



PLANNING & ZONING ADVISORY BOARD

Minutes of June 20, 2011

Meeting Called to order at 7:04 p.m.

1. ROLL CALL

P&Z Board Members

MEMBERS	6/20/11	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	P	A	P	P	A	C A N C E L L E D	P	P	P
Diane Sori	P	P	P	P	P	P	P		P	A	P
Helen Cohen	P	A	P	P	***P						
Michelle Keirnan, V/Chair	P	P	P	P	P	P	P		P	A	P
Craig Konhauzer	P	P	P	P	P	P	P		P	P	P
Mark Aronson, Chair	P	P	P	P	P	P	P		P	P	P
Ben Schulman	P	P	P	A	P	P	P		P	A	P
David Nall	P	P	A	A	***P						
John Valenti	P	P	P	P	P	P	P		P	P	P
Bart Roper	P	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

APPLICANTS: *Hope Calhoun, Esq. Ruden McClosky, Monterra*
Jose Acosta, Chen & Assn., Monterra
Jimmy Wright, CCDEVCO, Monterra

2. **P&Z BOARD - MINUTES - WAIVE/APPROVE – MAY 16, 2011 MOTION TO WAIVE READING OF MINUTES OF 5/16/11:** Motion to waive the reading of the minutes made by Ms. Sori and seconded by Mr. Konhauzer. All ayes on voice vote. **APPROVE:** Motion to approve made by Ms. Sori and seconded by Mr. Valenti. There were all ayes on voice vote. Motion was approved.

3. **CORRESPONDENCE:**
None.

4. **NEW BUSINESS:**

A. **MONTERRA – VISTA DEL SOL (POD 2D), SOLANO AVENUE, TARAMEA AVENUE, AND LANDSCAPE BUFFERS – SITE PLAN AMENDMENT PETITION # SPA 2-1-11 - LOCATED BETWEEN SHERIDAN STREET, STIRLING ROAD, PINE ISLAND ROAD AND UNIVERSITY DRIVE**

Mr. Wood explained that this item is a Site Plan Amendment Petition for phase 2d (Vista Del Sol), the roadways on either side which are Solano Avenue and Tarama Avenue, and other landscape buffers. The site plan amendment is being processed with a petition for rezoning with changes to the Master Plan and Design Guidelines. The amendment is consistent with the proposed zoning, Master Plan and Design Guidelines proposed for the Monterra development. There are no variances requested for this amendment.

This site plan amendment petition reflects changing the approved site plans to implement the changes of the proposed Master Plan and Design Guidelines. Taramea Avenue would no longer have a manned guardhouse. At that entrance instead would be a gate for residents only. The new configuration of Taramea can be seen on site plans and landscape plans presented as part of pod 2d along with the elimination of the southbound turn lane from Taramea to go east on NW 27th Street into pod 2d as that is being changed as a part of the changes to that pod.

The changes in this amendment for pod 2d include the change of the access at NW 27th Street and related changes to lots in that area, addition of lots at the east end of lake 14 and changes to lots in that area, changes to lots near the entrance at NW 32nd Court, and a change to lots 179 and 180. The net effect of these changes is that there is one additional 50' minimum lot and eight additional 65' minimum lots for a total of 9 additional lots in this pod.

The access at NW 27th Street would change from a regular, full public access which aligns with NW 27th Street going west into pod 2c (La Costa) to instead be an emergency only access (shown on SP2d-01). The change near the entrance at NW 32nd Court (shown on SP2D-04) allows for a view of lake 16 as you enter from this entrance. The change to lot 180 increases it from 10,875 to 13,765 square feet (shown on SP2d-05). This change decreases the size of park 2d2 on the northeast side of lot 180; however, the park still maintains 0.5 acres which is the minimum to qualify as a park. Similarly lot 179 increases in size; however, the corresponding decrease in the open space next to it does not affect park area since the open space was already under the minimum area to qualify as a park.

The currently approved site plan for lake 14 at the south end of pod 2d has that the lake would be open at the east end and be visible by the public from the sidewalk and right-of-way. The change to the site plan would implement the change approved under the master plan to add homes on that end of the lake and close it from public view. The change would also reconfigure lots on the east side of that street which is NW 83rd Terrace and continuing changes to the north along NW 28th Street. (These changes are shown on SP2D-02 and SP2D-03.)

With this petition a chart is included to show the amount of open space and park area for this pod, preceding pods, and the cumulative total of open space which exceeds the amount required.

