



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

Commission Meeting/Workshop Date: November 19, 2019

Requesting Department: Growth Management

Subject: Second Reading of Rezoning Ordinance

Section:

Presentation

Consent

Regular

Discussion

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

ORDINANCE FOR SECOND READING -- Rezoning Petition #s Z 5-1-18 and Z 6-1-18 for Monterra Parcel C-2 Residential Tract

LOCATION: West side of University Drive, south of Monterra Boulevard

PETITIONERS: CC Broward Property VI, LLC, Owner,
Craven Thompson and Assoc., Agent

REQUESTS: 1) To establish the Monterra PMUD Design Guidelines for Parcel C-2 Residential Tract, Monterra Plat
2) To add 27 residential flex units to Parcel C-2, Residential Tract, Monterra Plat

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

Approvals:

Finance Director _____

City Manager _____

City Clerk _____

ORDINANCE NO 19-11-1

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, APPROVING REZONING PETITION NUMBERS Z 5-1-18 AND Z 6-1-18 FOR MONTERRA PARCEL C-2 RESIDENTIAL TRACT, TO AMEND THE MONTERRA MASTER PLAN TO ESTABLISH THE DESIGN GUIDELINES FOR THE PARCEL AND TO ADD 27 RESIDENTIAL FLEX UNITS TO THE PARCEL, FOR THE PROPERTY DESCRIBED IN SECTION 2 OF THIS ORDINANCE, AND GENERALLY LOCATED ON THE WEST SIDE OF UNIVERSITY DRIVE, SOUTH OF MONTERRA BOULEVARD; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application has been submitted by CC Broward Property VI, LLC (property owner) and Craven Thompson and Associates and Greenspoon Marder, PA, (petitioners) (collectively, the "Applicant") to rezone property generally located on the west side of University Drive, south of Monterra Boulevard, by amending the Monterra Master Plan and Commercial Design Guidelines and including 27 residential flex units (Cooper City) (the "Petition"); and

WHEREAS, the Planning and Zoning Board of the City of Cooper City considered the Petition for rezoning of property described in Section 2 of this Ordinance on September 16, 2019 and recommended approval; and

WHEREAS, the City Commission of the City of Cooper City ("City Commission") has conducted a public hearing in accordance with Florida law; and

WHEREAS, after said hearing, the City Commission deems it to be in the best interests of the City of Cooper City that said property be rezoned to amend the Monterra Master Plan and to establish design guidelines and to add 27 residential flex units as above stated and more specifically provided in the staff report which is incorporated as part of this item.

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: That the following described property is hereby rezoned in order amend the Monterra Master Plan and to establish the Design Guidelines and to add 27 residential flex units as provided in the staff report:

A PORTION OF PARCELS “B” and “C-2”, MONTERRA PLAT, PLAT BOOK 175, PAGE 155 THRU 168, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED TO THIS ORDINANCE.

Section 3: Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Section 4: The amendment set forth in Section 2 hereof shall be entered in the official zoning map of the City of Cooper City, by the Director of Growth Management, subsequent to the effective date of this Ordinance.

Section 5: All sections or parts of the Code of Ordinances, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith, be and the same, are hereby repealed to the extent of such conflicts.

Section 6: Should any section or provision of this Ordinance, or any portion thereof, of any paragraph, sentence or word, be declared by a Court of competent jurisdiction to be invalid, such

decision shall not affect the validity of the remainder hereof, as a whole or a part thereof other than the part declared to be invalid.

Section 7: This Ordinance shall become effective immediately upon its passage and final adoption.

PASSED AND ADOPTED on First Reading this ____ day of _____, A.D., 2019.

PASSED AND FINAL ADOPTION on Second Reading this ____ day of _____, A.D., 2019.

GREG ROSS
Mayor

ATTEST:

KATHRYN SIMS
City Clerk

Approved As To Form:

Jacob G. Horowitz
City Attorney

ROLL CALL

Mayor Ross _____
Commissioner Curran _____
Commissioner Green _____
Commissioner Meltzer _____
Commissioner Pulcini _____



MEMORANDUM

To: City Commission Members

From: Matt Wood, Growth Management Director

Thru: Kathryn Simms, Asst. City Manager

Date: October 18, 2019

Re: Monterra Parcel C-2 Residential Tract
Rezoning/ Design Guidelines Petition # Z 5-1-18
Flex Rezoning Petition # Z 6-1-18

LOCATION: West side of University Drive, South of Monterra Boulevard

OWNER/AGENT: CC Broward Property VI, LLC/Craven Thompson and Assoc., agent

LAND USE
DESIGNATION: Commercial

REQUESTS:

- 1) To establish the Monterra PMUD Design Guidelines for Parcel C-2 Residential Tract
- 2) To add 27 residential flex units to Parcel C-2, Monterra Plat

Rezoning request to amend the Monterra Master Plan and to establish Design Guidelines. This first item is a rezoning request for Parcel C-2 of the Monterra Master Plan in order to amend the Monterra Master Plan establish the Design Guidelines for the Parcel. Although the Planned Mixed Use Development (PMUD) zoning district designation for Parcel C-2 is not proposed to be changed, because the Design Guidelines are a function of the zoning district, the changes are technically considered a rezoning.

This petition is being processed concurrently with accompanying petitions for site plan, plat amendment, and variance petitions. These proposed guidelines would apply to the residential tract of Parcel C-2 only. Commercial Design Guidelines for the other remaining undeveloped commercial parcels in Monterra will similarly need to be established for those parcels prior to development approvals for those tracts later.

OVERVIEW OF CHANGES: The exhibit entitled "MONTERRA ACTIVE ADULT RESIDENCES Design Guidelines" in the backup material reflects narrative and graphic descriptions of the proposed guidelines associated with this request. The currently approved Monterra Master Plan reflects Parcel C-2 as a Commercial Land Use Designation only. Under this request and the accompanying Site Plan, Parcel 2 is being subdivided to create this residential tract for a 175-unit, age-restricted community.

The design guidelines being proposed with this request include:

- A. **The Master Plan** - In addition to reflecting the size, shape and location of the 6.65 net-acre residential parcel, the Master Plan indicates the maximum number of units at 175. This will increase the total number of units at Monterra to 1,827. Eighteen hundred units are allowed under the existing land use designation and 27 units will be flex units. The new total density for the overall Monterra development will be 3.718 DU/AC. The proposed gross density of the subject parcel will be 24.17 DU/AC.
- B. **Conceptual Site Diagram, Pedestrian and Vehicular Circulation** - This exhibit demonstrates the pedestrian and vehicular circulation from adjacent roadways and circulation within the overall Parcel C-2. The parcel has one vehicular access point from Monterra Boulevard to the north and an emergency access point to the east through a stabilized grass driveway to/from from Monterra Boulevard.
- C. **Open Space Planning** - Landscaped Buffers are shown for all four sides of the property. To the north, a 25' landscaped buffer is reflected along Monterra Boulevard. A 20' buffer is reflected along the Del Prado subdivision to the west. Eight-foot buffers are provided along the east and south with the exception of behind the garages and at the garden area, where 2'8" and 15' buffers are provided respectively.
- D. **Zoning Requirements** – The Development Standards reflect, among other things, permitted uses, building height, maximum building coverage, setbacks, architectural style, lighting, landscaping, parking, pedestrian connectivity, monument sign details and security features.
- E. **Architectural Elements** - are provided for the proposed mid-rise building architecture and the on-site amenities including benches, site lighting, precast walls and trash receptacles.

Flex Rezoning Petition. The second item is the Flex Rezoning Petition, which requests the application of 27 residential Flexibility Units into the Monterra Parcel C-2 commercial tract. This will increase the total number of units at Monterra from 1,800 to 1,827. The new total density will be 3.718 DU/AC.

Cooper City's Comprehensive Plan allows the utilization of flex units to be applied through a rezoning without need for a Land Use Plan Amendment subject to compliance with the "flex" rules established by the City Future Land Use Element and the Broward County Administrative Rules Document for allocation of such flex units. The subject site is in Flex Zone 101, which has 317 flex units available in that zone. The application of 27 units as requested with this petition would leave 290 flex units remaining in Flex Zone 101.

CONSISTENCY WITH ADOPTED COMPREHENSIVE PLAN: Policy 1.4.4 of the City's Comprehensive Plan states that City zoning as to permitted uses and densities must be in compliance with, or be more restrictive than, the requirements of the City Land Use Plan. The proposed Design Guidelines are consistent with the Land Use Plan designations permitted by the County and the City Future Land Use Maps.

The flex rezoning request is consistent with this policy and the Article VI, Section 3 of the Future Land Use Implementation Section of the Cooper City Comprehensive Plan, which allows the application of flex units to the site as allowed on the Future Land Use Map and in accordance with the subject request. Accordingly, the request can be considered consistent with the Comprehensive Plan.

LAND USE COMPATIBILITY: The proposed design guidelines may be considered compatible with surrounding properties. The site is bound on the north by Monterra Boulevard and to the east and south by vacant land designated for future commercial use. To the west is the Del Prado subdivision in Monterra. The requested guidelines do not change the allowed building height of the property. Minimum building setbacks of 25' will be met with the exception of the garages along the east side of the property at the opposite end away from the residential homes to the west. In addition, the existing seven-foot tall precast wall should will add to the buffering of the Monterra homes. Staff has recommended, as an extra public outreach effort above and beyond the standard advertising requirements, that the applicants meet with the residents of the Del Prado subdivision to review the proposed plans and consider any additional public input that may be generated.

TRAFFIC IMPACTS: The subject site has met all traffic concurrency regulations applicable to the site. Through the Land Use Plan Amendment and platting processes, the applicant worked closely with the Broward County Transportation Planning Division and the City to mitigate possible traffic impacts associated with the development. The proposed change to the residential use as proposed with the Restrictive Covenants for the age-restricted multi-family units, along with the proposed future commercial development on the remainder of Parcel C-2, does not increase the vehicular traffic from what has already been approved by the recorded Monterra plat.

RECOMMENDATION: As the applicant has met the submission requirements for consideration of the rezoning petition to amend the master plan and design guidelines, and the flex rezoning petition, the Planning and Zoning Board may recommend approval of the request subject to:

1. A finding that the applicant has adequately addressed the above-mentioned standards for approval.
2. Approval of the variance, site plan and plat amendment petitions that have been submitted concurrently with this petition.
3. Execution and recordation, in the Broward County records, of the Declaration of Restrictive Covenants which age restricts the 175-unit multi-family building to 55 years of age or older.

PLANNING AND ZONING BOARD RECOMMENDATION: The Planning and Zoning Board, at their meeting of September 16, 2019 unanimously recommended approval of the Rezoning petition subject to staff's recommendation.



PLANNING & ZONING ADVISORY BOARD



Minutes of September 16, 2019

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

1. ROLL CALL

P&Z Board Members

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

Reappointed ** Resigned *** New appointment

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

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

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

3. **PUBLIC COMMENTS:** None

4. **NEW BUSINESS:**

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

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

*Public Hearing

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

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

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

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

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

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

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

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

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

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

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

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

Vice Chair Konhauzer said he believes that is existing.

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

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

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

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

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

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

Mr. Handley said it would completely block the buffers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Sand asked if they were in Cooper City?

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

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

Mr. Mele said yes sure solid walls.

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

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

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

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

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

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

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

Mrs. Dodge said she is hoping not either.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. GROWTH MANAGEMENT DIRECTOR'S REPORT:

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

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

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

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

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

6. BOARD MEMBER CONCERNS:

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

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

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

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

7. **ADJOURNMENT:**

The Meeting adjourned at 8:29 p.m.



GROWTH MANAGEMENT DEPARTMENT

CITY OF COOPER CITY

9090 SW 50 Place – P.O. Box 290910 - Cooper City, Florida 33329-0910
Phone: (954) 434-4300, ext. 251 – Fax: (954) 680-1439

RECEIVED

JUL 10 2019

Growth Management
Department

FILE COPY

GENERAL APPLICATION

ATTENTION: Prior to submission of application, the Petitioner &/or Owner must schedule a pre-submittal meeting with the Growth Management Staff to review the proposed project, and the submittal and processing requirements. The submittal dates for DRC and P&Z Board can be found on the City's website at: www.coopercityfl.org.

FOR STAFF ONLY:

Design 2 5-1-18

PETITION #: Flex 2, SPVG-1-18

Plat Amen PA 7-1-18

DATE PETITION FILED:

5/15/18

Date of Pre-Submittal Meeting: 5/7/18

Check type of application(s) for:

- | | |
|---|---|
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Abandonment |
| <input type="checkbox"/> Site Plan Amendment | <input type="checkbox"/> Certificate of Conformity |
| <input checked="" type="checkbox"/> Rezoning | <input type="checkbox"/> Conditional Use |
| <input type="checkbox"/> Plat or Plat Amendment | <input type="checkbox"/> Sign Waiver |
| <input type="checkbox"/> Sign Package/ Sign Package Amendment | <input checked="" type="checkbox"/> Other: <u>Design Guidelines, Variance</u> |

INSTRUCTIONS TO APPLICANT:

1. Please complete all requested information on this application. If not applicable, indicate with N/A.
2. Provide specific Petition Application(s).
3. Make Checks payable to the City of Cooper City per the current Fee Schedule.

