



PLANNING & ZONING ADVISORY BOARD

Minutes of May 16, 2011

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

1. **ROLL CALL**

P&Z Board Members

MEMBERS	5/16/11	4/25/11	4/4/11	3/7/11	2/7/11	1/18/11	1/3/11	12/20/10	12/6/10	11/1/10
Marianne McCoy	P	P	A	P	P	A		P	P	P
Diane Sori	P	P	P	P	P	P		P	A	P
Helen Cohen	A	P	P	***P						
Michelle Keirnan, V/Chair	P	P	P	P	P	P		P	A	P
Craig Konhauzer	P	P	P	P	P	P		P	P	P
Mark Aronson, Chair	P	P	P	P	P	P		P	P	P
Ben Schulman	P	P	A	P	P	P		A	P	A
David Nall	P	A	A	***P						
John Valenti	P	P	P	P	P	P		P	P	P
Bart Roper	A	P	P	P	P	P		P	P	A

* Reappointed ** Resigned *** New appointment

STAFF PRESENT: *Matt Wood, Director*
Trevor Markley, Senior Planner
Ro Woodward, Administrative Coordinator
Jeanette Wofford, City Arborist

APPLICANTS: *Hope Calhoun, Esq. Ruden McClosky, Monterra*
Jose Acosta, Chen & Assn., Monterra
Jill Cohen, JBC Planning, Monterra
Jimmy Wright, CCDEVCO, Monterra
Ted Talbot, Crown Land Development, Pine Lake Plaza
Mark Saltz, Saltz Michelson Architects, Pine Lake Plaza
Cristobal Paul, Owner, La Bone

2. **P&Z BOARD - MINUTES - WAIVE/APPROVE – APRIL 25, 2011 MOTION TO WAIVE READING OF MINUTES OF 4/25/11:** Motion to waive the reading of the minutes made by Mr. Valenti and seconded by Ms. Sori. All ayes on voice vote. **APPROVE:** Motion to approve made by Mr. Valenti and seconded by Ms. McCoy. There were all ayes on voice vote. Motion was approved.

3. **CORRESPONDENCE:**
 None.

4. **NEW BUSINESS:**

A. ***PUBLIC HEARING – LA BONE CONDITIONAL USE PETITION # CU 2-1-11 –LOCATED AT 8739 STIRLING ROAD (STIRLING TOWN CENTER)**

Mr. Wood explained that this item is a Conditional Use petition for the La Bone Pet Spa located within the Stirling Town Center located at the corner of Stirling and Pine Island Roads. The

applicants located in the Stirling Town Center with the intention of selling puppies which they breed on their own off premises. After they were cited by Code Compliance for operating the pet sales use where it was not permitted in the B-1 district, they approached the City Commission to have the Code changed to permit such activity. In response, City Commission approved a Code amendment last year which allows the proposed use as a conditional use within the B-1 Zoning District.

The purpose of the conditional use procedure is to provide an extra “layer of review” for certain uses or structures that may not ordinarily be well adjusted to the environment in particular locations without the exercise of planning judgment on their location and site plan. The intent is to review the nature of the use in relation to surrounding properties so as to ensure that there are adequate buffering and other site design techniques to mitigate the potentially negative affects of the use on surrounding properties.

Section 23-152 of the Code spells out specific standards that must be met in order for a conditional use to be granted and puts the burden of proof of demonstrating these standards have been met on the applicant. The standards for approval include the following:

NATURE OF USE/CODE COMPLIANCE: The nature of the use is to provide pet sales as an ancillary use to the principal pet grooming business at this location. The petitioners have voluntarily limited the request to the sale of no more than 5-6 dog puppies at any one time. They have also stipulated that the puppies would not be left in the store at night or on weekends.

The proposed use complies with all applicable regulations and specific standards in the Code and there are no variances or deviations from code requested with this petition. Section 23-113 of the Code has supplementary provisions applicable to retail pet sales which the proposed use will have to comply with. These include no overnight boarding of any animals other than those being offered for sale. In addition there are requirements for proper disposal of medical waste including any fecal waste; proper sound insulation preventing noise from the animals being audible from outside the establishment; and provisions excluding exterior dog runs.

COMPREHENSIVE PLAN COMPLIANCE: The subject site is designated “Commercial” on the Cooper City Future Land Use Map. The applicant proposes a use consistent with the B-1 zoning district which is intended to implement the Commercial Land Use Plan Designation thereby in keeping with the goals and objectives of the Comprehensive Plan.

LAND USE COMPATIBILITY: The subject business is located within a bay central to the existing Stirling Town Center. There are no exterior physical modifications required or proposed for the site. The building will not be affected and consequently accessibility and other site features such as building height, bulk, scale, setbacks, open spaces and landscaping will not be affected. The applicant has committed to abiding by all code standards and if such standards are met, the pet sales use may be considered compatible with surrounding businesses and land uses.

TRAFFIC IMPACT AND PARKING ADEQUACY: The location of the proposed use has benefit of access from a primary arterial roadway and therefore traffic impacts of the proposed use on local residential streets can be minimized. Further, it should be noted that the Stirling Town Center has met all traffic concurrency requirements. The trip generation of all leasable

space has already been accounted for and mitigated through the traffic concurrency review and approval that took place prior to construction of the center.

The applicants point out that most of the people that purchase the puppies are either already pet grooming customers or others who are already shopping in the Center. Therefore they suggest that additional traffic will be minimized with the conditional use. Based on these considerations, the request should not have any adverse affect on the safety and convenience of vehicular and pedestrian circulation in the area.

HAZARD PROTECTION: The proposed use is expected to reasonably protect persons and property from hazards to personal health and safety. The applicants point out that no hazardous chemicals are used in the business which would otherwise adversely affect public health or life safety.