In order to accommodate the additional lots in pod 2d, changes are also presented for Solano Avenue for which these changes are also part of the master plan and design guidelines being processed under the rezoning petition. The plans show engineering, landscaping, and signing and marking for the entire roadway which goes between Sheridan Street and University Drive. In addition to the location of the drive lanes, a particular change is a reduction in width of the buffer on the portion of the roadway from Sheridan Street to where the road turns to the east. For this part of Solano Avenue, 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 plan still has 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. The part of Solano Avenue that goes through pod 2f and out to University Drive would have sidewalks on both sides of the street and the currently proposed plans show this remaining part of Solano as fairly typical of other roadways.

Landscape plans are also included in the plans to show updates that have been coordinated with agents for the development and the City Arborist. These are for the buffer that goes along Sheridan Street west from Solano Avenue and continues partially up the west side of pod 2c.

Mr. Wood concluded that the site plan amendment has been reviewed by the DRC for conformance with the applicable district regulations of the proposed zoning, pre-annexation agreement, Master Plan and Design Guidelines which apply to the property, and have been determined to be in conformance with those standards subject to the conditions listed in the Staff Report.

Ms. Hope Calhoun, Attorney and representative for the applicant. She commented the last time she came before the Board they went through these changes overall and explained they were going to bring this through in a site plan. She explained that the changes that were described in the Staff Report at her last presentation before the Board was the change to the Design Guidelines, which would allow the specific changes to the site plan, so this site plan is what is before the Board tonight. She then commented that the high points are that they have not lost any green space. They still exceed that amount that was required by code. She expressed they have continued to work very close with the City Arborist, Jeanette Wofford. She remarked that they wouldn't be here tonight if Ms. Wofford was not completely satisfied with what they were proposing. She then commented that they do agree with the Staff Report. She thought that the Staff Report lays out the changes very clearly and referred to the site plan and the changes that are being made. Continued improvement upon what they are doing there. They have added a few more units and making minor changes to access openings and changing some of the entry features. With regard to Solano Avenue, they are making some changing in the site plan and commented that they are continuing to evolve on this project. She reminded the Board they still have two pods, 2F-1 and 2F-2, which the Board has not seen yet, but those will also impact Solano Avenue and there will continue to be changes there.

MOTION: TO APPROVE MONTERRA – VISTA DEL SOL (POD 2D), SOLANO AVENUE, TARAMEA AVENUE, AND LANDSCAPE BUFFERS – SITE PLAN AMENDMENT PETITION # SPA 2-1-11 - LOCATED BETWEEN SHERIDAN STREET, STIRLING ROAD, PINE ISLAND ROAD AND UNIVERSITY DRIVE. MOTION MADE BY MS. SORI AND SECONDED BY MS. MCCOY. There were all ayes on roll call. Motion was approved.

4. B. DISCUSSION FOR POSSIBLE CHANGES TO AMEND SECTION 21-8, AND SECTION 23-117 OF THE MUNICIPAL CODE OF ORDINANCES RELATIVE RESTAURANT ASPECTS

Mr. Wood explained that during consideration of recent site plan amendments for outdoor seating, City Commission has suggested clarification on review procedures for restaurants. The attached proposed City Code change would clarify aspects of the review procedures, update

some regulations to make them easier for restaurants to follow, and allow for simplification of the approval process by an administrative process under certain circumstances.

More specifically, the proposed Code change includes:

1. Update in the definitions of general restaurant and fast food restaurant to provide more specific guidance on the differentiation between the two classifications and to modernize classification criteria to current industry circumstances and current implementation.
2. Move regulation of alcohol consideration, as suggested by the City Attorney, from the definitions section 21-8 to place it instead as a new section 23-117.1 appropriately under the area of zoning Codes dealing with regulations.
3. Clarify review considerations for separation of outdoor seating patrons from vehicular use and vehicular service areas.
4. Remove restriction of outdoor seating to receive service only by wait staff to instead allow other means of service as approved by City Commission.
5. Make various updates to language for clarification and as suggested by the City Attorney.
6. Provide that City Commission may grant relief from minimum inside seating for a restaurant in the PMUD district requesting outdoor seating in order to allow greater flexibility as would be appropriate for a mixed-used area of that district.
7. Allow a simplified approval process with an administrative review by City staff for outdoor seating which meets certain criteria and has agreement by DRC.
8. Update to language for violations as recommended by the City Attorney.

