

STAFF REPORT
Living Word
001-UP-01

A request to amend the note on the plat has been filed with the Planning and Redevelopment Division. This plat, located at the southwest corner of Stirling Road and Northwest 89 Avenue, was approved by the County Commission on November 4, 2002, for 15,000 square feet of school and 10,000 square feet of church uses on 9.0 acres in what was then unincorporated Broward County. The property is now within the City of Cooper City.

A request to revise the note on the plat was subsequently approved by the County Commission on January 6, 2004, and the plat was recorded on May 6, 2004 (Plat Book 173, Page 143) with the following restriction:

This plat is restricted to 53,000 square feet of church building and 25,000 square feet of school building (5,890 square feet of church building is existing). Pre-school and/or daycare uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

The applicant is requesting to amend the note by adding 3,000 square feet of pre-school/daycare use. No changes are proposed to the church or private school uses. The requested note would read as follows:

This plat is restricted to 53,000 square feet of church building; 25,000 square feet of private school building; and 3,000 square feet of pre-school/daycare use.

The applicant is advised that this plat is subject to the attached Declaration of Restrictive Covenants, recorded in O.R. Book 30680, Page 1433, which includes the permitted uses, activities, building phasing and other site plan considerations for this property. Section 5 of this document addresses specific limitations for the proposed day care and school uses.

This request was evaluated by the Reviewing Agencies.

The attached memorandum from the Broward County Planning Council indicates that the effective Land Use Plan designates the area covered by this plat for the uses permitted in the "Estate" land use category and that the proposed church, private school, and pre-school/daycare uses are in compliance with the permitted uses of the effective Land Use Plan.

The Service Development staff of the Transit Division notes that this plat is currently serviced on Stirling Road by BCT Route # 16.

The Aviation Department has indicated that the property is located within 20,000 feet of the North Perry Airport. Any proposed construction or the use of construction cranes must be reviewed to determine if Federal Aviation Regulation Part 77, Florida Statutes Chapter 333 and/or the Broward County Airport Zoning Ordinance apply. Based on the location of the proposed project, the FAA may need to review to determine whether the

Continued

project is a potential hazard to aviation. To initiate the Federal Aviation Review, access the FAA Web page at: <http://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

The attached comments from the Historical Commission indicate that there is little potential for the discovery of unrecorded archaeological and/or historical cultural resources within the proposed project boundary.

The Natural Resources Planning and Management Division has reviewed this request and at this time, this site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the inventory. The Environmental Review Report, coordinated by the Planning and Redevelopment Division, is attached.

The attached Resolution (No. 14-2-4) and staff memorandum from the City of Cooper City indicate municipal approval of this request.

This plat with the amended note satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Land Development Code. In addition, this request represents an increase of 37 pm peak hour trips. The plat is located within the South Central Transportation Concurrency Management District and meets the regional transportation concurrency standards specified in Section 5-182(a)(5)a) of the Broward County Land Development Code. In addition, a total of \$25,000 was paid for a traffic video detection device to satisfy traffic concurrency requirements through the platting process.

At the time the property was platted, it was subject to road impact and administrative fees. Road administrative fees were paid for the currently approved level of development prior to plat recordation, and the road impact fees were secured with a letter of credit through a Road Impact Fee Agreement recorded in O.R. Book 37405, Page 973. Road impact fees for 31,791 square feet of church use were satisfied under the terms of this agreement. This agreement was subsequently terminated in May 2011 (O.R. Book 47948, Page 1986) and the letter of credit returned. Any additional church use and the proposed private school use remain subject to road impact fees. This plat is now located in a Transportation Concurrency Management District and the additional trips generated by the proposed pre-school/daycare use are subject to transportation concurrency fees. Both road impact and transportation concurrency fees will be assessed and paid in accordance with the fee schedule specified in the Land Development Code during the review of construction plans submitted for County environmental review approval. These fees shall be based on the gross square footage of any building(s) as defined in the ordinance. Road impact fees are subject to an increase every October 1.

Staff recommends **APPROVAL** of this request provided the applicant accomplishes the following:

- 1) Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **May 6, 2015**.

The note amendment must include language stating that any structure within this plat must comply with Section IV D.1.f., Development Review

Continued

requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.

In addition, staff recommends that the Board authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.

Finally, the applicant is advised that, in accordance with Section 125.022, Florida Statutes, the issuance of a development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County 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.

SMH

Continued



INSTR # 100404783
 OR BK 30680 PG 1433
 RECORDED 07/18/2000 10:11 AM
 COMMISSION
 BROWARD COUNTY
 DEPUTY CLERK 1931

This instrument prepared by
 and return to:

Emerson Allsworth
 1177 S.E. 3rd Avenue
 Fort Lauderdale, FL 33316

RECORD & RETURN TO:
 ROBERT H. ASCHHEIM, ESQ.
 2999 NE 191 ST PH 6
 AVENTURA FL 33180

DECLARATION OF RESTRICTIVE COVENANTS

THIS IS NOT AN
 OFFICIAL COPY

KNOW ALL MEN BY THESE PRESENTS that the undersigned, LIVING WORD
 OPEN BIBLE, INC., a Florida Corporation, ("OWNER"), whose mailing address is 3900 N.W.
 89th Avenue, Hollywood, Florida, being the owner of that certain real property located in

Broward County, Florida, and described as follows:

Tract 1 of EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION of
 Section 5, Township 51 South, Range 41 East, according to the Plat thereof,
 recorded in Plat Book 2, Page 75 of the Public Records of Broward County,
 Florida, said lands situate, lying and being in Broward County, Florida

collectively known as the ("PROPERTY") does hereby make the following Declaration of
 Restrictive Covenants ("COVENANTS") as to said Property which shall be binding upon said
 Owner, its successors and assigns, and upon all persons taking title through the undersigned.

