



**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

**CONDITIONAL USE 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 #: CU #6-2-21

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. CONDITIONAL USE REQUEST**  
**Pursuant to Section 23-152 of the Cooper City Municipal Code of Ordinances**

Provide a brief description of proposed use(s) including density/intensity and summary of request and attach additional sheet(s) as necessary: A new 23,000 sq. ft. building to include classrooms, school offices, a kitchen, and a 1story, 42 ft tall gymnasium, as well as a new playground (12,900 sq. ft.) with 2 new outdoor basketball courts (28,600 sq. ft.).

There are approximately 390 Students.

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**II. ADJACENT PROPERTIES**

Adjacent Property	Land Use Plan Designation	Zoning Designation	Existing Use(s) of Property
NORTH	Estate	A-1 / X-1	Park/ School
SOUTH	Commercial	B-2	Eye Doctor (commercial use)
EAST	Estate	X-1	Church
WEST	Estate	A-1	Park and residential

**III. APPROVAL STANDARDS**

A conditional use permit shall not be considered an entitlement, and shall be granted by the City Commission only if the Commission finds that all of the following standards are met. The burden of proof in demonstrating that the standards have been met shall be on the applicant. No conditional use permit shall be granted if the Commission finds any one or more of the following standards are not met.

**Section 23-152(c) Approval Standards**

Please address all of the following standards in order to justify the conditional use permit. (Provide responses on separate sheets and attach to this application).

**(1) Nature of use.** The nature and characteristics of the proposed use or structure is consistent with the type of use or structure authorized as a conditional use in the zoning district in which located.



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**(2) Plan compliance.** The proposed use conforms to the provisions of the city's comprehensive plan.

**(3) Ordinance Compliance.** The proposed use complies with all applicable regulations, including any specific standards for the proposed use set forth in this land development code.

**(4) Compatibility.** The proposed use is compatible with adjacent uses, in terms of use, building height, bulk, scale, setback, open spaces, landscaping, drainage, access and circulation.

**(5) Traffic impact.** The proposed use does not adversely affect the safety and convenience of vehicular and pedestrian circulation in the area, and will not result in a significant increase in traffic on any local residential street.

**(6) Parking adequacy.** The proposed use provides adequate and convenient off-street parking and loading facilities, and will not result in overflow parking on adjacent residential streets.

**(7) Hazard protection.** The proposed use reasonably protects persons and property from erosion, flooding, fire, noise, glare or similar hazards.

<b>IV. SUBMITTAL CHECKLIST</b>		
QTY	REQUIRED	YES (√)
1	Completed Original General Application	X
1	Completed Original Conditional Use Application	X
1	Certificate of Title, property deed or other proof of ownership	X
14	Signed Surveys with 1 Signed & Sealed Survey	X
14	Plats, if property is Platted	X
14	Site Plans or Statements of Intent of proposed use of property (Check with Staff)	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
1	Justification Statements	X
1	List of names & addresses of property owners in the of 300'	X
1	Set 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>V. STAFF USE ONLY</b>			
Petition #:	Staff Intake By:	Intake Date:	
Sufficiency Completed by:		Sufficiency Date:	

**VI. COOPER CITY CODE**

**Sec. 23-152. Conditional Use.**

**(a) Purpose and intent.**

(1) The purpose of the conditional use procedure is to provide for certain uses or structures that cannot be well adjusted to their environment in particular locations, and to offer full protection to surrounding properties by rigid application of the district regulations, and, due to the nature of the use, the importance of the relationship to the comprehensive development plan and the possible impact on neighboring properties, to require the exercise planning judgment on their location and site plan.



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(2) If any criteria for a conditional use or for conditional uses in general is found by a court of competent jurisdiction to be inadequate; the legislative intent is for that conditional use to be a prohibited use in the district for which conditional use approval had previously been required.

*(b) Application.* Applications for conditional use approval shall be subject to the following provisions.

(1) Every application shall be completed by the owner of record of the subject property, and shall be signed by such individual and notarized.

(2) Each application shall be accompanied by fourteen (14) copies of a concept site plan or floor plan meeting the requirements of this land development code.

(3) All applications shall be accompanied by a non-refundable fee per the current fee schedule in addition to advertising fees.

(4) It shall be the responsibility of the applicant to furnish, at the applicant's expense, a certified list of all property owners within a three hundred (300) foot radius of the boundaries of the subject property. This list must be certified by a licensed title company or other qualified individual, and the applicant will be responsible for the accuracy of the list of property owners. The list must be submitted to the city clerk at the time of the filing of the application. The list of property owners must be dated and certified to a date not exceeding thirty (30) days prior to the date of filing of the application.

(5) It shall be the responsibility of the applicant to furnish, at the applicant's expense, a map showing all property within a three hundred (300) foot radius of the boundaries of the subject property.

(6) Each application shall be accompanied by such other information as may be required by the city commission, the planning and zoning board, or staff for a determination of the nature of the proposed use and its effect on the comprehensive development plan, the neighborhood and surrounding properties.

