

ORDINANCE NO. 24-13

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, APPROVING REZONING PETITION #Z 1-1-24; PROVIDING FOR THE REZONING OF THE APPROXIMATELY .43 ACRES OF REAL PROPERTY GENERALLY LOCATED ON THE SE CORNER OF GRIFFIN ROAD AND SW 106th AVENUE IN COOPER CITY, FLORIDA; REZONING THE SUBJECT PROPERTY FROM A-1, AGRICULTURE (BROWARD COUNTY) TO R-1-D, SINGLE FAMILY 6000SQ/FT (COOPER CITY) TO PRESERVE THE ONE (1) EXISTING HOUSE ON THE SUBJECT PROPERTY; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Petition #Z 1-1-24 (the "Petition") has been submitted by Hanson Homestead, LLC, the Owner, through its agent, CC Homes at Cooper City, (collectively, the "Applicant") to rezone the approximately .43 acres of real property generally located on the SE Corner of Griffin Road and SW 106th Avenue in Cooper City (the "Property") from A-1 Agriculture (Broward County) to R-1-D single family 6000 sq/ft (Cooper City) in order to preserve one (1) existing house on the Property. A copy of the Petition is attached hereto as Exhibit "A;" and

WHEREAS, in 2003, the City of Cooper City (the "City") annexed the Royal Palm Ranches community from unincorporated Broward County; and

WHEREAS, on September 30, 2003, the City Commission adopted Ordinance No. 2003-09-08, thereby submitting the proposed annexation to referendum and approving an agreement between the City and the residents of Royal Palm Ranches to provide for the future governing of the community (the "Pre-Annexation Agreement"); and

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WHEREAS, on September 30, 2003, the City Commission also adopted Ordinance No. 2003-10-04, thereby amending the City's A-1 Agricultural Zoning District to more accurately reflect the Broward County standards for the potential annexation area; and

WHEREAS, the Pre-Annexation Agreement provided that the provisions of the Cooper City Code Section 23-76, establishing an "SRL, Special Residential Overlay District," shall apply to all of the properties annexed into the City; and

WHEREAS, the Pre-Annexation Agreement further provides, as follows:

The Properties, considered collectively, will be considered a preservation area and in order to protect the rural atmosphere of the Properties, all Broward County land use and zoning classifications, rules and regulations that are applicable to the Properties on the effective date of the annexation shall be adopted by the City for the Properties. If the land use and zoning classifications, rules and regulations governing the Properties differ from those which exist in the City, the City shall modify its Codes no later than September 15, 2004 to enable the Properties to be maintained as they exist on the effective date of the annexation.

WHEREAS, the City's professional staff has reviewed the Petition and confirmed that it meets the minimum sufficiency requirements for consideration by the City Commission, as set forth in greater detail in the staff report attached hereto as Exhibit "B" and incorporated herein; and

WHEREAS, the Royal Palm Ranches Preservation Board considered the Petition for rezoning of the Property on February 24, 2024 and recommended approval; and

WHEREAS, the Planning and Zoning Board of the City of Cooper City considered the Petition for rezoning of the Property on February 29, 2024 and recommended approval; and

WHEREAS, in accordance with the Pre-Annexation Agreement, any and all municipal enactments that may affect a change in the Properties in the Royal Palm Ranches community must be approved by a super-majority (4/5) vote of the City Commission; and

WHEREAS, the City Commission of the City of Cooper City (“City Commission”) has conducted a public hearing in accordance with Florida law; and

WHEREAS, after said hearing, the City Commission deems it to be in the best interests of the citizens and residents of the City of Cooper City that the Property be rezoned from A-1 Agriculture (Broward County) to R-1-D single family 6000 sq/ft (Cooper City) in order to preserve one (1) existing house on the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:

Section 1: **RECITALS ADOPTED.** That each of the above stated recitals is hereby adopted and confirmed. All exhibits attached hereto are incorporated herein and made a part hereof.

