



## CITY COMMISSION ORDINANCE/RESOLUTION

**TITLE:** Resolution 25-04 (Community Development)

**DATE:** January 14, 2025

**DESCRIPTION:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, GRANTING THE REQUEST FOR VARIANCE PETITION #V10-2-24, ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN, SUBMITTED BY MONTERRA INVESTMENTS, LLC (OWNER) FOR THE PROPERTY GENERALLY LOCATED AT 3600 N. UNIVERSITY DRIVE IN COOPER CITY, FLORIDA, TO DECREASE THE REQUIRED PARKING AS SET FORTH IN SECTION 25-4(g) OF THE CITY'S CODE OF ORDINANCES BY TWELVE (12) SPACES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

### **CITY MANAGER RECOMMENDATION:**

The City Manager recommends approval of Resolution 25-03, which approves variance petition #V10-2-24 submitted by Monterra Investments for the property located at 3600 N. University Drive, to decrease the required parking by twelve (12) spaces.

### **P&Z BOARD RECOMMENDATION**

At the meeting on December 16, 2024, the Planning and Zoning Board recommended approval with conditions that the assembly use be limited to a small-scale fitness center with no more than 40 occupants. However, the **MOTION FAILED** to pass with a 3-5 vote against.

### **ANALYSIS:**

This item is a variance petition seeking deviation from Section 25-4(g), Community Assembly parking requirement of 1 space/100s.f. of floor area. The current parking ratio used for the development is a Shopping Center of 1 space per 150s.f.

The original approved site plan allocated 9 parking spaces for a community assembly tenant but in 2023 the developer chose to re-allocate those parking spaces for a larger outdoor seating area at the First Watch restaurant, (SPA 5-2-23).

The applicant is proposing up to 3600s.f. of community assembly use for a "small-scale fitness studio" within building number 4 of the Monterra Commercial Center. The applicant commits that the business will be conducted where occupancy will not exceed 40 participants at a time. The difference in parking ratios equates to a parking shortage of 12 spaces.

Building 4 has more adjacent parking spaces than buildings 1-3 but still has numerous vacancies and the current tenants in building 4 are all restaurants which also have a higher parking demand, with the exception of Cali Coffee, which has a pick-up window and drive-through.

City Staff did receive a letter from Brightstar Credit Union prior to the 12/16 P&Z meeting expressing concern with the proposed variance. They state, "We have already observed patrons of the retail shopping center utilizing our parking lot, and we believe that granting this variance would exacerbate the existing parking issues."

**VARIANCE JUSTIFICATION:** The applicant has responded to the below variance review criteria in an effort to justify approval of the variance.

**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.

**RESPONSE:** The subject site is part of the commercial portion of the Monterra development. The parking provided during the construction of the site anticipated a variety of uses and building types. Building 4, which will be the site of the proposed small-scale fitness center, is a multi-tenant building with two rows of parking to the west, four rows of parking to the east, and a single row of parking to the north. This provides the most access to parking of all the buildings in the shopping center. Because of this, any spike in parking demand can be dissipated throughout the property without causing issues with adjacent tenants.

**B)** The special and unique conditions are not directly attributable to the actions of the petitioner.

**RESPONSE:** The site has been built in such a way that multiple businesses can maintain normal business activity simultaneously. Parking throughout the site is shared by all tenants without reservations for patrons of a particular tenant (other than ADA). No changes are being proposed to the site that would decrease the parking or make it more difficult to park. The Land Development Code's parking requirement for community assembly applies to uses such as educational, recreational, religious, and social centers. While the proposed use is considered recreational, the number of people who would patronize this location is significantly less than what would be expected at a church, school, or lodge. The use will be scheduled or by appointment, so the parking demand can be anticipated in a way that a typical large gym cannot. The occupant load will be capped at no more than 40 people. The petitioner is asking that the parking requirement for the proposed use be reduced to the same rate as for the shopping center since the demand is similar to other small business uses.

**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.

**RESPONSE:** The literal interpretation of the code does not consider the types of businesses within the shopping center and the times of day that there may be more or less cars in the parking lot. Uses within the shopping center category may be a combination of high-traffic uses, low-traffic uses, and uses with multiple peaks during the day. This proposed small-scale fitness center will

not function like a typical large gym or other fitness facility that may require more parking. Peak hours will be before and after normal workday hours. The other uses currently operating in and around Building 4, such as a take-out coffee shop, restaurants, and a daycare, do not share the same peak hours. Because of the variety of businesses that share the same parking area, this use will not cause such a surge in traffic that it would create a parking shortage. Reducing the parking requirement to 24 spaces for this use will provide a sufficient number of spaces. The availability of additional shared spaces close by ensures that finding a parking space won't be a problem.

**D)** The variance granted is the minimum variance necessary for the petitioner to make reasonable use of the property.

**RESPONSE:** The variance requested is limited to up to 3,600 square feet of a small-scale fitness center in Building 4. The remaining businesses will adhere to the parking requirements as noted in the prior site plan and site plan amendment approvals. Granting this variance will allow the parking count and layout within the approved site plan to remain unchanged.

**E)** Granting the variance is not detrimental to the public welfare, or injurious to property or improvements in the zoning district or neighborhood involved.

**RESPONSE:** The approval of the variance request will allow a popular use to be established on this site without requiring additional parking. This commercial component of the Monterra community is geared towards uses that are enjoyed by the surrounding residential neighborhoods. Providing a way to allow a small-scale fitness center located conveniently to the residents will serve as an asset to those who are looking to find a class close to home and would not be detrimental to the public welfare. It will also serve to draw folks into the commercial center, increasing foot traffic to other businesses before or after attending classes.

**STAFF FINDING:** Staff has determined that the application meets all the submittal requirements for review and processing of a variance petition and MAY therefore be considered based on the applicant's above responses to the variance criteria elements, however, staff does have some concerns with building 4 not being fully occupied with tenants and the shopping plaza being "restaurant heavy" which also create busy periods after "work hours" during the week.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

If the parking variance is not approved, a fitness studio/community assembly use would not be permitted within the shopping center.

**ATTACHMENTS:**

1. Resolution 24-04
2. Applicant Justification Statement & Application
3. Letter of non-support from BrightStar Credit Union
4. Center Map

5. Center Site Plan
6. P&Z Minutes