



Minutes of February 27, 2012

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

1. ROLL CALL

P&Z Board Members

MEMBERS	2/27/12	12/19/11	11/21/11	10/3/11	9/19/11	8/29/11	7/18/11	6/20/11	5/16/11	4/25/11	4/4/11
Marianne McCoy	P	A	P	P	P	P	P	P	P	P	A
Diane Sori	P	P	P	A	A	P	P	P	P	P	P
Charles Cutler	P	P	A***								
Michelle Keirnan	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	A	P	P	P	P	P	P	P	A	A
John Valenti	P	P	P	P	P	P	P	P	P	P	P
Bart Roper	P	P	P	A	P	P	P	P	A	P	P
Gary Laufenberg	P	P***									

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

**STAFF PRESENT:** *Matt Wood, Director*  
*Ro Woodward, Administrative Coordinator*  
*Jason Chockley, Planner*  
*Jeanette Wofford, City Arborist*  
*Ms. Suzanne Danielson, Kimley Horn, Traffic Consultant*

**APPLICANTS:** *Ms. Debbie Orshefsky, Esq., Franklin Academy*  
*Mr. Tom Rogers, Florida Charter Foundation, Franklin Academy*  
*Mr. Jeff Maxwell, Traffic Engineer, Calvin Giordano, Franklin Academy*  
*Mr. Mike Connor, Landscape Architect, Calvin Giordano, Franklin Academy*

2. **P&Z BOARD - MINUTES - WAIVE/APPROVE – DECEMBER 19, 2011 MOTION TO WAIVE READING OF MINUTES OF 12/19/12:** Motion to waive the reading of the minutes made by Mr. Valenti and seconded by Ms. McCoy. All ayes on voice vote. **APPROVE:** Motion to approve made by Mr. Roper and seconded by Mr. Valenti. There were all ayes on voice vote. Motion was approved.

3. **CORRESPONDENCE:**  
None.

4. **NEW BUSINESS:**

**A. FRANKLIN ACADEMY – FLAMINGO – LOCATED AT THE ACHOTT PROPERTY, 6591 FLAMINGO ROAD**  
**1. CONDITIONAL USE PETITION # CU 7-1-11**

Mr. Wood explained that the subject site is approximately 9.3 acres in size and is currently vacant. The land use and zoning of the surrounding areas can be described as follows:

- East: Rock Creek community zoned PUD, Planned Unit Development and Land Use Plan designated R-5, Residential 3-5 DU/AC.
- North: Proposed Cooper City Soccer Park, zoned and Land Use Plan designated E, Estate.
- West: Single family homes in the Town of Southwest Ranches also zoned and Land Use Plan designated for Estate single family dwellings.
- South: Vacant land and the Schott Center, zoned X-1, Civic District and Land Use Plan designated CF, Community Facility.

**BACKGROUND:** This petition is part of a package of petitions being processed by the agents for The Florida Charter Foundation in order to construct a K-8 charter school to accommodate up to 1,340 students on the property. A Conditional Use Approval is necessary for the proposed charter to operate on the subject site, zoned X-1, Civic District. Submitted concurrently with this request are applications for site plan and plat amendment approvals.

### **ANALYSIS OF CONDITIONAL USE REQUEST**

**NATURE OF USE:** The proposed use of this property for a K-8 charter school is consistent with the type of use and structures intended within the X-I Civic district. This school 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.

**PLAN COMPLIANCE:** 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 1.4.4., which mandates the consistency of land uses within the Residential designations. The proposed change is consistent with Objective 1.12 and the supporting Policies of the Comprehensive Plan to provide sufficient land for schools, proximate to residential areas and parks, and consistent with land area guidelines. As such, the rezoning request may be considered consistent with the City Comprehensive Plan.

**CODE COMPLIANCE:** The proposed use complies with all applicable regulations and specific standards in the Code. Site Plan and Plat petitions have been submitted concurrently with this petition and all reflect compliance with applicable codes and standards. The City's X-1, Civic zoning district supports the intended use in areas designated Estate. As such, the conditional request may be considered consistent with the City's zoning code.

**LAND USE COMPATIBILITY:** The proposed charter school may be considered compatible with existing and planned land uses in the vicinity. As previously described, there is the proposed Cooper City soccer park to the north. The Rock Creek community to the east is across Flamingo Road where there will be a full signalization and other traffic improvements proposed for the intersection with West Lake Boulevard to address traffic safety and impacts in the area. To the south the Schott Center and the additional vacant land owned by the Archdiocese are expected to be a compatible community facility uses with the intended charter school. The

residential homes to the west in the Town of Southwest Ranches are proposed to be buffered through site plan design and building layout on the property which incorporates orienting the outdoor recreation activities to the east side of the school and maintaining lighting levels that will not exceed 0 foot-candles along the west property line.

**TRAFFIC IMPACTS:** The proposed school must meet all traffic concurrency regulations prior to permit issuance. Through the development review process, the City, FDOT and Broward County have and will continue to assess the additional traffic generated by the additional uses and will require additional traffic/traffic management improvements prior to the issuance of a building permit. The property is adequately situated with direct access on Flamingo Road, an arterial roadway in the City.

Mr. Wood then explained that a traffic impact study and Operational Management Plan have been prepared by Calvin Giordano and Associates and reviewed on behalf of the City by Kimley-Horn and Associates, Inc. As a result of these analyses, and in response to comments received by the City, FDOT and Broward County, the petitioner has committed to the following prior to issuance of a CO for the school:

1. The intersection of Flamingo Road at Schott Circle/West Lake Boulevard will be fully signalized with pedestrian crossings (including push buttons and ADA compliant sidewalks).
2. A Reduced Speed School Zone will be established with “School Zone – Fines Doubled” signage and “School Zone” flashers to be installed along Flamingo Road, approximately 200 feet north and south of the Schott Circle intersection.
3. The southbound right turn lane and northbound left turn lane at Schott Circle shall be extended to the maximum distance available.
4. Parking Prohibition Signs will be placed along West Lake Boulevard and along Flamingo Road subject to approval by FDOT.

Mr. Wood then commented that in addition, the petitioner has committed to the following additional conditions:

1. Any overcapacity vehicle trips on adjacent roadways as determined by Broward County will be mitigated through a contribution to the Broward County Signalization Engineering Improvements (SEI) Capital Program to modernize the signals in the area.
2. The school will initially provide for six buses, each of which can accommodate 65 students per run. Each bus will also complete two routes in the afternoon, providing even greater capacity.
3. During the school’s morning and afternoon peak periods, an off-duty police officer will control the intersection of Flamingo Road and Schott Circle.

4. State certified crossing guards will be provided along with trained traffic control persons at particularly specified locations on site in order to enforce the correct operation of the circulation aisle, the student loading areas and parking lots during the school's morning and afternoon peak periods.
5. Staggered dismissal times of not less than 45 minutes in the afternoon will be implemented for a more organized dismissal process and to eliminate congestion. Supervised AM drop off times are extended starting at 7 a.m. for a 7:45 a.m. start.
6. Parents will be required to sign a "Parent Contract" which commits them to acknowledging the requirements of the Operational Plan including the drop off and pick up times as well as restrictions against parking off site in adjacent street rights-of-way, including West Lake Boulevard. Non adherence to the contract may result in the student being withdrawn or not being readmitted.

Accordingly, these proposed traffic commitments/conditions will enhance the vehicular safety of the intersection and provide protective measures for pedestrian safety and movement as well.

PARKING/STACKING ADEQUACY: Parking requirements are met utilizing the lot on the south end of the site. The parking lot is intended for use by school staff that would arrive/depart well before/after the time of student arrival/departure. During times of traffic control this lot would only be accessed using a counterclockwise traffic pattern. During student drop-off and pick-up times this parking lot would be closed off by cones and monitored by the traffic control personnel stationed at its entrance. Additional traffic control personnel would be stationed in the parent drop-off/pick-up area to ensure safe and orderly traffic in that area.

In addition, the proposed on-site traffic circulation patterns maximizes the amount of vehicle stacking on site for pick up and drop off for approximately 159 vehicles. An FOB system will be used for safe and efficient student pick-up by parents. Consequently, the applicant has committed that there will be no traffic overflow onto residential streets.

Mr. Wood commented on the FOB procedures which includes the following:

1. Staggered release times of not less than 45 minutes for elementary and middle school grades.
2. Registered carpools will be given "first in line" status in cueing lines.
3. Parents will be prohibited from arriving, stopping or entering the school more than 15 minutes prior to dismissal. This decreases traffic build-up caused by cars cueing well ahead of dismissal times.
4. Upon arriving on site parents swipe their assigned FOB into one of two stations.
5. The system alerts the appropriate teacher by displaying the students name and time of parent arrival on laptops or overhead monitors networked into every classroom.
6. Teachers then enter the dismissal into the system and dismiss the student where he/she is directed to the loading area.
7. Students arrive as cars are completing the queuing process and are loaded into vehicles by staff/parents at one of 29 curbside loading stations.

