



**Cooper City Commission Meeting  
Agenda Item Request Form**

**Commission Meeting/Workshop Date:** June 18, 2019

**Requesting Department:** Growth Management

**Subject:** Code Change to Sections 25-3 and 25-4 Regarding Off-street Parking Requirements

<i>Presentation</i>	<i>Consent</i>	<i>Regular</i>	<i>Discussion</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Background and Recommendation (attach backup material to Item Request Form):**

Ordinance for text changes to Sections 25-3(b)(4), 25-4(c) and 25-4(d) of the Code of Ordinances regarding amount of off-street parking required in commercial, civic, recreational and light industrial districts. The Code change is to provide for reduced parking requirements for periods of use of the buildings that will not overlap or be concurrent with each other.

**General Ledger Account Number(s) and Amount(s):**

\_\_\_\_\_

**Approvals:**

Finance Director \_\_\_\_\_ City Manager  City Clerk \_\_\_\_\_

**ORDINANCE NO. 19-6-2**

**AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER 25, ENTITLED "DEVELOPMENT STANDARDS," SECTION 25-3 ENTITLED, "OFF-STREET PARKING REQUIRED," AND AMENDING SECTION 25-4 ENTITLED "AMOUNT OF OFF STREET PARKING," BY PROVIDING FOR REDUCED PARKING REQUIREMENTS FOR PERIODS OF USE OF BUILDINGS THAT WILL NOT OVERLAP OR BE CONCURRENT WITH EACH OTHER; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of Cooper City desires to update and amend the City Code related to parking requirements for certain uses of buildings that will not have concurrent or overlapping hours of operation, as provided herein; and

WHEREAS, the City Commission has held a public hearing in accordance with Florida law; and

WHEREAS, following proper notice to the public and after having received input and participation by interested members of the public and staff, the City Commission finds that this Ordinance is in the best interest of the citizens, residents, and business establishments in the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:**

**Section 1.    RECITALS ADOPTED.**    That each of the above-stated recitals is hereby adopted and confirmed.

**Section 2.    CHAPTER 25 OF CITY CODE AMENDED.**    That Section 25-3, entitled "Off-street parking required" of Article I "OFF-STREET PARKING AND LOADING" of

Chapter 25, entitled "DEVELOPMENT STANDARDS" of the City Code of the City of Cooper City, Florida, is hereby amended to read, as follows:

**ARTICLE I. OFF-STREET PARKING AND LOADING.**

**Sec. 25-3. Off-street parking required.**

(a) *New development.* Every use or structure instituted or erected after May 3, 1977 shall be provided with off-street parking facilities in accordance with provisions of this article for the use of occupants, employees, visitors or patrons.

(b) *Existing development.*

(1) *Additions or enlargements.* Where any building or use is enlarged in floor area, volume or capacity, such additional space so created or occupied shall be provided with additional off-street parking facilities in accordance with requirements of this article.

(2) *Nonconforming uses.* In the case of a building occupied by a use which is not permitted as a new use in its designated district, major repairs, substantial alterations or extensions of such nonconforming use shall be permitted only if the off-street parking requirements of this article for the new use are applied to such existing use and are fully provided for.

(3) *Business districts.* Development existing prior to May 3, 1977 in business districts (B-1, B-2, and B-3) are to conform with the minimum off-street parking standards of this article. The city commission may waive off-street parking requirements in regard to existing business districts if such requirements would create an undue hardship.

(4) *Commercial, civic, recreational and light industrial districts.* Where any structure in the C-1, C-2, I-1, P-1 or X-1 districts is enlarged or any use is extended, the full amount of off-street parking space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof in such districts is changed to a use requiring off-street parking space under this section, the full amount of off-street parking space shall be supplied and maintained to comply with this section except as may be provided for under Section 25-4(c) relative to allowances for non-concurrent business uses.

(c) *Repairs and remodeling.* Any building or structure may be modernized, altered or repaired provided there is no increase in floor area or capacity and there is no change of use without providing additional off-street parking facilities.

(d) *Maintenance.* Such off-street parking facilities shall be maintained and continued as long as the main use is continued

**Sec. 25-4. Amount of off-street parking.**

(a) *Unlisted uses.* The requirements for off-street parking for any uses not specifically mentioned in this section shall be the same as provided in this section for the most similar to the one sought, it being the intent to require all uses except, agricultural to provide off-street parking.

(b) *Mixed uses.* In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately; and off-street parking space for one use shall not be considered as providing the required off-street parking for any other use.

(c) *Combined off-street parking.* Nothing in this article shall be construed to prevent collective provisions for or joint use of off-street parking facilities for two (2) or more buildings used by two (2) or more owners or operators, provided that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements for the several individual uses computed separately in accordance with this article. This provision shall not apply where the periods of use of the buildings will not overlap or be concurrent with each other as determined by the Growth Management Director or his/her designee after a review of a certified parking analysis and an approval letter from the property owner or manager.

(d) *Use of required off-street parking by another building.* No part of an off-street parking area required for any building or use by this article shall be included as a part of an off-street parking area similarly required for another building or use unless the type of use indicates that the periods of usage will not overlap or be concurrent with each other as determined by the ~~city commission~~ Growth Management Director or his/her designee.

(e) *Parking of commercial vehicles.*

(1) No off-street parking facilities required by this article and supplied by or for a use to meet the requirements of this article shall be utilized for the parking or storage of commercial vehicles owned by or utilized by such use during the time such use is in operation.

(2) Every use shall provide and maintain adequate and sufficient off-street parking facilities to accommodate the vehicles utilized by such use at the site of its operation independent of and in addition to the facilities otherwise required by this article.

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**Section 3.** It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

**Section 4.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

**Section 5.** If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional

or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

**Section 6.** This Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED on First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

**PASSED AND FINAL ADOPTION on Second Reading this \_\_ day of \_\_\_\_\_, 2019.**

\_\_\_\_\_  
GREG ROSS  
Mayor

ATTEST:

\_\_\_\_\_  
Kathryn Sims  
City Clerk

**ROLL CALL**  
Mayor Ross \_\_\_\_\_  
Commissioner Curran \_\_\_\_\_  
Commissioner Green \_\_\_\_\_  
Commissioner Meltzer \_\_\_\_\_  
Commissioner Pulcini \_\_\_\_\_

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
JACOB G. HOROWITZ  
City Attorney

CODING: Words in ~~strike through~~ type are deletions from existing law;  
Words in underlined type are additions.