Mr. Wood concluded that the applicant has met the minimum submission requirements for conditional use approval, the Planning and Zoning Board may recommend approval of the request subject to a finding that the applicant has adequately addressed the above-mentioned standards for approval.

Mr. Cristobal Paul introduced himself as the owner and commented that he has been working closely with Mr. Wood and Mr. Markley and trying to get through this successfully. He has been doing what they have been required to do. He stated they already have sound proof walls since they built the store and it was not because of the puppies, but because of the grooming. He explained that it is their own puppies and they have been breeding them for the past 10 years. He remarked they want to continue what they are doing and that is their legacy.

Mr. Aronson opened the Public Hearing at 7:07 p.m. and seeing no one to speak he closed the Public Hearing at 7:08 p.m.

Mr. Konhauzer asked staff if they did recommended approval.

Mr. Wood responded that they find that the applicant has met the standards. He remarked that what they do in the Conditional Uses is to let the Board know whether the standards have been met for a recommendation of approval, and Staff was saying yes, that the standards have been met.

Mr. Konhauzer asked what kind of insulation they have.

Mr. Paul responded that it is a special sound proof dry wall that they ordered that they used in the recording studios. He commented that dry wall in Home Depot cost around \$6.00 this cost \$24-\$25.00.

Mr. Konhauzer remarked that he had never heard of that kind of insulation and would like to get the rating of the sound proofing material and what the product is.

Mr. Paul responded that the Building Department said that it was not necessary, but he wanted to have extra.

MOTION: TO APPROVE LA BONE CONDITIONAL USE PETITION # CU 2-1-11 – LOCATED AT 8739 STIRLING ROAD (STIRLING TOWN CENTER). MOTION MADE BY MS. MCCOY AND SECONDED BY MR. VALENTI FOR DISCUSSION.

Mr. Nall expressed that he has several concerns and first is that as the petition is laid out it states that the puppies would not be left in the store at night or on the weekends. The way he read this was that would allow the petitioner to have the puppies Monday through Friday during the day. He then asked if Mr. Paul was opened on weekends.

Mr. Paul stated they are opened on Saturdays.

Mr. Nall commented that the way this is written, to him, it would not allow the petitioner to have the puppies on the premises on the weekends.

Mr. Wood responded that the intent is that it means that the puppies would not be there on the weekends after they leave the premises.

Mr. Nall remarked that as an animal lover, and with the puppies being the age that they are, he didn't want to see a boarding overnight of 12 or 14 hours, which is not fair to the animals, and he wanted to make clear that the petitioner will be allowed to have the animals there during operating hours on the weekends. He then commented that as a business advocate, as the petitioners presented it there will be 5/6 puppies. He asked if the petitioner had 8/9 puppies in the premises would the sound barrier or the waste still be a problem.

Mr. Paul responded that these puppies are usually less than 16 to 28 ounces. They are not noisy and they are working there 12 hours a day and they don't like barking dogs. The way he has raised their puppies since 10 years ago they are pretty quiet and he also stated that they train them so they won't become a nuisance for the new owner. He explained they don't have that many puppies, because they only have what they breed or what they breed with other customers. He commented that if they breed with another customer, he would only get one or two puppies. He also explained that they don't like to have that many puppies either. As they do the business during the day, they also have to take care of the dogs at home. Having a large operation is not their thing either and they are actually against puppy stores where the inhumane conditions exist. He thought there was more waste from the grooming, but he has a business license for that, which is pet grooming and retail.

Mr. Nall commented that he didn't think this Board was in the business of trying to limit a business on the quantity of inventory. If the noise is contained within the decibel rating of the dry wall that has been installed, the waste has been addressed by license, he didn't believe that this business owner should be limited to 5 or 6 puppies and thought that it should be up to the business owner to rely on his own competence of how many puppies he should be allowed in his place of business. Noting that this business owner has to take the puppy's home at night. He didn't think the Board was in the business of limiting inventory control when it comes to

something that is non-hazardous or a detriment to the health and safety of the neighbors or the surrounding area.

Mr. Wood explained that was a voluntary limitation on the applicant's part and that is not anything that Staff had asked for, or that the code requires and was completely voluntary.

Mr. Aronson clarified that this shopping center was in a zoning district that prohibited this use initially. Because of some events that occurred the zoning classification was changed and this use is a Conditional Use. It is perfectly within this Board's purview and the Commission's purview to put limitations on the Conditional Use.

Mr. Nall commented that what he was trying to prevent was that is somebody walks in and they are selling puppies and then it blows up.

Mr. Aronson remarked that when a petitioner makes a voluntary suggestion and it's accepted that is the

Mr. Nall interjected that he was trying to prevent precedence being set if there are 7 puppies.

Mr. Schulman commented that he too has an issue with the 5 or 6 puppies for sale and he didn't know what it means when they say 5 or 6 puppies at one time. Is that for one sale and you could have 10 sales during the course of the day. He remarked that he didn't know what it means and 5 or 6 puppies at one time are no limitation at all and he reads it to mean per sale.

Mr. Aronson commented that he didn't think that was a concern from a zoning standpoint. From the zoning standpoint the limitation was 6 puppies on the premises at any one time. If they had 40 puppies at their house, which is a different issue, that has nothing to do with this particular petition.

Mr. Schulman referred to the Staff Report and quoted that the "petitioners have voluntarily limited the request to the sale of no more than 5 or 6 at any one time".

Mr. Aronson commented that maybe that is an inarticulate word and maybe the term should have been ... the limitation can be 5 or 6 and it can only be one number.

