

**RESOLUTION NO. 22-41**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, GRANTING THE REQUEST FOR VARIANCE PETITION #V6-4-21, ATTACHED HERETO AS EXHIBIT “A” AND INCORPORATED HEREIN, SUBMITTED BY FIRST BAPTIST CHURCH OF SW BROWARD FOR THE PROPERTY GENERALLY LOCATED AT 2700 N. PALM AVENUE IN COOPER CITY, FLORIDA, TO DECREASE THE AMOUNT OF PARKING RATIO FROM ONE HUNDRED FORTY-TWO (142) SPACES TO THIRTY-THREE (33) SPACES (109 SPACE DEVIATION) FOR THE SCHOOL WITH AN OVERALL COUNT OF THREE HUNDRED TWENTY-EIGHT (328) AS OPPOSED TO AN OVERALL COUNTY OF TWO HUNDRED THIRTY-SIX SPACES (92 SPACE DEVIATION); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the First Baptist Church of SW Broward, through its agent, Hope Calhoun, (collectively, the “Applicant”), filed an application for a variance (#V6-4-21) from Section 25-4(g) of the City’s Code of Ordinances (the “Code”), to decrease the amount of parking ratio from 142 spaces as opposed to 33 spaces (109 space deviation) for this new school building with an overall count of 328 spaces as opposed to 236 spaces (92 space deviation); and

**WHEREAS**, a Public Hearing on this request was held by the Planning & Zoning Board on January 3, 2022, after due notice of publication; and

**WHEREAS**, the Planning & Zoning Board has submitted to the City Commission their recommendation, a copy of which is included in the Staff Report attached hereto as Exhibit “B,” and recommends approval of the requested variance; and

**WHEREAS**, public notice was provided in accordance with law; and

**WHEREAS,** the City Commission has reviewed the Applicant's request and considered the recommendation of the Planning and Zoning Board and finds that granting the Applicant's request for a variance is in the best interests of the citizens and residents of the City.

**NOW, THEREFORE, BE IT RESOLVED 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. All exhibits to this resolution are incorporated herein and expressly made a part hereof.

**Section 2:**     **Approval.** That the Applicant's request (#V6-4-21) is hereby approved and in accordance with Section 23-153 of the Code of Ordinances of the City of Cooper City a variance is granted from Section 25-4(g) for the property generally located at 2700 N. Palm Avenue in Cooper City to decrease the amount of parking ratio from 142 spaces as opposed to 33 spaces (109 space deviation) for this new school building with an overall count of 328 spaces as opposed to 236 spaces for the entire property (92 space deviation).

**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.** **Conflicts.** All resolutions inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

**Section 5.** **Severability.** If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

**Section 6.** **Effective Date.** This Resolution shall become effective upon its passage and adoption by the City Commission.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

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

ATTEST:

\_\_\_\_\_  
TEDRA ALLEN  
City Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
OFFICE OF THE CITY ATTORNEY

**ROLL CALL**

Mayor Ross \_\_\_\_\_  
Commissioner Pulcini \_\_\_\_\_  
Commissioner Meltzer \_\_\_\_\_  
Commissioner Shrouder \_\_\_\_\_  
Commissioner Green \_\_\_\_\_



**COMMUNITY DEVELOPMENT DEPARTMENT  
CITY OF COOPER CITY**  
9090 SW 50 Place – P.O. Box 290910 - Cooper City, Florida  
33329-0910 Phone: (954) 434-4300, ext. 226 – Fax: (954) 680-1439

**VARIANCE APPLICATION**

**ATTENTION:** Prior to submission of application, the Petitioner &/or Owner must schedule a pre-submittal meeting with the Community Development 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](http://www.coopercityfl.org). ALL ADVERTISING AND RECORDING FEES WILL BE THE RESPONSIBILITY OF THE APPLICANT.

FOR STAFF ONLY:  
PETITION # V#6-4-21  
DATE PETITION FILED:  
6-10-21

Date of Pre-Submittal Meeting: 4/23/2021

**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. Make Checks payable to the City of Cooper City per the current Fee Schedule.