PLANNING & ZONING ADVISORY BOARD

Minutes of March 18, 2019

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

1. ROLL CALL

P&Z Board Members

Table with 10 columns (MEMBERS, 03/18/19, 12/03/18, 09/05/18, 08/06/18, 06/18/18, 05/07/18, 04/16/18, 03/19/18, 01/08/18) and 10 rows listing board members and their attendance status (P, A).

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

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

APPLICANT: Manuel Gutierrez, Gutierrez & Lozano Architects, P.A.

2. ELECTION OF BOARD CHAIRMAN AND VICE CHAIRMAN: Motion to nominate David Rouse as Chair and Craig Konhauzer as Vice Chair made by Jimmy Goulet and seconded by Lisa Dodge. All ayes on voice vote. MOTION WAS APPROVED.

3. P&Z BOARD - MINUTES - WAIVE/APPROVE MINUTES OF 12/03/18: Motion to waive the reading of the minutes made by Craig Konhauzer and seconded by Lisa Dodge. All ayes on voice vote. MOTION WAS APPROVED. Motion to approve the minutes made by Lisa Dodge and seconded by Craig Konhauzer. There were all ayes on voice vote. MOTION WAS APPROVED

4. PUBLIC COMMENTS: Mayor Ross congratulated the new chair and vice chair appointees as well as the new members of the P&Z Board. He stated that as you know this is the one board that is mandatory, it is advisory but it is mandatory. In his six and half years, they have always except for one time listened to what P&Z had to say. He stated that the board really carries a lot of weight; you have staff helping you there all the time and if you have any questions that you need answers from the Commission don't be afraid to ask individually or come to the Commission meetings. He informed the board members that they are more than welcome to come and report each and every time they have a meeting or maybe once a month or once every quarter whatever you feel comfortable with, as communication is key. He believes that the Commission was pretty clear of what they wanted and he appreciates that you are working on it already as he saw the back up.

Commissioner Meltzer congratulated the new chair and vice chair. He wanted to thank the board for volunteering for this board. He stated that he sees 5 new faces and that there is a 10th spot vacant that hasn't been filled yet and hopefully they can get that spot filled soon as it is important that they have 10 people so there is always a quorum. As Mayor Ross said what the board recommends, the Commission generally follows. They take this very seriously, as he is sure all of you do as well. He thanked the board for their service and looked forward to the board doing good things.

5. **NEW BUSINESS:**

**A. Cooper City Storage Plaza – Sign Package and Sign Waiver #SI/SW 2-1-19  
Located at 11050 & 11060 Griffin Road**

**B. Proposed Code Change - Outparcel Signs**

**C. Proposed Code Change - Off-Peak Hours Parking**

**D. Proposed Code Change - Hard Surface Parking**

Chairman Rouse turned the item over to Mr. Wood and he proceeded to read the Staff report for item 5A Sign Package and Sign Waiver# SI/SW 2-1-19 which is a petition for the Cooper City Storage Plaza which is currently under construction. The below waivers would be for the Lighthouse Storage building only. The retail portion of the center will meet all sign code requirements.

The Sign Package for both the Lighthouse Storage and the retail building can be described as follows:

1. Colors – Blue, Yellow, White, Beige letter faces (all with Black returns)
2. Letter Style – Regular/Channel
3. Letter Font – Helvetica
4. Mounting - Wall
5. Height, Length, Width, Area - Per Code except for the below described waiver requests

The applicant requests 5 waivers from Section 25-23 of the Code relative to permanent wall signage summarized as follows:

1. Increasing the maximum height of the west elevation sign from 19 inches to 23 inches.
2. Increasing the maximum height of the north elevation sign from 19 inches to 25 inches.
3. Increasing the maximum length of the north elevation sign from 20' to 36'3".
4. Increasing the maximum height of the east elevation "logo only" from 19 inches to 68 inches.
5. Increasing the maximum length of the east elevation sign from 19 inches to 21 inches.

Code stipulates that waivers may be granted where at least one of the following is met:

- 1) Signs cannot be properly viewed due to physical site distinctions.
- 2) Architectural design of a structure and/or a site plan poses unique and extenuating characteristics whereby a waiver is in the city's best interests.
- 3) Literal enforcement would result in unreasonable and undue hardship upon the petitioner.

Chairman Rouse turned the meeting over to the Applicant to present their petition.

Manuel Gutierrez introduced himself as the Architect of Record from Gutierrez & Lozano Architects, P.A.. Mr. Gutierrez congratulated the new board members and new chair and vice chair appointees. He stated that he brought a site plan (pointing to the presentation board) that shows the two buildings. He explained that the larger building is the storage building and the smaller is the retail building. They are not requesting any waivers for the retail building. The only waiver they are requesting is for the storage building. The reasoning as Mr. Wood stated in the staff report, they actually have more signage in the smaller retail building because you have smaller tenants with very small bays. When you look at the retail building you're going to see signs for every tenant which is perfectly within the code. When you look at the larger building, they are restricted to the same requirements as to the smaller retail building. Their request is basically signage going from 19" to 23" which they are not requesting anything huge. He did the architectural for the building itself and they were not ready for the signage when they came before the board about two years ago so they are presenting it now.

They noticed that when they put the signs per the code they looked like little signs on the storage facility as the storage facility is about 100,000 sf and it's a single tenant and so they are penalized because of the frontage and the size. The retail building is about 9000 sf so it is substantially smaller in massing. This will tell you that the code is geared up for smaller buildings. If you see the signage it looks very small in comparison to the scale of building that they have. The largest height differential that they are asking is the east elevation which they are requesting the logo height of 68" where 19" is allowed. He stated that they have in their logo the lighthouse but the letters are all within what is required by code. If the board has any questions he would be happy to answer them.

Chairman Rouse turned the meeting over to the board for any questions.

Mrs. Dodge asked regarding the Lighthouse is it going to be illuminated all night, is it going to be illuminated during the day, is the light going to face north and south, east and west, how will this work on the lighthouse itself?

Mr. Gutierrez (pointing to the presentation board showing the site plan) referenced where Griffin Rd was and showed the location of the sign which he stated was right by the entrance. He stated that the sign is the entrance to the project and was between the retail and storage facility facing east/west because the sign can be seen on both sides.

Mrs. Dodge asked if the sign would be illuminated.

Mr. Gutierrez said he did not get confirmation from the owner and wasn't sure if there were any restrictions on that.

Mr. Chockley said at most it would be a box lit channel. It wouldn't have a typical lighthouse with a beacon on top if that is what you are referring to.

Mr. Gutierrez said it would be just like the other sign and the sign is set back from Griffin Rd probably about 40ft from the main drive.

Mrs. Dodge asked if the monument sign was fine other than the small part on top.

