



PLANNING & ZONING ADVISORY BOARD

Minutes of August 15, 2022

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

1. **ROLL CALL**

P&Z Board Members

MEMBERS	8/15/22	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
Jimmy Goulet	P	P	P	P	P	P	P	P	P	P
David Rouse	P	P	P	A	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	P	A	P	P
Kelly VanBuskirk	P	A	P	P	P	A	P	P	P	P
Jeremy Katzman	P	P	P	P	P	P	P	P	P	P
Alex Weisberg	A	P	P	P	P	P	P	P	P	P
Candy Coyne	P	P	P	P	P	P	P	P	P	P
William Barkins	P	A	P	P	P	P	P	P	P	P
James Curran	P	P	P	P	P	P	P	P	P	A

*Reappointed ** Resigned *** New appointment

STAFF PRESENT: Jason Chockley, Assistant Director of Community Development

APPLICANTS: Jonathan Bruckner, Bruckner Real Estate Holdings LLC

2. **P&Z BOARD - MINUTES - WAIVE/APPROVE MINUTES OF 7/25/2022:**

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

3. **PUBLIC COMMENTS:**

None

4. **NEW BUSINESS:**

- A) PRIMROSE SCHOOL OF COOPER CITY VARIANCE PETITION
- B) CODE CHANGE FOR RESIDENTIAL DRIVEWAY DIMENSIONS
- C) CODE CHANGE FOR ACCESSORY BUILDING SECTION

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

Mr. Chockley introduced the first item as a variance petition for the Primrose School located at 8447 Sheridan Street. It is an existing school. They are coming in to request a variance from the recently updated code section 23-90. A copy of that code section is in your backup. The reason for the variance is they are requesting to keep what they had since opening, which was a screen barrier along their outside perimeter fence, separating visibility from the parking lot into the playground areas. The justification statement is that the request is in the interest of child safety. That is their number one consideration. In their justification statement they document a few incidents that have taken place on the property where the screening has served as a barrier between what's going on outside and inside the property. The variance request is not expected to be a hardship or detrimental to any of the surrounding properties. The

applicant is here tonight to give a presentation and answer any questions from the Board. All the outstanding DRC comments have been addressed. Staff finds that the petition meets all the recommendatory requirements to recommend approval. The action from the P & Z Board will be forwarded the City Commission for final adoption.

Chairman Rouse turned it over to the applicant to give a presentation on the item.

Mr. Bruckner introduced himself as Jonathan Bruckner of Bruckner Real Estate Holdings. He said thank you for having me. Mr. Chockley did a great job giving a summary of what we're requesting. We have an aesthetically pleasing mesh screening around all of the six-foot fence that we have that lines our parking lot. If anybody knows, or anyone is a parent, when you have a lot of cars going through a parking lot, you have a lot of people that have visibility and optics into the playground. We want to keep that as private as possible. It doesn't make a complete barrier where it's blocked out, but it just gives a safer environment for the children on the inside of the playground. In our justification statement, you'll see that we've had a handful of activities and unsavory events that have happened in the parking lot. For example, we've had some police activity that comes through there. There's a lot of things that might happen there. That barrier just kind of protects the safety of the children on the inside. Also, we had people walking their dogs. We happen to be adjacent to a single family housing community. A lot of people trespass on the property. They come there all the time. We want to make sure that the children, when they're on the playground, are as safe as possible. That mesh prevents them from going up to the gate if someone's walking a dog. I've had a handful of police activities where they're chasing cars through our parking lot. If we didn't have that mesh barrier, it just would show a little bit more exposure to the children. The mesh that we have, as you can see in the pictures there, is really aesthetically pleasing. This was the best option we had at the time. We've had it up since we opened the school. Many of the Primrose Schools, many preschools and other schools that I've seen around the country have them as well. We just feel it makes the most sense for any parent to want to keep their children safe and have those visibility and protective barriers.

Chairman Rouse turned it over to the Board for any discussion.

Chairman Rouse asked what the lifetime of the barriers were or if it was something that would require costly repair every couple of years or maybe every ten years.

Mr. Bruckner said it's a synthetic mesh that he expects to last a decade plus. He said the only maintenance that I've had is sometimes caused by the sun. The mesh is attached with clips. I've got zip ties, but I've looked into other aesthetically more solid ways. There are some stainless steel Z hooks that will wear better with the weather. If the zip ties come down, then the mesh comes down. I personally do all the maintenance. I am on there a hundred percent. From a branding perspective, it's critically important to me to make sure that the grounds are maintained and it looks pleasing. Parents expect that so I maintain it regularly.