Mr. Wood concluded that the Planning & Zoning Board is requested to discuss the potential changes to Code or other methods of enhancements to maintain community standards to lead to a recommendation for a direction in policy on Code.

Ms. Sori referred to number 4 of the Staff Report “to receive service only by wait staff” and commented that this is a restaurant and who will they have waiting on the people out there, the customers.

Ms. Keirnan thought there was an issue of alcohol and there was a petitioner that came before the Board and the alcohol will only be served by the wait staff and thought that if you were allowing outdoor seating and you are not specifically making wait staff the ones to server, she thought people would be, maybe potentially bringing their own alcohol and sitting out there and drink.

Ms. Sori responded that you can’t do that and this is not what that is about.

Mr. Aronson asked the Board members to focus on the language of the ordinance where you have issues and make comments.

Mr. Roper remarked that it would be referred in 23-117(a)(3).

Mr. Aronson then read 23-117(a)(3) “the service of patrons of the outdoor seating area shall be by waiter/waitress”....

Ms. Sori interjected that was a direct contradiction to what is here.

Mr. Roper commented that it says “and/or patrons utilizing an approved means of self-service.”

Ms. Sori remarked that patrons can’t serve themselves at a restaurant unless...

Ms. Keirnan referred to Char-Hut where you place your order and then go sit down and thought that was what they were talking about.

Mr. Markley commented that the following sentence then particularly references walk-up windows, so that would be the other case which there are two existing where walk-up windows have been approved as part of outdoor seating areas.

Mr. Roper remarked that the only way alcohol could be taken outside was that it had to be served to people outside by a waiter/waitress and thought that was the current code that is exists and is that correct.

Mr. Markley commented that particular to any outdoor seating the way the code was written is to serve alcohol by wait staff.

Mr. Roper then remarked that if he was reading this correctly, a patron that is sitting outside can go inside and make a purchase of alcohol and can bring it outside and if there is a 15-year old sitting there, he can hand it to him and let him drink.

Mr. Aronson explained that is the question is whether we are sitting outside at a table, the server has to come and take our drink order and bring it to us, or whether they have a counter that you get your drink and walk back to your table and sit. He asked if that was correct.

Mr. Konhauzer referred to The Spot, and you walk inside, you get your beer and walk outside and sit at a table and that is what it’s about.

Mr. Aronson asked if the topic they were discussing is the difference between a server coming to your table, taking your drink order and bringing it back versus somebody getting their food at a counter and walking out and sitting at a table.

Mr. Konhauzer remarked that he heard the concerns right, was that if the patron was served while they were sitting outside with an alcoholic beverage then anybody could drink it. He explained that the server could go back inside and then you can hand that drink to anybody under age, so that was not a means of control and he didn’t see a problem with that.

Ms. Keirnan commented that the only other issue she has was the problem with glass bottles. She thought the restaurant in particular said they would only be served by servers and being

Mr. Aronson interjected but that was not an issue as to servers or non-servers. You couldn’t get a soda in a glass. He remarked that restaurants do it all over the area and eat outside a lot.

Ms. Sori commented “that nothing contained herein shall prohibit properly site planned outdoor play areas for fast food or self service restaurants” and thought this was opening up a “whole can of worms” with traffic and streets and....

Mr. Aronson interjected that is the existing ordinance and was for a McDonalds or Burger King that has a playground. He explained the only changes are the underlines and strikethroughs and everything else is the same. He then suggested they start at the top of the ordinance and go through. He referred to proposed changes in and pointed out a typo in Section 21-8(a)(3) where the word “small”.

Mr. Markley interjected that it is hard to see, but the “s” is stricken through.

Mr. Aronson then commented that in the definition of specialty restaurant, he has some difficulty with the portion that talks about foreign food and the definition as proposed says that “a specialty restaurant shall be subject to the City zoning officials determination with a consideration for focus on a menu of foreign food and/or beverages and/or service of a limited exclusive category of food and/or beverages such as ice cream”. He remarked that his view of foreign food as a type of service is not a specialty restaurant. A specialty restaurant is classified as a limited menu restaurant. He said that if he had a Chinese restaurant or Sushi restaurant, it shouldn’t get different treatment than a burger place. If he had a BBQ restaurant, that’s not a foreign restaurant, but it doesn’t fall under the definition as specialty or a deli. He expressed that he would like to strike “of a foreign food and/or beverage” and it should just read the definition that it’s a menu of a limited and exclusive category of food and/or beverages.