1. USES:

Notwithstanding the allowable uses under the existing or future zoning category
 for the Property, the following uses shall not be permitted upon any portion of the Property:

- a. Health Clinic or Facility;
- b. Alcohol or Drug Rehabilitation Center;

⑦

- c. Halfway House;
- d. Detention Facility;
- e. Retail Sales;
- f. Cellular Tower;
- g. Thrift or Consignment Store.

Such exclusions would not prohibit an emergency medical room or facility nor the counseling of individual members of the on-site facility nor the establishment of a bookstore in connection with the functions of a church or school. Any such bookstore shall exhibit no exterior display advertising.

2. ACTIVITIES:

The following activities shall not be permitted upon any portion of the Property:

- a. Fireworks Display;
- b. Carnival or Circus;
- c. Flashing, laser or attraction lights;
- d. Livestock boarding or grazing, including the feeding of stray dogs or cats;
- e. No outdoor concerts, plays or shows;
- f. No regular outdoor congregational services. This does not prohibit an occasional outdoor service for some special event adjacent to Phase II building. This does not prohibit the holding of a Sunday school class or childrens' class outdoors.

Any such event or class would be located North of the existing Phase I building.

Any outdoor amplification used would be temporary in nature and would not

exceed the standard noise decibel level in effect for Broward County. There would be no night time classes or night time congregational services held outdoors.

- g. No rehabilitation programs or programs for at risk Kids.
- h. No housing except as otherwise set forth in these Covenants;
- i. No signage except that specifically permitted by Broward County;
- j. No feeding or clothing distribution programs.

3. SITE PLAN CONSIDERATIONS:

The development of the site shall include the following considerations. These factors shall be implemented at the time of any building construction after the completion of the addition of the existing Phase I building and shall be completed before the issuance of a Certificate of Occupancy for any building constructed after such Phase I addition.

A. A chain link fence shall be installed a minimum of three (3) feet North of the South Property line. Such fence shall be extended in a Northerly direction parallel, and as near to as permitted by Broward County, to the East and West boundaries of the Property to a point 200 feet North of the South property line as the same is measured along the East property line. The owner may construct an additional fence or wall along any portion of the remainder of its property as it deems appropriate.

B. The pond that will be installed by the Owner for retention or aesthetic purposes shall be situated as near the South boundary of the property as is practicable and the same shall be shaped in an East-West direction and shall run to the East and West as near to such property lines as is practicable. The pond need not run to the

South or East or West fence line due to the need to move machinery and equipment around the perimeter of the pond for maintenance and/or landscape purposes. The extent of the pond in a Northerly direction shall be at least to the minimum requirement of all governmental authorities but may exceed such minimum and distance to the North subject to obtaining additional approvals for the excess size of the pond over the required minimum.

C. A tree line shall be established across the Property running from East to West located two hundred feet (200') North of the South property line as the same is measured along the East property line. Said tree line shall be of a type and species as is approved by Broward County at the time of site plan approval. Said tree line must of necessity permit passage through and around the same so as to allow equipment or machinery to access the pond and South two hundred feet (200') of the Property for maintenance and/or landscape purposes.

No buildings or paving shall be permitted South of the tree line. The Owner reserves the right to install and maintain landscaping in the space between the South fence line and the South property line with input from the beneficiary association . The Owner agrees to keep and maintain the present tree line on the Property until the aforescribed new tree line is ready to be installed.

D. Any and all outdoor lighting on poles shall be of the downward reflecting type to minimize glare or reflection being cast offsite.

4. PHASING AND UTILIZATION:

The sequence for building will be: Phase I, followed by Phase II. Phase II will also include the conditions stated under section 3. The present building on the site may be increased in size to no more than Six Thousand (6000) square feet which shall constitute Phase I.

OR BK 30680 PG 1437

Thereafter, Phase II shall consist of the building of a sanctuary or church services building with attached or detached ancillary rooms, including but not limited to choir rooms, offices, bathrooms, study rooms, meditation rooms, dressing rooms, kitchen and eating facilities, daycare rooms, playrooms, classrooms and any other facilities normally associated with a church or school. Upon the completion of such facilities, then the Phase I existing building as expanded shall be principally utilized as administrative offices, a bookstore, storage and a caretaker's residential facility. Congregational services would no longer be conducted in the Phase I building. The Phase II building will be located at the North end of the Property according to a site plan approval by Broward County consistent with setback, paving and landscape requirements.

A Phase III building is contemplated to be constructed North of the newly established tree line. This ministry residential building shall be used for small congregational meetings or gatherings. It may be used as a residence for the spiritual leader of the church, together with his family. It may be used as a temporary residence for visiting dignitaries to the church on a short-term basis.

