

RESOLUTION NO. 22-42

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, APPROVING THE CONDITIONAL USE PETITION #CU 6-6-21, FROM THE FIRST BAPTIST CHURCH OF SW BROWARD FOR THE APPROXIMATELY .74 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 2700 N. PALM AVENUE IN COOPER CITY; APPROVING AND AUTHORIZING THE USE OF THE PROPERTY FOR AN ELEMENTARY THROUGH TWELFTH GRADE PRIVATE SCHOOL LIMITED TO TWO HUNDRED (200) STUDENTS; PROVIDING FOR CONDITIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the First Baptist Church of SW Broward, the property owner, and Hope Calhoun, the owner’s agent (collectively, the “Applicant”), filed Petition #CU 6-2-21, seeking a conditional use approval, as detailed herein, for the approximately .74 acres of real property located at 2700 N. Palm Avenue in Cooper City (the “Property”); and

WHEREAS, Section 23-10 of the City’s Code of Ordinances authorizes a school use consisting of K-12 and a gymnasium, as proposed by the Applicant, as a conditional use within the X-1 Civic District; and

WHEREAS, the City’s professional staff, as detailed on the Staff Report attached hereto as Exhibit “A” and incorporated herein, has determined that the petition has satisfied all of the applicable review criteria, subject to the conditions detailed on the report; 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, and recommends the approval of the petition, subject to a traffic detail being provided, all subsequent

petitions being approved and a signal timing request at Sheridan Street and Palm Avenue submitted to Broward County by the Applicant; and

WHEREAS, the Applicant has advised that while they are not currently prepared to add a traffic detail, the Applicant is willing to meet with the City's professional staff six (6) months after opening to determine if a traffic detail is needed; and

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

WHEREAS, the City Commission finds that approving Conditional Use Petition #CU 6-2-21 is in the best interests of the citizens and residents of the City of Cooper 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 attached hereto and incorporated herein and made a part hereof.

Section 2: Approval and Conditions. That Conditional Use Petition #CU 6-2-21 is hereby granted, subject to the following conditions:

- 1)

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

Section 7. **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 8. **Effective Date.** This Resolution shall become effective upon its passage and adoption by the City Commission.

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PASSED AND ADOPTED this _____ day of _____, 2022.

GREG ROSS
Mayor

ATTEST:

TEDRA ALLEN
City Clerk

APPROVED AS TO LEGAL FORM:

JACOB G. HOROWITZ
City Attorney

ROLL CALL

Mayor Ross _____
Commissioner Pulcini _____
Commissioner Meltzer _____
Commissioner Shrouder _____
Commissioner Green _____



MEMORANDUM

To: City Commission
From: Jason Chockley, Community Development Asst. Director
Date: October 25, 2022
Re: Conditional Use – First Baptist Church of SW Broward
Petition # CU 6-2-21

PETITION: First Baptist Church of SW Broward
Petition #: CU 6-2-21

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

SIZE OF PROPERTY: .74 acres for Conditional Use and 2.685 total acres for both School sites

LAND USE PLAN: E, Estate

REQUEST: Conditional Use for a proposed Elementary-12th grade private school limited to 200 students for this building with 390 students total. This application has been submitted concurrently with applications for Site Plan, Plat Amendment and Variance petitions.

BACKGROUND AND PROPERTY DESCRIPTION: The subject site is approximately 8 acres in total size, .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.

The applicant requests the Rezoning and Conditional Use in order to build a 23,000sq/ft of gymnasium/school classrooms. These new proposed classrooms will include 2 elementary, 3 middle, and 5 high school rooms and increase student enrollment by 200 students. The current Church and school building to the West has 8 classrooms for K4-3rd grade and a maximum enrollment of 190 students. If approved both buildings would have a total school enrollment of 390 students.

Should this conditional use be approved, it will need to be followed up with variance, site plan and plat amendment petitions.

