



PLANNING & ZONING ADVISORY BOARD

Minutes of November 04, 2019

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

1. ROLL CALL

P&Z Board Members

Table with 10 columns (MEMBERS, 11/04/19, 09/16/19, 08/26/19, 07/15/19, 06/17/19, 05/20/19, 05/06/19, 03/18/19, 12/03/18) and 11 rows of member attendance records.

*Reappointed ** Resigned *** New appointment

STAFF PRESENT: Matt Wood, Director of Growth Management; Jason Chockley, Planner; Jeanette Wofford, City Arborist; Carlos Vega, Administrative Specialist

APPLICANT: Shari McCartney, Esq., Trip Scott, P.A., Agent; Robert Barron V.P. of Two Rivers Church; Jeremy Shir, Esq., Becker & Poliakoff, Agent

2. P&Z BOARD - MINUTES - WAIVE/APPROVE MINUTES OF 09/16/19: Motion to waive the reading of the minutes made by Lisa Dodge and seconded by Craig Konhauzer. All ayes on voice vote. MOTION WAS APPROVED. Motion to approve the minutes made by Lisa Dodge and seconded by Kelly Vanbuskirk. MOTION WAS APPROVED.

3. PUBLIC COMMENTS: None

4. NEW BUSINESS:

- A) Renaissance Charter School Conditional Use # CU 10-1-19*
B) Two Rivers Church Variance # 9-1-19*
C) Chabad of SW Broward
1) Rezoning # Z 4-1-19*
2) Conditional Use # CU 4-1-19 *
3) Variance # V 4-1-19 *
4) Site Plan Amendment # SPA 4-1-19
5) Plat Amendment # PA 4-1-19
*Public Hearing

Chairman Rouse turned the item over to Mr. Wood and he proceeded to read the Staff report summarized as follow: for item 4A Conditional Use #CU 10-1-19 which is a request to amend the Conditional Use approval for the Renaissance Charter School to re-designate the required School Resource Officer (SRO) to allow for placement of any of the statutorily defined Safe School Officers to be deemed compliant with the Conditional Use approval.

Shari McCartney introduced herself as the attorney from Tripp Scott on behalf of the applicant Renaissance Charter School. She stated that Mr. Wood has done a very thorough job in explaining their situation and she is happy to answer any questions. She stated that simply they are no longer able to enter into a contract to maintain an SRO at the school because Broward Sheriff Office has said that they won't do that. She feels that frankly overwhelmed with the need to provide SRO at all the public schools in our County and so they are not going to continue that contract which means that at the end of this month we will not be able to have an SRO, Broward County Sheriff Officer at the school. The legislature after Stoneman Douglas required that schools all have an SRO, Safe School officers is how they categorized it. In that category are four types SRO, School Safety Officer, Guardian and School Safety Security Guards. There are four different types underneath the required definition of a safe school officer. What they are asking is for a resolution, in which they are able to place instead of an SRO that they cannot have, they would continue if they could, but they cannot, so what they would ask is that you allow them to implement the statute and utilize the services of one of the officially designated school safety officers in lieu of the SRO. She is happy to answer any questions.

Mrs. Dodge asked if BSO refuses to do a contract with you or refuses to do the contract that you have currently? Are they choosing not to renew the contract you have and not enter into a new one with you?

Ms. McCartney said both.

Mrs. Dodge asked if it was because of the lack of staffing.

Ms. McCartney said that is her understanding.

Mrs. Dodge said she is an SRO, an educator so she kind of knows these things. She knows that it is costly. An SRO is much more costly than the safe people that they want in the school. An SRO is the highest possibility you can get. You can also enter into a contract with FHP, Florida Fish and Game, there's other people you can enter into contract with as opposed to changing it down into kind of demeaning it. All of our Cooper City schools are SRO protected, She doesn't understand why BSO will not enter into an agreement with you for this one school. She also knows that the City is going through negotiations with BSO and she is sure that the City could possibly get one and then you can pay the City for that SRO.

Ms. McCartney said that they are happy to do that and they have offered that but BSO said they won't extend the contract.

Mrs. Dodge said she understands what you're saying, I don't think they are going to extend this 90 day contract just like they don't want to extend the contract that they have currently with the City but they are open to new negotiations with contracts and that is her feelings on this.

Ms. McCartney said she understands that and she hopes that is so but that is not what they have represented to us.

Mr. Goulet asked that in lieu of having BSO and is she sure that the school actively asked FHP and other law enforcement agencies to possibly come in and protect the school or did you only ask BSO?

Ms. McCartney said that one of the types of SSO's and the School Resource Officer is one of them is a School Safety Officer which is another sworn officer that may provide the services and then the two other types. What they are asking is that of those four that they be allowed to implement them. They are statutorily authorized types of SSO's and because we can't utilize an SRO which would be BSO then they are asking that they'd be authorize to utilize one of the others. They just simply can't use them. They would like to continue with them but they are refusing.

Mr. Goulet asked if they couldn't use FHP, have you asked FHP?

Ms. McCartney said that at this point they have not asked any other. They are asking the Commission because right now they are required to have BSO there.

Mr. Goulet said he doesn't know if that is true or not.

Ms. McCartney said they are required to have an SRO.

Mr. Goulet said he would much rather have a law enforcement agency protect the schools.

Ms. McCartney said there is very detailed statutory requirements about the training for all the various types and they are not suggesting any particular type at this point she is just saying that they are required to have certain levels of training including some that are sworn and it is one of the types they are asking that you authorize to have because frankly we have no choice as BSO won't contract.

Mr. Goulet said that you need to actively pursue other agencies as opposed to going to a lesser route in his opinion.