I. PROJECT NAME AND LOCATION

- A. Project Name: Monterra Active Adult Residences
- B. Project Address: University Dr, Cooper City, FL 33024
- C. Section: 4 Township: 51S Range: 41E Total Acreage or square feet of Subject Property: 6.65
- D. General Location Description (proximity to closest major intersection, in miles or fraction thereof):
Vacant land on the west side of University Dr, south of Monterra Blvd.
- E. Folio Number(s): (If numerous Folio Numbers, list on a separate sheet and attach to this application). 514104030100, 514104030171, 514104030090
- F. Brief Legal Description: A portion of Parcel B and a portion of Parcel C-2.

II. LAND USE AND ZONING INFORMATION

- A. Existing Zoning Designation: PMUD
- B. Future Land Use Plan Designation: Commercial, Residential in Irregular Areas
- C. Existing Use(s) on Property: Vacant
- D. Proposed Use(s): Multi-Family Residential
- E. Other Land Use and Zoning conditions if applicable, i.e. approved variances, deed restrictions, previous conditions of approval:



CITY OF COOPER CITY – GROWTH MANAGEMENT DEPARTMENT

9090 Southwest 50 Place, Post Office Box 290910, Cooper City, Florida 33329-0910

Ph: (954) 434-4300, Ext. 251 Fax: (954) 680-1439

III. PROPERTY OWNER/APPLICANT/AGENT INFORMATION

Property Owner(s) of Record: CC Broward Property VI, LLC

Address: 2020 Salzedo Street, Ste. 200 City Coral Gables ST FL Zip 33134

Phone: (305) 632-2990 Fax: E-Mail: jwright@cchomes.com

I am/We: CC Broward Property VI, LLC, do hereby swear/affirm that I/we am/are the owner(s) of the property referenced in this application. I/We certify that the above statements and the statements or showings made in any paper or plans submitted herewith are true to the best of my/our knowledge and belief. Further, I/we understand that this application(s) attachments and fees become part of the official record of the Growth Management Department of the City of Cooper City and the fee is not refundable. I/We understand that any knowingly false information given by me/us will result in the denial revocation or administrative withdrawal of the application or permit. I/We further acknowledge that additional information may be required by the City of Cooper City in order to process this application(s).

[Handwritten Signature]
(Signature of Owner)

HAROLD EISENACKER
(Print Name)

STATE OF FLORIDA COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 12 day of June 20 18

By (Name of Person Acknowledging) HAROLD EISENACKER She/he is personally known to me or has produced _____ as identification and did/did not take an oath.

NOTARY PUBLIC SIGNATURE: *[Handwritten Signature]*

Name – Must be typed, printed, or stamped) _____

My Commission Expires: _____

Petitioner(s) if other than Owner: CC Broward Property VI, LLC

Address: 2020 Salzedo Street, Ste. 200 City Coral Gables ST FL Zip 33134

Phone: (305) 632-2990 Fax: jwright@cchomes.com E-Mail:

Agent (if other than Owner): Craven Thompson & Associates, Inc. c/o Joe Handley

Address: 3563 NW 53 Street City Ft. Lauderdale ST FL Zip 33309

Phone: 954-739-6400 Fax: 954-739-6409 E-Mail: jhandley@craventhompson.com



CITY OF COOPER CITY – GROWTH MANAGEMENT DEPARTMENT

9090 Southwest 50 Place, Post Office Box 290910, Cooper City, Florida 33329-0910

Ph: (954) 434-4300, Ext. 251 Fax: (954) 680-1439

All Correspondence will be sent to the Agent unless otherwise requested.

I am/we are the Agent Petitioner Other _____

Signature(s) _____

STATE OF <u>FLORIDA</u>	COUNTY OF <u>BROWARD</u>
The foregoing instrument was acknowledged before me this <u>13th</u> day of, <u>June</u> 20 <u>18</u>	
By (Name of Person Acknowledging) <u>Joseph D. Handley</u> She/he is personally known to me or has produced _____ as identification and did/did not take an oath.	
NOTARY PUBLIC SIGNATURE:	<u>Catherine A. Donn</u>
Name – Must be typed, printed, or stamped)	
My Commission Expires:	 <p>CATHERINE A. DONN MY COMMISSION # FF 117441 EXPIRES: August 29, 2018 Bonded Thru Budget Notary Services</p>

STAFF USE ONLY			
Petition #: <u>25-1-18</u>	Staff Intake By: <u>J Chackley</u>	Intake Date: <u>5/15/18</u>	
Sufficiency Completed by: <u>J Chackley</u>	Sufficiency Date: <u>5/18/18</u>		



**GROWTH MANAGEMENT DEPARTMENT
CITY OF COOPER CITY**

9090 SW 50 Place – P.O. Box 290910 - Cooper City, Florida 33329-0910
Phone: (954) 434-4300, ext. 251 – Fax: (954) 680-1439

JUL 10 2019

Growth Management
Department

REZONING APPLICATION

ATTENTION: Prior to submission of application, the Petitioner &/or Owner must schedule a pre-submittal meeting with the Growth Management Staff to review the proposed project, the submittal and processing requirements. The submittal dates for DRC and P&Z Board can be found on the City's website at: www.coopercityfl.org. ALL ADVERTISING AND RECORDING FEES WILL BE THE RESPONSIBILITY OF THE APPLICANT.

FOR STAFF ONLY:

PETITION #: 25-1-18

DATE PETITION FILED:

5/9/18

Date of Pre-Submittal Meeting: 5/7/18

INSTRUCTIONS TO APPLICANT:

1. Please complete all requested information on this application. If not applicable, indicate with N/A.
2. A completed Notarized General Application must accompany this application.
3. Refer to Code Section 23-151
4. Make Checks payable to the City of Cooper City per the current Fee Schedule.

I. ZONING INFORMATION

Existing Zoning: PMUD Code Section: Section 23-70
Proposed Zoning: PMUD Code Section: Section 23-70

Land Use Plan Designation: Commercial, Residential in Irregular Areas

Acreage or Square Footage: 6.65 AC

Brief Legal Description (attach full Legal Description): _____

A portion of Parcel B and a portion of Parcel C-2, more particularly described in the attached full legal desc.

II. ADJACENT PROPERTIES

Adjacent Property	Land Use Plan Designation	Zoning Designation	Existing Use(s) of Property
NORTH	Irregular Residential 3.663	PMUD	Monterra - Residential Developments
SOUTH	Irregular Residential 3.663	PMUD	Monterra - Residential Developments
EAST	Commercial	B-2	University Drive, Commercial
WEST	Irregular Residential 3.663	PMUD	Monterra - Residential Developments

If previous approvals of adjacent properties affect the subject Petition, please include a brief description of the approved square footage or the number of dwelling units.

III. CRITERIA FOR REVIEWING REZONING REQUESTS

The applicant should address each of the following criteria in the justification of the rezoning request. Responses should be on separate sheets and attached.

(1) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

(2) The proposed change would not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

**GROWTH MANAGEMENT DEPARTMENT – CITY OF COOPER CITY**

9090 SW 50 Place – P.O. Box 290910 - Cooper City, Florida 33329-0910

REZONING APPLICATION

- (3) Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
- (4) The proposed change will not adversely affect living conditions in the neighborhood;
- (5) The proposed change will not create or excessively increase automobile and vehicular traffic congestion or otherwise affect public safety;
- (6) The proposed change will not adversely affect other property values;
- (7) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;
- (8) The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;
- (9) There are substantial reasons why the property cannot be used in accord with existing zoning.

IV. SUBMITTAL CHECKLIST

QTY	REQUIRED	YES
	*Submittal requirements not to be duplicated if request accompanying other Petitions.	(√)
1	Completed Original General Application	√
1	Completed Original Rezoning Application	√
1	Certificate of Title, property deed or other proof of ownership	√
*14	Copies of the Signed & Sealed Surveys – 1 Signed & Sealed Survey	√
*14	Plats, if property is platted	√
*14	Site Plans or Statements of Intent of proposed use of property (Check with Staff)	√
*14	Aerials Photos of subject site clearly delineating site boundary lines.	√
*14	Subject Site Maps clearly delineating site boundary lines with adjacent and nearby street names labeled.	√
1	Justification Statement	√
1	List of Property Owners within the 300' radius	X
1	Sets of Mailing Envelopes (labeled with Property Owners) & Use City's Address on the return	X
1	Radius Map from Property Appraisers Office showing 300' radius on tax map	X

V. SIGN CRITERIA FOR POSTING ON PROPERTY

Please refer to the attached code, Section 23-151(e) requirement for posting of the property, which is the responsibility of the applicant. If you have any question regarding the posting or other notification requirements of the Rezoning petition, please contact the Growth Management Staff.

VI. STAFF USE ONLY

Petition #: 2 5-1-18	Staff Intake By: Carlos Vega	Intake Date: 5/11/18
Sufficiency Completed by: Jason Chockley	Sufficiency Date: 5/11/18	



STONER & ASSOCIATES, INC.

SURVEYORS - MAPPERS
Florida Licensed Survey
and Mapping Business No. 6633

4341 S.W. 62nd Avenue
Davie, Florida 33314

Tel. (954) 585-0997
Fax (954) 585-3927

EXHIBIT "A"
LEGAL DESCRIPTION OF
MONTERRA RESIDENTIAL PARCEL
COOPER CITY, BROWARD COUNTY, FLORIDA

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF PARCELS "B" AND "C-2", "MONTERRA PLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 175, PAGES 155 THRU 168, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID PARCEL "C-2", SAID POINT BEING ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF S.64°07'47"W.;

THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF SAID PARCEL "C-2", ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 00°46'23" AND A RADIUS OF 2,964.79 FEET FOR AN ARC DISTANCE OF 40.00 FEET, TO A POINT ON A LINE 40.00 FEET SOUTH OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID PARCEL "C-2";

THENCE S.64°07'47"W., ALONG SAID PARALLEL LINE, A DISTANCE OF 223.80 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND;

THENCE CONTINUE S.64°07'47"W., ALONG SAID PARALLEL LINE, A DISTANCE OF 119.46 FEET, TO A POINT ON A TANGENT CURVE CONCAVE TO THE SOUTHEAST;

THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 95°21'55" AND A RADIUS OF 36.00 FEET FOR AN ARC DISTANCE OF 59.92 FEET, TO A POINT ON A NON-TANGENT LINE;

THENCE S.59°38'53"W., A DISTANCE OF 60.01 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE SOUTH, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF N.58°45'52"E.;

THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 95°44'55" AND A RADIUS OF 36.00 FEET FOR AN ARC DISTANCE OF 60.16 FEET, TO A POINT OF COMPOUND CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 25°33'34" AND A RADIUS OF 645.00 FEET FOR AN ARC DISTANCE OF 287.73 FEET, TO A POINT ON ARC OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF N.15°51'01"E.;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 55°11'27" AND A RADIUS OF 355.00 FEET FOR AN ARC DISTANCE OF 341.96 FEET, TO A POINT OF REVERSE CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 17°06'00" AND A RADIUS OF 923.39 FEET FOR AN ARC DISTANCE OF 275.59 FEET, TO A POINT ON A NON-TANGENT LINE;

THENCE N.58°21'58"E., A DISTANCE OF 150.53 FEET;

THENCE N.31°38'02"W., A DISTANCE OF 52.47 FEET;

THENCE N.58°21'58"E., A DISTANCE OF 313.54 FEET;

THENCE N.31°38'02"W., A DISTANCE OF 614.11 FEET, TO THE POINT OF BEGINNING.

SAID LANDS SITUATE AND BEING WITHIN COOPER CITY, BROWARD COUNTY, FLORIDA, CONTAINING 6.65 ACRES (289,736 SQUARE FEET), MORE OR LESS.

CERTIFICATE:

THIS IS TO CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.07, FLORIDA STATUTES.

REVISIONS	DATE	BY

JAMES D. STONER

PROFESSIONAL SURVEYOR AND MAPPER NO. 4039 - STATE OF FLORIDA

THE MATERIAL SHOWN HEREON IS THE PROPERTY OF STONER & ASSOCIATES, INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT PERMISSION OF STONER & ASSOCIATES, INC.
COPYRIGHT © 2016

DATE OF SKETCH:	DRAWN BY	CHECKED BY	FIELD BOOK
3/20/18	JDS	LSG	N/A

SEAL
NOT VALID UNLESS
SEALED HERE WITH
AN EMBOSSED
SURVEYOR'S SEAL

SKETCH NO. 11-7705 RES.

