

City of Pembroke Pines, FL

*City of Pembroke Pines
Planning and Zoning Board
601 City Center Way
Pembroke Pines, FL 33025*



Meeting Minutes - Draft

Thursday, May 8, 2025

6:30 PM

Agenda Item No. 10 (Amended Back-up added)

Commission Chambers

Planning and Zoning Board

MEETING CALLED TO ORDER

The Regular Meeting of the Planning and Zoning Board of the City of Pembroke Pines was called to order by Secretary McCoy, at 6:30 p.m., Thursday, May 8, 2025, at the Charles F. Dodge City Center, City Commission Chambers, 601 City Center Way, Pembroke Pines, FL.

ROLL CALL

Present to-wit: Members Aloy, Labate, and Alternate Member Zacharias

Absent: Chairwoman Gonzalez, Vice Chairman Golditch,
Member D. Gonzalez, and Alternate Member Taylor

Also present: Joseph Yaciuk, Assistant Planning and Economic Development
Director

Julia Aldridge, Planner / Zoning Technician

Paul Hernandez, Assistant City Attorney, and Secretary McCoy.

Secretary McCoy declared a quorum present.

Secretary McCoy noted that Alternate Member Zacharias will be a voting member for tonight's meeting.

NOTE:

Secretary McCoy noted that although there is a quorum for the meeting, she informed the public and the petitioners that three aye votes are required for an item to pass. If any petitioner wishes they can defer their item to a later meeting date.

Joseph Yaciuk, Assistant Planning and Economic Development Director, requested the board appoint a Chair for this evening's meeting.

On a motion by Member Aloy, seconded by Alternate Member Zacharias, to appoint Member Labate as the Chair for this evening's meeting, the following vote was recorded:

AYE: Members Aloy, Labate, and Alternate Member Zacharias

NAY: None

Motion Passed

SUBMISSION OF LOBBYING DISCLOSURE FORMS:

There were no lobbying disclosure forms submitted at this time.

APPROVAL OF MINUTES:

25-1565

April 10, 2025

On a motion by Member Aloy, seconded by Alternate Member Zacharias, to approve the minutes of the April 10, 2025 meeting, the following vote was recorded:

AYE: Members Aloy, Labate, and Alternate Member Zacharias

NAY: None

Motion Passed

NEW BUSINESS:

CONSENT AGENDA ITEMS:

Member Labate inquired if any members of the board wished to pull any consent items for discussion. No one wished to pull any items.

Member Labate inquired if there was anyone from the public who wished to speak either for or against any items. No one wished to speak.

1. 25-1566

MSC2025-0008, Bank of America, 80 S Flamingo Road, paint / color change to the existing building and minor site improvements, miscellaneous request. (Julia) (District 4)

The following staff report was entered into the record:

PROJECT DESCRIPTION / BACKGROUND:

Raul De La Sierra, agent, is requesting approval of a color change and minor site improvements to the existing Bank of America building located at the Flamingo Pines Shopping Center on the southwest corner of Pines Boulevard and Flamingo Road. The site was approved in the 1980s through site plan application SP 87-04.

BUILDINGS / STRUCTURES:

The applicant proposes the following modifications:

- The following colors and materials are proposed for the building:
 - o Main Body: Benjamin Moore Charcoal Slate HC-178=PM-8
 - o Accent: Benjamin Moore Super White OC-152
 - o Dumpster Enclosure: Benjamin Moore Charcoal Slate HC-178=PM-8
- Dumpster gates to be replaced with white 5" wide interlocking metal panel gate ("Fortress Board- on- Board", by Alumni- Guard).

OTHER SITE FEATURES:

The applicant proposes minor site improvements including:

- Asphalt repair and resealing of damaged portions of parking lot
- Parking lot re-striping to match current conditions
- Installation of 8 bollards located along the southeast corner of the building
 - Landscaping upgrades
 - General site improvements proposed to bring the site up to current code standards as required by the Engineering Division.

No other site modifications are being proposed at this time.

STAFF RECOMMENDATION:

Staff has reviewed the proposed changes and finds that the proposal meets code requirements. Staff therefore recommends approval of this application.

2. 25-1567

MSC2025-0010, Firestone, 11288 Pines Boulevard, paint / color change to the existing building, miscellaneous request. (Julia) (District 1)

The following staff report was entered into the record:

PROJECT DESCRIPTION / BACKGROUND:

Chris Nagy, agent, is requesting approval of a color change to the existing Firestone tire store located west of Hiatus Road and south of Pines Boulevard.

The applicant was cited by the Code Compliance division for changes without approval. The following citations are on record with the Code Compliance division:

- Case #241203544 – 11288 Pines Boulevard - Painting without Planning and Zoning Board approval.

BUILDINGS / STRUCTURES:

The following colors are proposed for the existing building and associated structures:

- Main Body:
 - o SW 7069 (Iron Ore)
 - o SW 9170 (Acier)
- Monument Sign:
 - o Cabinet: SW 7069 (Iron Ore)
 - o Base: SW 9170 (Acier)
- Dumpster Enclosure:
 - o SW 9170 (Acier)

No other site modifications are being proposed at this time.

STAFF RECOMMENDATION:

Staff has reviewed the proposed changes and finds that the proposal meets code requirements. Staff therefore recommends approval of this application.

