

Chairman Rouse:

We're ready? All right. Good evening everybody. It's 7:01. I'll call the meeting to order. It's December 16th. Planning zoning board meeting. Establish our roll call. We have some new members. Natalie?

Ms. Mor:

Here.

Chairman Rouse:

Robin?

Ms. Morganstine:

Here.

Chairman Rouse:

Jeff?

Mr. Green:

Here.

Chairman Rouse:

Dr. Barkins is absent. Carol?

Ms. Bilotti:

Here.

Chairman Rouse:

Kelly?

Ms. Brown:

Here.

Chairman Rouse:

Jim?

Mr. Federici:

Here.

Chairman Rouse:

Jimmy?

Mr. Goulet:

Here.

Chairman Rouse:

I am here. So, we have an established forum. Have eight of the nine people attending. Item two, we have a position that's vacant, as far as the vice chair of the planning and zoning board. Also, my position chair is open. So, it's our obligation as this board to elect those two positions. So, do we have any nominations for the floor for vice chair?

Mr. Goulet:

I nominate Mr. Green.

Chairman Rouse:

Are you willing [inaudible 00:01:41]

Mr. Federici:

Meeting are you?

Mr. Green:

Sure.

Chairman Rouse:

Sure. Absolutely.

Ms. Bilotti:

I'll second.

Chairman Rouse:

We have a second of the nomination. Any other nominations?

Ms. Bilotti:

Would you like to be re-nominated?

Ms. Mor:

Yeah.

Mr. Green:

I'd like to nominate Dr. Rouse for board chair.

Mr. Federici:

I second.

Chairman Rouse:

Any other nominations? All right, so all those in favor of Mr. Green for vice-chair say aye.

Speaker 17:

Aye.

Chairman Rouse:

Any opposed? Seeing none. Congratulations.

Mr. Federici:

Welcome and congratulations.

Chairman Rouse:

I guess, officially, I have to say all those in favor of my retaining chair say aye.

Speaker 17:

Aye.

Chairman Rouse:

Any opposed? Seeing none. There's our elections. Thank you very much. Thank you.

Mr. Goulet:

Congrats to both of you.

Chairman Rouse:

All right, Jeff, we run a quick meeting so I hope you don't get too cozy in your chair.

Mr. Green:

No, I'm not going to get like a two-hour one?

Chairman Rouse:

Not here.

Mr. Goulet:

No filibustering here, buddy.

Chairman Rouse:

Okay. Public comments. We have an item here that does have a public hearing component to it. So, is there any members of the public that are here that would like to speak on issues that are not germane to the agenda tonight? Seeing none, we'll move on to the meeting. We also have meeting minutes that are in front of you from our last meeting on the 18th of November. You can see the minutes are a little bit different format. Jason, do you want to just give us a little briefing as far as why the format changed and what we have to look forward to in the future?

Mr. Chockley:

Yeah, so through the new contract through live manager, the recording is sent out to a transcription company that pretty much prints them word for word. So, as always, watch any side conversations because the mics are very sensitive and they'll pretty much pick up anything that you say.

Chairman Rouse:

Okay.

Mr. Federici:

Well, there were like a bunch of stuff in there that I didn't say that Jamie said.

Mr. Chockley:

All right, well, if anyone ever have had a chance to review the minutes of the last meeting, if there's any corrections we can make any.

Mr. Federici:

No, no, no. Don't worry about it.

Chairman Rouse:

Okay, [inaudible 00:03:41] I'll entertain a motion to waive the reading of the minutes.

Mr. Federici:

Waive, approve.

Ms. Brown:

I'll second that.

Chairman Rouse:

Okay, we have motion? We have second. Any all in favor of waiving say aye.

Speaker 17:

Aye.

Chairman Rouse:

Any opposed? Seeing none. Waive the reading of the minutes. Do we have an approval of the minutes from the last meeting on November 18th? We have a motion for approval...

Mr. Green:

Second.

Chairman Rouse:

... And a second. All in favor of approval of minutes, say aye.

Speaker 17:

Aye.

Chairman Rouse:

Opposed? Who is the second?

Mr. Federici:

Mr. Green?

Chairman Rouse:

So, the meeting of minutes have been approved. All right, now we have item five, which is a public hearing component. We have a presentation that's going to be done by the petitioner also as a legal meeting. We also have a city attorney that's going to be swearing that petitioner in before they come and speak with us. Jason, do you want to give us a synopsis of the variant, please?

Mr. Chockley:

Yes. Thank you, Chair. So, this is a variance for the Montero commercial phase one parcel. It is located at 3600 N University Dr. The owner is Montero Investments LLC. It has a future land use of C-commercial and a current zoning designation of PMUD. The variance request to seek a deviation from code section 25-4G, which is community assembly parking requirements of one parking space for each 100 square feet of floor [inaudible 00:05:09]. The current parking ratio used in the development for the shopping center is one space per 150 square feet. The original site plan allocated nine parking spaces for community assembly tenant, but in 2023, the developer chose to reallocate those parking spaces for a larger outdoor seating area at First Watch restaurant. The applicant is now proposing up to 3,600 square feet of a community assembly use for a small-scale fitness studio within building number four of the commercial center. The applicant commits that the business will be conducted where occupancy will not exceed 40 participants at a time and the difference in parking ratios equate out to a shortage of 12 spaces.

Building four does have more adjacent parking than buildings one through three, but still has numerous vacancies and the current tenants in building four are all restaurants, which also have higher parking demand within the exception of Cali Coffee, which is a pickup window and drive-through. The complete variance justification statement is in your backup material from the applicants. I'll give you a brief summary of what they have for each of those conditions. The first is special and unique conditions. Of the center, they are citing the availability of parking adjacent to building four with two rows to the west and four rows to the east. The special and unique conditions not attributable to the actions of the petitioner.