Mr. Schulman remarked that he thought this is an issue and is within their purview because he wants to know how many puppies are going to be.... He realized that at some point and could be interpreted, if not by this owner, but a subsequent owner, who says they have the right to sell as many puppies as they want to.

Mr. Aronson thought that he does have the right to sell as many puppies as he wants to.

Mr. Paul commented that number is what he wanted to limit to. He put a lower number because if he decides to sell the business he wants the next owner not over- limit....

Mr. Aronson interjected that he thought the question relating to the number of puppies relates to the number of puppies that may be physically on the premises at one time that are for sale. In

addition you can have whatever number of dogs that come in for grooming. So this limitation is the number for sale on the premises at any one time.

Mr. Paul interjected that would be at the retail area.

Ms. Sori commented that the petitioner was nice enough to limit the number of puppies to 5 or 6. She mentioned that if anyone was familiar with the Humane Society rules, when you have a store that is limited to a certain area you are only allowed a certain amount of puppies per area. To say that they should have unlimited use is just wrong. That will open them up to the Humane Society coming in and they would be considered a puppy mill. They understand that and that is why they are limiting themselves to a certain amount of puppies. You cannot go unlimited. She also mentioned that she is a monetary supporter of the Humane Society. She said she knows the rules and there is a reason for this based on the space.

Mr. Nall wanted to know if the Humane Society or any other governmental agencies limit the number of puppies per square foot in the premises, and would they not be governed by those guidelines.

Ms. Sori responded that 5 or 6 puppies based on this particular area are more than a fair amount.

Mr. Nall commented that are they outside of Cooper City Code of Ordinances regulations and are they governed by any other agency or law that would limit the number of puppies.

Ms. Sori responded that there are a number of laws pertaining to puppy mills and if you go beyond a certain amount of puppies, then you become a puppy mill and that would leave them open

Mr. Nall remarked that as long as they are abiding by regulations then he thought they should be allowed to have whatever those regulations require and he didn't think it was the Board's part to limit that. If the Humane Society of Broward County has limited them to a number of puppies per square foot and that is outside of

Mr. Paul commented that he has worked with the Humane Society and has worked with the U.S. Department of Agriculture and also has worked directly with a puppy mill rescue. The Humane Society doesn't do the raids. Puppy Mill Rescue actually does the raids. He stated they were responsible breeders and they are not looking to have a puppy mill and that was the way it was brought in. He mentioned his parents; his great grandparents were all breeders. He doesn't like puppy mills and doesn't want La Bone to become a puppy mill and just wants to be able to sell his puppies that he has bred.

Mr. Valenti didn't think that they should limit the petitioner to anything. He thought the petitioner was the professional, and doing this for 8 years now, and he knows what he needs to do in his business. He said that he was very happy to the 5 to 6 puppies, and thought they should leave it alone the way it is to the 5 to 6 puppies at a time. The Petitioner is asking this and he commented that he didn't think the Board should change that.

Mr. Schulman asked Ms. McCoy if she was willing to amend her motion.

Mr. Aronson thought the motion should be clarified to state that the limit is 6 puppies for sale on the premises at any one time.

Ms. McCoy accepted and amended her motion.

Mr. Valenti seconded the amended motion.

Mr. Wood requested that the motion included a finding that the applicant has adequately addressed the standard of finding for approval.

Ms. McCoy accepted that additional amendment.

MOTION AMENDED: TO APPROVE SUBJECT TO A LIMIT OF SIX PUPPIES FOR SALE ON THE PROMISES AT ANY ONE TIME AND THAT THE APPLICANT HAS ADDRESSED THE STANDARDS OF FINDING FOR APPROVAL FOR LA BONE CONDITIONAL USE PETITION # CU 2-1-11 –LOCATED AT 8739 STIRLING ROAD (STIRLING TOWN CENTER). MOTION MADE BY MS. MCCOY AND SECONDED BY MR. VALENTI. There were all ayes on roll call vote. Motion was approved.

4. B. PINE LAKE PLAZA SITE PLAN AMENDMENT PETITION # SPA 4-1-11

Mr. Wood explained that this Site Plan Amendment proposes to modify the existing parking area in the rear of the Plaza (behind Building C) in order to accommodate two new dumpster enclosures and to modify existing landscape islands to accommodate an area to now be available for limited truck delivery. In addition the revisions provide new turning radii for delivery and fire trucks. The plans reflect new landscaping within and curbing around the modified landscape islands. There is a loss of three parking spaces in the affected area but there is ample surplus parking on site to offset this loss and to continue to exceed minimum parking requirements. The plans also reflect a net gain of 1,323 square feet of landscape area.

Mr. Wood concluded that the Development Review Committee recommends approval of Site Plan Amendment Petition # SPA 4-1-11.

Mr. Mark Saltz, Architect, introduced himself as the representative for the petitioner. He explained the last time they came before the Board was for the façade remodeling of this center. The façade remodeling is complete. This is part of the requirement that they are signing leases with and that they need additional dumpsters, loading and this is the sub-total of that. He commented that they have gotten this old center that was very tired looking new and this is the utilitarian items that need to be completed in order to fill those spaces up.

Ms. Keirnan wanted to know what types of deliveries they are expecting.

Mr. Saltz, responded that it was obviously trucks and explained that the tenant that is in question that they are doing this for is Dollar Tree. Deliveries would be during normal business hours.

Ms. Keirnan asked if the deliveries would be at 5:00 a.m.

Mr. Saltz responded no and it is not food deliveries.

MOTION: TO APPROVE PINE LAKE PLAZA SITE PLAN AMENDMENT PETITION # SPA 4-1-11. MOTION MADE BY MR. KONHAUZER AND SECONDED BY MS. MCCOY. There were all ayes on roll call. Motion was approved.