**I. PROPERTY INFORMATION**

ADDRESS OF PROPERTY AND GENERAL LOCATION INFORMATION:

**RECEIVED**

2700 N. Palm Ave.

**NOV 01 2021**

SIZE AND DIMENSIONS OF PROPERTY:

8 acres

**CITY OF COOPER CITY  
PLANNING DIVISION**

**III. VARIANCE REQUEST(S)**

*Attach Separate Sheet(s) if More Space is Needed.*

CODE SECTION	REQUIREMENT (Both Sites)	REQUEST (Both Sites)	DEGREE OF DEVIATION (Both Sites)
25-4(g)	328 parking spaces	236 parking spaces	92 parking spaces
	142 (Phase 2)	33 (Phase 2)	109 (Phase 2)

**IV. ADJACENT PROPERTIES**

Adjacent Property	Land Use Plan Designation	Zoning Designation	Existing Use(s) of Property
NORTH	Estate	A-1 / X-1	Broward County Park / School
SOUTH	Commercial	B-2	Commercial Use
EAST	Estate	X-1	Park & Residential
WEST	Estate	A-1	Church

**V. VARIANCE CRITERIA**

Please address each of the following review criteria in an attached justification statement.

- (a) Special and unique conditions exist which are peculiar to the petitioner's case and which are not generally applicable to other property located in the zoning district.



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**VARIANCE APPLICATION**

- (b) The special and unique conditions are not directly attributable to the actions of the petitioner.
- (c) The literal interpretation of the zoning code, as applied to the petitioner, would deprive the petitioner of rights commonly enjoyed by the owners of other property in the zoning district.
- (d) The variance granted is the minimum variance necessary for the petitioner to make reasonable use of the property.
- (e) Granting the variance is not detrimental to the public welfare, or injurious to property or improvements in the zoning district or neighborhood involved.
- (f) Granting the variance is not contrary to the objectives of the Comprehensive Plan as adopted April 6, 1989 by the Cooper City Commission.

<b>VI. SUBMITTAL CHECKLIST</b>		
<b>QTY</b>	<b>REQUIRED</b>	<b>YES (✓)</b>
1	Completed Original General Application	X
1	Completed Original Variance Application	X
1	Certificate of Title, property deed or other proof of ownership	X
14	Surveys and 1 Signed & Sealed Survey	X
14	Architectural Plans (if applicable – check with staff)	X
14	Site Plans	X
14	Aerials Photos of subject site clearly delineating site boundary lines.	X
14	Subject Site Maps clearly delineating site boundary lines with adjacent and nearby street names labeled.	X
14	Justification Statements	X
1	List of names & addresses of property owners in the 300' radius	X
1	Sets of Mailing Envelopes (with labels already on the envelopes)	X
1	Radius Map from Property Appraisers Office showing 300' radius on tax map.	X

<b>VI. STAFF USE ONLY</b>			
Petition #:	Staff Intake By:	Intake Date:	
Sufficiency Completed by:		Sufficiency Date:	

**VIII. COOPER CITY CODE**

**Sec. 23-153. Variance.**

- (a) *Purpose and intent.* For purposes of this section, “variance” shall mean a modification of the zoning district regulations when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- (b) *Applicability.* A variance is authorized only for height, area, size of structure or size of yards and open spaces, and off-street parking and loading requirements. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of non-conformities in the zoning district or classification or in adjoining zoning districts or classifications.
  - (1) Use variance. The establishment or expansion of a use otherwise prohibited in the zoning district may be permitted by variance provided that the characteristics of the site (for example, the presence of jurisdictional wetlands, environmentally-sensitive lands) or other pre-existing uses on the site or adjacent thereto would serve to preclude the development of the property within the permitted uses allowed in the applicable zoning district.



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VARIANCE APPLICATION

Applicants for use variances shall submit with their application, a statement from a Florida registered engineer explaining the unique circumstances of the site which would preclude alternate development within the permitted uses of the zoning district.