Section 2: That the Petition is hereby granted to rezone the approximately .43 acres of real property generally located on the SE Corner of Griffin Road and SW 106th Avenue in Cooper City (the “Property”) from A-1 Agriculture (Broward County) to R-1-D single family 6000 sq/ft (Cooper City) in order to preserve one (1) existing house on the Property.**Section 3:**

Section 3. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Section 4: The amendment set forth in Section 2 hereof shall be entered in the official zoning map of the City of Cooper City, by the Community Development Director, subsequent to the effective date of this Ordinance.


Section 5: All sections or parts of the Code of Ordinances, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith, be and the same, are hereby repealed to the extent of such conflicts.

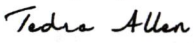
Section 6: Should any section or provision of this Ordinance, or any portion thereof, of any paragraph, sentence or word, be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof, as a whole or a part thereof other than the part declared to be invalid.

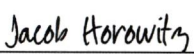
Section 7: This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED on First Reading this 28th day of May, 2024.

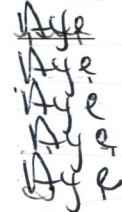
PASSED AND FINAL ADOPTION on Second Reading this 27th day of August, 2024.

Signed by:

F4D243737DC8422
GREG ROSS
Mayor

ATTEST:
DocuSigned by:

TEDRA ALLEN
City Clerk

Approved As To Legal Form:
DocuSigned by:

JACOB G. HOROWITZ
City Attorney

ROLL CALL
Mayor Ross
Commissioner Green
Commissioner Shrouder
Commissioner Katzman
Commissioner Mallozzi





CITY OF COOPER CITY
COMMUNITY DEVELOPMENT DEPARTMENT /
PLANNING AND ZONING DIVISION

9090 SW 50 PLACE
COOPER CITY, FL 33328
(954) 434-4300

REZONING APPLICATION (FLEX)

ATTENTION: Prior to submission of application, the Petitioner &/or Owner must schedule a pre-submittal meeting with the Community Development Staff to review the proposed project, the submittal and processing requirements. The submittal dates for DRC and P&Z Board can be found on the City's website at: www.coopercityfl.org. ALL ADVERTISING AND RECORDING FEES WILL BE THE RESPONSIBILITY OF THE APPLICANT.

FOR STAFF ONLY:
PETITION #: 29-2-23
DATE PETITION FILED:
9/13/23

Date of Pre-Submittal Meeting: 08/23/2023

INSTRUCTIONS TO APPLICANT:

1. Please complete all requested information on this application. If not applicable, indicate with N/A.
2. A completed Notarized General Application must accompany this application.
3. Refer to Code Section 23-151
4. Make Checks payable to the City of Cooper City per the current Fee Schedule.

I. ZONING INFORMATION

Existing Zoning: N/A - FLEX ALLOCATION Code Section: N/A - FLEX ALLOCATION
Proposed Zoning: N/A - FLEX ALLOCATION Code Section: N/A - FLEX ALLOCATION
Land Use Plan Designation: Estate (1) Residential
Acreage or Square Footage: 19.23 Gross (14.03 net) (19 Units Requested)
Brief Legal Description (attach full Legal Description): See attached.

II. ADJACENT PROPERTIES

Adjacent Property	Land Use Plan Designation	Zoning Designation	Existing Use(s) of Property
NORTH	N/A	N/A, (R-1-D prop for exist. SFH)	RIGHT OF WAY (GRIFFIN ROAD)
SOUTH	L-3 (RESIDENTIAL 1-3)	R-1-B	SINGLE FAMILY RESIDENTIAL
EAST	C (COMMERCIAL) AND L-3 (RESIDENTIAL 1-3)	B-2 AND R-1-A	SINGLE FAMILY RESIDENTIAL
WEST	C (COMMERCIAL)	OP	COMMERCIAL

If previous approvals of adjacent properties affect the subject Petition, please include a brief description of the approved square footage or the number of dwelling units.

