

RESOLUTION NO. 19-12-6

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, APPROVING THE PLAT NOTE AMENDMENT PURSUANT TO PETITION #PA-4-1-19 FOR THE APPROXIMATELY 6.3 ACRES OF REAL PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF S.W. 106TH AVENUE JUST NORTH OF STIRLING ROAD (5960 S.W. 106TH AVENUE) IN COOPER CITY, FLORIDA; AMENDING THE EXISTING PLAT TO PROVIDE FOR A RESTRICTION TO 26,000 SQUARE FEET OF CHURCH/SYNAGOGUE USE, INCLUDING WEEKEND RETREATS (26 BEDS), 16,000 SQUARE FEET OF PRIVATE SCHOOL USE, INCLUDING AN ANCILLARY DORMITORY (36 BEDS), AND 7,000 SQUARE FEET OF DAYCARE USE; PROVIDING FOR CONDITIONS; AUTHORIZING THE PROPER CITY OFFICIALS TO TAKE ANY AND ALL ACTION NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Schick Shadel of Florida, LLC (the “Owner”) and Chabad of S.W. Broward (the “Petitioner”), through their agent, Jeremy Shir, filed Plat Note Amendment Petition #PA 4-1-19, seeking a plat note amendment, as detailed herein, for the approximately 6.3 acres of real property generally located on the east side of S.W. 106th Avenue just north of Stirling Road (5960 S.W. 106th Avenue, the “Property”); and

WHEREAS, the City’s professional staff, as detailed on the Staff Report attached hereto as Exhibit “A” and incorporated herein, recommends approval of the Applicant’s petition for a plan note amendment, subject to certain conditions; and

WHEREAS, pursuant to the City’s Code of Ordinances and applicable law, a public meeting has been advertised setting forth the date, time and place of the meeting regarding the review of the Petition; and

WHEREAS, the Broward County Planning Council has determined that replatting is not required for the Property; however, a plan note amendment is required, as detailed herein; and

WHEREAS, the City Commission has examined the Petition and staff recommendations and determined that the Petition is in compliance with the City Code and applicable design guidelines for the Property; and

WHEREAS, a Public Hearing on this request was held by the Planning & Zoning Board on November 4, 2019, after due notice of publication; and

WHEREAS, the Planning & Zoning Board has submitted to the City Commission their recommendation, a copy of which is included in the Staff Report, and recommends the approval of the Petition pursuant to staff's recommendation; and

WHEREAS, the City Commission finds that approving the Petition for the plat note amendment is in the best interests of the citizens and residents of the City of Cooper City.

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: **Approval.** That Petition #PA 4-1-19 is approved, subject to the conditions set forth in the Staff Report attached hereto as Exhibit "A," and incorporated herein. The amendment to the plat note provides for a plat restriction to 26,000 square feet of church/synagogue use, including weekend retreat (26 beds), 16,000 square feet of

private school use, including ancillary dormitory (36 beds) and 7,000 square feet of daycare use.

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 proper city officials are hereby authorized and directed to take any and all action necessary to effectuate the intent of this resolution.

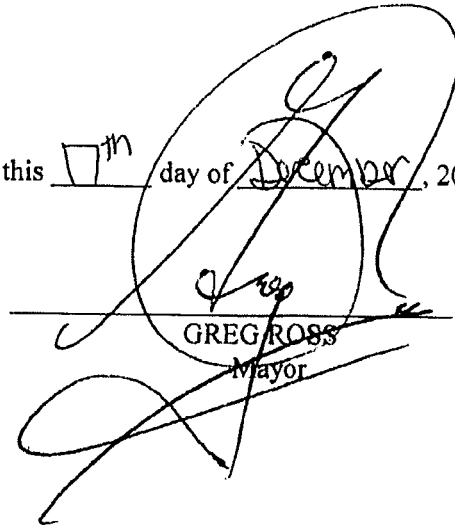
Section 5. **Conflicts.** All resolutions inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

Section 6. **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 7. **Effective Date.** This Resolution shall become effective upon its passage and adoption by the City Commission.