APPROVED MONTERRA PMUD DESIGN GUIDELINES

Exhibit/Section	Description	Required	Proposed	Proposed with Monterra Active Adult Residences Design Guidelines
Exhibit 3b (pg. 3-4)	Density Calculation Table	No residential development is identified for C-2	Add 175 mid-rise units to data	175 units were added. Increase the total number of units at Monterra to 1827. 1800 are covered under the existing land use designation of 3.663 DU/AC, and 27 will be residential flex units. The new total density will be 3.718 DU/AC.
Exhibit 5a (pg. 5-2)	Access/Identification Signage	Signage at C-2 is not identified	Add Signage for C-2 residential	Signage required for the residential development
Exhibit 5b-i: K.3 (pg. 5-56)	Monterra Blvd. section at gatehouse	Two inbound lanes and one westbound turnlane	One inbound lane and one turnlane	FDOT and BCTE regulation will not permit two inbound lanes.
Exhibit 5c (pg. 5-96)	Pedestrian Circulation	Pedestrian circulation in C-2 is not identified	Add pedestrian circulation for C-2	Pedestrian circulation required for the residential development to connect to the commercial property



**GROWTH MANAGEMENT DEPARTMENT
CITY OF COOPER CITY**

9090 SW 50 Place – P.O. Box 290910 - Cooper City, Florida 33329-0910
Phone: (954) 434-4300, ext. 251 – Fax: (954) 680-1439

FILE COPY

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AUG 07 2019

FLEX REZONING APPLICATION

Growth Management Department

FOR STAFF ONLY:

PETITION #: 26-1-18

DATE PETITION FILED:

8/7/19

ATTENTION: Prior to submission of application, the Petitioner &/or Owner must schedule a pre-submittal meeting with the Growth Management Staff to review the proposed project, the submittal and processing requirements. The submittal dates for DRC and P&Z Board can be found on the City's website at: www.coopercityfl.org. ALL ADVERTISING AND RECORDING FEES WILL BE THE RESPONSIBILITY OF THE APPLICANT.

Date of Pre-Submittal Meeting: 5/7/18

INSTRUCTIONS TO APPLICANT:

1. Please complete all requested information on this application. If not applicable, indicate with N/A.
2. A completed Notarized General Application must accompany this application.
3. Refer to Code Section 23-151
4. Make Checks payable to the City of Cooper City per the current Fee Schedule.

I. ZONING INFORMATION

Existing Zoning: PMUD Code Section: Section 23-70
 Proposed Zoning: PMUD Code Section: Section 23-70* *Rezoning is required to est. Design Guidelines
 Land Use Plan Designation: Commercial, Residential in Irregular Areas
 Acreage or Square Footage: 6.65 AC

Brief Legal Description (attach full Legal Description): _____

A portion of Parcel B and a portion of Parcel C-2, more particularly described in the attached full legal desc.

II. ADJACENT PROPERTIES

Adjacent Property	Land Use Plan Designation	Zoning Designation	Existing Use(s) of Property
NORTH	Irregular Residential 3.663	PMUD	Monterra - Residential Developments
SOUTH	Irregular Residential 3.663	PMUD	Monterra - Residential Developments
EAST	Commercial	B-2	University Drive, Commercial
WEST	Irregular Residential 3.663	PMUD	Monterra - Residential Developments

If previous approvals of adjacent properties affect the subject Petition, please include a brief description of the approved square footage or the number of dwelling units.

III. CRITERIA FOR REVIEWING REZONING REQUESTS

The applicant should address each of the following criteria in the justification of the rezoning request. Responses should be on separate sheets and attached.

(1) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

(2) The proposed change would not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;



- (3) Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
- (4) The proposed change will not adversely affect living conditions in the neighborhood;
- (5) The proposed change will not create or excessively increase automobile and vehicular traffic congestion or otherwise affect public safety;
- (6) The proposed change will not adversely affect other property values;
- (7) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;
- (8) The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;
- (9) There are substantial reasons why the property cannot be used in accord with existing zoning.

IV. SUBMITTAL CHECKLIST

QTY	REQUIRED	YES
	*Submittal requirements not to be duplicated if request accompanying other Petitions.	(√)
1	Completed Original General Application	√
1	Completed Original Rezoning Application	√
1	Certificate of Title, property deed or other proof of ownership	√
*14	Copies of the Signed & Sealed Surveys – 1 Signed & Sealed Survey	√
*14	Plats, if property is platted	√
*14	Site Plans or Statements of Intent of proposed use of property (Check with Staff)	√
*14	Aerials Photos of subject site clearly delineating site boundary lines.	√
*14	Subject Site Maps clearly delineating site boundary lines with adjacent and nearby street names labeled.	√
1	Justification Statement	√
1	List of Property Owners within the 300' radius	√
1	Sets of Mailing Envelopes (labeled with Property Owners) & Use City's Address on the return	√
1	Radius Map from Property Appraisers Office showing 300' radius on tax map	√

V. SIGN CRITERIA FOR POSTING ON PROPERTY

Please refer to the attached code, Section 23-151(e) requirement for posting of the property, which is the responsibility of the applicant. If you have any question regarding the posting or other notification requirements of the Rezoning petition, please contact the Growth Management Staff.

VI. STAFF USE ONLY

Petition #:	26-1-18	Staff Intake By:	J Chockley	Intake Date:	8/7/19
Sufficiency Completed by:			Sufficiency Date:	8/12/19	

Justification Statement

Flex Allocation Request

- 1. The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;**

Applicant's response: The application under consideration is for the allocation of 27 flexibility units to the Monterra Plat. The adopted comprehensive plan allows for allocation of Flexibility units within each Flexibility Zone, consistent with Policies 1.02.01 and 13.01.10 of the Broward County Land Use Plan. The application for 27 units falls well below the 100% density for the underlying parcel, therefore is consistent with BCLUP and the adopted comprehensive plan policies.

- 2. The proposed change would not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;**

Applicant's response: The proposed changes continues the development of the high-intensity portion of the Monterra PMUD providing for increased residents and a large commercial center. The change does not create an isolated zoning district as the PMUD zoning district boundaries will remain as they are.

- 3. The proposed change will not adversely affect living conditions in the neighborhood;**

Applicant's response: The proposed change will not adversely affect the living conditions in the neighborhood, as the property is part of the overall Monterra PMUD, which provided infrastructure and buffering requirements for this parcel. An established 30 foot buffer, with heavy landscaping and an eight (8) foot wall provide ample separation from the existing single-family residences.

- 4. The proposed change will not create or excessively increase automobile and vehicular traffic congestion or otherwise affect public safety;**

Applicant's response: The property is approved for Commercial development. The proposed age-restricted multi-family and the proposed commercial development does not increase the automobile and vehicular traffic from what has already been approved by the recorded plat.

- 5. The proposed change will not adversely affect other property values;**

Applicant's response: The proposed change will positively affect property values as the changes provide for a much needed age-restricted housing.

- 6. The proposed changes will not be a deterrent to the improvement or development of other property in accord with existing regulations;**

Applicant's response: The proposed changes will provide for an incentive for any remaining vacant property to be developed.



CC Broward Property VI, LLC
135 San Lorenzo Avenue
Suite 740
Coral Gables, FL 33146

October 4, 2019

Mr. Matthew Wood
Growth Management Director
City of Cooper City
9090 Southwest 50th Place
Cooper City, Florida 33329

Re: Monterra Active Adult Residences

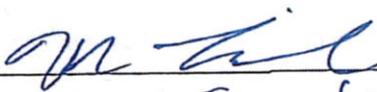
Dear Mr. Wood:

It was a pleasure speaking with you at our Planning and Zoning Board meeting on September 16, 2019. As discussed, since the residential component of the Monterra development will be a 55 and over community with a very high percentage of one-bedroom units, it will not require the amount of parking prescribed by the City's code. However, if, within one year after the property is full constructed and has reached 95% occupancy, the City determines, in its reasonable discretion (based on an analysis of parking use for the prior one year period, determination of the local police department, or similar findings) that additional parking is necessary then the developer will cause up to fourteen (14) additional spaces to be constructed in the area depicted on attached Exhibit "A".

Thank you for your attention to this matter.

Sincerely,

CC BROWARD PROPERTY VI, LLC


Harold Eisenacher, V.P.

RECEIVED

JUL 10 2019

Growth Management
Department

July 9, 2019

Mr. Matt Wood, Growth Management Director
Growth Management Department
9090 SW 50th Place
Cooper City, Florida 33328



RE: **MONTERRA PARCEL C-2**
#SP 6-2-18 RESIDENTIAL TRACT
DRC COMMENT/RESPONSE LETTER
CTA PROJECT NO. 10-0026

Dear Mr. Wood:

Please find the following responses to the DRC comments for the Residential Site Plan issued on August 22nd, 2018. The responses are as follows:

PLANNING & ZONING DEPARTMENT COMMENTS

- Comment No. 1: Provide additional justification specifically for flex units.*
Response: Please see attached justification criteria.
- Comment No. 2: Provide address plan and coordinate approval with US Postal Service and Broward County E911 for approval.*
Response: Please see attached address plan. The address plan has been submitted to both the City and USPS.
- Comment No. 3: Provide declaration of restrictive covenants that the proposed garages are to be only used for car storage and must be 100% leased when the building is 100% leased.*
Response: The declaration is being developed and will be provided once available.
- Comment No. 4: Provide declaration of restrictive covenants that the age restriction is in perpetuity and meets the criteria specified by Broward County School Board letter of 8/27/18.*
Response: Please see attached draft restrictive covenants.
- Comment No. 5: Provide a 3rd line of sight cross section from the SW corner of building to the Del Prado development to the west.*
Response: Acknowledged. Refer to Sheet A-5.3 for cross section west to Del Prado Development.
- Comment No. 6: Staff recommends not only providing the minimum code required parking but also having a loading space and additional parking for staff and visitors.*
Response: Acknowledged. Loading area provided to the North East side of the project. Refer to Sheet A-2.1. Refer to OSP-1 for Site Data Table. The project proposes a total count of 98-1 BD units and 77-2 BD Units for a total of 252 Bedrooms. The proposed parking count of 336 spaces (1.92 sp/du) provides one space per bedroom and allows for a total of 84 parking spaces for staff, visitors and extra available parking spaces for dwelling units.

CRANEN THOMPSON



& ASSOCIATES INC.

Engineers
Planners
Surveyors
Landscape Architects

3563 N.W. 53rd Street
Fort Lauderdale, FL 33309-6311
(954)739-6400
Fax (954) 739-6409

Comment No. 7: Provide an open space rendering that meets compliance with design guideline/Monterra requirements.

Response: An open space rendering has been added to the site plan on Sheet OSP-2.

Comment No. 8: Update cross sections with grade elevations, to scale building heights, walls, fences, berms, etc...

Response: The cross sections have been updated with the requested elevations, building heights, fences and berms.

Comment No. 9: Cross section C-C is missing from sheet C-13.

Response: Cross section C-C has been added to the Cross Sections sheet C-14.

Comment No. 10: Provide detail on pool barrier fence which meet code requirements.

Response: Barrier fence and gate have been provided at entrances to the pool from the clubhouse and lounge. See Details 1 and 2 on Sheet SPD-2.

Comment No. 11: Increase length of landscape islands to full length of adjacent parking spaces.

Response: We are keeping the landscape islands at the code-required 3' shorter than the end of the stalls.

Comment No. 12: Provide detail sheet for outdoor residential amenity area.

Response: Enlargement for outdoor amenity area has been provided. See Sheet SPE-2.

Comment No. 13: Provide a detail sheet showing location of pool equipment and how it will be kept secure and screened per code requirements.

Response: The pool equipment and screening have not been developed at this time, but the equipment will be secured by a locking gate and screened by a combination of fencing or screen wall and landscape material to meet code requirements. See location labeled on Site Plan. Details will be provided at time of Building Permit.

Comment No. 14: Provide garbage operation plan and approval letter from waste management. This plan/deviation from section 25-11 will need to be approved by Commission as it was for the Jefferson Apartments.

Response: Acknowledged. Refer to Waste Management Letter attached.

Comment No. 15: Site Plan sheets show a circular staircase 1'1 floor to 2nd floor at the club house that is not reflected on the architectural plans.

Response: Floor plans have been coordinated with the Site Plan and Architectural plans.

Comment No. 16: Remove word "LOUNGE" from Sheet A-2.1 as it is incorrectly located as compared to floor plan levels 2, 3, and 4. Please also ensure consistency between lounge labels on these sheets with those on Sheet CH-2.1.

Response: Acknowledged. Refer to Architectural Drawings for modifications on all level plans.

Comment No. 17: Revise clearance height for drop-off area canopy to 15 feet on Sheet SP-1.

Response: Clearance height has been revised to 15' on SP-1.

Comment No. 18: County to review pavement marking and signage plan.

Response: The Pavement Marking and Signage plans are being submitted to the Broward County Traffic Engineering Division for their review and approval.

Comment No. 19: Be advised City recommends meeting with neighboring residents to communicate proposal prior to submittal for Planning & Zoning Board review.

Response: Acknowledged.

Comment No. 20: Central Broward Water Control District approval must be provided before petition will be scheduled for City Commission Approval.

Response: Project has been submitted to the Central Broward Water Control District.

DEPARTMENT OF PUBLIC WORKS

Jeanette Wofford, Operations Supervisor / City Arborist

Comment No. 1: Indicate receptor sites for the proposed relocates.

Response: Receptor sites have been provided. See Sheet LP-1 of the Residential set as well as the Tree Disposition Exhibit noting "off-site" locations.

Comment No. 2: Verify tree valuation chart.

Response: Tree valuation chart has been reviewed and adjusted as needed.

Comment No. 3: Carefully consider using carissa in public areas because of the thorns.

Response: Proposed Carissa that was adjacent to public areas have been switched to Green Island Ficus to alleviate any issues with the thorns.

Comment No. 4: A pre-construction meeting will be required prior to starting landscape installation.

Response: Understood.

