



## Minutes of September 16, 2019

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

### 1. ROLL CALL

P&Z Board Members

MEMBERS	09/16/19	08/26/19	07/15/19	06/17/19	05/20/19	05/06/19	03/18/19	12/03/18	09/05/18
Jimmy Goulet	P	P	A	P	P	P	P	P	P
Craig Konhauzer	P	P	A	P	P	P	P	P	P
David Rouse	A	P	P	P	P	P	P	P	P
Jim Federici	P	P	P	P	P	P	P	P	P
Lisa Dodge	P	P	P	P	P	A	P		
Kelly Vanbuskirk	P	A	P	P	P	P	P		
Bob Sands	P	A	A	P	P	P	P		
Jeremy Katzman	P	P	P	P	P	P	P		
Alex Weisberg	P	P	P	P	P	P	P		

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

**STAFF PRESENT:** Matt Wood, Director of Growth Management  
 Jason Chockley, Planner  
 Jeanette Wofford, City Arborist

**APPLICANT:** Joe Handley, Craven Thompson & Associates, Inc. Agent  
 Dennis Mele, Greenspoon Mauder LLP

2. **P&Z BOARD - MINUTES - WAIVE/APPROVE MINUTES OF 08/26/19:** Motion to waive the reading of the minutes made by Jimmy Goulet and seconded by Lisa Dodge. All ayes on voice vote. **MOTION WAS APPROVED.** Motion to approve the minutes made by Jeremy Katzman and seconded by Lisa Dodge. **MOTION WAS APPROVED.**

3. **PUBLIC COMMENTS:** None

4. **NEW BUSINESS:**

A) **Monterra Parcel C-2A (Age Restricted Apartments)**

- 1) Rezoning # Z 5-1-18 (Design Guidelines)\*
- 2) Rezoning # Z 6-1-18 (Flex Units) \*
- 3) Variance # V 6-1-18 \*
- 4) Site Plan Final # SP 6-1-18
- 5) Plat Amendment # PA 7-1-18

**\*Public Hearing**

Vice Chairman Konhauzer turned the item over to Mr. Wood and he proceeded to read the Staff report summarized as follow: for item 4A1 & A2 Rezoning #Z 5-1-18 (Design Guidelines) & Z 6-1-18 (Flex Unit) which is a rezoning request for Parcel C-2 of the Monterra Master Plan in order to amend the Monterra Master Plan establish the Design Guidelines for the Parcel. Although the Planned Mixed Use Development (PMUD) zoning district designation for Parcel C-2 is not proposed to be changed, because the Design Guidelines are a function of the zoning district, the changes are technically considered a rezoning. The second item is the Flex Rezoning Petition, which requests the application of 27 residential Flexibility Units into the Monterra Parcel C-2 commercial tract. This will increase the total number of units at Monterra from 1,800 to 1,827. The new total density will be 3.718 DU/AC. Item 4A3 Variance Petition # V6-1-18 which are seven variances requested for approval summarized as follow:

1. Variance from Section 20-90(j)(2) to eliminate the requirement for a 7' wall be constructed between residential and nonresidential properties in exchange for the construction of a 6' decorative picket and pilaster fence.
2. Variance from Section 25-5(e)(1)(b) to reduce the size of a garage parking space from 12' by 20' to 10' by 20'.
3. Variance from Section 25-47(b) to reduce the number of required trees per multi-family unit from 3 to 1 tree.
4. Variance from Section 25-4(g) to reduce the number of required parking spaces per multi-family unit from 2 to 1.92 spaces.
5. Variance from Section 25-7(c)(2) to reduce the number of required loading spaces from 5 to 1 space.
6. Variance from Section 25-70(i)(3)(c) to reduce the required peripheral and side setback from 25' to 2'8" for the free-standing garages and to 8'8" for the community garden building.
7. Variance from Section 25-111 to reduce the required number and size of dumpsters for multi-family residential to two trash chutes located no further than 200 feet from any residence.

Item 4A4 Site Plan Final # SP 6-1-18 summarized as follow: The subject site is located on the south side of Monterra Boulevard just west of University Drive. The plans reflect the four-story building at 41' in height. Building coverage of the site is reflected at 73,740 sq. ft. or just over 25% of the site. Open space will encompass approximately 24% of the site. There are 350 parking spaces required but with the variance request, the plans reflect 336 spaces provided, 50 of which are to be garage spaces. The unit mix consists of 98 one-bedroom and 77 two-bedroom units. The one-bedroom units range in size from just over 700 sq. ft. to 870 sq. ft. The two bedrooms are from just over 1000 sq. ft. to over 1,200 sq. ft. in area. The architectural style of the building may be considered compatible with the adjacent Monterra style of architecture. Final engineering, landscape, sign plans, floor plans, and architectural elevations are included with this Final Site Plan petition. Item 4A5 Plat Amendment # PA 7-1-18 is a plat note change for Parcel C-2B of the Monterra Plat as detailed in the backup material to this petition. The change would add a residential mid-rise component consisting of 175 units. In addition, the commercial square footage is being decreased; a bank is being added to the office component; and 10,000 square feet of day care use is being requested resulting in a vehicle trip-neutral plat note.

