

**City of Cooper City**  
**PLANNING AND ZONING BOARD MEETING**  
Minutes of Meeting  
October 26, 2015

**The meeting was called to order at 7:01 pm by Chairperson Mark Aronson.**

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

**Approval of Minutes:**

Waiver of the reading of the minutes of July 20, 2015 - motioned by Bobby Jenkins and seconded by Craig Konhauzer. Unanimously approved by voice vote.

Motion to approve the Minutes of July 20, 2015 by Bobby Jenkins and seconded by Michael de Miranda. Unanimously approved by voice vote.

**Correspondence:** None

**New Business: Item A Temple Beth Emet - Modular Classrooms**  
**Site Plan Amendment #SPA 4-2-15**

Chairman Aronson turned the meeting over to Matt Wood who read the following staff report:

ANALYSIS: This item is a Site Plan Amendment to add two modular classroom units immediately west of the existing modular classrooms in the northwest corner of the Temple property. Each unit is 60 by 72 feet in size for a total of 4,320 square feet in area and will contain six classrooms. Pedestrian walkways with prefabricated concrete handicap ramps designed to meet ADA requirements will provide access to each unit. Exact specifications to meet all Florida Building Code standards would be provided at the time of permit review.

The modular classrooms are intended to supplement the Temple's current educational programs and provide for growth in the early childhood program and elementary school. The additional classroom space will allow enhancement of the Hebrew studies and "Mommy and Me" classes as well.

The plans reflect a coco plum hedge around the perimeter of the modular units. The Temple has also committed to the enhancement of the west buffer and berm adjacent to the residences to the west. The plan is to clean out the northern portion of the berm from overgrowth and invasive species and install additional oak trees at 40' on center. Additional hedge material will be planted in this area as well and the ficus material in the north and south portions of the western buffer will be trimmed.

The plans do still reflect the future construction of the culvert crossing over the canal to Flamingo Road. As the completion of the culvert crossing was originally tied to a date no later than the implementation of the planned future permanent classrooms, this previous condition is recommended for discussion as a condition of this Site Plan Amendment approval.

DEVELOPMENT REVIEW COMMITTEE RECOMMENDATION: The Development Review Committee recommends approval of the Site Plan Amendment subject to the following:

1. A discussion of the Temple's plans for construction of the culvert bridge to be no later than the implementation of the site plan for the permanent classrooms.
2. Demonstration of Broward County's approval of plat note compliance prior to permit issuance for these temporary portable classrooms.
3. The landscape enhancements of the western bufferyard and berm shall be implemented as per the phasing agreement submitted with this petition.

Rabbi Frank DeWoskin was the representative for the church.

Before discussion opened it was disclosed that Mark Aronson and Charles Cutler are members of the church. It was also disclosed that Charles Cutler was a past president. It was also noted that Mark Aronson will be abstaining from voting.

Following discussion and upon motion duly made by Craig Konhauzer and seconded by Bobby Jenkins. It was recommended to approve with 9 ayes and 1 abstained by Mark Aronson

**New Business: Item B1 Marin Ranches-Rezoning Application  
Petition # Z 6-1-15**

Chairman Aronson turned the meeting over to Matt Wood who read the following staff reports:

REQUEST: Rezoning from A-1, Agricultural District (Broward County) to R-1-B, Single Family District (Cooper City)

BACKGROUND AND PROPERTY DESCRIPTION: The subject site is approximately 10 acres in size and is located on the east side of SW 106<sup>th</sup> Avenue about one half mile north of Stirling Road across from the Indian Pond subdivision. Kennedy Homes requests rezoning to the R-1-B District in order to build 19 single family dwellings. Accompanying this petition are variance, site plan, and plat petitions which reflect all lots exceeding 11,400 square feet in size. The site plan reflects one and two story single-family homes, all with air-conditioned floor areas exceeding 3,000 square feet.

The proposed zoning change will utilize 10 flex units. The density of the development will increase from approximately 1 unit/acre to approximately 1.9 units/acre. The underlying Future Land Use Designation of E-Estate allows up to 9 units on the subject site. However, Cooper City's Comprehensive Plan allows the utilization of flex units to be applied through a rezoning without need for a Land Use Plan Amendment subject to compliance with the "flex" rules established by the

City Future Land Use Element and the Broward County Administrative Rules Document for allocation of such flex units.

### **ANALYSIS OF REZONING REQUEST**

CONSISTENCY WITH ADOPTED COMPREHENSIVE PLAN: Policy 1.4.4 of the City's Comprehensive Plan states that City zoning as to permitted uses and densities must be in compliance with, or be more restrictive than, the requirements of the City Land Use Plan. The subject request is consistent with this policy and the Article VI, Section 3 of the Future Land Use Implementation Section of the Cooper City Comprehensive Plan which allows the application of flex units to the site as allowed on the Future Land Use Map and in accordance with the subject request. Accordingly, the request can be considered consistent with the Comprehensive Plan.