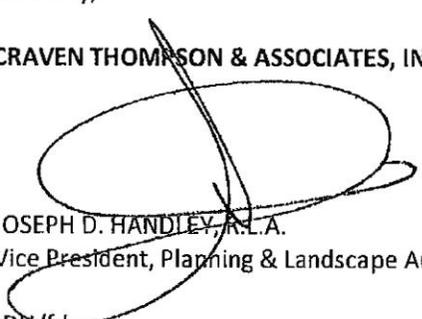
Comment No. 5: Additional comments may be made as project progresses.

Response: Understood.

If you have any questions or further comments, please do not hesitate to contact me at (954) 739-6400 or by email at jhandley@craventhompson.com.

Sincerely,

CRAVEN THOMPSON & ASSOCIATES, INC.


JOSEPH D. HANDLEY, R.L.A.
Vice President, Planning & Landscape Architecture

JDH/fd

CRAVEN THOMPSON & ASSOCIATES INC.

Responses to Rezoning Criteria

Flex Allocation Request

1. The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

Applicant's response: The application under consideration is for the allocation of 27 flexibility units to the Monterra Plat. The adopted comprehensive plan allows for allocation of Flexibility units within each Flexibility Zone, consistent with Policies 1.02.01 and 13.01.10 of the Broward County Land Use Plan. The application for 27 units falls well below the 100% density for the underlying parcel, therefore is consistent with BCLUP and the adopted comprehensive plan policies.

2. The proposed change would not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

Applicant's response: The proposed changes continues the development of the high-intensity portion of the Monterra PMUD providing for increased residents and a large commercial center. The change does not create an isolated zoning district as the PMUD zoning district boundaries will remain as they are.

3. The proposed change will not adversely affect living conditions in the neighborhood;

Applicant's response: The proposed change will not adversely affect the living conditions in the neighborhood, as the property is part of the overall Monterra PMUD, which provided infrastructure and buffering requirements for this parcel. An established 30 foot buffer, with heavy landscaping and an eight (8) foot wall provide ample separation from the existing single-family residences.

4. The proposed change will not create or excessively increase automobile and vehicular traffic congestion or otherwise affect public safety;

Applicant's response: The property is approved for Commercial development. The proposed age-restricted multi-family and the proposed commercial development does not increase the automobile and vehicular traffic from what has already been approved by the recorded plat.

5. The proposed change will not adversely affect other property values;

Applicant's response: The proposed change will positively affect property values as the changes provide for a much needed age-restricted housing.

6. The proposed changes will not be a deterrent to the improvement or development of other property in accord with existing regulations;

Applicant's response: The proposed changes will provide for an incentive for any remaining vacant property to be developed.

RECEIVED

JUL 10 2019

Growth Management
Department

July 9, 2019

Mr. Matt Wood, Growth Management Director
Growth Management Department
9090 SW 50th Place
Cooper City, Florida 33328



RE: **MONTERRA PARCEL C-2**
RESPONSES TO DRC COMMENTS
DESIGN GUIDELINES
PETITION # Z 5-1-18
CTA PROJECT NO. 10-0026-008-01

Dear Mr. Wood:

Please find below our responses to the DRC comments for the Design Guidelines comments issued on August 22, 2018. As discussed, the Design Guidelines were revised to only address the Monterra Active Adult Residences site within Parcel C-2. The responses are as follows:

PLANNING & ZONING DEPARTMENT COMMENTS

General Guidelines:

- Comment No. 1: See attached Design Guidelines for corrections/comments.*
Response: The design guidelines have addressed all corrections and comments provided.
- Comment No. 2: Provide proper justification criteria for flex units.*
Response: Please see attached criteria for the flex units.
- Comment No. 3: Provide more in-depth justification statements for "deviations from code. Need to incorporate criteria in variance application.*
Response: All criteria was addressed in the Variance Spreadsheet.
- Comment No. 4: Separate commercial vs. residential variances on chart.*
Response: The variance chart has been revised to apply to the residential site only.
- Comment No. 5: Enlarge font on variance chart.*
Response: The font has been enlarged and the page formatted to 11 x 17.
- Comment No. 6: Add/justify additional required variances marked in red on chart.*
Response: The required variances that were marked have been removed from this request as they were for commercial site variances.
- Comment No. 7: Provide a traffic circulation and trips analysis (with specific attention) around the Solano Avenue & University Drive to demonstrate there will not be any problems with 3 proposed access points from the south side of parcel C-2 onto Solano Ave. This is the only North out for the entire project and will be heavily used.*
Response: Since the residential component is only using the Monterra Boulevard existing median opening and driveway, we did not feel a traffic circulation was required.

CRANEN THOMPSON



& ASSOCIATES INC.

Engineers
Planners
Surveyors
Landscape Architects

3563 N.W. 53rd Street
Fort Lauderdale, FL 33309-6311
(954)739-6400
Fax (954) 739-6409

THE MASTER PLAN

b-2 Exhibit 2b-2 – Conceptual Site Diagram, Pedestrian and Vehicular Circulation

Comment page 8: Traffic statement did not adequately address staff and resident concerns with current issues and added trips from this development.

Response: We believe that the concern was over Solano Boulevard and not Monterra Boulevard. Since this application has been revised to only include the Monterra Active Adult Residences, which only utilize Monterra Boulevard, we did not believe that a revised traffic statement was necessary.

c Exhibit 2c-1 – Section A1-A1: Monterra Boulevard Buffer (Block 2)

Comment page 9: No required building setback - 25' Variance required?

Response: This section has been removed from the proposed Design Guidelines as it was for the Commercial site.

i Exhibit 2i – Section G-G: Commercial – Residential Buffer

Comment page 16: Existing Landscape - dimension.

Response: Section G-G has been removed from the Design Guidelines since it was for the Commercial site.

4. ZONING REQUIREMENTS

3. Maximum Floor Area Ratio (FAR)

Comment page 21: Block One: The maximum FAR shall be 1.0. Max gross density shall be 24.20 du/ac – Density is 26.32. Gross area is 72.4 acres (net acres for site is 6.65) 175 units permitted. Min Unit size shall be 650 SF.

Response: This has been revised as noted.

10. Landscaping

Comment page 23: A. Required and proposed Landscaping Buffers for Parcel C-2:

e. Side (South) = 10' - P 5-68 D.G. is 10' in addition to 25'?

Response: This required and proposed buffer has been removed from the Design Guidelines as it was for the Commercial site.

12. Loading & Dumpster

Comment page 24: Block One: No loading zones shall be required for the age-restricted, multi-family use – should be provided.

Response: A variance has been requested for the loading zone requirement. One 10'x30' loading zoning is provided which also serves as access to the trash room for garbage pick-up.

17. Noise

Comment pg. 32-B: Mechanical equipment will be screened on the roof in accordance with code.? (Update site plan sheets / details to meet this).

Response: There is no roof top mechanical equipment for the residential development.

19. Maintenance Plan for building exteriors and/or common areas.

Comment page 33: All owners of Parcel C-2 are committed to continuous upkeep and maintenance of the property to provide an aesthetically pleasing environment for their customers and the public – include maint. Responsibility sheet that was created.

Response: A maintenance exhibit has been added to the Design Guidelines on the Open Space Exhibit.

b. Exhibit 4b – Signage Diagram

Comment page 34: Parcel C-2 not shown on sign package rendering Provide code required vs. proposed.

Response: The sign package will be submitted with the commercial portion as Monterra Active Adult Residences is utilizing a PMUD approved sign.

c. Exhibit 4c – Parcel C-2 Sign Types

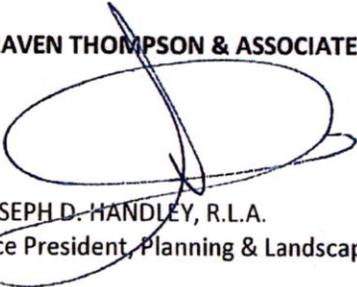
Comment page 39: Does not match proposed sign in residential S.P. / Detail.

Response: The proposed sign has been revised to match the sign in the Site Plan Details.

If you have any questions or further comments, please do not hesitate to contact me at (954) 739-6400 or by email at jhandley@craventhompson.com.

Sincerely,

CRAVEN THOMPSON & ASSOCIATES, INC.



JOSEPH D. HANDLEY, R.L.A.
Vice President, Planning & Landscape Architecture

JDH/fd

RECEIVED

AUG 08 2018

Growth Management
Department

August 8, 2018

Mr. Matt Wood, Growth Management Director
Growth Management Department
9090 SW 50th Place
Cooper City, Florida 33328



RE: **MONTERRA PARCEL C-2**
#SP 6-~~2~~-18 RESIDENTIAL TRACT
DRC COMMENT/RESPONSE LETTER
CTA PROJECT NO. 10-0026

Dear Mr. Wood:

Please find the following responses to the DRC comments for the Residential Site Plan issued on August 1st, 2018. The responses are as follows:

PLANNING & ZONING DEPARTMENT COMMENTS

- Comment No. 1:* See attached applications for corrections.
Response: The applications have been revised and are included.
- Comment No. 2:* Provide Rezoning application and justification statement specifically for flex units.
Response: The Flex Rezoning application was previously submitted but a copy is included. Justification statement is attached.
- Comment No. 3:* Provide address plan and coordinate approval with US Postal Service and Broward County E911 for approval.
Response: As discussed, this will be provided at permit.
- Comment No. 4:* Provide declaration of restrictive covenants that the proposed garages are to be only used for car storage and must be 100% leased when the building is 100% leased.
Response: A Declaration of Restrictive Covenants will be provided as requested prior to the public hearing.
- Comment No. 5:* Provide cross sections from property line to building wall for all locations that were shown in Design Guidelines.
Response: Please refer to cross-sections on Sheet C-13.
- Comment No. 6:* Remove "future spaces (if needed)" from the provided parking table.
Response: Notation has been removed.
- Comment No. 7:* Revise incorrect number of total parking spaces from data table.
Response: Number of parking spaces has been corrected.

CRANEN THOMPSON



& ASSOCIATES INC.

Engineers
Planners
Surveyors
Landscape Architects

3563 N.W. 53rd Street
Fort Lauderdale, FL 33309-6311
(954)739-6400
Fax (954) 739-6409

- Comment No. 8:* Consider adding more handicap parking spaces due to age of residents.
Response: The request has been considered but would eliminate more parking spaces.
- Comment No. 9:* Revise total number of buildings reflected in Site Data to one.
Response: The actual number of buildings is five; one residential building, four garages and one accessory building at the Community Garden.
- Comment No. 10:* Staff recommends not only provided the minimum code required parking but also having additional parking for staff and visitors.
Response: Comment noted but the applicant is confident that the parking provided will be more than adequate for the project.
- Comment No. 11:* Provide an open space rendering that meets compliance with design guideline/Monterra requirements.
Response: Please refer to Sheet OSP-2 for the open space exhibit.
- Comment No. 12:* Increase length of landscape islands to full length of adjacent parking spaces.
Response: The applicant has found that islands at the full length of the adjacent parking stalls makes it much more difficult in maneuvering into the stall. For the terminal islands, the islands have been increased to the entire length. For the intermediate islands, they will remain as per code; 3' shorter than the stall.
- Comment No. 13:* Code requires a 6' wall to separate Commercial from Residential use.
Response: A variance has been requested to replace the 6' wall with a 6' picket and pilaster fence consistent with the fence along Monterra Boulevard.
- Comment No. 14:* If a variance approved for wall above provide a 6' picket and pilaster to fence as used throughout the entire Monterra development.
Response: The fence has been revised as requested.
- Comment No. 15:* Provide trellis over east side pedestrian exit bench.
Response: A trellis has been added between the adjacent garages.
- Comment No. 16:* Provide detail sheet for dog park. Seating bench and trellis should also be provided in this area.
Response: Please refer to Sheet SPE-1.
- Comment No. 17:* Provide detail sheet for residential amenity area.
Response: Please refer to Sheet CH 2.1 for detail sheet of amenity area.
- Comment No. 18:* Provide a detail sheet for pool/courtyard area. Include detail specs on "amenities" committed to in design guidelines.
Response: Please refer to Sheet 5.1.
- Comment No. 19:* Provide a detail sheet showing location of pool equipment and how it will be kept secure and screened.
Response: Please refer to Sheet 2.1. Pool Equipment along pool side shall be secured and screened.