3. 25-1568

MSC2025-0013, SPG - Agave Bandido, 14535 SW 5 Street, expansion of existing restaurant to include minor façade changes, miscellaneous request. (Cole) (District 2)

The following staff report was entered into the record:

PROJECT DESCRIPTION / BACKGROUND:

Alexandra Miles, agent is requesting approval of architectural modifications

for the proposed Agave Bandido expansion into the tenant bay currently occupied by Sal's Italian Ristorante at the Shops at Pembroke Gardens site, generally located south of Pines Boulevard and west of Southwest 145 Avenue. Agave Bandido will be located within building 5000.

The Shops at Pembroke Gardens was approved through SP 2005-36. An amendment was made to the site plan in 2006 (SP 2006-27, Architectural changes). The current Sal's Italian Ristorante façade was approved in 2007 through MSC 2007-68. The existing Agave Bandido façade was approved in 2020 through MSC 2020-01. In 2021, the outdoor dining area was expanded through MSC 2021-0006.

BUILDINGS / STRUCTURES:

The following modifications are proposed as a result of the expansion.

• The following colors and materials are proposed for the expansion area:

- Main Body: MQ4-22 (Key Largo)
- Trim: MQ4-22 (Key Largo)
- Upper Façade Accent: 100B-7 (Hot Pink)
- The existing accent bring shall remain.

Additionally, the following modifications are proposed:

- Removal of the black awning over the entrance.
- Replace the front door with a custom wood door.
- Installation of dark bronze aluminum shutters over the existing windows on the west elevation.
- Installation of wall sconces consistent with the existing tenant bay.
- Installation of gooseneck lights over the existing windows.
- Removal of the neutral pier clay tile.

SIGNAGE:

No signage is proposed as part of this application.

STAFF RECOMMENDATION:

Staff has reviewed the proposed changes and finds that the proposal meets all code requirements. Staff therefore recommends approval of this application.

4. 25-1569

MSC2025-0014, SPG - SL Blake & Co., 312 SW 145 Terrace, minor façade and signage changes, miscellaneous request. (Julia) (District 4)

The following staff report was entered into the record:

PROJECT DESCRIPTION / BACKGROUND:

Alexandra Miles, agent, is requesting approval for facade and sign modifications to the new SL Blake retail store (formerly Elegant Puppies) at the Shops at Pembroke Gardens site, generally located south of Pines Boulevard and west of Southwest 145 Avenue. SL Blake will be located within building 14000.

The Shops at Pembroke Gardens was approved through SP 2005-36. An amendment was made to the site plan in 2006 (SP 2006-27, Architectural changes). Architectural modifications were last made to the tenant bay in 2021 (MSC 2021-17).

BUILDINGS / STRUCTURES:

The applicant is proposing the following colors and materials for the storefront building:

- Main Body:
 - o Cordova Avario Porcelain Tile
 - o Sherwin Williams- Sand Beach (7529)
- All aluminum storefront elements to be painted Dark Bronze.

SIGNAGE:

The following signage is proposed for the tenant bay:

- One, 25 square foot backlit individual channel letter sign reading, "SL Blake" in black copy.

The tenant will be bordered by two neutral pier elements (MSC 2007-07) as approved by the Planning and Zoning Board at its February 8, 2007, meeting. Staff has reviewed the proposed changes by the applicant and found them to follow the approved PCD guidelines.

STAFF RECOMMENDATION:

Staff has reviewed the proposed changes and finds that the proposal meets code requirements. Staff therefore recommends approval of this application.

5. 25-1570

MSC2025-0015, Marela Apartments, 250 NW 130 Avenue, paint / color change to an existing multi-family development, miscellaneous request. (Julia) (District 2)

The following staff report was entered into the record:

PROJECT DESCRIPTION / BACKGROUND:

Nanci Hernandez, agent, is requesting approval for a color change to the existing multi-family development (Marela Apartment community), located on the northwest corner of Pines Boulevard and NW 129th Avenue.

BUILDINGS / STRUCTURES:

The following colors are proposed for the existing building and associated structures:

Residential Buildings:

- Residential Buildings:
 - o Main Body Color - SW 6070 (Heron Plume)
 - o Accent Body Color - SW 9602 (Studio Beige)

- o Trim / Doors/ Railings - SW 7069 (Iron Ore)
- Clubhouse / Leasing Office:
 - o Main Body Color - SW 6070 (Heron Plume)
 - o Trim Color – SW 9602 (Studio Beige)
 - o Doors – SW 7069 (Iron Ore)
- Pool House / Cabana:
 - o Main Body Color - SW 6070 (Heron Plume)
 - o Trim Color – SW 9602 (Studio Beige)
 - o Doors – SW 7069 (Iron Ore)
- Garages:
 - o Main Body Color - SW 6070 (Heron Plume)
 - o Trim Color – SW 9602 (Studio Beige)
 - o Garage Doors – SW 7069 (Iron Ore)
- Guardhouse:
 - o Main Body Color - SW 6070 (Heron Plume)
 - o Trim Color – SW 9602 (Studio Beige)
- Monument Sign and Perimeter Walls:
 - o Main Body Color - SW 6070 (Heron Plume)
 - o Wall Columns/ Accent/ Trim Color - SW 9602 (Studio Beige)
 - o Signage – SW 7069 (Iron Ore)
 - o Lettering – SW 7005 (Pure White)
- Bicycle Storage:
 - o Main Body Color - SW 6070 (Heron Plume)

No other site modifications are being proposed at this time.

STAFF RECOMMENDATION:

Staff has reviewed the proposed changes and finds that the proposal meets code requirements. Staff therefore recommends approval of this application.