Mr. Gutierrez said they included it and that they were not asking for any waivers for the monument sign it is within code.

Mr. Konhauzer said that is part of the reason when he is doing branding and signage for companies, that he goes a bit larger because it is almost unsafe many times in the day or night when the signs are around 19" and someone is trying to find a location. By the time they are looking and trying to find the location perhaps they just rear-ended someone or missed the location. He likes them being friendly to businesses in the community, they welcome their businesses there and he doesn't personally see this as a hardship to the community. If there was a beacon coming then yes but the lumens are going to be certainly filtered by the plastic signage and he feels that this is something that is warranted.

Mrs. Dodge said she lives near the storage facility and she passes it and she feels that they have a lot more blockage for the signage as you pass the billboards, you pass the FP&L things and then there is the building. She feels that it is good she was just concerned about the beacon light.

Mr. Weisberg asked if the east facing sign you are asking for an extra for 4ft is that correct.

Mr. Gutierrez said yes. If you look at your package it is labeled as sign #1. If you look at the site plan (pointing to the presentation board showing the site plan) he referenced the location of the sign on the site

plan. He stated that the letters are within code but that lighthouse beacon is not. He said technically it's not letters but it is part of the sign. This is the only part that is not in compliance.

Mr. Weisberg asked if they are asking to deviate by an extra 4ft because they think its necessary due to obstruction driving west on Griffin Rd.

Mr. Gutierrez said no that this one in particular is just because it is their logo. They are not going to be reading that it is just part of their logo. He stated that it is just one slender part it is not going to be the whole length of the sign. In reality this one is just for aesthetics so that they can incorporate their logo into the signage.

Mr. Katzman stated that he had no issue with this particular example but asked staff if this would cause any future issues as far as opening a can of worms where they start increasing signage and becoming Miami Beach.

Mr. Wood said that every sign waiver needs to stand on its own merits. Each individual request has to pass the test of the criteria in the code. As far as precedent setting not necessarily. If you find some uniqueness in this particular situation that sets it apart from others you can feel free to go ahead and approve it without feeling like you're setting precedent for every other request.

Chairman Rouse asked if the board had any other questions regarding some of the 5 items of the petition.

Chairman Rouse asked regarding increasing the length in the elevation on the north side. He said that it seems like you going from 20' to 36' and that it seems like a lot.

Mr. Gutierrez said that if you were to divide the building and it wasn't a single tenant and you would have bays that were 25 ft wide which is a standard bay which would give him 10 tenants. Theoretically he could a lot more length in signage overall when they add overall all the tenants. They are being penalized in length just because they are a single tenant on that wall.

Chairman Rouse said that he understands but aesthetically when you're driving westward on Griffin there really isn't the foliage to block a view because he drives it everyday. He is hesitant because you are dealing with a 36ft sign. It is only about 15-20ft off of Griffin Rd that everyone is going to drive by. He thinks that it is going to be like driving by a big bill board and be aesthetically be displeasing.

Mr. Gutierrez said they looked at the elevation that they had. If you look at it within the context of the building by no means does it look disproportionate. It does not seem to be out of scale with the building itself. He understands that it may be a little bit longer, the retail building has 10 tenants at 20ft which gives them 200 linear feet of signage. Basically we have the same height but now you have 200ft of signage. They feel that they are being penalized because they are a single tenant. All that it is instead of having a small space between sign and sign, this is just one sign but then you have a large blank area of empty wall.

Chairman Rouse said he understands but that anytime you look at a 36ft sign it is almost billboard signage.

Mr. Gutierrez said it is not billboard size because of the height of it. If you look at it in view that you are superimposing it on a 250 by 3-floor building it just gets swallowed by the building.

Chairman Rouse said that this wall is considerably close to Griffin Rd than the walls on the other building.

Mr. Guitierrez said that this one is but bear in mind that Griffin Rd is probably one of the widest right of ways that you have in Cooper City. He's bringing this to your attention that they don't have any residential or

anything like that in front. They have not only Griffin Rd but they also have a canal on the other side. He has to think of the people that are coming westbound that now the signage will be a ways away because they have three lanes then a median and then three more lanes. If he's on the last lane he knows that the signage is not going to be seen.

Chairman Rouse said he personally respectfully disagrees and he believes that 20ft is certainly visible, you don't have the palms or anything in front of them like some of the aspects of the median but he appreciates his opinion.

Mr. Weisberg said that when Mr. Gutierrez was talking about the sign in the front and that he wants to make it quite a bit longer than what the code allows for and the east facing sign he was asking about is going to be 4ft higher, it is his understanding that for something that is going to deviate that much from the code, they need to see it as more than just aesthetics. It really has to be either necessary because of obstructions or for us to refuse it would cause you an unreasonable or undue hardship and that's not really what he is hearing is he correct? It this more just about aesthetics?

Mr. Gutierrez said no that is not correct. The sign that they are talking about the length of the sign, that sign will almost be useless on the other side and you would be creating the owner a hardship because his signage is not going to be affective. The sign you asked about, is just a tower which he did mention about aesthetics on it. He doesn't believe that by any means this is offensive but yes the other signs with the sizes and the number of signs, basically what they are asking, the height of the letters is 2" which from Griffin Rd to the other side you probably can't tell the difference.

Mr. Weisberg said are you saying that if the length was 20ft opposed of 36ft your saying that basically the sign will not be visible.

Mr. Gutierrez said that if the sign is not longer there is a chance that the people from the other side going westbound are going to miss the sign. They have 20ft signage on the retail area and does not require any waivers. They did not ask for any variances on the retail building so they feel that the code is appropriate for that. It is basically the big building for a single tenant that is costing us to say look you're getting this puny signs on this giant wall that are not able to be seen. They don't have 15 signs they only have 1 sign. In his opinion to your point and the chairman's point it is better to have 1 single longer sign than multiple 20ft signage. If you look at it the entire wall is basically clean and this is the only sign on that 250ft spread building. They bounded the sign also with architectural bands to make it look more like part of the building. The band that is coming around is embroidering the sign as well. There was care taken into the design of it. That elevation that they are presenting here with the size of the square was approved by Planning and Zoning and Commission. That square is staying there because it was already been approved the only thing that they are putting inside that square may be shortened up a little bit.

Mr. Sands said he is going to test Mr. Wood memory and Mr. Konhauzer. He remembers a debate that was had over a tower at Monterra. There was issues with the height and how tall it was going to be. He asked if there any other variances that have been requested similar like this that have been granted.

Mr. Chockley said yes. Both the other self-storage facilities that they have one Sheridan and Palm and Sheridan and Pine Island, both of them have large signage on their building.