They quote, "multiple businesses are able to maintain normal business activity simultaneously throughout the center. There are no designated parking spaces for any given patrons, so it is everybody can park at will." Criteria C, The literal interpretation of the zoning code is applied to the petitioner would deprive the petitioner of rights commonly enjoyed by other owners in similar property and zoning districts. They cite that the other use is currently operating and around building four such as takeout coffee shop, restaurants and daycare do not share the same peak hours. Staff has determined that the applicant meets all the criteria to be considered for approval or any other recommendation the board so chooses and final action from the board will be awarded the city commission for the final.

Chairman Rouse:

Thank you. Do we have any questions for staff before we get started? Mr. Green?

Mr. Green:

Yeah. Thank you, Chair. Mr. Shockley, as I was reading through this, I understand that initially the petitioner had nine spaces that was given up for another area within that area?

Mr. Chockley:

Correct. So, the original parking plan had nine extra spaces above and beyond what were the code requirements. At the time, First Watch did have an outdoor seating area and our code allows to be up to 20 seats and an outdoor seating area before additional parking is required. As they were doing that build out, they wanted to expand their outdoor seating area and go over the 20 parking spaces. So, at that time the owner had the option of coming in and giving First Watch a variance for those extra spaces. Option two was to reallocate the nine spaces that were earmarked for assembly and apply it to their outdoor seating, which is what they chose to do.

Mr. Green:

So, now they're coming back in and they need a variance to provide...

Mr. Chockley:

Community assembly parking, yes.

Mr. Green:

I went by there today. So, there's other bays in there that aren't... They're not built out. There's nothing in there.

Mr. Chockley:

Correct.

Mr. Green:

Could you tell me how many spaces in that... What we're building for is situated? Total number of spaces? Roughly.

Mr. Chockley:

I think roughly the build out was for originally 12 bays, but multiple tenants have taken more than one bay.

Mr. Green:

Okay.

Mr. Chockley:

The owner is here tonight so he could break down how many tenants have what bays? I believe there's still four or five that do not have a tenant yet named, but they can speak into that into more detail.

Mr. Green:

In terms of parking spaces, how many parking spaces within that general area?

Mr. Chockley:

To the east of building four, there are four rows.

Mr. Green:

Okay.

Mr. Chockley:

I can count them on the site plan, but ball parking, it would probably be in the thirties, upper thirties count. Then there are two rows between them and the daycare use that I would probably put in the upper twenties as far as a count.

Mr. Green:

So, roughly 50 something there [inaudible 00:09:52]

Mr. Chockley:

Immediately within around building four, yes.

Mr. Green:

Okay. Does the petitioner... They're allocating for a fitness center, do they have someone that is ready to come in?

Mr. Chockley:

I've talked to two prospective tenants for that. One seems to be proposing a Crossfit-type fitness studio. The other was looking at doing yoga.

Mr. Green:

They don't have anything competitive?

Mr. Chockley:

Right now, I haven't heard of one of the tenants actually being named taking that space. Again, they're here tonight. They could answer that question with where they may be at with a lease of one use versus the other.

Mr. Green:

Okay.

Chairman Rouse:

After the presentation, we can ask the petitioner, too.

Mr. Green:

Oh, I'm sorry.

Chairman Rouse:

That's perfectly okay.

Ms. Brown:

Can I ask a question, Jason?

Chairman Rouse:

Yep. We have another question for staff. Go ahead, Kelly.

Ms. Brown:

I just want to make sure that I understand the question before us. The space itself is already done for community assembly. It's just a parking issue at this point, and if this variance isn't approved, they can't put a community assembly tenant in that space?

Mr. Chockley:

Correct.

Ms. Brown:

Is there any option to create additional parking to meet the parking requirement or this space doesn't allow for that, there's nowhere to do that?

Mr. Chockley:

No, because it's already built out. It's already designed. So, they would have to feed into landscape islands and things like that, which would then be a further variance because they wouldn't meet the landscape and the green space requirements of other.

Ms. Brown:

Okay. Okay. Thanks.

Chairman Rouse:

Okay. Any other questions for staff? If not, we'll bring up the petitioner, get them sworn in. Just please come on up. State your name and the city attorney will swear you in.

Matt Edge:

Thank you.

Speaker 8:

Raise your right hand.

Matt Edge:

Yes.

Speaker 8:

Do you swear or affirm that the testimony that you're about to give is the truth, the whole truth, and nothing but the truth?

Matt Edge:

I do.

Speaker 8:



Thank you.

Chairman Rouse:

For the record, if you could just state your name and who you represent.

Matt Edge:

Sure. My name is Matt Edge. I am a player with Craven Thompson and Associates. 3563 NW 53rd St in Fort Lauderdale. I'm here representing the property, Your Honor.

Chairman Rouse:

Yeah, go ahead and get started. I hear you have a presentation.

Matt Edge:

Want to make sure everybody has a copy of the presentation in front of them. All right, so the site is the Montero site. I'm sure majority of you are familiar with the site, the east side of the city. This particular portion of the Montero development is the commercial development, which as Jason noted, has been fully designed and built out. It consists of six buildings. The Bright Star is the southernmost building, goes all the way up to First Watch along University Drive. What we're requesting is a variance to allow a use that is considered community assembly use and therefore would require additional parking spaces. But we feel that this use functionally doesn't need as many parking spaces as the code requires, and we'll get to that a little bit later in the presentation. We are capping our request to 3,600 square feet, as he noted. What we're proposing is more of a small-scale fitness studio.