LAND USE COMPATIBILITY: The property is bound on all sides by property in the City of Cooper City. To the north is a landscape nursery zoned A-1. To the west are single family estate residential lots in the Indian Pond subdivision. The property to the south is a horse ranch and equestrian center, also zoned A-1 and designated Estate on the Future Land Use Map. To the east are single-family homes in the Stirling Springs neighborhood zoned R-1A and designated Low (3) Residential on the City's Future Land Use Map.

The general area of the site has been transitioning from predominantly agricultural uses to more low-density residential developments as proposed under the subject request. The proposed lot sizes on the subject site will serve to transition the allowed density of development from higher in the east to lower in the west. A 1.5 acre lake is proposed at the eastern side of the property to ensure proper drainage of the site and enhance buffering and separation from surrounding properties. The proposed zoning may therefore be considered compatible with the surrounding land uses.

LIVING CONDITIONS AND PROPERTY VALUES: Living conditions in the surrounding area will not be adversely affected through the rezoning request. Lot sizes will be substantially larger than the 8,000 square foot minimum requirement of the R-1-B zoning district. The home sales prices are anticipated to be comparable with values of similar sized homes in the area. The additional lots will bring home prices in line with market demand while improving the overall property value of the area.

TRAFFIC IMPACTS: The subject site must meet all traffic concurrency regulations prior to permit approval. The 19 single family homes under the subject request are expected to add a total of 228 daily vehicle trips, 23 new a.m. peak hour trips and 24 new p.m. peak hour trips based on the traffic study submitted with this petition. According to the report and from a traffic engineering standpoint, this increase is not expected to have a significant impact on the adjacent roadway network and will not otherwise adversely affect public safety. In addition, a right-turn lane into the project will be constructed by the developer to minimize interruptions in traffic flow on 106th Avenue.

RECOMMENDATION: Staff recommends APPROVAL of the "Flex" rezoning request from the A-1, Broward County district to the R-1-B district based on a finding that the petition can be considered

consistent with the Comprehensive Plan and compatible with the surrounding land uses. Staff finds that the proposed development of the site for 19 single-family homes is expected to be an asset to the community; will not be a deterrent to the improvement of surrounding properties in accord with existing regulations; and will not otherwise adversely affect traffic conditions or public safety.

**New Business: Item B2 Marin Ranches -Variance  
Petition # V 6-1-15**

ANALYSIS: Once variance is requested for approval of the accompanying site plan as submitted. The request is to increase the maximum permitted building coverage from 33% to 37.2% of the lot. The exact number of lots requiring the variance will depend. There are three different model homes proposed under this petition. Based on sales history of recent number of lots requiring the variance is expected to be low because ironically, the model requiring the most variances is also the smallest home in air-conditioned living area. The expectation is that as with the previous subdivisions, the larger under-air homes will be the biggest sellers.

The applicants justify the building coverage variance requests based on a number of considerations including the following:

1. With three-car garages and large covered patios, the average area of the homes under roof is just over 3,860 square feet. In order to stay 33% coverage for the largest home, lots would have to be approximately 12,800 square feet or over 40% larger than neighboring lots.
2. The applicants further state that if approved, the variance would be the minimum variance necessary for the petitioner to make reasonable use of the property. They suggest that the high quality development established in nearby communities has created a "standard" that demands continuation and improvement upon this trend for larger house sizes and consequently greater lot coverage.
3. The variance will not be detrimental to the public or injurious to property or improvements of surrounding areas because, according to the petitioners, when one considers the entire developed property, including the larger lot sizes, the wider rights-of-ways widths, common open space and amenities, and lakes and landscape buffers, the proposed development can be considered consistent with the existing surrounding communities.

STAFF FINDING: Staff has determined that the application meets all the submittal requirements for review and processing of a variance petition and may be recommended for approval based on the following findings:

1. The variance requested would be the minimum variance necessary for the petitioner to make reasonable use of the property. The applicants are asking to be relieved from the 33% maximum building coverage based purely on a lot-fit basis that would be applied only as necessary to approve a specific model home on a given lot. It should be noted that based on the average lot size for the three models, the average building coverage per lot is only 31.4%.

2. The granting of this variance will not be detrimental to the public welfare or injurious to property or improvements in the zoning district or surrounding neighborhood. Homes will be substantially larger than the 8,000 square foot minimum requirement of the R-1-B zoning district. The home sales prices are anticipated to be equal to or greater than values of similar sized homes in the area. The additional lots will bring home prices in line with market demand while improving the overall property value of the area.