Mr. Sands asked if it was this large.

Mr. Chockley said larger. The one at Pine Island he believes is a 42" or 46" tall channel letter.

Mr. Sands asked if those were granted by the Commission.

Mr. Chockley nodded yes.

Mr. Konhauzer said he does this for a living and he looks at scale, functionality and safety issues. He stated that he doesn't want their corridor to be like 441 or Las Vegas where they have a city of lights. What was brought to their attention was so true. They would have had the ability of having so many different signs that it would of taken up so much space visually where as this speaks more to the scale of the building but doesn't take advantage of it. He respects what everyone is saying but to that point is why he is still for it. To him this is a large building linearly. Your talking about 36ft. How long is the building face itself?

Mr. Gutierrez said 250'.

Mr. Konhauzer said that you are talking about roughly a little more than 10% of the linear space of the building to be able to accommodate this so that you can have a sight of vision, safety and scale aesthetically. He believes that it would look funky smaller. The fact is that they did approve the outline of this without the lettering but it wouldn't make sense if they didn't approve both in his opinion.

Ms. Vanbuskirk said speaking more to proportion than actual size, she knows that they have a minimum requirement in ordinance for a minimum margin for 2ft from the vertical ledges and 1ft from the top and bottom. Are you hitting those minimum margins or have you increased those margins proportionate to the size of the signs.

Mr. Gutierrez said you talking about the margins to the end of the building itself?

Ms. Vanbuskirk said yes.

Mr. Gutierrez said they are away from the edges substantially for all the signage.

Ms. Vanbuskirk asked greater than all the margins?

Mr. Chockley said they actually fall under the sign package when an applicant for the center can specify where the sign would be centered in the façade, raised above or in the middle. The centers have flexibility to pick and choose where those are. These signs would be within those allowances.

Ms. Vanbuskirk said she's aware that they are within the allowances or there would be an additional variance but it is it just the minimum margins or is the margin greater than those minimum 2ft from the vertical edges.

Mr. Gutierrez said your asking about the signs we are asking waivers for?

Mr. Chockley said that you're greater than the 2ft she was referring to. Again, that is more centered for bay tenant signage that a landlord can be more restrictive with.

**MOTION: TO APPROVE THE SIGN WAIVERS# SW 2-1-19 LOCATED AT 11050 & 11060 GRIFFIN RD. MOTION MADE BY LISA DODGE AND SECONDED BY BOB SANDS. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

**MOTION: TO APPROVE AS STATED SIGN PACKAGE# SI 2-1-19 LOCATED AT 11050 & 11060 GRIFFIN RD. MOTION MADE BY CRAIG KONHAUZER AND SECONDED BY LISA DODGE. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

Chairman Rouse turned the item over to Mr. Wood and he proceeded to read the Staff report for item 5B Proposed Code Change requesting to provide for secondary wall signage for shopping center outparcels at the same size as the primary wall sign. This is in response to the Planning and Zoning Board's previous recommendation to allow full size secondary wall signs of corner businesses in commercial or strip centers.

Mr. Wood said that if you turn the second page of the backup material, it shows the strike through and underline format of the actual code change. What you can see in red bold strike through and underline format is basically is getting rid of the 2/3 condition of the secondary wall sign for outparcel so that they can have signage on their primary face and their secondary face at the same size. Currently the code reads that the secondary sign shall be 2/3 the size of the primary sign. This is in response from the P&Z board recommendation for end tenant signage. We brought this before you that in strip centers the end tenant where they would have two wall faces, they could have the secondary wall face at 2/3 of the primary wall face size. The P&Z said lets give them the full size. Similarly what they are doing is that the outparcels have the full size for the secondary consistent with the recommendation of the end tenants at strip centers.

Chairman Rouse turned the meeting over to the board for discussion.

Mrs. Dodge asked if there is a reason why these things are coming up now for the signs. Are there certain parcels that they are looking at now to be able to do things to them. She has no problem because they just heard a petition with signage and now they are changing the sign codes and there's new properties being built on Griffin and new property being done on Stirling. I wanted to know if that had anything do with it.

Mr. Wood said no they don't have anything pending or in process that would take advantage of this but again this was in response to the planning and zoning board recommendation when they took up the end tenant secondary wall signs be the same size as the primary wall signs. They are trying to stay consistent with the recommendation and taking to the next step that if it's good for the end tenant in a strip center it should be good for the outparcel.

**MOTION: TO APPROVE AS STATED PROPOSED CODE CHANGES RELATED TO OUTPARCEL SIGNS MADE BY LISA DODGE AND SECONDED BY BOB SANDS. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

Chairman Rouse turned the item over to Mr. Wood and he proceeded to read the Staff report for item 5C Proposed Code Change requesting Relaxing parking requirements for businesses with off-peak or non-overlap hours of operation from other businesses in a commercial center or light industrial park.

Mr. Wood said that he would direct you the backup material, that shows the strike through and underline format of the code change. What they are trying to do is recognize that these are some businesses within centers that obviously will not have the same business hours as a primary typical tenant. You have restaurants that open at night, non peak hour businesses that don't create a demand at the same time that most of the businesses in the center would be opened. What this code change does is recognize that a center shouldn't be penalized to meet the parking requirements if obviously those difference uses are non concurrent and off peak hours. As it presently exists there is not consideration for those off peak hours business and it would actually create parking demand even though the rest of the center or businesses may be shut down at that time. The strike through and underline format basically reads, Where the use of a structure or land or any part thereof in such districts is changed to a use requiring off-street parking space under this section, the full amount of off-street parking space shall be supplied and maintained to comply with this section. This is the way it reads now, the language that they are adding is to state "except as may be provided for under Section 25-4(c) relative to allowances for non-concurrent business uses". If you go to 25-4(c) they have added the language as follows " This provision shall not apply where the periods of use of the buildings will not overlap or be concurrent with each other as determined by the Growth Management Director or his/her designee".

What this change does is allow staff at the administrative approval level i.e. through the DRC process to go ahead and give consideration for parking allowances for the off peak or non-concurrent business hours do not create additional parking demand. This language will allow us to administratively to approve the uses that would be non-concurrent. Currently the code gives Commission the right to do that or waive that.

Mrs. Dodge said that from what she's hearing, this give staff the permission to approve this and this might work if the existing building vacates the shopping center and new business as well. But if a gym, restaurant or something else comes in and it requires more parking spaces than how will this work. If you have an existing building now it's perfect. Maybe the office building at night is not used so the other parking can be used for the gym or whatever but if people in the office-building move out and now everyone has the parking lot at the same time how does that work. She believes that it should be something that comes before Commission.