Ms. McCartney said that is one of the choices absolutely.

Chairman Rouse said that his understanding in the proposal here is that you're not excluding the option but you just want the opportunity to go in a different direction that the state statute applies.

Ms. McCartney said they want to be in compliance not only with the state statute but with the Conditional Use and this is why they are simply offering that we take the list of the statutorily authorized types of SSO's and be able to utilize those.

Mrs. Dodge said that it is a cost factor. If you are going between BSO and a guardian there is a big cost factor in this. She personally has a problem with that. It is sad that BSO is not here to defend themselves and say that they can't or better thing to say that they are just not going to do it because she won't think any entity can say they are just not going to do it. She doesn't feel that, she feels that this needs to go to the Commission and the Commission needs to figure how to do this. You enter into an agreement in

2010 that you are going to have an SRO and she believes that you should keep with that agreement because that is the one you entered in with. She can't agree with your changes.

Ms. McCartney said that they are not looking to get out of the SRO by no means. They are looking to maintain the SRO but they cannot. They won't contract with us. They would be very happy to maintain the SRO.

Mr. Goulet asked if this was temporary.

Ms. McCartney asked if what is temporary.

Mr. Goulet said if you can't get a contract with and agency you want to bring these other types.

Ms. McCartney said you say contract with agencies do you mean specifically BSO.

Mr. Goulet said not BSO and FHP.

Ms. McCartney said any of those others are applicable under the statute. They are just trying to comply with the statute and the Conditional Use which requires an SRO. They would love to maintain the SRO there but BSO is refusing to do it.

Mr. Federici said he has a question and he doesn't know if its for Mr. Wood or the Attorney but back in 2010 he attended this meetings also and for some reason this SRO is that also traffic enforcement or is that separate.

Ms. McCartney said that is separate.

Mr. Federici asked if you already have a BSO officer doing traffic?

Ms. McCartney said she doesn't know if there is a BSO officer doing traffic but that is a separate issue.

Mr. Federici said so you have a BSO officer doing traffic. This is somebody just inside the school.

Ms. McCartney said as she said they are not looking to get out from underneath the obligation or the cost of an SRO. They would love to continue with that.

Mr. Giancarlo said that it is sounding to him that the SRO is basically a BSO designation.

Ms. McCartney said yes.

Mr. Giancarlo asked if SSO's are offered by FHP or what is the difference between the SRO and the SSO? Obviously there are different levels/different costs. He thinks that it is important to have a sworn officer. SSO would be sworn as you stated is that the only difference between SRO and SSO is that one is BSO and one is not.

Ms. McCartney said not necessarily that SRO's are BSO its part of a program they have entered to provide SRO services and that is Broward Sheriff's Office here in our County that does that. The other and she wouldn't quantify them as being different levels but feel free to do that if you wish but they are all statutorily authorized and they are all under the statute to undergo specific training. The distinction between the four of them is that the first two an SRO and School Safety Officer are sworn officers. The guardian and the security guard are not sworn officers. That is the difference between them.

Mr. Giancarlo said then they wouldn't have fire arms.

Ms. McCartney said no they will all have fire arms but a deputy is a police officer and is a sworn officer and has different responsibilities.

Ms. Vanbuskirk said that as far as she can tell and looking at the statutory definition, what they are talking about is allowing for the two newly defined statutory categories of school safety officer and the guardian which is part impartial to the new 2019 statutory changes as part of the school guardianship that Broward County School Board has opted out of restricting it to only the first two categories that were already existing in statute being the two sworn officers. Broward County School Board is still requiring sworn officers only within any public schools and this is here for a lessening of that to the two newly defined statutory categories.

Ms. McCartney said that she simply doesn't know that Broward is requiring only the sworn deputies. That maybe the case but she doesn't know.

Ms. Vanbuskirk said that the way the first two are defined which are currently allowed and don't require any kind of variance or exception are that they been sworn officers.

Ms. McCartney said correct.

Ms. Vanbuskirk asked what are the options in contracting with a private security and this maybe your area of expertise and not hers but contracting with a private security agency to only provide officers that are off duty sworn officers. You are still satisfying that statutory requirement without extending to the other two categories and not contracting with BSO and law enforcement.

Ms. McCartney said that is a possibility that some security guards are either off duty or not but at the same time they wouldn't be acting in the capacity as a sworn officer.

Ms. Vanbuskirk asked if that is required here or is it just required that they are sworn.

Ms. McCartney said that as security guards they would be acting as security guards. While they will be armed they are not acting as law enforcement officers.

Ms. Vanbuskirk said that would just be more expensive.

Ms. McCartney said what would the security guards?

Ms. Vanbuskirk said to contract for sworn officers that are off duty through a private agency. Meeting the first two standards.

Ms. McCartney said would it be more expensive yeah she supposed they would be.

Ms. Vanbuskirk said that there is financial consideration here with opening this up to the other two new defined categories.

Ms. McCartney said that she wants to be clear that this is not a rational, they would love to continue what is ultimately the most expensive version and that is the SRO but they are not able to.

Mr. Weisberg asked if your request is denied then what are your options?

Ms. McCartney said that then she would respectfully suggest that we would all have a problem because BSO is not going to enter into another contract unless the City is able to get them to do that through its contract. Thus far that has not happened.

Mr. Weisberg said that your temporary contract with BSO ends this month.

Ms. McCartney said end of this month.

Mr. Konhauzer said knowing the issue of other Charter Schools that opening this year had issues where they could be closed down, your afraid that a month from now if we don't approve this that you will be closed down. Have you been given a time or date?

Ms. McCartney said that they would all have to come to some agreement because they are not looking to not have someone on campus that is just not going to happen which is why they are coming now ahead of time to ask everyone what can we do and what would you like to do here.