So, like he said, like a yoga studio, maybe a small personal training, something like that. We're not tying ourselves to one use at this time because there is the process of getting the tenant in, making sure it's the right tenant, making sure that it's going to function for the site. The community assembly use does require one space for every a hundred square feet of gross floor area. The parking center is currently parked at one space per 150. So, the difference between the two is relatively small, but because of the size of the space, it would be a reduction of 12 required spaces.

As Jason also mentioned, building four, which is the building that we would be looking to have this use in, that's multi-tenant building. It is surrounded by parking on the north, the east, and the west, double rows of parking east and west. There's additional parking even further to the east between the parking immediately adjacent to it and University Drive. You can see that on the first aerial in the photo. So, for the request itself, like I said, it's currently considered a community assembly use. Community assembly is more than just this particular use. It's also a use category that's used for churches. The parking requirement starts with one space for each, or fixed seats. Obviously, this type of use would not have any fixed seats, but then it goes on one parking space for each a hundred square feet of first floor area without fixed seats. So, that's what the requirement would be for us.

If this is approved, I brought the question as to 'how would the site change?' What we're asking for is to reduce the parking so that it's basically equivalent to what was designed to go there, which is the one for 150, which is the shopping center requirement. We would want that for this small portion of community assembly use. So, functionally, no changes to the site. Parking would stay the same, drive aisles would stay the same, buildings wouldn't be moved or anything like that. One thing I did want to go over, and I don't want to go over the determination of what our use is, it's assembly use and that's fine, but I did bring a couple uses that are similar to what our use is. One of them is personal care services, one is personal improvement services, and then I also added indoor recreation as well. Indoor recreation includes things such as fitness centers, but also includes bowling alleys, movie theaters, that

sort of thing. Obviously, we are a lot like a gym. The difference between the indoor recreation and what we're proposing is that our tenant would be offering classes.

So, instead of the general in and out that a gym would have, ours would be more structured, more reliable as far as peak hours go, and it would draw the people at the same time and leave at the same time. The first few that I have on this page, the personal care services and the personal improvement services. These things could be by something that you would need to set up a specific time to show up. The definitions that I provided here are vague on purpose as most use definitions are, that way that the proposed uses can fit in these.

But I thought it was interesting that you could take a slice of each of these definitions and see how it's similar to ours. Now, the parking requirement that I have on this page shows what it would be if it was a stand-alone building. This is a shopping center with a mix of uses, is put in as that one space for 150 square feet. These three uses that stand alone would be one space for 200 square feet, which would actually be less parking. So, we're not asking to go all the way down as far as these three uses would be, we're simply asking to go from 100 to 150.

As far as the use goes, I gave you a few pictures here, a 'mood board' I like to call it to show what we're talking about here. We're talking about classes, we're talking about not a lot of people. At the same time, like we said, we're going to max it out at 40 participants. These are very popular uses in shopping centers and shopping classes, and especially when it's close to a residential use. This is some place maybe you would stop by on the way to get a smoothie, take a class, get a smoothie. So, you're actually using the spaces around you as well. With shopping centers, you want to try to draw on people that will use multiple tenants at the same time. That way you're still getting the amount of people using the space, but you're cutting down on the number of cars that are coming to do that.

So, for what we're proposing, like I said, offers classes, occupancy, no more than 40 people. We're also capping it to only 3,600 square feet of floor area. We talked about how many spaces this particular building has been divided into. 3,600 would essentially be two of the smaller bays combined. Then the examples, everybody's heard of personal training studios, yoga studios, Crossfit gyms, Pilates studios, that thing. Again, we're not trying to tie yourself to one, but those are the examples that we have. So, the site of the building is also important because of the amount of parking spaces around it.

As a shopping center, the parking is for everybody, right? There's no specific parking space for a restaurant. There's no specific parking space for this use. It would be generally shared. Now the expectation is that you want to park in front of the door. That's what everybody likes to do. That's fine because with building four, there's a significant amount of parking both in front of the building and to the rear of the building. There's also parking to the north and even to the north behind the daycare, which is just to the west of the building.

Parking availability is also impacted by the type of tenants that are in the multi-tenant building. Right now, I believe there's three built out operating tenants. Then more on the way. [inaudible 00:21:10] away from the microphone. I don't know if everybody can see that. I can move it around. But there's also a breakdown that I have for the presentation as well. So, Cali Coffee, Playa Bowls, and Gyromania Grill are all operating currently. Cali Coffee is the drive-through or a walk-up window only. Playa Bowls is a restaurant, but it's more a niche than that because it's smoothies, it's fruit bowls, it's juices, that sort of thing. Then Gyromania Grill would be that restaurant that does lunch and dinner.

Restaurants that are coming in, Oaxaca Taco's and Curry House. Two that would share those same hours as Gyromania would, but also a different tenants coming in, Med Spa. That is an all-day business, normal business hours. Now, the reason why it's important to have this type of a mix in a building is because you don't want all of the peak hours to happen at the same time. The peak hours for this fitness center, because it's offering classes and because of the type of operations it would be, there would be peak

hours in the morning and then more evening classes as well. It's people going before work, people coming in after work on their way home or on their way to work. So, it fits nicely with the restaurants. It also complements the Med Spa very well, I think. Also, it draws people in. It exposes them, does a lot better than a sign would because if you're in the development, you're seeing all of the businesses, you're seeing that it's active. It creates that draw to come back or stay a little bit longer and use the other businesses.