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The land use and zoning of the surrounding areas can be described as follows:

- East: Vacant land owned by the First Baptist Church of Southwest Broward, zoned A-1, Agricultural (County), and Land Use Plan designated E, Estate.
- North: Renaissance Charter School zoned X-1, Civic District and Land Use Plan designated E, Estate.
- West: Across Palm Avenue are single family homes in the Embassy Lakes subdivision, zoned PRD, Planned Residential Development and Land Use Plan designated LM, Low Medium Residential.
- South: Vacant parcel owned by First Baptist Church of SW Broward with a Zoning Designation of B-3.

NATURE OF USE: The proposed use of this property for a K-12 private school and gymnasium is consistent with the type of use and structures intended within the X-I Civic district. This school use is specifically listed in Sec.23-10 *Use Regulations Schedule*, of the City’s Code of Ordinances, as permitted, subject to Conditional Use approval by the City Commission.

PLAN COMPLIANCE: The subject site is designated “Estate” on the Cooper City Future Land Use Map. This application is consistent with the permitted uses of the Estate Category of the Cooper City Comprehensive Plan and accordingly Policy 1.4.4., which mandates the consistency of land uses with the Residential designations. The proposed use is consistent with Objective 1.12 and the supporting Policies of the Comprehensive Plan to provide sufficient land for schools, proximate to residential areas and parks, and consistent with land area guidelines. As such, the conditional request may be considered consistent with the City Comprehensive Plan.

CODE COMPLIANCE: The proposed use complies with all applicable regulations and specific standards in the Code with the exception of parking. A parking variance is requested for a reduction of 142 spaces to 33 spaces for this new site, but the overall count between both sites require 328 total spaces with 236 spaces required (92 spaces less than code).

LAND USE COMPATIBILITY: The proposed private school and gymnasium can be considered compatible with the surrounding existing and planned land uses. As previously described, to the north is the Renaissance Charter School and Brian Piccolo Park which offers recreational opportunities within walking distance from the proposed school. The adjacent school use to the north and the existing and future commercial uses to the south may be considered compatible with the intended private school given the traffic control conditions that the applicant will need to meet as discussed later in this report.

The vacant land to the immediate east, also owned by the Church, should offer adequate room to buffer and appropriately separate the community facility use from the residential properties further east. To the west is Palm Avenue and a privacy wall, which will buffer the proposed school from the residences in Embassy Lakes.

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TRAFFIC IMPACTS: The proposed school must meet all traffic concurrency regulations prior to occupancy. Through the plat amendment process, Broward County will assess the additional traffic generated by the school use and will require additional transit impact fees to be paid prior to occupancy of the school. The property is adequately situated with direct access on Palm Avenue, a minor arterial roadway in the City.

A traffic impact study was prepared by Traf Tech Engineering, Inc., and was reviewed on behalf of the City by the Corradino Group. The church use and the school use will 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 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. 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-2nd, 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).

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. These trips could possibly be mitigated with signal timing optimization, allowing the intersections to maintain the current level of service.

HAZARD PROTECTION: The proposed use will reasonably protect persons and property from flooding, erosion, fire, noise, glare or similar hazards. Protection against all potential hazards is provided through the site plan and building permit processes, including paving and grading, engineering, building construction and inspections.

STAFF FINDING: The applicant has met all of the minimum submission requirements for the conditional use request to be considered. If approval is recommended it should be subject to approval of the rezoning, site plan, plat amendment and variance petitions.

OUTSTANDING STAFF COMMENTS/RECOMMENDATIONS:

- 1) Staff recommended a traffic detail at Palm Avenue during pickup and dismissal times to ensure an orderly operation of traffic entering and exiting the site.
- 2) Staff recommended an SRO or Guardian on the site for student safety.

PLANNING & ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board, at their meeting of January 3, 2022, recommended Approval of the conditional use 8-2 subject to a traffic detail being provided, all subsequent petitions being approved and a signal timing request at Sheridan St. and Palm Ave. submitted to Broward

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County by the School/Church . **Per the attached, 9/2/22 & 9/27/22 letters from Mrs. Calhoun, the applicant is not prepared to add a traffic detail at this time but is willing to meet with City staff 6 months after opening to determine if a traffic detail is needed.** The 9/27/22 letter also adjusted the school hours to not overlap with Renaissance Charter School (proposed hours are 9am-4pm).