On a motion by Member Aloy, seconded by Alternate Member Zacharias, to approve, as recommended by staff, consent agenda item numbers 1 (MSC2025-0008, Bank of America), 2 (MSC2025-0010, Firestone), 3 (MSC2025-0013, SPG – Agave Bandido), 4 (MSC2025-0014, SPG - SL Blake & Co.), and 5 (MSC2025-0015, Marcela Apartments) the following vote was recorded:

AYE: Members Aloy, Labate, and Alternate Member Zacharias

NAY: None

Motion Passed

CHANGE ORDER OF BUSINESS:

It was the consensus of the Planning and Zoning Board members to change the order of business and hear agenda item number 11 at this time. They also agreed continue with the change order of business and hear agenda item number 10 after the conclusion of item number 11.

NEW BUSINESS:

QUASI-JUDICIAL VARIANCE/INTERPRETATION/APPEAL ITEMS:

(Secretary's Note: All affected parties were sworn under oath to give

testimony in the relevant cases by the City Attorney.)

11. 25-1576

ZV2025-0007, Culver's, 1580 S Hiatus Road, variance request. (Cole)
(District 1)

Member Labate advised that this is a quasi-judicial matter. If the petitioner and affected parties are here and want to make a presentation they may. If not, the City will include the staff report and agenda materials as back up and provide staff members for cross examination if the petitioner chooses to do so.

Manny Synalovski, representing the petitioner, waived his right to the quasi-judicial proceedings.

Manny Synalovski, representing the petitioner, addressed the Planning and Zoning Board. He gave a brief overview of the proposed variance request.

The following staff report was entered into the record:

PROJECT DESCRIPTION / BACKGROUND:

Michelle Diaz-Mendez, agent for Culver's, is requesting a drive-thru stacking variance to allow 4 inbound vehicle stacking spaces per drive-thru lane, instead of the required 5 inbound vehicle stacking spaces per drive-thru lane for the proposed Culver's restaurant, located at 1580 S Hiatus Road. The proposed Culver's will have two drive-thru lanes.

Currently, a commercial shopping center with a Wawa gas station exists on site. The City Commission approved the base site plan for the shopping center (SP 2006-53) at its April 18, 2007 meeting. Modifications to the site plan were made in 2007, 2008 and 2010, 2014 and 2015 (SP2015-01). The Wawa gas station was approved in 2017 through SP2017-03.

At the April 16 Commission Meeting, ZC2024-0004 was approved rezoning the property from B-3 (General Business) with restrictive covenants to C-1 (Commercial) with restrictive covenants.

Site plan application, SP2025-0004 shall be heard by the Planning and Zoning Board at later date for the proposed Culver's.

VARIANCE REQUEST DETAILS:

The applicant is requesting a variance to allow 4 inbound vehicle stacking spaces per drive-thru lane, instead of the required 5 inbound vehicle stacking spaces per drive-thru lane.

The applicant has provided the attached site plan which depicts the proposed restaurant and two drive-thru lanes. Also attached is a justification statement to support their request. Drive-thru stacking spaces are regulated by Land Development Code Table 155.611 Minimum Drive-Thru Stacking Spaces. For reference, staff has attached the code section from Article 6 of the Land Development Code.

Member Labate noted there was an Affected Person form, submitted by Nicolas Saenz & Maria Santamaria, in opposition to the project.

Mr. Synalovski stated that he met with Nicolas Saenz & Maria Santamaria at a currently operating Culver's to help address their concerns. Mr. Saenz sent an email on May 7th stating "It was a pleasure meeting you and answering our questions and concerns. We look forward to seeing the project build and open for business."

Member Labate inquired if there was anyone from the public who wished to speak either for or against this item. No one wished to speak.

The following members of the Planning and Zoning Board spoke:

Members Labate and Aloy

The following member of staff spoke:

Joseph Yaciuk, Assistant Planning and Economic Development Director

The following members of the public spoke:

Manny Synalovski, representing the petitioner
Michelle Diaz-Mendez, representing the petitioner

On a motion by Alternate Member Zacharias, seconded by Member Aloy, to grant, as determined by variance criteria "C", ZV2025-0007 (Culver's) to allow four drive-thru inbound vehicle stacking spaces per drive-thru lane instead of the required five drive-thru inbound vehicle stacking spaces per lane, the following vote was recorded:

AYE: Members Aloy, Labate, and Alternate Member Zacharias

NAY: None

Motion Passed

10. 25-1575 **ZV2024-0008, Towngate**, Walkways generally located within the Cedar Way community south of Sheridan Street and east of Dykes Road, variance request. (Cole) (District 3)

Member Labate advised that this is a quasi-judicial matter. If the petitioner and affected parties are here and want to make a presentation they may. If not, the City will include the staff report and agenda materials as back up and provide staff members for cross examination if the petitioner chooses to do so.

Jamie Cole, attorney representing the petitioner (Towngate Master Association), did not waive his rights and requested to proceed with a quasi-judicial proceeding.

Paul Hernandez, Assistant City Attorney, gave an overview of the quasi-judicial proceedings.

(Secretary's Note: All affected parties were sworn under oath by the City Attorney, to give testimony in the relevant case.)

Member Labate opened the Public Hearing for agenda item number 10. She

asked the petitioner to present their case.

Mr. Cole addressed the Planning and Zoning Board. He gave a brief overview of the proposed variance request. He submitted an evidence binder dated May 8, 2025.

Mr. Cole questioned David Ogg, owner DEO Enterprises, licensed Broward County Tree Trimmers and ISA Certifications.