Mr. Konhauzer asked what options have you come up with.

Ms. McCartney said they have used security guards in others of our schools, they are trained and they have gone through BSO training pursuant to the statute and that is certainly an option that has worked.

Mr. Konhauzer asked staff if those options, are they obviously considerable, you suggested to approve this do you feel although they are not better than the options that we can't get for the school are they still viable.

Mr. Wood said that they meet the statutory requirements.

Mr. Konhauzer asked that if legally if they go that route do they meet the specific requirements.

Mr. Wood said it is approvable to be consistent with state statutes yes but it is a deviation from the way the conditional use currently is approved.

Mr. Konhauzer said they are looking at a hardship of being told that they are not going to do it no that they don't want to do it. We don't want them to close down we want them to be safe but if the other options are viable and they are approved then he's not seeing the issue other than what they would rather have.

Mrs. Dodge said can't your company that owns the schools enter into an agreement with BSO.

Ms. McCartney said that BSO said that they won't. Her understanding is that they did not explain precisely but her understanding is that they are at max capacity in trying to fill these other schools around the County and they just won't continue.

Mrs. Dodge said that it is her understanding that they would enter into one with the company that owns Renaissance not per se the school itself.

Ms. McCartney said that it would be with the governing board of the school which is a public governing board.

Mrs. Dodge said that would be Red Apple.

Ms. McCartney said that its Renaissance Charter School Inc. is the governing board for the school.

Mrs. Dodge said that Renaissance is in Cooper City and its just as important as all our other Cooper City schools and she doesn't understand why we can't and whatever the contract negotiations are get you an SRO through the City or through something where it goes back to the Commission as one of the revisions and then you would pay. You can go with an FHP and I don't know if Palm is a State road or not but she just has a problem with all their schools that are so well protected with BSO to put a security system or a guardian in there and show our residents that we're sorry you are not as good. She is trying to figure out a way herself to throw this back at the Commission and have the Commission really try to find a way.

Ms. McCartney said with BSO.

Mrs. Dodge said yes.

Ms. McCartney said understood.

Chairman Rouse opened the public hearing at 7:22 PM

Chairman Rouse closed the public hearing at 7:23 PM

MOTION: TO APPROVE AS STATED THE CONDITIONAL USE # CU 10-1-19 LOCATED AT 2800 N PALM AVE. MOTION MADE BY CRAIG KONHAUZER AND SECONDED BY ALEX WEISBERG. THERE WERE 5 AYES AND 4 NAYES ON THE ROLL CALL VOTE WITH JIM FEDERICI, LISA DODGE, KELLY VANBUSKIRK AND JIMMY GOULET DESSENTING. MOTION WAS APPROVED.

NEW BUSINESS: 4B TWO RIVERS CHURCH VARIANCE# V 9-1-19

Chairman Rouse turned the item over to Mr. Wood for item 4B which is the Two Rivers Church Variance # V 9-1-19.

Mr. Wood said that he had an opportunity to mention this to the board chair Mr. Rouse and but we have some new information that came up on this variance petition just today that affects the square footage for the shopping center and therefore the degree of deviation that they are asking to increase the amount of community assembly square footage in the center and with this new information of the square footage changing it appears that the variance may need to be readvertised because the percentage of that community assembly would obviously change as the square footage changes. He thought before he read the staff report and they got into the deliberations we could ask the applicant if they had any additional information they could us and give us a run down of what they have come up with as far as the revised square footages.

Chairman Rouse turned it over to the applicant.

Robert Barron introduced himself on behalf of Two Rivers Church as the lead pastor.

Chairman Rouse asked if he had any more information that would help us.

Mr. Barron said that he does and he sincerely apologized because they discovered today that the denominator for their calculation that used was a 120,000 square feet and the actual number is 846ft less so it is actually 119, 154. It is that close and the result of that is that where as they suggested that the overage over the 25% limitation was 3.67 with the new calculations its 3.87 which is 200ths of a percentage. That is the issue and its just a function that they didn't have the right information and they have better information now.

Mr. Federici said he has some questions because he is looking at something from Marty Kiar from Broward County Property Appraisers you hear of him right.

Mr. Barron said yes sir.

Mr. Federici said that it looks like from what he sees it says a 105,253 square feet and he's not sure. Honestly he thinks this is a pile, no offense. He thinks that they should table this thing and really look at this later because has several pieces of information that have been given to me this afternoon and also he doesn't think its fair for you and for them to make a decision right now.

Mr. Barron said he agrees that sounds like a big number but there are two components that are missing in the number.

Chairman Rouse said that he thinks its fair if you just go ahead and readvertise and they could all look at it when we can really shine some light on this.

Mr. Wood said that is staff's recommendation that we not go through the whole thing tonight because we know it is going to change and even though it is such a small percentage technically it was advertised incorrectly. If that is the case, it does need to be readvertised. Rather than deliberate tonight he thinks they should table it.

Mrs. Dodge said she has a request, is there a way and no offense not just to take their word and that we check it out ourselves to make sure that they are doing it. They are saying one number and Marty Kiar saying another number just to make sure we are all on the same page.

Mr. Wood said absolutely.

ITEM 4B TWO RIVERS CHURCH VARIANCE# V 9-1-19 WAS TABLED

NEW BUSINESS: 4C CHABAD OF SW BROWARD

Mr. Konhauzer recused himself from participating in item 4C as he is on the petitioners design team and he left the building.