5. DAY CARE AND SCHOOL LIMITATIONS:

The OWNER may institute a day care and/or school operation after the completion of the Phase II construction. Any such operation shall be limited to the hours of between 7:00 a.m. and 7:00 p.m. Further, any such school operation shall not exceed the sixth grade. The OWNER may operate a summer camp, but the same shall be limited to children age twelve (12) and below. The same age limitation shall apply to the school or day care facility and the same hours shall apply to the summer camp facility. No overnight boarding is permitted. A playground and normal playground games and equipment are permitted including the

The construction, operation and maintenance of the Property shall at all times be subject to the zoning and land use regulations of Broward County and any other appropriate governmental authorities. Should any of the provisions of these Covenants be contrary to rules or regulations of appropriate governmental authorities, then the governmental authority rules and regulations shall apply and these Covenants are then accordingly amended to conform. However, in such event the remainder of these Covenants not so affected shall remain in full force and effect.

7. BENEFIT AND AMENDMENT OF COVENANTS:

These Covenants shall be for the benefit of and shall run in favor of Diamond Head Home Owners Association, Inc., a Florida Corporation.

These Covenants shall run with the land and shall be binding upon all parties taking title through the undersigned from the date these Covenants are recorded in the Public Records of

Broward County, Florida. This Declaration of Restrictions may be amended or removed only by a written document of equal dignity approved by the aforesaid beneficial party in interest pursuant to its By Laws or its successors and/or assigns and with the approval of the undersigned, its successors and/or assigns.

OR BK 30680 PG 1439

Dated at Fort Lauderdale, Broward County, Florida, this 11th day of July, 2000.

LIVING WORD OPEN BIBLE, INC., A Florida
Corporation

By: *Karl A. Francis*
KARL A. FRANCIS (PRESIDENT)
Print Name and Title

Elaine H. Touhey
Witness Signature:

ELAINE H. TOUHEY
Witness Print Name:

Macquayn Britton
Witness Signature:

MACQUEAYN BRITTON
Witness Print Name:

STATE OF FLORIDA)
)SS:
COUNTY OF BROWARD)

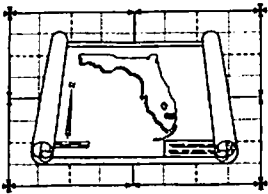
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, appeared KARL FRANCIS as PRESIDENT of LIVING WORD OPEN BIBLE, INC., a Florida Corporation, who is personally known to me to be the person described in and who executed the foregoing instrument and acknowledged before me that he/she executed the same on behalf of LIVING WORD OPEN BIBLE, INC., a Florida Corporation, in the presence of two subscribing witnesses, freely and voluntarily, under authority duly vested in him/her, and who did not take an oath.

WITNESS my hand and official seal this 11 day of July, 2000.

ELAINE H. TOUHEY
MY COMMISSION # CC 92957
EXPIRES: April 19, 2004
Bonded Thru Notary Public Underwriters

Elaine H. Touhey
NOTARY PUBLIC
Printed Name: ELAINE H. TOUHEY
My Commission Number: CC 929577
My Commission Expires: 4/19/2004





BROWARD COUNTY PLANNING COUNCIL

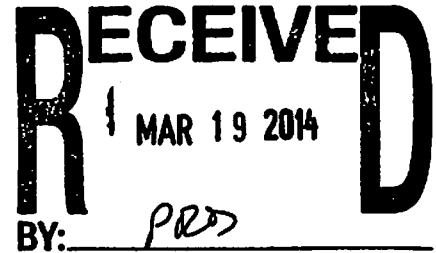
115 South Andrews Avenue, Room 307 • Fort Lauderdale, Florida 33301 • Phone: 954.357.6695

TO: Henry A. Sniezek, Director
Planning and Redevelopment Division
Broward County Environmental Protection and Growth Management Department

FROM: Barbara Blake Boy, Executive Director

RE: Delegation Request for Living Word
(001-UP-01) City of Cooper City

DATE: March 18, 2014



Planning Council staff has reviewed the proposed revision to the restrictive note on the above referenced plat. The proposal is to change the restrictive note on the plat as follows:

FROM: This plat is restricted to 53,000 square feet of church building and 25,000 square feet of school building (5,890 square feet of church building is existing).

TO: This plat is restricted to 53,000 square feet of church building 25,000 square feet of private school building and 3,000 square feet of pre-school and day care use.

The Future Land Use Element of the City of Cooper City Comprehensive Plan is the effective land use plan for the City of Cooper City. That plan designates the area covered by this plat for the uses permitted in the "Estate" land use category. This parcel is generally located on the southwest corner of Stirling Road and Northwest 89 Avenue.

The proposed church, private school, pre-school and daycare uses are in compliance with the permitted uses of the effective land use plan.

The contents of this memorandum are not a judgment as to whether this development proposal complies with the Broward County Trafficways Plan, local zoning, other land development regulations or the development review requirements of the Broward County Land Use Plan including its concurrency requirements.

BBB:DBT

cc: Bruce Loucks, City Manager
City of Cooper City

Matt Wood, AICP, Director, Planning and Growth Management Department
City of Cooper City



Our Best.
Nothing Less.

LIBRARIES DIVISION • Historical Commission

301 Harmon (S.W. 13th) Avenue • Fort Lauderdale, Florida 33312 • 954-357-5553 • FAX 954-357-5522

March 24, 2014

Susanne Henderson

Broward County Development and Environmental Regulation Division
One North University Drive, Building A
Plantation, Florida 33324

**Re: Broward County Historical Commission Review
Living World, Plat No. 001-UP-01**

Dear Ms. Henderson:

I have had an opportunity to review materials relative to **Living World, Plat No. 001-UP-01**.