The following staff report was entered into the record:

PROJECT DESCRIPTION / BACKGROUND:

Jaime Cole, agent for Towngate Master Association, is requesting a variance from the Towngate Planned Unit Development Guidelines for the Cedar Way subdivision to allow a 4 foot sidewalk on one side of the roadway for a 40' private roadway instead of the required 4 foot sidewalk on both sides of the roadway for a 40' private roadway. Cedar Way is generally located south of Sheridan Street and east of Dykes Road.

The variance is being sought to remove the existing sidewalk along the north side of the Cedar Way community, specifically along NW 24th Street, due to ongoing maintenance challenges. Towngate Master Association is the owner of the subject property and is responsible for the maintenance. Approval of this variance would permit the sidewalk to remain only on the south side of the roadway. There are no current plans to remove other segments of sidewalks at this time however, approval of this variance request could allow for additional sidewalk segments within the Cedar Way subdivision to be removed at a later date, so long as a sidewalk remains on the opposite side of the road.

Towngate Master Association has been cited by Code Compliance (code case 230502002) for failure to maintain the sidewalk. Should this variance be granted, the property owner will need to remove the sidewalk to come into compliance.

In 1998, the Cedar Way community, a subdivision of Towngate was approved through site plan SP97-82.

VARIANCE REQUEST DETAILS:

The applicant is requesting a variance to allow a 4 foot sidewalk on one side of the roadway for a 40' private roadway instead of the required 4 foot sidewalk on both sides of the roadway for a 40' private roadway. The applicant has provided the attached justification statement to support their request. Roadway design standards for the Cedar Way subdivision is regulated by the Towngate Planned Unit Development Guidelines. For reference, staff has attached the roadway design standards.

Should this variance be approved, the applicant must obtain applicable City approvals and/or permits prior to removing the sidewalk.

Member Labate inquired if there was anyone from the public who wished to testify either for or against this item.

The following members of the Planning and Zoning Board spoke:

Members Labate and Aloy, Alternate Member Zacharias

The following members of staff spoke:

Joseph Yaciuk, Assistant Planning and Economic Development Director
Paul Hernandez, Assistant City Attorney

The following members of the public offered testimony in favor of the variance request:

Jamie Cole, attorney representing the petitioner (Towngate Master Association)
Oscar Mora, Vice President, Towngate Master Association, 15854 NW 16 Street

The following members of the public offered testimony in opposition to the variance request:

Harris Katz, attorney representing Cedar Way Homeowners Association
Rami Abhadi, 15662 NW 24 Street
Wayne Katz, 2137 NW 158 Lane
Keith Massay, 2264 NW 157 Avenue
Hunaid Ismael, 2224 NW 157 Avenue
Nicholas Anselmo, 2191 NW 159 Avenue
David Kelner, 2124 NW 157 Avenue
Daniel Hernandez, 15764 NW 24 Street
Dina St. Amour, 2233 NW 159 Lane
Veronica Flores, 2395 NW 158 Avenue

On a motion by Member Aloy, seconded by Alternate Member Zacharias, to deny, variance request ZV2024-0008 (Towngate / Cedar Way), the following vote was recorded:

AYE: Members Aloy, Labate, and Alternate Member Zacharias

NAY: None

Motion Passed

NEW BUSINESS:

PUBLIC HEARINGS / REGULAR ITEMS:

Member Labate stated that Public Hearing and Regular Items numbers 6, 7, 8, and 9 are related and will be heard under one presentation. She also noted that each item will still require their own separate vote.

Member Labate opened Public Hearing item numbers 6 and 8.

6. 25-1571

ZC2024-0002, The purpose of this Public Hearing is to consider, at the request of the FR Pembroke Gardens, LLC, a zoning map change from **Shops at Pembroke Gardens** (ZC2024-0002) Planned Commercial District (PCD) to Mixed Use District (MXD) for the purpose of facilitating

the development of approximately 308 +/- multi-family dwelling units with the allocation of 44 flex units on the subject property, generally located south side of Pines Boulevard, between I-75 and SW 145 Avenue, and containing approximately 40.89 acres more or less.

RELATED APPLICATION: ZC2024-0003: A zoning text change to modify and convert the design guidelines for the Shops at Pembroke Gardens from Planned Commercial District (PCD) to Mixed Use District (MXD) to be heard concurrently on same agenda. (Joseph) (District 4)

(This will be heard as regular agenda item number 7.)

Member Labate stated the purpose of this Public Hearing is to consider, at the request of the FR Pembroke Gardens, LLC, a zoning map change from Shops at Pembroke Gardens (ZC2024-0002) Planned Commercial District (PCD) to Mixed Use District (MXD) for the purpose of facilitating the development of approximately 308 +/- multi-family dwelling units with the allocation of 44 flex units on the subject property, generally located south side of Pines Boulevard, between I-75 and SW 145 Avenue, and containing approximately 40.89 acres more or less.

The following staff report was entered into the record:

PROJECT DESCRIPTION / BACKGROUND:

Dwayne Dickerson, agent for owner FR Pembroke Gardens LLC, requests approval of a rezoning (zoning map amendment) of a +-40-acre parcel from Planned Commercial Development (PCD) to Mixed Use Development (MXD), for the Pembroke Gardens property generally located south of Pines Boulevard and west of Southwest 145 Avenue.