Chairman Rouse turned the item over to Mr. Wood and he proceeded to read the Staff report summarized as follows: for item 4C1 Rezoning # Z 4-1-19 which is a Rezoning from M/I, Medical Institutional District to X-1, Civic District. Item 4C2 Conditional Use # CU 4-1-19 is a Conditional Use for a Chabad religious institution with sanctuary, a day care center, a school, accessory dormitory rooms, a Mikveh, a retreat center, and administrative offices. Item 4C3 Variance # V 4-1-19 is a five variance request for approval of the accompanying site plan as submitted:

1. Parking spaces required for Community Assembly Uses – To reduce the requirement from one space per 100 square feet to one space per 250 square feet.
2. Parking spaces required for Group Housing – To reduce the requirement from one space per two beds to no spaces provided.
3. Paved parking spaces – To reduce the requirement from 63 to 55 paved spaces.
4. Total parking spaces – To reduce the requirement from 160 to 88 paved spaces.
5. Loading space length – To reduce the stall length from 45 to 25 feet.

Item 4C4 Site Plan Amendment # SPA 4-1-19 is a site plan to approve the subject site which is approximately 6.3 acres in size and is the property previously operated as the High Point medical rehabilitation center. The plans reflect six buildings on site. Building 1 is the 1,800 square foot Mikveh, primarily used by women for ritual baths and spiritual cleansing. Building 2, the 8,241 square foot dormitory, will be for 13 to 15 year olds who will be attending the Chabad Judaic school on campus. There would be 13 sleeping rooms with 36 beds with one dedicated room for a 24/7 staff member. Only partial occupancy is anticipated during the summer months. Building 3, the 9,275 square foot secondary school, will offer religious classes for students residing on campus; adult education classes; administrative support; and a commercial grade kitchen with dining area. There are five classrooms, two administrative offices and a library as well. The 2,000 square foot dining area will also serve as a temporary sanctuary during weekends and holidays holding a maximum of 133 congregants. To the immediate northwest of this building are two existing loading spaces. Building 4 is the retreat building, which will allow Orthodox families and groups to attend weekend seminars and provide a single facility for retreats, classes and meals. The 8,241 square foot retreat will only be open on the Sabbath and Jewish holidays and will provide 14 sleeping rooms. The existing pool in the rear of the building will be renovated and reopened. Building 5, an administrative office facility of 4,127 square feet, will continue to operate as such in Phase I and will be demolished during Phase II to make way for a new replacement Building 5 housing the permanent sanctuary proposed at 9,300 square feet. Building 6 is the proposed 5,654 square foot daycare center, designed for 72 children and 8 staff members. It include a fenced in outdoor plat area and is to be open Monday through Friday from 7:30 a.m. to 3 p.m.

Item 4C5 Plat Amendment # PA 4-1-19 which plat amendment per the Broward County planning Council Platting Determination Letter, replatting is not required for this parcel. However, the proposed plans necessitate a plat amendment application to change the plat note as follows:

From: “This plat is restricted to a Special Residential facility containing 63 beds or 31 Dwelling Unit Equivalents as defined in County Ordinance 85-92. This plat is further restricted to facilities allowed within Chapter 9, 901 Group D occupancy, Division 2, of the South Florida Building Code (1986 Broward County Edition.) This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by agreement with Broward County.”

To: “This plat is restricted to 26,000 square feet church use including weekend retreat (26 beds), 16,000 sq. of private school including ancillary dormitory (36 beds), 7,000 sq. ft. of daycare”.

Chairman Rouse turned it over to the board for any questions to Mr. Wood.

Mr. Katzman asked regarding the cost of the left turn, it says that they pay a percentage. Who pays the other percentage. Is that a City obligation?

Mr. Wood said that would be a function of future developments as well and their future impacts on those intersections as well. It could be additional developments out there would have to pay a proportionate share as well.

Mr. Katzman said to be clear if Chabad pays the amount they had to pay that doesn't obligate the City to put up \$100,000 right away.

Mr. Wood said no.

Mr. Katzman said it would be a burden upon some other development that would know coming in they have this obligation.

Mr. Wood said he would recommend that we let the applicant make their presentation in case there are other questions that they need to address.

Mrs. Dodge asked if this means it would get fixed or does the money just sit somewhere. Where does that money go?

Mr. Wood said the money would be there available at the time when that improvement is made. At this time we don't have a specific time frame as to when that would be made but if and when that capital improvement decision is made to go forward with that then that money will be there.

Mrs. Dodge said that in your staff report you said something about the traffic if BSO deems something, is that when it would be done. I know there is not a lot of cars and they fit fine where they are at but in her mind she's trying to figure it out because it says they would have to do something else and she doesn't want to put more burden on top of.

Mr. Wood said that was specifically in reference to the cuing on site and if there is any problem with parking and spilling out of cuing and parking on to the adjacent roadway then they've committed themselves to working with BSO if that is determined that it is not functioning as was deemed adequately if the variances are granted and we find out that was a mistake. With BSO directions we are going to work with the applicant to reevaluate that. It would ultimately result in them having to come back and get the conditional use approval reevaluated.

Chairman Rouse turned it over to the applicant to present their petition.

Jeremy Shir introduced himself as the agent on behalf of the applicant. He stated that he is here with Craig Ditman from Ditman Architecture, Jason Webber from Kimley-Horn civil engineering and Tom Hall their traffic engineer and the one and only Rabbi Pinny from Chabad of SW Broward.

Mr. Shir presented a power point presentation of the proposed project which was entered into the record and was attached in the back up material. After the power point presentation Mr. Shir stated he wanted to thank everyone for their time and opened it up for questions.

Chairman Rouse turned it over to board for questions to the petitioner.

Ms. Dodge asked if they are keeping the trees?

