rezoning, Site Plan and Plat petitions have been submitted concurrently with this petition and all reflect compliance with applicable codes and standards. The accompanying Rezoning application will bring this property into compliance with the City's Code of Ordinances and will support the intended use of the site for a church.

The proposed X-1 Civic District can be considered compatible with the surrounding existing and planned land uses. The surrounding residential communities will benefit as the future church could serve the Monterra community and beyond. To the north the adjacent school use is expected to be a compatible community facility use with the intended church.

A traffic statement has been submitted with the accompanying site plan which indicates that peak traffic hours for the church will be on Sunday mornings from 8am to 12pm. accordingly, the request should not have any adverse affect on the safety and convenience of vehicular and pedestrian circulation in the area.

The proposed church must be provided with adequate parking typical for the church size and consistent with Code requirements. Parking standards for churches have been developed proportionate to the size of the congregation and proposed seating. Such standards have been developed over time to adequately meet anticipated parking demands. The accompanying site plan reflects consistency with these applicable requirements.

The proposed use will reasonably protect persons and property from flooding, erosion, fire, noise, glare or similar hazards. Protection against all potential hazards is provided through the site plan and building permit processes, including paving and grading, engineering, building construction and inspections.

Mr. Wood concluded that Staff recommends approval of the Conditional Use request for the proposed church uses subject to approval of the rezoning application being processed concurrently with this petition. This recommendation is based on a finding that the petition has met all the review criteria as listed in this staff report.

Ms. Calhoun again introduced herself as the representative for the applicant and remarked that the petition is consistent with the rezoning application they just discussed and would like to move forward with this request. She commented that they agree with the Staff Report and they have also supplied justification for this petition.

Ms. Sori wanted to know if there was going to be Sunday school at this church.

Ms. Calhoun responded that she thought the school that Mr. Cutler was speaking of was like a pre-school or day school. Sunday school is a typical activity that goes on at a church on Sunday.

Ms. Sori remarked that she knew that and then wanted to know if all the requirements have been met for that.

Ms. Calhoun responded that the type of school that Mr. Cutler was speaking of and when she said if they wanted to have a school there they would have to come back before the Board for approval. It would be a Monday through Friday type of school. Sunday school class is maybe an hour or half hour that goes at the same time as church services. There is no additional approval required to operate a Sunday school within a church school use.

Ms. Sori asked if there would be classes on Wednesday night like a lot of churches have on Wednesday for children.

Pastor Tom Odom, First Baptist Church of Southwest Broward, commented that in the evening they have a Wednesday Bible study and there will be no Sunday school or additional classes on Wednesday.

Mr. Aronson then Opened the Public Hearing at 7:16 p.m. and seeing no one to speak closed the Public Hearing at 7:17 p.m.

MOTION: TO APPROVE FIRST BAPTIST CHURCH OF SOUTHWEST BROWARD – CONDITIONAL USE PETITION # CU 8-1-11. MOTION MADE BY MR. KONHAUZER AND SECONDED BY MR. ROPER. There were all ayes on roll call vote. Motion was approved.

**A. FIRST BAPTIST CHURCH OF SOUTHWEST BROWARD CITY – LOCATED AT
9741 BERECHAH DRIVE**

2. SITE PLAN PETITION # SP 8-1-11

3. PLAT AMENDMENT PETITION # PA 8-1-11

Mr. Wood explained that this item is a Preliminary/Final Site Plan and Plat Amendment for a proposed church and ancillary uses. These applications have been submitted concurrently with applications for rezoning and conditional use approvals.

The applicant is requesting Preliminary/Final Site Plan and Plat 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 plans reflect a proposed 16,866 sq. ft. church building including classrooms, offices, and a worship center with non-fixed seating. As proposed, the height of the building is 37 feet 4 inches with a steeple

and cross at a total height of 83 feet (please see the applicant's justification statement addressing the steeple/cross height in the attached backup material). The site plan proposes 144 paved and 59 grassed parking spaces for a total of 203 parking spaces.