So, summary, it's a popular use. It's one that you see a lot in shopping plazas. It's one just talking to people about this project. They're like, "Wow, I wish I had something like that close to my house." Some people love the fact that they do have one close to their house, and I think it's one that really fits well in this particular area and honestly fits well in this particular building. It's going to diversify the tenants more than what's already there now. We talked about the community assembly and why it was the community assembly. We feel the community assembly requires more spaces than would ultimately be used by this tenant, and that's why we're requesting the reduction. Here for any questions, if you have any.

Chairman Rouse:

Okay. How this will play out is certainly the board can ask questions for the petitioner, ask questions to staff. We will open it up in just a second here for the public hearing. If there's anyone from the public, we'll get them an opportunity. So, let's start with questions from the board for the petitioner. Does any board members have any specific questions? Jim? You're recognized.

Mr. Federici:

Hours of operation?

Matt Edge:

So, hours of operation. Again, we don't have a specific tenant at this time, but the general consensus is it would be a 6:00 A.M. to 9:00 P.M. It's not going to be open quite as late as the restaurants and it opens a little bit earlier than the restaurants would.

Chairman Rouse:

Follow up, Jim? I've got a couple of questions. Is there access doors both on the east and west side of the building?

Matt Edge:

Yes.

Chairman Rouse:

So, the main entrance, people can park on either side and enter in that way?

Matt Edge:

Correct. That's why having the parking on either side is...

Chairman Rouse:

So, they don't have to walk all the way around.

Matt Edge:

Yeah.

Chairman Rouse:

Now, is the tenant, the specific tenant, are they assigned that community assembly label, if you will, versus a shopping center label? So, if let's just say they move out for whatever reason and a restaurant comes in, do they get the community assembly designation or are they shopping center designation, based on what they are?

Mr. Chockley:

Yeah, they would be under the shopping center designation for the current zoning and parking.

Chairman Rouse:

So, it's really the landlord's determination what goes into their site depending on what their category is?

Mr. Chockley:

For the most part, yes. So, this did get site planned as a shopping plaza. Now, as staff, we do closely watch the ratio of what businesses go in with it having a healthy balance. So, what we don't want is the shopping plaza turning into a restaurant plaza. So, we will watch what the tenant balance is and say, "Hey, you know guys are starting to get really heavy restaurant, but you have no offices and you have very little retail."

Chairman Rouse:

Right. But it's really the initial landlord designation on their first tenant who goes in there, what the designation is?

Mr. Chockley:

Yes.

Chairman Rouse:

Okay. Now what are the peak hours of the daycare? You mentioned the peak hours of the restaurant, what's the peak hour of the daycare?

Matt Edge:

Yeah, so peak hours of the daycare, 7:30 A.M. to 9:00 A.M., which would be the drop-off time. Then the pick-up time would be another peak time there, 4 o'clock to 6 o'clock in the afternoon.

Chairman Rouse:

Wouldn't you say those are peak hours overlay what the workout fitness center would be? Because you mentioned that they're going to have classes in the morning and they're going to have classes after work.

Matt Edge:

Yeah. Yeah.

Chairman Rouse:

So, most peak times are going to be the same time?

Matt Edge:

Yes. I will say there's quite a bit of parking around the daycare as well. There's also the drop-off. When we were doing our due diligence about, 'can this function?', we didn't even look at the parking that surrounds the daycare to the north, to the west, and to the south.

Chairman Rouse:

Okay. Any other questions for this position? You have a question?

Mr. Federici:

The young lady there.

Chairman Rouse:

Natalie? Question?

Ms. Mor:

I don't have any.

Chairman Rouse:

Mr. Green?

Mr. Green:

Ms. Brown had her hand up, by the way.

Chairman Rouse:

Kelly?

Ms. Brown:

I just wanted to ask if this variance, if approved, would be tied specifically to a community assembly tenant that was a fitness center or a gym, or if it's going to be tied to any community assembly tenant that then moves into this space. Because churches or schools have different traffic flow patterns and other considerations that would become a part of the conversation we're talking about.

Mr. Chockley:

No, this variance would specifically be earmarked for small scale fitness centers as written in the staff report. So, yeah, it couldn't be interchanged for a church use or like an assembly.

Ms. Brown:

Anything else...

Mr. Chockley:

Correct.

Ms. Brown:

It falls a community assembly? Okay. I didn't see it in here and forgive me if it is in here. Was any study done of any kind or is there anything to indicate what the percentage of use capacity is at these hours of this parking lot currently?

Mr. Chockley:

There was not. The applicant didn't perform a parking analysis.

Ms. Brown:

Was the client required for parking variants?

Mr. Chockley:

No. It can be used to help supplement and sell it. However, at this point, I don't know if that would've been... Not that it wouldn't have been beneficial, but we were not able to see the whole picture yet because there are still so many vacancies. So, the building and half occupancy is not going to tell the whole picture from three years from now what could be.

Ms. Brown:

Thank you.

Chairman Rouse:

Go ahead. You recognize Robin.

Ms. Morganstine:

None of these parking spaces are reserved for individual businesses that are there?

Chairman Rouse:

Mr. Green?

Mr. Green:

Mr. Shockley, the petitioner is coming in for variance for parking spaces. You mentioned that it's still not built out. So, there's four bays or four locations that are empty?

Mr. Chockley:

Correct.

Mr. Green:

When they come in, when they build out, they're going to have that requirement to have the parking spaces based on what it's currently zoned for, correct?

Mr. Chockley:

Well, they would be coming in with the current ratio being applied at 100-150. So, as long as it's permitted within the PMUD, they would be allowed to go in those spaces by right.

Mr. Green:

Okay. But if Mr. Edge and the participants are coming in and they're asking for variance for parking spaces, that tells me that if nine spaces went to First Watch, that was going to be a part of the community assembly lock, that means that you have to account for... You have nine spaces left in that particular area. Is that correct?