A review of materials including archival documents, maps, the Broward County Land Use Plan and the Florida master Site File (FMSF) indicate that the proposed plat amendment contains no previously recorded archaeological or historic cultural resource sites nor is the plat located within or adjacent to a previously identified archaeological zone. Based on this information, the Broward County Historical Commission has no objections to the proposed plat amendment.

In the event that archaeological features or artifacts are discovered during the course of the survey, the Historical Commission *shall* be notified within twenty four (24) hours of the discovery and the discovery shall be reported pursuant to Broward County Code Ordinance 92-38. . A final survey report shall be completed and submitted to the Broward County Historical Commission for review and comment.

If, in the event, any unmarked human burial remains are discovered, then work in the vicinity of the burial find is to halt immediately until a determination can be made, in accordance with Florida State Statutes, Chapter 872, by either the state archaeologist or the county medical examiner as to jurisdiction, custody, and disposition of the remains. Should this occur, this office is to be contacted immediately to facilitate the coordination of the find.

If you have any questions regarding these comments or would like additional information please contact me at the Broward County Historical Commission by telephone: (954) 357-5506, or email: mdefelice@broward.org.

Sincerely,
Matthew DeFelice, County Archaeologist

Ec: Laura Connors, Associate Director, Libraries Division
Peggy Davis, Manager, Libraries Division, Historical Commission
David Baber, Historic Preservation Coordinator, Libraries Division

**ENVIRONMENTAL REVIEW AND COMMENTS REPORT
TO THE PLANNING AND REDEVELOPMENT DIRECTOR**

Application: Delegation Request (To amend the note to add 3,000 square feet of pre-school and day care use.)
File Number: 001-UP-01
Project Name: Living Word
Comments Due: March 28, 2014/Revised April 8, 2014
Development Type: Church (53,000 Square Feet) and School (25,000 Square Feet Private K-5 and 3,000 Square Feet Pre-School/Day Care)

The Planning and Redevelopment Division of the Broward County Environmental Protection and Growth Management Department (EPGMD) has coordinated with other Divisions in this Department along with the County Health Department to provide the following comments on the above referenced plat:

Surface Water Management

This plat is located in the City of Cooper City and is in the Central Broward Water Control District. Surface water management plans for this plat must meet the criteria of the Water Control District. A surface water management permit must be obtained from this District prior to any construction.

Potable Water Review

This plat is served by the City of Cooper City Water Treatment Plant which has a capacity of 7.0 MGD and a maximum daily flow of 4.8 MGD. According to the Broward County Health Department, there is sufficient available water treatment plant capacity to serve the proposed uses at this point in time.

Wastewater Review

Wastewater Treatment Plant:	Cooper City
Flow Data:	As of 1/14
EPGMD Licensed Capacity	3.4400 MGD
12 Month Average Flow:	2.3400 MGD
Existing Flow Reserved by Building Permit:	0.0660 MGD
Total Committed Flow:	2.4060 MGD
Estimated Project Flow <u>for the Pre-School/Day Care Use:</u>	0.0005 MGD

The applicant is advised that a Wastewater Collection/Transmission System License will be required prior to constructing, expanding or altering either a gravity sanitary sewer, a sanitary force main or a pump station.

Natural Resources Preservation

This plat is not located in a wellfield zone of influence as described in the Broward County Wellfield Protection Ordinance 84-60, as amended, and as incorporated into the Broward County Code of Ordinances, Chapter 27, Article XIII.

Review of available information indicates that, at this time, there are no wetlands within the boundaries of this plat, therefore, a Conceptual Dredge and Fill Review Report is not required. Based upon the present conditions within the site, filling of the land area will not require an Environmental Resource License. Other activities, such as lake or canal excavation regulated under Article XI of the Natural Resource Protection Code, may require a license. The Applicant

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001-UP-01 Living Word

is encouraged to contact the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division at 954-519-1483 at the earliest time to determine if, and what type of, a license may be required prior to undertaking any surface disturbing activities.

Applicant has been informed that the proposed development contains or abuts water bodies or will be creating same. Excavation or filling of lakes or canals is regulated under Article XI of the Natural Resource Protection Code and may require an Environmental Resource License. Design criteria shall be in compliance with Section 27-337, which requires that lake slopes be a minimum of 4:1 (H:V) to a depth of two (2) feet below the average dry season low water elevation as demonstrated by water management district or county maps. Littoral areas should be constructed and designed to encourage the growth of native, aquatic vegetation to improve filtration of runoff and to increase biological productivity per South Florida Water Management District and Broward County surface water management requirements.

This property received an Environmental Resource License (DF06-1255) for lake excavation. Should the lake design change, a new application may be necessary. Contact the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division at 954-519-1483 for specific license requirements.

The Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division encourages all invasive exotic vegetation including Melaleuca, Brazilian-pepper, Australian pine and others as listed in the Exotic Pest Plant Council's List of Florida's Most Invasive Species to be removed during the development process, and a management plan may be necessary to control re-invasion of same. In addition, landscape material should not include any plants considered to be invasive of south Florida's native plant communities. The Exotic Pest Plant Council's List of Florida's Most Invasive Species is available from the Aquatic and Wetland Resources Section.