**HAZARD PROTECTION:** 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. The school will be equipped with a permanent fire sprinkler system thereby minimizing the possibility of any fire hazard to the subject site or adjacent properties.

Mr. Wood concluded that Staff recommends approval of the Conditional Use request for the proposed K-8 charter school use subject to the following:

1. Assignment of a full time school resource deputy as per the recommendation of BSO.
2. The petitioner's access and traffic control and pedestrian safety commitments listed in this staff report.

Ms. Debbie Orshefsky, Attorney, commented that she was representing the applicant, the Florida Charter Foundation. She then introduced her team: the Florida Charter Foundation which will own and develop the school at this location is Mr. Tom Rogers. She commented their technical team is Mr. Jeff Maxwell, Traffic Engineer, Calvin Giordano, Mike Conner Landscape Architect, Calvin Giordano and Mr. Robert Campo, Developer/Construction Management Person.

Ms. Orshefsky then showed the display maps and pointed out to where the Schott Center currently is and the parcel to be developed as well as the future City soccer park. She pointed out Flamingo Road and West Lake Boulevard. She explained that the Franklin Academy in Cooper City will be the second Franklin Academy in Broward County. Some members of City Staff have been able to visit the site in Pembroke Pines and see the real thing. She then showed a display map that showed the architecture of the school and pointed out the separate bus loop that was referred to in the Staff Report. She then pointed out the drop off area for students and then main entrance with the frontage onto Flamingo Road with pedestrian crossing, etc. She then pointed out the site plan display map and the intersection and the nature of these improvements and how they will operate. This will also serve as the entrance to the soccer park. She mentioned the FOB system and explained how that works for the efficient movement for the children. There are some 29 stations where children can be dropped off, which helps with the morning drop off even though it is paced out over a 45 minute period. She then pointed out the lake and will be shared by them and the Schott Center and is a relocation of other water bodies and the plan has been approved by the Central Broward Water Control District.

Mr. Tom Rogers, introduced himself as representative of the Florida Charter Foundation. He commented they were a group of committed individuals who have made the promise in excellent education and parent choice in education. He explained that he represents a group of amazing educators who deliver everyday on the promise and a group of families and parents hoping to participate in that promise of school choice. He commented that Franklin Academy is a school that focuses on building better people every day. It is the school motto and part of the school logo. They focus on the whole child, not only academics and high standards, but also an integrated character education program as well as an amazingly active enrichment program as part of a full education for their students. He then explained a unique aspect of Franklin Academy is that they are a single gender education school, but are a co-ed campus. He pointed

out their building layout and is designed to support that program. In the shape of the building is 2 wings, a boys wing and girls wing and that is where their children attend their primary inter-core classes and in the middle of the school is the enrichments. That is where they do participate in co-educational education, so subject matters like music, art, physical education and computers, but those the core subject matters for the K-5 and middle school students they participate in single gender and that is unique to Franklin Academy. He commented they have an extremely high expectation of their students, not only of academics, but of character. They are modeled on Ben Franklin's pursuit of virtues. They take very seriously the responsibility of a parent's child who spends roughly 50% of their waking hours with their staff. He remarked they feel incumbent upon them to serve them educationally but also make them better people every day.

Ms. Orshefsky mentioned they have come through a very stringent review for DRC and they appreciate all the effort that Staff has made to get them to this point. In the course of the review they also met with the neighbors at Rock Creek. They are going to share a new intersection with them and while they have met with them in early February they had already been reviewed and approved for the traffic patterns and improvements that are presented tonight by the City Staff Review, the City Consultant, who had accepted the study and Broward County Traffic Management Division had reviewed the intersection improvements and accepted them and the Florida Department of Transportation (FDOT) all of which recommended what they have reflected in their site plan and is described in the Staff Report.

Ms. Orshefsky commented that the neighborhood raised an issue that only neighborhoods have a real sensitivity too which is the potential that people from the east may want to come through Rock Creek when there is this new intersection. She commented they have tried to show a certain sensitivity to that and did further analysis on it and have some solution she thinks in the long run may work out. She then referred to Jeff Maxwell to describe those improvements.

Mr. Jeff Maxwell, Traffic Engineer, Calvin Giordano explained they have looked at improvements at the intersection of West Lake Boulevard and Flamingo Road. They will be expanding the northbound left turn lane to provide as much storage as possible and as much deceleration as possible. They are also looking at expanding the southbound right turn lane into their site and, again to the maximum length allowable to get as much stacking there as well. In addition to this, he remarked they will be installing a full signalized intersection. The signalized intersection is running around half a million dollars, but that will be picked up by the developer, which is a big improvement and will help anyone who is trying to make a left turn across that intersection. They will also be installing school zone flashers to the north and south and will be signalized as well. They are not quite as elaborate as a full intersection signal, but they are substantial and will be electronic signals and will be working during the school zone times. He then referred to the residents' concerns for cut-through traffic and they were concerned about that as well. He commented that when you are talking about cut-through traffic what happens is travelers are trying to find the shortest and quickest way to the point that they want to go. They will take any route that is possible to get there. He explained they went into the field and traveled from the east to the west to the site of the school. They started at Hiatus Road and took Stirling Road to the north and came to the school site. They took Sheridan Street to the south and came to the school. Then they started at Hiatus Road and went directly through Rock Creek on West Lake Boulevard and came into the school site. He explained that what they found is

that the speed limits are different on all of those corridors. Rock Creek has the lowest speed limit at 30 mph. There are signals on Stirling, and Sheridan, etc., but they have higher speed limits. When they did travel runs in the morning peak and evening peak they found that the Stirling Road path took about 5 minutes to get to the school. The Sheridan path took about 5 minutes to the school and the Rock Creek path took about 5 minutes and 30 seconds to get to the school. It is not a dramatic change, but it is significant to note that it took a little bit longer than the other 2 routes around. When you are looking for short cuts in traffic you are looking for 2 things, speed and ease of convenience. If you are looking to go through Rock Creek it is circuitous, slower speed limit and a neighborhood with people who don't want you speeding through there. If you are going on Stirling or Sheridan there are traffic signals and that is not very attractive. You have to weigh the pros and cons of all of those routes to determine where the cut through is going to be significant. He can't say that it isn't going to happen in Rock Creek, but can say that it is more of a level playing field than they have originally thought for that reason. He remarked they did look at some traffic calming or traffic mitigation measures. He looked at what was recommended by the City in 2006. The City in 2006 recommended that Northeast Lake Boulevard at Hiatus be restricted to a right-in/right-out movement only. That never went anywhere and he wasn't sure what happened with that after it was proposed. However, he remarked that is one method you could use to discourage cut-through traffic going through Rock Creek. He thought that would help with cut-through traffic. There are standard cut-through traffic issues; there are speed tables, gates, chicanes, roadway narrowing, etc and are a lot of techniques that could be put into play to make it less attractive to cut-through Rock Creek. He mentioned that is an inconvenience for the residents in that those roads would be a little slower, but they did hear from some residents in the outreach meetings that some of the neighbors are speeding and some of the speeds are higher. There is a possibility that traffic calming could benefit the neighbors as well. He commented they also looked at an intersection design that was presented by the residents themselves. They were looking at coning off through movements at West Lake Boulevard and Flamingo Road into the school, so you could only turn left or right out of Rock Creek and the same thing coming out of the school, only left or right. He remarked they did look at that and put a schematic for that and sent to DOT and referred to Ms. Orshefsky for that update.

Ms. Orshefsky referred to the type of constraint at West Lake Boulevard and Flamingo Road. She explained that what they were advised by some of the Rock Creek homeowners was they would like some restriction on through movements so that you couldn't go straight through Flamingo Road to get into the school. In the interest to get a solution that would address that issue in the most expeditious way, she commented that they went to FDOT with a cone configuration that they also provided to City Staff. The Staff at FDOT wanted the City to ask about this because this is very much a neighborhood kind of issue. She said they were more than happy to work with City Staff to come up with an operational solution that would prohibit the through movements during the morning drop-off and the afternoon dismissal and that is when a BSO Officer would be on duty to just handle traffic and they can operationally deal with that. She believes that with the support of City Staff and City consultants on that kind of proposal that it is an operational matter, FDOT should be supportive. At the same time, she said that she understands that the neighborhood is looking for a more permanent solution that would not allow through movements at any time. She commented that was not their thing. She explained they are a school and approaching it to address the schools trips. However, she remarked that her

client is also the person that is going to end up building this intersection and they are not going to have it under construction for probably another 6 to 8 months. She explained that if, in that period of time the City working with FDOT and the County were to come up with a design that permanently prohibited that kind of through movement then they would build it that way. FDOT and the City could modify that permit to provide for that restriction and it would get built that way. She remarked that the City may choose to go with the temporary solution only when BSO is there to see how it works and they could do some monitoring. The neighborhood could do some monitoring. She said they have no objection as the operator and developer of this school to prohibiting those direct through movements. She commented that she does think there should be right and left turns permitted because then someone could make a left and do a u-turn. There is a movement they had shown to FDOT that they were reticent to give them their support because they view it as a local issue and she thinks there needs to be someone from the City at the table with them. They are prepared to work towards that and are willing to do that improvement.