Mr. Chockley:

The uses, so to speak, aren't cordoned off where 'this is your parking,' 'this is my parking,' etc. But yes, the ratios between a non-assembly use and an assembly use per their 3,600 square feet requested, on paper is a twelve-space shortage.

Mr. Green:

Okay. Twelve-space shortage.

Matt Edge:

Mr. Green, if I can just address that real quick. When we talk about the parking space that were earmarked initially, those were just excess spaces. There was no thought that there would be a community assembly at a certain space that was just, 'what do we do with these nine excess spaces?' Let's call them community assembly just in case there's a larger need somewhere else. Then we can absorb those in. What happened with First Watch, after COVID, outdoor Dining became a lot more popular than it was before COVID, they decided to do the expansion. How do we get there? That's where we said, 'okay, let's just take those extra spaces since they weren't allocated to any one particular tenant and we can use those without having to alter the site.'

Mr. Green:

Thank you, Mr. Edge. So, Mr. Shockley, you mentioned earlier that this would have to be a community assembly, fitness, yoga type of studio. You said that staff, what you all normally do is you watch it so that it's not restaurant heavy. It appears that it's already restaurant heavy in that stopping plaza already.

Mr. Chockley:

It is.

Mr. Green:

My question is, let's say that Mr. Edge, the company that you're representing, do they still own or manage the other buildings in that shopping plaza?

Matt Edge:

Yes.

Mr. Green:

Okay.

Matt Edge:

Or... No. No, I'm sorry. They do not.

Mr. Green:

No, they don't.

Kerry Goldberg:

Kerry Goldberg, the owner.

Chairman Rouse:

Go ahead.

Speaker 8:

Do you swear or affirm the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

Kerry Goldberg:

I do.

Speaker 8:

Thank you.

Kerry Goldberg:

So help me God. Kerry Goldberg, Diverse Federal Realty Development, Monterey Investments, LLC. I'm the principal of the company and of this shopping center. We sold the first four buildings to another ownership group. We are currently on the association. So, we set up a property owner's association. So, we are still one of the members of that association. So, yes, we are still involved in any of the decisions.

Mr. Green:

I know that I'm brand new to this, but the concern that I have as a new member is... So, you have already sold four buildings. What I've seen happen too many times in the city is the city, the decisions that we make, we're stuck with it. The developers, they buy and sell, they move on, and the residents are the ones that are stuck with what's left. So, when you had asked a question about that the landlord would be responsible for ensuring that wasn't converted back to a restaurant space. It sounds like the landowner is not going to be here.

Kerry Goldberg:

It doesn't matter. It can go under the current zoning. You can do whatever you want. So, we're trying to go with an alternate use. It's not a restaurant. If we wanted to put another restaurant, we could put another restaurant. But we know that to be a successful shopping center, you have to have those mix of uses. So, that's why we're...

Mr. Green:

Right. But what I'm hearing staff say is that they don't want it to be restaurant heavy, which it already is.



Kerry Goldberg:

But this building is not. It's not heavy.

Mr. Green:

But in that area, it is. Correct?

Matt Edge:

Well, all those buildings are...

Kerry Goldberg:

What's restaurant heavy in your mind? More than two, three?

Mr. Green:

Well, so you've got First Watch, you've got Culver's, you've got Hooey, Gooney's. You've got the restaurant that...

Kerry Goldberg:

How many residents do you have that live right...?

Mr. Green:

Blue Print went out of business. But you've got the Quiet Vault, you've got Quiet Vault. All I'm saying is that you've got enough eateries...

Kerry Goldberg:

We agree.

Mr. Green:

... In there.

Kerry Goldberg:

We agree.

Mr. Green:

You're 'bout to tell me, is it restaurant eatery-heavy, or...?

Kerry Goldberg:

It's not for what demand is.

Mr. Green:

Okay.

Kerry Goldberg:

But for our purpose, yes it is. We don't want any more restaurants. That's why we're sitting here talking to you because we have this great use that makes sense for this type of a shopping center. We don't want to have any more of them in there that we've already got allocated to.

Mr. Green:

So, are there any conditions that we can put on to ensure that we don't have additional eateries come in the event that... [inaudible 00:35:27]

Mr. Chockley:

I mean, if the board wanted to make a recommendation contingent upon a certain amount of restaurant within building four. So, this variance is specific for building four and building four alone.

Mr. Green:

Okay.

Mr. Chockley:

So, that's up to the board.

Mr. Green:

Love to hear what everyone else has to say.

Chairman Rouse:

Jim, your question for the [inaudible 00:35:45].

Mr. Federici:

Yeah, man. So, we got east and west of this, 11 spots that are available. We have 90 some odd spots, right?

Mr. Chockley:

Yes.

Mr. Federici:

Rounded off. Nine per bay. Nine per bay?

Matt Edge:

Not really because... So, you got 18,300 square feet in this building, right.

Mr. Federici:

Know Cali's all dropped.

Matt Edge:

Cali uses three or four for their employees. That's it. So, there they don't take any, so really factor that back into this.

Mr. Federici:

An 1800 square foot restaurant.

Matt Edge:

An 1800 square foot restaurant would be...

Mr. Federici:

We're talking about 10 table or...

Matt Edge:

18,000 [inaudible 00:36:27] Oh, 1800 restaurant is 10. Yeah, 10 tables.

Mr. Federici:

10 tables.

Matt Edge:

Or 10 parts. Right.

Mr. Federici:

Let's call it five or six spots per.

Matt Edge:

Yeah.

Mr. Federici:

You got employees also? That goes into that.

Matt Edge:

If you're at 10, you're using five per.

Mr. Federici:

Yeah.