The Board members all agreed with Mr. Aronson.

Mr. Aronson then asked for comments in Section 23-117(a)(1). He then suggested a grammatical change that could be made in the additional language that says “a review of outdoor seating shall include but shall not be limited to the below requirements and thought that the word “that” should be stricken and changed to “shall provide”. He then suggested that the language be changed from waiter/waitress to servers. It’s easier to read with that language.

Mr. Nall referred to 23-117(2) with regard to the “there shall be a minimum of 4 feet of clearance distance for 50% of the sidewalk width”. He wanted to know if that complies with ADA compliance.

Mr. Markley responded yes, it does comply and that is current language and there will be no changes to that. This would require more than what ADA requires. Of those it is whichever is greater.

Mr. Nall then referred to “the corners of the outdoor seating areas may be rounded or mitered” and wanted to know what that means.

Mr. Markley responded that as far as the existing structure prior to anything being put outside you may have some areas where there is a wall and it juts out and comes back in and whether

that is at 90 degrees or mitered. This is specifically stating that going around that you still would maintain that clearance.

Mr. Nall questioned the way it reads referencing the “outdoor seating area”, you could refer to the inside of the area, but understood what Mr. Markley was saying.

Mr. Markley then commented that similarly on the vehicle use side you may have certain columns and it may not be a continuous line.

Mr. Aronson pointed out that in numbers 4 and 6 there were certain minor changes and wanted the Board to notice that.

Ms. McCoy referred to number 10 and read “in a PMUD District and exception from the minimum of 25 indoor seats may be requested subject to City Commission approval and design guidelines and do we have design guidelines for outdoor seating in the PMUD district.

Mr. Markley responded that the commercial center or non-residential part of Monterra has not come in yet so we do not have design guidelines for outdoor seating. He then updated for the Boards consideration to additionally give input and commented that the Business Advisory Board did take up this topic and their recommendation for this to move forward to City Commission was that this provision to allow for less than 25 seats and not be limited to just the PMUD, but be City wide and any restaurant could ask for that exception.

Mr. Aronson commented that right now there is a limitation and this asking for a removal of it under circumstances and asked what is the reason for the limitation of 25 seats.

Mr. Markley responded that it is part of the existing code and Staff was not present when it was created.

Mr. Konhauzer interjected that it’s a means of control and not letting it get out of hand.

Mr. Markley continued to say that it may have been a certain standard that a restaurant would at least have so much inside before they provided areas outside and maybe have a balance between how much is inside and how much is outside. He mentioned that Broward County has looked into aspects of outdoor seating particularly as smoking regulations came into play and it became popular for a lot of restaurants to have outdoor seating. They looked at the potential impact of something that might not have otherwise been caught by plat development rights because it wasn’t something that was built, but a lot of impact happening from a lot of outdoor seating areas. In some case a lot more impact from outdoor areas than what was generated from just inside. He explained that he was providing the Board of what the BAB recommended so that they could possibly concur with that or if they didn’t want to make any particular additional comment and that is up to the Board.

Mr. Aronson responded that it seemed odd to him that your indoor seating area is a function of how big your space is. If his space only accommodated 22 people then he didn’t think that should prevent you from proceeding an area and it may restrict how much outdoor seating he

would have because of the proportions. He was still trying to figure out why you had to have 25 seats inside in order to have outdoor seating and maybe they should make this applicable to all areas.

Mr. Markley mentioned that Staff was given certain direction from Commission to provide clarification and review procedures in preparation for Monterra and the hope for the town center or commercial center to be more vibrant they did go ahead and add in this provision to hopefully make it easier for businesses to have outdoor seating for restaurants. He said that he didn't feel they wanted to push policy that much to change existing code, but certainly similar to the BAB and if it is a recommendation of the P&Z Board also, they could present that to Commission.

Mr. Aronson commented that the BAB suggested making this applicable to all restaurants and not just the PMUD.

Mr. Markley responded that was correct and the exception could be asked for by any restaurant.

Ms. McCoy expressed her concern relative to the PMUD when they did that designation years ago was outdoor seating covered in that classification.

Mr. Markley responded that it was not specified in code, but that would be something that when the design standards come in for the commercial center that typical street scapes and whether they are going to require canopies, the width of sidewalks would be aspects he would expect for that area of the commercial center for Monterra.