Mr. Dittman said that they have 6.3 acres with 6 buildings, parking, sidewalks, a whole service access drive and working with the City it was recommended that they remove some of the trees that obviously couldn't be in the way of development and then pay into a mitigation fund. To have to root prune some of these large mature trees and find a home for them on such a tight site, from a viability of the trees surviving because there is so much shade and so much cover on the site, probably wouldn't be a high success rate. It was something they worked with the City on and he was sure Mrs. Wofford can speak to that in more detail. They are proposing to enhance the entire 106th Ave with a 75% berm requirement and so they're obviously going to be improving the curb appeal. There will be all new planting on 106th Ave and obviously new foundation planting for the new buildings. They will be pruning what is there as everything there is overgrown and hasn't been maintained in probably 4 or 5 years and the northern property line the City has access to lift station and all that has to be trimmed and so a combination of new planting on 106th maintaining what is there and new planting where appropriate was sort of the approach to the property.

Mrs. Dodge asked regarding the secondary school, she doesn't want them to get into the same problem that the previous people had with the Charter school. She asked if the secondary school is for the children that are staying there or is this going to be a middle school for other children. She doesn't want them to get them caught up in something that later on will they say you need a police officer. Daycare is not a big deal but the school itself.

Mr. Dittman said the secondary school was only for the students who are living on the property. This is not where residents are going to be coming in and dropping off their students or kids driving. These will be kids 13-15 years old who only live on the property.

Mr. Giancarlo asked regarding the parking spaces specifically for the sanctuary for services, obviously many of the attendees will be walking but in situations where there are Bar and Bat Mitzvahs and there are attendees, if there is an issue with parking is there a contingency plan if there is a large gathering where there are driving attendees?

Mr. Shir said that the Rabbi still has his trailer which is on Stirling and so they can do a shared parking agreement but they really don't anticipate it. If it is on the weekend or a holiday the school and the daycare are the ones that are taking the majority of the parking so they will exceed the parking. They don't anticipate problems but if there are any issues as Mr. Wood the planning director mentioned they will be back here a year from now or when ever it is if there is an issue.

Chairman Rouse asked what time the daycare opens? About how many students are being dropped off?

Mr. Shir said it is a maximum of 72 students and he believes they have it at 7:30 am but obviously they are going to work with the operator. It will probably be more like 40 or 50 students in reality.

Mr. Dittman stated that per the traffic study they anticipate about 75ft of stacking on the property for daycare and they have approximately 280ft (pointing to the power presentation) from the dash line of the drop-off on the passenger side circling counter clockwise all the way up, they have triple the stacking lane and they could extend that if they have the drop off come halfway into the loop. From a drop-off standpoint they will exceed any reasonable scenario.

Mr. Federici said that he thinks the project is fantastic but he has one problem. The turn lane at Stirling Rd there is no turn signal or arrow sort of say on 106th Ave that is going to be a County problem right? How is that going to work. He lives in Embassy and right now it is tough.

Mr. Wood said that is a County traffic engineering call on that. Certainly the City could request that the intersection be looked at for traffic signal timing improvements and perhaps if need be the turn lane arrow as well.

Mr. Katzman said that he wanted to commend Chabad for being a great resident of Cooper City. He thinks that this is a great project. He stated that they are valued members of the community and good neighbors. Readdressing the daycare question, this is the only thing that is giving him heart palpitations because he drops off a little kid at daycare every morning and it is a nightmare. His concern is the people leaving not only the stacking and he knows your saying that might not happen that it might not get backed up all the way but he is curious how many cars that would be and making the left turn out back onto 106th Ave with the oncoming traffic turning right from Stirling. This one aspect of this makes him nervous. Maybe if there will be a guarantee of a full time traffic director or something of that nature.

Mr. Shir said that his understanding and they have Tom Hall their traffic engineer but he believes its about 11 cars that it corresponds to and the teachers are going to be there directing traffic as they normally do at preschools. It should be pretty efficient and their good at it.

Mr. Goulet asked is that 70 kids and 11 cars?

Mr. Hall said that 11 cars worth of storage within the site there. You have 72 students which is the maximum potential number of students there within the site but in terms of arrival they don't all arrive at the same moment and so doing a presumed distribution to look at random arrivals within the hours you end up with a 95% confidence level that you're only going to need to stack like 3 cars at a time because they don't all arrive at the same time. However the site can accommodate 11 cars stacked up there. They have an insurance policy if you will if for some reason everybody arrives very quickly or together they can stack quite a number of vehicles out there.

Mr. Goulet said you're the expert you know.

Mr. Hall said your expert reviewed the work and agreed with him.

Mr. Goulet said he agreed with Mr. Katzman that it's a terrific project, he loves it, congratulations, but he is concern about the traffic as well as pedestrians walking across the street.

Chairman Rouse said that part of this is that you are dealing with an intersection that has a street right across the street and you have two potential people leaving the street and leaving the center at the same time with no traffic signal whatsoever in a two lane road with nowhere to go because you have a canal. It is a real concern. Did you think about doing a turn lane on the northbound off Stirling on 106th Ave?

Mr. Hall said there is a couple things to know about this but Nur-Islam has a commitment to his understanding to build a north bound left turn lane on 106th Ave there on 59th which aligns with their entrance way. The analysis of the intersection demonstrates pretty clearly that they don't need the turn lane coming into the site. Remember 72 in an hour is a little over 1 car a minute it is not like there is a huge volume of cars coming in an out here. They don't want to make it seem a little more dramatic than it is really is, this is a pretty small volume of cars. Ironically Nur-Islam has a higher volume of cars coming in and out but of course they are across the street from them and they have tendency to go north, left and west and than they come out and go east and south. They are kind of against each other but not conflicting with each other and he thinks it is going to work pretty well based on the analysis that has been done.