Vice Chair Konhauzer turned it over to the applicant to present their petition.

Dennis Mele introduced himself on behalf of the applicant, and stated they have a number of boards that they want to show and pointing to a presentation he pointed out the master plan for Monterra and showed Parcel C-2. He stated that a portion of this parcel would be changed to residential. Pointing to

an aerial photograph he showed the portion of the property that they are proposing for the age restricted apartments. The balance of the property will still remain commercial and if you look at the plat note it gives you the quantities of the amount of commercial that they are planning for the balance of the property. Unlike most of the apartments that have been built in the area and in Cooper City, instead of a series of buildings, we basically have one 4 story building. The reason that is important is because that also affects some of the other issues that are listed in the variance paragraphs. Pointing to a presentation board, he shows the main 4 story building, the center courtyard that has some of the outdoor amenities, the free standing garages that they are building along with the surface parking. The reason that these garages would be smaller than a typical single family home garage at least in his experience in the past here in Cooper City is you not only want to make sure you have room for the car but make sure you have room for the trash cans so they are not stored outside. Obviously unlike a single family home they won't have trash cans like that, they will have dumpsters within the building. That leads him to one of the other variances, the normal rule for an apartment complex with dumpsters is you don't want anyone to have to walk farther than 200ft to drop off their trash. This building will have trash chutes so no one will walk more than 200ft from their door to the trash chute. It doesn't make sense to have a whole bunch of dumpsters that you would have in an apartment complex that has multiple buildings. We have one building, the trash chute, the dumpsters everything is enclosed and no one has to walk more than 200ft which he thinks is the purpose of which that ordinance was put in place. As for the parking its a combination of garage spaces and surface spaces. The code would require 350 spaces and we have 336. We have 14 less than the code would require but what is interesting is that the code requires 2 spaces per unit whether it is a 1 bedroom, 2 bedroom or 3 bedroom unit. We have no 3 bedroom units and 56% of the our units are 1 bedroom and 44% percent are 2 bedrooms. In a typical apartment complex like we've seen built in the area, you usually have about 40% 1 bedroom, 50% 2 bedrooms and 10% 3 bedrooms. He just checked that number with their architects which are present here tonight MSA Architects, and they design a very high percentage of the apartments built in South Florida. Certainty he thinks that if they were not age restricted and he is not suggesting just because you are older you have less cars because he is also older than 55, but he thinks the key point is that they have no 3 bedroom units and they have a percentage of 1 bedroom. The more bedrooms you have likely the more cars you would have. Particularly in a situation like where they are deed restricting out anyone 18 years or younger from this apartment complex. Not only are they saying 55 and over but they took the extra step of no one 18 years or younger. The reason that is important is because they are trying to make sure that they have no impact on schools and that is why that restriction is written that way. In terms of the setbacks that Mr. Wood mentioned (pointing to the presentation board) that is occurring along where you see the garage building that backs up to the edge of the site. Pointing to the presentation board he pointed out as well the recreation building and stated that you can see how small that building is. Pointing to the presentation board he went over some of the architectural features that they are proposing. He stated the style of architecture is very similar to what you see in the other parts of Monterra, and showed the elevations of the building. He stated that one of the other things they did, as you know they are building 4 stories and they want to make sure what their neighbors see when they look in their direction. They presented a board showing a line of sight diagram. What they are trying to show is that with what is existing you should not be able to see our buildings when you are standing in the back yards of the closest homes because of the existing berm, the existing wall and the existing vegetation. A lot of times when they show these type of diagrams, they are showing something they are going to plant in the future or they are going to build, this is already here which makes it a little bit easier to be able to show. They read the conditions of approval from staff and they have no problems with any of them. They already had their staff review by the Central Broward Water Control District and they will have their Central

Broward Water Control District board meeting before they go to City Commission which he believes is what staff is looking for. They are open to answer any questions that the board may have.

Vice Chairman Konhauzer opened the public hearing at 7:25pm.