III. CRITERIA FOR REVIEWING REZONING REQUESTS

The applicant should address each of the following criteria in the justification of the rezoning request. Responses should be on separate sheets and attached.

(1) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

(2) The proposed change would not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;





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- (3) Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
- (4) The proposed change will not adversely affect living conditions in the neighborhood;
- (5) The proposed change will not create or excessively increase automobile and vehicular traffic congestion or otherwise affect public safety;
- (6) The proposed change will not adversely affect other property values;
- (7) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;
- (8) The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;
- (9) There are substantial reasons why the property cannot be used in accord with existing zoning.

IV. SUBMITTAL CHECKLIST

QTY	REQUIRED	YES
	*Submittal requirements not to be duplicated if request accompanying other Petitions.	(√)
1	Completed Original General Application	<input checked="" type="checkbox"/>
1	Completed Original Rezoning Application	<input checked="" type="checkbox"/>
1	Certificate of Title, property deed or other proof of ownership	<input checked="" type="checkbox"/>
*14	Copies of the Signed & Sealed Surveys – 1 Signed & Sealed Survey	<input checked="" type="checkbox"/>
*14	Plats, if property is platted	<input type="checkbox"/>
*14	Site Plans or Statements of Intent of proposed use of property (Check with Staff)	<input checked="" type="checkbox"/>
*14	Aerials Photos of subject site clearly delineating site boundary lines.	<input checked="" type="checkbox"/>
*14	Subject Site Maps clearly delineating site boundary lines with adjacent and nearby street names labeled.	<input checked="" type="checkbox"/>
1	Justification Statement	<input checked="" type="checkbox"/>
1	List of Property Owners within the 400' radius	<input type="checkbox"/>
1	Sets of Mailing Envelopes (labeled with Property Owners) & Use City's Address on the return	<input type="checkbox"/>
1	Radius Map from Property Appraisers Office showing 400' radius on tax map	<input type="checkbox"/>

V. SIGN CRITERIA FOR POSTING ON PROPERTY

Please refer to the attached code, Section 23-151(e) requirement for posting of the property, which is the responsibility of the applicant. If you have any question regarding the posting or other notification requirements of the Rezoning petition, please contact the Community Development Staff.

VI. STAFF USE ONLY			
Petition #: 29-1-23	Staff Intake By: J Chockley	Intake Date: 9/13/23	
Sufficiency Completed by: J Chockley		Sufficiency Date: 9/15/23	



January 16, 2024

Mr. Jason Chockley
Community Development Department
Assistant Director
City of Cooper City
9090 SW 50th Place
Cooper City, FL 33328

**RE: Griffin 106 Road Subdivision
Rezoning from A-1* to R-1-D – Statement of Justification**

Dear Mr. Chockley,

Please accept this statement of justification for rezoning of the above-referenced property from its current zoning district A-1* to the R-1-D District. The subject site consists of approximately 19.23 gross acres (14.03 net). The current use is agricultural (tree farm) as well as single-family residence. The adjacent zoning designations are: R-1-A and B-2 (east), R-1-B (south), OP (west), and is bounded by the City limits to the north (Griffin Road Right of Way). The Hanson Homestead LLC (single family parcel), has also applied to be rezoned to R-1-D at the same time as this application.

The analyses below identify whether:


- a. The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof.**

Response: a. Policy 1.4.4 of the City's Comprehensive Plan states that City zoning as to permitted uses and densities must be in compliance with, or be more restrictive than, the requirements of the City Land Use Plan. The subject request is consistent with this policy and the Article VI, Section 3 of the Future Land Use Implementation Section of the Cooper City Comprehensive Plan, which allows the proposed uses on the subject site. Accordingly, the request may be considered consistent with the Comprehensive Plan.