Rabbi Penny said that he wanted to thank the two representatives that have been dear friends of his for over 20 years from Nur-Islam and they have been excellent neighbors and have always worked together and he is sure this will also be able to work itself especially that their scheduling doesn't overlap either. He thinks that this is a testament and thanks everyone for supporting this project and he thinks that the fact that his friends and neighbors are here as well speaks that this is really a community project this going to bring the property together. As Mr. Wood and Mr. Chockley can tell you they have learned and are so confident that the parking will not be an issue. They have agreed and he believes that it was even their initiative that after a year or two if there is an issue they would come back and revisit and see how they can resolve it that is how confident they are. One thing that he can think of that maybe the will come if they see that it is an issue is that he's also at the JCC and at their peak times what they do when you pull out on Pine Island Rd they force you to go right. According to our experts it shouldn't be an issue but if that is something that concerns you then maybe they can have the people at that peak time not make a left and force them to go right.

Mr. Katzman said that he lives in Embassy and he takes 106th Ave every day and that is one of the things that he is thinking about not because it affects him but he sees that road every day. He is also thinking about the school busses that take that and if it is backed up and all the effects that will be a result of the traffic being backed up. He understands that you did the study but would you be open to hiring a traffic person full time?

Rabbi Penny said that budget is something they have to take into consideration but one thing he does know is that their plan is to have a security guard there regardless so hopefully that will calm your fears and concerns and it will serve as a dual purpose of making sure that traffic is controlled and that the site stays safe and secure.

Ms. Vanbuskirk thinks its beautiful and an excellent use for the property. She shares the board's concerns not necessarily with parking, there seems to be more than adequate parking but with queuing during ingress and egress during the higher volume times, she thinks a turn lane on 106th at a minimum might mitigate that should it become necessary or should we find that it becomes necessary in the future. Secondary to that and to piggy back on what Mr. Katzman said about having a traffic officer during higher volume times, she knows you have a lot folks arriving on foot but she doesn't believe that there is a cross walk on 106th Ave and cars fly down that road. She doesn't know if any considerations have been made with BSO or anyone else to put in pedestrian safety precautions for folks that are arriving on that side and she doesn't know if there is a sidewalk that goes along Stirling.

Mr. Dittman said that they met with Broward County traffic division and they have committed to maintaining and bringing up to standards the cross walks at 106 and Stirling right now they are a little but worn out. They have documentation from them that they are committing to do that. Specifics to sidewalks they are is a continuous sidewalk on the east side of 106th Ave up and down greater than a 15 minute walk. There is also continuous sidewalk on Stirling on the south side greater than a 15 minute walk. In all four cardinal directions they have full connectivity to the property.

Mr. Shir said that ancillary to that Broward County has already offered to restripe the cross walk across Stirling from basically Embassy lakes going north into the site.

Mrs. Dodge said the project is great and welcome to Cooper City but she really does think to mitigate what everybody is saying we really need to get that traffic light fixed. If everyone is coming out and we still have the traffic coming down 106th, if they had the light with an arrow that will go at least then people won't get backed up. Is there a way that staff can check with Broward County to have them check that light, do a study so we can get it to where everyone needs to be.

Mr. Wood said absolutely.

Mr. Goulet asked what is the time frame on that.

Mr. Wood said they could make those calls as needed prior to them opening and be proactive and actually get Broward County to give us their opinion even before they open.

Mr. Federici said that the previous City Manager tried that allegedly to get a turn lane and he doesn't know what ever happened to it. He thinks that they need to have an emphasis on that. He believes that

their might be about 1500 homes in Embassy and it astounds him that there is no turn lane or arrow there. He thinks that they need to get this going.

Chairman Rouse said talking a little bit about Griffin, are you going to lengthen the turn lane going westbound on Griffin as well? That is we have it right now, people that are turning west on Griffin from 106th Ave are backed up beyond where they can actually make the light. They have to sit through two lights on Griffin Rd at 9AM.

Mr. Hall said in regards to the signal operations that is up to County and the Florida Department of Transportation. The lengthed of the storage from the northbound traffic is what is being proposed and it needs to be lengthen. They have committed to a fair share contribution to that lengthening.

Chairman Rouse said he understands that it needs to be lengthened but you also have a canal that is kind of a serpentine and he doesn't know how far you can go back to make it really efficient difference.

Mr. Webber said that they had done a proposed sketch design of what that would like to lengthen that left turn lane so the northbound to westbound left turn as they had coordinated with the City and their traffic reviewer and that actually can all be done in the existing pavement it would just be restriping. He did mentioned that it is a little bit serpentine because they do have SW 106 Terrace that comes into that goes off to the west so it is a little odd configuration but it does meet the requirements that we would need meet for that so it would be some restriping of that area and that intersection from there south. They did not have to make any additional pavement or impact the canal.

Chairman Rouse opened up for public Comment at 8:18pm

Resident #1 Lori Green 10518 Zurich St introduced herself and stated that she wanted to address concerns as a congregant and one is a little more lenient in the way she necessarily observes Chabad or the holidays. She is one of the small handful that drive. Her husband and her don't walk even though they are close by and so the current parking lot on the opposite corner is never filled as small as it is. She personally has no concerns that parking will be an issue. Drive by there any weekend on Chabad on Saturday or Friday night and in the parking lot there is small handful of cars.

Rabbi Penny wanted to add that on their main High Holiday services Rosh Hashanah and Yom Kippur they do them at a hotel for the last 20 plus years. This year they were at the JW at Turnberry and they will continue because that is one of their biggest programs that they do because the do a whole retreat with speakers and rooms. In all the years their synagogue is still open where Lori goes and even on Rosh Hashanah and Yom Kippur they have never had an issue with the parking. They have never had a call of concern of overflow on parking.