Chairman Rouse asked if the mesh is removed if there is a hurricane or storm warning.

Mr. Bruckner said yes. If a hurricane is coming, there are a lot of other things that will also come down in preparation.

Mr. Chockley said yes. A lot of the product brochures have a wind load where, if any storm over fifty miles an hour is expected, they should be taken down.

Chairman Rouse asked to confirm that this mesh could be taken down.

Mr. Bruckner said yes.

Mr. Curran said he had a couple of questions for Mr. Chockley. He asked how long the new ordinance had been in place that had the black fence mesh coming down.

Mr. Chockley said maybe a little over a month.

Mr. Curran asked roughly how many people, residents and businesses, have had to take it down.

Mr. Chockley said he did not know. He said that would be a question for code enforcement. Code enforcement started going around and doing the citations, one of which was Primrose School, but I don't know the other numbers of how many people may have been cited.

Mr. Curran asked, if other people and other residents have had to take theirs down to be in compliance, how we can make this exception.

Mr. Chockley said the variance would be an option that somebody could come in and justify why they feel the need to keep it. That would be up to each entity or property owner to come in and state that justification and the Board would evaluate. There's obviously some circumstances that are being considered as far as it needed a daycare use and there being children on the playground, but it's the Board's discretion on what they feel is adequate justification and what they don't.

Mr. Curran said okay. Thank you.

Mr. Goulet said it is a matter of protecting children. I don't think individual residents need to have any part of this. This protects our children from peeping Toms or whoever wants to peek at our kids. I'm all for it. I think that this should be brought up again as far as residents are concerned.

[Inaudible discussion]

Mr. Bruckner said yes. We looked into that and I think in the ordinance it says you can do landscaping. The challenge with that is that we'd have to re-permit everything. I've got sidewalks and playgrounds with concrete. I'd have to move everything back. And then I would have to deal with licensing because licensing certifies all of the square footage of the playgrounds per child. It really becomes a whole complexity that I'd rather not have to deal with if possible. Because it's a school and because it's a preschool, and we're looking for an exception because of our circumstances. I agree that any school probably should be considered for an exception for this because you really want to protect the visibility and the peeping Toms and the people that are looking. We want to keep our kids safe. There's so much going on right now with everything out there in the schools. Whatever we can do to keep them safe and to try and keep people outside that don't belong, I'm all for it.

Mr. Federici said he had a few remarks. To me, the hardship is definitely met. Naturally, people that are in schools know about license capacity, square footage per child. That would be a lot to have to go through that whole process. By the way, he's got quite an expensive six-foot aluminum fence. You don't get much nicer than that around at school. I went by it also and looked at it. You can't put the weaving, or whatever it is called, in.

Mr. Bruckner said yes. You can't put the slats in.

Mr. Federici said correct. You can't put the slats in because it doesn't work. Here on this ordinance, it says, "The Commission recognizes potential need to utilize windscreens at certain recreation facilities, including tennis and pickleball courts...seeks to provide exception with the windscreen for such facilities". I don't have a problem with this. Especially as far back as you're set, nobody really sees it that much. I don't see an eyesore. I'm good with it.

Chairman Rouse opened the public hearing for Primrose School of Cooper City Variance at 7:13 PM.

Chairman Rouse closed the public hearing for Primrose School of Cooper City Variance at 7:14 PM.

MOTION: TO APPROVE PRIMROSE SCHOOL OF COOPER CITY VARIANCE PETITION MADE BY JEREMY KATZMAN AND SECONDED BY WILLIAM BARKINS. THERE WERE ALL AYES ON THE ROLL CALL VOTE WITH JAMES CURRAN DISSENTING. MOTION WAS APPROVED.

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

Mr. Chockley said the first code change is relative to residential driveway dimensions. This code change is to reduce the required width driveway dimensions for a parking spot in a residential driveway. This change will allow the same dimensions used for a commercial property currently nine by eighteen to be applied when calculating residential parking for the front driveway. The dimensions of twelve by twenty, which is how the code reads now, would still apply for the garage or carport spaces to accommodate the extra room when opening doors. Planning and Zoning Board is requested to make a recommendation which will be forwarded the City Commission.

Chairman Rouse turned it over to the Board for any questions.