Ms. Orshefsky commented that it is recommended as a condition of approval that they have a School Resource Officer, (SRO). The SRO's are retired or off-duty, but they specifically do not have any authority to control traffic. What this site is required to do, because they have BSO operating the intersection and they are required to have them there because they know that is what works well in the morning. BSO's policy is that they hire them for 4 hour clips. They have a BSO Officer on-site from 7:00 a.m. to 11:00 a.m. and after the morning drop off; school starts at 7:45 a.m., that officer is on campus in the school walking the hallways and doing what an SRO would otherwise be doing. In the afternoon they have an officer that comes on at 1:00 p.m. and is there until 5:00 p.m. and they are only outside from 2:30 p.m. until about 3:45 p.m. The rest of the time the afternoon duty officer is on duty in the school serving those functions that an SRO would be able to do. So by having almost a full day's coverage of 2 BSO deputies' morning and afternoon shift they are able to have the same service without the necessity of an SRO specifically. She asked the Board to not impose that requirement. They are already required to have the BSO present per the Staff recommendation.

Mr. Aronson opened the Public Hearing at 7:40 p.m. He explained that anyone that signed the speakers list at the door would have the opportunity to speak. Each speaker will have 3 minutes to express their views. He also requested that if a speaker that has spoken before you has already said the same thing that you do not spend 3 minutes repeating it so that we can all leave at a decent time. You can simply acknowledge with the prior speaker and address your comments to the Board and not the audience.

Mr. John Heggy, 3901 Limestone Drive thought Ms. Orshefsky did a good job of expressing the concerns of the Rock Creek residents, which is primarily opening up their community to the potential for 2,000 cars – 1,000 in the morning and 1,000 in the afternoon that will be going to the school parcel each day and having a percentage of those cars cut through Rock Creek to access the school or leaving the school to cut through Rock Creek. He commented that the Schott Center plans to use a portion of the proceeds to expand their use of the property, as well as the north portion of the site is the future Cooper City Park. This is additional traffic that will ultimately flow through that intersection. The temporary measures of 45 minutes in the morning or an hour in the afternoon of restricting traffic with cones is not what they are looking for. They

are looking for a permanent solution that will restrict long term the use of that intersection to have traffic flow from the Rock parcel to the other side of Flamingo Road. He then mentioned that he understands that the developer is shifting some of the burden to the City to resolve this problem and he would like to see more of a joint effort to not let them completely off the hook, but was pleased to see that they are agreeable to take that design into consideration. He commented that he has at least 150 signatures obtained to date regarding a petition against the full use of this intersection. He was against the full use of this intersection as well as the recommendation of the Rock Creek HOA Board to restrict the flow across this intersection. He then commented that the intersection that was not mentioned is the intersection of Stirling and Flamingo and has not heard of any improvements at that intersection. That is the only intersection from University, Pine Island and Palm that does not have 2 left turn lanes going to a major road. That will back up additional traffic there and thought there should be some consideration to further sound proof buffering to the residents that live along that intersection.

Ms. Ester Marantz, 3910 Limestone Drive commented that she agrees with Mr. Heggy and asked that the City consider the gridlock that would occur in the Rock Creek community and that they would be stuck in their homes and wouldn't be able to get out into the street. It would totally change the characteristic of her neighborhood.

Mr. Scott Allen, 11745 Kimmie Drive, expressed his concerns about Sheridan and Southlake Boulevard, where there is currently a charter school there now. He remarked that when parents come out they are making a u-turn to go west again on Sheridan Street and if he was trying to go west on Sheridan to go to work and someone in front of him is trying to make a left turn to go east that can take forever. With that configuration, he remarked that some of the cars of the people that live in Rock Creek that are going to be just north of Rock Creek Academy and one of their options now would be rather than using the West Lake exit out onto Sheridan, now they would be looking at the using South Lake, which would now have a significant backup because that is a tiny area on South Lake Drive. He commented that is something that can be easily rectified by either making another lane for making a right or left turns because there is grass and sidewalk area that could provide an easy solution for residents on the southeast side of Rock Creek.

Mr. Steve Mason, 11425 Wayne Drive remarked that he is the President of Rock Creek and that Rock Creek was trying to retain its quiet rural residential nature and he didn't want to see that change by it suddenly becoming a major highway. He remarked that the Rock Creek Board and residents are very concerned about the proposal. He commented that he thought the traffic engineer's data was off. He remarked that his initial impression was to have a right-in/right-out and that would solve the problem, but the other suggestion of having signalization that would only allow left and right turns would work too as long as it's that way permanently so there will be no possibility of no through traffic from West Lake into the school. He asked for the Board's favorable consideration.

Mr. Frank Casale, 2880 Cardinal Drive and commented that he has been a resident of Rock Creek for 29 years. He explained that he was here under 2 hats. He has done his best to make sure that improvements in Cooper City have been for the benefit of our residents. For the past 4 1/2 years, he has been Executive Director of the Schott Center. The Schott Center does not own

the property. As stated in the Staff Report the Archdiocese owns the property and they are going to sell it one way or the other. He said from his standpoint he wants to make sure they have a neighbor there that is both personal and professional that will be a good neighbor. Knowing what could go there scares him. Knowing what is being presented here, he commented that he went to the first meeting of his neighbors who brought up some concerns and objections. The petitioner decided to have a second meeting a week later to address those concerns. Most of them were answered. There were additional concerns that were brought up which was the flow through traffic and they have come back tonight and said they are willing to make sure that traffic turns left or right into and out of the school which would prohibit traffic going across the intersection, which should restrict the traffic through Rock Creek because if you can't get into the school, why go through Rock Creek at all. He said that he went to the other school because he wanted to see aesthetically what they would be dealing with in our City. He commented that he was impressed and suggested that any one should go there. He then said that he called a couple of realtors and asked with the addition of a school there, if they maintain the correct traffic flow, what it would do to their property values. They said it would make them slightly higher and would be easier to buy and sell property there because now you would have an options as far as schools go. If the petitioner is willing to help and work with the City to prevent that flow through traffic, he thought they would be an excellent neighbor.

Ms. Pat Wall, 11613 Sunfish Way, remarked that it's a nice plan but they have a problem with the traffic. She didn't think anyone mentioned from Southwest Ranches and Stirling Road, the traffic coming out of there and traveling south. The speed zone in Southwest Ranches is 25 mph. That will create a backup of traffic there trying to get onto Flamingo Road and to cut into the school along with the traffic that is going south on Flamingo Road. She suggested they review the traffic coming from Southwest Ranches. She asked if there was a website they can go to and preview the drawings.

Mr. Maxwell responded no they do not.

Ms. Wall then commented that she was against the traffic flowing through Rock Creek. She thought more research and time should be spent. She asked if the entrance could be moved further down so that there is less of a bottleneck of traffic going into the school.

Mr. Michael Payne, 12003 Landing Way, remarked that his home backs up on West Lake Boulevard. He said that he has no problem with the school but does have a problem with the traffic patterns. He explained that his son is learning disabled and cannot drive a car. His son works for Publix at the shopping center on Flamingo Road and has to ride a bicycle to get to work. He hated to think about his son trying to ride a bicycle trying to get to work with the traffic pattern that this would involve if there was a through traffic pattern from West Lake into the school. He thought that the left/left situation would work and suggested that the traffic flowing to the school should come from the east on Stirling Road, make a left on Flamingo Road right into the school and traffic exiting to the east could go south on Flamingo and then east on Sheridan Street. He thought that would eliminate the need to go through the area. He also suggested adding the additional stop signs, but that he has a problem with the bicyclists, people that are walking their dogs, and people jogging through the community. These are the hours that people are out and are not out in the evenings. They are out when he goes to work at 8:00 a.m.

At 7:30 a.m. he sees them walking, bicycling through the community and thought that anything other than a restricted traffic pattern to eliminate the traffic flow through the Rock Creek area would be a serious safety mistake.

Mr. Aronson remarked that in order to speed up this process he thought the Board has heard and understands there is a concern about through traffic and they have heard from the petitioner with some proposals for solutions. He wanted to avoid having speakers tell us that they are concerned about the through traffic and they understand that. He asked the speakers if they had other issues or traffic issues you are welcome to speak or your view has been proposed.