On March 1, 2006, the City Commission adopted Ordinance No. 1539 approving the Planned Commercial Development (PCD) with design guidelines for the Shops at Pembroke Gardens. The PCD design guidelines were later amended by the City Commission via Ordinance No. 1571 adopted on February 7, 2007, Ordinance No. 1655 adopted on December 9, 2009, Ordinance 1843 adopted on March 16, 2016, and Ordinance No. 1926 on June 5, 2019.

The following companion application will be heard concurrently with this application:

- ZC 2024-0003 – A zoning text change creating Mixed Use Development (MXD) development guidelines for the +-40-acre property.

The subject zoning change request is a direct result of the applicant wishing to build 308 multi-family residential units on a designated +-2.7-acre parcel within the site. To effectuate this request, the applicant must first rezone the property from Planned Commercial Development (PCD) to Mixed-Use Development (MXD) zoning through a map amendment.

The applicant requests, through this zoning map change request, the following related city approvals to assign the residential units to the property:

- City approval to allocate 44 flexibility units in compliance with Broward

County Administrative rules.

- City approval for the applicant to exercise affordable housing residential density bonuses under Broward County Policy 2.16.3. (Broward County Policy Document Attached to Report).
- City approval of a restrictive covenant limiting rents for 44 units to moderate level to ensure compliance with Broward County Policy 2.16.3. (Restrictive Covenant Document Attached to Report).

Should the proposed map and text amendments be approved, the applicant will need the following city approvals in the future should they wish to construct residential on this site:

- A Zoning text change application, creating MXD development guidelines for this property.
- A plat note amendment to designate a new +/- 2.7-acre residential parcel on site and the assignment of 308 residential units to that parcel.
- A site plan application to construct the 308-unit multi-family residential development with associated parking, landscape, lighting, and traffic circulation.
- An amendment to the Pembroke Gardens master sign plan to accommodate new signs for the residential parcel.

SURROUNDING PROPERTIES:

The existing zoning and land use plan designations of the surrounding properties to the subject site are as follows:

North – Pines Boulevard

East – Southwest 145 Avenue
Agricultural (A) / Office Park
Planned Development Small Lot (PDSL) / Irregular Residential (35 units /acre)

South – Planned Commercial Development (PCD) / Office Park
Residential Multi-Family (R-MF) / Low 5 Residential

West – I-75

ANALYSIS:**Unit Allocation**

To develop the property as proposed, the applicant is requesting 44 flexibility units from the City. Flexibility units are units that may be allocated by a city to qualifying properties. Per Broward County Administrative Rules document 3.2 (B) (2), "...Flexibility units must be assigned by the municipality, at a minimum, through (re)zoning or other official action..."

The city currently maintains a reserve of 158 flexibility units that can be assigned to qualifying properties within the city as needed. Should the 44 flexibility units be approved for this property, the city will have 114 units remaining to apply to future development. There are currently no other formal requests for flexibility units being processed at this time. The city has the

opportunity to request to replenish flexibility units in the future subject to Broward County review.

To obtain the 308 multi-family dwelling units desired by the applicant for this site, the applicant requests residential density bonuses through Broward County Policy 2.16.3. Broward County Policy 2.16.3 promotes affordable housing creation by permitting residential density bonuses when applicants provide affordable units on a site. Broward County Policy 2.16.3 permits the following density bonuses relating to the creation of affordable units:

“Moderate-income: Six (6) bonus units per every one (1) “moderate-income” unit (including areas east of the Intracoastal Waterway).

Low-income: Nine (9) bonus units per every one (1) “low-income” unit (including areas east of the Intracoastal Waterway).

Very-Low-income: Nineteen (19) bonus units per every one (1) “very-low-income” unit (including areas east of the Intracoastal Waterway).”

To meet Broward County Policy 2.16.3 requirements and achieve the 308 multi-family unit count desired, the applicant will restrict 44 residential units as moderate-income affordable units for a period of 30 years. The remaining 264 units allowed by bonus will be permitted as market rate units. Moderate income is defined as persons having a total annual anticipated income for the household that does not exceed 120 percent of the median annual income adjusted for family size for households within the county.

As per Policy 2.16.3, “The total number of units, including affordable and bonus units, on lands designated as “Residential” may not exceed a maximum of 50 dwelling units per acre on the Broward County Land Use Plan. For parcels designated “Commerce” or similar designation on the local land use plan map, these maximum densities shall not be applicable. If the total density, including the affordable and bonus units, exceeds the density permitted by the existing zoning classification, the governing body of the local government shall make a finding of compatibility with existing and future land uses and its local land development regulations at a publicly noticed meeting, consistent with its notification requirements; otherwise, the local planning agency of the local government may make the finding of compatibility at a publicly noticed meeting, consistent with the above.”

As part of this request, the applicant provides the following supporting commitments to address Broward County requirements:

- A restrictive covenant that will restrict 44 units as moderate-income housing units for a period of 30 years as required to meet Broward County Land Use Policy 2.16.3.

In addition, the applicant provides the following additional commitments related to future development.

- A voluntary commitment letter from the developer to provide the following:
 - a. An Affordable housing contribution of \$132,000 to be paid prior to the issuance of a residential building permit for this site.

b. A traffic improvement contribution of \$369,600 to be paid prior to the issuance of the first certificate of occupancy of a residential unit on the property.

The applicant informed city staff that they have discussed the full scope of this project, as well as the utilization of both County flexibility unit rules and policy 2.16.3 as it relates to this project with the Broward County Planning Council staff. The applicant is aware that Broward County will review a delegation request for the Shops at Pembroke Gardens plat to add the proposed 308 multi-family units in the future and at that time confirm city compliance with Broward County land use criteria before approving the new plat note.

