



# Draft

## Minutes of July 25, 2022

### Meeting Called to order at 7:00 P.M.

#### 1. ROLL CALL

##### P&Z Board Members

MEMBERS	7/25/22	5/2/22	4/4/22	2/07/22	1/10/22	1/3/22	11/15/21	10/18/21	4/5/21	2/22/21
Jimmy Goulet	P	P	P	P	P	P	P	P	P	P
David Rouse	P	P	A	P	P	P	P	P	P	P
Jim Federici	P	P	P	P	P	P	P	P	P	P
Lisa Dodge	P	P	P	P	P	P	A	P	P	P
Kelly VanBuskirkk	A	P	P	P	A	P	P	P	P	P
Jeremy Katzman	P	P	P	P	P	P	P	P	P	P
Alex Weisberg	P	P	P	P	P	P	P	P	P	A
Candy Coyne	P	P	P	P	P	P	P	P	P	P
William Barkins	A	P	P	P	P	P	P	P	P	P
James Curran	P	P	P	P	P	P	P	P	A	

*\*Reappointed \*\* Resigned \*\*\* New appointment*

**STAFF PRESENT:** *Jason Chockley, Assistant Director of Community Development  
Brandon Johnson, Planner*

**APPLICANTS:** *Rod Feiner, Coker & Feiner, on behalf of applicant  
Kelly Ray, Leigh Robinson Kerr & Associates*

#### 2. P&Z BOARD - MINUTES - WAIVE/APPROVE MINUTES OF 5/2/2022:

Motion to waive the reading of the minutes made by Jeremy Katzman and seconded by Candace Coyne. All ayes on voice vote. **MOTION WAS APPROVED.** Motion to approve the amended minutes made by Lisa Dodge and seconded by Jeremy Katzman. All ayes on voice vote. **MOTION WAS APPROVED.**

#### 3. PUBLIC COMMENTS:

None

#### 4. NEW BUSINESS:

- A) WESTLAKE SCHOOL AT FIRST BAPTIST CHURCH SITE PLAN AMENDMENT
- B) COMPREHENSIVE PLAN UPDATE – ADDING PROPERTY RIGHTS ELEMENT
- C) ENGINEERING STANDARDS, SITE GRADING & PROPERTY SAFETY CODES
- D) HOLIDAY DATES FOR SIGNAGE

Chairman Rouse turned the item 4A over to Mr. Chockley.

Mr. Chockley introduced the first item for the Westlake School at First Baptist Church. The property is located at 8950 Stirling Road, which is immediately to the east of the Diamond Head subdivision and on the south side of the Little Rascals and Solar Building Centers to the north. It is 9.51 acres. Its current

land use is CF, community facility and the current zoning is A-1 Broward County Agricultural District. The proposed site plan amendment is basically to change operators of the current existing school. With the change in operators, they are looking to add a pre-K and kindergarten to the current school. The previous approval back from 2016, which that staff report is included in your backup, limited the school to no more than 200 students. That max student count will stay the same. The other grades are all decreasing to accommodate those two new grade levels. In addition to the staff report from 2016 in your backup, they do have a new project description. They do have an updated operation management plan. They do have updated traffic statements, a statement of compliance with their comprehensive plan, etc. They are here tonight to answer any specific questions about the new operator or new protocols. All commitments from the previous site plans are moving forward with those same commitments, as far as stacking, operation, etc. All of the DRC comments going through the process have been addressed. The Board is requested to review the petition, make a recommendation, which will be forwarded to the City Commission. Everything as far as traffic circulation is basically going to follow the same plan that it pretty much has for the last five years which, up to this point, has not had any adverse impacts on Stirling Road.

Chairman Rouse asked the Board for any questions for staff with regard to the petition. There were none.

Chairman Rouse turned it over to the petitioner for a brief presentation and to answer any questions from Board.

Mr. Feiner introduced himself as Rod Feiner on behalf of the applicant. He said I am an attorney with Coker and Feiner representing First Baptist Church, as well as Westlake and the proposed new operator Rabbi Elbaz. Staff did a very nice job summarizing this. I just wanted to reiterate that the new operator is aware of the conditions of the prior approval in 2016. Other than that, we did update the traffic because pre-K is a little bit different than kindergarten. It's analyzed under daycare under the ITE models with only fifty students for pre-K at maximum. By the way, that's not saying we're going to have that immediate enrollment, but we've agreed to the cap of that. The traffic engineer found the traffic impacts to be minimal. The police department and the fire department have reviewed the updated operational plans, including the safety element that we added to the operational plans. No physical changes are being made to the property. No new buildings are being added, no anything is done. We're just taking the three or four classrooms that are on the ground floor, the existing educational building, and that's going to be pre-K and K, though the K will really mix with the first graders. It will be more of a Montessori style. We're happy to answer any questions.

Chairman Rouse recognized Ms. Dodge.