Review of aerial photographs indicates that the subject site contains tree canopy. Development of the site must comply with the Tree Preservation Regulations of the City of Cooper city if trees are to be removed or relocated. The applicant is encouraged to minimize the number of trees to be removed by incorporating existing trees in the site plan. If trees cannot be incorporated into the site plan in their current location, the applicant is encouraged to relocate trees, especially those of specimen size and quality.

This site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the inventory. The Protected Natural Lands Inventory is a comprehensive database of public and private native vegetative communities that have been protected through acquisition or regulatory mechanisms and are managed for conservation purposes. The Protected Natural Lands Inventory may be accessed at:

<http://bcgis.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=85f453365417459f8ba45fa6e5dddb9c>.

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001-UP-01 Living Word

Additional Comments Addressing Certain Environmental Protection Actions Needing to be Taken to Implement the Project

1. Any discharges to ground or surface waters, excluding stormwater, will require review and approval from the Environmental Engineering and Licensing Section of the Environmental Licensing and Building Permitting Division prior to discharge.
2. An Environmental Resource License may be required for any activities regulated under Article XI of the Natural Resource Protection Code. Contact the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division at 954-519-1483 for specific license requirements.
3. Wastewater receiving lift stations and force mains are critical components to the conveyance system. Accordingly, adequate capacity for this project will need to be demonstrated of the receiving off-site sanitary sewer conveyance system. Contact the Environmental Engineering and Licensing Section of the Environmental Licensing and Building Permitting Division at 954-519-1483.

Be advised that approval of a delegation request does not infer any approval to connect to any wastewater collection, treatment, or disposal system. Nor does it infer that sufficient capacity will exist at time of Building Permit approval. Connections to such systems are approved by the Environmental Licensing and Building Permitting Division as a prerequisite to, and just prior to, approval of Building Permits by the appropriate Building Department for any structures that are to be built on the platted site. These comments do not indicate a waiver or approval of any license or permit that is, or may be, required for any aspect of the project.

RESOLUTION NO: 14-2-4

A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, ISSUING DEVELOPMENT ORDER NO. 14-2R TO LIVING WORD OPEN BIBLE CHURCH, FOR PLAT AMENDMENT #PA 9-1-13, SUBJECT TO THE STIPULATIONS CONTAINED WITHIN THE STAFF REPORT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission has examined and investigated the application, the Planning and Zoning Board recommendations and the stipulations contained within the Staff Report; and

WHEREAS, the City Commission reviewed the Development Order and accompanying documents at a public meeting; and

WHEREAS, the City Commission has determined that the application is in compliance with all elements of the City's Comprehensive Plan, or will be in conformance prior to the issuance of a Certificate of Occupancy for the development that is the subject of the application;

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

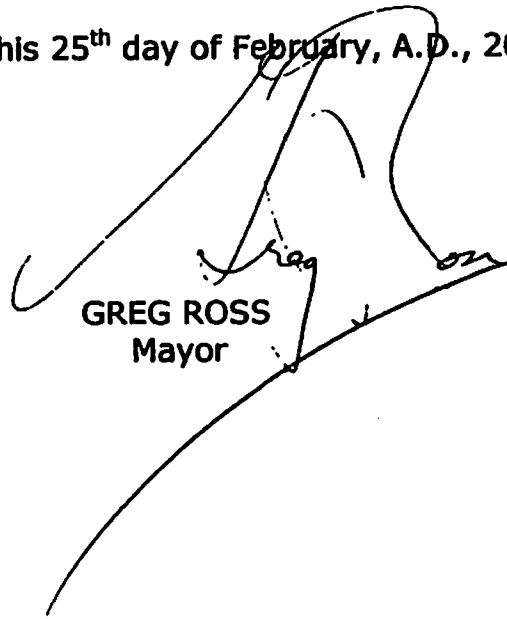
Section 1: That the development described in the attached documents is granted a Development Order to proceed, subject to the following conditions:

- A. Construction is to be in complete compliance with the plans and specifications submitted by the developer to the City, which may be found on file at City Hall;
- B. Prior approvals and conditions, where applicable, of the City Commission are still applicable;
- C. The Development Order is assignable, but an assignment does not discharge any assignee from strict compliance with the order unless the City Commission consents to modify any of the original requirements;
- D. All applicable state and federal permits must be obtained before commencement of the development.

Section 2: Should any section or provision of this Development Order be declared by a Court of competent jurisdiction to be invalid, the City Commission shall determine if the other portions of the Order remain valid or whether the approval shall be null and void.

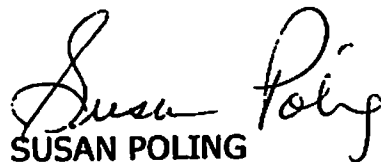
Section 3: This Resolution shall be in force and take full effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 25th day of February, A.D., 2014.



GREG ROSS
Mayor

ATTEST:



SUSAN POLING
City Clerk

Roll Call

Mayor Ross
Commissioner Mallozzi
Commissioner Sims
Commissioner Curran
Commissioner Green


yes
yes
yes
yes
yes

Disclaimer: 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.