4. C. MONTERRA LOCATED BETWEEN SHERIDAN STREET AND STIRLING ROAD, PINE ISLAND ROAD AND UNIVERSITY DRIVE

1. * PUBLIC HEARING – DESIGN GUIDELINES/MASTER PLAN MODIFICATIONS – REZONING PETITION # Z 1-2-11

Ms. Calhoun, Esq., introduced herself as the representative for the petitioner and displayed a site map.

Mr. Wood referred to the binders the Board members received in their backup and pointed them to the smaller version of this graphic. He then pointed out that A-G on the illustration is basically what they will be discussing.

Mr. Wood explained that this item is a rezoning request for the Monterra development. Although the Planned Mixed Use Development (PMUD) zoning district designation is not proposed to be changed, because the Master Plan and Design Guidelines are a function of the zoning district, the changes technically are a rezoning.

The Monterra development, which is generally from Stirling Road to Sheridan Street and west of University Drive, was approved March 2006 for PMUD zoning with an accompanying master plan and design guidelines. The portion of the Monterra development from Pine Island Road east to University Drive changed ownership and the new developer changed the approved Master Plan and Design Guidelines with approval by City Commission January 2010. The developer now proposes to make additional changes to the design guidelines and master plan. Although changes to the design guidelines apply to the entire development, changes would be effective for pod 2d, pod 2f, Tarama Avenue, Solano Avenue, the non-residential parcels C-1 and C-3, and slight changes to some lakes; but the changes would not alter the site plans for the remainder of the development.

The land use was established while it was unincorporated. The designation is irregular as it includes both commercial and residential at a specific density. The density was approved by Broward County at 3.663 units per acre for a total of 1,800 residential units with an additional 110 units to be available through flex rules. The previous rezoning reduced the units from the 1,800 units to 1,645 units. Under this request the 1,645 units would be reduced to 1,638.

OVERVIEW OF CHANGES: The “Master Modifications” (MM) exhibit shows an overview of the changes to the development. Although there are additional changes proposed for the design guidelines, the major changes can conceptually be included in the following seven types of changes:

1. Change “A” on the MM changes the commercial parcel C-1 from 2.5 acres to 3.5 acres which would coordinate with the previously approved change to the non-vehicular access line (NVAL) for access from Stirling Road. The amount of potential development on the parcel is changing from 15,000 square feet of commercial to 23,000 square feet of commercial. The shape of the parcel and increase in square feet of development will also require a plat amendment.
2. Change “B” on the MM reflects the decrease in size of lake 8 to coordinate the above change to parcel C-1. To balance this decrease, the profiles of other lakes are increased.
3. Change “C” on the MM changes the type of development on parcel C-3 from commercial to commercial and/or office space. This change will also require a plat amendment.
4. Change “D” on the MM reflects the changes to pod 2d. This pod would increase from 227 single family lots to 236 single family lots (an increase of 1 lot at a minimum of 50’ wide and 8 lots at a minimum of 65’ wide). The east end of lake 14 at the south end would no longer be open to public view and instead would have homes around all sides of the lake. The entrance roadway at NW 27th Street would be removed (it would continue to provide access to pod 2c on the west side of Tarama Avenue, but would no longer provide public access to pod 2d). Retaining emergency access in this area is currently being reviewed through a site plan amendment. Open space and other aspects of pod 2d are also being coordinated with the site plan amendment to fully show the changes to pod 2d.
5. Change “E” on the MM changes Solano Avenue to allow pod 2d to increase in size in order to make change “D” above. In addition to shifting the location of the drive lanes, the cross sections (exhibits 5b-i: N.1 thru N.3) of Solano Avenue would be changed. The buffer on each side of Solano Avenue would be reduced in width. Instead of a 5’ wide sidewalk on each side of Solano Avenue there would be an 8’ wide walkway on only one side of the street. The currently approved cross section for Solano Avenue includes a line of trees in the landscape buffer on the east side of pod 2d, a line of trees in the landscape buffer on the west side of pod 2i, and swale trees on each side of Solano Avenue. The proposed cross sections still have the line of trees in each of the buffers for the pods; however, for part of Solano Avenue there would essentially be no swale trees at all and other parts of Solano Avenue would have swale trees on only one side of the street with the Buckeye pipeline easement which would limit them to small growing trees. Full detail of the layout of Solano Avenue is being processed with a site plan amendment.
6. Change “F” on the MM splits pod 2f into two parcels (2f-1 and 2f-2). The total units for pod 2f would decrease from 400 garden apartments to 132 townhomes and 252 garden apartments (decreasing by 16 to a new total of 384).
7. Change “G” on the MM redesigns Tarama Avenue toward the end near Sheridan Street. It eliminates the gatehouse that was to be constructed which, through a site plan currently being processed, would be replaced with a “resident-only” gate system. The south-bound left turn lane to go into pod 2d would be eliminated to coordinate with the removal of public access at that location (part of change “D” above).

These are the overall changes to the development with additional changes to exhibits in the design guidelines detailed in the “Master Modifications Table” (MMT) included in the packet. Although not as readily summarized as the above changes, there are many changes in the design guidelines. As an example, new cross sections have been added to clarify changes that will be further shown with site plan and site plan amendment processing. Other exhibits have been changed to coordinate with changes from site plan amendments.

DEVIATIONS: The PMUD district allows an applicant to make specific requests for City Commission to approve variations. Specific deviations for buffers, parking, and landscaping were approved with the ordinance to rezone from A-1 to PMUD. The proposed changes would not involve any new deviations.

CONSISTENCY WITH ADOPTED COMPREHENSIVE PLAN: the request can be considered consistent with the Comprehensive Plan.