Mr. David McKennan, 12205 Paseo Way, commented that he represented 9 residents that have double frontage lots that back onto Stirling Road. He remarked that they are the point of a spear, the residential community in a commercial intersection. He said that they are on the north side. He then commented that the P&Z Board in the last 30 years have approved the Cooper City Countryside Shops, a mega Baptist church, 2 Broward County bus stops, Stirling Road going from 2 lanes to 4 lanes, FDOT has approved Flamingo Road going from 2 lanes to 6 lanes, and Stirling Road on the other side of Flamingo Road was a dirt road 30 years ago. He remarked that this situation has changed and the 9 homeowners have a dire situation of a noise situation behind their homes. He asked that they are looking for relief in the form of a sound barrier wall, a cement pre-cast wall to be built behind their houses. He said they were willing to assist the City or the Franklin Academy in any way to get this done. By their own admission, he commented that Franklin Academy says that they have 1,340 additional people that are going to use this school on a daily basis, twice a day, which is approximately 600 to a 1,000 cars twice a day and to them even one more car per day going through the Flamingo and Stirling intersection is one car too many. He said they need help on this issue. By Cooper City Ordinance they are required to have a wooden 6 foot shadow box fence. They might as well have cheese cloth protecting them from a sound and a safety issue that is presented to them on a daily basis. He commented that it is his understanding that 3 cars have already crashed through their fences and they have pictures to prove it. He suggested that Franklin Academy work with the City and with them to see if they can address the issue of a sound barrier wall for those 9 residents. He remarked that he was reminded of Robert Frost's poem, Mending Fence and quoted "Good fences make good neighbors". He would like to see Franklin Academy be a good neighbor and help them with a fence behind their houses. In that regard, Rock Creek HOA has already passed a Resolution in support of this position and presented a copy to the Board.

Ms. Barbara Epstein, 12006 Landing Way, explained that she did her own traffic study on 2/15 and 2/16/12. She commented that the time on Stirling Road was 12 minutes. The time on Sheridan Street was 11.5 minutes and the time coming through Rock Creek was 3 minutes at 30 mph. She expressed that if she had 11 minutes, 12 minutes, before the school opens you can imagine how long it is going to take people to use the regular roads on the street. With a 3 minute time limit through Rock Creek at 30 mph everybody is going to use Rock Creek. She then submitted her own traffic study to contest the one that was done. She commented that her traffic study was done during school time at 8:15 a.m. She then remarked that the traffic coming through Rock Creek will come through at the same time that our school busses are letting all their children at all of their locations. The Broward County school busses are on the road in

Rock Creek at the same time that these people will be traveling at the school putting our children in danger as they cross the streets after they get off the school busses.

Mr. Aronson commented that he promised the audience that this Board understands that the Rock Creek residents do not want through traffic through that intersection. If you would like to speak on a different topic, please feel free to come forward.

Ms. Susan Kerns, 12105 Landing Way, commented that she is a 25 year resident of Rock Creek and would like to address the wall issue. She lives across from the exit at Countryside Shops and they have had 3 accidents on her block in which the vehicles have gone through the fences. She remarked they have gone before the City Commission numerous times asking for a wall to be placed there instead of a fence. She explained that where she lives in the morning when everyone is going to school and work the traffic is already backed up past her house and she gets to look at anything that is over 6 feet tall over her fence, busses, and trucks, etc. In the afternoon she has the same thing there is traffic outside her fence that is backed up. She remarked they do need to possibly having 2 left turn lanes onto Flamingo Road from Stirling Road otherwise you would have traffic backed way up, probably to Hiatus Road. She explained that the City Commission is deciding to go to the Countryside Shops to ask them to restrict the traffic coming out of Countryside Shops onto Stirling Road to be a right turn only. BSO had provided some information and the gentleman from Calvin Giordano had told her that there has been 70% of the accidents have been happening at that intersection at 125<sup>th</sup> and Stirling has been due to cars making a left turn going east onto Stirling from the Countryside Shops. They want to enact the right turn only coming out of Countryside Shops and that means that those people would then be making u-turns at the corner of Flamingo and Stirling Roads. The people at the end of the street there will have more of an opportunity for accidents and crashes through fences. She commented that she was happy to see the Franklin Academy go there and it is better from another medical center or shopping center, and hopes they will help them out with the wall.

Mr. Ryan Shrouder, 3930 Fern Forest Road, commented that he has concerns with the SRO and detail officer and didn't know if he agreed with the developer's terminology on SRO. He remarked that during the beginning of each school year when these parents first come to the school they always have a lot of problems getting used to the traffic flow. He would like to see something where they also pay for some additional detail officers or additional police officers to help these parents in the beginning of the school year learn the traffic patterns. Every year he commented they seem to have it at the local schools and it's not just the SRO it is our additional city resources that seem to be supplementing that. He said something like that would make sense to him. He knew they have contracts that could kick the kids out of school if mom goes the wrong way, but didn't think that would work at the beginning of the year. He thought that would help in the process and maybe they would pay for some additional overtime in the beginning of the implementation of the school to monitor the traffic flow and traffic through Rock Creek so there wouldn't be people speeding. He commented that those of us who walk their dogs, especially in the morning very often see cars flying around and unlike Embassy Lakes Rock Creek doesn't have stop signs. It is almost a continuous loop and is a major concern and knew that many people on the P&Z Board live in Rock Creek and asked the Board to take that into consideration.

Mr. Alfred Trapodo, 3939 Limestone Drive, which is the first road off of Flamingo Road, and commented that they would be blocked in if once people try and find out how many light changes it will take to make a left turn off of Stirling Road southbound they will be cutting through Rock Creek. Those who live on Limestone Drive will be blocked in. Traffic will be backed up and the normal school busses from our local schools will be late. He then remarked that if the intersection at West Lake Boulevard and Flamingo Road is important to the charter school will they put some funding in for enhancing the entrance to Rock Creek at Flamingo Road.

Mr. Gary Grimes, 12008 Flicker Way, commented that from personal experience, he is a Facilities Manager at a corporation in Doral and they have a charter school next to them. He said that his personal experience has been with the parents and how creative they become at using his facilities or any parking what-so-ever. To manage to stage themselves to pick up their kids and not go through the exact same design that they have here where they have a circular drive and multiple pick up stations. He mentioned he has been in personal altercations with these people, telling them this is private property. Regardless, he said that his concern is that if you have a temporary staging of the police there these parents will find a way to stage themselves on Rock Creek property and he said that he was certain of that and has witnessed that many times. This needs to be a permanent solution and not something that phases in and out just for a few hours during the day.

Ms. Gail Lopez, 49 Forest Circle, commented that she likes the idea of the school, but does not like the idea of the temporary left/right and would like it to be permanently blocked. She expressed that her concerns were the same as the Kerns and her house is right at SW 118<sup>th</sup> Avenue and Forest Circle which fronts Stirling Road. She has seen traffic increase and has the same complaints, but they have remained quiet. Now there will be even more of an increase and they are not going to remain quiet. She said they are going to support them to get the wall, but maybe have it go further down to North Lake Boulevard, because they are tired of having to get up at 2:00 a.m. to call BSO and said that she has made hundreds of calls for cars that run into Palm trees, cars that run into fences, cars that run into what was her Ficus bushes and are no longer there, and people who pass out in their cars, people who don't even know that they are even in an accident. She said that she was tired of it and would like to have something there that saves her from 2-3-4-5-6:00 in the morning from having to quiet the dogs and look out the second floor window to see what is occurring so she can call BSO and let them know. She remarked the school was great and they were all educators and lawyers in her family. She thought this was a wonderful cooperation. But, she commented that she would support them, and would draw every Cooper City resident into the idea of having a permanent wall and putting an end to this expansion to the point where it's not pleasant, double-pane windows, sound proof walls, what next.

Ms. Patricia Payne, 12003 Landing Way, commented that she has concerns regarding police personnel. She hoped that in the studies that are being done they will be given daily radar from the Sheriff's Department. She thought that people would be speeding through Rock Creek and would be causing more problems. She asked for daily radar control and even on the weekends. She wanted to know if the school was picking up the cost of the detail for the additional burden of traffic in and out Monday through Friday. Someone interjected that the school was picking up

that cost. She asked in the morning/afternoon dismissal would the detail people be controlling the traffic light and if that would be picked up by the tax payers. She then commented that Mr. Epstein wanted her to let the Board know they have over 400 signatures on the petition for their concerns by the Rock Creek residents and they will have more.

Mr. Steve Murphy, 3905 Sailboat Drive, remarked that the traffic studies indicate that it takes half an hour to get from Hiatus to the other side of Rock Creek, so nobody would be using that road. He commented that he is curious as to whether or not the 50 or 100 cars that are projected going through Rock Creek are integral to the success of the charter school. If they are not then why not permanently block it so that can't be done.

Ms. Frances Schlomi, 11360 Lakeshore Drive, commented that she heard that the dismissal process would be staggered so is that 45 minutes to cover all the grades?

Mr. Aronson then closed the Public Hearing at 8:17 p.m.

Ms. Orshefsky commented that the arrival and drop off pattern at the school and children can be dropped off from 7:00 a.m. and school starts at 7:45 a.m. If you get your child there before 7:20 a.m. they can have breakfast too. There is no charge for before care. All K-8<sup>th</sup> is on that same pattern. Parents naturally stagger within that time. In the afternoon, there are staged dismissal times. The K-5 is dismissed at 2:45 p.m. and the middle school (6<sup>th</sup>-8<sup>th</sup>) is dismissed at 3:30 p.m. She mentioned that there are dozens of after school activities. A number of students may stay in aftercare or they may go to a club and if you have a child in K-5, and one in the 6<sup>th</sup>-8<sup>th</sup>, that child can stay in aftercare at no charge so that you only make one pickup.