- b. The proposed change would not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts.**

Response: The project site is currently in an isolated zoning district, though compatible with surroundings. The adjacent zoning districts are as follows:

- North: Town of Davie / Griffin Road right of way (R-1-D proposed for Hanson Homestead, LLC single family lot)
- East: Community Business Center (B-2) and Estate Dwelling (R-1-A)


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Cooper City, FL
33328-0910

- South: Estate Dwelling (R-1-B)
- West: Office Park (OP)

The R-1-A and R-1-B neighboring zones will have similar density to the proposed change. Therefore, an isolated zoning district will not be created due to this change in zoning.

c. Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Response: The current zoning, which is A-1*, is currently isolated by neighboring residential communities (R-1-A & R-1-B) and workspaces (OP & B-2). When the original homes were built in this property, the area was predominately of agricultural use. However, the East, North, and South sides have since been developed with higher density use. As such, the existing district boundaries are more illogical than the proposed.

d. The proposed change will not adversely affect living conditions in the neighborhood.

Response: Living conditions in the surrounding area are not expected to be adversely affected by this rezoning request. The surrounding properties to the South and East offer higher density than the rezoning proposal. Moreover, the site plan will restrict the southernmost lots to 1 story to preserve the privacy of the residents south of the existing canal.

e. The proposed change will not create or excessively increase automobile and vehicular traffic congestion, above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety.

Response: From a traffic generation standpoint, and based on accepted industry standards, the proposed uses associated with this request are not expected to have an excessive increase in traffic impact on the adjacent roadway network and will not otherwise adversely affect public safety. The accompanying site plans propose 38 single-family dwellings. The traffic study indicates that the proposed uses are projected to generate 414 daily trips, 31 AM peak hour trips (8 inbound and 23 outbound), and 40 PM peak hour trips (25 inbound and 15 outbound). This will not significantly increase vehicular traffic congestion.

f. The proposed change will not adversely affect other property values.

Response: The proposed rezoning will allow the development to be designed in a more creative manner and allow for the enhancement of the community. The proposed changes are not expected to adversely affect other property values through this rezoning request

g. The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations.

Response: As stated above, the parcels around the project have already been developed into residential subdivisions. Further, the proposed development respects and enhances all existing developments and improves all adjoining property lines with landscaping buffers and appropriate lighting.

h. The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

Response: The proposed changes to the rezoning will not constitute a grant of special privilege to any individual owner, as contrasted with the welfare of the general public.

i. There are substantial reasons why the property cannot be used in accordance with existing zoning.

Response: a. The surrounding properties' zoning designations are of greater intensity than the subject property. By rezoning the subject property, this will provide a more cohesive development with the surrounding areas and avoid illogically drawn boundaries.


If you have any questions or require additional information, please contact me at (305) 448 - 0353 or by email at dgerszuny@cchomes.com.

Sincerely,

CC HOMES AT COOPER CITY, LLC (on behalf of Hanson Homestead LLC)



Dario Gerszuny P.E.
Development Manager
CC Homes


City of Cooper City
9090 S.W. 50 Place
Cooper City, FL
33328-0910

REZONING APPLICATION

LEGAL DESCRIPTION OF HANSON PROPERTY (GROSS):

THAT PORTION OF TRACT 29 AND IT'S ADJACENT RIGHTS-OF-WAY "NEWMAN'S SUBDIVISIONS ONE AND TWO, TOWNSHIP 50 SOUTH RANGE 41 EAST" AS RECORDED IN PLAT BOOK 2 AT PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA THAT IS BOUNDED ON THE WEST BY THE WEST LINE OF THE SOUTHEAST ¼ OF SECTION 30-50-41 BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF THE SOUTH NEW RIVER CANAL;BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SECTION 30-50-41; AND BOUNDED ON THE EAST BY THE WEST LINE AND ITS NORTH AND SOUTH EXTENSIONS, OF "PINE LAKE" AS RECORDED IN PLAT BOOK 96, PATE 41 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.