Commission Pulcini introduced himself and stated he happens to be a resident of Monterra and that he cares a lot about what happens there as well as what happens in all of Cooper City. This is in his backyard and he stated that there's a few issues that he wanted to point out. One he said is the parking problem. He wasn't here when Monterra was originally approved but he expects that variances were granted for Monterra, parking variances, and he begs you to come to Monterra on a weekend or a holiday and see the consequences of granting parking variances. Parking is a problem around Monterra and when you grant parking variances you cause problems that last forever for the people that live there. It is a simple decision now that will last forever for the people who live there. In this case what the rendering does not show is at the other side of the entrance, there is a development called Cascada and the people who live in Cascada will be affected by the traffic and the cars parked in the new development. He would also like to see a traffic study to see how Cascada and the entrance with Monterra having no entrance would be affected by this new development. Another thing about the trees if you grant a variance for the trees, which he doesn't necessarily have a problem with that but he would like to see an equivalent cost of the trees put in our tree fund. If they don't want to plant the trees at least pay into the tree fund. He is against limiting loading spots, loading spots will remain important throughout the life of the development because that's where especially elderly people need to get on and off the car. It is better if we keep the five loading spots rather than limiting it to one. We know that people will park their car temporarily there and walk inside. Having one spot is simply not enough. Also he would like to make sure with the Commission of the City that the Assisted Living Facility non transport fee will apply to our 55 and over facility. One of the costs that will be going to the City will probably be a higher EMS usage and so he thinks that since they passed the non-transport fee for Assisted Living Facilities he wants to make sure that it applies for 55 and older as well. The parking variance please think well before granting the parking variance.

Resident Ryan Shrouder introduced himself and stated that one of his first concerns is that none of the renderings were placed online so members of the public can't really see what you guys are seeing and these changes. It looks like a large portion of what was planned to be the town center is now being or requesting to be not necessarily rezoned because he thinks that it was an initial site plan and it wasn't necessarily designated but he thinks that what it appears is that there was never any intentions to build a town center. All of a sudden a developer wants to chip away at this little by little. Right now here is 6 point something acres and then next thing you know its going to be that this isn't conducent to business can we change this zoning and next thing you know what was intended in this master plan will never have come to fruition. The parking thing, anyone from Cooper City knows that we should not grant variances on parking, it is an issue everywhere. Aside from Cascada which he thinks the planning and zoning required them to add the additional parking in that one neighborhood underneath the power lines in all the other areas the parking is horrendous. The parking is horrendous in Flamingo Townhomes. When Mr. Mele mentioned about the trash cans which they have issues with he doesn't see how we could ever grant any variance for parking. They probably should have stricter parking requirements and another thing just because you are a 55 or older doesn't means you start carpooling. His biggest thing is that the public should be able to see these renderings and the stuff that you guys are looking at. We haven't had a chance, the only thing that is posted online is the memo from staff and this agenda. If you

look at this it is very vague, there is no backup over there how could we really make an inform decision without these things.

Commissioner Pulcini said he had a quick comment about the landscaping you see on the presentation board. He stated that this is not the way that it is supposed to look.

Vice Chair Konhauzer said he believes that is existing.

Commissioner Pulcini said correct this is how it looks now but it was not how it was supposed to look. It was supposed to be real manicured. What happened was the developer was initially supposed to maintain that area of the landscaping on the wall and they were not maintaining it so the CDD took on that responsibility. He was on the CDD at that time so he took on the responsibility of maintaining it and they have not been maintaining it. He went with the former City Manager took look at it and they are trying to get the City to make Monterra take care of it because it is really an eye soar to Cooper City to drive by University and see a long portion of the wall not maintained. Promises are made but not necessarily kept. Once the development is built the builder leaves they are left with the consequences and to deal with the problems. This is where you can make a difference.

Vice Chairman Konhauzer closed the public hearing at 7:31pm.

Vice Chairman Konhauzer turned the meeting over to the board for questions.

Mrs. Dodge said about the 7ft wall she doesn't see the 7ft wall and she doesn't understand why they wouldn't be consistently going 7ft as its shown you're going 7ft then 6ft. She keeps looking for the wall as it says there is an existing 7ft wall and one of these papers it tells us about the existing wall.

Mr. Handley said the existing wall is along the buffer.

Mrs. Dodge asked if aesthetically a 7ft wall wouldn't look as good as 6ft wall.

Mr. Handley said it would completely block the buffers.

Mrs. Dodge said it might not be a bad thing if that becomes commercial because who would want to see the back of Mc Donald's.

Mrs. Dodge said she doesn't agree with reducing the size of the parking space just because you are 55 and older doesn't mean you can park better. She doesn't want to change the parking at all if you are supposed to have so much parking you should have so much parking. This is just her talking. The trees, they are a tree city and so you're getting rid of some of the trees. The Commissioner's ideas were not a bad idea but she doesn't know if that is feasible or not. One more thing she wanted to add about the parking spaces people 55 and older still drive and they are still working. She is 55 and older and so is her husband and her husband drives a big car which would never fit in that little spot because she's seen him park and also she's not quite sure what studies are done and if they do these declaration of restrictive covenants it may not be good. Her real concern, the fence for aesthetic reasons because if you are going to do commercial which she understands this is a new style where you put buildings and then you put commercial or you put buildings on top of commercial and she gets all that and she like all that

but she is concerned to make sure that the residents don't end up having two commercial buildings right behind them and then they have to look at it through there slats. Maybe partially 7ft maybe not. The parking she is totally against.