Ms. Dodge asked if they were doing VPK.

Mr. Feiner said no ma'am.

Ms. Dodge asked how many students they were planning on having. She stated you have 130 at this time.

Mr. Feiner said for pre-K, the max would be fifty which is what we've said in the operational plan. One of the reasons why we're here tonight is because when the City Commission originally approved this, we said grades 1-12, and so now that we're adding kindergarten. Even if we were just adding kindergarten and not pre-K, that's a modification of the condition approved by the City Commission which is why we're here.

Ms. Dodge asked if he meant fifty pre-K and fifty kindergartners or fifty total combined.

[Inaudible discussion followed]

Mr. Weisberg asked what he meant when he said they had updated traffic.

Mr. Feiner said we had the traffic engineer, even though maximum students are the same, at the request of staff, we had our traffic engineer compare the original traffic plan back in 2015, analyze what adding kindergarten to the school and what adding pre-kindergarten to the school would do to traffic generation. You could substitute fifty kindergartners for fifty first graders or fifty kindergartners for fifty seventh graders. It makes no difference in terms of traffic generation, because kindergarten is equivalent of a school. The pre-K though, because there are sometimes different drop off and pick up times, under the ITE models, they analyze that under daycare. So it's like where we're adding a maximum fifty student daycare in terms of traffic generation or anything to the site and it doesn't add any AM peak hour trips and it adds minimum, I think it was a total of eighty, which over a two hour time period, the traffic engineer has set our minimum number additions.

Mr. Weisberg asked if they were still relying on the traffic study from 2015 or if another traffic study had been done.

Mr. Feiner said we are still relying upon the counts from 2015.

Mr. Weisberg said okay.

Mr. Feiner said in determining what the impact would be, the number of students hasn't changed. I know the surrounding roadway has, but if the surrounding roadway has changed, that is the level of service of the surrounding roadway. It doesn't impact, regardless from 2015 to now, the trip generation numbers that we would be doing by adding the pre-K.

Mr. Weisberg asked if the effect on the traffic from your school would basically be the same.

Mr. Feiner said yes.

Mr. Weisberg said okay.

Mr. Feiner said even if the roadway has increased over time, our impact on that roadway is minimal.

Mr. Weisberg asked if the impact on, for example, the intersection of Stirling and Pine Island, would that be affected more now.

Mr. Feiner said no. It would be a de minimis impact, if anything.

Mr. Weisberg asked if the plan was still there that there'll be stagger drop off and pick up only if there's 170 students.

Mr. Feiner said yes.

Mr. Weisberg asked why they would just not do that anyway.

Mr. Feiner said it's not necessary. We did that in case there was a conflict with stacking and drop off and pick up. It's been proven to not be necessary up to this point with that number and for the school. Just for the ease of general facilitation, if we can have all students be coming and being educated in the K-12 at the same time, it just works better than having to impose the staggered start and stop time. We would do that if it became an issue with drop off and pick up, but it's not anticipated to be, even if we go above 170, but in an abundance of caution, that's what we had done with the City Commission five years ago.

Mr. Weisberg asked how many students are there currently.

Mr. Feiner said 130.

Mr. Weisberg asked how many students they expect and if they expect to exceed 170.

Mr. Feiner said the maximum that we're allowed would be 200. As anyone would say, we'd like to get to the maximum. Is that going to happen or not? I have no idea. I know right now we're only at about, I think of pre-enrollment where we've had some discussions, out of the fifty for pre-K that we could get, we're only at about twenty or twenty-five for right now. Everyone wants to make sure that we have our approvals before they start making commitments.

**MOTION: TO APPROVE WESTLAKE SCHOOL AT FIRST BAPTIST CHURCH SITE PLAN AMENDMENT MADE BY JIMMY GOULET AND SECONDED BY JIM FEDERICI. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

Chairman Rouse turned the Item 4B over to Mr. Chockley.

Mr. Chockley introduced item 4B As the addition of a property rights element as part of our comprehensive plan. Last year, maybe the year before, the State of Florida enacted this new legislation, which required all comp plan updates, when due, to incorporate this property rights element into their comp plan. Ours is coming due, I think it is mid-December. we reached out to Leigh Kerr's office, which do most of our comp plan updates, to write this new property rights element. It'll go through P and Z Board review, an initial City review, it'll get up to the State for review, and then once the state deems it sufficient, it'll go back to City Commission for review. The proposed language is included in your backup, in addition to a code change, making all of our notification requirements consistent. Right now, some notification requirements are at 300 feet, 400 feet and 500 feet. This code change would make everything consistent as far as a 500 foot notification to surrounding property owners, whether it be a variance, conditional use, a rezoning, or a change in land use. As all items, the action is requested to be reviewed by P and Z, make a recommendation to City Commission, and again, it would go to City

Commission once, up to the State, and then back to City Commission for adoption. Leigh Kerr's office is here tonight to answer any questions.