Ms. Dodge asked if this is for new places only or if everybody's driveway would now have to change.

Mr. Chockley said nobody's driveway would have to change. Moving forward, this would be for new projects coming in for construction. The other area this would benefit is most older developments were built with eighteen foot wide driveways for two-car garage. Inside the garage it's obviously wider than that to accommodate for the doors. With the code change coming through a couple months ago with the enclosure of the garage, with adequate outside parking, people coming in for that have an eighteen foot drive, we are having to add six feet to their primary drive plus a circular driveway. This would allow them to only add a circular to accommodate the three cars. If they wanted to go up to twenty-four for the primary they could, but we wouldn't require it anymore.

Chairman Rouse asked if this was coming from developers that want this so they can pack more houses into their developments and for density changes.

Mr. Chockley said no, not necessarily, because they're still having to do the double but we've had a couple projects with the townhouses where an eighteen foot driveway is kind of standard. By our code definitions, that would meet two car widths. Then again with the change for enclosing the carport, having three cars, everybody's had to widen their primary. Most cities treat a driveway as a standard parking space with as well at nine by eighteen, which is kind of the uniform measurement.

Chairman Rouse said I never want to take parking spaces away from a project because it always seems there's a shortage. I think when you talk about driveways, there's always room for more driveways because it keeps people off the streets. It keeps people off the swales. I'm hesitant to make a change like this in my perspective of making something smaller.

Mr. Chockley said it wouldn't limit anybody's ability to widen for additional cars if they knew they were going to have three cars. A lot of people will even do twenty-four. With your average size car, that can fit three wide. By our code standards, it would only count as two.

Mr. Katzman asked if people were coming in with this hardship to your office that are saying, "We need to increase our driveway?" He asked if it was a common issue.

Mr. Chockley said most projects come in with an eighteen foot wide drive. If you ride around and look at older communities, most of the original drives were done at eighteen feet. That is the industry dimensions of nine by eighteen. Hence, all of our parking stalls are nine by eighteen. Any projects coming in with that narrower width would have to have a driveway variance or make them to twenty-four.

Mr. Katzman said I'm thinking about what the Chair is saying. We want to make it easier on the resident, but if we're going to end up causing more stacking on the streets, which makes it harder on every other resident who's trying to drive by their house as well as public safety vehicles, I'm curious what other members are thinking.

Ms. Coyne said I was just thinking about the size of the vehicles. People have enough trouble parking a big SUV in decent size parking space.

[Inaudible discussion]

Mr. Chockley said obviously you as a homeowner, if you're going to have larger vehicles, you can come in with the driveway with whatever you like up to twenty-four for a two-car garage. This does not mandate that you do smaller spaces. It just has an option for new developments that eighteen would meet the code and not require them to do twenty-four.

Ms. Dodge asked if this is what we changed with the past two developments we approved and then they came for variance.

Mr. Chockley said the last couple of projects have been larger homes so they've come in with bigger driveways. This is a lot more of the townhouse communities that will come in with the smaller footprints.

[Inaudible discussion]

Chairman Rouse said these are just code potentials. It's just language. We don't have to do anything. If we're uncomfortable with it, we can table it. We don't have to act on it.

Mr. Chockley said these just go through with conditions, directive of what you have with resident issues or developer issues, which seem to make sense and that have some logic behind them. They get brought before the Board for possible changes, potentially.

[Inaudible discussion]

Mr. Chockley said we have a developer looking at the Kronke property just to the south of the Walmart. We've had a lot of people over the years say they have a contract in with the Kronkes. They've been very reluctant to sell but we do have somebody who's looking at that site for townhouses. Nothing's formally come in yet so we'll see if that actually goes through or not.

Chairman Rouse asked if it was residents or developers who had asked about this language change.

Mr. Chockley said mostly residents that have come in for the driveway change. If you're in Flamingo Gardens with your standard eighteen foot driveway and you wanted to take one of your garage spaces, you have to now have three exterior spaces. By our code right now they have to be twelve by twenty, which means you're adding six feet extra to your primary drive; giving you now two and, putting in a circular, giving you the third. With this code change, they would only need the circular.

Chairman Rouse said okay.

Mr. Curran asked if Mr. Chockley knew of any homeowner that's come in to move forward that's been denied even when they go through the variance. He asked if anyone had been told no.