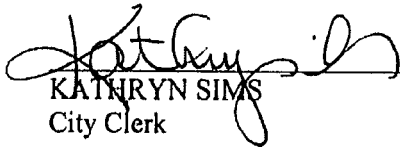
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PASSED AND ADOPTED this 17th day of December, 2019



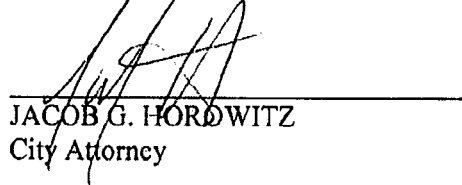
GREG ROSS
Mayor

ATTEST:



KATHRYN SIMS
City Clerk

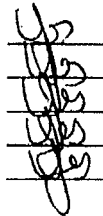
APPROVED AS TO LEGAL FORM:



JACOB G. HOROWITZ
City Attorney

ROLL CALL

Mayor Ross
Commissioner Pulcini
Commissioner Meltzer
Commissioner Curran
Commissioner Green





MEMORANDUM

To: City Commission Members

From: Matt Wood, Growth Management Director

Thru: Patrick Lynn, Interim City Manager

Date: December 2, 2019

Re: Site Plan Amendment and Plat Amendment for Chabad of SW Broward
Petition Nos. SPA 4-1-19 and PA 4-1-19

LOCATION: 5960 SW 106th Avenue -- Generally located on the east side of SW 106th Avenue just north of Stirling Road

SIZE/ACRES: Approximately 6.3

OWNER/AGENT: Schick Shadel of Florida LLC, Owner
Chabad of SW Broward, Petitioner
Jeremy Shir, Agent

FUTURE LAND USE PLAN DESIGNATION: R-5, Residential

ZONING DESIGNATION: X-1, Civic District (proposed)

ANALYSIS: These petitions include site plan and plat amendment requests, which have been submitted simultaneously with rezoning, conditional use and variance requests necessary for approval of the proposed institutional and ancillary uses. The subject site is approximately 6.3 acres in size and is the property previously operated as the High Point medical rehabilitation center. It has been vacant over the past several years and is now under contract for purchase by the Chabad of SW Broward in order to operate the future home of the Chabad of SW Broward.

Other uses proposed on site include a day care center, a secondary school for students living on campus, accessory dormitory rooms, a Mikveh, retreat center, administrative offices in Phase I of the development and a newly constructed permanent sanctuary in Phase II. There are currently six buildings on the site in various stages of disrepair, which are intended to be rehabbed for the above-mentioned uses.

The plans reflect six buildings on site. Building 1 is the 1,800 square foot Mikveh, primarily used by women for ritual baths and spiritual cleansing. Building 2, the 8,241 square foot dormitory, will be for 13 to 15 year olds who will be attending the Chabad Judaic school on

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campus. There would be 13 sleeping rooms with 36 beds with one dedicated room for a 24/7 staff member. Only partial occupancy is anticipated during the summer months.

Building 3, the 9,275 square foot secondary school, will offer religious classes for students residing on campus; adult education classes; administrative support; and a commercial grade kitchen with dining area. There are five classrooms, two administrative offices and a library as well. The 2,000 square foot dining area will also serve as a temporary sanctuary during weekends and holidays holding a maximum of 133 congregants. To the immediate northwest of this building are two existing loading spaces.

Building 4 is the retreat building, which will allow Orthodox families and groups to attend weekend seminars and provide a single facility for retreats, classes and meals. The 8,241 square foot retreat will only be open on the Sabbath and Jewish holidays and will provide 14 sleeping rooms. The existing pool in the rear of the building will be renovated and reopened.

Building 5, an administrative office facility of 4,127 square feet, will continue to operate as such in Phase I and will be demolished during Phase II to make way for a new replacement Building 5 housing the permanent sanctuary proposed at 9,300 square feet. Building 6 is the proposed 5,654 square foot daycare center, designed for 72 children and 8 staff members. It include a fenced in outdoor plat area and is to be open Monday through Friday from 7:30 a.m. to 3 p.m.