Mr. Federici said good evening to Mr. Mele. He said that he has seen him in action in the last few years and you do great job. He said that he read something with the fair housing amendment in 1988, it says here that it has to be at least 80% so you could make sure that 20% aren't under 55.

Mr. Mele said that two things with the deed restrictions you could have where it just says that 80% of the people must be over 55% but you can also add a provision that says no one 18 years of age or younger may live here no matter what percentages the 55 is and they have done that extra step because other wise they couldn't be sure that they would have no impact on schools.

Mr. Federici said as for reducing the width of the garage, he thinks its ok if you don't have a garbage can so on and so forth, it is not a big stickler for him but he noticed you only have 8 handicap spaces. If on one hand we are saying its 55 and older and you have 8 parking spaces that are designated for handicap is that enough really? He goes certain places and there are handicap spaces all over the place.

Mr. Wood said that yes they meet the minimum handicap requirements.

Mr. Federici said that he agrees with Mrs. Dodge, he is not for reducing parking period. He kind of wonders at times if you have holidays and so on and so forth what happens with the overage of parking and that is a big problem. He owns a place in Orlando, a beautiful place in this big development Avalon, and he was amazed with what they did up there, this is the suburbs, it is not New York City. He said total spaces, he guesses that everything included 336 total spaces that's guest that's everything.

Mr. Mele said that the code requires 350 spaces and they have 336 so it is 14 less than the code required. Again he would ask you to keep in mind that your code says that you need 2 spaces per unit whether that is a 1 bedroom, 2 bedroom or a 3 bedroom. Typical apartment complexes in the area have all 3 of those categories. Usually about 40% 1 bedroom, 50% 2 bedroom and 10% 3 bedrooms. We have no 3 bedrooms at all and they are 56% 1 bedroom and 44% 2 bedrooms. He's not saying that if you are over 55 that you have less cars, he's saying that they have no 3 bedroom units. Certainly taking that out alone its got to eliminate some cars. He thinks that this is how it was looked at. He said that generally when they do these 55 and over communities, they park them at less than 1.5 spaces per unit, they are at 1.92 where the code says 2 and so we are 0.8 of the space less per unit which is 14 spaces and we are at 336 versus 350. It is a very small difference but we think it is warranted because of what they are building. In terms of the garage spaces, at least when he's been here before, he heard many times about the size of the garage and the reason you have that extra width it is because of trash cans or a water heater. They are not doing any of that because they don't have trash cans here, they have chutes and dumpsters and the water heaters are obviously in the units themselves so that was reason for that.

Mr. Weisberg said regarding the materials here, he is looking at a letter to Mr. Wood that says the responses to the DRC comments for the residential Site Plan. In Comment 8, it says suggested to consider adding more handicap parking spaces due to the age of residents. Response is that the request had been considered but that would eliminate more parking spaces. Could you explain that?

Mr. Mele said that handicap spaces are wider than both space itself and then that blue striped area that has to be next to it it's wider than a regular space so if you put in more handicap spaces then you would eliminate some regular spaces. A handicap space is 12 ft and then you have that 5ft striped area, so usually you'll have that between two handicap spaces. You'll have two handicap spaces at 29ft where as 30 ft would get you 3 regular and that is really what they are saying.

Mr. Weisberg said that in comment 10 it says that staff recommends not only providing the minimum code required parking but also having additional parking for staff and visitors. Response was that the comment is noted but that the applicant is confident that the parking will be adequate.

Mr. Mele said that as he mentioned they usually park these 55 and over apartment complexes at about 1.5 and they are here at 1.92 and if there's additional data that they could provide to show how they came up with this and why they think its right they'd be happy to.

Mr. Weisberg asked regarding what Commissioner Pulcini said has there been traffic study done particularly in regards to Cascada?

Mr. Mele said keep in mind that the intersection that they are going to have when this property was planned for commercial it was going to have that exact same configuration. The amount of traffic generated by the proposed plat is the same amount of traffic if we hadn't changed it and left it all commercial. We don't believe and they know that the volume of traffic is the same and then you would have to look at what about the character of the traffic would it be different if you had residential here as opposed to commercial on the whole thing. Generally what you see with residential, people go to work in the morning, they come home at night or if they are not working or retired then maybe they are not going out during the rush hour. If you have commercial you're going to have a pretty much flow of traffic all day not all night because they close but we think it works fine.

Mr. Weisberg asked that he is not familiar with the town center that Mr. Shrouder talked about.

Mr. Mele gave an explanation about the master plan but did not speak into the microphone or it was not on and no audio was available for dictation.