Mr. Chockley said it's not necessarily yes or no. If they come in for the admin approval, they have to put three spaces exterior. They have to come in with a site plan dimensioning those out.

Mr. Curran asked if any of those people came in and gone through the process, as soon as you told them what they'd had to do, had left the project on the table.

Mr. Chockley said no because usually the variance isn't worth it.

Mr. Curran said I feel this is more for builders coming down the road than it is for the residents of Cooper City. That's the way I feel about this.

Ms. Vanbuskirk asked if any of the folks that are coming in for a garage conversion that are finding that this has become a necessity to do the garage conversion, also have the option to come before this Board and just ask for a variance on the driveway on case-by-case basis.

Mr. Chockley said correct.

Ms. Vanbuskirk asked to clarify that this could be done on a case by case basis rather than across the board with a code change.

Mr. Chockley said that is correct.

Dr. Barkins asked if this change is basically to take our code and standard with what most other cities have.

Mr. Chockley said correct. It would line up in most of the cities and as our code for regular parking spaces that you would see in commercial parking lots.

MOTION: TO APPROVE CODE CHANGE FOR RESIDENTIAL DRIVEWAY DIMENSIONS MADE BY WILLIAM BARKINS AND SECONDED BY LISA DODGE. THERE WERE ALL AYES ON THE ROLL CALL VOTE WITH DAVID ROUSE, JIMMY GOULET, JIM FEDERICI, KELLY VANBUSKIRK, JEREMY KATZMAN, CANDACE COYNE & JAMES CURRAN DISSENTING. MOTION WAS NOT APPROVED.

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

Mr. Chockley said the second code change tonight before you is to actually to do a few different things. The first is adding the pergola as specifically defined under accessory buildings. The definition of accessory buildings has how a pergola is designed, but we've had some contractors say, "Oh, it really should say pergola." So that is specifically being added in the definitions section. We're adding a new fixed dimension of three feet between the property line and the closest an accessory structure could be with a six foot privacy fence. The code reads, "It has to be six feet with no fencing or non-privacy fencing." If you have a privacy fence, you can go closer than the six feet, but it's not defined by code. We've had a lot of resident complaints of somebody putting a shed one foot off the property line. They can't maintain the grass. Critters are back there. It just becomes a no-man storage land. We're going to shift it in where the closest you can go now is the three feet, which is wide enough to fit a lawn mower, to get in for maintenance, et cetera. And then under the different type of accessory uses, accessory buildings, the canopy or fixed awning right now doesn't have that allowance to go to three to six feet. That is basically just a canopy coming off from somebody's porch, over hanging a door, no walls and no sides; whereas a pergola and a shed obviously is a more intrusive type structure, which could go closer than the six feet. It's just making it in line with the other types of accessory buildings and those setbacks.

Chairman Rouse turned it over to the Board for any questions they might have.

Ms. Vanbuskirk asked, with the awning able to go three feet from the fence on the backyard to the neighbors, if that was sufficient for any kind of runoff or rain that's going to be coming off that's not going to be going then into the neighbor's yard.

Mr. Chockley said, with any of these changes, they still have to meet the lot coverage maximums and the impervious area maximums, which get into the drainage and watershed. If somebody wanted to come in and say, this is the footprint of my house, I want to add canopies all the way around it all within three feet of the property lines, they would far exceed the 33% lot coverage and they would be failed for that. They have to still be within those parameters. Whatever ceiling you hit first, whether it be lot coverage and pervious area or setbacks, becomes your limiting factor.

MOTION: TO APPROVE CODE CHANGE FOR ACCESSORY BUILDING SECTION MADE BY LISA DODGE AND SECONDED BY KELLY VANBUSKIRK. 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 we don't anticipate having a meeting in September. You will get that month off being that we've had a meeting each of the last months. Right now we are expecting a meeting in October. We may have a couple of code changes and the Nur Ul Islam project is expecting to come in for that meeting. They have a site plan. They have a couple height variances and they have a plat. Overall, their request is to add a new school building and expansion to their mosque. The variance is relative to height for one of their towers and two parapets which are part of the architectural design of the building. We'll see how the advertisement goes relative to those height variances. Obviously, it'll be a public hearing. That should be on queue for October. We don't know if it'll be the first or second meeting. They haven't made that submittal, but we'll follow up to confirm the date.

6. BOARD MEMBER CONCERNS:

There were none.

7. ADJOURNMENT:

Meeting adjourned at 7:31 PM.