City of Cooper City
9090 S.W. 50 Place
Cooper City, FL
33328-0910



**CITY COMMISSION
ORDINANCE/RESOLUTION**

TITLE: Ordinance 24-13 (Community Development)

DATE: August 27, 2024

DESCRIPTION: AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, APPROVING REZONING PETITION #Z 1-1-24; PROVIDING FOR THE REZONING OF THE APPROXIMATELY .43 ACRES OF REAL PROPERTY GENERALLY LOCATED ON THE SE CORNER OF GRIFFIN ROAD AND SW 106th AVENUE IN COOPER CITY, FLORIDA; REZONING THE SUBJECT PROPERTY FROM A-1, AGRICULTURE (BROWARD COUNTY) TO R-1-D, SINGLE FAMILY 6000SQ/FT (COOPER CITY) TO PRESERVE THE ONE (1) EXISTING HOUSE ON THE SUBJECT PROPERTY; PROVIDING FOR AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

CITY MANAGER RECOMMENDATION:

The City Manager recommends that Ordinance 24-13, the Rezoning Application for Hanson Homestead, be approved on 2nd reading. The Planning and Zoning Boards also recommended approval of the R-1-D Rezoning request with an 8-0 vote.

BACKGROUND OF ITEM:

PETITION:	Hanson Homestead – Rezoning #Z 1-1-24 (A-1 to R-1-D)
LOCATION:	SE Corner of Griffin Rd and SW 106 th Avenue, Cooper City
OWNERS/ PETITIONERS	Hanson Homestead LLC (Owner) CC Homes at Cooper City LLC (Agent)
LAND USE DESIGNATION	E – Estate
REQUEST:	Rezone from A-1 Broward County (Agriculture) to R-1-D Cooper City (single-family 6,000 sq/ft.) to preserve one (1) existing house on .43 acres.

The proposed subject site is .43 acres and has one single-family home (the oldest in the City of Cooper City). The property was annexed into the City on September 15, 2004, and is part of the Royal Palm Ranches Preservation annexation agreement. The existing zoning and Land Use Plan designations were inherited from Broward County and are the same as before the property was annexed into the City. The pre-annexation agreement that applies to the subject site states that all zoning changes must first come before the Preservation Board for a recommendation and must be approved by a super-majority vote of the City Commission.

The rezoning is necessary to separate the lot from the current parcel/property boundaries.

Consistency with Adopted Comprehensive Plan: Policy 1.4.4 of the City's Comprehensive Plan states that City zoning as to permitted uses and densities must comply with, or be more restrictive than, the requirements of the City Land Use Plan. The subject request is consistent with this policy and Article VI, Section 3 of the Future Land Use Implementation Section of the Cooper City Comprehensive Plan.

Land Use & Neighborhood Compatibility: The site's general area has been transitioning from predominantly agricultural uses to more low-density residential developments, as proposed under the subject request. The proposed lot will be larger than the new adjacent lots of the Hanson Homestead subdivision, which will surround it on three sides. It will be buffered by landscaping, retaining walls, and fencing. The proposed zoning may, therefore, be considered compatible with the surrounding land uses.

CC Homes has provided letters of support from residents of the Pine Lake community.

Traffic Impacts:

Keeping this existing single-family home will have no adverse impacts on traffic.

Staff Finding:

Staff recommends APPROVAL of the rezoning request from the A-1, Broward County district to the R-1-D district based on a finding that the petition can be considered consistent with the Comprehensive Plan and compatible with the surrounding land uses.

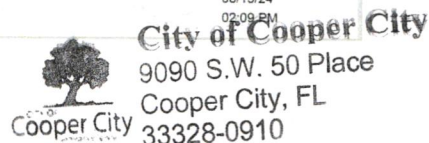
ROYAL PALM RANCHES PRESERVATION BOARD RECOMMENDATION:

At the February 24, 2024, meeting, the R.P.R.P.B. recommended APPROVAL of the R-1-D Rezoning request with a 5-0 Vote.