Per the submitted documents, the criteria in Broward County 2.16.3 have been met by the applicant and therefore the city has no objection to the application of the policy as proposed.

Compatibility with Adjacent Use (Map)

Staff reviewed this zoning map change application and found that the proposed MXD district is the only single zoning designation in the Code of Ordinances that could support the mixture of residential and non-residential uses allowed by the underlying commercial land use designation for this + -40-acre property. Staff notes that the properties immediately adjacent to this site, as well other properties along the Southwest 145 Avenue corridor, are residential (Altis Apartments / Pembroke Cay Townhomes), retail (Shops at Pembroke Gardens), office (Duke Office, Edison Office), hotel (Fairfield Inn), education (Keiser University / FIU) and conservation uses. Therefore, the proposed rezoning of this site to MXD district, which allows a mixture of similar uses would be compatible with the surrounding area.

Compatibility with Comprehensive Plan Policy

The following Land Use Plan comprehensive plan policies in which the proposed map change comply:

Future Land Use Element

OBJECTIVE II A variety of employment opportunities should continue to be encouraged to balance the City's tax base, provide jobs and employment centers in close proximity to affordable housing, and improve economic stability and mobility by giving special attention to the neediest and disadvantaged populations.

Policy 1.5 - Continue to structure higher density near major arterials and open spaces.

Policy 8.2 - Continue to provide diversified affordable housing opportunities utilizing various means such as density bonuses, tax incentives and government sponsored financing mechanisms to attract and stimulate private sector involvement.

Policy 8.5 -. The City may utilize available flexibility units as bonus density to facilitate the provision of affordable housing in the city and county consistent with the requirements and definitions contained within the "Administrative Rules Document: Broward County Land Use Plan." Bonus density allocated for affordable housing may exceed 100% of the maximum number of dwelling units indicated for the parcel by the city and county land use plan maps

provided such bonus allocation is consistent with the requirements and definitions contained within the "Administrative Rules Document: Broward County Land Use Plan."

Staff also notes that the applicant will be subject to Development Review Committee (DRC) review through the site plan process. The applicant, during site plan review, will be required to address all applicable development regulations for this property as well as address traffic or infrastructure impacts of the development.

The proposed zoning change is reliant upon the concurrent approval of the companion rezoning application and ZC 2024-0003 (Pembroke Gardens MXD development guidelines).

STAFF RECOMMENDATION:

Transmit to the City Commission with a favorable recommendation. The favorable recommendation includes the execution of the restrictive covenant addressing unit affordability and all voluntary commitments of the developer.

Member Labate stated this will be heard as regular agenda item number 7.

8. 25-1573

ZC2024-0003, The purpose of this Public Hearing is to consider, at the request of FR Pembroke Gardens, LLC, a zoning text change to modify and convert the design guidelines for the **Shops at Pembroke Gardens** (ZC2024-0003) from Planned Commercial District (PCD) to Mixed Use District (MXD) to reflect the future commercial and residential development on the subject property. The proposed zoning text change will modify the Conceptual Master Plan and Design Guidelines. The proposed text modifications to the existing design guidelines, master plan and exhibits are to allow approximately 308 +/- multi-family dwelling units with the allocation of 44 flex units, for the property generally located on the south side of Pines Boulevard, between I-75 and SW 145 Avenue, and containing approximately 40.89 acres more or less.

RELATED APPLICATION: ZC2024-0002: A map change to the Shops at Pembroke Gardens (PCD) design guidelines to be heard concurrently on same agenda. (Joseph) (District 4)

(This will be heard as regular agenda item number 9.)

Member Labate stated the purpose of this Public Hearing is to consider, at the request of FR Pembroke Gardens, LLC, a zoning text change to modify and convert the design guidelines for the Shops at Pembroke Gardens (ZC2024-0003) from Planned Commercial District (PCD) to Mixed Use District (MXD) to reflect the future commercial and residential development on the subject property. The proposed zoning text change will modify the Conceptual Master Plan and Design Guidelines. The proposed text modifications to the existing design guidelines, master plan and exhibits are to allow approximately 308 +/- multi-family dwelling units with the allocation of 44 flex units, for the property generally located on the south side of Pines Boulevard, between I-75 and SW 145 Avenue, and containing approximately 40.89 acres

more or less.

PROJECT DESCRIPTION / BACKGROUND:

Dwayne Dickerson, agent for owner FR Pembroke Gardens LLC, requests approval of a rezoning (zoning text amendment) of a +-40-acre parcel from Planned Commercial Development (PCD) to Mixed Use Development (MXD), for the Pembroke Gardens property generally located south of Pines Boulevard and west of Southwest 145 Avenue.

On March 1, 2006, the City Commission adopted Ordinance No. 1539 approving the Planned Commercial Development (PCD) with design guidelines for the Shops at Pembroke Gardens. The PCD design guidelines were later amended by the City Commission via Ordinance No. 1571 adopted on February 7, 2007, Ordinance No. 1655 adopted on December 9, 2009, Ordinance 1843 adopted on March 16, 2016, and Ordinance No. 1926 on June 5, 2019.

The following companion application will be heard concurrently with this application:

- ZC 2024-0002 – A zoning map change creating Mixed Use Development (MXD) development guidelines for the +-40-acre property.

The proposed zoning change request is to accommodate 308 multi-family residential units on a designated +-2.7-acre parcel within the site. To effectuate this request, the applicant must first rezone the property from Planned Commercial Development (PCD) to Mixed-Use Development (MXD) zoning through a map amendment and update the existing development standards to reflect the new residential use and MXD criteria.