MEMORANDUM

To: City Commission Members

From: Matt Wood, Growth Management Director 

Thru: Bruce Loucks, City Manager

Date: February 11, 2014

Re: Site Plan and Plat Amendment Petitions for Living Word Open Bible Church

Petitions: Site Plan Amendment #SPA 9-1-13
Plat Amendment #PA 9-1-13

Location: 8900 Stirling Road -- Generally located on the south side of Stirling Road in the 8900 block

Owner/Agent: Living Word Open Bible, Inc., Owner
Mr. Karl Francis, Pastor, Living Word Open Bible Church, Petitioner
Hoyt Holden, AICP, Calvin Giordano and Assoc., Inc., Agent

Land Use Plan: E, Estate

SITE PLAN AMENDMENT ANALYSIS: This submittal consists of Site Plan Amendment and Plat Amendment petitions for the Living Word Open Bible Church for a proposed Pre-K and K-5 private school to be located on the south side of Stirling Road, just west of the Estada community of Monterra. These petitions have been submitted concurrently with a rezoning application from the I-1, Institutional District (Broward County), to the Cooper City X-1, Civic District and a conditional use application for the proposed private school use.

The existing buildings will be utilized for the private school and church uses. The site plans reflect the previously approved buildings. The two story building of approximately 25,800 square feet will contain the proposed elementary school. The approximate 5,000 square foot one story building will house the Kindergarten and Pre-K classrooms. The total site area is approximately 8.9 acres. The ultimate enrollment of the K-5 school is not to exceed 250 students with the Pre-K not to exceed 45 children.

Direct access to the site is provided from Stirling Road via a right-in, left-in, and right-out only driveway. A parent drop-off and pick-up area is proposed at the porte-cochere on the south side of the elementary school building. Vehicle queuing would be provided on the driveway from Stirling Road then through dual stacking lanes in the parking lot drive aisles on the east side of the building; ultimately wrapping around the building to the drop-off area. The K/Pre-

**LIVING WORD SCHOOL PETITION # SPA 9-1-13 and # PA 9-1-13
CITY COMMISSION 2-25-14**

K does not provide a drop-off/pick-up area; therefore parents will be required to park and escort their children into the building.

A school bus loading/unloading area is reflected on the north side of the school for future reference only, as there are no immediate plans for bus or van service to start. If transit service is instituted in the future, staff would monitor the children as they move from the building to the bus or van.

The scope of work reflected on the plans indicates:

- 1. A new five foot sidewalk to connect the existing two-story building to the public sidewalk along Stirling Road.**
- 2. Lane divider striping for the dual stacking lanes along the east side of the elementary school building.**
- 3. Temporary traffic cones near the parent drop-off area.**
- 4. A conversion of the west drive aisle to one-way traffic.**
- 5. Striping for the bus queuing lane.**
- 6. Fencing for the playgrounds, athletic fields and courts.**
- 7. Remodeling of the existing one-story building.**
- 8. The addition of a handicap parking space with crosswalk and connecting parking space.**
- 9. Proposed locations of supervisory school staff for safe and orderly student drop-off and pick-up and control of on-site traffic circulation.**
- 10. Pavement markings and signage.**

A traffic impact study was prepared by Calvin Giordano and Associates, Inc., and was reviewed on behalf of the City by Kimley-Horn and Associates, Inc. Additional consideration of specific circumstances for traffic is reviewed under the conditional use petition.

As a result of this analysis, the petitioner has committed to the following:

- 1. 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 school's morning and afternoon peak periods.**
- 2. Staggered arrival and dismissal times between elementary school and pre-school. The K-5 hours are proposed at 8:30 am to 3:30 pm. The pre-K and day care hours would start at 9:00 am with dismissal starting at 3:15 pm or 3:45 pm.**
- 3. In anticipation of probable future traffic signal timing optimization, the applicant has requested Broward County Traffic Engineering staff to re-evaluate and optimize signal timing within the traffic study area to address changes in traffic volumes resulting from this school, if approved, and any other committed developments. In response to this request, the Broward County Traffic Engineering Division has confirmed that upon request of the City of Cooper City at the appropriate time, they will be glad to re-evaluate and optimize the signal timing at the subject locations in accordance with**

**LIVING WORD SCHOOL PETITION # SPA 9-1-13 and # PA 9-1-13
CITY COMMISSION 2-25-14**

our municipal Traffic Engineering Agreement when the additional trips are realized at the intersections.

PLAT NOTE AMENDMENT: The plat petition proposes a change to the plat restriction note to add 3,000 square feet of pre-school and day care use. There are no other dimensional or vehicular access changes proposed with the plat amendment petition.

DEVELOPMENT REVIEW COMMITTEE RECOMMENDATION: The Development Review Committee recommends approval of the site plan amendment and plat note amendment petitions subject to the following additional conditions of approval:

1. The applicant shall receive approval of the following items prior to City Commission approval of the site plan and plat amendment petitions:
 - a. Approval from Commission of the accompanying rezoning and conditional use petitions.
 - b. Engineering Department approval of the water and sewer agreement and payment of ERC fees with the final site plan petition.
2. Inclusion of the petitioner's access and traffic control and pedestrian safety commitments listed in this staff report.
3. The pre-k/daycare drop off time shall be 9a.m. and the pick time shall be 4p.m.
4. Within 3 months of the commencement of a fall school term where student enrollment exceeds 150 students, and then again each fall school term when there is an additional 50-student increase in enrollment until full enrollment, the Applicant shall be responsible for conducting a traffic evaluation to determine whether the queuing provided on site and turn lanes from Stirling Road onto NW 89th Avenue are sufficient to prevent stacking beyond the capacity of the turn lanes on Stirling Road during the a.m. drop off and p.m. pick up for the school. Said study must be submitted to the City within 30 days of the deadline to conduct the study. In the event the study reveals that the peak hour queues exceed the storage provided onsite and in the subject turn lanes or at the eastbound deceleration lane at Stirling Town Center, the Applicant will be required to provide the necessary off duty Broward Sheriff's deputy at NW 89th Avenue and Stirling Road to assure that traffic operations along Stirling Road are not impacted. Sheriff's deputy shall be present during morning (7:30 - 9:00 a.m.) and afternoon (3:00 -4:00) peak hours.
5. Approval of the following items prior to permit issuance:
 - a. Final approval and recordation of the plat note amendment by Broward County.
 - b. Payment of any applicable additional general government impact fees or any outstanding Broward County fees.
 - c. Compliance with all Broward County traffic concurrency requirements.

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PLANNING AND ZONING BOARD RECOMMENDATION: At the meeting on January 6, 2014, the Planning and Zoning Board recommended APPROVAL of the Site Plan Amendment petition (SPA 9-1-13) and Plat Amendment petition (PA 9-1-13) subject to Staff recommendations on a 6-2 vote, with Mr. Weiner and Mr. Nall dissenting and Mr. Roper and Mrs. Sori absent.

Planning and Redevelopment Division
Environmental Protection and Growth Management Department
Board of County Commissioners, Broward County, Florida
Application to Amend or Revise Level of Approved Development

INSTRUCTIONS

This form is used to apply for amendments or revisions to the current level of development previously approved. For your application to be officially accepted for processing and scheduled for a County Commission meeting, you must complete this application in full. The owner/agent certification (on the reverse side of this form) must be signed and notarized with the appropriate required documentation attached. Please type this application or print legibly in black ink.

PROJECT INFORMATION

Plat Name <u>Living Word</u>	
Plat Number <u>001-UP-01</u>	Plat Book - Page <u>173, PG 143-144</u> (If recorded)
Owner/Applicant <u>Living Word Open Bible, Inc.</u>	Phone <u>954-438-1477</u>
Address <u>8900 Stirling Road</u>	City <u>Cooper City</u> State <u>FL</u> Zip Code <u>33024</u>
Owner's E-mail Address <u>lwordobpp@aol.com</u>	Fax # _____
Agent <u>Calvin, Giordano & Associates, Inc.</u>	Phone <u>954-266-6468</u>
Contact Person <u>Hoyt Holden, AICP</u>	
Address <u>1800 Eller Drive, Suite 600</u>	City <u>Fort Lauderdale</u> State <u>FL</u> Zip Code <u>33316</u>
Agent's E-mail Address <u>HHolden@cgasolutions.com</u>	Fax # <u>954-921-8807</u>

PROPOSED CHANGES

Use this space below to provide the following information and clearly describe the proposed changes you are requesting. Be sure to include the current level of development. (Attach additional sheet if necessary)

Current note for entire plat See Exhibit A

Proposed note for entire plat See Exhibit A

PLEASE ANSWER THE FOLLOWING QUESTIONS

Has flexibility been allocated or is flexibility proposed to be allocated under the County Land Use Plan?

☐ Yes ☒ No ☐ Don't Know

If YES, consult Policy 13.01.10 of the Land Use Plan. A compatibility determination may be required.

Does the note change represent a change in Trips? ☒ Increase ☐ Decrease ☐ No Change
Does the note represent a major change in Land Use? ☐ Yes ☒ No

If there is a question as to whether the note amendment represents a change in Trips, or whether it is considered a major change in Land Use, please consult with Planning and Redevelopment Division (PRD) staff.

Estimate or state the total number of on-site parking spaces to be provided SPACES 153

Number of seats for any proposed restaurant or public assembly facility including places of worship. SEATS 200-300

Number of students for a day care center or school. STUDENTS 45 pk, 250 k5

Will project be served by an approved potable water plant? If YES, state name and address. ☒ Yes ☐ No

Cooper City Utilities Services 11791 SW 49th Street, Cooper City, FL 33330

Will project be served by an approved sewage treatment plant? If YES, state name and address. ☒ Yes ☐ No

Cooper City Utilities Services 11791 SW 49th Street, Cooper City, FL 33330

Are on-site wells for potable water currently in use or proposed? ☐ Yes ☒ No
If YES, see reverse side of this form for additional required documentation.

Are septic tanks currently in use or proposed? ☐ Yes ☒ No
If YES, see reverse side of this form for additional required documentation.

Reasons for this request. (Attach additional sheet if necessary) To add day care/pre-k use to the existing plat note of church and school.

FOR APPLICATIONS PROPOSING INDUSTRIAL USE(S) - SUPPLEMENTAL REQUIREMENT

Proposed industrial plat notes which abut residential land use plan categories or are separated from a residential land use plan category by rights-of-way, easements, canals or lakes with a width 100 feet or less must submit written documentation from the municipality stating how the city will address compatibility between the proposed industrial use(s) and the residential land use plan category. Industrial uses include manufacturing, assembly, processing, indoor and outside storage, warehouse, distribution, excavation and landfills. Residential land use plan categories include all residentially named categories plus Agricultural, Rural Ranches, Rural Estates, TOC, TOD, RAC and LAC. Please consult with Planning and Redevelopment staff if you have any questions.