Mr. Chockley said this is a code change that has come from public input from both businesses that have wanted to come in as well as shopping center management. Basically what would be asked to anyone asking to take advantage of this would be either a study and/or paired with commitments of how this business operation plan would work. Shopping centers are a bit more delicate because there are a lot businesses in it so that would have to be analyzed and a report provided to staff with how it would work and signed off by the center manager. The biggest center this would probably impact is the commerce center which is the light industrial park. During the day it is really an 8-5 type center or business park. They have had a lot of people wanting to come in and do mommy and me gymnasiums, after school martial arts, weekends painting with a twist type uses etc. that obviously would not impact the 8-5 Monday-Friday uses. That would be a very straight forward plan of them saying their business hours are only going to be this, we will restrict ourselves to not being open Monday- Friday 8-5 as that is typically not our client base and that would be a very straight effect of this.

Mrs. Dodge said this ordinance goes for every shopping center.

Mr. Chockley said correct.

Mrs. Dodge said she is in a shopping center and is also in a medical plaza. They have problem with parking because it is a dentist office, medical building, it's a yoga place and a hair salon. They are all over the place, they park in Walgreens they park wherever. She is concern that if she were to move out of space and a medical use were to move in they would be 8-5. She is there 9-7 so she is concerned that it might hurt the business owner that own these places when they come in that now they are going to have to do a study, and she's concern that there is not going to be an extra cost to the business owner.

Mr. Chockley said there would definitely be an extra cost to the center management because they would have to provide a study on what their proposal was and how it would work. They've had centers that have done analysis where they literally pay a consultant to sit in the parking lot and count cars and how much is available parking. They've had some that come in say there really isn't much parking and other studies that have come in and say there is a surplus of parking. There would be a cost to the management company to demonstrate it but the upside of that is that is could possibility get them a tenant that wouldn't normally be able to go in there.

Mrs. Dodge she is concerned that we have that new thing on Griffin and that new thing on Stirling and this would impact them more than anything else at this moment.

Mr. Chockley said it is going to be a tougher sale, if you will for the regular traditional shopping centers because there are so many night time uses and its less dentists, doctors and attorneys. He doesn't think that it is going to be a huge influx for the shopping centers.

Mr. Konhauzer said if you look at the uses for example at the shopping center at Hiatus. The Winn-Dixie that is vacated, right now the usage is what it is but it will change if someone else will goes in there. He says that he sees a lot of flip-flopping going along the way and to your point he wants to make sure they have the proper resources to check on that problem. We have also been given many studies in the past and have been duped. You can talk about CVS, the Charter school and the Church and kids waiting in the CVS parking lot for their moms and dads to pick them up sitting on curbs. He believes they have to be very careful, there should be enough of a process and a stop gap to watch that.

Mr. Chockley said that it's definitely something that would require some evaluation. This isn't necessarily a code change that staff is recommending. They have been tasked with going over and putting code changes for discussion from input we have had from center owners and businesses. This isn't something staff is saying we want this, this is based off the Commission directive.

Mr. Konhauzer said it seems like there can't be a real consistent ruling because there are so many uses and so many different variations throughout the year.

Mr. Chockley said it would require the applicant to do a study every time they want to put in this request.

Mr. Konhauzer said it would be a hardship to the applicant because of the cost and the time it takes.

Mr. Chockley said that's where they would have to weigh how much they want that particular tenant.

Mr. Goulet said when Winn-Dixie went out and that's about a 60,000sf space, there could be 4 tenants put in there tomorrow. He believes that this has to be a case by case and we can't just make a blanket statement that yeah we agree every case that comes forward to us should be assessed.

Ms. Vanbuskirk asked if requests of this nature come up so frequently that it's created an undue burden by putting it in front of the board and looking at it on a case by case? Is there some reason why it would make the process more expeditious or a concern raised?

Mr. Chockley said that it would make it definitely much quicker as they wouldn't have to file a variance.

Ms. Vanbuskirk asked how frequently a request of this nature comes before this board.

Mr. Chockley said that actually get filed not too often.

Mr. Wood that there have been some uses that have had to been turned down because they didn't meet the parking demand. He asked Mr. Chockley to confirm but he gave him the example of Retro Fitness at Cooper City Plaza. You've had to turn down a couple of uses but they were off peak hour uses that really wouldn't have created a problem.

Mr. Chockley said that center would have some room. That center has a lot of after hour uses so more I don't think would fit in that particular center. The Commerce center has probably had the most inquiries on it. It is a very open building so you have a lot of the karate studios, the gymnasiums, the mommy and me classes and that center is really a Monday – Friday 8-5 center. That center by far has had the most request that we've had to say no. Anyone that has wanted to come in for a variance, your looking at about probably a 6-7 months process to go through the process because both P&Z would be a public hearing and City Commission would be a public hearing. When tenants are ready to sign on a dotted line and they come in and ask for this and we say you can do it but you have to sell out and go through the public hearing process which will take time. Most of the time they just choose to find another space to go to because of the time.

Mr. Sands said that you made the statement that staff doesn't necessarily agree with this.

Mr. Chockley said no he said that it is something that staff didn't put forward as a change that staff was promoting. It was brought forward as a discussion item. He believes some areas will really benefit from this code change and other areas just wouldn't see something that would be favorable for them.

Mr. Sands said based on what you've heard tonight with the input, is there a way where you can kick this back and where you could bring back a revised one on this for us to look at it at the next meeting or is this something that has to be done now.

Mr. Chockley right now the presentation is that the change would be that a parking study could be put forth towards staff and staff can say yeah this is not going to cause an issue. Now if you want to make a recommendation to only allow this in commerce type centers and not in the regular shopping plaza they could change it to that language.

Mr. Sands said he is talking about the language based on the input that you have heard tonight. This particular code change. Everyone has had different inputs. Is there a way to make some revisions based on this and they could vote on this next time.

Mrs. Dodge said if they could see if there is a motion to approve and if it doesn't get approved it goes back to the way it is and were done.

Mr. Chockley said yes you can make a motion to approve this, you can make a motion that you would like to see language to "x,y,z" and they incorporate that or you can make a recommendation to keep code the way it is and not change it.

Mr. Konhauzer asked if you find this to be a hardship to businesses that coming in and that we are losing tax revenue and people coming in?

Mr. Wood said that obviously meant to be pro-business, pro-center because again we have had centers that have lost tenants because simply they couldn't meet the parking requirements. This is a recognition that it is a shame that we would have to have them lose a tenant if it is a nonpeak non-concurrent type of business hours. Granted there is some very valid points here and staff isn't admittedly saying that it is very problematic. Mr. Chockley mentioned that the light industrial center is probably the biggest center in the City that have had tenants that have had to walk. That center could probably benefit more than the typical strip center from this type of change.