- Comment No. 20:** *Minimum garage dimensions per code are 12'x20'.*
Response: **Variance has been added to the variance request. Code section refers to single family and townhome developments and not mid-rise residential development with detached garages.**
- Comment No. 21:** *Provide cross section from each side of building to property line. Include dimensions, easements, fencing berms, etc.*
Response: **Please refer to Sheet C-13.**
- Comment No. 22:** *Provide a line of sight sheet from south property line to top of building.*
Response: **Please refer to Sheet 5.2.**
- Comment No. 23:** *Provide detail sheet for trash room.*
Response: **Please refer to Sheet 2.2. Trash room plan details included.**
- Comment No. 24:** *Provide garbage operation plan and approval letter from waste management. A variance will be required for deviation from section 25-11 and need to be approved by Commission as it was for the Jefferson Apartments.*
Response: **Pursuant to Sec 25-11, no variance shall be required because applicant will not be storing trash bins or dumpsters outside the building footprint for more than 3 days. The "loading" areas are used as staging areas to provide building maintenance a roll out area where the trash bins will be brought to driveway for waste management to pick up the days of trash/recycling pick up. These areas will also be used as loading/unloading areas for move in/out by residents as scheduled by leasing and management companies and shall not conflict with times of trash and recycling pick up days/times. Furthermore, all trash facilities are stored within the building footprint in a fully acclimatized room. A waste management approval letter is being requested and shall be submitted once received.**
- Comment No. 25:** *Provide walking distance from trash chute to furthest room to demonstrate compliance with the code required 200' max distance.*
Response: **Please refer to Sheet 2.1. Trash rooms located within the allowable distance to comply with code.**
- Comment No. 26:** *Provide curbing and landscape barriers on each side of trash staging area to protect resident vehicles during trash pickup.*
Response: **The plan has been revised for a landscape island on each side of the trash staging area.**
- Comment No. 27:** *Dimension drive isles on east side exit lanes.*
Response: **The drive aisles have been dimensioned.**
- Comment No. 28:** *Dimension widths of all drive aisles in entry area, including front drop off lane. Label one way arrow if proposed that way.*
Response: **The dimensions have been added.**

- Comment No. 29: Label clearance height of front drop off overhang.*
Response: A note was added to the site plan referencing the minimum 14' vertical clearance. Please refer to Sheet 2.1 and 5.1 for drop off clearance.
- Comment No. 30: Consider providing secondary tail-gate bars at entry lanes.*
Response: Secondary tail-gate bars were considered but are not to be installed.
- Comment No. 31: Indicate drive aisle turning radii consistent with minimum fire access requirements.*
Response: Drive aisle turning radii has been added.
- Comment No. 32: Indicate vegetative screening materials for A/C units.*
Response: Please refer to the landscape plan for the hedge types to screen the A/C units.
- Comment No. 33: Provide operation plan for mail delivery and label any mailrooms(s) on site plan.*
Response: Please refer to Sheet 2.1. Centralized ground floor mail room provided for easy access.
- Comment No. 34: Consider using pavers set in sand to help increase pervious surface area and keep with the residential look of Monterra.*
Response: Pavers set in sand are being used in all of the paver areas.
- Comment No. 35: Indicate setbacks and sign type for all monument signs shown on plans.*
Response: Sign setbacks and sign types are indicated on the site plans.
- Comment No. 36: Provide detail sheet for pedestrian lighting fixtures, accent lights on buildings, and any decorative lighting.*
Response: Please refer to Sheet EPH-1.
- Comment No. 37: Update photometric plans to show light levels at property lines.*
Response: Please refer to Sheet EPH-1.
- Comment No. 38: Review shielding to endure photometric levels drop along property lines.*
Response: Please refer to Sheet EPH-1.
- Comment No. 39: Provide cross walk/access gate from apartment complex to the North corner of building 6.*
Response: A cross walk/access gate was provided at Building 8 instead of Building 6 in order to provide direct access to the gathering plaza which connects to a storefront walk which leads to Lucky's.
- Comment No. 40: Provide line of sight cross sections from Del Prado to top of new proposed buildings.*
Response: Please refer to Sheet 5.2.
- Comment No. 41: Demonstrate that compliance with all County traffic concurrency requirements has been met.*
Response: Please refer to the attached agreement with Broward County covering the Transportation Concurrency for the Monterra Plat. Please note that the agreement refers to 1800 dwelling units, 200,000 SF of Commercial Use, and

70,000 SF of Office use. As part of the plat note amendment process, this agreement will require amendment to address the new entitlement threshold. Broward County will require this amendment to be recorded prior to issuance of a building permit (BCEPGMD stamps) for the residential component of the project.

Comment No. 42: County to review pavement marking and signage plan.

Response: Noted.

Comment No. 43: Provide layout/floor plan for Clubhouse. Show "amenities" as committed to in design guidelines.

Response: Please refer to Sheet 2.1 -24 and CH2.1.

Comment No. 44: Provide layout(s)/floorplan(s) for the 4 story lounge. Show "amenities" as committed to in design guidelines.

Response: Please refer to Sheet 2.1 -24 and CH2.1.

Comment No. 45: Update floorplan sheets for lounge (level 2 thru 4; show doors that don't lead to a balcony).

Response: Acknowledged. Please refer to Sheet 2.1 -24

Comment No. 46: Provide a color rendering of pool deck area and inside courtyard view of building.

Response: Please refer to Sheet 5.1 for courtyard and pool details.

Comment No. 47: Consider providing some decorative shutters as used in the Monterra residential area to some of the windows on the apartments.

Response: Acknowledged. Please refer to Sheet 3.1, 3.2 and 5.1.

Comment No. 48: Revise west elevation to match 1st floor plan. Trash room and adjoining storage rooms are not reflected on elevation.

Response: Acknowledged. Please refer to Sheet 3.2.

Comment No. 49: Be advised City recommends meeting with neighboring residents to communicate proposal prior to submittal for Planning & Zoning Board review.

Response: Noted.

Comment No. 50: Central Broward Water Control District approval must be provided before petition will be scheduled for City Commission Approval.

Response: Noted.

DEPARTMENT OF PUBLIC WORKS

Jeanette Wofford, Operations Supervisor / City Arborist

Comment No. 1: Show all easements to verify there are no tree conflicts.

Response: All easements are shown and no tree conflicts have been identified.

Comment No. 2: Show all fire hydrants, FPL boxes, backflow preventers and any other equipment that might conflict with tree locations.

Response: All fire hydrants and backflow preventers are shown.

Comment No. 3: Add tree valuations for trees to be removed/relocated on tree disposition chart per city code Sec.18-13.

Response: Tree valuations have been added.

Comment No. 4: Add tree valuation chart for proposed trees and palms including material affected by median cut.

Response: The tree valuation for the trees and palms displaced with the Monterra Boulevard median cut, has been identified on the commercial site plan.

Comment No. 5: Provide a timing schedule for tree and palm relocations to include root pruning time frame and if relocations will be moved from existing location to the receptor site without being out of the ground for an extended period of time.

Response: A timing schedule will be provided at time of permit. The intent is to relocate the trees and palms once, from their current location to their final destination.

Comment No. 6: Indicate receptor sites for the proposed relocation of the 15 royal palms, 3 date palms, roebellini, montgomery and foxtail palms.

Response: The final destination of the relocated palms are shown on the Tree Disposition plan.

Comment No. 7: Tree # 5462 is marked to remain but is not shown in place on landscape plans. Verify if status is to remain.

Response: The tree is to remain. Line types have been revised to read clearly.

Comment No. 8: Tree #5556 is indicated to have a broken trunk. Tree should be replaced if compromised.

Response: The tree is located in the existing landscape buffer. Applicant will meet with the City prior to permit to determine the condition of the buffer and what will be required to bring it back up to approved standards.

Comment No. 9: Indicate how burrowing owl site will be addressed.

Response: The burrowing owls will be addressed by the property owner. It is our understanding that a specialist has been engaged for this process.

Comment No. 10: Indicate if additional fill will need to be added to the site prior to construction.

Response: Additional fill is anticipated at the building pads at time of site construction.

Comment No. 11: Consider switching from royal palms to another species where proposed next to parking stalls due to the danger of falling fronds and/or flower sheaths.

Response: We have considered other palm species but have decided to keep the palms. The shopping center developer will retain a maintenance company to maintain the palms, including the removal of the dying fronds and flower sheaths.

- Comment No. 12:* Review all landscape notes to ensure applicability to this site.
Response: Landscape notes have been reviewed and revised as applicable.
- Comment No. 13:* Page TD-2 Correct Note #12.
Response: Note has been removed.
- Comment No. 14:* Page TD-3 Add reference to CDD under Guarantee section.
Response: Note has been revised.
- Comment No. 15:* Determine who controls-existing irrigation on existing landscape buffers and determine the need for modification.
Response: The developer of the residential development will maintain the landscape and irrigation in the existing and proposed buffers which are located on the residential site. The irrigation in the existing buffers will be disconnected from the CDD system and reconnected to the residential irrigation system.
- Comment No. 16:* Indicate who will have responsibility and control over maintenance and repairs of existing landscape buffer irrigation.
Response: The developer of the residential development will maintain the landscape and irrigation in the existing and proposed buffers which are located on the residential site. The irrigation in the existing buffers will be disconnected from the CDD system and reconnected to the residential irrigation system.
- Comment No. 17:* Existing landscape buffers will need to be fully restored to original approved landscape plans or comparable appearance prior to approval of final landscape inspection.
Response: The buffer will be restored to the original plans.
- Comment No. 18:* Add notes to plans to clearly define who will maintain buffers along Monterra Blvd and the west wall.
Response: The developer of the residential development will maintain the landscape and irrigation in the existing and proposed buffers which are located on the residential site. The irrigation in the existing buffers will be disconnected from the CDD system and reconnected to the residential irrigation system. Notes will be added prior to the P&Z Board Submittal.
- Comment No. 19:* Page 19 of the Design Guideline book is inconsistent with this site plan.
Response: The dimensions of the buffer for each side of the PL has been corrected in the Design Guidelines.
- Comment No. 20:* A pre-construction meeting will be required prior to starting landscape installation.
Response: Noted.
- Comment No. 21:* Additional comments may be made as project progresses.
Response: Noted.

BROWARD SHERIFF FIRE RESCUE & EMERGENCY SERVICES DEPARTMENT

Eric Busenbarrick, Fire Marshall – Assistant Chief

Monterra Residential Site

Comment No. 1: Please provide the water supply calculations in accordance with NFPA 1 chapter 18.3.

Response: See enclosed water supply calculations.

Comment No. 2: Show address on building complies with NFPA 1 10.11.1.

Response: The address will be shown prior to submitting for permit.

Comment No. 3: Sheet L200 shows live oaks along the fire department access please provide note that the tree canopies will be maintained so they will not impede fire department access, minimum clearance height is 14'.

Response: This note will be added to the plans prior to the PZ Board submittal.

Comment No. 4: Show hydrant spacing and locations per NFPA 1 18.1.2.3 and NFPA 24.

Response: See enclosed water and sewer plans with fire hydrant locations.

Comment No. 5: Club house shows two egress doors please review the egress for compliance with NFPA 101 chapter 7 in order to verify that additional egress is not required that may change the proposed design.

Response: Clubhouse has been designed to satisfy all egress requirements. There are at least 4 means of egress that more than satisfies the life safety requirements under NFPA 101 Ch 7. Refer to Sheet A2.1.

Comment No. 6: Provide details on access gate(s) for fire department access only, how it will be locked and how fire department access will be gained.

Response: A knock box will be provided on both sides of the gate. Details will be provided at time of permitting.

Comment No. 7: Provide all turning radius dimensions (38' interior and 50" exterior with a 14' clearance)

Response: Turning radii have been added to the site plan.

Comment No. 8: The gates and medians in front of the club house appear to reduce the fire department access. Please show dimension minimum 20' roadway clearance and a detail if a security or access restrictive gate will be installed.

Response: This comment was received late and was not addressed. The applicant will meet with the Fire Department to resolve this issue.

GENERAL APPLICATION

I. PROJECT NAME AND LOCATION

Comment B: Project address is University Dr., Cooper City, FL 33024 needs propose address plan.

Response: As discussed, the address plan will be submitted prior to permitting.

II. LAND USE AND ZONING INFORMATION

Comment B: Future Land Use Plan Designation: Irregular Residential & Commercial.
Response: "Commercial" has been added to the general application and attached.

V. TABULAR DATA

Comment: Open space area N/A change to 30%.
Response: The open space in the Monterra PMUD is 15% per tract or parcel. The remaining 15% was provided for in the PMUD per the PMUD design guidelines. The application has been changed to 15% required.

Comment: Setback Front 0' change to 25.
Response: Front Setback has been changed.

Comment: Setback Rear 0' change to 25.
Response: Rear setback has been changed.

VI. APPLICANT'S STATEMENT OF JUSTIFICATION

Comment: The proposed project is development of an age-restricted what age?
Response: The application has been revised to indicate a 55 and older age-restriction.

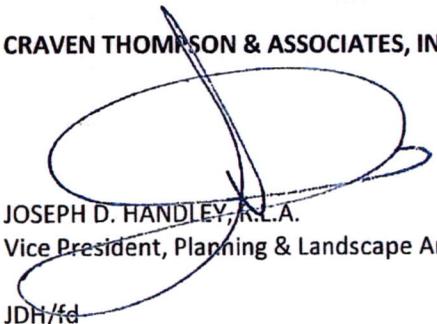
II. PROJECT HISTORY

Comment: Add latest design guidelines petitions.
Response: Added and attached.

If you have any questions or further comments, please do not hesitate to contact me at (954) 739-6400 or by email at jhandley@craventhompson.com.

Sincerely,

CRAVEN THOMPSON & ASSOCIATES, INC.



JOSEPH D. HANDLEY, R.L.A.
Vice President, Planning & Landscape Architecture

JDH/fd

 **FILE COPY**

August 8, 2018

RECEIVED

AUG 08 2018

Growth Management
Department

Mr. Eric Busenbarrick
Fire Marshall - Assistant Chief
Broward Sheriff Fire Rescue & Emergency Services Dept.
Fire Prevention Bureau

**RE: MONTERRA - RESIDENTIAL
WATER SUPPLY CALCULATIONS
COOPER CITY SITE PLAN No. 6-2-18
CTA PROJECT NO. 10-0026-008-01**

CRAVEN THOMPSON



& ASSOCIATES INC.