REQUIRED DOCUMENTATION-All copies of plats, site plans, surveys or drawings must be folded to a size approximately 9" X 12"

For major changes in Land Use and/or increases in DENSITY or INTENSITY which may include Trips, Students, Square Footage, and Number of Dwelling Units, the following must be submitted:

- Twenty-two (22) folded copies of the plat.
- Letter of approval from the applicable municipality, dated within six (6) months of this application, specifically stating the precise note language. If the property is located within a Development of Regional Impact (DRI), the letter shall also indicate if the proposed note is consistent with the approved DRI Development Order.
- A current letter is required from the appropriate utility service area stating the location of the closest approved potable water line and/or sanitary sewer line and the exact distance to the property if on-site wells for potable water and/or septic tanks that are currently in use or proposed.
- A check made payable to the Broward County Board of County Commissioners for the application fees. Please consult the Development Permit Application Fee Schedule.
- A signed and sealed sketch and legal description for any new parcel or tract created by the application.

For decreases in Trips, no changes in Trips, or no major change in Land Use; the following items must be submitted:

- Six (6) folded copies of the plat.
- Letter of approval from the applicable municipality specifically stating the precise note language.
- A check made payable to the Broward County Board of County Commissioners for the application fees. Please consult the Development Permit Application Fee Schedule.

School Concurrency Submission Requirements

- **RESIDENTIAL APPLICATIONS ONLY:** Provide a receipt from the School Board documenting that a Public School Impact Application (PSIA) and fee have been accepted by the School Board.

REQUIRED DOCUMENTATION FOR EXISTING BUILDINGS

Are there any existing structures on the plat and/or parcel that is currently being amended? Yes or No? If "Yes," you are required to submit documentation providing evidence of the use, size (gross sq. ft.), unit type, and bedroom number as well as complete the table below. Please be advised that gross non-residential square footage includes permanent canopies and overhangs for gas stations, drive thru facilities, and overhangs designed for outdoor tables at a restaurant. A building is defined by the definition in the Land Development Code.

LAND USE	Gross Building sq. ft. * or Dwelling Units	Date Last Occupied	EXISTING STRUCTURE(S)		
			Remain the same?	Change Use?	Has been or will be demolished?
church/bible study hall	31,791	current	yes	add uses	no

The following are examples of documentation that may be used to confirm the existence of buildings on the plat and/or parcel:

- An "as built" survey prepared within six (6) months of this application showing the existing buildings.
- A copy of the latest approved site plan showing the existing buildings along with evidence from the municipality documenting that site plan is the latest approved site plan.
- If the existing structures are residential, evidence will be required of the bedroom mix and unit type. A letter from the city and or copies of permit records may be acceptable forms of evidence.
- Other evidence may be accepted if it clearly documents the use and gross square footage of the existing buildings.

OWNER/AGENT CERTIFICATION

State of Florida

County of Broward

This is to certify that I am the owner/agent of the property described in this application and that all information supplied herein are true and correct to the best of my knowledge. By signing this application, owner/agent specifically agrees to allow access to the described property at reasonable times by County personnel for the purpose of verification of information provided by owner/agent.

Signature of owner/agent [Signature]

Sworn and subscribed to before me this 11th day of March, 2014

by Hoyt Holden

☐ Has presented

Signature of Notary Public [Signature]

Type or Print Name Anna B Ernst

☒ He/she is personally known to me or

ANNA B. ERNST as identification.
Commission # FF 028322
Expires July 25, 2017
Bonded Thru TROY Felt Insurance 800-325-7019

FOR PLANNING AND REDEVELOPMENT DIVISION USE ONLY

Time 10 am Application Date 03/11/14 Acceptance Date 3/16/14

Comments Due _____ C.C. Mtg. Date 05/06/14 Fee \$ 1713

☒ Plats ☐ Survey ☐ Site Plan ☒ City Letter ☐ Agreements

Other Attachments (Describe) existing use info., reso. & staff report

Title of Request [Signature]

Distribute to: ☒ Full Review ☐ Planning Council ☐ School Board ☐ Land Use & Permitting

☐ Health Department (on septic tanks and/or wells) ☐ Zoning Code Services (unincorporated area only)

☐ Planning & Redevelopment (unincorporated area only) ☐ Other _____

Adjacent City none Received by [Signature]

EXHIBIT 'A'
LIVING WORD PLAT NOTE AMENDMENT

EXISTING PLAT RESTRICTION NOTE:

THIS PLAT IS RESTRICTED TO 53,000 SQUARE FEET OF CHURCH BUILDING AND 25,000 SQUARE FEET OF SCHOOL BUILDING (5890 SQUARE FEET OF CHURCH BUILDING IS EXISTING). PRE-SCHOOL AND OR DAY CARE USES ARE NOT PERMITTED WITHOUT THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS WHO SHALL REVIEW AND ADDRESS THESE USES FOR INCREASED IMPACTS.

PROPOSED PLAT RESTRICTION NOTE:

THIS PLAT IS RESTRICTED TO 53,000 SQUARE FEET OF CHURCH BUILDING, 25,000 SQUARE FEET OF PRIVATE SCHOOL BUILDING AND 3000 SQUARE FEET OF PRE-SCHOOL AND DAY CARE USE.