Mr. Konhauzer asked if a motion to do it only for the commerce center or corporate centers rather than the other centers would work well.

Chairman Rouse turned the meeting over to the board for discussion.

Mrs. Dodge said couldn't you just do it on a case by case basis, isn't that what your doing now when someone comes in to get into a business.

Mr. Chockley said the case by case would be what takes place here but it would be staff evaluating the case by case study. If someone wanted to do this now, they would need a parking variance that would go before this board.

Mrs. Dodge said no offense but she doesn't feel comfortable with staff approving it in her personal opinion. She feels that they are doing this just for one building, just the commerce center. She feels that Commission

or somebody and no offense but with everything that is going on with the City, will there be a Growth Management, will it be another name because your going to put it as Growth Management but it might change to Planning and Zoning board it might change to some other name and she doesn't want to put it in code and then have to go back to change the name to whatever they change the name to. At least the City Commission well know the City Commission is the City Commission.

Mr. Katzman asked if it would be possible because it seems like the major issue on the business side is the length of time to apply to have to then go to P&Z and then have to go to Commission. Could they eliminate the P&Z requirement and make it a recommendation from your department to the Commission therefore they have the coverage of the City Commission but you also have staff input.

Mr. Wood said the Planning & Zoning board has to review all site plans, site plan amendments, variances etc. Right now Commission has the right to approve them without a variance. There is language in the code that gives the Commission the right to consider such studies without a parking variance. We are attempting to make it a little more streamlined so that they didn't need to come to Commission we could approve it administratively. There really is already language in the code that gives Commission that discretion. If the board doesn't feel they want to make this administrative then they certainly don't have to.

Mr. Katzman asked how would the Commission know, the business has to go to them?

Mr. Chockley said everything starts at staff level. If an applicant comes in and says ok I want to go through this process, we walk them through what the process would entail. They can then either to choose to submit and go through that process to get that parking variance or to not. This code change would just basically shortened that time frame if they did choose to move forward. It would be just a staff direction based off their parking report. The code can be left the same and they would just have to go through the process but basically this came from wanting the Commission to have a more business friendly time frame and more flexibility for the businesses and that is where it comes from . It is not necessarily a staff supported change.

Mr. Weisberg said that Mrs. Dodge stated she has an issue with administratively this being decided. Are there other things that are similar that staff decides without the Commission having any say.

Mr. Wood said that staff doesn't have a whole lot of discretion to waive anything in the code. There is not a whole lot of administrative discretion that is already built into the code.

Mr. Chockley there has been a few new changes in the last couple of months as we've gone through this change of becoming more business friendly and stream lining processes. They recently did a code change where administrative approvals can be done for developers when they come in and choose to add a new model instead of going through all the boards. Now they can get that in in under a week instead of a 4 months process. There has been more recent changes that have given more authority but it is something newer as far as changes in the code.

Mr. Federici said that from what he is hearing it is the Commerce center that is probably the one particular parcel that is being affected mostly than any place else.

Mr. Chockley said that they would have the easiest time demonstrating compatibility with off peak hours. They really are an 8-5 Monday-Friday operation now. Most of the centers wouldn't be able to sell that as they are 99% 8-5 Monday-Friday.

Mr. Federici said he understands that but his point is that he knows they open a tattoo parlor and he believes that some of the Commission said not in their district. What was the outcome of where that tattoo parlor was put? There was some language that it could only be in a certain area.

Mr. Wood said that was a conditional use and it was in the Timberlake Plaza.

Mr. Federici said if he remembers correctly the council had a problem with that. Some of the members on the council for instance one of them didn't want it out in Rock Creek.

Mr. Chockley said that P&Z recommended denial of that becoming a code change and Commission approved it.

Mr. Federici said be what it may, why can't we do something with the commerce center. Can you do something there with the language.

Mr. Chockley said you can change to make the code specific to the I-1 zoning district.

Mr. Federici said he knows where Mrs. Dodge business is located and she doesn't want it where she's at it would be a problem there.

Mr. Konhauzer said when he first came on the board he saw a board that was unfriendly to business and he won't mention names but he saw members of this board who left because they started to be a little more friendly to businesses. Then they made a business board which is probably one of the best ideas that the City did. That brought to our attention and the councils attention what was happening with businesses and how they felt about our community and that they didn't feel welcomed here. He doesn't see personally what your suggesting is a hardship. I don't know if you guys should be making all the decision but on something like this it's a true hardship because he's going through with it with a client now that has to go through 7-9 months of variances and they should by the way. It is a very different position than this but this really depending on usage as we have seen in the City, take a drive around night time and see how these centers are, they are empty. To decline and make them go through this extensive long process, he doesn't believe is so business friendly in his opinion.

**MOTION: TO APPROVE AS STATED PROPOSED CODE CHANGES RELATED TO OFF PEAK HOURS PARKING MADE BY CRAIG KONHAUZER AND SECONDED BY JIM FEDERICI. THERE WERE 5 AYES AND 4 NAYES ON THE ROLL CALL VOTE WITH DAVID ROUSE, KELLY VANBUSKIRK, ALEX WEISBERG AND LISA DODGE DISSENTING. MOTION WAS APPROVED.**

Chairman Rouse turned the item over to Mr. Wood and he proceeded to read the Staff report for item 5D Proposed Code Change recommending to clarifying parking standards for single-family residential areas. The specific language changes are included in the backup material. Under section 25-5(e)(1), they are adding the language hard-surfaced driveway material to address the fact that sometimes these front yards turn out to be a parking lot. This is an attempt after talking with our code compliance staff to address the fact that if your going to be parking in your front yard it needs to be on a driveway with a hard surface material. Section 25-5(e)(1)(c) they are adding the following language " parking in front yards of single family roads shall be limited to parking in a garage, carport or hard surface erosion resistant driveway material such as asphalt, or concrete in accordance with the paving specification of the city". This is straight forward its requiring that if your going to park in your front yard it needs to be on a driveway and hard surface.

Mr. Konhauzer said about five years ago the board of directors of his community sent out a notice in Rock Creek East Landing that all residents are no longer allowed to park on the streets but in fact that you had to park on your swale. He went to the meeting and he brought up to their attention that Florida Statute says that you can't park on the swale. He doesn't think that there is any questions there but throughout the years of watching Monterra and other developments be there developed that rule has scared me because many times he sees where it can stop emergency services from coming in when people are double parked on one side of a

hard surface on one street and he doesn't believe that a fire truck or an ambulance can get by. First he would like to clarify and ask staff if Florida statutes state you can't park on the swale you must park on a hard surface.