LAND USE COMPATIBILITY: The proposed master plan changes and design guidelines may be considered compatible with surrounding properties. The request will lower the total number of units or maximum density proposed for the property and will increase the percentage of single-family homes and, as such, land use compatibility issues are not raised with this request.

TRAFFIC IMPACTS: The subject site has met all traffic concurrency regulations applicable to the site. Through the Land Use Plan Amendment and platting processes, the applicant worked closely with the Broward County Transportation Planning Division and the City to mitigate possible traffic impacts associated with the development. The approvals to date include a Traffic Concurrency Agreement and a Voluntary Regional Transportation Network Agreement resulting in funding to be used toward road improvements associated with traffic impacts of the overall Monterra development.

Mr. Wood concluded that as the applicant has met the submission requirements for consideration of the rezoning petition to amend the master plan and design guidelines, the Planning and Zoning Board may recommend approval of the request subject to a finding that the applicant has adequately addressed the above-mentioned standards for approval.

Ms. Hope Calhoun, Esq., introduced herself as the representative of the applicant as well as other design professionals that are available.

Mr. Aronson asked Ms. Calhoun to give a brief summary of the site. She then mentioned the modification to the table of the Design Guidelines that was included in the Board’s packets and it was the other minor changes that the Board would not see impacted at this point on the site plan. She then pointed out that one of the biggest benefits to this change was increases open space.

Ms. Calhoun started out by pointing to a letter A and commented that the Board sometime ago they reviewed a non-vehicular access line amendment which changed access. Parcel C-1 is increasing as a result of the shift that was caused by the non-vehicular access line, they are increasing the square footage and modified the lakes a little, and other lakes grew to compensate for the shrinkage. They increased the square footage there that is a benefit from 15,000 to about

23,000 square feet. At this time they are not proposing any site plan or any real substitute changes. They are trying to lay the ground work and foundation so that commercial developers they have the adequate square footage they need. The square footage and the shape were not adequate and they realized the need to increase the square footage and change the parcel shape a little bit to accommodate future development. They are transferring square footage from the other commercial parcel to this one, so they are not adding, just shifting it around within Monterra.

Ms. Calhoun then remarked that the Change B is changing the square footage of the lakes. Where they decreased in one place they made up for it in other lakes throughout Monterra.

Ms. Calhoun commented that with regard to Change C the note and the development that is proposed for that parcel is commercial so with the change and plat note amendment will add office use to that parcel.

Ms. Calhoun then pointed to Change D, and pointed out the road and Solano and the Buckeye pipeline what they did was add a row of homes and then shifted Solano a little to the east.

Ms. Calhoun said that Change E as a result of what she just explained in Change D, this will cause a shift to Solano Avenue.

Ms. Calhoun explained that with regard to Change F, they created a parcel F-1 and F-2 and Solano runs through it. The parcel still connects with Solano and still connects to the commercial. It sub-divides the parcel. The residential development that is going to go on those 2 parcels the Board will see in site plan applications. In addition to that there were a total of 400 garden apartments for that parcel. They changed that to 132 townhomes and 252 garden apartments, which is a decrease.

Ms. Calhoun commented that Change G was eliminating the guardhouse from Tarama Avenue and as a result of that there will no longer be a direct entrance from Sheridan Street to Tarama Avenue into this pod, but there is still an entrance.

Mr. Aronson opened the Public Hearing at 7:47p.m.

Mr. Brian Pattok, 3284 NW 82 Terrace, located in LaCosta, or Pod 2C in Monterra. He wanted to know what kind of commercial groups have approached them about C-1 and C-3. He then wanted to know that Parcel F was always zoned for garden apartments and townhouses. He then questioned that Parcel 2D no longer has road access to Tarama Avenue because they are building a big guardhouse there now and would that no longer be manned, or are they just closing off a part of that road. From Sheridan Street to get onto Tarama Avenue and if they eliminate the guardhouse and road access, he wasn't sure how that would work. He said that he drives past it every day and it appears to be a big gatehouse with two gates.

Mr. Aronson responded that what he thought they were saying is that it won't be manned; it will be an automated gate.

Ms. Joan Duckworth, 8918 NW 38 Street, Diamond Head and she received a letter to come and she was curious to see what was happening. She wanted to know how this would affect her, because she lives on the back lake at Diamond Head, and how does this affect her at 8918 and it is separated by a canal from her property. It looks more like it is on Sheridan Street. She explained her concern is the amount of traffic and even though they have opened up Pine Island Road and if she is going east to go south, she usually takes Pine Island Road and it seems to her that there is going to be a lot of congestion there.

Mr. Aronson then closed public hearing at 7:50 p.m.

Ms. Calhoun commented that the residents who spoke received notice in the mail because they are close to the development, but none of the changes have a direct impact on Diamond Head.

Mr. Aronson asked if traffic would be impacted based on this amendment.

Ms. Calhoun responded that based on this amendment there is no impact on traffic.

Mr. Aronson then asked about the commercial development on the C-1 site.

Ms. Calhoun responded that she could not divulge who came in for commercial development, but commented that there have been discussions with different commercial groups, but nothing specific. The general idea being that the reason there is nothing today is because no one has found the site developable as it is.

Mr. Aronson commented that the commercial parcels are not very large, so for instance a 23,000 square foot commercial parcel would not permit a Publix as an example, but you could have a CVS there with about 12 to 15,000 square feet.

Ms. Calhoun remarked there was a question about parcel 2F. It was previously approved for 400 garden apartments and they are decreasing the garden apartments.