Alan Bash introduced himself as the former president of Nur-Ul-Islam and is also on the building committee and they are very much involved in the development in Nur-Ul-Islam. There project has been setback a little bit because of our architect was very ill now has passed away. However they totally support the Chabad organization, the property next door we welcome and have been involved with Rabbi Penny for about 20 plus years. They have a very cordial relation and they are really excited that they are taking that property. They are excited that Rabbi Penny is right next door and brings little Jerusalem into Cooper City. They don't see the parking and the traffic affecting them because they are

doing some configuration in their project that will mitigate some of things he's hearing tonight. They totally support their project.

Chairman Rouse closed the public Comment at 8:22pm

MOTION: TO APPROVE AS STATED THE REZONING # Z 4-1-19 LOCATED AT 5960 SW 106TH AVE. MOTION MADE BY LISA DODGE AND SECONDED BY JOSHUA GIANCARLO. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.

MOTION: TO APPROVE SUBJECT TO STAFF RECOMMENDATION THE CONDITIONAL USE # CU 4-1-19 LOCATED AT 5960 SW 106TH AVE. MOTION MADE BY LISA DODGE AND SECONDED BY JOSHUA GIANCARLO. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.

MOTION: TO APPROVE AS STATED THE VARIANCE # V 4-1-19 LOCATED AT 5960 SW 106TH AVE. 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 SUBJECT TO STAFF RECOMMENDATION THE SITE PLAN AMENDMENT # SPA 4-1-19 LOCATED AT 5960 SW 106TH AVE. MOTION MADE BY LISA DODGE AND SECONDED BY KELLY VANBUSKIRK. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.

MOTION: TO APPROVE SUBJECT TO STAFF RECOMMENDATION THE PLAT AMENDMENT # PA 4-1-19 LOCATED AT 5960 SW 106TH AVE. MOTION MADE BY LISA DODGE AND SECONDED BY ALEX WEISBERG. 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 do have a petition in for the 11/18 meeting one of them will be a public hearing. They are having the conditional use change for the Franklin Academy similar to what they had Renaissance tonight and then they have the FPL substation across from the utility plant on Pine Island and Sheridan doing a compound expansion putting in a relay switch that is automated building with a breaker. It is for reliability but it is all within their own site, which is land that they own.

6. BOARD MEMBER CONCERNS:

Mr. Katzman asked if it is possible to send a calendar invitation for the meeting versus an email asking if we are coming? Only to make it easier to get it on their calendars automatically with a time and everything.

Mr. Chockley said they use outlook and he can include them as an outlook appointment as well and obviously, anyone without an outlook will receive notifications. It's not a problem.

Mr. Katzman said the school item that came up in 4A, he doesn't know if we formally recommended anything but he feels they really need to recommend to the City Commission that they look into the option of BSO contract negotiations for Renaissance because he does strongly believe that a sworn officer adds value. In his own personal vote, he felt that he was in essence closing a school by not giving them this opportunity when the

legislature has given them the opportunity but he just personally feel that they need to ask their Commissioners and Mayor to consider this in the negotiations with BSO or alternate law enforcement agency.

Mrs. Dodge said that the recommendation that was approved was that you agree with what those four categories provided and she understands what you're saying but it doesn't really matter because if the Commission says fine then they pick from whatever one there is even though we strongly feel that is should BSO whether it was approved or not approved. Once you approve that thing and the Commission decides to approve it like that we can ask them to strongly do BSO but there is nothing we can do to make BSO do it.

Mr. Federici said he was at the meeting where somebody from Renaissance approached the Commission and she voiced her concern about them having this problem. His question is that they gave them 90 days where they are paying all this time for an officer or were we paying? Who is responsible for that officer that was at that school to begin with.

Mr. Wood said they were paying.

Mr. Federici said he would look at the resolution and they turn them over and he just doesn't know because that was kind of the conditions that it was approved on.

Commissioner Pulcini said they were paying and then they refunded us the money. They just got the money back a few months ago from Renaissance.

Mr. Goulet said that the amount off effort that Renaissance put into hire another law enforcement agency is disappointing. They went ahead with this new thing with the security guards and just forgot about trying to get another agency to come in. They just took the ladder, they are done with it and he never wants to see a school close down. No one does. They had an out and an inexpensive out. Its 40 or 50 dollars an hour for BSO.

Mr. Chockley said one thing that they could put into the approval is that if they did a tiered hierarchy where we have that in certain codes where they have to demonstrate that ok you can't meet requirement before your can go to tier two.

Mr. Goulet said because they can carry a gun doesn't mean that they can protect students.

Mr. Chockley said that is what he is saying they could have a requirement where they have to demonstrate where they have reached out to all law enforcement agencies and could not before they could go to option two. Then in option two they would have to demonstrate they reached out to these 4 agencies and then go to option three.

Mr. Goulet said that would be the Commission correct?

Mr. Chockley said correct.

Mr. Giancarlo asked if that was something they could amend their motion or make that recommendation to the Commission because he thinks everyone who voted yes himself included is for that. For him it was more of an issue was the school closing if we kicked it back.

Mr. Chockley said well this is something that is now in the minutes that they can read and hear and then they can choose to make that as a motion.

Chairman Rouse said he wanted to go back to this payment about proportionate share. He doesn't get it. They didn't tap any of the other developers on 106th for that so why now.

Mr. Wood said that this was the first traffic study that demonstrated a need.

Chairman Rouse said this one was the tipping point. Going forward any other developer, any other density modification variance we are going to have to have this fund.

Mr. Wood said yes it looks that way.