There is no direct traffic access proposed to or from the Lake Maranatha subdivision or points east of the plat. The vehicular access to the site is proposed from Palm Avenue to the west through an 80' wide full turning movement access opening at the south end of the subject site.

The plans submitted with this petition include landscape plans and architectural floor plans and elevations which have been reviewed by the Development Review Committee (DRC) and have been found to be in compliance with code requirements.

The accompanying Plat Amendment reflects a plat restriction of 18,000 square feet of church use and 4,000 square feet of ancillary office use, with three existing and three proposed single family homes. The applicant has been advised that future site plan approval will be necessary prior to permit issuance of the three additional single family units. The applicant has also submitted a draft Declaration of Restrictive Covenants that will be recorded and commit these residential units as ancillary to the principal church use on the property.

Mr. Wood concluded that the Development Review Committee therefore recommends approval of the Preliminary/Final Site Plan and Plat Amendment petitions subject to the following conditions listed in the Staff Report.

Ms. Calhoun pointed out the development on the display maps and explained they were asking for the maximum development. She also commented that there will be a church and three single family homes that would be ancillary to the church and that are what the proposed declaration states. It would be similar to a parsonage. The intended use of those three homes would be to house employees, and staff of the church. Those particular parsonages are not going forward tonight, but that was why she explained that they were on the plat. The parsonage would be east of where the church would be.

Ms. Calhoun then pointed out the project area in relationship to Palm Avenue and Sheridan Street. Then she pointed out where Lake Maranatha Estates was located and that those residents have stated their objection to anyone using their access road. She commented that this development was nowhere near that road. Primary access would be from Palm Avenue. She then referred to where the parking would be located to the west adjacent to Palm Avenue. The front of the church will face the west. There will be approximately 17,000 square feet, open field with a tot lot, basketball area with additional parking. She pointed out the relationship to the charter school and Lake Maranatha Estates. Parking is in accordance with the city code. She explained there is no fixed seats for the church so the parking is proposed based on the approximately 17,000 square foot church. With regard to the church building itself, she said that it was straight forward as a 17,000 square foot sanctuary.

Ms. Calhoun commented that when they rezoned to X-1, it doesn't have stated development criteria and they had to create their own criteria for development, in other words setbacks, heights, etc. To that point there is no height limitation stated for the X-1 zoning category. When they proposed their steeple, she explained they had to justify why they proposed it at the height they were proposing. As stated in the Staff Report the proposed height of the building is approximately 37 feet and with the steeple it would

be a total of 83 feet. It might sound like a lot it would be in keeping in scale with the location of the actual church building considering its setback from Palm Avenue and Sheridan Street. She remarked that considering that it is a church with a steeple for the importance of people to know where it is, it would not be offensive or obtrusive in terms of size and scale. It would still let people know where the building is located, which is setback approximately 161 feet from Palm Avenue and is not right on the road. Parking and landscaping will be in front of the church. She then pointed out the other aspects of the elevations of the project. The church was growing and will not interfere with the charter school based on their hours of operation.

Mr. Konhauzer asked what the current population is of the church and what the expectations for the projected growth are. He expressed his concern for parking because of the fact that they don't have fixed seating. Concerned with growth and things happening, he wanted to know if there were any future plans for additional parking.

Ms. Calhoun responded that to the credit of Mr. Wood and Mr. Chockley, they asked them and were concerned that as the church grows what would happen, and they made it very clear to them that as the church grows and if additional seating is needed they would have to come back because their parking has to meet the need. It is a requirement.

Mr. Cutler wanted to know what the current membership is.

Pastor Odom responded that the membership is currently 220 people and he mentioned that four years ago they had about 20 people.

Mr. Cutler asked how many parking spaces were there.

Ms. Calhoun responded there were 203 parking spaces in the site plan.

Mr. Konhauzer commented that the only time there would be a heavy load would be during the holidays or events they would be putting on.