Mr. Konhauzer asked how many years ago was this brought into code.

Ms. McCoy remarked that it was 8 or 9 years ago.

Mr. Konhauzer continued by saying that things have changed and not that you would want to change everything, but didn't see an issue with this.

Mr. Markley commented that as far as the majority of the outdoor seating a lot of these provisions came into play in 1997 for the specific regulations.

Ms. McCoy referred to #11 and says "outdoor seating areas shall be subject to platting requirements as set forth by Broward County". She commented that if a restaurant goes into an existing space and wants outdoor seating then they would have to re-plate it.

Mr. Markley responded that it would depend on the determination of Broward County. The County has looked at the impact that outdoor seating has created.

Mr. Aronson asked what type of outdoor seating change might require a plat amendment.

Mr. Markley responded that he has not had a particular case where a shopping center with outdoor seating was going to exceed the plat, but he has been made aware that the County is

looking at that. He also mentioned that they put the language in this code as a caveat making sure that it doesn't come upon them as a surprise and they may need to look at their plat.

Mr. Wood remarked that what could trigger the County review is it's covered such as outdoor seating with a canopy, or a hardscape roof over it and maybe not necessarily a wall. He commented that they get into that with drive-through banks and if it is a covered area that is considered as additional square footage. He pointed out that they did not want the applicant to get through the local process only to find out that Broward County is going to require additional platting requirements.

Ms. Sori commented that they need to limit the amount of outdoor seating for a restaurant. She explained that if you open it up you would have the roadways blocked, the walkways blocked and everything else.

Mr. Konhauzer referred to the 50% rule and you would not have a restaurant go to another space it is going to stay within the means of their space and you would be protected by that.

Ms. McCoy asked if they can be 50% out from the sidewalk area to the roadway.

Mr. Aronson responded they were not talking about increasing...the issue about the 25 seat minimum, it says that in order to have outdoor seating you have to have at least 25 seats indoors, but outdoor seating is not a function of how many seats you have indoors. If you have 10 seats inside you could have

Mr. Konhauzer interjected "Steve's Pizza" which is basically a walk-in and take-out. How would they be affected? As long as they met the 50% rule would they be excluded because of that 25 seat minimum?

Mr. Aronson mentioned that is something that wasn't changed in the ordinance.

Ms. Sori asked if any of these outdoor seating areas going to be pet friendly, like what Ft. Lauderdale and Hollywood has.

Mr. Markley responded that State Statutes did open up to have pet friendly outdoor seating, but the State regulation as he had last seen it when it came through maybe 3 years ago required that specific municipal language be put into place. Cooper City has not adopted specific language to implement that. Technically, Cooper City, as many cities would not have pet friendly outdoor seating. He commented that he would not be surprised to see many pets where municipalities have not gone through that process.

Ms. McCoy referred to 23-117(b)(4) where it refers to the 25 indoor seats and is that another area that needs to be altered.

Mr. Aronson commented that he has two thoughts and one is to remove the exception to only apply to the PMUD and to have it apply to all districts as the BAB suggested. His second one

thought is whether it is necessary to have a minimum of 25 seats and you could have any outdoor seating.

Ms. Sori remarked that if you don't keep the minimum you would have any old place just throwing tables out there.

Mr. Aronson responded no you are not; you would need to get a permit.

Mr. Konhauzer interjected no you are not and you need to get a permit and you have to go by the 50% rule, but he thought it was a hardship for a place like Steve's Pizza if they want to be able to have people hang where inside they don't have that ability. What would be the issue as long as they followed the 50% rule like Steve's Pizza, who doesn't have the 25 seat minimum?

Mr. Aronson remarked that it is 30%.

Mr. Markley commented that what Mr. Konhauzer is referring to is the clear area of the 4 feet or 50%. You do have as far as the regulation of how much area they can have by 30% or 10%.

Mr. Aronson referred to Section 23-117(a)(4) that says the "outside area shall not occupy an area of more than 30% of the total gross inside area of the restaurant". He commented that his point was that if you have a restaurant that has less than 25 seats it is going to be tiny inside. The amount of area that is available for outside seating is going to be 30% of that. Is there really a concern that because there are not 25 seats inside you should not have any outdoor seating? He said that he didn't think so.

Mr. Konhauzer commented they covered that by doing that rule.

Mr. Aronson then remarked that if there is an inclination to remove it then they need to remove all the requirements in this ordinance to the minimum of 25 seat indoor seating.