Mr. Aronson explained this is just a site plan and at this point all the petitioner is doing is putting forth what uses are permitted to be made and instead of being an apartment complex they are changing the 400 garden apartments to be reduced to incorporate a number of townhomes. This is what may be permitted there and not what will actually be there, because they have to come back for each pod to get approval on what they are going to build.

Ms. Calhoun commented they would be coming back before this Board very soon with site plans, which include the specific details like how tall, how wide, how many.

Mr. Aronson commented that 236 townhouses are approved, but when they actually draw plans it may be that it is 231 because that is how it lays out for them.

Mr. Nall remarked that also being a Diamond Head resident he mentioned that the entrance off Sheridan Street was going to change to a resident only access. He wanted to know where they anticipated the public traffic off of Sheridan Street to enter that development now.

Mr. Nall then commented that you could still enter off of Pine Island Road, Stirling Road and University Drive and isn't that correct. He wanted to know what kind of increased traffic they anticipated diverting Sheridan Street public access to the other entrances. There is obviously going to be an increase. If you are traveling west on Sheridan Street you wouldn't take a right going north on University Drive to take a left into the development, you would continue west on Sheridan Street to take a right into the development to avoid any left hand turns. Where is the Sheridan Traffic going to be diverted?

Mr. Wood responded that access would be off of Sheridan Street and Solano Avenue.

Ms. Calhoun commented that it was always going to be gated at Taramea. All that is changing is the type of gated access.

Mr. Nall interjected that there is still going to be a public access off of Sheridan Street.

Ms. Calhoun responded that is correct.

Mr. Nall then commented that they were eliminating sidewalks on one side of Solano and would only have a sidewalk on the other side.

Ms. Calhoun responded they are increasing the width of the sidewalk from 5 feet to 8 feet and yes it will be on the east side of Solano Avenue.

Mr. Konhauzer asked Ms. Wofford about the landscaping review and if she was happy with the tree ratio and the landscaping plans for this project.

Ms. Wofford responded that they had done a very good job to make the changes that they have made to make this as aesthetically pleasing as possible.

Ms. Calhoun responded that in a perfect world they would have more trees and shrubs and landscaping than anything else in Monterra, however, in order to accommodate the changes they are looking for and still make the site look good. She said they have worked closely with Ms. Wofford giving up considering the change in the landscaping.

Ms. Sori commented that what they are doing is bringing this back to the original plans of Monterra from years ago.

Ms. Calhoun responded that it is an improved plan with some differences.....

Ms. Sori again said that it was basically the same plan as it was years ago before all the in-fighting happened, but we have to get it built and finished.

Mr. Schulman referred to 2I and commented that with the change in Solano, 2I was not being made any smaller.

Ms. Calhoun responded that was correct.

Mr. Schulman then remarked that in splitting 2F the total number of lots will be reduced by 16 to 384 units and that is 2F-1 and 2F2 combined.

Ms. Calhoun responded that was correct.

Mr. Schulman then commented that he was having some difficulty with parcel C-1. He could appreciate that they couldn't find a developer for commercial property under its current size, but around a year ago they come before the Board regarding access on Stirling Road. One of the concerns at the time they met and discussed this was that access/entry was very close to University Drive. The Board was concerned about the backup of traffic from University Drive and it's actually a 4-way intersection because it crosses over to the Home Depot and the representation Ms. Calhoun made at the time was that it was a very small parcel and there would not be a lot of traffic coming out of there. Apparently it passed and now we are making it bigger. He expressed his concern for the fact that now there would be more traffic even though the representation was that when you got it before it would be small and don't worry about it. He wanted to remind the Board that we passed it previously on a different representation as far as that access.

Ms. Calhoun responded that yes, it is an increase, but it doesn't mean anyone has to build to that max line. Again she commented that it provides flexibility for someone coming in to have a higher threshold. It is higher than 15,000, but it does provide the flexibility and it adds commercial base.

Ms. McCoy commented this was not a small change and was a third more buildable square footage on that site. At the time of the original vote, she said that she did object to it to allow for an in and an out on Stirling Road. The original plans did not allow for that in the wisdom of the people that originally developed it. Now we are going to have an 18,000 square foot building and if it's a CVS or a drug store that is one type of an issue. Whatever the total square footage is of buildable space for a gas station with an attached fast food service facility running across that roadway is just not in the best interest of the City. She remarked that she goes that way several times a week at 7:00 a.m. and it's backed up then and she cannot see people making the left turn out to go west bound on Stirling Road. She explained that she cannot vote for this with that particular change.

Ms. Calhoun responded that keep in mind that they are not overall increasing the commercial density on Monterra and it hasn't changed. With regard to C-1, the Board will have the opportunity to make additional comments once the site plan comes before the Board, but with the changing times and changing market sometimes they have to make modifications to accommodate what they hope to be a successful development. That is one of the reasons that this change they thought would be a benefit. She also commented that there was a lot of discussion with the review of traffic impacts and analysis done on Stirling Road as a result of the access that they asked for. It was indicated and proven that it would not have a negative impact. She asked the Board to approve all of the amendments they are asking for because it is a joint package and understand what the bigger benefit of the package is.

Ms. McCoy commented that she differed with Ms. Calhoun. She remarked that she feels that will be a negative impact there. There is going to be 500/600 trips a day coming out of there based on what the ultimate tenant or owner will be of that site. She thought it was a big mistake to have allowed it and now you come back and throw in an additional acre of land on that site and put another third for square footage for a retail business and she finds that is to be wrong.

Mr. Valenti remarked that he agreed with Ms. McCoy and also voted no. He commented that he thought that it will be a mess with the traffic and thought that Davie would have a problem with it also.

Ms. Sori asked if this approval could be broken down to separate the C-1 Parcel for the rest of the petition.