Ms. Orshefsky remarked that they don't have 2,000 or 1,000 vehicles per day coming to this site. That number has been thrown out repeatedly. She explained how that is not accurate. Traffic engineers are good at trip generation of figuring it out how many of us are getting in our car to go somewhere at a given time of day. With schools it is pretty predictable. It is even more predictable because those cars are already on the road. This is not a new residential development where you would bring new cars into the road. These are your neighbors both in Rock Creek, Embassy Lakes, Pembroke Pines, and Southwest Ranches. They are already on the road and just coming from someplace else. She referred to the traffic study that was submitted, the max a.m. peak hour, which is a one hour period, (7:00 to 8:00 a.m.); they have a total number of trips generated at 670. They would be coming from all different directions. Not all of them would be coming from the east. In the afternoon, their peak hour (2 to 3), which is not the peak hour when everyone else is on the road and they have 429 p.m. peak hour trips. That reduction is a number of different things, such as the multiple dismissal times, afternoon activities, facility coming and Staff in morning, etc. The volume of traffic that is anticipated is nowhere near what has been scared into our neighbors to expect. She said they don't know how many trips would be going through Rock Creek. She thought that when you look at the issues surrounding the community, everything from the wall to the intersection at Stirling Road and Flamingo Road are issues that have plagued this community way before the school was anybody's thought. She commented they have come into it and sought a solution together with the County and FDOT which was to do the improvements at West Lake Boulevard.

Ms. Orshefsky went on to say there is now an expectation that there is going to be something terrible that will arise from that. There is many ways the community can approach that. She remarked at the 2<sup>nd</sup> meeting with Rock Creek they discussed traffic calming measures. She offered to put up fake-a-gate because they have public streets and because they are public streets you can't gate them off. They offered to work with the community if they wanted to install traffic calming. They recognized that would be a good neighbor policy. The only solution that seems to be acceptable is to somehow restrict through movements at West Lake Boulevard and Flamingo Road. She commented they have indicated they are not objecting to that. She then explained that someone is going to have to convince FDOT that either an operational solution, which means while the BSO officer is there, or a permanent solution which is some kind of physical constraint from through movements is the appropriate thing to do. She said that it is FDOT's decision. If they are willing to do it they are more than happy to build it that way. She commented they would work with the City for both the immediate operational, because that was easy and they just need some support from the City based upon preliminary discussions with FDOT, who has been reticent to say go ahead and do it, because they wanted some indication from the City that this was something that the community wanted. They will implement it along with Staff immediately. In terms of the construction option, she commented that would require more study. Now you would be changing a traffic pattern that has been worked out. If the City is able to get that approved, and thought that would have to be a City approved initiative, they would be happy to construct it and will work with them on an appropriate design, but again, it is something should be a City initiative because it is really beyond what the school should take on as its responsibility.

Ms. Orshefsky remarked that there was some conversation about moving the access and explained this was a platted constructed access and is in place. That culvert is in place and isn't going anywhere and already provides access to the City soccer park and the Schott Center.

Ms. Orshefsky pointed out that part of the reason that there are no other traffic improvements required is because the study they prepared and was accepted by the City's consultant and the City Staff found that we met all other applicable levels of service and the only place they needed to make an improvement was at Flamingo Road, West Lake Boulevard and the Schott Center Circle and that is the improvement they agreed to do, and to work with the community to have it done in a way that addresses concerns that she thought were more deeply seeded than the school that have existed for quite a while about the potential for cut-through, etc. and they are just the ones that came along at just the right time to say they can make an improvement.

Ms. Orshefsky commented that in the first two to three weeks of school they will have up to 4 BSO officers in the morning and afternoon because like every other school parents are trying to figure out where to go and they will have that as an operational matter.

**MOTION: FOR DISCUSSION FRANKLIN ACADEMY – FLAMINGO – LOCATED AT THE SCHOTT PROPERTY, 6591 FLAMINGO ROAD -CONDITIONAL USE PETITION # CU 7-1-11. MOTION MADE BY MR. KONHAUZER AND SECONDED BY MS. SORI FOR DISCUSSION.**

Mr. Konhauzer asked with regard to the traffic stacking what was maximum number of cars that would be stacking.

Ms. Orshefsky responded that it was over 80 cars on the northbound left turn lane and then 60 something on the southbound right turn lane that is being extended. She explained that the way this site was designed it has more stacking capacity onsite than any school in Broward County. It has space for 159 cars. She commented the Pembroke Pines facility has enough stacking space for 80 cars and they still use the FOB system and the way that they do their dismissal they are able to achieve an incredible efficient dismissal. She thought that Mr. Wood and Deputy Greer could attest to that since they made an on-site visit and see how efficient it works.

Mr. Konhauzer then wanted to know what the possibility was of our City to pursue FDOT.

Ms. Orshefsky responded they have been having discussions with them, but discussions were limited to the operational change that would make that the restrictive through movements in the morning and afternoon. They had every indication that if the City were to come to FDOT and say this is something that our community would like that FDOT could support it. They have not had discussions with them about a permanent... since they thought it was beyond their job. FDOT showing a surprising sensitivity to community issues said the City would have to take the lead on this. She mentioned they found out about this really late last week.

Mr. Konhauzer asked that from the City's viewpoint, is this a good move....

Mr. Aronson interjected that he didn't think the question was whether the City was willing to approve it. The question was if they approve this project what the condition they put on this approval is.

Mr. Konhauzer then suggested that a condition be based on the fact that only being able to make a right/left turn on West Lake at Flamingo Road and from the school.

Ms. Sori commented that she was not going to approve it, because this school was not being built for Cooper City residents. There would very few Cooper City residents coming to this school. The road is not going to be crowded with Cooper City residents bringing their kids here. It is going to be out of city residents. This is a school for kids outside this City. As a result, they are making it harder for the residents who do live here. They are not really accommodating them by not shutting off Lakeshore Blvd. completely. She commented that needs to be shut off completely because they are going to cut through Rock Creek because they do not care.....She remarked there is no guarantee that FDOT is going to approve anything. FDOT approves very little. All they approve are things that are cost effective to FDOT. They do not care what is happening in this City.

Ms. Sori then remarked that they also cannot guarantee an SRO. The Broward County School Board is cutting back on SRO's as part of their saving money because they are out of money also. You cannot guarantee that they will have those SRO's there twice a day. The City has already turned down the residents request for that wall. She was at that Commission meeting where they spoke passionately about it. They turned them down. There was no room on Stirling

Road to increase to make a left turn. The road just isn't there nor does anyone have the right to ask the shopping center to stop the people in the other side of the City from not making a turn. So they would go out of the shopping center go up to the corner, and make a u-turn in the middle of the road. She said that did not make sense to her and that this was not a well thought out plan to accommodate the residents in the City. She commented they will also cause tremendous backups on Flamingo Road at rush hour. She thought they could be backed up to Southwest Ranches to make the turn. She also thought that these residents need to be guaranteed that road would be closed off. She said she didn't mean the road to be closed off to where the residents couldn't have access, but signs that say "no through traffic" or a gate or something because the people coming to this school are not our residents and do not care about cutting through this neighborhood and they will.

Mr. Roper commented that the City approved the last Charter School. The Charter School agreed to allow a certain percent of people attending that school to be Cooper City residents and has anything been suggested with this school.

Ms. Orshesky responded that she was not familiar with that approval, but under the Florida Charter Law that kind of restriction can only be imposed if they are a municipal school, which is run by the school themselves, or you have a boundary issue. They may be going for a limited boundary that would draw only from Cooper City. The difficulty is that under the Charter Law given the location of this school and its proximity to other cities is less centrally visave Cooper City than the other site that a boundary would not accomplish what you were asking. She gave some statistics there were 130 plus residents of Cooper City who applied for the Pembroke Pines Charter School Franklin Academy who did not get in. She stated that 39 of those folks live in Rock Creek. So they already know there is a population within the City and Rock Creek that will have the availability of this school since is well known to this community at this point. Legally, this is not a Charter that can be bounded the way Mr. Roper has described.

Mr. Roper referred to having a right/in right/out in the morning and afternoon that more or less can be approved with the Franklin discussions they have had with FDOT and Broward County.

Ms. Orshesky responded that the indications are that with City support that kind of operational limitation is because there will be a BSO officer there to control the intersection. That it be City supported was what was described to them by FDOT Staff who has to sign off on it that operationally they could consider that favorably. She then remarked that she could tell the Board that FDOT, even when they take the City Manager with them or the Mayor is going to say they will approve it, which is part of the reason they have tried to approach this with a number of other options. They offered to put fake-a-gates at all of the entrances to Rock Creek and not just one. They suggested revisiting the entrance on Hiatus and a proposal that in 2006 the City and County has approved for controlled access there to reduce through traffic and they would do that. She pointed out they have tried to come up with many different options and were happy to continue to work with the community, but she couldn't give the Board the guarantee that Ms. Sori is asking for. She added that the traffic study that has been approved by the City consultant shows that in their peak morning hour (7-7:45 a.m.) they put 26 trips on the intersection of Stirling Road and Flamingo Road. That is barely 5% of what is going on there and is not a lot.