Mr. Konhauzer commented that he was not opposed to changing the 25 indoor seats, but he was against changing the 30% allowed for outdoor seating.

Mr. Aronson asked the Board via a show of hands who would be unopposed to removing the 25 indoor seat minimum.

Mr. Markley asked for clarification in that was just to remove the limitation at all and not just to make it that they could go for an exception to the Commission.

The Board agreed.

Mr. Aronson referred to section 23-117(a) to remove the 25 seat limitation, but keeping the 30% and that would make the addition of item 10 not necessary anymore as well as the addition of part "B" of item 4.

Mr. Wood mentioned that there were 3 or 4 other sections that would apply to as well.

Mr. Aronson then referred to section 23-117, item “B” that says “restaurants which desire to include an outdoor seating area as an accessory use which was not already approved as part of the property” and commented that “as part of the property” doesn’t refer to anything, so he suggested that “already approved as part of the site plan” and Mr. Wood and Mr. Markley indicated that it was not necessarily approved....

Mr. Konhauzer asked if that was perhaps the landlord would not allow that. It’s not that the City wouldn’t allow that, but that they would need to get approval from the landlord first.

Mr. Aronson commented that it is not part of the approval. It is an approval of some sort of application, petition or something required under the code. He thought there was a better phrase which was not coming to him.....

Ms. Keirnan remarked they could add as previously approved and strike that phrase out. So take out “as part of the property”.

Mr. Nall referred to section 23-117.1 (Restaurants, alcohol service), where it is being changed to the “excludes service of alcohol to a customer in a motor vehicle”, and asked if we have a restaurant, say Big Al’s that is a full service restaurant and have a side liquor store and all of a sudden they have a drive-thru for the liquor store part. Is that going to prevent them from an establishment such as that to be able to sell alcohol, because it says alcohol being served in a motor vehicle and he commented that he understands the intent, which obviously is not to serve or sell alcohol in an open container?

Mr. Markley responded that there is a differentiation of what they would be looking at, which he wasn’t sure if this would actually come into Cooper City. They would be selling alcohol through a window as part of their retail operations.

Mr. Aronson interjected they would not be selling at a general restaurant.

Mr. Markley commented they would not be selling alcohol as part of a restaurant service. If someone only had a Local Business Tax Receipt for a restaurant they could not sell someone alcohol through a window, but if that establishment had a Local Business Tax Receipt for retail and met whatever State requirements there may be for having a drive-thru window where they provided that. It would be a function they would allow as the retail operation.

MOTION: APPROVE AMENDING SECTION 21-8, AND SECTION 23-117 OF THE MUNICIPAL CODE OF ORDINANCES RELATIVE RESTAURANT ASPECTS SUBJECT TO THE CHANGES AS DISCUSSED BY THE BOARD. MOTION MADE BY MR. KONHAUZER AND SECONDED BY MS. MCCOY. There were all eyes on roll call. Motion was approved.

4. C. ELECTION OF OFFICERS

Mr. Aronson opened the floor for nominations for Chair (6/2011- 6/2012).

Mr. Roper nominated Ms. Keirnan. Ms. Keirnan declined.

Ms. Sori nominated Mr. Valenti. Mr. Valenti declined.

Mr. Konhauzer nominated Ms. Cohen. Ms. Cohen declined and said she didn't have the time to commit to being Chair.

Mr. Roper nominated Mr. Schulman.

Ms. Cohen seconded the nomination. Mr. Schulman declined.

Ms. McCoy nominated Mr. Aronson and Mr. Schulman as Vice Chair.

Mr. Konhauzer seconded the nomination.

Mr. Roper made a motion to close nominations.

Ms. McCoy seconded the nominations.

MOTION: TO NOMINATE MR. ARONSON FOR CHAIR AND MR. SCHULMAN FOR VICE CHAIR. MOTION MADE BY MS. MCCOY AND SECONDED BY MR. KONHAUZER. There were all ayes on voice vote. Motion was approved.

5. OLD BUSINESS:

None.

6. GROWTH MANAGEMENT DIRECTOR'S REPORT:

Mr. Wood explained that the next regularly scheduled meeting is July 4th and is a national holiday and, therefore, the next meeting will be on the third Monday July 18th and is anticipating the City initiated B-1to B-2 code change and rezoning petition. The code change will be processed simultaneously with the rezoning petition.