(c) *Application.* Any person applying for a building permit found to be in non-conformance to the city zoning code may apply for a variance from the existing zoning regulations of the city if found to be in accordance with subsection (b) above, and the procedures for requesting a variance which are set forth as follows:

- (1) Clear architectural plans and site plan shall be submitted, prior to variance application, to the building department, in such detail that all required variances to the city code may be determined by city staff.
- (2) The building department shall issue to the applicant in writing a letter indicating:
  - a. Administrative denial of application for a building permit;
  - b. That the city has received plans in such detail as to enable determination of all required variances to specific sections of the city code;
  - c. A specific list of variances required in order for the plans to be in complete compliance with the city code.
- (3) Filing of variance application shall be in duplicate, on forms to be supplied by the city, with the city clerk. The application must be accompanied by the letter required in subsection (2) above, and shall include the following:
  - a. Name of applicant;
  - b. Applicant's relation to the property involved;
  - c. The legal description of the property;
  - d. The variance(s) from existing regulations requested;
  - e. The hardship for requesting the variance(s).
  - f. A copy of the administrative denial from the building department.
- (4) Each application for a variance shall be accompanied by a fee (refer to fee schedule), payable to the city. Said fee shall be nonrefundable, provided, however, the city commission shall have the authority to direct the refunding of said fee in their sole and exclusive discretion.

(ci) *Scheduling of public hearings.* Upon receipt of the application the city clerk shall docket same for a public hearing to be held for review and recommendation by the planning and zoning board at the next regular meeting of the planning and zoning board, which shall be at least twenty-five (25) days subsequent to the date of the filing of the application. The city clerk shall docket same for a public hearing to be held by the city commission at the next regular or special meeting of the city commission, which shall be at least twenty-five (25) days subsequent to the date of the filing of the recommendation by the planning and zoning board.

(cii) *Notification.*

- (1) Notice of each meeting shall be published by the city clerk in a newspaper of general circulation in the city, which notice shall be published once, with the dates of the respective meetings.
- (2) The city clerk shall send notice of the aforesaid planning and zoning board meeting and city commission public hearing by first class United States mail to each owner of real property located within three hundred (300) feet of the property on which the variance is requested. Notice of said meetings shall also be sent, via certified mail, to the petitioner.
- (3) Notice of each public hearing shall be posted in a conspicuous place in the city hall at least fifteen (15) days prior to the date of the hearing.



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VARIANCE APPLICATION

- (f) *Planning and zoning board action.* The planning and zoning board shall consider the application for the variance at the meeting docketed by the city clerk, and may recommend approval of the variance as requested, recommend approval as amended, recommend disapproval or table the variance.
- (g) *City commission action.* The city commission shall consider the application for the variance at the hearing docketed by the city clerk, and the approval of the variance as requested or as amended by the commission shall only be on the affirmative vote of at least three (3) members of the commission.
- (h) *Expiration of approval.* Any variance authorized by the city commission shall expire ninety (90) days after the date of action on the variance by the city commission unless building permit, based upon and incorporating the variance, is issued within the aforementioned ninety (90) day period.
- (i) *Reapplication.* Upon rejection by the city commission of any application for a change, exception, and/or variance in existing zoning ordinances and regulations as same affects a specific lot, piece or parcel of land in the city, a period of not less than twelve (12) months shall elapse before the city commission will accept other, further, or new applications for the same change, exception, and/or variance, regardless of the identity of the petitioner.

(Ord. 95-4-2, § 1, 4-11-95)

**Sec. 23-154. Additional fees for rezonings and variances.**

In addition to all other fees required in connection with an application for a zoning change or an application for a granting of a variance, the applicant shall pay unto the city the actual cost incurred by the city in the completion of the ownership search of adjacent property owners who are required to receive notification of the application, the cost of publication of the notice and the cost of mailing and duplicating the notice. The city shall upon a determination of the exact cost as aforesaid forthwith notify the applicant of the costs incurred or to be incurred as hereinabove set forth and may defer any further action upon the application for rezoning or for a variance until the aforesaid costs have been paid in full, which costs shall be determined to be a part of the application fee, and in addition to any amount otherwise required. The city may, as a condition precedent to taking any action on the application, require the posting of a deposit in an amount estimated by the city to be the costs to be incurred as aforesaid. All funds received hereunder shall be receipted and deposited in the same manner as the application fee heretofore required on the applications for rezoning and/or granting of variances.