Should the proposed map and text amendments be approved, the applicant will need the following city approvals should they wish to construct residential on this site:

- A zoning map change application with associated Flexibility Unit Allocation and Restrictive Covenant limiting rents of certain units to ensure compliance with Broward County Policy 2.16.3.
- A plat note amendment to designate a new +- 2.7-acre residential parcel on site and the assignment of 308 residential units to that parcel.
- A site plan application to construct the 308-unit multi-family residential development with associated parking, landscape, lighting, and traffic circulation.
- An amendment to the Pembroke Gardens master sign plan to accommodate new signs for the residential parcel.

DETAILED REQUEST:

The applicant provides updated design guidelines to accommodate an updated master plan for the property and the change of zoning designation from PCD to MXD. All proposed deletions are shown in strikethrough text, while all new language is shown in underlined text. A general summary of the proposed changes to the design guidelines as provided below:

- A rename of the MXD to, "Pembroke Gard

- All definitions were updated to reflect the language in the latest land development code update and correct section references.
- The project description was changed to reflect a mixed-use project rather than a commercial project.
- The entire document was reorganized to split the document into three general sections, overall development regulations, commercial use area regulations, and residential use area regulations.
- A residential parcel has been established with the MXD development with associated residential development guidelines for future development which include, but not limited to, the following:
 - o Development standards to comply with Residential Multi-family (R-MF) standards of the Land Development Code unless stated within this document.
 - o Establishing a parking ratio of 1.75 spaces per unit for residential uses.*
 - o Building setbacks were created for the residential property.
 - o Establish residential building height maximum height of 100 feet or 8 stories.
 - o Establish a minimum residential unit size of 580 square feet per unit.
 - o Allowing both 8.5' x 19' and 9' x 19' sizes for parking spaces within residential area.
 - o Added loading space requirements for residential.
 - o General residential design standards and materials. The applicant will provide equal access to all amenities and will not be rented out for commercial purposes.
- Commercial design standards have been updated to include the following:
 - o Development standards to comply with General Business (B-3) standards of the Land Development Code unless stated within this document.
 - o Establishing a parking ratio of 4.25 spaces per 1,000 square feet for Commercial uses (inclusive of outdoor café seating)*
 - o Reduction of valet stations from 4 to 3 stations.
 - o Reduction of time-limited parking allowed on the commercial parcel from 20 to 12 spaces.
 - o Regulations for temporary commercial tenants were created for the shopping center, permitting a maximum period of occupancy of 18 months for temporary tenants.
 - o Regulations were added to clarify rules for façade improvements for existing commercial tenants wishing to update their tenant bay.
 - o Require 3 architectural improvements per storefront for new tenants.
- General design standards have been updated to include the following:
 - o General landscape requirements included/updated for residential and commercial properties.
 - o Establish lot coverage of 32% for all uses.
 - o Establish a minimum open space requirement of 20% for all uses.
 - o Correlated Color Temperature (CCT) for lighting will be standardized to a maximum of 4000K for residential and commercial properties.
 - o Electric vehicle charging requirements were removed from the Parking & Loading section of the guidelines to comply with recent changes to

State Statute.

- o An updated maintenance schedule was added to the Landscape and Maintenance section for all properties.
- o All exhibits were updated to show existing commercial development as well as future residential development on the property.

*A parking statement has been submitted which justifies the parking ratios requested by the applicant. (Reference: Traftech Parking Demand Letters - February / April 2025).

Staff notes that the applicant will be subject to Development Review Committee (DRC) review through the site plan process. The applicant will be required to address all applicable development regulations for this property as well address any traffic or infrastructure impacts of the development at time of site plan review.

The proposed zoning change is reliant upon the concurrent approval of the companion rezoning application and ZC 2024-0002 (Pembroke Gardens Zoning Map Change from PCD to MXD).

STAFF RECOMMENDATION:

Transmit to the City Commission with a favorable recommendation.

Member Labate stated this will be heard as regular agenda item number 9.

Dwayne Dickerson, attorney representing the petitioner, addressed the Planning and Zoning Board. He gave a comprehensive overview of the proposed zoning map and text changes for the Shops at Pembroke Gardens.

Member Labate inquired if there was anyone from the public who wished to speak either for or against these items.

The following members of the Planning and Zoning Board spoke:

Member Labate, Aloy, and Alternate Member Zacharias

The following members of staff spoke:

Joseph Yaciuk, Assistant Planning and Economic Development Director
Paul Hernandez, Assistant City Attorney

The following members of the public spoke in favor of the zoning changes:

Dwayne Dickerson, attorney representing the petitioner

The following members of the public spoke against the zoning changes:

Juan Pinzon, 1042 SW 143 Avenue
Salvatore Russo, 924 SW 143 Terrace
Pedro Martinez, 14372 SW 11 Street

On a motion by Member Aloy, seconded by Alternate Member Zacharias, to close the Shops at Pembroke Gardens (ZC2024-0002) and Shops at Pembroke

Gardens (ZC2024-0003) Public Hearings, the following vote was recorded:

AYE: Members Aloy, Labate, and Alternate Member Zacharias

NAY: None

Motion Passed

7. 25-1572 **ZC2024-0002**, The purpose of this item is to transmit a favorable recommendation to the City Commission, at the request of the FR Pembroke Gardens, LLC, a zoning map change from **Shops at Pembroke Gardens** (ZC2024-0002) Planned Commercial District (PCD) to Mixed Use District (MXD) for the purpose of facilitating the development of approximately 308 +/- multi-family dwelling units with the allocation of 44 flex units on the subject property, generally located south side of Pines Boulevard, between I-75 and SW 145 Avenue, and containing approximately 40.89 acres more or less.