Mr. Wood said he's not sure how the state statutes read.

Mr. Konhauzer said that is how he understood it and that is how they stopped them in his community. He would follow and get the answer from Florida statute first and see if that is consummate with what were talking about here which it seems to be.

Mrs. Dodge said that she believes when she was a police officer, you could park on the swale but you have to park in the direction of traffic. Each community was different at that time. What is to prevent in the code to asphalt my whole front yard.

Mr. Chockley said there are dimensional maximums. A primary drive for a single or two-car garage can not exceed 24ft and if you add a circular drive that cannot exceed 12ft. If you had a 3-car garage you could go to the full 36 ft.

Mr. Goulet said that he's been in Cooper City for 27 years in old Cooper City. He doesn't live in the newer communities and within the last five years with the increasing numbers of homes where there are 4 or 5 cars parked in the house. He's sent photographs, complained to the City and they've said they can do whatever they want basically. He completely is in agreement with this code change because he can't see 5 or 6 cars parked in the lawn. Aesthetically its horrible grass dies and its none of his business how many people live in his house he doesn't care but as far as he is concerned and where he lives, he believes this is the correct ruling to eliminate these folks from parking on their lawns. Most importantly will code enforcement actually enforce this.

Mr. Chockley said this was brought forth as one of their proposed code changes. As we manage the board we did the strike through and underline and brought it to you but this did stem from code enforcement. In the past the problem was having a lack of a concrete citable section and so that is what is bringing out about this change.

Mr. Goulet said as far as the swale, parking on the swale doesn't bother me parking in the street is what bothers me. He lives on a small street on 90<sup>th</sup> Ter and he doesn't mind the occasional party where people park all over the place but you can't park in the street. Code enforcement has to enforce this. He thinks it will make the City look better and presentable.

Mr. Wood said that this will give the teeth that Code Enforcement is looking for in order to enforce.

Mrs. Dodge said what happens when you block the sidewalk because that is a code violation. I am concerned and this is the ex-cop in me because you have cars and now you can't go on the sidewalk you have to walk around the sidewalk. You want them to park in the garage but now code is going to cite them from parking on the hard surface. She's in agreement with this but the question are going to come up because you want them to park but are you going to change that part of the code where they can park over the sidewalk.

Mr. Wood said no there is nothing in this change that would allow them to park on the sidewalk.

Mr. Katzman said he would like clarification are you saying the solution is to park on the street now and not park in the swale or the opposite.

Mr. Chockley said that this is giving teeth stemming from code enforcement. They haven't had a citable section so when people are complaining about neighbors that their neighbor always have 5 cars 3 of which are always parked in his front yard code has not felt they've had strong of enough language to cite that home owner.

Mr. Katzman asked if the solution is then let say 4 cars fit in the driveway and I have 5 cars hypothetically am I then being recommended to park the 5<sup>th</sup> car on the side of the street and not touching the grass.

Mr. Chockley said no that would not be the recommendation.

Mr. Konhauzer said you have to check the statute because it says no.

Mr. Chockley said this stems from BSO recommendation so he's assuming they didn't put something forward that violated state statutes. What this would encourage ultimately would be to have people fully utilize what their paved parking surfaces are and/or their garages. Most homes have a single or two car garage that nobody ever uses. Most people have the abilities to come in and do a circular driveway and expand their current driveway but instead of doing that they rather park on their grass. This would eliminate them from parking on the grass and force them to start using their garages and or put in proper driveways.

Mr. Katzman said that if he parked on the street, he would then get cited.

Mr. Chockley said that is a question for code enforcement.

Mr. Katzman said that is the recommendation of this update that people who park on the side of the street will be cited. What would be the citation and or punishment.

Mr. Chockley said this isn't saying to park on the street.

Mr. Wood said if they want to park in their front yard it needs to be on paved surface not the grass in their front yard. This doesn't address the swales at all.

Mr. Katzman says he has an issue with people parking on the street.

Mr. Sands said that it is against the law.

Mr. Katzman said that is not being enforced at all in Cooper City and whoever can tell BSO it happens every single day.

Mr. Chockley said that is a code violation.

Mrs. Dodge says it's a code and the officers can cite them as well.

Mr. Sands said they have this in Coopers Groove they actually will park on both sides of the street and they refuse to park on their swales but they can't get all the cars in. You call the police to come out there and they don't do anything. They need to be ticketing every vehicle. It is good if they can put teeth in it for code and he knows it is not up to us but put the teeth in but then do something about it.

Mr. Goulet said he is in the equipment business, he knows about water heater, air conditioning and mechanical stuff. You can't park your car within in a certain amount of distance from a water heater is there a reason why?

Mr. Chockley said that is getting into specifics of garage depths.

Mr. Goulet said correct so if I am parking in my garage and my car fits in my garage and I am 2ft away from my water heater I can't park because I am 2ft away from the water heater.

Mr. Chockley said no that is saying that your garage needs to be a minimum of 20ft deep. If your garage is going to contain accessory equipment an addition to a water heater and things like that you need an additional 2ft in depth so you would have to be 22ft deep.

Mr. Goulet said he is asking why

Mr. Konhauzer said they don't want you to hit your water heater.

Mr. Goulet said it is not going to blow up.

Mr. Konhauzer said if its gas it will.

Mr. Chockley said that is put in place more for new developers. A less than 20ft space garage probably can't hold a car. So if they only build a garage at 20ft and then fill it with all this mechanical equipment it probably can't hold a car.

Ms. Vanbuskirk said she is in agreement with this measure for the reasons everyone else has mentioned her only concern about potential overzealous or harassment enforcement if someone is having a family get together could there potentially be some sort of caveat regarding a 24-hour period of parking or something along those line.

Mr. Wood said there is a certain amount of reasonableness that code has to apply regularly when they enforce the code and that is something that obviously will have to be taken into consideration. The intent is not to just one time of the year that they are doing it. This would have to be somebody caught doing it consistently. Those people that consistently have a problem to the point where the grass is dying, grass is turning brown because of the heat of the engine, its an aesthetics concern those are the kind of things that code enforcement would go after not the individual cases.

Mr. Chockley said code enforcement has a protocol where you usually you'll get a notice of violation. You'll get a flyer that code enforcement was by, there was a resident complaint this is the code section and you have two weeks to correct it. Obviously you'll be flagged in the system as that was a violation so if they go in the next day and the car is gone your good you didn't get cited. If they go back days upon days and days and the car is still there it's problematic then it will go to written warning and then you'll fine and it does escalate so it not like people are just going to start getting fine slapped on their door.