(Ord. No. 03-1-4, § 1, 1-28-03)  
Rev. Suppl. No 5 (July, 2003)





# MEMORANDUM

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To: City Commission

From: Jason Chockley, Community Development Assistant Director

Date: October 25, 2022

Re: First Baptist Church of SW Broward Variance  
Petition # V 6-4-21

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PETITION: First Baptist Church of SW Broward  
Petition #: V 6-4-21

LOCATION: 2700 N. Palm Avenue, Cooper City

OWNER/PETITIONER: First Baptist Church of SW Broward /Hope Calhoun, Agent

ZONING: A-1 (Agriculture) – Broward County to X-1 (Civic District) – Cooper City

PROPERTY SIZE: .74 acres for this building and 2.685 total acres for both buildings

LAND USE PLAN: E, Estate

REQUEST: Variance from Section 25-4(g) of the Code to decrease the amount of parking ratio from 142 spaces vs. 33 spaces (109 space deviation) for this new school building with an overall count of 328 spaces vs. 236 spaces (92 space deviation).

BACKGROUND AND PROPERTY DESCRIPTION: The subject site is approximately .74 acres for this site plan and consists of a portion of Parcel A on the FBCCC Plat. The property is zoned A-1 Broward County and is located to the Northeast of Palm Avenue and Sheridan Street.

ANALYSIS: A variance is requested for approval of the accompanying Site Plan request, decrease the amount of parking ratio from 142 spaces vs. 33 spaces (109 space deviation) for this new school building with an overall count of 328 spaces vs. 236 spaces (92 space deviation). The code required are high due the assembly areas of the existing church and proposed gymnasium. This site plan and variance request is unique in the fact that this site plan is an extension of an existing church and school building under unified control and ownership. Both sites share the drive isle off of Palm Avenue and will interconnect via interior drive aisles and pedestrian pathways. The provided operations plan commit to non-overlapping uses between the Church and School, an after-school athletic program that use the gymnasium.



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

1. The site plan provides the maximum amount of parking spaces that can be constructed on the property with the new gym building/classrooms due to the physical restraints placed on the site design by the existing lake and buildings on the property.
2. The applicant states “Granting the variance will not be detrimental to the public welfare, or injurious to property or improvements in the zoning district or surrounding neighborhood. As stated above, the two uses operate at different times, utilizing shared parking. Therefore, there will be no vehicles blocking traffic or parking off-site.”
3. The amount of parking required for the two uses is unique to this case as the two uses are controlled by a single owner, operate separately, and at different times, making this a perfect situation to share parking. The church operates on Sundays from 9:45 am – 12:15 pm and 6:00 pm – 7:15 pm and Wednesday evenings from 7:00 pm – 8:15 pm, while the school operates Monday – Friday from 9:00 am – 4:00 pm with after school sports, activities and after school care operating on Monday – Friday from 4:00 pm – 6:00 pm.

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

1. The variance requested would be the minimum variance necessary for the petitioner to make reasonable use of the property.
2. The granting of this variance will not be detrimental to the public welfare or injurious to property or improvements in the zoning district or surrounding neighborhood due to some of the above statements and committing to a very specific operational plan.

OUTSTANDING STAFF COMMENTS/RECOMMENDATIONS: Staff recommended the pedestrian pathway connecting the site be a covered walkway to protect pedestrians during inclement weather.

PLANNING & ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board, at their meeting of January 3, 2022, recommended Approval of the Variance 8-2 with Mr. Curran and Mrs. Dodge dissenting.