In the afternoon they put 16. This is a school and is not a Walmart and asked the Board to keep that in perspective.

Mr. Roper wanted to know if the light at that intersection....

Ms. Orshefsky interjected the light was approved.

Mr. Roper commented that he goes in and out of there all the time and thought having the light there was a real plus for everyone. He remarked that he would like to see a right/in left only and if the City would support that (unintelligible).

Mr. Cutler remarked where the bus stop would be and asked for an explanation of how the bus works. In the public school system it is one stop because there are a lot of kids there and how do you decide who gets picked up and how is that going to stop the people from not taking their cars to school and ride the busses.

Ms. Orshefsky responded that it is very different from a public school; a charter school can define its boundary for purposes of how far out they want to be for bus service to be provided. They have a lot more control. While they are a school of choice they are not like a magnet school where the School Board has to provide transportation for magnet students regardless of where they live from the school.

Mr. Cutler commented that because of a cost factor, the school may decide one day that they don't need the bus and they are not being used correctly his fear would be that more cars go into the school. It just sounds like they are using the bus as a way of saying the stops would be limited, but how do you ease the resident's minds that the busses will be used and not scrapped one day.

Ms. Orshefsky responded that the traffic analysis that was approved by all the agencies did not make a reduction for bus riders, for car poolers, walkers or bicyclists. It assumed everyone would come in their car. They did not take advantage of that, but you still provide bus service because parents need it in order to get their kids to school.

Mr. Rogers explained that they start with the State required reasonable distance for determining transportation and start with the same donut the school does, no closer than 2 miles and no further than 4, and then they expand out to achieve maximum utilization of the busses. He further explained that one activity they do that most public schools, private schools and churches schools don't get a change to do is because of the split times, our busses make double runs in the afternoon. They average 89 students transported during their survey for FTE, on the six busses they have. A standard 65 passenger bus is transporting 89 students per bus with the same driver and same bus that's paid for, it is in their best interest to transport as many students as possible. The activities related to transportation, their interests are aligned to maintain as many busses as possible to be as efficient as possible and utilize them to their maximum capacity.

Mr. Cutler remarked that he has kids in the school system and wanted to know if there is a mechanism in place that will allow parents to drop the kids off in Rock Creek and use that as a drop off. Can they keep people from dropping off kids in Rock Creek?

Mr. Rogers's responded that was a very realistic activity that occurs. One of the things Charter Schools can do and they take responsibility very seriously, as their parents in Pembroke Pines will attest to, is they have a parent contract. A parent signs a contract not only acknowledging receipt of the student handbook and 20 service hours, but you also sign that you will comply with their operational and safety procedures. Specifically, they sign that they will follow their traffic pattern and traffic rules. Specifically, they sign separately that they register their child as a walker. They must register their child as either a bus rider, after care activity, or a car rider. If those that register as walkers, they sign an attestation that they are walking all the way home. If they are not walking all the way home their child may be prevented from recommitting to the school and continuance into the school. They take this very seriously.

Ms. Orshefsky remarked that Mr. Rogers is someone who likes rules to be followed. The school has the ability and that is one of the major distinctions between a charter school and a regular public school. There is a greater parent involvement and greater parent responsibility.

Mr. Laufenberg commented that he was at all of the Commission meetings regarding the other charter school who did offer an SRO, all the crossing guards and early registration for Cooper City residents. He explained that he works in Rock Creek on the corner of Sheridan Street and Flamingo Road and knows the traffic is horrendous. He understood the residents' concerns. The first one would be absolutely a left turn/right turn that is proposed they have to approve. Also, the Stirling Road intersection would have to be improved. In order to put a stop to dropping a child in Rock Creek, which will occur if there is a crossing location, he suggested to eliminate that crossing location and set it down on Stirling Road, which is the center of the City. Have the children cross at Stirling Road and this would eliminate .....

Ms. Orshefsky interjected they have described that the cross walk at West Lake Boulevard...first of all the cross walk will have a BSO officer. Understand that the SRD's scope of work does not include the kind of traffic control and management that a BSO off-duty deputy they hire for 4 hour blocks at a time can do. They do all the things the SRD does plus traffic control and management. If you were going to cross Flamingo Road for children that are registered walkers they will walk to the appropriate cross walk and coming from the east would be West Lake Boulevard to the Schott Circle entrance where..... audience interrupted...

Ms. Orshefsky reiterated it is a school zone and it will be lighted and it will have a police officer and a crossing guard. They can't move the cross walk because that would not create the safest condition. They want their walkers to actually be students who are walking from the surrounding neighborhood and they want to provide a safe route for them. If people start a drop off they are not going to be able to drop off their kids Rock Creek and walk them through because they ask that child and they have to sign an affidavit that they .....residents interrupted again.....

Mr. Laufenberg interjected that he was just trying to make the most inconvenient way for them to do what Ms. Orshefsky is saying they may not do.

Mr. Konhauzer remarked that Mr. Laufenberg was miss directing them all the way north to walk all the way around.....

Mr. Laufenberg commented that if someone was living on the corner of Sheridan Street and Flamingo Road they were not going to walk to that light?

Mr. Aronson pointed out that Stirling Road and Sheridan Street were too far for those kids to walk.

Mr. Laufenberg mentioned that if someone was living in Flamingo Gardens they were going to have to through Rock Creek to cross through.

Mr. Roper pointed out there is already a cross walk at Stirling Road.

Ms. Orshefsky commented there may be a cross walk at Stirling Road, but it is not part of their traffic control.

Ms. Sori remarked that there is another charter school that is Palm Avenue and wasn't sure if it was already operational. She said come on and let's cut to the chase, the Rock Creek children are going to go there. The Rock Creek parents are not going to let their children walk across Flamingo Road to attend this school. This school is built for other children to attend and there is nothing wrong with that. The bottom line is the Rock Creek residents are being horribly inconvenienced from their life style because this solution they have given does not work for our residents.

Mr. Konhauzer commented that he understood everyone's point. He said he lives in Rock Creek and has 3 children, walks his dog on Stonebridge Parkway at 7:15 a.m. and has no concern and he has been living there for over 20 years, as long as they agree to what we are suggesting, the lefts, the rights, and has fear of that. He said that he did not want to stop the people that are in Rock Creek from walking straight across into the school and they can walk to the north or to the south and to him that was not safe. As a Rock Creek resident, he commented that he did not have an issue with this as long as the parties agree to what they have all suggested.

Mr. Roper remarked that he was a 30 year resident of Rock Creek and has gone through a lot and one thing that they have to take a look at is what else could go in that property. It was a lot better to have something that you know. It can do nothing but improve the property not only in this City, but particularly in Rock Creek. This is k-8<sup>th</sup> and these kids will go to that school from kindergarten straight through to the 8<sup>th</sup> grade and would not have to change schools to go to a middle school. He thought that was a tremendous plus for this area. They have many, many more plusses to what they are talking about tonight than there are negatives. He thought that the one thing to look at is if they could get a left/right on both sides and that would accommodate everyone and will back it 100%.

Ms. Stern commented on the recommendation of Staff to assign full time SRD separate from the detail officer. There is a significant difference between the SRD and the detail officer. The SRD is going to build a relationship with the children. They will be the go-to person that they can talk to and trust. She knows that because she is a retired police officer. She directed traffic at school almost every morning. She knows the difference between the two and if there is an issue with BSO requiring a separation and that the SRD was going to provide. If there is an issue with having a 4 hour minimum..... – someone interjected that it was a 3 hour minimum now and not a 4 hour .....

Ms. Orshefsky interjected that was not the contract they were presented with by BSO.

Ms. Stern remarked that if BSO is saying it is a 3 hour minimum, she was sure that they could negotiate with them to get the 3 hour minimum especially if you were going to have an officer there twice a day. The SRD is going to do a completely different job. They can't be pulled out of the school to come out and direct traffic. The person directing the traffic can't go in and out of the school and they are two completely different jobs.

Ms. Orshefsky commented that at the time the SRD recommendation was made they were not aware they had 8 full hours of deputy coverage at the school. They didn't share that with the City until it became a recent condition. They have this in operation now. With that 4 hour time they are able to build the rapport and be within the school during 3 six hour blocks throughout the day. The school has a minimum of 3 guidance counselors, and has staff that the regular public schools don't have. That staff serves the function of the SRD. Part of the reason they are objecting to that condition is that it is not legally required by anyone. The City of Cooper City tends to have SRD's and up until now before the financial crisis that the School Board and other municipalities have had the City has shared the cost of that with the School Board. That is not the case with them. If they had an SRD it would be completely a financial burden on this school. Instead of duplicating those efforts they are able to use the 2-four hour shifts of a BSO officer who is able to both do the traffic and serve the SRD functions.

Ms. Stern interjected that they were saying instead of having a detail officer you would use the SRD's.

Ms. Orshefsky responded no, on the contrary, they will have a detail officer who will do both the traffic detail both morning and afternoon.