ATTACHMENTS:

1. Ordinance 24-13
2. Hanson Homestead Rezoning App & Justification
3. Hanson Homestead LLC Site/Landscape Plan

User	Task	Action	Date/Time
Allen, Tedra	NEW ITEM: Not Yet Routed	*COMPLETE: Forward to City ...	08/05/24 04:47 PM
Horowitz, Jacob	Assigned to Attorney	COMPLETE: Forward to City M...	08/05/24 04:50 PM
Rey, Alex	Assigned to City Manager	COMPLETE: Forward to City Cl...	08/06/24 02:42 PM
Allen, Tedra	Assigned to City Clerk	APPROVE ITEM: End Workflow	08/13/24 01:52 PM
Allen, Tedra	END WORKFLOW - APPROVED		08/13/24 02:09 PM



RESOLUTION NO. 24-13

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, AMENDING RESOLUTION NO. 20-8-3, ADOPTED ON AUGUST 25, 2020; PROVIDING FOR A RATE INCREASE FOR THE CITY'S MUNICIPAL PARKING FACILITIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 13, 1984, the City Commission of the City of Cooper City (the "City") adopted Ordinance No. 84-11-1, which provides for the lease, lease rates and rules and regulations for the City's municipal parking facilities; and

WHEREAS, the City Commission, pursuant to Resolutions 03-2-3, 13-7-2, 14-9-12, 17-3-6, and 20-8-3 amended the municipal parking facilities policy and lease rates; and

WHEREAS, the City's professional staff has recommended further amendments to the lease rates for both municipal parking facilities operated by the City, in order to increase the lease rates, as directed by the City Commission; and

WHEREAS, the City Commission has reviewed staff's recommendation and finds that increasing the lease rates for the municipal parking facilities is in the best interests of City and its citizens and residents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:

Section 1: Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed. All exhibits attached hereto and incorporated herein and made a part hereof.

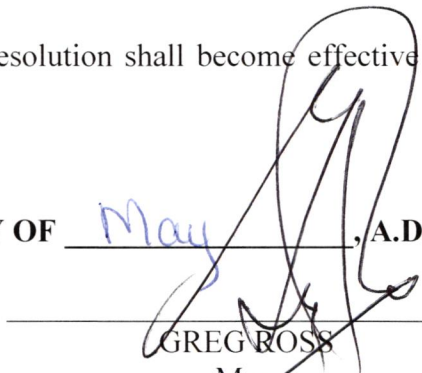
Section 2: That the Municipal Parking Facilities Lease Rates are hereby amended as set forth in Exhibit "A," attached hereto and incorporated herein.

Section 3. Conflicts. All resolutions inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

Section 4. Severability. If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.


Section 5. Effective Date. This Resolution shall become effective upon its passage and adoption by the City Commission.

PASSED AND ADOPTED THIS 28th DAY OF May, A.D., 2024.



GREG ROSS
Mayor

ATTEST:

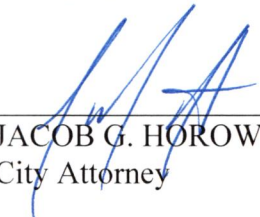


TEDRA ALLEN, MMC
City Clerk

ROLL CALL

Mayor Ross	yes
Commissioner Green	yes
Commissioner Shrouder	yes
Commissioner Katzman	no
Commissioner Mallozzi	yes

APPROVED AS TO LEGAL FORM:



JACOB G. HOROWITZ
City Attorney

EXHIBIT "A"

Effective October 1, 2024, RV lease rates will be increasing as follows:

	20 Feet	25 Feet	30 Feet x 10	30 Feet x 12
Old Rate	\$576	\$641	\$713	\$864
New Rate	\$600	\$675	\$750	\$900