Mr. Cutler mentioned that he just drove by there and commented that it is pretty dark at night and wanted to know if there was additional lighting going to be added for security of the members too.

Ms. Calhoun responded that the existing church was setback pretty far from Palm Avenue, there is not a lot of need to put site lighting where they are going, but when the project is developed and built there will be appropriate site lighting so people will have no problem finding it. It won't be obtrusive to the properties to the west or east. It will be safely lit.

Mr. Chockley commented that through the site plan process BSO looks closely at the lighting.

Ms. McCoy referred to the three proposed parsonages and wanted to know if they were going to be located on the 11.03 acres.

Ms. Calhoun responded that was correct.

Ms. McCoy wanted to know where the trash/recycling was located and if it was part of the building or if it was free standing.

Mr. Mike Gai, Sun Tech Engineering responded it is located in the northeast corner of the building and is free standing, and is combined with the dumpster.

Ms. McCoy referred to the ingress/egress and there was a cut across the roadway so you have ingress and egress.

Mr. Gai responded that was correct there is a full median opening that was built when CVS was built.

Ms. McCoy remarked this would be at the south end of the site where the entrance is.

Mr. Gai responded that it shares with the CVS pharmacy entrance.

Ms. Sori wanted to know what was the bump out and why was it done that way and why didn't the property go straight across.

Mr. Gai responded that it was so they could construct a portion of the road to tie into the church facility and give them access directly off of Palm Avenue while the church is under construction.

Mr. Cutler asked if that would be taken down after the church was constructed.

Mr. Gai responded that they haven't decided.

Mr. Aronson commented that the steeple is pretty tall, about 8 stories and asked if it the steeple was lit.

Ms. Calhoun responded that it is not lit.

Mr. Aronson referred to the basketball court and wanted to know what the proposed use is for that because there is no school.

Ms. Calhoun responded that it was just an opportunity for people to exercise.

Pastor Odom commented that they have a men's basketball league on Monday nights.

Ms. Calhoun remarked that the idea was to have an open recreation space for so people to recreate.

Mr. Roper commented that there is no direct access proposed to and from Lake Maranatha.

Ms. Calhoun responded that she knows they are very opposed to anyone using their roadway. Any site planning that would go along the balance of the property would have to come back to the City. She did not believe that the church has any intention of utilizing this road. The church has heard the objections from Lake Maranatha.

Mr. Roper remarked that if this is approved he would like to make an amendment to make it restrictive so that there would never be any access from Lake Maranatha or to points east of the plat. He reminded Ms. Calhoun when they went through all that with the school.

Ms. Calhoun responded that she did remember, but expressed her concern with saying never was that things might change and there may be an instance where they might have to ask that it might be used. If it is ever used it would have to be with the cooperation of the residents and they would have to come back to the City for approval.

Mr. Wood commented that the plat is not proposing any access and is designated as non-vehicular access with the exception of Palm Avenue.

MOTION: TO APPROVE SUBJECT TO THE DECLARATIONS OF RESTRICTIONS WHICH MAKES THE RESIDENTIAL UNITS ANCILLARY TO THE FIRST BAPTIST CHURCH OF SOUTHWEST BROWARD – SITE PLAN PETITION # SP 8-1-11 AND PLAT AMENDMENT PETITION # PA 8-1-11. MOTION MADE BY MS. SORI AND SECONDED BY MS. MCCOY. There were all eyes on roll call vote. Motion was approved.

5. OLD BUSINESS:

None.

6. GROWTH MANAGEMENT DIRECTOR’S REPORT:

Mr. Wood commented that there will not be another meeting this month, but the next proposed meetings would be December 3rd or December 17th and there was the potential for a petition to be ready to go before the Board for those meetings.

7. BOARD MEMBERS’ CONCERNS:

Mr. Cutler asked Ms. Wofford that he had brought it up at the last meeting about the trees and how they were maintained. He asked if the City decides on this type of parcel to plant trees would the City be maintaining them.