Ms. Calhoun responded that she understands the concern about the increase in acreage to C-1. She mentioned that when they came before the Board previously with the NVAL those impacts were discussed at that time. She remarked that even though you may not agree with what the final outcome was, but that was discussed in detail at the City Commission meeting. The traffic impacts were analyzed by the County and City Staff and this Board and that was approved, so the NVAL amendment allowing the change to the roadway and the improvements associated with it has already been approved. She said that all they were looking is to increase the flexibility. She commented they not build to maximum capacity on this parcel. They are just seeking flexibility and the more they have in terms of getting people to the site. The ultimate goal is to get development moving. She asked the Board for approval on the entire package because it has to go forward. She also reminded the Board they would be seeing the site plan as they come forward and perhaps that would be a better time to address the Board's issues with regard to impact.

Mr. Aronson wanted to clarify that this was a site plan amendment on uses and we have no idea what that use is going to be on that parcel other than it is a commercial use. When they come in with a site plan the traffic impact on Stirling Road will vary on the particular use that is going to be approved at the time that specific site plan comes in. He mentioned that DOT had traffic studies and they were given antidotal information based on fantasy and how much traffic will increase and whether it will be dangerous or not. He didn't think they had the information to make that judgment.

Ms. Sori commented that the DOT was done based on smaller C-1 specifications and not on this increased square footage.

Ms. Calhoun responded they did see both when they took it through for the NVAL amendment apparently they did the analysis based on both numbers and the recommendation they made was based on both those numbers.

Mr. Konhauzer remarked that it was going to be approved by them and it works and it is not up to this Board.

Mr. Aronson reminded the Board that when a particular site plan comes before the Board it would also have to go before the County again.

Mr. Wood interjected that the site plan will not have to go before the County. He explained that it would have to be followed up with a plat amendment.

Mr. Aronson remarked that the County will have to see the traffic and if it's a problem at that time they won't get approved and they may have to reduce it. Simply because it's approved doesn't mean they can build on it with that density. He said that he was not uncomfortable with it at this point.

Mr. Schulman asked that by making the lakes smaller you are bringing the townhomes on 2H closer to whatever that proposed commercial development is and is that correct.

Ms. Calhoun responded they would have the adequate buffers and, again, it is such a minor change it doesn't impact the location of the homes.

Mr. Schulman interjected that he knew that it wasn't an impact on the location, but asked for an estimate as to how much you are narrowing the width of the lake...reduced by how many feet – 5 feet, 10 feet.

Ms. Calhoun asked for point of clarification and commented that the impacts of the change are to this area and she pointed to the site display, which is adjacent to the commercial and Stirling Road. There is no impact on 2H to the residential.

Mr. Schulman commented that he thought they were making the lake smaller, but only on one area.

Ms. Calhoun pointed out the area in question on the display map and responded that it will fill in a portion at the top.

Ms. Keirnan wanted to know how the C-1 parcel will be accessed by vehicles.

Ms. Calhoun responded that off of Stirling Road you would have direct access into C-1.

Ms. Keirnan then wanted to know if there was any access off of University Drive into C-1.

Ms. Calhoun responded yes, you also have access off University.

Ms. Keirnan referred to C-3 and asked what the square footage was for the commercial/office space for that parcel.

Mr. Wood responded that he thought that was 15,000 square feet and that is not being changed, just the use.

Ms. Keirnan referred to the change on parcel 2F from the 400 garden apartments to 132 townhomes and 252 garden apartments and asked if the townhomes were going to be rentals or sales townhomes.

Ms. Calhoun responded they will be for sale townhomes.

Ms. Keirnan then commented that you would be having for sale townhomes mixed with for rent apartments.

Ms. Calhoun responded potentially yes.

Ms. Keirnan then remarked there was an issue with parking in that particular pod.

Ms. Calhoun responded that the issue of parking was with 2i, because you haven't yet seen a site plan for 2F and 2i is the affordable housing.

Ms. Sori remarked that she was bothered by 2F.

Ms. Calhoun explained that previously 2F was one parcel and was approved for 400 garden apartments, so they are splitting parcel 2F into 2F1 and 2F2 which will have garden apartments and townhomes and will be separated by a road. In the future the Board will see a site plan for 2F1 and 2F2 assuming this gets approval from this Board and then the City Commission.

Mr. Konhauzer made a motion to approve.

Mr. Aronson passed the gavel to Ms. Keirnan, Vice Chair and seconded motion.

Mr. Schulman asked the maker of the motion to amend the motion to approve everything except A, which is the C-1 change.

Mr. Konhauzer responded that he would rather not amend the motion, because in the long run he thought that it was not going to change and this has been discussed in the past and decided that it wouldn't be an issue and it was not for them to decide, but in fact the County or DOT.

Mr. Aronson agreed with Mr. Konhauzer and would not amend the motion.

MOTION: TO APPROVE MONTERRA DESIGN GUIDELINES/MASTER PLAN MODIFICATIONS – REZONING PETITION # Z 1-2-11 - LOCATED BETWEEN SHERIDAN STREET AND STIRLING ROAD, PINE ISLAND ROAD AND UNIVERSITY DRIVE. MOTION WAS MADE BY MR. KONHAUZER AND SECONDED BY MR. ARONSON. On roll call vote there were five aye votes and three no votes made by Mr. Schulman, Mr. Valenti, and Ms. McCoy. Motion was approved.

4. C. MONTERRA LOCATED BETWEEN SHERIDAN STREET AND STIRLING ROAD, PINE ISLAND ROAD AND UNIVERSITY DRIVE

2. * PUBLIC HEARING – ABANDONMENT PETITION # AB 3-1-11 – LOCATED IN PODS 2D, 2E, AND 2G

Mr. Wood explained that this item is a roadway (ingress, egress and sidewalk) and utility easement abandonment petition submitted by the owners/developers of the Monterra development. The request involves three pods.