Ms. Stern again interjected that you would have different officers. Maybe you would have one that would sign up 2 or 3 different times, but it will open to all the officers to sign up and could have a different officer all the time.

Mr. Rogers explained that he appreciated that point, but this school has worked hard to define its program, and to deliver not only a quality educational experience but a safe and organized experience through the course of the day. He commented they have received contracts from BSO and was not given the option to go with FHP, but with BSO and the contract they were given was 4 hours. If it was 3 they would still commit to the 4 hours. They do it currently. They do rotate, but have found they provide a presence in the school and are interacting with

their students and a majority of their students are K-5. They interact mainly with their guidance counselors. They have 3 assistant principals in addition to a principal. They are fully staffed. The difficulty with the SRD is that the number one requirement they have to address with police support is traffic support, and an orderly and safe operation of their traffic detail. Having an SRD serve traditional SRD functions, he agreed with Ms. Stern, and asked the detail office at BSO to give them a job description of the SRO. They told him don't expect them to do traffic because they won't and are in the school. Because they don't fall under the contract where the City of Cooper City pays half and the school district pays the other half, it is \$148,000 including benefits to pay 100% of those costs. What that means is that you are making the police detail the highest paid person in the building. The only one that does not answer to the Board and is not accountable for performance to the parents and the school, they would be making them the most expensive person in the building and cannot be eliminated. They say it's an unfunded mandate and worked with Staff to address the number one need for a sworn officer whether it is Sheriff or FHP and that was to run a safe and orderly pick up and drop off and provide a police presence throughout the day and that is what they believe they have accomplished by committing to the details in the 8 hour blocks they have defined.

Mr. Laufenberg commented that he wanted to reiterate that obviously the cross-over from Rock Creek would be the best. But that he could tell you that Rock Creek will be the go through street and have you ever seen the intersection at Stirling Road and Flamingo Road during rush hour. The turn lane is ridiculous and where else are they going to go. Obviously through Road Creek it is going to happen. The Pool and Tennis Center parking lot will be used more often when they bring their kids out of the car and walk down the street to cross over. He said that Stirling Road was ridiculous and that is the heart of our City and the main artery of the City. The left turn lane is horrendous on Stirling Road.

Mr. Valenti remarked that he agreed with Mr. Laufenberg and he recently has driven out west to make a left and has sat there through 4/5 red lights. He thought that they could work something for West Lake Blvd., and it is an issue, but was not as deeply important as the Stirling Road intersection and didn't think you could ignore that and is just as important and something has to be done. He also didn't see the guy in the shopping center putting up a no left turn sign, and that would kill their business. He then commented about the wall on Stirling Road. He said that his house backs up to Pine Island Road and when he bought there in 1985 there was nothing but woods across from him. They also widened Pine Island Road like a race track and replaced his fence with a concrete wall and he loves it. He told the residents that wanted the wall not to take no for an answer keep fighting for the wall because they deserve it.

Ms. McCoy remarked that she is also a Rock Creek resident for the past 26 years. She explained that when she is through Southeast Lake Boulevard she has to go through an elementary school zone. It does slow up quite a bit and the traffic light at Hiatus and Southeast Lake Boulevard and it may be only one or two cars that make the left turn. The fact that this school will consider taking the intersection at West Lake Boulevard and Flamingo Road and making it a right or left only and not a straight through would be of great benefit and will eliminate some of the problems from the perspective of the people that have to exit Rock Creek that live there. She commented that when she looked over the documents for this meeting she wondered how this would affect her traffic pattern because she does use that exit out onto Flamingo Road in the morning as

heading down Flamingo Road she gets stuck by another school zone on the north side of the Stirling Road so you just can't escape it. With the pedestrian cross walk she thought that was a real benefit to the City being that they have a municipal complex that will be built over there and having that in place along with the traffic light...it would be an inconvenience for Rock Creek residents because they won't be able to zip through that light directly through to get to the park, but you have to take the good with the bad. The Stirling Road and Flamingo Road intersection that is a problem and she didn't think they were adequately addressing it as it has been previously noted. She commented that she would support the project and felt badly that the site plan they approved many years ago for that parcel didn't come to fruition and understood the economics that caused it not to be able to be done. Rather than have something that was less desirable other than a school would be an issue. She then referred to the site plan and asked if they have covered areas for drop off and pick up of the kids.

Ms. Orshefsky responded yes for both at the bus and at the car rider area.

Ms. McCoy commented that with the drop off of children in the community to avoid going through the schools and didn't know if the City could pass an ordinance for fines for stopping on the swales to drop off kids and wanted to make sure there were repercussions for people that violate the codes.

Mr. Konhauzer made a motion to approve based on the following restrictions:

1. Being that would be from West Lake Boulevard across Flamingo Road you would only be able to do all that was discussed and only be able to make a left or right hand turn as well as coming out of the school
2. He would like to have a study of how you could improve Stirling Road making a left turn onto Flamingo Road while traveling westbound.
3. He would like to have a guarantee that they will have a permanent BSO officers to discuss that they will be active in fining people who will be trying to go through Rock Creek to get across the way or make u-turns into it inconsistent with the way that the charter of the school maintains the way that their parents sign their contracts.

Ms. Orshefsky stated that she has a legal objection regarding the discussion of the study to the improvements on Stirling Road. She explained that the traffic study that has been reviewed and accepted found that they did not have a significant impact on Stirling Road to necessitate any improvements. She commented that therefore, they cannot be legally burdened with the responsibility to improve an intersection that is a problem, not because of them potentially, but because of others. They would have to stand by the findings in the study that they are not required. She added there is a condition that may address somewhat of their issue. The next application that is before the Board is the Site Plan and a Plat Note Amendment. The Plat Note is to change it from the Schott proposal to their proposal. In connection with that, assuming this is approved with the City Commission in March, she said that it would then go to the County for a Plat Note Amendment Review before the County Commission. At that time County Staff will do a traffic concurrency determination and see if they do anything on that intersection that necessitates improvements. The improvements that have been identified are signalization improvements. They can't take responsibility for, nor is it legally required for them to have an obligation at that intersection.

Ms. Suzanne Danielson, Kimley Horn, contracted by Cooper City, commented that she agrees with the applicant. She remarked that she has looked at this in detail. There has been communication between the applicant and Broward County Staff as they have moved forward with the Plat Note Amendment. She explained that Broward County does get another shot at review when they do come through for final approval and at that time they will determine if concurrency is met or not and improvements would have to be instituted at that time.

Ms. Sori commented that people coming from the east side to the school would be coming down Stirling Road and would add a lot of cars on Stirling Road.

Mr. Aronson asked Mr. Konhauzer if he wanted to amend his motion.

Mr. Konhauzer remarked he would like to amend his motion based on the information he was just given and based on the fact that he does leave his house many times during the hours of what we are talking about, the traffic is not high at that time. It's on weekends, in the afternoons, after church or synagogues let out, but not during those times. He wanted to withdraw what he said about the portion of his motion referring to the study of Stirling Road and keeping the other two motions.

AMENDED MOTION: APPROVE WITH THE FOLLOWING CONDITIONS:

1. TO MAKE A LEFT OR RIGHT TURN FROM WEST LAKE PAST FLAMINGO ROAD AND NOT BEING ALLOWED TO GO STRAIGHT INTO THE SCHOOL FROM EITHER DIRECTION, AND
2. AS WELL AS MAKE SURE THAT THEY DO HAVE A PERMANENT BSO PRESENCE IN ROCK CREEK OR IN THAT AREA WHERE THAT CROSS WALK IS TO ENSURE THAT PARENTS WILL NOT BE ILLEGALLY DRIVING THEIR CHILDREN THROUGH THE INTERSECTION. MOTION MADE BY MR. KONHAUZER AND SECONDED BY MR. ROPER FOR DISCUSSION.

Mr. Aronson asked for clarification of terms because right now you are talking about 2 BSO Officers which is an independent issue from the SRO officers.

Mr. Konhauzer remarked that it was his understanding that it was BSO and not SRO and was he incorrect?

Ms. Orshefsky responded that was correct and thought Mr. Konhauzer was going a step further. It is something .....

Mr. Aronson interjected that the applicant has proposed that there will be 2 BSO officers that will be there in 2 – four hour shifts, (not together). It seems there has been another requirement for an additional SRO officer at the school, so there will be a total of 3 officers.

Ms. Stern commented that was a recommendation made by BSO.

Deputy Greer responded that was his recommendation at DRC. He explained that there would be a BSO officer for the residents of Rock Creek and BSO also asked that they have a SRO so he was looking at this from all angles.

Mr. Aronson clarified by saying that the recommendation is 2 BSO Officers plus and SRO officer.

Ms. Orshefsky interjected that they object to the SRO.

Mr. Aronson asked Mr. Konhauzer if he was making the motion based on the recommendation of the Staff Report.

Mr. Konhauzer responded that was correct and commented that based on the fact the applicant was going to fight having an SRO, and that he was comfortable with just the 2 BSO and not an SRO officer.