Mr. Aronson asked if that would require a variance.

Mr. Wood responded no because when it goes to Commission the code change will have been already adopted by the time the rezoning goes to the Commission.

Mr. Aronson commented that the Board would have to approve something that would be a variance.

Mr. Markley commented that it would be a recommendation of approval "subject to the code change" instead of a variance.

7. BOARD MEMBERS' CONCERNS:

Ms. Cohen commented that she would like to request/suggestion that she would like the Board to reconsider changing the meeting day to any other day then Monday.

Mr. Aronson responded that the Board has had meetings on Mondays for 20 plus years and knows that some people have meetings on other nights.

Ms. Cohen remarked that she does too.

Mr. Aronson mentioned that the Commission meets on Tuesday.

Ms. Cohen commented that we miss a few meetings because of holidays and conflict with other things that come up and would like the Board to consider this change as a group.

Mr. Markley explained that as far as the way things do fall now, most of the time when you hear something Monday night those items then can make the submittal which is then the following day usually. There are sometimes it does fall in a week, but with Commission being on Tuesday, the majority of time the day after the P&Z meeting is their submittal deadline for City Commission. This keeps them on a tight schedule.

Ms. Cohen mentioned we are going to miss another meeting because it was the July 4th.

Mr. Aronson interjected that we were not missing that meeting because it was July 4th. We have nothing on that agenda for that date. He then explained that what they traditionally do is that if they have a Monday holiday, the Board discusses an alternate date that would work on those half dozen holidays. Many of the times they don't have to have a meeting anyway.

Mr. Schulman asked why Ms. Cohen was looking to change the meeting day.

Ms. Cohen responded that she feels like they are missing them and we are having one a month instead of two a month. She said that she understands that they didn't plan for July 4th.

Mr. Aronson commented that we have never missed a meeting.

Ms. Cohen responded that we have missed three meetings.

Mr. Aronson interjected that was not because of a holiday.

Ms. Cohen commented that if the Board is good with Monday that was fine with her and she thought it would work better if it wasn't Monday.

Mr. Konhauzer remarked that Monday's are tough days, being it is the first day of the week.

Ms. McCoy commented that she prefers it the way it is and if it falls on a holiday and if there is an agenda item that has to go before the City Commission they always choose an alternate date.

Ms. Keirnan mentioned BAB just changed their meeting date to Monday night.

There was a consensus of the Board to maintain meeting dates on Mondays.

Mr. Valenti referred to the Business Advisory Board (BAB), and commented that it seems to be equal to what the P&Z Board is, but in reality they are not. He found out 2 weeks ago that the

P&Z Board have to go through a financial disclosure and they do not. He said that bothers him. If they are going to be equal and referred to a Staff memo, which says on the bottom that the P&Z and BAB Boards are requested to discuss the potential changes to code. If they are going to be equal then they should be subject to all the things that the P&Z Board is subject to. He remarked that he firmly believes there are people on that Board (BAB) and wasn't sure if they really knew all the rules. He didn't know if they knew what all the codes are. He asked if there were packets for them too at BSO.

Mr. Markley responded that our department does not prepare the packets for BAB. With regard to the items that are on their agenda, he does forward that to their liaison and it is his understanding that the liaison e-mails that information to that Board.

Mr. Valenti asked how can they come in here and be prepared to speak about an item like P&Z Board just did if they don't have any backup and no material. He remarked that he doesn't understand that. He thought the people on that Board were good people and was sure that they did provide a service to the City. It seems like all they do is say "yes" all the time to whatever any business wants. We all hear about how great Cooper City is. We all hear about how our homes don't go down in value and we are the best in Broward County, but why is that? It is that because of the way the City was built and it seems to be deteriorating. He again said that it bothers him and seems that they do whatever they want and however they want and it just gets done, and we all know that. He remarked that he knows that people up there aren't going to be happy with what he was saying, but was just saying how it is and how he feels.

Ms. Sori commented that she thought what Mr. Valenti means is that a City is required to have a P&Z Board. A City is not required to have a Business Advisory Board. In this City, P&Z is an official Board and BAB is not an official Board. It was put together by the Commission.... It is not an official Board and thought that what Mr. Valenti was saying are we have to do certain things and follow certain procedures and guidelines and go through the code and they don't. They come in and want this and want that.