In Vista Del Sol (pod 2d), the abandonment will effectuate a 5' shift of the easement to comply with the latest approved site plan. The end result is similar to the abandonment recently processed for La Costa (pod 2c); however, for this pod the petition is submitted differently to achieve the same effect. The recorded easement was consistent with the previously approved site plan. The current site plan utilizes side loaded garages to a greater extent which then have a smaller front setback than the previously approved site plan. The current site plan was approved with the utility easement to be shifted by 5'. Altering the utility easement according to the current site plan frees up 5' of depth along the front lot lines of the affected lots, thereby allowing each lot to have 5' more landscape planting area to be unencumbered by the easement. Whereas for pod 2c this was done by abandoning 5' of easement, leaving 5' of existing easement, and recording an additional new 5' easement, for pod 2d the easements will be abandoned and replaced with wholly new easements. Also different from pod 2c, the new easement for pod 2d will be recorded in different steps. The additional steps will be taken because an additional change to the pod 2d site plan is being proposed. For the portion of the site plan which is not changing from the latest approval, the new easement is submitted. However, for the portion of the site plan which will be proposed to be changed again, the new easements will be submitted with the petition for the change to the site plan.

In Capistrano (pod 2e), the abandonment will similarly effectuate a 5' shift of the easement and additionally an adjustment for the latest configuration of the entrance and inclusion of a clubhouse to comply with the latest approved site plan. Pod 2e is not proposed at this time for any further changes, so new easements are submitted to show what will replace the abandoned easements.

In Del Prado (pod 2g), the recorded easement was consistent with a previously approved site plan and the easements are not consistent with the currently approved site plan. The abandonment will remove the outdated recorded easements. Since an additional change to the site plan is being proposed, new easements are not submitted with this petition, but rather will be submitted with the petition for the latest change to the site plan.

Mr. Wood concluded that the Development Review Committee recommends approval of the conditions listed in the Staff Report.

Ms. Calhoun commented that the Board has seen something like this recently. In accordance with the Staff Report and mentioned they are in the backup materials. Portions of the roadway are being vacated and portions of the roadways are being vacated and replaced with the dedication of a new utility easement. It creates a new condition in 2D and pointed out the existing and proposed and what you end up with at the end the property owner gets an additional 5 feet. She referred to 2E and they are vacating all of it because there is nothing there yet and

rededicating a new utility easement and 2G is the same as 2E. Some utility easements were being replaced and some were being shifted.

Mr. Aronson opened the Public Hearing at 8:25 p.m. and seeing none closed the Public Hearing at 8:25 p.m.

Mr. Schulman referred to the second page of the Staff Report, first paragraph relative pod 2G it says that “the recorded easement was consistent with the previously approved site plan and the easements are not consistent with the currently approved site plan”. He asked how it got to that point.

Ms. Calhoun commented that it was a cleanup item what they are doing.

Mr. Schulman remarked that he was curious on how they got to that point that they need to clean it up and there is no catches.

Mr. Wood commented that it’s a function of the previously approved site plan.

Mr. Markley mentioned that it would be caught at the time of permitting because they do check the surveys as they come through with the lot and they would check the survey at that time too.

Mr. Jimmy Wright introduced himself as being with the applicant and remarked that they haven’t started any construction until very recently with any of these pods, but in 2G they have not started any home construction and until very recently it wasn’t discovered that all these easements had been recorded in their old form. When they discovered they were recorded they submitted the abandonment request to make the new easements match with the currently approved site plans. When the site plans came through they showed them as proposed easements and now they are changing the document to match what is now approved on the site plan.

MOTION: TO APPROVE ABANDONMENT PETITION # AB 3-1-11 – LOCATED IN PODS 2D, 2E, AND 2G AT MONTERRA LOCATED BETWEEN SHERIDAN STREET AND STIRLING ROAD, PINE ISLAND ROAD AND UNIVERSITY DRIVE. MOTION MADE BY MS. MCCOY AND SECONDED BY MR. NALL. There were all eyes on roll call vote. Motion was approved.

5. OLD BUSINESS:

None.

6. GROWTH MANAGEMENT DIRECTOR’S REPORT:

Mr. Wood didn’t have any other Growth Management Director’s Report and asked Mr. Markley to explain what petitions are in place for the next meeting.

Mr. Markley explained the next regularly scheduled meeting will be on Monday, June 6th first meeting and the second meeting in June is scheduled for June 20th. He continued to explain potential upcoming agenda items.

7. BOARD MEMBERS' CONCERNS:

Mr. Konhauzer commented that in 2 or 3 Staff Reports, it was "may" recommend and in the last Staff Report it was "recommend" and he wanted to know if there was a difference.

Mr. Wood explained they don't always recommend approval particularly with the Conditional Uses. Conditional Use petitions require there is finding that the standards have been met and that finding needs to rest with the Board because it is conditional. They need to convince the Board and ultimately the Commission that those criteria have been met.

Mr. Schulman asked for an update about someone attending the Commission meetings and asked if anyone was attending them.

Mr. Aronson responded no and that he spoke with Mr. Wood who in turn spoke with the City Manager and the City Manager's view was that a P&Z Board member chose to attend the Commission meeting he or she was free to do so and sit in the audience, but would have no ability to sit next to Staff and respond to comments. That being the case, it did not seem particularly useful to sit in the audience when you could watch it on TV.

8. ADJOURNMENT:

The Meeting adjourned at 8:32 p.m.