Chairman Rouse:

Okay. We'll take a second just because we have to, formally. It's 7:40. This will open it up for public hearing. Are there any members of the public that would like to speak on this particular issue?

Mr. Chockley:

I don't see anybody in the audience, but we do need to enter into public record an email that came this afternoon from Bright Star, which is the tenant just to the south. They wrote that email regarding this variance, which they did receive notification on that they were not supporting, relative to observations they've made of center patrons already using their parking lot and walking over and they feel that this parking variance would exacerbate that current issue.

Matt Edge:

Can I respond to that or no?

Mr. Chockley:

Under the public hearing [inaudible 00:37:33]

Chairman Rouse:

We'll close the public hearing and then we'll open it up for discussion. Is there any other feedback or members of the public that would like to speak? No. You good? All right. So, we are now closing the public hearing component at 7:41. Please feel free to respond.

Matt Edge:

Thank you. So, yeah, so we saw that email tonight come through at 3:30, whenever Jason forwarded it to me. So, Bright Star, historically, so you all know, we went at odds with them left and right saying, "Hey, they asked us for his parking field." If you look at it on your aerial, they have an ocean. They are so incredibly over parked. It is unbelievable. They also have a drive-thru that could easily fit 300 cars in it, because how many people go to the drive-thru these days still? But nonetheless, that's what they wanted when they got the land, that's what they did with it. We said, 'fine, no big deal. We're good. We've got the number of parks that we have.' I get that email today at 3:30. This is the first time I had ever heard anything about anybody parking over in their ocean and causing any issue whatsoever.

Not myself, not Styles, who is our property management company out there, has not gotten one phone call, nothing about it. So, this is something that's very easy to deal with and take care of. Very simple. Had we been notified about it, we would've rectified it immediately. So, it really wasn't right. Now further, as I went into it, I don't believe that they fully understood what was going on tonight, that this is a very specific parking variance that we're looking for. This is for a small-scale gym fitness center.

I don't think that they were fully abreast of that at all. So, we've calculated everything here based on what is in our parking field. We got plenty. What they have, whatever they want to do with their parking, that's their parking. So, their complaint right now, which maybe some of the parents in the morning, maybe in the very back corner where it's closest to TLE, maybe that's where they're parking and it's closest because if you look at the aerial right now and the restaurants and everything is open, they're not right there. It doesn't make any sense. So, like I said, it's something that we can police it, we can take care of it. We can do all those things. But we weren't even notified until an email came today. So...

Chairman Rouse:

Okay, so... Go ahead Robin, you have a question.

Ms. Morganstine:

Does Bright Star own that parcel?

Chairman Rouse:

Yes. Jim? You're still...

Mr. Federici:

No question.

Chairman Rouse:

Okay.

Mr. Federici:

Still over here.

Chairman Rouse:

Any other questions for the petitioner? Any other questions for staff?

Mr. Goulet:

I have a question.

Chairman Rouse:

Jimmy, you're recognized.

Mr. Goulet:

Thank you. We have 90 spots, so call it for 11. All right, so they're coming here and how many spots are required for their 3,600 square feet?

Mr. Chockley:

They would require 36 per code of one to 100, ratio.

Mr. Goulet:

26. So, if they want to reduce it, is that a financial reduction on their behalf? How does this work? The spots are built, the spots response are there.

Mr. Chockley:

So, ultimately it is a policy decision on whether commission and the board feels like this would create a parking problem. On paper, they are 12 spaces short. Our ratio relative to their square footage would be 36 spaces. What they're asking is for 24, technically on paper. They've capped it at no more than 40 patrons being present inside. So, it is really just looking at the numbers, looking at the justification, looking at how the center is functioning now and the board taking that into consideration whether they feel this would be a negative impact or...

Mr. Goulet:

So, if we don't allow the variance, tenant's not going to want to take the spot.

Chairman Rouse:

Tenant can [inaudible 00:41:43]

Mr. Chockley:

The tenant wouldn't be able to take the spot. You have that you put these small gems into this assembly code and that's where they conflict. If it just fell under the regular shopping center, which is what we thought it was when we first started this project, we never ever thought this type of a use would fall under this other code that would require more strict...

Mr. Goulet:

Again, parking. Is there a financial risk here?

Matt Edge:

Sure. We wouldn't be able to put the tenant in or a tenant like that. It limits what's out there now. We're trying to put dry good users in there, non-restaurant users. So, yeah, it could significantly.

Chairman Rouse:

Okay. Natalie recognized?

Ms. Mor:

I have two questions. So, one, essentially let's just say we agree to that. They're not putting up signs that are staying reserved for the name of the gym?

Matt Edge:

No, they're not.

Ms. Mor:

So, really anyone can park anywhere anyway. You're just putting that on paper.

Matt Edge:

This is strictly a paper...

Ms. Mor:

Yeah.

Matt Edge:

That's really, that's all this is. We have the one for 150 across the board.

Ms. Mor:

But then my next question is what's that going to do for the next tenant who still have empty spaces? So, that's just going to lessen the amount of parking spots that the other tenants are going to be able to...

Matt Edge:

No, because they still fit under the parking code that you have.

Ms. Mor:

But what other options they're going to be in now because now you're taking away [inaudible 00:43:02]

Matt Edge:

I mean the Med Spa finds aesthetics, which is coming in.

Ms. Mor:

That will go with the less amount of spots?

Matt Edge:

That goes under your normal shopping center.

Ms. Mor:

But we're taking away a couple in order to give...