Engineers
Planners
Surveyors
Landscape Architects

Dear Mr. Busenbarrick:

Please find below our response to Comment No. 5 of your DRC comments:

The proposed buildings consist of Type IIB construction with the building equaling a square footage of approximately 241,000 sf which per NFPA TABLE 18.4.5.2.1 "Minimum Required Fire Flow and Flow Duration for Buildings" requires a fire flow of 8,000 gpm. Per 18.4.5.3.2, a reduction in required fire flow of 75 percent shall be permitted when the building is protected throughout by an approved automatic sprinkler system. The resulting fire flow shall not be less than 1,000 gpm (3785 L/min). Since our buildings will have an approved automatic sprinkler system, the 8,000 gpm requirement gets reduced to 2,000 gpm. Per the attached fire flow test conducted at the site, the existing system is capable of supplying this requirement (see attached fire flow chart).

If you have any questions, please do not hesitate to contact me at (954) 739-6400 or by email at cedwards@craventhompson.com.

Sincerely,

CRAVEN THOMPSON & ASSOCIATES, INC.



CHAD E. EDWARDS, P.E.
Senior Supervising Engineer
Florida Registration No. 59306

CEE/tg

Attachments

3563 N.W. 53rd Street
Fort Lauderdale, FL 33309-6311
(954) 739-6400
Fax (954) 739-6409

August 7, 2019

Mr. Jason Chockley, City Planner
Growth Management Department
City of Cooper City
9090 SW 50 Place
Cooper City, Florida 33328

**RE: MONTERRA PARCEL C-2, RESIDENTIAL TRACT
SP # 6-1-18, VARIANCE # V 6-1-18, FLEX REZONING # Z 6-1-18,
DESIGN GUIDELINES REZONING # Z 5-1-18, PLAT AMDMNT # PA 7-1-18
DRC COMMENT/RESPONSE LETTER
CTA PROJECT NO. 10-0026-008-01**

Dear Mr. Chockley:

Please find the following responses to the DRC comments for the Residential Site Plan issued on July 24, 2019. The responses are as follows:

CRANEN THOMPSON



& ASSOCIATES INC.

Engineers
Planners
Surveyors
Landscape Architects

PLANNING & ZONING DEPARTMENT COMMENTS

Comment No. 1: See attached applications for corrections.

Response: Corrected/revised applications are attached. See responses to the mark-ups below:

GENERAL APPLICATION

PROJECT NAME AND LOCATION

Comment A: Project name – Monterra Active Adult Residences, final project name?

Response: The final project name has not been determined.

Comment B: Project address is University Dr., Cooper City, FL 33024 add new proposed address.

Response: The Broward County E911 & USPS approved address, 3991 NW 82 Avenue, is now reflected on the general application as requested.

TABULAR DATA

Comment: Max. Bldg. Height (ft./stories Proposed 41'4 stories change to 51'6" total height.

Response: Maximum building height permitted per Section 23-70(h) is 70'5 stories so the table has been revised to indicate the allowable height. For the proposed height, it has been changed to 48' to allow the proposed building height of 46'-9" with a small cushion for increased height allowance.

Comment: # of Loading Areas / Spaces 0, -4 change to 1, - 3.

Response: Data has been revised as noted.

Comment: Setback – Side Interior Code Requirement 0' and Difference +2'-8" change to 25 and 22"4".

Response: Data has been revised as noted.

3563 N.W. 53rd Street
Fort Lauderdale, FL 33309-6311
(954)739-6400
Fax (954) 739-6409

APPLICANT'S STATEMENT OF JUSTIFICATION

Comment: Specify variances?
Response: Variance categories have been listed.

REZONING APPLICATION
ZONING INFORMATION

Comment: Proposed Zoning – Section 23-70* Rezoning is required to estimate Design Guidelines?
Response: This notation has been added to the application.

CITY CODE REQUIREMENTS – VARIANCES REQUESTED

Comment: 23-70(i)(3)(c) - Building setback is to be 25' minimum with the exception of free standing garages, which shall have a 0' setback; add community garden building.
Response: The table has been modified as noted.

Comment: Increase font size for these charts.
Response: Font size has been increased, the chart is now 2 sheets.

Comment: 25-7(c) (2) – 5 loading spaces required. Loading zone required changed with proposed.
Response: The table has been modified as noted.

Comment: Garbage Operation Plan / Amount of trash / size of proposed dumpster.
Response: The table has been modified to include a variance for the number and size of dumpsters. Refer to attached WM letter for Garbage Operation Plan.

Comment: See attached Design Guidelines sheets for comments.
Response: Please see responses to the mark-ups below.

Comment: Cover page title "Monterra Portion of Parcel C-2 missing Residential should read "Monterra Residential Portion of Parcel C-2"
Response: The word "residential" has been added as requested.

Comment: Table of Contents 2.c, Section A-A Monterra Boulevard Buffer (west of entry) east needed?
Response: The east is not needed as it is adjacent to the commercial portion and will be included in the design guidelines for the commercial portion.

Comment: Page 7 – b-1 Block Development Standards – 4 story mid-rise multi-family housing project complete with on-site amenities including a community garden central pool courtyard. See cross Section on sheets from 18 and 19 to 11-12.
Response: Community garden has been added. Sheet number references has been revised.

Comment: Page 8 – b-2 Exhibit 2b-2 Conceptual Site Diagram, Pedestrian and Vehicular Circulation – Community garden exit / entry gate?

- Response:** There will be no gate for pedestrian access to the adjacent property from the Community garden.
- Comment:* Page 8 – b-2 Exhibit 2b-2 Conceptual Site Diagram, Pedestrian and Vehicular Circulation – Parcel Circulation Key, Pedestrian Circulation – This should not change?
- Response:** The locations could change if the site plan changes.
- Comment:* Page 9 – c Exhibit 2c – Section A-A: Monterra Boulevard Buffer (Block 1) – Cross section did not change? Show new turn lane.
- Response:** The cross-section was revised in previous submittals to address all previous comments. No comments were made in the last round of comments requesting any changes. The turn lane is for the median opening which is adjacent to the commercial property and will be submitted with the design guidelines for the commercial property. It is not relevant to the residential project nor this cross-section.
- Comment:* Page 14 – a Development Standards – Height from finished floor for the building and 56.25 – variance?
- Response:** The cross-section has been revised to align with the heights as stated in Section 4.a.2- Permitted Height. The height was increased to 48' to permit the proposed building and to provide a comfortable cushion for the height. This was also changed on the application.
- Comment:* Page 15 – 9 – Landscaping – b. Side (South) = 10' – change to 25' p 5-68 D.G.
- Response:** The south side would be the buffer between the residential and the commercial. On the residential side, an 8' buffer is proposed so this has been changed to 8'. The required 25' buffer noted in the comment was not this property boundary.
- Comment:* Page 16 – Provide bus shelter along University Drive? Streetscape treatment. Details of paving.
- Response:** No bus shelter is proposed along University Drive. Due to the immediate adjacency of the CBWCD canal there is not enough room within the University Drive ROW for the construction of a bus shelter. We are unclear as to what the notation "streetscape treatments" is referring to. The streetscape along Monterra Boulevard exists and is not being modified. The paving noted as specialty paving will be determined at Site Plan review.
- Comment:* Page 17 – Block One – Residential Architecture: Incorporate compatible features from Monterra residential. Shutters, metal work, etc.
- Response:** To address this comment, we have added the following sentence to the paragraph: "Incorporate compatible architectural features such as the elements shown on the following page", as page 18 includes the architectural details.
- Comment:* Page 19 – Incorporate elevation & key notes.
- Response:** The proposed sign has been added to the narrative.
- Comment:* Page 20 – Refer to maintenance responsibility exhibit 3a – provide in D.G.

- Response:** This clarification has been added to refer to page 13 of the Design Guidelines.
- Comment:* Page 20 – No energy conservation features / elements?
Response: No additional energy conservation features or elements are currently planned for the project.
- Comment:* Page 21 – To meet setbacks per code & DMVD design guidelines.
Response: Requested note has been added.
- Comment:* Garbage operation plan. Proposed is not per code requirements.
Response: Please see the attached Waste Management letter for the garbage operation plan.
- Comment No. 3:* Provide Rezoning application and justification statement specifically for flex units.
Response: Please see attached application and justification statement.
- Comment No. 4:* Coordinate address approval with Broward County E911.
Response: See attached address approval email from Broward County E911, as well as an attached approval email from the USPS.
- Comment No. 5:* Provide declaration of restrictive covenants that the age restriction of 55+ years old is in perpetuity and meets the criteria specified by Broward County School Board letter of 8/27/18.
Response: See attached revised draft declaration of restrictive covenants that meets the criteria as specified by Broward County School Board letter of 8/27/18.
- Comment No. 6:* Provide a line of sight cross section from the SW corner of building to the Del Prado Homeowners rear patio as a worst case scenario (not behind a parking landscape island).
Response: Line of sight has been revised. Refer to sheet A-3.5
- Comment No. 7:* Staff recommends not only providing the minimum code required parking but also having a loading space and additional parking for staff and visitors.
Response: Loading area provided to the North East side of the project. Refer to Sheet A-2.1. Refer to OSP-1 for Site Data Table. The project proposes a total count of 98-1 BD units and 77-2 BD Units for a total of 252 Bedrooms. The proposed parking count of 336 spaces (1.92 sp/du) provides one space per bedroom and allows for a total of 84 parking spaces for staff, visitors and extra available parking spaces for dwelling units.
- Comment No. 8:* Provide detail on pool barrier fence, which meets the code requirement of a 5' fence protecting the pool from all sides.
Response: Refer to SP-1 for location of Pool Fence. See details on SPD-2 for Pool Fence and Gate.
- Comment No. 9:* Provide colors/building material details for garden building.
Response: Color scheme added to sheet CG-1
- Comment No. 10:* Provide location on SP-1 and water line for the dog watering station shown on SPD-1.

Response: The dog watering station has been added to sheets SP-1 and SPE-1. A water line for the watering station will come from the building and will be shown on the plumbing drawings.

Comment No. 11: Remove sidewalk shown on A-5.3 cross section. There is not a proposed sidewalk on the west property line.

Response: Line of sight has been revised. Refer to sheet A-3.5

Comment No. 12: Photometric plan does not show any lighting around the trellis/bench areas or around the outdoor garden. Provide the adequate low-level lighting as specified in Design Guidelines.

Response: See revised plan for added lighting

Comment No. 13: Provide a copy of the draft HOA docs.

Response: This is a rental community and therefore HOA documents are not required.

Comment No. 14: Be advised that the Park Land Dedication Requirements of Article III, Chapter 23 of the Code of Ordinances apply to this property.

Response: The Park Dedication Agreement for Monterra, approved under Ordinance 2006-03-04 and recorded at O.R.B. 41674, PG. 353, B.C.R., provided for the multiple parcels being dedicated to the City (Archdiocese Parcel, Fire Station Parcel), as well as open spaces being provided within the residential development. Per the agreement, these dedications satisfied the requirements of Article III, Chapter 22 for the 1800 residential units, and an additional 110 reserve units (For a total of 1910 units). The total number of units being proposed does not exceed the amount provided for in the agreement, and therefore additional park land dedication should not be required.

Comment No. 15: Be advised City recommends meeting with neighboring residents to communicate proposal prior to submittal for Planning & Zoning Board review.

Response: Understood.

Comment No. 16: Central Broward Water Control District approval must be provided before petition will be scheduled for City Commission Approval.

Response: Understood.

DEPARTMENT OF PUBLIC WORKS

Jeanette Wofford, Operations Supervisor / City Arborist

Comment No. 1: Verify receptor sites for the proposed relocates now that the Commercial tract is not part of this phase.

Response: As discussed at the DRC meeting, the palms that were originally shown to be relocated are now shown to be removed. At the time of site development, CCHOMES will work with the CDD to relocate the palms into the existing development as replacement palms for the missing palms throughout the development.

Comment No. 2: Amend tree valuation chart.

Response: The tree valuation chart has been amended to reflect the removal of the palms instead of relocating them.

Comment No. 3: Detail new burrowing owl permitting process.

Response: As discussed at the DRC meeting, there are burrowing owls present on the site. A "take" permit from the Florida Fish and Wildlife Conservation Commission will be required prior to building permit issuance. In accordance with new regulations, the permit must be obtained immediately prior to construction, so that the nest can be surveyed to confirm no presence of threatened or endangered species prior to collapse.

Comment No. 4: Indicate if the landscape street buffer along University Drive will be a part of this project.

Response: The landscape buffer along University Drive will not be a part of the Monterra Active Adult Residences project.

Comment No. 5: Indicate if the existing median on Monterra will be altered as part of this project.

Response: The existing median on Monterra Boulevard will not be altered as part of the Monterra Active Adult Residences project.

Comment No. 6: A pre-construction meeting will be required prior to starting landscape installation.

Response: Understood.

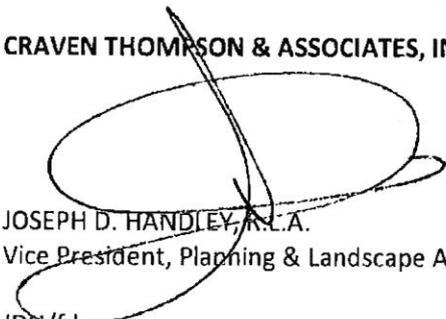
Comment No. 7: Additional comments may be made as project progresses.