Ms. Vanbuskirk said theoretically they can could put a violation on every car if someone was having a party if were relying on implied reasonability.

Mr. Konhauzer said yes if your neighbor complains but they are not going to come looking for it. He sees a little bit of an oxymoron here because were saying that you have to park on hard surfaces but I am being told that you can't park on the street which is a hard surface. So if you have 3 children all which drive and your wife and yourself and you have 5 cars what am I supposed to do and we don't park in our garage. We are going to park 1 or 2 cars on the street not the swale because it is not a hard surface how does that work.

Mr. Chockley said you could get cited for that.

Mr. Konhauzer said he feels that it is a hardship for the community quite frankly.

Mr. Federici said you have a point but that he thinks that this was trying to prevent car from parking on front yards. The swale should be different. Anyone know what the swale is you have a sidewalk, the swale and then the street.

Mr. Konhauzer said it's a soft surface not a hard surface.

Mr. Federici asked if you wanted to change the language.

Mr. Wood said it says front yard it doesn't say swale.

Mr. Konhauzer said that it does say hard surfaces so it there is an oxymoron there. You have to take that out and be more specific in his personal opinion.

Mr. Konhauzer said that we should check the Florida statute.

Mr. Goulet said BSO is recommending this.

Mr. Konhauzer said sometimes people are wrong and he would hate to see a resident in the community be ticketed or hassled because BSO possibly misunderstood the law. He truly thinks they should check that out first.

**MOTION: TO APPROVE AMENDING THE VERBAGE TO HARD SURFACE PARKING TO NOT INCLUDE THE SWALES MADE BY LISA DODGE AND SECONDED BY JIMMY GOULET THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

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

Mr. Wood said that typically under Growth Management Directors report he reports on upcoming petitions. Things that are in cue that maybe up for the next meeting and typically he defers to Mr. Chockley because he got the daily experience of what is in and what is getting ready to come forward with from DRC.

Mr. Chockley said that he would assume right now we would have code changes for next month. Right now we do not have a petition to pair with it. They just had DRC last week with two items. One is ready to come to P&Z, they are waiting for their resubmittal and he believes they should submitting on April 1. It is a variance so there is a 5 week lead time for public advertisement. The next meeting with a petition would probably be 5/6/2019 but we will probably have a meeting in April just for more code changes based on Commission direction.

**7. BOARD MEMBER CONCERNS:**

Mrs. Dodge said she looked up the swales and in Fort Lauderdale you can't park on the swales but she couldn't find what it says for Cooper City. Where she came from you could park in the swale it just had to be facing the right way. She believes that it is each municipality but that is her opinion.

Chairman Rouse said he has a concern that he sees that on 106<sup>th</sup> Ave they are doing a lot of planting in the swales of large trees. His concern is that they just spend a lot of money reinforcing the power grid along 106<sup>th</sup> Ave and now they are planting upwards of about 10 trees that will be large trees like royal

palms and he thinks that it might be a little bit of a concern once it hits hurricane season and fronds are falling down on communication lines and electric lines. Could we see if that was actually approved for Ranchette Isles.

Mr. Chockley said as it being a City project or part of the developers project.

Chairman Rouse said that it's the developers project because they are still in the construction phase right now. He doesn't remember seeing trees on the swale on their original plans.

Mr. Chockley said those are all inspected by the City Arborist to be compliant with the Commission approved plan. Jeannette does do a formal inspection that verifies compliance with the site plan.

Chairman Rouse said that he has something in the back of his mind that there was something passed about planting in the swales in the future because it was so costly to remove trees that we weren't going to be putting trees in the swale underneath our lines anymore.

Mr. Konhauzer said part of that was the specimen live oak and olive, their roots systems deteriorate the streets.

Chairman Rouse said there are 5 royal palms and 5 other trees.

Mr. Konhauzer said that he respects where you are coming from but that he would look at it with a different eye. Softscaping is a great thing, it takes the pavement, it takes the guardhouse, it takes the entryway and it softens them to the eye so it adds more of a country feel. They are known as "Tree City" so it kind of speaks to that as well.

Chairman Rouse said he's not so concerned about the tree or the sidewalk. It is a power situation and also safety because if you've seen an adult royal palm drop a frond down on somebody.

Mr. Chockley said that staff does not encourage the use of royals.

Chairman Rouse said he would like to see if staff could go back and look at that see if that is something that is new that they have done on their own.

Mr. Chockley said they haven't come in for that request. Jeanette does not like royal palms so he's sure so if they were putting a royal that wasn't per the plan she would be all over them.

Mr. Wood said Jeanette pays very close attention to the easement areas and power lines and that is all reviewed through the DRC process. She is a stickler particularly on Royal Palms.

Chairman Rouse said that the arborist does come in on occasionally when there is a project so we can have direct access to her and ask questions and she's been very helpful.

Mr. Katzman said he would like to readdress the parking in the street issue. He lives in Embassy Lakes and it is a constant hazard in his neighborhood. People fly through, play zig zag games, there's a lawn truck in the middle, you have to get a can opener to get through, there are kids everywhere and he feels it is a major safety issue. He doesn't feel that law enforcement is taking it seriously and he knows that they are super busy with real issues but until some child gets run over or some car gets into a head on collision they are not going to take it seriously. He doesn't know if this is our purview or if it's the Commission purview or if it's a BSO inquiry he's just asking for it to be considered.

Mr. Federici said he feels that you should go to a Commission meeting.

Mr. Konhauzer said that he suggests which they've done before is to ask BSO to our next meeting and to clarify what the true rules are and let them justify it so that we have a base line of what is real or what is not. He ask that they have a BSO representative come to their next meeting.

Mr. Federici said he has two things. First he wanted to complement staff for getting the packets out. He was one of the guys that was busting their chops and because he needed a little more time to review this stuff as some of us take this position seriously. We do our homework, we drive around and check things out so on and so forth and he believes that a statement was made earlier that with the petitioners you try to help them out and speed it along. Maybe they should get their act together a little faster also and give us several days to review some of these packets. The second thing is he wanted to compliment the board because when he first got on this board he noticed and would say wait a second they are just getting their packets that night? It got me to question how important we were. You don't take this seriously that you just got your packet and you're going to make a decision and you didn't have anytime for homework. He wanted to compliment everyone that picked up their packet and reviewed it and he could see that the board looks like a good board. He congratulated Mr. Rouse and Mr. Konhauzer on their new appointments.

**8. ADJOURNMENT:**

The Meeting adjourned at 8:22 p.m.