AMENDED - AMENDED MOTION: TO MAKE A LEFT OR RIGHT TURN FROM WEST LAKE PAST FLAMINGO ROAD AND NOT BEING ALLOWED TO GO STRAIGHT INTO THE SCHOOL FROM EITHER DIRECTION, AS WELL AS MAKE SURE THAT THEY DO HAVE A PERMANENT BSO PRESENCE IN ROCK CREEK OR IN THAT AREA WHERE THAT CROSS WALK IS TO ENSURE THAT PARENTS WILL NOT BE LEGALLY DRIVING THEIR CHILDREN THROUGH THE INTERSECTION, ALSO INCLUDING THE DRC COMMENTS AND STAFF REPORT WITH THE EXCEPTION OF AN SRO OFFICER. MOTION MADE BY MR. KONHAUZER AND SECONDED BY MR. ROPER FOR DISCUSSION.

Mr. Roper commented that normally they include DRC comments and the Staff Report and if that's the case then they would be doing away with the recommendation of the Staff Report of a SRO as that recommendation.

Mr. Cutler wanted to know if there would be 2 BSO officers in the morning.

Ms. Orshefsky clarified that they have the experience because they have been operating a school in Pembroke Pines. They have one BSO officer, who in this case, would be there from 7:00 a.m. in the morning to 11:00 a.m., and explained that part of their responsibility as they are managing that intersection is to make sure that kids that are walking across the street at Flamingo Road are registered walkers and not kids whose folks decided to drop them off in Rock Creek and walk over. She then explained that part of the reason that parents feel compelled to do the alternate drop off is because the drop off experience is a horror for many people. That is not the case at the Franklin Academy. It is a smooth, pleasant and even the afternoon is easy kind of experience and thought that Mr. Wood and Deputy Greer both experienced that.

Mr. Aronson then clarified that in addition to the BSO officer that will direct traffic there will also be separate crossing guards.

Ms. Orshefsky responded that was correct.

**AMENDED - AMENDED MOTION: TO FRANKLIN ACADEMY CONDITIONAL USE PETITION # CU 7-1-11 BASED ON THE FOLLOWING CONDITIONS OF APPROVAL:**

- 1. MAKE A LEFT OR RIGHT TURN FROM WEST LAKE PAST FLAMINGO ROAD AND NOT BEING ALLOWED TO GO STRAIGHT INTO THE SCHOOL FROM EITHER DIRECTION, AND**
- 2. MAKE SURE THAT THEY DO HAVE A PERMANENT BSO PRESENCE IN ROCK CREEK OR IN THAT AREA WHERE THAT CROSS WALK IS TO ENSURE THAT PARENTS WILL NOT BE ILLEGALLY DRIVING THEIR CHILDREN THROUGH THE INTERSECTION, AND**
- 3. INCLUDING THE DRC COMENTS AND STAFF REPORT WITH THE EXCEPTION OF AN SRO OFFICER. MOTION MADE BY MR. KONHAUZER AND SECONDED BY MR. ROPER FOR DISCUSSION.**

**On roll call vote there were six aye votes and three no votes made by Mr. Laufenberg, Mr. Valenti, and Ms. Sori. Motion was approved.**

**2. FRANKLIN ACADEMY - SITE PLAN PETITION SP 7-2-11 AND PLAT NOTE/NVAL AMENDMENT PETITION # PA 7-1-11**

Mr. Wood explained that he would be reading an abbreviated Staff Report to avoid repetition. He commented that this submittal consists of Preliminary/Final Site Plan and Plat Amendment. The submittal consists of those two items including a non-vehicular access line amendment for the proposed Franklin Academy-Flamingo School to be located on the west side of Flamingo Road. This item is being presented for 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 two story building of approximately 90,000 square feet including the covered entries and walkways. The building wings form an L-shape, segregating boys and girls classrooms with common areas to be utilized by both, including the gym, cafeteria, library, play areas, etc. The ultimate enrollment of the grade K-8 school is not to exceed 1,340 students. Seventy-six classrooms are reflected on the plans.

Direct access to the site is provided from Flamingo Road via an internal road (Schott Circle) with a culvert driveway over the water management district canal. The existing internal road is not totally within the ingress/egress easement and crosses an NVAL requiring a delegation request with Broward County. A full turning movement signalized intersection is proposed at this intersection with Flamingo Road. Additionally, a modification to the approved drainage lakes and an additional driveway connection to the Archdiocese property and Schott Center to the south are proposed as a component of this request.

A traffic impact study and Operational Management Plan have been prepared by Calvin Giordano and Associates with those conditions in the previous report.

On site traffic circulation is achieved with a two-way loop road around the school building and utilizing the parking aisles for additional stacking space along the south end of the property. This will provide for approximately 159 vehicle stacking spaces on site. The parent drop-off and pick-up area is on the south and west sides of the school allowing for the maximum amount of on-site stacking. In addition to monitoring vehicular traffic, the off-duty police officer at Flamingo Road at the entrance and the school's traffic control person at the first internal intersection would also direct pedestrian and bicycle traffic with bicycles being directed to/from the bike racks on the east end of the school. The school bus loading/unloading area is on the east side of the school and will provide for stacking of up to nine buses, apart from the vehicular stacking area.

Parking requirements are met utilizing the lot on the south end of the site. The parking lot is intended for use by school staff that would arrive/depart well before/after the time of student arrival/departure.

In addition the plans reflect a proposed soccer field and playground areas in front of the building. Final engineering, landscaping, building elevations and other plans are included with this Preliminary/Final Site Plan petition.

The plat amendment petition proposes to change the existing Restriction Note as follows:

From: This plat is restricted to 64 dormitory rooms (32 Dwelling Unit Equivalents).

To: This plat is restricted to 90,000 square feet of private charter school and 23, 634 square feet of secondary school.

The plat amendment also involves an amendment to the Non Vehicular Access Line (NVAL). The existing internal road is not totally within the ingress/egress easement and crosses the NVAL therefore requiring a delegation request with Broward County. The request will shift the ingress/egress easement and the NVAL line to line up with the existing roadway (Schott Circle) to Flamingo Road.

Mr. Wood concluded that the Development Review Committee recommends approval of the preliminary/final site plan and plat amendment petitions subject to the following conditions listed in the Staff Report.

**MOTION: FOR DISCUSSION FRANKLIN ACADEMY - SITE PLAN PETITION SP 7-2-11 AND PLAT NOTE/NVAL AMENDMENT PETITION # PA 7-1-11 MADE BY MS. STERN AND SECONDED BY MR. KONHAUZER.**

Ms. Stern referred to page 4 of 4 in the Staff Report regarding the square footage of the private charter school and the square footage of the secondary school.

Mr. Wood clarified the square footage.

Ms. Orshefsky commented that there is no such thing as a private charter school and they are all public schools that may be owned by a not-for-profit entity.

Mr. Wood mentioned that the language was taken from the proposed Plat Note and would need to be cleaned up.

Ms. Orshefsky agreed to have the language cleaned up on the Plat Note to reflect the proper language.

Mr. Aronson wanted to know what the difference was between 90,000 square feet of charter school and 23,634 square feet of secondary school.

Ms. Orshefsky responded that the County has a different trip generation rate for K-5.

Mr. Aronson asked if that divided the charter school apart.

Ms. Orshefsky responded that it is all charter school but the second of which 23,634 is a secondary meaning, and is the 6-8, middle school.

Mr. Aronson mentioned that the note would need to reflect that.

Ms. Orshefsky responded they would discuss that with the County because they typically give them the language for the Plat Note and they agree this doesn't make sense and will get it cleaned up with County Staff.

Mr. Aronson wanted to know if they had to approve the Plat Note because it's a County Plat.

Mr. Wood responded that it is approved by the City Commission prior to moving forward to Broward County.

Mr. Aronson clarified that when a motion is made it should be clear to make sure that it is 90,000 square foot charter school, of which 23,634 square feet is secondary school.

Ms. McCoy asked if they were approving the site plan and plat.

Mr. Wood responded yes, and as a component of the Plat Amendment is the NVAL as well.

**MOTION: TO APPROVE FRANKLIN ACADEMY - SITE PLAN PETITION SP 7-2-11 AND PLAT NOTE/NVAL AMENDMENT PETITION # PA 7-1-11 TO CLARIFY THE PLAT NOTE AMENDMENT SAYING IT SHOULD INCLUDE THE LANGUAGE CHANGE TO SAY THAT THE "90,000 SQUARE FOOT CHARTER SCHOOL, OF WHICH 23,634 SQUARE FEET IS SECONDARY SCHOOL". MOTION MADE BY MS. STERN AND SECONDED BY MR. KONHAUZER. There were all ayes on roll call vote. Motion was approved.**

**5. OLD BUSINESS:**

None.

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

Mr. Wood commented that the next regularly scheduled meeting is on Monday, March 5<sup>th</sup>, however there are not petitions pending at this time. Staff will keep the Board advised regarding the third Monday of the month.

**7. BOARD MEMBERS' CONCERNS:**

None.

**8. ADJOURNMENT:**

The Meeting adjourned at 9:28 p.m.