Mr. Aronson responded that it appears to him what happened was certain members of the Commission felt that this Board was not granting variances or approving things that we felt we were constrained to approving by existing ordinances and resolutions. The Commission took it among themselves to elevate this Community Board to some other status and they are not constrained by the same rules and regulations that the P&Z Board is constrained by. He remarked that he agreed with Mr. Valenti. He thought that if the City chooses to have them act to make recommendations in the nature that they currently are, then the Commission should consider amending their ordinances to make them comply with the requirements that other City Boards are required to comply with. He then asked if the Recreation Board was also required to comply.

Mr. Markley responded that he was not certain if the Supervisor of Elections goes through for financial disclosure on the Recreation Board. He did know that the Recreation Board was a codified Board. The BAB was an official Board such that they were created by the Commission, but they are not codified and given those powers.

Mr. Aronson commented that what they have done with the P&Z Board is a vehicle that the Commission has chose to create to give themselves cover over matters that they have not approved.

Ms. Sori remarked so as we don't like what you did, so we are going to create another Board.

Mr. Aronson explained the Commission has the prerogative to accept or reject anything the P&Z Board does, so they didn't need BAB to act as a buffer or go between, but they chose to do that.

Mr. Roper commented that P&Z is held to different guidelines and our guidelines are they cannot vote on any issue that is a benefit to them individually or any member of our family individually. The BAB votes on issues which are beneficial to all of them. He remarked that he couldn't understand the difference there.

Mr. Valenti remarked that is the difference with the financial disclosure. He thought that most of the people on the BAB are all business owners. What does that mean they don't have to disclose any of that?

Ms. Sori interjected that they are making a profit off of the votes; a personal profit off the votes.

Mr. Konhauzer commented that he made that point at the last meeting and as a group suggest to the Commission what they just discussed that in fact if they are going to do what they are doing then they should be held to the same standards as the P&Z Board is because of what Mr. Roper and Mr. Valenti said.

Mr. Aronson remarked that Mr. Roper's comment is that they shouldn't continue to act the way they had historically and not the way they have been asked to act recently.

Ms. Sori commented they should not be making personal profit off votes.

Mr. Roper explained that when they were first made a Board, they were to bring anything before the P&Z Board in the form of something that they may want to have changed or any comments they had were to be brought to this Board and had them at the time P&Z actually discussed that matter and voted on it. He remarked they took all of their issues into consideration. Now it has changed.

Mr. Konhauzer commented that was why he made the suggestion he just did.

Ms. McCoy interjected that they fill out the financial disclosure form.

Mr. Konhauzer responded that they should be held to the same....

Mr. Aronson commented that he thought they have an inherent conflict of interest.

Mr. Konhauzer agreed with Mr. Aronson that it was a conflict of interest.

Mr. Aronson then commented that he didn't think that elevating them to a coded Board...

Mr. Konhauzer interjected that maybe they should suggest that it is a conflict of interest and the City Attorney should look into that.

Mr. Aronson remarked that he didn't think this Board should get into a political debate with the Commission.

Mr. Valenti agreed with Mr. Aronson and remarked that he just wanted to go on record as to how he felt.

Ms. Sori commented that it was a legal conflict of interest.

Mr. Aronson thought that was for somebody else to decide and he was going to recommend they leave it at that and the Commissioners will have the minutes of this meeting to read or not read.

Mr. Valenti remarked that several of the BAB members are his friends and he constantly hears from them and will say that it is for the purpose so that the City can make more money and that is a fallacy. Because, when you own a business and you make money you don't share your profits with the City. The only way the City collects money is through sales tax. He explained that he learned years ago when he was a Commissioner is that sales tax is County wide, so it doesn't matter where you buy things in Broward County, Cooper City is going to get their percentage of the sales. The same thing goes for people who live here and buy elsewhere, so it doesn't make any difference.

Mr. Aronson commented that if he was a business owner in the City and he sat on that Board and they were talking about signage, he would recommend that every business could have a 10 foot neon sign and digital. They have a perspective that they are always coming from which was fine when they were the community board that would come up with ideas and from time to time come before this Board. With the way the change in roles have come into play it doesn't seem appropriate. Again, he thought that the P&Z Board has expressed their opinion and didn't know if there was anything else to do.

Mr. Valenti commented that he felt he had to say that and would see if there was anything come of it or not, but that he had to express his feelings.

Ms. Sori interjected that it was politically motivated.

8. ADJOURNMENT:

The Meeting adjourned at 8:13p.m.