Mr. Mele said that he wanted to point out that when this master plan was first approved, there was language in the amendment that provided that this piece could have commercial and 110 flex units. Now there are only 27 flex units but doing the rest of some of this portion in residential and you probably have notices that everything in Monterra has been built except for these pieces. They have been marketing for years and they came back to the City and said that putting this residential in here, active adult people that would be in the community shopping and going places would help with the rest of this property. They are working on a variety of other uses for the rest of the property, office use, retail use, bank use and that is why you see that plat note amendment that is modifying the parcel to add the 175 units but to still retain 63,800sf of office, 6,200 sf of bank, 10,000sf of daycare. These are all uses they are working out for the balance of the property. Now town center, when they first came here there was talk of them doing a town center. There was plans about doing a town center something similar to what Miramar has done where there City Hall is. Smaller scale because the Miramar parcel is bigger or something similar to what Pines had done with their City center but much smaller. The Pines property that whole area he thinks is about 170 acres and this is 20 acres. The Miramar one is not as big as the

Pines one but it is definitely bigger than 20 acres. Yes this has changed over time simply because the demand for the commercial and the demand for the town center that was originally envisioned was not there. Remember that this plan and we have been in Cooper City about 15 years then this plans goes back 20 years because they have been working on this when this was unincorporated. When this property was a dairy farm first and then became available for development, it was in unincorporated Broward and it was adjacent to 4 cities Cooper City, Davie, Pembroke Pines and Hollywood and so all four of the cities were talking to the property owner about coming into their cities and they came here. Yes they are changing it but they are changing it for a good reason because if the keep it the way it is, it is just going to stay vacant.

Mr. Goulet said that he doesn't understand the parking factors of 1.5 or 1.92. He thinks Commissioner Pulcini had a great point that reality is reality and when there are holidays or weekends when you have 55 and older and I am older than 55, there are two cars but there is also your kids with the grandkids and he doesn't agree with your analysis on parking he doesn't get that. Secondly as far as a wall or fences he thinks that they should be walls not fences. If he was a resident living there he would rather not have a fence he would rather have a wall. He likes the idea of this community in their area, he thinks its great for their community, he thinks its great for their businesses to have this 55 and over community but he doesn't agree with the parking or the fence.

Ms. Vanbuskirk asked regarding the subject of deed restrictions, is there any restrictive covenant or Florida housing financing agreement or anything that limits the tenants by income or anything that might impact the taxable status of the project.

Mr. Mele said no they have nothing of that nature. The only restrictive covenant they have now is for traffic improvements that they have already made and the one that you have in your back up.

Ms. Vanbuskirk said regarding the parking you have given all the reason why you don't think it will be problematic to reduce the parking and she understands that but she hasn't heard or seen any demonstrated hardship or reason why you would need to reduce it, there seems to be plenty of space. She hasn't seen any demonstrated need or hardship for the variance at all. She is wondering what the motivation there is.

Mr. Mele said that they believe that even with the number of spaces they are putting in there, that after this thing is built you're going to go there and see a bunch of asphalt just sitting there with no cars on it. They thought the numbers should be much lower and they raised it to this number in order to respond. He doesn't think unless he is reading it wrong that staff is suggesting that they don't have enough parking.

Ms. Vanbuskirk asked about the variance for the fence instead of the wall. Is there anyway what these folks will be seeing through this fence or how that commercial space is going to be laid out? Somebody mentioned earlier looking at the back of a McDonalds or really the back of a loading zone of any building is not necessarily ideal.

Mr. Mele said what they envisioned based on this plan that you will have small commercial buildings and he doesn't want to say out parcels but it could be an outparcel but it also could be a multi-tenant commercial building that will fit here pointing to the presentation board of the site plan. The idea behind

this types of developments where you have the residential mix with the commercial is you are supposed to be able to see back and fourth. He used the examples earlier about Miramar town center and Pembroke Pines and he knows they are not that size but it is a similar concept with a residential and a commercial side by side. They don't have walls you simply look out and you see it that is the idea.

Ms. Vanbuskirk said it will be mostly outwardly facing towards those mains roads with the back or loading zones facing the residential areas.

Mr. Mele said pointing to a presentation board with the site plan said that these will for sure but this is a much larger area where you're not confined in that manner.

Ms. Vanbuskirk said there is a variance request to narrow the garages from the current requirement. With that variance in place would those garages still meet the requirements for tenants who are in need of handicap space to park in there and get a wheel chair in and out of a car if needed or a walker?

Mr. Katzman said just to expand on Ms. Vanbuskirk questions about the parking spaces. At first he was under the impression that there was a space issue. Now he is under the impression that you guys have a hunch that there is going to be a lot of empty spaces. If the board were to say that they are ok with everything but you can't limit the spaces you need to go back to the spaces, there would be no hardship?

Mr. Mele said that if the City denied the parking variance they would have to expand the area and put in some more parking. They would have to modify the plan, he's not sure exactly how they would do it but that is what they would have to do. On the loading space the one thing that they would ask you to consider is picture the apartments at Sheridan and University or even the ones built north of that there is a whole series of buildings and that is why you need more dumpsters and that's why you need more loading spaces. This is just one building. By the way they have a Porte-cochère covered drop off in the front so you don't need to park in a loading space if you are just going in and out for a minute.