RELATED APPLICATION: ZC2024-0003: A zoning text change to modify and convert the design guidelines for the Shops at Pembroke Gardens from Planned Commercial District (PCD) to Mixed Use District (MXD) to be heard concurrently on same agenda. (Joseph) (District 4)

Member Labate stated the purpose of this item is to transmit a favorable recommendation to the City Commission, at the request of the FR Pembroke Gardens, LLC, a zoning map change from Shops at Pembroke Gardens (ZC2024-0002) Planned Commercial District (PCD) to Mixed Use District (MXD) for the purpose of facilitating the development of approximately 308 +/- multi-family dwelling units with the allocation of 44 flex units on the subject property, generally located south side of Pines Boulevard, between I-75 and SW 145 Avenue, and containing approximately 40.89 acres more or less.

Member Labate questioned if there were any further questions. There were no further questions or comments.

Member Labate passed the gavel to Member Aloy.

On a motion by Member Labate, seconded by Alternate Member Zacharias, to transmit a favorable recommendation to the City Commission, at the request of the FR Pembroke Gardens, LLC, a zoning map change from Shops at Pembroke Gardens (ZC2024-0002) Planned Commercial District (PCD) to Mixed Use District (MXD) for the purpose of facilitating the development of approximately 308 +/- multi-family dwelling units with the allocation of 44 flex units on the subject property, generally located south side of Pines Boulevard, between I-75 and SW 145 Avenue, and containing approximately 40.89 acres more or less, the following vote was recorded:

AYE: Member Labate and Alternate Member Zacharias

NAY: Member Aloy

Motion Failed

Member Aloy returned the gavel to Member Labate.

9. 25-1574

ZC2024-0003, The purpose of this item is to transmit a favorable recommendation to the City Commission, at the request of FR Pembroke Gardens, LLC, a zoning text change to modify and convert the design guidelines for the **Shops at Pembroke Gardens** (ZC2024-0003) from Planned Commercial District (PCD) to Mixed Use District (MXD) to reflect the future commercial and residential development on the subject property. The proposed zoning text change will modify the Conceptual Master Plan and Design Guidelines. The proposed text modifications to the existing design guidelines, master plan and exhibits are to allow approximately 308 +/- multi-family dwelling units with the allocation of 44 flex units, for the property generally located on the south side of Pines Boulevard, between I-75 and SW 145 Avenue, and containing approximately 40.89 acres more or less.

RELATED APPLICATION: ZC2024-0002: A map change to the Shops at Pembroke Gardens (PCD) design guidelines to be heard concurrently on same agenda. (Joseph) (District 4)

Member Labate stated the purpose of this item is to transmit a favorable recommendation to the City Commission, at the request of FR Pembroke Gardens, LLC, a zoning text change to modify and convert the design guidelines for the Shops at Pembroke Gardens (ZC2024-0003) from Planned Commercial District (PCD) to Mixed Use District (MXD) to reflect the future commercial and residential development on the subject property. The proposed zoning text change will modify the Conceptual Master Plan and Design Guidelines. The proposed text modifications to the existing design guidelines, master plan and exhibits are to allow approximately 308 +/- multi-family dwelling units with the allocation of 44 flex units, for the property generally located on the south side of Pines Boulevard, between I-75 and SW 145 Avenue, and containing approximately 40.89 acres more or less.

Member Labate questioned if there were any further questions. There were no further questions or comments.

Member Labate passed the gavel to Member Aloy.

On a motion by Member Labate, seconded by Alternate Member Zacharias, to transmit a favorable recommendation to the City Commission, at the request of FR Pembroke Gardens, LLC, a zoning text change to modify and convert the design guidelines for the Shops at Pembroke Gardens (ZC2024-0003) from Planned Commercial District (PCD) to Mixed Use District (MXD) to reflect the future commercial and residential development on the subject property. The proposed zoning text change will modify the Conceptual Master Plan and Design Guidelines. The proposed text modifications to the existing design guidelines, master plan and exhibits are to allow approximately 308 +/- multi-family dwelling units with the allocation of 44 flex units, for the property generally located on the south side of Pines Boulevard, between I-75 and SW 145 Avenue, and containing approximately 40.89 acres more or less, the following vote was recorded:

AYE: Member Labate and Alternate Member Zacharias

NAY: Member Aloy

Motion Failed

Member Aloy returned the gavel to Member Labate.

ITEMS AT THE REQUEST OF THE BOARD:

Member Labate noted that Chairwoman Gonzalez, Vice Chairman Golditch, and Member D. Gonzalez have requested an excused absence from this evening's meeting.

On a motion by Member Labate, seconded by Member Aloy, to excuse Chairwoman Gonzalez, Vice Chairman Golditch, and Member D. Gonzalez, the following vote was recorded:

AYE: Members Aloy, Labate, and Alternate Member Zacharias

NAY: None

Motion Passed

ITEMS AT THE REQUEST OF STAFF:

Joseph Yaciuk, Assistant Planning and Economic Development Director, reminded the board members the June meeting date is scheduled for June 26, 2025.

ADJOURNMENT:

ADJOURNED:

9:25 P.M.

Respectfully submitted:

Sheryl McCoy
Board Secretary