Response: Understood.

If you have any questions or further comments, please do not hesitate to contact me at (954) 739-6400 or by email at jhandley@craventhompson.com.

Sincerely,

CRAVEN THOMPSON & ASSOCIATES, INC.



JOSEPH D. HANDLEY, R.L.A.

Vice President, Planning & Landscape Architecture

JDH/fd



This Instrument Prepared by and Return to:

Garage Leasing Requirements

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration") made this _____ day of _____, 2018 by _____, LLC, a Florida limited liability company with a post office address of 2020 Salzedo Street, Suite 200, Coral Gables, FL (referred to herein as "Declarant"), shall be for the benefit of the CITY OF COOPER CITY, a Florida Municipal Corporation, with a post office address at 9090 SW 50th Place, Cooper City, FL 33329 ("City").

WITNESSETH:

WHEREAS, Declarant owns and intends to develop approximately 7.24 acres of land located on a portion of parcel C-2 of the Monterra Plat, as more particularly described in Exhibit "A" attached hereto and made a part hereof ("Property"); and

WHEREAS, Declarant has submitted a site plan application to the City (Application") to construct a 175 unit (each an "Apartment") 4-story mid-rise building on the Property and other amenities ("Project") consistent with the Monterra Master Plan; and

WHEREAS, Declarant has voluntarily offered to record this Declaration to address the use of parking spaces associated with the Project; and

WHEREAS, the City agrees to accept this Declaration pursuant to the provisions of Section 2 below.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Declarant hereby declares that the Property shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the covenants, restrictions, and regulation hereinafter set forth, all of which shall run with such Property and any part thereof and which shall be binding upon all parties having any right, title or interest in such Property or any part thereof, including, if applicable, their heirs, successors and assigns.

1. Recitations. The recitations set forth above are true and correct and are incorporated into this Declaration by this reference.

2. Use of Property. The Property is planned to include three hundred fifty (350) parking spaces. Fifty (50) of the parking spaces are garage parking spaces ("Garage Spaces"). Each Garage Space shall be assigned to one Apartment. Each Garage Space will be offered for assignment. Under no circumstances shall 100% of the Apartments become occupied without 100% of the Garage Spaces being leased.

3. Amendments. This Declaration shall not be modified, amended or released, except by written instrument, executed by the then owner or owners of the Property and the City.

4. Recordation and Effective Date. This instrument shall not become effective and shall not be recorded in the Public Records of Broward County, Florida until after approval by the City of the Application, and the expiration of all appeal periods applicable to such approval, or if any appeal is filed, at the denial of such appeal with the Application remaining in full force and effect. Once recorded, this Declaration shall run with the Property for the sole benefit of the City and shall bind all successors in interest to the title of the Property.

5. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part hereof invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect.

6. Captions, Headings and Titles. Articles and paragraph captions, headings and titles inserted throughout this Declaration are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Declaration.

7. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

ACCEPTED BY CITY OF COOPER CITY, FLORIDA, AND APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY CITY ATTORNEY FOR THE USE AND RELIANCE OF THE CITY ONLY.

IN WITNESS WHEREOF, Declarants have executed this Declaration of Restrictive Covenants on the day first above written.

WITNESSES:

_____, a Florida limited liability Company, its Manager

By: _____, LLC, a Florida limited liability company, its Operating Manager

By:

Print Name: _____

Print Name: _____

Print Name: _____

Title: _____

Address _____

STATE OF FLORIDA)

) SS

COUNTY OF _____)

The foregoing instrument was sworn to and subscribed before me this ___ day of _____, 2018, by _____, the _____ of _____, LLC. He/She is personally known to me or has produced _____ as identification

Notary Public

My Commission Expires:

Typed, printed or stamped name of Notary Public

Exhibit "A"

[The text in this section is extremely faint and illegible, appearing as a large, light-colored scribble or bleed-through from the reverse side of the page.]

Return recorded copy to:

Planning and Development Management Division
Environmental Protection and
Growth Management Department
Government Center West
1 North University Drive
Building A, Suite 102
Plantation, FL 33324

Document prepared by:

School Board / Fee
Language

FILE COPY

**DECLARATION OF RESTRICTIVE COVENANTS
(AGE RESTRICTED)**

This Declaration of Restrictive Covenants, made this _____ day of _____, 201____, by _____, LLC, hereinafter referred to as "OWNER".

WHEREAS, OWNER is the fee title owner of that certain real property located on a portion of parcel C-2 of the Monterra Plat, Cooper City, located in Broward County, Florida, as is legally described in Exhibit "A," attached hereto and incorporated herein (the "Property"); and

WHEREAS, OWNER hereby covenants that OWNER is lawfully seized of said Property in fee simple; that the Property is free and clear of all encumbrances that are inconsistent with the terms of this Declaration; that there are no mortgagees now encumbering the Property; that OWNER has good right and lawful authority to make this Declaration; and that OWNER agrees to fully warrant and defend this Declaration against the claims of all persons claiming by, through or under the OWNER; and

WHEREAS, OWNER intends to build age restricted housing units on the Property which prohibits the residence of school age children in a manner not inconsistent with federal, state, or local regulations; and

WHEREAS, OWNER has applied to BROWARD COUNTY for the exemption of One Hundred Fifteen Thousand Seven Hundred Seventy-Five Dollars and 00/100 (\$115,775.00) in educational impact fees related to the Plat; and

WHEREAS, pursuant to Section 5-184 of the Broward County Land Development Code, as a condition for the exemption from the assessment of educational impact fees for age restricted housing, OWNER must reasonably ensure that the housing units are rented or sold to persons meeting the requirements of Subsection 5-182(m)(9) of the Broward County Code of Ordinances; and

WHEREAS, OWNER, in fulfillment of that obligation hereby places certain restrictions on the use of the Property; NOW, THEREFORE:

1. The recitals set forth above are true and correct and are incorporated into these restrictive covenants.
2. OWNER hereby declares that the Property shall be held, maintained, transferred, sold, conveyed, and owned subject to the following designations and restrictive covenants:

Owner hereby agrees that One Hundred Fifteen Thousand Seven Hundred Seventy-Five dollars and 00/100 (\$115,775.00) in educational impact fees have been exempted for the Plat that would otherwise be payable in connection with the construction of 175 dwelling unit equivalents on the Property conditioned upon Owner's agreement to restrict the age of its residents so as to prohibit the residence of school age children within the Property in a manner not inconsistent with federal, state or local regulations. Owner shall ensure that the aforementioned units shall be sold or rented to persons meeting the applicable age requirements, as defined in Subsection 5-182(m)(9) of the Broward County Code of Ordinances.

3. This Declaration of Restrictive Covenants shall be recorded in the Public Records of Broward County, Florida, shall become effective upon recordation, and shall run with the Property.
4. BROWARD COUNTY, at the request of OWNER or its successors, shall cause a release to be recorded in the Official Records of Broward County, Florida upon payment of all applicable education impact fees at the rate in effect at the time of the request for the release of the restrictive covenant.
5. BROWARD COUNTY, through its Board of County Commissioners, its successors and assigns, is the beneficiary of these restrictive covenants and as such, BROWARD COUNTY may enforce these restrictive covenants by action at law or in equity against any person or persons, entity or entities, violating or attempting to violate the terms of these Restrictions. Additionally, in the event of violation of this restrictive covenant by OWNER or its successors, BROWARD COUNTY may institute foreclosure proceedings against the Property upon the failure of the Property owner to pay upon demand all applicable educational impact fees due in connection with the residency at the Property of school age children.
6. Any failure of BROWARD COUNTY to enforce these restrictive covenants shall not be deemed a waiver of the right to do so thereafter.
7. Invalidation of any one of these restrictive covenants by judgment or court order shall in no way affect any other conditions which remain in full force and effect.

8. In the event of a foreclosure whereby the holder of a mortgage encumbering the Property takes title to the Property, said Mortgagee may request the release of the restrictive covenant restricting the Property. The County Administrator is authorized to execute a release of the restrictive covenant upon payment of all applicable education impact fees at the rate in effect at the time of the request for the release of the restrictive covenant.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

EXHIBIT "A"

LEGAL DESCRIPTION

DRAFT

FILE COPY

55 + Age Restricted Language

Return to: (enclose self-addressed stamped envelope)

Name:

Address:

Greenspoon Marder LLP
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

This Instrument Prepared by:

Greenspoon Marder LLP
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Covenant") made this _____ of _____, 2019, by _____ ("Owner"), which shall be for the benefit of the CITY OF COOPER CITY, FLORIDA, a political subdivision of the State of Florida ("City").

WITNESSETH:

WHEREAS, Owner is the fee simple owner of land known located in the City, more particularly described in **Exhibit "A"** ("Property"); and

WHEREAS, Owner made an application requesting site plan approval for 175 residential units ("Application") the occupancy of which is to be designated for older persons as "housing for older persons" in the Housing for Older Persons Act, 42 U.S.S. 3607 (b) ("Act"); and

WHEREAS, in connection with the Application, Owner has voluntarily agreed to place certain restrictions on the development of the Property as set forth below in favor of the City.

NOW, THEREFORE, in consideration of the foregoing premises and the promises and covenants herein contained, Owner hereby declares that the Property shall be subject to the covenants, restrictions, and regulations hereinafter set forth, all of which shall run with the land and which shall be binding upon all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns.

1. Recitations. The recitals set forth above are true and correct and are incorporated into this Covenant by this reference.

2. Property Development and Use. The Project is intended and operated for occupancy by persons 55 years of age or older and is subject to the Act, Federal Fair Housing Act, Florida Fair Housing Act, and the regulations of the United States Department of Housing and Urban Development, as amended from time to time, and any and all other local, state, and

federal statutes and regulations pertaining to the Act. At least 80% of the occupied units shall be occupied by at least one person 55 years of age or older; provided that no person under the age of 18 shall be a permanent resident of any of the residential units located on the Property.

4. Amendments. Except as otherwise provided herein, this Covenant shall not be modified, amended or released as to any portion of the Property except by written instrument, executed by the then owner or owners(s) of the portion of the Property affected by such modification, amendment, or release and approved in writing by the City. Any amendment, modification or release of this Covenant shall be recorded in the Public Records of Broward County, Florida, at the then owner's sole expense.

5. Recordation and Effective Date. This Covenant shall not become effective and shall not be recorded in the Public Records of Broward County, Florida, until after approval by the City of the requested Application and the expiration of all appeal periods or, if an appeal is filed, the conclusion of such appeal in a manner that does not affect the City's approval the Application. Once recorded, this Covenant shall run with the land for the sole benefit of the City and shall bind all successors-in-interest with respect to the Property. This Covenant shall not give rise to any other cause of action by any parties other than the City, and no parties other than the City shall be entitled to enforce this Covenant. Any failure by the City to enforce this Covenant shall not be deemed a waiver of the right to do so thereafter.

6. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part of this Covenant invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect. The agreed upon venue shall be Broward County, Florida.

7. Captions, Headings and Titles. Articles and paragraph captions, headings and titles inserted throughout this Covenant are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Covenant.

8. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

[THIS SPACE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Owner has executed this Covenant on the day first above written.

Signed, sealed and delivered

Printed Name: _____

By:

Print Name: _____

By: _____

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by _____, as _____ of . He/She is personally known to me or has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2019.

Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires:

**EXHIBIT A
LEGAL DESCRIPTION
PROPERTY**

WATER FLOW TEST REPORT

HYDRANT # & LOCATION: Solano Drive DATE: 3/20/2012
 TEST BY: CTA Day or Week: Tuesday TIME OF DAY: 10:15 MIN. OF FLOW: 2
 WATER SUPPLIED BY: Municipal
 PURPOSE OF TEST: Fire Flow

DATA

FLOW HYDRANT(S)	A1	A2	A3
SIZE OPENING:	<u>2.5</u>	<u> </u>	<u> </u>
COEFFICIENT:	<u>0.9</u>	<u> </u>	<u> </u>
PITOT READING:	<u>16</u>	<u> </u>	<u> </u>
GPM:	1100	<u>0</u>	<u>0</u>

TOTAL FLOW DURING TEST: **1100** GPM

STATIC READING: 65 PSI

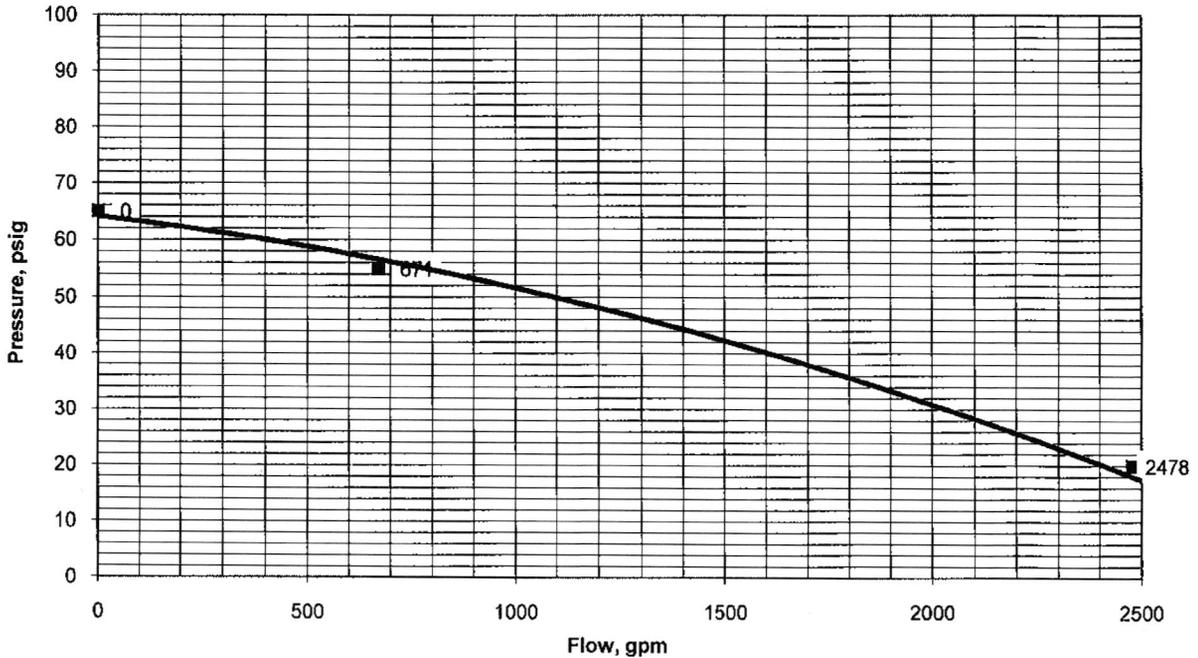
RESIDUAL: 55 PSI

RESULTS: AT 20 PSI RESIDUAL **2478** GPM

AT 0 PSI **3022** GPM

ESTIMATED CONSUMPTION: 2200 GAL.