Mr. Katzman said regarding the declaration of restrictive covenants 55 plus age restricted language, it says that provided no person under the age of 18 shall be a permanent resident of any residential unit located on the property. Can anyone who is not a permanent resident attend a public school.

Mr. Mele said they can't because you have to give your address when you go to school and when they put this restriction in place it also goes on the plat because the school board has to recognize that you have no impact on schools so they can't charge you an impact fee. Once they do that this property is restricted in their eyes as well as everyone else's and they can't go to school from here.

Mr. Katzman said so there will be a process in place if a person under the age 18 were to fall into guardianship of an owner or of a renter they would be notified of the eviction of some sort.

Mr. Mele said just like you would have in like a Century Village for example that may have a similar restriction, if a kid moved the condo association would say you can't be here because it violates this rule. That is the same thing we will have to do. One change he wants to give to the declaration, if you look at the top of page 2, it currently says no person under the age of 18 years of age should be allowed, it should say no person 18 years of age or younger so it also captures the 18 years olds who might be a

senior in high school for example. They did make that change to the draft and he knows you don't have it yet but they will carry that forward.

Mr. Katzman asked if the daycare you mentioned is that for children or adults?

Mr. Mele said children. That will go on the commercial portion of the property.

Mr. Katzman said that will be targeting residents that don't live in that community.

Mr. Mele said it is basically targeting any resident in the area who needs daycare. Maybe you live in the balance of Monterra or maybe you live somewhere else in Cooper City or across the street in Davie.

Mr. Katzman said Commissioner Pulcini mentioned the EMS usage and he presumes that is in your responses but he wanted to highlight that he thinks there needs to be some sort of compensation to the City for the expected use of EMS.

Mr. Mele said he worked on the ALF that was built behind the Publix shopping center and he remembers when they were here and there were questions and concerns about the number of EMS calls. This is not an ALF but if there is a higher usage and his recollection at the time when they were here is that there has been some sort of litigation that was still pending where the cities hands were somewhat tied on the Fire assessment ordinance. There are different categories if your commercial you pay a certain amount, if your single family you pay a certain amount and there discussion at the time was that this is your first ALF and maybe there should be an amount established for that. This is your first 55 and over apartments and maybe there will be an amount established for that but if there is, certainly they will pay it.

Mr. Katzman said he wanted to highlight that he agreed with the tree fee and he would like to hear what Mrs. Wofford would say.

Mrs. Wofford said he has no problem with money being contributed into the tree canopy trust fund.

Mr. Sands asked what the amount of trees because you said there were less trees?

Mr. Mele said 525 instead of 175 is the number. The code would require 525 and we are actually putting in 237. So it is more than the 1 but it is obviously less than 2.

Mr. Sands asked why do they require that amount of trees but they are putting less if you think that your cramming trees in.

Mr. Mele said if you look at Cooper City and you've all been here a long time, he lived here many years ago, it is predominantly a single family city. There are townhouses but he doesn't know if there is anything like this except maybe the building although it is very old but the building in front of the golf course. The code is not really designed for this sort of building. Unfortunately it makes you do a variance because its not the townhouse or the single family home.

Mr. Goulet said he is here to protect the citizens of Cooper City and future citizens of Cooper City. You all sit up there and tell us again about going back to the parking spots that if we eliminate the botchy ball court and the little area where you sit, we are going to lose parking spots. He wants a builder like you to come up and say ok in two years from now we can evaluate this and if they aren't enough parking spots we'll take that away and build parking spots and hold your feet to the fire to that. That way we are covered and he wants to believe you and you can tell me it is 1.92 spots and he wants to believe Max saying it is crazy in his neighborhood but he wants some kind of guarantee from the builder that if there is an issue a year and half or two years from now, that you take the bochy ball court down and you put parking spots in.

Mr. Sands said he also agrees with this whole parking situation, he can't see the need to because one of the statements you made and by the way thank you for coming out tonight but you said that you believe that the parking spots were going to work but then you made another comment and you said that it was more than hunch. Why is it more than a hunch because you said we believe it's a hunch? What is the empirical evidence that we need to make that decision to say absolutely? He said to Mr. Goulet that he loves him but he disagrees in that he is never going to trust a builder no offense because he was in a landscaping design business but he will never trust a builder to say yeah yeah yeah sure we'll come back. You better have all kinds of ability to do that. No offense to anybody but that is just how it works. He is a fifth generation native Floridians and he's watched builders come in and out like that. He would want to make this decision on this now one way or the other. What is the empirical evidence?

Vice Chairman Konhauzer said when we make our recommendation it could be part of your motion.

Mr. Sands said but he asking him for the evidence.

Mr. Mele said when he says we believe let me be very specific about what he is saying. The other 55 and over apartment developments that have been built, they have a much lower parking ratio the 1.5 or 1.3 and they are working fine.

Mr. Sand asked if they were in Cooper City?

