

City of Cooper City
PLANNING AND ZONING BOARD MEETING
Minutes of Meeting
July 20, 2015

The meeting was called to order at 7:02 pm by Chairperson Mark Aronson.

Roll Call: Present: Elliot Weiner, Craig Konhauzer, David Rouse, Al Scotti, Charles Cutler, Bobby Jenkins, Michael de Miranda, Michelle Stern, Matt Williamson and Mark Aronson.

Approval of Minutes: June 15, 2015

Waiver of the reading of minutes motion by Bobby Jenkins and seconded by Al Scotti. Unanimously approved by voice vote.

Motion to approve minutes by Bobby Jenkins and seconded by Al Scotti. Unanimously approved by voice vote.

Correspondence: None

**New Business: Item 4A CU 5-1-15 Conditional Use Application for
Electric Flamingo Tattoo Company**

Chairperson Aronson turned the meeting over to Growth Management Director Matt Wood who read the following staff report :

ANALYSIS: This item is a Conditional Use petition for the Electric Flamingo Tattoo Company located within the Timberlake Plaza at the corner of Griffin and Pine Island Road. City Commission recently approved a Code amendment which allows tattoo parlors to locate in select commercial zoning districts subject to approval of a conditional use petition and a minimum 1,000 foot separation between the tattoo parlor and another such use.

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 as described by the petitioner "is to offer a service to the public which consists of personalized art permeated to the human body as per consent of qualified clientele. Such body art will consist of tattoos of stellar design collaborated between artist and client. Artist/owner/manager James Bennett will perform these services and guarantee a safe and sanitary environment.

The propose 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.

COMPRENHENSIVE 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-2 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 which sits between two similar uses (a hair salon and tanning salon). 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 points out that with an approved Site Plan, Timberlake Plaza has been reviewed and approved by the City to minimize any potentially adverse impacts on adjacent residential areas. The plaza is separated from adjacent homes by a concrete wall to the south, adequate landscaping to the west, and no direct vehicular access into the Timberlake neighborhood from SW 87 Avenue to the west.

To further ensure compatibility, the applicant has stipulated to the following supplementary conditions:

1. Shop hours will be limited to Monday through Friday from 12 pm to 10 pm and Saturday from 10 am to 10 pm.
2. The initial business will include three artists with potential for expansion to five.

3. There will be no requests for any variances or waivers from zoning or sign code requirements.
4. No clientele will be accepted under the age of 18.

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. As previously stated, there is no direct vehicular access from Timberlake Plaza into the Timberlake neighborhood from SW 87 Avenue to the west. Further, it should be noted that the Timberlake Plaza 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.

Timberlake Plaza has 300 regular parking spaces with eleven handicap spaces which will more than adequately serve the anticipated parking demand of the tattoo parlor. 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 applicant points out that he is offering a clean, sterile environment with only Tattooists licensed by the Florida Health Department. No flammable liquids are used in the business which would otherwise adversely affect public health or life safety and all State and Health Department requirements will be met.

STAFF RECOMMENDATION: As 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 finding that the applicant has adequately addresses the above-mentioned standard for approval.

Public Hearing Opened: 7:04 pm

Applicant, James Bennett, was present. Mr. Bennett, with some further introduction, explained that he planned on providing an upscale tattoo parlor that is in keeping with his upscale clientele.

Resident, Angie Parker, who resides at 5136 SW 87 Terrace, felt that this business is not an issue and stated that Timberlake Plaza needs help in obtaining businesses.

Resident, Ivan Ross, who resides at 5987 SW 114 Ave also felt this was not an issue and also stated that the plaza needed help and that Mr. Bennett would keep within the rules and regulations of Cooper City.

Resident Darryl Curtis, who resides at 9845 SW 59 Street spoke that this type of business will not compromise what the city stands for. He also noted that the perception of tattoo parlors has changed over the years. He further stated that he has know Mr. Bennett for 18 years, that he is a fine member of the community and has four kids in Cooper City schools.

Public Hearing Closed: 7:16 pm

With some discussion motion was made by Craig Konhauzer to recommend approval and was seconded by Al Scotti.

It was recommended to approve subject to the applicant's voluntary supplemental conditions, with 9 ayes and 1 nay, with Michelle Stern dissenting.

Growth Management Director's Report:

No meeting schedule for August 3. Possible petition for first meeting in September.

Board Member's Concern: None

Meeting Adjourned at 7:29 pm