



CITY COMMISSION ORDINANCE/RESOLUTION

TITLE: Resolution 21-XX (Community Development Department)

DESCRIPTION: Variance request for Three Hearts ADT to operate in the Cooper City Commerce Center with a reduced parking requirement and an increase in the total percentage of Community Assembly uses within a commercial parcel.

BACKGROUND OF ITEM:

Two variances are requested for approval of the accompanying Conditional Use.

- 1) Decrease the amount of parking required from 1space/100sqft to 1space/450sqft or 147 spaces to 32 spaces (29 staff, 2 visitor, 1 converted to ADA ramp).
- 2) Increase the amount of community assembly for the center from the code allowed maximum of 25% to 36% for the center overall.

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

1. The proposed use would only require 31 parking spaces as a result of a maximum of 29 staff members and 2 spaces dedicated to visitors. Per the justification/operation plan the pupils do not have the ability to drive themselves and any parents or individuals who transport the pupils are not permitted to park at the facility.
2. The applicant states “The literal interpretation of the parking requirement is completely out of scale with the petitioner’s actual parking needs, thereby denying the petitioner the ability to locate within the property despite the capacity of the parking lot being able to accommodate the petitioner’s actual parking needs”.
3. The proposed training center will have less impacts on the parking area with only 29 staff members compared to a similar office type use. The nature of this use is technically a community assembly use but the impacts commonly associated with community assembly use do not all apply to the way Three Hearts ADT will operate.
4. The applicant states “There are several small businesses located in the same and adjacent buildings that can potentially provide volunteer opportunities for clients... and a number of parks close by that can provide opportunities for community outings and outdoor training opportunities”.

ANALYSIS:

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.

PLANNING AND ZONING BOARD RECOMMENDATION:

At the meeting on October 18, 2021, the Planning and Zoning Board recommended **APPROVAL** of the Variances with a 9/1 Vote. James Curran dissenting.

FISCAL IMPACT:

There is no fiscal impact related to this variance request.

<u>General Ledger Acct. Number</u>	<u>Budgeted Amount</u>	<u>Requested Amount</u>	<u>Remaining Amount</u>

ALTERNATIVES:

If the City chooses not to approve this variance request the applicant, Three Hearts ADT, would not be able to locate within the Commerce Center.

ATTACHMENTS:

- 1) Resolution for Variance
- 2) Item Backup
 - Staff Report for Variance
 - Minutes of 11/18/21 P&Z Meeting
 - Petitioner Application, Justification Statements, Operation Plan and Drop-off/Pick-up plan/procedures