*(c) Review procedure.* Applications for approval of a conditional use shall be subject to the following review procedures.

(1) *Submittal.* Applications shall be submitted to the city clerk who shall review the application and concept site plan or floor plot plan for sufficiency under the requirements of these regulations and forward necessary copies of the application to the Community Development Department and the Planning and Zoning Board for study, for holding of a public hearing, and for recommendation and report to the City Commission.

(2) *Review by Planning and Zoning Board.* Within a reasonable time of the receipt of the application, the planning and zoning board shall hold a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

a. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city, notice of the hearing shall be posted on the subject property and all property owners within a three hundred (300) foot radius of the boundaries of the subject property shall be notified by certified and/or ordinary first class mail at least fifteen (15) days in advance of the hearing, provided, that where the applicant is the owner of land not included in the application, and the land not included is apart of or adjoins the parcel for which the conditional use is requested, the three hundred (300) foot requirement shall be measured from the boundaries of the applicant's ownership, including the land not covered by the application.

b. Within thirty (30) days of the public hearing, the planning and zoning board shall submit a report and recommendation to the city commission.

(3) *Commission action.* Within a reasonable time of the receipt of the planning and zoning board's recommendation, the city commission shall hold a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

a. Following the public hearing, the city commission may approve, approve with conditions, or deny the application based on the approval standards of subsection (b) above.



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b. The city commission may impose such conditions or restrictions upon a conditional use approval as necessary in order to ensure that the approval standards are met and to eliminate or minimize the injurious effect of such use upon surrounding properties.

*(e) Effect of approval.* Approval of a conditional use shall be subject to the following provisions.

(1) Approval of a conditional use under this section shall be valid for a period of one (1) year following the date of approval and thereafter shall become null and void, unless construction or use is substantially underway during such one-year period or unless an extension of time is approved by the planning and zoning board before the expiration of such one-year period.

(2) A conditional use granted under the provisions of this section shall not be transferable from place to place and shall be valid only at the place designated on the conditional use permit.

(3) Permits issued under a conditional use approval may be revoked by the city commission for failure to comply with conditions of approval or applicable regulations, after review and a public hearing.





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Gary Dunay  
Bonnie Miskel  
Scott Backman  
Eric Coffman

Hope Calhoun  
Dwayne Dickerson  
Ele Zachariades  
Matthew H. Scott

Christina Bilenki  
Lauren G. Odom  
Nicole Jaeger  
Rachael Bond Palmer

**First Baptist Church of Southwest Broward, Inc.  
Conditional Use Justification**

First Baptist Church of Southwest Broward, Inc. (“Applicant”) is the owner of the 8-acre parcel generally located on the east side of N. Palm Ave., between Sheridan St. and Stirling Rd. in Cooper City (“Property”). The Property contains a split zoning designation, with a portion containing a Broward County zoning designation of A-1 (Agricultural Estate) and the remaining portion containing a Cooper City zoning designation of X-1 (Civic District). The entire Property has a future land use designation of Estate. The Property is currently developed with a church and private school associated with the church use on the portion of the Property zoned X-1. The Applicant is proposing to construct the following accessory uses on the portion of the Property containing the A-1 zoning designation; a new 23,000 square foot gymnasium building with additional classrooms, a new playground with 2 basketball courts and additional parking (“Project”). The gymnasium building will contain 2 elementary school classrooms, 4 middle school classrooms, and 4 high school classrooms with a total of 200 maximum students, while the existing church and school building contains 8 classrooms for grades K4-3<sup>rd</sup> with a total of 190 maximum students. Upon completion of the Project, the two school buildings will be able to accommodate a total maximum of 390 students.

In order to develop the accessory uses on the Property, the following applications and approvals are being requested: 1.) rezoning application to change the zoning designation from Broward County A-1 to the Cooper City zoning designation of X-1 (Civic District); 2.) a site plan application; 3.) a conditional use application to allow the accessory uses for the school use in the X-1 zoning district; 4.) an amendment to the restrictive note on the plat; and 5.) a variance to allow the uses on both sites to operate with 236 parking spaces rather than 328 parking spaces.

Per Section 23-252(b) of the City code, the applicant must demonstrate compliance with the following standards for approval:

- 1. Nature of use. The nature and characteristics of the proposed use or structure is consistent with the type of use or structure authorized as a conditional use in the zoning district in which located.**

The proposed accessory uses are consistent with the list of permitted conditional uses in the X-1 zoning district, as Section 23-62(7)1 of the City Code lists elementary and secondary schools as permitted conditional uses in the X-1 district.

- 2. Plan compliance. The proposed use conforms to the provisions of the city's comprehensive plan.**

The proposed use is not contrary to the City's adopted Comprehensive Plan. Per the City's Future Land Use Element of the Comprehensive Plan, residential land use categories (which includes the Estate land use designation) permits "community facilities designed to serve the residential area including, schools, day care centers, churches, governmental administrative, police and fire stations, museums, libraries and civic centers."