Kerry Goldberg:

So, the code actually provides a little bit of clarity for community assembly uses because it calls out the fact that something that may not be normally community assembly, it could be assigned community assembly if it meets certain circumstances. Staff gets to look at it and says, 'how does this function? Does it function like community assembly or does it not?' That's why in the community assembly definition, it doesn't specifically call out fitness centers, but it does allow a window open that staff could say that this would be more of a community assembly use. What we're doing is basically saying that the way we're functioning isn't typical to a community assembly use. It's really typical to a shopping center use, which is how the site is built anyway. So, our reduction, we're not going all the way down to a gym, which would be one for 200.

What we're doing is reducing it down to the way it was intended, the way it was built. So, anything that comes in after that, assuming it's not something... Well, it can't be community assemblies. We're capping ourselves at 3,600, but assuming it's not another use that can be considered outside of the shopping center use and it would have to be allowed in the PMUD, then it would just be approved by right. So, we take that into consideration for future tenants, for anybody that comes in that wants to sign a lease. But the city also takes that into account when they approve permits and approve the business license.

Chairman Rouse:

The thing that I'm wrestling with is really the peak hours particularly with classes, because when I go to the gym and I've got 30 people that show up at the same time because they have a class and there's three, four classes in a row. So, you've got the one people that are already parked there for the previous class, another group that's trying to get in there and park. It's a traffic nightmare on a lot of these places. So, when you couple that with the peak hours of a restaurant, because if you want to work out and do a session or a class after work at five o'clock and there are people trying to park and go to the restaurant, we want you to be successful. We want all the businesses in Cooper City to be successful. But if you have a business and there's nowhere to park, it's not going to be successful. Someone is going to go somewhere else. So, parking, we don't want to handcuff a tenant with a great business, but no one shows up because they can't park. So, that's one of my reservations.

Ms. Mor:

But if your concern is at night, let's just say they're coming in after work to work out, the school won't be working. So, there's all this parking back here as well.

Chairman Rouse:

The world that I live in, no one wants to walk 300 yards in the rain to go work out. They won't. Or they won't go to the [inaudible 00:46:27]

Matt Edge:

Won't go to the gym if it's raining. But the fitness people, hopefully they're going to walk.

Chairman Rouse:

Yeah, but that's the problem with the Bright Star people is because no one from Bright Star wants to park in the back lot. They want to park up front near the entrance. That's just the way it is. So, I think you've got a problem with your peak hours. Jimmy?

Mr. Chockley:

But we're still over-parked for our peak hours. Is that where you, I mean we laid them out. They're on that little thing. There's your peak hours. So, if you take the guys that are at night, you still got all of the schools parking back there. You got so many. I've been doing this for a long time. [inaudible 00:47:04] This is the shopping center I'm telling you, there's no overlap here that would create a problem right now.

Chairman Rouse:

The only thing that's really created the problem is what you've decided to put in the plaza. That's why we're here tonight.

Matt Edge:

You don't like what we put on? I'm sorry.

Chairman Rouse:

You got to play by the rules.

Matt Edge:

[inaudible 00:47:20] Pretty good.

Chairman Rouse:

You've got a Q&E center with this obligation. If you don't like the parking, then put something else in that's not a restaurant, but you're coming to us to change the rules around because of something you wanted to do.

Matt Edge:

Right.

Chairman Rouse:

I guess that's why we're here. Jimmy, you have a question?

Mr. Goulet:



Yeah. So, is every bay on 1800 square foot?

Matt Edge:

16.

Mr. Goulet:

16.

Chairman Rouse:

Okay. Do we have anything else? Robin?

Ms. Morganstine:

My concern is that we reallocated spots for the restaurant and now we're taking them back or giving up some. So, is this going to happen with every bay that gets rented and...?

Matt Edge:

No. They're set. It was a paper transaction, if you will. There's no taking away or removing or going forward because the uses, unless we were to come back here to you guys... Let's say we had another gym, which just for argument's sake, let's say Orange Theory decided they wanted to come in and we said, 'all right, hey, we got an opportunity to put an Orange Theory in. We really want to put them in here.' Well that's now another, that would be the other part. That's where we would come back. But if we came back and we said, 'Hey, we're going to go put a Papa John's in, then we can put it in.' So, the spaces are there for that use.

Ms. Morganstine:

But there's only 311 period, no matter what happens.

Matt Edge:

3,600 square feet, yeah.

Ms. Morganstine:

311 spaces.

Matt Edge:

Oh, yeah. Whatever's there. Total parking spaces.

Mr. Federici:

Is that many? I don't [inaudible 00:48:53].

Ms. Morganstine:

311 [inaudible 00:48:59]

Chairman Rouse:

All right, any other questions? If not open to carry motion.

Mr. Goulet:

Motion to approve.

Chairman Rouse:

We have motion to approve. We have a second for the motion?

Ms. Mor:

I'll second the motion.

Chairman Rouse:

Okay.

Speaker 8:

Dr. Rouse, just for clarification, for Mr. Goulet, your motion to approve is with the conditions included in the staff memorandum, correct?

Chairman Rouse:

Correct.

Speaker 8:

Okay, thank you. Who's the second?

Chairman Rouse:

We second by Natalie. Further discussion. All right.

Ms. Mor:

We're really talking about the allocation of 12 spots.

Chairman Rouse:

We're approving the variance for them to have 12 fewer spots for this variance request. Yeah.

Speaker 8:

If I may Mr. chair, the reason why I ask that the memorandum be included is specifically the conditions as was discussed, this meeting specifically only for a small-scale fitness studio and no other use and as well as the max 40 capacity. Is that correct?

Chairman Rouse:

Yes.

Speaker 8:

Those conditions you're willing to accept?

Chairman Rouse:

Yes.

Speaker 8:

Thank you, Mr. Chair. So, further clarification, if they go past the 40 and they have 60 capacity, what happens?