REMARKS:



A.3.3.2 Flame Spread Index. Under the criteria of ASTM E 84, *Standard Test Method for Surface Burning Characteristics of Building Materials*, and ANSI/UL 723, *Standard for Test for Surface Burning Characteristics of Building Materials* the flame spread index is expressed numerically on a scale for which the zero point is fixed by the performance of inorganic-reinforced cement board and the 100 point (approximately) is fixed by the performance of untreated red oak flooring.

A.4.1.1 The system of designating types of construction also includes a specific breakdown of the types of construction through the use of arabic numbers. These arabic numbers follow the roman numeral notation where identifying a type of construction [eg., Type I(442), Type II(111), Type III(200)] and indicate the fire resistance rating requirements for certain structural elements as follows:

- (1) First arabic number — exterior bearing walls
- (2) Second arabic number — columns, beams, girders, trusses and arches, supporting bearing walls, columns, or loads from more than one floor
- (3) Third arabic number — floor construction

Table A.4.1.1 provides a comparison of similar types of construction for various model building codes.

[5000: A.7.2.1.1]

Annex A.4.1.5.1 and A.4.1.5.1(1) were added by a tentative interim agreement (TIA). See page 1.

A.4.1.5.1 The provisions of 4.1.5.1 do not require inherently noncombustible materials to be tested in order to be classified as noncombustible materials. [5000: A.7.1.4.1]

A.4.1.5.1(1) Examples of such materials include steel, concrete, masonry, and glass. [5000: A.7.1.4.1.1(1)]

Annex B Informational References

B.1 Referenced Publications. The documents or portions thereof listed in this annex are referenced within the informational sections of this standard and are not part of the requirements of this document unless also listed in Chapter 2 for other reasons.

B.1.1 NFPA Publications. National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471.

NFPA 80, *Standard for Fire Doors and Other Opening Protectives*, 2010 edition.

NFPA 90A, *Standard for the Installation of Air-Conditioning and Ventilating Systems*, 2012 edition.

NFPA 221, *Standard for High Challenge Fire Walls, Fire Walls, and Fire Barrier Walls*, 2012 edition.

B.1.2 Other Publications.

B.1.2.1 ASTM Publications. ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959.

ASTM E 84, *Standard Test Method of Surface Burning Characteristics of Building Materials*, 2004.

ASTM E 119, *Standard Test Methods for Fire Tests of Building Construction and Materials*, 2000a.

B.1.2.2 UL Publications. Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, IL 60062-2096.

ANSI/UL 263, *Standard for Fire Tests of Building Construction and Materials*, 2003, Revised 2007.

ANSI/UL 723, *Standard for Test for Surface Burning Characteristics of Building Materials*, 2008, Revised 2010.

B.2 Informational References. (Reserved)

B.3 References for Extracts in Informational Sections.

NFPA 5000[®], *Building Construction and Safety Code*[®], 2012 edition.

Table A.4.1.1 Cross-Reference of Building Construction Types

NFPA 5000	I(442)	I(332)	II(222)	II(111)	II(000)	III(211)	III(200)	IV(2HH)	V(111)	V(000)
UBC	—	I FR	II FR	II 1 hr	II N	III 1 hr	III N	IV HT	V 1 hr	V N
B/NBC	1A	1B	2A	2B	2C	3A	3B	4	5A	5B
SBC	I	II	—	IV 1 hr	IV UNP	V 1 hr	V UNP	III	VI 1 hr	VI UNP
IBC	—	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB

UBC: *Uniform Building Code.*

FR: Fire rated.

N: Nonsprinklered.

HT: Heavy timber.

B/NBC: *National Building Code.*

SBC: *Standard Building Code.*

IBC: *International Building Code.*

UNP: Unprotected.

[5000: Table A.7.2.1.1]

19.1.6.2 The AHJ shall be responsible for designating the areas that require hazardous location electrical classifications and shall classify the areas in accordance with the classification system set forth in NFPA 70.

19.1.7 No Smoking.

19.1.7.1 No smoking or open flame shall be permitted in any area where combustible fibers are handled or stored or within 50 ft (15 m) of any uncovered pile of such fibers.

19.1.7.2 "No Smoking" signs shall be posted.

Table 18.4.5.1.2 Minimum Required Fire Flow and Flow Duration for Buildings

Fire Flow Area ft ² (× 0.0929 for m ²)					Fire Flow gpm [†] (× 3.785 for L/min)	Flow Duration (hours)
I(443), I(332), II(222)*	II(111), III(211)*	IV(2HH), V(111)*	II(000), III(200)*	V(000)*		
0-22,700	0-12,700	0-8200	0-5900	0-3600	1500	2
22,701-30,200	12,701-17,000	8201-10,900	5901-7900	3601-4800	1750	
30,201-38,700	17,001-21,800	10,901-12,900	7901-9800	4801-6200	2000	
38,701-48,300	21,801-24,200	12,901-17,400	9801-12,600	6201-7700	2250	
48,301-59,000	24,201-33,200	17,401-21,300	12,601-15,400	7701-9400	2500	
59,001-70,900	33,201-39,700	21,301-25,500	15,401-18,400	9401-11,300	2750	
70,901-83,700	39,701-47,100	25,501-30,100	18,401-21,800	11,301-13,400	3000	3
83,701-97,700	47,101-54,900	30,101-35,200	21,801-25,900	13,401-15,600	3250	
97,701-112,700	54,901-63,400	35,201-40,600	25,901-29,300	15,601-18,000	3500	
112,701-128,700	63,401-72,400	40,601-46,400	29,301-33,500	18,001-20,600	3750	
128,701-145,900	72,401-82,100	46,401-52,500	33,501-37,900	20,601-23,300	4000	4
145,901-164,200	82,101-92,400	52,501-59,100	37,901-42,700	23,301-26,300	4250	
164,201-183,400	92,401-103,100	59,101-66,000	42,701-47,700	26,301-29,300	4500	
183,401-203,700	103,101-114,600	66,001-73,300	47,701-53,000	29,301-32,600	4750	
203,701-225,200	114,601-126,700	73,301-81,100	53,001-58,600	32,601-36,000	5000	
225,201-247,700	126,701-139,400	81,101-89,200	58,601-65,400	36,001-39,600	5250	
247,701-271,200	139,401-152,600	89,201-97,700	65,401-70,600	39,601-43,400	5500	
271,201-295,900	152,601-166,500	97,701-106,500	70,601-77,000	43,401-47,400	5750	
Greater than 295,900	Greater than 166,500	106,501-115,800	77,001-83,700	47,401-51,500	6000	
		115,801-125,500	83,701-90,600	51,501-55,700	6250	
		125,501-135,500	90,601-97,900	55,701-60,200	6500	
		135,501-145,800	97,901-106,800	60,201-64,800	6750	
		145,801-156,700	106,801-113,200	64,801-69,600	7000	
		156,701-167,900	113,201-121,300	69,601-74,600	7250	
		167,901-179,400	121,301-129,600	74,601-79,800	7500	
		179,401-191,400	129,601-138,300	79,801-85,100	7750	
		Greater than 191,400	Greater than 138,300	Greater than 85,100	8000	

*Types of construction are based on NFPA 220.

†Measured at 20 psi (139.9 kPa).

19.1.8 Vehicles or Conveyances Used to Transport Combustible Waste or Refuse.

19.1.8.1 Vehicles or conveyances used to transport combustible waste or refuse over public thoroughfares shall have all cargo space covered and maintained tight enough to ensure against ignition from external fire sources and the scattering of burning and combustible debris that can come in contact with ignition sources.

19.1.8.2 Transporting burning waste or refuse shall be prohibited.

19.1.8.3 Trucks or automobiles, other than mechanical handling equipment and approved industrial trucks as listed in NFPA 505, *Fire Safety Standard for Powered Industrial Trucks Including Type*

Designations, Areas of Use, Conversions, Maintenance, and Operations, shall not enter any fiber storage room or building but shall be permitted to be used at loading platforms.

19.2 Combustible Waste and Refuse.

19.2.1 Rubbish Containers.

19.2.1.1 General. Rubbish containers kept outside of rooms or vaults shall not exceed 40.5 ft³ (1.15 m³) capacity.

19.2.1.1.1 Containers exceeding a capacity of 5½ ft³ [40 gal (0.15 m³)] shall be provided with lids.



LEASE ADDENDUM FOR ENCLOSED GARAGE, CARPORT, OR STORAGE UNIT



1. Addendum. This is an addendum to the lease between you and us for Apt. No. _____ in the _____ Apartments in _____, Florida.

2. Garage, carport, or storage unit. You are entitled to exclusive possession of: (check as applicable)
[] garage or carport attached to the dwelling;
[] garage space number(s) _____;
[] carport space number(s) _____; and/or
[] storage unit number(s) _____.

The monthly rent in paragraph 6 of the lease covers both the dwelling and the checked area(s) above. All terms and conditions of the lease apply to the above areas unless modified by this addendum.

3. Use restrictions. Garage or carport may be used only for storage of operable motor vehicles unless otherwise stated in our rules or community policies. Storage units may be used only for storage of personal property. No one may sleep, cook, barbeque, or live in a garage, carport, or storage unit.

4. No dangerous items. Items that pose an environmental hazard or a risk to the safety or health of other residents, occupants, or neighbors in our sole judgment or that violate any government regulation may not be stored. Prohibited items include fuel (other than in a properly capped fuel tank of a vehicle or a closed briquette lighter fluid container), fireworks, rags, piles of paper, or other material that may create a fire or environmental hazard.

5. No smoke, fire, or carbon monoxide detectors. No smoke, fire, or carbon monoxide detectors will be furnished by us unless required by law.

6. Garage door opener. If an enclosed garage is furnished, you [] will [] will not be provided with a [] garage door opener and/or [] garage key. You will be responsible for maintenance of any garage door opener, including battery replacement.

7. Security. We will not have any security responsibilities for areas covered by this addendum. Always remember to lock any door of a garage or storage unit and any door between a garage and the dwelling. When leaving, be sure to lock all keyed deadbolt locks.

8. Insurance and loss/damage to your property. Any area covered by this addendum is accepted by you "as is." You will maintain liability and comprehensive insurance coverage for any vehicle parked or stored. We will have no responsibility for loss or damage to vehicles or other property parked or stored in a garage, carport, or storage unit, whether caused by accident, fire, theft, water, vandalism, pests, mysterious disappearance, or otherwise. We are not responsible for pest control in such areas.

9. Compliance. We may periodically open and enter garages and storerooms to ensure compliance with this addendum. In that event, written notice of such opening and entry will be left inside the main entry door of your dwelling or inside the door between the garage and your dwelling.

10. No lock changes, alterations, or improvements. Without our prior written consent, locks on doors of garages and storage units may not be rekeyed, added, or changed, and improvements, alterations, or electrical extensions or changes to the interior or exterior of such areas are not allowed. You may not place nails, screws, bolts, or hooks into walls, ceilings, floors, or doors. Any damage not caused by us or our representatives to areas covered by this addendum will be paid for by you.

11. Move-out and remedies. Any items remaining after you have vacated the dwelling will be removed, sold, or otherwise disposed of according to paragraph 13 of the lease, which addresses disposition or sale of property left in an abandoned or surrendered dwelling. All remedies in the lease apply to areas covered by this addendum.

12. Special Provisions. The following special provisions control over conflicting provisions of this printed form:

Blank lines for special provisions.

Resident or Residents
[All residents must sign here]

Owner or Owner's Representative
[signs here]

Date of Lease Contract