Furthermore, the amendment is consistent with the following policies listed in the Comprehensive Plan:

**Policy 1.2.5:** Promote infill development by encouraging new projects to locate adjacent to existing development where water and wastewater facilities are in place and through the provision of potable water and sanitary sewer service to those developed areas, which are currently inadequately served.

*The Property is located within an existing urbanized area, thus not considered to be urban sprawl. The proposed Project will allow for the development of a vacant parcel in an urbanized area. Public facilities and services are available to the Property.*

**Policy 2.2.1:** Cooper City shall continue to assure that all new development has safe and adequate direct access to roadways.

*The Property is located on N. Palm Ave. between Sheridan St. and Stirling Rd. Both Sheridan St. and Stirling Rd. have direct access to I-95 and I-75. Additionally, N. Palm Ave. (also named Nob Hill Rd.) runs through the entirety of Broward County and into Miami-Dade County, traversing many major roadways.*

- 3. Ordinance compliance. The proposed use complies with all applicable regulations, including any specific standards for the proposed use set forth in this land development code.**

The Project complies with all applicable regulations for the proposed use within the X-1 zoning district, except for the required amount of parking spaces. The Applicant is requesting a parking variance to allow a total of 236 parking spaces for the church and school uses rather than 328 spaces as required by Code.

- 4. Compatibility. The proposed use is compatible with adjacent uses, in terms of use, building height, bulk, scale, setbacks, open spaces, landscaping, drainage, access and circulation.**

The Project is compatible with the surrounding residential, commercial, and civic uses. Directly adjacent to the amendment area on the west is the portion of the parcel that contains a church owned and operated by the Applicant and the parcel to the north is also property owned by the Applicant. The Property is bounded by commercially zoned property to the south and a residential neighborhood to the east. The most eastern portion of the parcel, located adjacent to the residential neighborhood contains a drainage lake. The proposed gym will be developed to the west of this lake with the outdoor playground and basketball courts located to the north of the gym. This site design will maintain the existing lake and buffer area between the Property and the residential neighborhood.

- 5. Traffic impact. The proposed use does not adversely affect the safety and convenience of vehicular and pedestrian circulation in the area, and will not result in a significant increase in traffic on any local residential street.**

The proposed use will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the area. The church use and the school use operate at different times. 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 8:45 am – 3:45 pm with after school sports, activities and after school care operating on Monday – Friday from 3:45 pm – 6:00 pm.

Additionally, the adjacent Renaissance Charter School operates Monday – Friday with a start time of 8:00 am for all grades and ending time of 2:45 pm for grades K-2<sup>nd</sup>, 3:05 pm for grades 3-5 and 3:25 pm for grades 6-8. The First Baptist Academy recently adjusted their starting and end times to a later time to ensure that the pick-up and drop-off times do not coincide with the pick-up and drop-off times with the adjacent charter school.

A stacking plan has been included with this submittal (see Sheet SP-3). This plan shows that there will be two separate stacking routes, one for each school (the existing school and the new school). With this plan, both schools can start and end at the same time with no stacking issues. The existing school with 190 students requires stacking for approximately

38 vehicles and the Property can accommodate 68 vehicles. This is almost 80% more stacking than what is required. While the new school with 200 students requires stacking for approximately 40 vehicles. With 2 stacking lanes implemented as shown in the attached site plan, the new school can accommodate approximately 72 vehicles. This equates to 80% more stacking than what is required.

Furthermore, a traffic study has been submitted with this request. The traffic study shows that the Project will generate approximately 822 new daily trips, with 182 am peak hour trips and 124 trips generated during the afternoon peak hour. The additional trips generated by the Project will drop the level of service for the intersections of Palm Avenue and Stirling Road and Palm Avenue and Sheridan Street below the level of service standards. However, these trips can be mitigated with signal timing optimization, allowing the intersections to maintain the current level of service.

**6. Parking adequacy. The proposed use provides adequate and convenient off-street parking and loading facilities, and will not result in overflow parking on adjacent residential streets.**

As stated above, the Applicant is requesting a parking variance to operate the two uses with a total of 236 parking spaces rather than 328 parking spaces. The two uses utilize shared parking as they each operate at different times. 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 8:45 am – 3:45 pm with after school sports, activities and after school care operating on Monday – Friday from 3:45 pm – 6:00 pm. This allows the two uses to share the same parking spaces, therefore not requiring the amount required by Code for each use individually.

**7. Hazard protection. The proposed use reasonably protects persons and property from erosion, flooding, fire, noise, glare or similar hazards.**

The proposed Project will not cause any erosion, flooding, fire, noise, glare any other hazards. A drainage analysis and plan are being included with the site design of the Project to ensure all drainage requirements are met and no erosion or flooding is caused by improper drainage. There will be no loud noises or glare from lighting generated from the proposed use.