Ms. Wofford responded that on these types of parcels, no, the City would not.

Mr. Cutler asked if they have started coming up with trees that cost less to maintain, because they haven’t been able to be maintained because we don’t have the money and some of these trees are out of control so if we choose trees that need less maintaining maybe the City won’t be spending more money down the road.

Ms. Wofford responded that they started a while ago trying to be a little more appropriate where they plant certain types of trees and the conditions they are planting them in.

Mr. Cutler commented that some of these trees are huge and would take a lot of money to maintain them.

Mr. Aronson remarked that in some developments the swale is not privately owned. The developer has to plant trees to meet code requirements. Those are trees that the City maintains.

Ms. Wofford mentioned that it was not like they didn't have money to maintain trees. They do maintain trees, it's just how frequently are they able to get in there and trim the trees.

Mr. Cutler remarked that he had heard that the City doesn't have the money. That is what the candidates are saying....

Ms. Wofford interjected that was not necessarily true.

Mr. Cutler commented that was what the candidates were saying and that the City hasn't done it in 3 years because the money wasn't there.

Ms. Wofford responded that the City has trimmed trees every year since she has been here the past 12 years. She commented that this year they have about 3 times the amount of money that she typically has in any given fiscal year to trim trees. She then commented that trimming trees is very subjective and some people think you should turn them all into little lollipop looking things and you don't do that. She explained that City does have a very mature established canopy.

Mr. Cutler interjected that he was misinformed because that was where he was going and that there was not money to trim the trees. He thought that if that was the case then when they plant them and 5 years down the road and maintaining them.

Ms. Wofford explained that these types of developments, she said that she makes sure that they take responsibility for anything that these developments are proposing, in particular Monterra, who maintains the median Pine Island Road and Sheridan Street and when she sees the opportunity to make sure that our tax dollars don't pay for that, she remarked that she negotiates for the best for the City.

Mr. Konhauzer mentioned that for some of them it might be the last meeting for some of them and wanted to let everyone know that it was a great experience for him and he hopes he is re-appointed.

Ms. Sori asked Ms. Wofford to get into Embassy Lakes and tell them they don't know what they are doing with trimming their trees. She explained that they were creating some very dangerous situations. She commented that she didn't know who the company was they were using, but they were making the trees extremely top heavy and cutting off all the bottom branches. Now, the trees are all starting to lean because there is no stabilizing on the bottom.

Mr. Aronson asked Ms. Sori what streets she was talking about.

Ms. Sori responded that it was all over the development, such as the Estates, and main section. She said they were making the trees like stalks. Cutting off all the side branches so there is no stabilizing. She also said that they did it in front of her house and she told them not to touch another one of her trees. If a big wind comes along and you don't have some bottom branches for balance they will come down. They are already leaning because they are too top heavy. She asked Ms. Wofford if she had the authority to go into any community and say "cut it out, you are doing it wrong".

Ms. Wofford responded that she works closely with Embassy Lakes and for every person that wants a tree trimmed a certain way there is a whole other contingent of people that think otherwise. There are

people there that want the trees cut down. There is a fine balance trying to keep the canopies high enough over the road to allow for vehicular traffic. Waste Management comes in with 2 new trucks with a 12 inch higher profile and the next thing is that all those branches are getting whacked out there. You have to maintain vehicular clearance.

Ms. Sori interjected that as a designer she commented she understands that things are not going to stand if a heavy wind comes up because they have made them all top heavy.

Ms. Wofford commented that she would open a line of communication with them to see what was being done.

Mr. Cutler offered kudos to Embassy Lakes for those members of the Board who were there for Halloween. He said that it was what our City was all about. The haunted house, the kids, they had the police in the golf carts and it was great what the community did for all the kids.

Ms. Wofford commented they are very hands on with the entire community out there. The landscape they provide is pretty topnotch.

8. ADJOURNMENT:

The Meeting adjourned at 7:50 p.m.