Mr. Mele said no you don't have any in Cooper City this is the first one. Do they believe that the parking and driving characteristics in Cooper City are different than in other suburban community in Dade, Broward and Palm Beach County is really what he is saying. He is not trying to compare you to downtown Fort Lauderdale or downtown Miami or someplace that is on the tri-rail track or the metro mover he is talking about similar types of situations where people are driving just like they would drive here.

Mrs. Dodge asked if the back of the garages are walls?

Mr. Mele said yes sure solid walls.

Mrs. Dodge said you could put the wall around it would just like a jail your saying.

Mr. Mele when you think of a pilaster fence with columns, you've seen them before and he doesn't want to call them wrought iron because it is probably aluminum but you know the decorative aluminum and then you got the columns.

Vice Chairman Konhauzer said in his opinion just because this is something he does for a living and you do feel like you're in a jail. It is called depth to field because your eye stops at that point rather than going further so people inside feel congested so there is a science to it.

Mrs. Dodge said her concern was because they are getting closer towards University. Regarding parking what happens if this doesn't sell as a 55 and over and they have to come back and change the variance to single family use or whatever and now we don't have because this is where she going with her concept of the parking. If for some reason and who knows because they've never had a 55 and over and we don't know it could flourish you could be absolutely right and it's a beautiful building its gorgeous but it could be that we have the empty spaces or it could be that it is over flowed or it could be that nobody wants it and then we have to come back change the variance to the building to make it not 55 and over. Do we do things like that?

Mr. Mele said first of all the 55 and over is not a variance.

Mrs. Dodge said perfect then that works perfectly. The parking would be even if we had to change it and it is not 55 and over and you come and you say it doesn't work at 55 and over and your opening it up, we might still need the parking.

Mr. Mele said they have no intent of doing that.

Mrs. Dodge said she is hoping not either.

Vice Chairman Konhauzer asked Mr. Mele if he could address the public's concern.

Mr. Mele said the parking lines up the same as if it where commercial and of the 336 spaces, 278 are standard size space, 48 are standard garage spaces, 2 are garage handicap spaces and 8 surface handicap garage spaces. The standard garage spaces are 48 and the standard surface spaces are 278 adding up to the 336. If they had met the code at the 350, the handicap space count would not change and the code does not say which ones can be in the garage and which ones can be in the parking lot. It doesn't specifically call out separately guest spaces under your code it just says 2 spaces per unit.

Mr. Federici asked Mr. Wood if there was any age restrictions on Baffy Woods Condos or was it just straight condos originally.

Mr. Wood said he is not aware that it is age restricted.

**MOTION: TO APPROVE AS STATED WITH STAFF RECOMMENDATION THE REZONING # Z 5-1-18 (DESIGN GUIDELINES) LOCATED AT MONTERRA PARCEL C-2A. MOTION MADE BY KELLY VANBUSKIRK AND SECONDED BY LISA DODGE. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

**MOTION: TO APPROVE AS STATED THE REZONING # Z 6-1-18 (FLEX UNITS) LOCATED AT MONTERRA PARCEL C-2A. MOTION MADE BY JIMMY GOULET AND SECONDED BY ALEX WEISBURG. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

**MOTION: TO APPROVE AS STATED THE VARIANCE #1 TO ELIMINATE THE REQUIREMENT FOR A 7' WALL BE CONSTRUCTED BETWEEN RESIDENTIAL AND NONRESIDENTIAL PROPERTIES IN EXCHANGE FOR THE CONSTRUCTION OF A 6' DECORATIVE PICKET AND PLASTER FENCE # V 6-1-18 LOCATED AT MONTERRA PARCEL C-2A. MOTION MADE BY LISA DODGE AND SECONDED BY KELLY VANBUSKIRK. THERE WERE 5 AYES AND 3 NAYES ON THE ROLL CALL VOTE WITH JIM FEDERICI, BOB SANDS AND JIMMY GOULET DESSENTING. MOTION WAS APPROVED.**

**MOTION: TO DENY THE VARIANCE #2 TO REDUCE THE SIZE OF A GARAGE PARKING SPACE FROM 12' BY 20' TO 10' BY 20' # V 6-1-18 LOCATED AT MONTERRA PARCEL C-2A. MOTION MADE BY LISA DODGE AND SECONDED BY BOB SANDS. THERE WERE 6 AYES AND 2 NAYES ON THE ROLL CALL VOTE WITH JIM FEDERICI AND KELLY VANBUSKIRK DESSENTING. MOTION WAS APPROVED.**

**MOTION: TO APPROVE WITH THE CAVEAT THAT THEY WOULD PAY THE DIFFERENCE IN TREE VALUE FOR THE TREES NOT BEING PLANTED FOR VARIANCE #3 TO REDUCE THE NUMBER OF REQUIRED TREE PER MULTI-FAMILY UNIT FROM 3 TO 1 TREE # V 6-1-18 LOCATED AT MONTERRA PARCEL C-2A. MOTION MADE BY JEREMY KATZMAN AND SECONDED BY LISA DODGE. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