Mr. Chockley said that they had reached out to the City Engineer when this first came up and that is where we had brought it up in the staff report when deemed necessary going forward to kind of get the full picture.

Chairman Rouse said that they knew this tipping point was going to come. If we would have had these developers all along 106th Ave put into this now it is all of sudden this guys are going to say well they didn't do it. Phase 1 didn't have to do it but now phase 2 will he doesn't think that is particularly fair. This money is just going to sit here until they have to decide to do it. Who is going to make that call is it going to be one to many accidents where we are going to have to spend the money and do it. Is it going to be citizens complaints? What is the tipping to actually do the project.

Mr. Chockley said it depends on what project comes in. They had talked about projects like Nur-Ul-Islam, they haven't moved forward with their expansion, it went through one or two DRC's and it was deemed that their additional school capacity and their mosque expansion would require a dedicated left turn onto 53rd so that northbound always have a through street. That was going to be a condition of road way improvement based off what they were asking for. That was one thing that we asked the Chabad to look at when they came in because their traffic report was initially based on that turn lane already being in existence which in reality it was not. We had them rerun the calculation to make sure that their site could be feasible without that lane being in which Nur-Islam was technically on the hook for. Each development moving forward will do their own traffic report and if things are deemed are as a condition of their approval they would be on the hook for that. The actual signalized intersection we are waiting to kind of get the full picture of what may come on 106th before that is done. There is no point doing a project now to have it outdated by the time it is completed because something else came down the line.

Mrs. Dodge asked if Nur-Ul-Islam have to build their own as opposed to giving us money.

Mr. Chockley said that it was actually land that they would have to acquire from the High Point property to do the dedicated northbound land. It is earmarked as right of way but it is owned by Highpoint.

Mr. Goulet asked how about the Davie properties on 106th Ave. If they are going to develop on 106th Ave are they going to be part of this future fund for the intersection.

Mr. Chockley said it depends on what comes in on it. There is not much that Davie owns that actually dumps out onto 106th Ave most of it actually is Cooper City. If they had something come in for an increase in density they would have to notify the City just like when we have developments that go in we have to notify them and they can ask to request what traffic reports are done and what the staff reports are.

Mr. Federici said on another subject he would like to go back to that church and no offense guy and he could of handled it a little bit instead of saying this is garbage or whatever he said but it really shouldn't have gone this far. When we get information late in that afternoon or that day we should immediately have said you know what I think maybe we should table this.

Chairman Rouse said in fairness to Mr. Wood he did come to me before the meeting.

Mr. Federici said then you should of pulled it.

Chairman Rouse said he should of pulled it before they started it was his fault.

Mr. Federici said he will cut you some slack. Honestly he was looking at this stuff and there is some real crazy stuff here, there's conflicting things and the information is not consistent.

Mrs. Dodge said how do you prove if they say its 123 and Marty Kiar says its 100 where do we get the difference.

Ms. Vanbuskirk said she can't speak on behalf of Marty Kiar but she can speak on behalf of the property appraisers office. What she is going to do tomorrow is she is going to ask one of their commercial appraisers to provide of us with an explanation of that square footage. She can email it to staff and they can take a look at it and promulgate that to the rest of the board for an explanation of that. They will probably go out and do a physical recheck of it just to verify it before they sent it to staff and send it around to the rest of the board se we have reliable and recently checked numbers. She is quite sure that they are but in case the question is presented we will have a date certain of when it was last checked. She had a follow up remark regarding Chabad and the proportionate funds. When those dollars are funded from Chabad and the other future developers, does that go into a general capital fund or does that go into a capitol fund earmarked solely for this project.

Mr. Wood said it would be solely for transportation improvements.

Ms. Vanbuskirk said so it is a transportation improvement capital fund not held specifically for this project. It could be dollars spent on other things throughout the City.

Mr. Wood said no it would be specific to this project.

Ms. Vanbuskirk said it has to be specific to this project.

Mr. Wood said yes.

Mr. Federici said regarding the church he said he walked this thing, he took pictures, he spent a lot of time trying to figure this out and trying to be fair. Now do the merchants have a say at all that are renting and have several year lease or something? Do they get notice how does that work who gets notice?

Mr. Giancarlo said that would be a lease issue. A lot of landlord's tenant leases will have restrictions on how the landlord can rent to. If I am a clothing store for example he may have in his lease with the landlord especially a bigger clothing store that they would not be allowed to rent out other spaces in that same shopping center to another clothing store that will be my competitor. Unless they have something in their lease allowing to forbid it then basically the landlord can do whatever they want.

Mr. Goulet said he doesn't know anything about real estate or rentals but apparently you are allowed a certain amount of parking spots per square footage of a spot and so we have that gym there that could have about 150 people at one time and then you may have a doctor's office with one doctor and three nurses. He thinks the whole theory is flawed as far as the amount of parking spots per square footage. It should be more what type of business is it. Secondly it was stated in here and I don't know why it was stated that but if you're a church or whatever you may be and you go an rent a property in a shopping center you're paying taxes right because your paying taxes to the landlord. Why it was stated in here that they don't pay taxes is beyond him.

Ms. Vanbuskirk said the church doesn't pay taxes.

Mr. Giancarlo said the landlord charging them for it and if not then the landlord is taking it out of their cut.

Mrs. Dodge the City is not getting any taxes from them.

Mr. Goulet said sure they are.

Mr. Giancarlo said they are because the property taxes won't be affected by that. The state gets their sales tax from the rental and the City will still get their property taxes from the landlord. It is better than them owning a building and then not get anything. Them renting is actually better for the City financially.

7. ADJOURNMENT:

The Meeting adjourned at 8:44 p.m.