Chairman Rouse:

They have to come back to this board.

Speaker 8:

You forward this recommendation to the city commission with this condition on it. Then this is the parameters of which only which this variance can apply.

Mr. Chockley:

So, what we would look for later as staff is they're going to have to come in with a local business tax receipt and on that is going to have conditions of approval with that stated max capacity.

Chairman Rouse:

Okay, we're still in discussion. Any questions? All right, I'll call roll. Natalie?

Ms. Mor:

Here.

Chairman Rouse:

Robin?

Ms. Morganstine:

Yes.

Chairman Rouse:

Mr. Green?

Mr. Green:

No.

Chairman Rouse:

Carol?

Ms. Bilotti:

Yes.

Chairman Rouse:

Kelly?

Ms. Brown:

No.

Chairman Rouse:

Jimmy?

Mr. Goulet:

No.

Chairman Rouse:

Jim?

Mr. Federici:

No.

Chairman Rouse:

The chair was no.

Speaker 8:

Motion fails.

Chairman Rouse:

Okay, let's move on to the next item, the community development report.

Speaker 8:

One second. [inaudible 00:51:21] How many yays and how many nays? How did that vote come down? How did that vote come down? [inaudible 00:51:30]

Matt Edge:

Thank you, Mr. Chair.

Mr. Chockley:

Thank you, Chair. So, first of all, congrats to our appointed board members. We have Ms. Ms. Bilotti and Mr. Mr. Green joining us now. So, congrats on the new appointees. Right now we do not have a next P&Z date set. We have three active petitions at DRC that are still at different processing points. We have the Wendy's at Cooper City Commons, which is converting to a McDonald's. We have Pine Lake Plaza looking at a possible roof change and Flamingo Gardens stays five coming in with some landscape revisions. So, once we get a P&Z date in mind for either of those, we will notify the board. None of them will be in January. So, the soonest we would have a meeting would probably be sometime in February, but that's not yet confirmed. Just an update on the self-storage project, which is before you last meeting. They are currently setting up one-on-ones with commission to go over some possible changes and get some input. We'll see how that goes and if they reroute that to go back to P&Z. Other than that, I wish everybody a happy holidays and a safe new year.

Chairman Rouse:

We've got board members concerns. Item number seven.

Mr. Goulet:

Tonight was interesting. I didn't believe word they said. Just remember word for word's getting recorded.

Chairman Rouse:

Well, and this is an item that...

Mr. Federici:

Jimmy said it all because it gets out that they're going to record it, so...

Chairman Rouse:

Yeah. So...

Mr. Chockley:

There should be other business than what was already on the date. This could come back before you guys, so technically you don't want to...

Mr. Federici:

Listen. I had ninety-some odd spots, right? Available parking spots. I just counted. 11 bays. The math doesn't add up anyway.

Mr. Chockley:

Okay.

Chairman Rouse:

Is there any other concerns that are not on the issues that we've addressed tonight?

Mr. Federici:

I got a question. If they took an extra bay, I'm just asking, would that change something?

Speaker 8:

If I may, Mr. Chair?

Chairman Rouse:

Please.

Speaker 8:

So, this is speaking generally, not specifically on an application that was here. Jason, please correct me if I'm wrong. When shopping centers are designed and built, they are built with adequate parking in mind for the allowable uses. So, it's not a pool and that you assign the different spots from, they know what

the uses are under the table of uses or under the city code and a use by a matter of, right, those of course, as you know, can go in without particular board approval. When you have a use outside those normal already approved uses, then they come with different parking requirements. Then if there's an adjustment, such as the community facilities use or a different industrial use or other type of use, not just parking, but zoning, anything outside the table, so all the parking is there, otherwise the building wouldn't have been built.

But those uses then say, 'okay, we want to allow a use that we couldn't put in the matter of right'. Like one shopping center could put in all restaurants if they so choose because the parking is there and it's under their matter, as they say a matter of right. But if they want to put in a daycare or they want to put in... Again, in this case or other cases, the small-scale fitness studio, or you want to put in even a bank or a different type of use, then at that point, you look at the parking and then here it exceeded that by that 12 spots of what that new use would normally encounter. So, that's where you look at everything as a whole, which is why the variances would come in and requests are made and that's how it's presented.

So, when you have someone doing a particular use asking for expanded parking for that one particular use, or let's say a restaurant that has a large amount of outdoor seating just on its own, they want that type of business model. That's when they come in as far as the variance. Then under the city code regarding the very specific exceptions that are there, then it's up to the board, of course, to make a recommendation. The city commission saying that all those conditions have been met under the city code. Thank you. Does that clarify?

Chairman Rouse:

I think it's going to [inaudible 00:56:48] thank you very much. Are there any other board member concerns? I echo Jason's sentiment. Welcome to the board, Mr. Green. Welcome Carol. I look forward to working you with you in the future, seeing how there's no other program members concerns. We're going to turn the meeting at 7:56. Have a happy holiday everybody. Thank you.

Speaker 8:

Thank you.

Mr. Federici:

[inaudible 00:57:24] Some things never change.

Mr. Green:

I'm looking at Jamie, he's like, 'oh god.' [inaudible 00:57:46]. Robin, do you have one? Where's Carol? Do you have one?

Ms. Bilotti:

What?

Mr. Green:

Those are fine.

Ms. Bilotti:

I don't have a shirt either for planning a zoning.

Mr. Federici:

Whoa, whoa, whoa, whoa.

Ms. Bilotti:

I've been on [inaudible 00:57:59].

Mr. Green:

They're all rolling.

Ms. Bilotti:

Is it two years? [inaudible 00:58:05].

Mr. Federici:

Jason? [inaudible 00:58:15]