Vehicular access to the site is provided from SW 106th to the west. Emergency access is proposed via a service access drive along the entire north side of the property, which is being connected, to the existing cul-de-sac via a newly constructed drive aisle in Phase 1 in order to meet fire department access and turning radius requirements.

88 parking spaces are proposed on site – 55 paved spaces including 4 ADA spaces and 33 grassed. Up to 20% of the parking may be grassed per Code, as long as they are not used more than three times per week. Code would require 160 spaces including 63 paved spaces. A new pedestrian walkway is proposed at the main entrance to the property, which connects to the existing sidewalk along SW 106th Avenue.

As to parking and traffic impacts, the petitioner has committed to the following:

1. Chabad of SW will pay Cooper City the proportionate share of both intersection improvements totaling a one-time payment of \$24,720.
2. Traffic control persons will be placed at particularly specified locations on site in order to enforce the correct operation of the circulation aisle and parking lots during the daycare's morning and afternoon peak periods.
3. Should traffic backups be observed spilling out onto SW 106th Avenue by Broward Sherriff's Office, then with the recommendation of the BSO, the Chabad will be subject to amending the Conditional Use approval with an updated traffic study and further review by the DRC, P&Z and City Commission for further action.

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PLAT AMENDMENT

Per the Broward County planning Council Platting Determination Letter, replatting is not required for this parcel. However, the proposed plans necessitate a plat amendment application to change the plat note as follows:

From: “This plat is restricted to a Special Residential facility containing 63 beds or 31 Dwelling Unit Equivalents as defined in County Ordinance 85-92. This plat is further restricted to facilities allowed within Chapter 9, 901 Group D occupancy, Division 2, of the South Florida Building Code (1986 Broward County Edition.) This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by agreement with Broward County.”

To: “This plat is restricted to 26,000 square feet church use including weekend retreat (26 beds), 16,000 sq. of private school including ancillary dormitory (36 beds), 7,000 sq. ft. of daycare”.

DEVELOPMENT REVIEW COMMITTEE RECOMMENDATION: The Site Plan and Plat Amendment petitions have been reviewed by the DRC for conformance with the applicable zoning district regulations and are in conformance with those provisions subject to the conditions listed below. Staff recommends APPROVAL of the Final Site Plan and Plat Amendment petitions subject to the following:

1. The applicant shall receive approval of the following items prior to City Commission approval of the final site plan:
 - a. City Commission approval of the rezoning, conditional use and variance petitions submitted concurrently with this petition.
2. Approval of the following items prior to permit issuance:
 - a. Broward County approval and ultimate recordation of the Plat Amendment.
 - b. Payment of any additional general government impact fees or any outstanding Broward County fees.
 - c. Engineering Department approval of the water and sewer agreement and payment of any additional ERC fees prior to permit issuance of the Phase II portion of the project.
 - d. Inclusion of the petitioner’s access and traffic control and pedestrian safety commitment listed in this staff report.
 - e. Execution and recordation, in the Broward County records, of the amended Declaration of Restrictive Covenants, which provides for the construction of the two, story Building 5 in Phase II of the development.
 - f. Payment of the proportionate share of the SW 106th Avenue’s intersection improvements at Stirling Road and Griffin Road, totaling a one-time payment of \$24,720.
3. Approval of the following items prior to CO issuance:
 - a. The grass parking spaces shall be dimensioned and marked with lined per Code required standard parking space dimensions.

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4. Should traffic backups be observed spilling out onto SW 106th Avenue by Broward Sherriff's Office, then with the recommendation of the BSO, the Chabad will be subject to amending the Conditional Use approval with an updated traffic study and further review by the DRC, P&Z and City Commission for further action.

PLANNING AND ZONING BOARD RECOMMENDATION: The Planning and Zoning Board, at their meeting of November 4, 2019, unanimously recommended approval of the Site Plan Amendment petition # SPA 4-1-19, and Plat Amendment Petition #PA 4-1-19, subject to staff recommendations.