Chairman Rouse asked for any questions for staff from the Board. There were none.

Chairman Rouse turned it over to Kelly Ray for presentation.

Ms. Ray introduced herself as Kelly Ray with Leigh Robinson Kerr and Associates. As Mr. Chockley mentioned, we do a lot of your planning work. He presented the item accurately and we concur with his recommendation for a favorable move to the City Commission. She asked for any questions from the Board.

Mr. Katzman said as I read the materials, it seems like the main change that I noticed is that going from the 300 to 500 feet notice of any proposed zoning change.

Ms. Ray said I will defer that to Mr. Chockley.

Mr. Chockley said that's not a requirement from the state. There were different cities that were enacting different things to increase notification. When we reviewed our notification requirements, obviously there were some differences in between it. Everything is compatible with the state requirements, but we said let's just make it consistent across the board for all of them. So now we will exceed the state requirements and multiple aspects of now including the 500 feet, but that is not a requirement of what the state is now mandating.

Mr. Katzman said okay. I agree in theory with notifying a broader radius of people. I don't think it's our Board's decision on the impact of that, but I believe there would be a financial impact just related to more people having to get mail, etc. He asked if those costs were all on the petitioner.

Mr. Chockley said that is all on the petitioner.

Mr. Katzman said okay.

Mr. Chockley said they supply the envelopes.

Mr. Katzman asked if the City would not see a financial impact and to confirm if it was all on the petitioner.

Mr. Chockley said it is really on the applicants and it would be nominal. It would just be the cost of stamps times the X number of properties.

Mr. Katzman said okay. That was my main question. Thank you.

**MOTION: TO APPROVE COMPREHENSIVE PLAN UPDATE – ADDING PROPERTY RIGHTS ELEMENT MADE BY ALEX WEISBERG AND SECONDED BY LISA DODGE. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

Chairman Rouse turned the Item 4C over to Mr. Chockley.

Mr. Chockley introduced the item as a straightforward code change that was coming out of our engineering departments. We were updating the design engineer diagram R94. This proposed change will help address some of the drainage concern that's been going on with some of the properties over the last couple years where people have been filling in, changing the grade, and building pool decks, etc., too close to the property line and causing watershed. The diagram is basically being updated to include side and rear property lines for the walkway or the deck. Three feet from the side yards, five feet from the rear, which is pretty much in line with most easements. For rear loaded utilities or underground electric, it is usually a ten foot easement shared between two property owners. Nothing in the front yard is changing. The driveway width is currently five feet from the interior sides. I'll answer any questions from the Board.

Chairman Rouse asked if this would change anything in regard to the impervious area.

Mr. Chockley said no sir. Impervious area for concrete would still apply at the max of 55%, 45% green. Our code doesn't count pavers set in sand as impervious which has led to a little bit of the watershed that's happened. Right now pavers set in sand doesn't count against your impervious so we've had people go all the way up to the property lines. Some cities give you a 50% credit for it. That's one thing we have looked at and had some other conversations of possibly doing a code change, but with talking to some of the engineering department that does the inspections, he said, "If you go to three and five, that should not cause any watershed."

**MOTION: TO APPROVE ENGINEERING STANDARDS, SITE GRADING & PROPERTY SAFETY CODES MADE BY LISA DODGE AND SECONDED BY CANDACE COYNE. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

Chairman Rouse turned the Item 4D over to Mr. Chockley.

Mr. Chockley said this is a code change relative to holiday dates for signage. This recommendation did actually come out of this Board. The previous language did specifically limit, both under windows signs and permanent signs, of the holiday season from October through January. There were concerns with holidays that fall outside of that so the recommendation was to remove those specific dates and that is what is before you tonight.

**MOTION: TO APPROVE HOLIDAY DATES FOR SIGNAGE MADE BY JEREMY KATZMAN AND SECONDED BY JAMES CURRAN. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.**

## **5. COMMUNITY DEVELOPMENT REPORT:**

Chairman Rouse turned it over to Mr. Chockley to inform what petitions they have upcoming.

Mr. Chockley said the next anticipated meeting is going to be August 15th. We do have the applicant who made their submittal actually today for that. That is going to be the Primrose Daycare off of

Sheridan Street, right by the entrance of the Monterra. They're coming in to ask for a variance to continue to keep up their wind visual screening barrier on their fencing. They do front Sheridan Street and Tarama Avenue exits out there. When they site planned, they did have that screening. Commission subsequently passed a new ordinance that you cannot have wind screening. They were cited by code enforcement in order to take it down. They're asking for a variance from that section to keep their screening up. In addition to that, we'll probably have two or three code changes. Also, the shirts should be in shortly that were ordered.

6. **BOARD MEMBER CONCERNS:**

There were none.

7. **ADJOURNMENT:**

Meeting adjourned at 7:22 PM.