**MOTION: TO APPROVE AS STATED THE VARIANCE #4 TO REDUCE THE NUMBER OF REQUIRED PARKING SPACES PER MULTI-FAMILY UNIT FROM 2 TO 1.92 SPACES # V 6-1-18 LOCATED AT MONTERRA PARCEL C-2A. MOTION MADE BY KELLY VANBUSKIRK AND SECONDED BY JIMMY GOULET. THERE WERE ALL NAYES ON THE ROLL CALL VOTE WITH JIM FEDERICI, BOB SANDS, JIMMY GOULET, LISA DODGE, JEREMY KATZMAN, KELLY VANBUSKIRK, ALEX WEISBURG AND CRAIG KONHAUZER DESSENTING. MOTION WAS DENIED.**

**MOTION: TO APPROVE AS STATED THE VARIANCE #5 TO REDUCE THE NUMBER OF REQUIRED LOADING SPACES FROM 5 TO 1 SPACE # V 6-1-18 LOCATED AT MONTERRA PARCEL C-2A. MOTION MADE BY LISA DODGE AND SECONDED BY JEREMY KATZMAN. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

**MOTION: TO APPROVE AS STATED THE VARIANCE #6 TO REDUCE THE REQUIRED PERIPHERAL AND SIDE SETBACK FROM 25' TO 2'8" FOR THE FREE-STANDNIG GARAGES AND TO 8'8" FOR THE COMMUNITY GARDEN BUILDING# V 6-1-18 LOCATED AT MONTERRA PARCEL C-2A. MOTION MADE BY JIMMY GOULET AND SECONDED BY JEREMY KATZMAN. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

**MOTION: TO APPROVE AS STATED THE VARIANCE #7 TO REDUCE THE REQUIRED NUMBER AND SIZE OF DUMPSTERS FOR MULTI-FAMILY RESIDENTIAL TO TWO TRASH CHUTES LOCATED NO FURTHER THAN 200 FEET FROM ANY RESIDENCE # V 6-1-18 LOCATED AT MONTERRA PARCEL C-2A. MOTION MADE BY LISA DODGE AND SECONDED BY ALEX WEISBERG. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

**MOTION: TO APPROVE PER STAFF RECOMMENDATION THE SITE PLAN # SP 6-1-18 LOCATED AT MONTERRA PARCEL C-2A. MOTION MADE BY JEREMY KATZMAN AND SECONDED BY LISA DODGE. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

**MOTION: TO APPROVE WITH THE RECOMMENDATION OF THE CHANGES TO THE VARIANCES FOR PLAT AMENDMENT # PA 7-1-18 LOCATED AT MONTERRA PARCEL C-2A. MOTION MADE BY LISA DODGE AND SECONDED BY BOB SANDS. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

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

Mr. Wood turned it over to Mr. Chockley for upcoming petitions.

Mr. Chockley said they have two items going to DRC this week on Wednesday and depending on what they get for comments, they will either go to the 10/7 or 10/21 meeting. Until we get their comments and see what their turn around will be we won't know which of the two but we will have a meeting in October. Once we get through P&Z we will pull them on what there anticipated deadline there shooting for. We also have the Chabad which just finished through DRC and submitted into P&Z but it does have public hearing petitions so there is a longer lead time for advertisements. One of their attorneys was out town for 10/7 and some of the other parties involve will not be able to make the 10/21 date so that will probably fall in November meeting. So we will have a meeting in October and November with the dates specifically to follow.

Mr. Katzman asked what the Chabad is looking to do?

Mr. Chockley said they are rezoning, conditional use, multiple variances but yeah they are looking at buying the former High Point facility and having a daycare, private school with dorm uses, weekend retreats in additional to their regular Chabad service for worship.

Vice Chairman Konhauzer said that he is part of that architectural team and so he will be recusing himself and probably not coming to that meeting.

**6. BOARD MEMBER CONCERNS:**

Mrs. Dodge asked about the rendering being available for the residents.

Vice Chair Konhauzer said the more information you give out before the meeting to us so they are not in here cold and don't know what is going and for the public so they don't think they are being ripped, he would recommend that they set up a protocol whether it is a week before the meeting. He doesn't know if all there petitioners can get to that or if they will always have that in time but if we make it a rule then they just won't be able to come until they have it ready.

Mr. Goulet asked what was coming up for October petitions?

Mr. Chockley said they have two petitions that they are bringing to DRC on Wednesday and depending on what their comments are and how quickly they turn it around they would either come in for 10/7 or 10/21 P&Z meeting but we are holding a DRC Wednesday so we'll see what comes out for comments and then that will really determine what deadline they make. One is for the Temporary classrooms at Temple Beth and the other is for the Burger King out at Wal-Mart is doing a full remodel.

7. **ADJOURNMENT:**

The Meeting adjourned at 8:29 p.m.