**New Business: Items B3 & B4**

**Marin Ranches Site Plan SP #6-1-15  
Marin Ranches Plat P #6-1-15 Petitions**

ANALYSIS:

**Site Plan Petition.** The plans reflect a private gated community with a private internal street, within a 60-foot wide access tract, and will include access gates with a visitor call box. A Model Center Site Plan is included which reflects a temporary parking lot proposed for Lot17 and a model home sales center proposed on Lot 18.

The plans reflect a 1.5 acre drainage retention lake and a small private park on the east end of the project. Open space parcels are proposed at the entrance to the community along 106th Avenue.

The request is to increase the maximum permitted building coverage from 33% to 37.2% of the lot. The exact number of lots requiring the variance will depend on which model home is sold on a given lot.

There are no recreation lands being proposed within the development. Therefore the developer will need to secure approval of a fee in lieu of the recreational land dedication requirement of six acres per thousand-population generated by the development.

**Plat Petition.** The Marin Ranches Plat reflects 19 specifically delineated lots with a restriction of 19 single family detached dwelling units. The plat reflects access from SW 106<sup>th</sup> Avenue to the west. A 2.42 acre water management area and a private street are to be dedicated to the future Homeowners Association. In addition the Plat reflects utility and drainage easements as well as the park and open space parcels.

RECOMMENDATION: The plat, site plans, engineering, and landscape plans have been reviewed by the DRC for conformance with the applicable zoning district regulations and are in conformance with those standards subject to the conditions listed below. The Development Review Committee therefore recommends APPROVAL of the Site Plan and Plat petitions subject to the following:

1. The Applicant shall receive approval of the following items prior to City Commission Approval of the Site Plan and Plat Amendments:
  - a. City Commission approval of the flex rezoning petition accompanying these petitions to change the zoning on the property from the A-1 to the R-1-B zoning district with the application of 10 flex units.

- b. City Commission approval of the variance petition accompanying these petitions to increase the maximum lot coverage allowed from 33% to 37.2% for those select lots listed in the variance request.
  - c. Engineering Department approval of the Water and Sewer Agreement and payment of the ERC Fees.
  - d. Engineering Department approval of Engineering Plans, Water & Sewer Plans, and Paving and Drainage Plans.
  - e. Central Broward Water Control District review and approval of the Drainage and Water Management Plans.
  - f. Payment of the fee in lieu of the recreational dedication requirement.
2. Approval or receipt of the following items prior to permit issuance:
- a. Payment of General Government Impact Fees, and any outstanding Broward County fees.
  - b. Broward County approval of the sewer collection transmission system.
  - c. Health Department approval of the Water Distribution System.
  - d. Post Office, Broward County and Fire Department approval of the Address Plan.
  - e. Submittal of recorded copies of the HOA Documents and the Declaration of Restrictive Covenants.
  - f. Payment of the Tree Removal and Tree Disposition Plan Mitigation Fees.

Hope Calhoun was the attorney representing the applicant. Also present was the Land Planner, Julian Brian, and a representative -- Lindsay Hillstrom -- from Kennedy Homes. Ms. Calhoun had a short presentation of the site with an aerial photograph and a site plan showing 19 lots with the lake and some of the models. It was noted that there are 3 models with 3 elevation options each.

**Chairman Aronson opened the public hearing at 7:29pm - seeing or hearing no one present to speak, Mr. Aronson closed the public hearing at 7:30pm.**

Discussion opened with concerns of traffic flow on 106th Avenue. The discussion also focused on the impacts on the turn lanes onto Stirling and Griffin Roads.

**Voting of Item B1-**Rezoning motion made by Bobby Jenkins and seconded by Craig Konhauzer. It was recommended to approve with 8 ayes and 2 nays, by David Rouse and Al Scotti.

**Voting of Item B2-**Variance motion duly made by Craig Konhauzer and seconded by Bobby Jenkins. It was unanimously recommended to approve.

**Voting of Items B3& B4-**Site Plan and Plat motion duly made by Michelle Stern and seconded by Bobby Jenkins. It was unanimously recommended to approve.

**Growth Management Director's Report:**

Next meeting will be November 16. The 2 items on the agenda will be the Sienna subdivision on Sheridan near Monterra and the Retro Fitness Sign Waiver in the Cooper City Plaza.

**Member's Concerns:**

Discussion included impact concerns from possible additional development on 106th Avenue, including traffic flow.

Also discussed was traffic flow at the Renaissance School. The Board asked staff to pull the petition submittal and review the approval of traffic flow to compare with what is actually happening in the area.

**Meeting Adjourned at 8:32p.m.**