

City of Pembroke Pines Planning & Economic Development Department 601 City Center Way 3rd Floor Pembroke Pines FL, 33025

Summary

Agenda Date:	April 10, 2025	Application ID:	ZV2025-0005
Project:	Wal-Mart Short Term Parking Variance	Project Number:	PRJ2025-0005
Project Planner:	Cole Williams, Senior	· Planner	
Owner:	Wal-Mart Stores East LP	Agent:	Lisa Leonard
Location:	12800 Pines Boulevard	District	District 4
Existing Zoning:	B-3 (General Business)	Existing Land Use:	Commercial
Reference Applications:	SP2022-0005, MSC 20 2010-17, ZV 2010-18, \$ 48	19-17, ZV 2019-06, SP 2 SP-99-16, SP-98-85, SP 9	010-07, ZV 2010-16, ZV 95-14, SN 95-20, SP 93-
	Variance	Summary	
Application	Code Section	Required/Allowed	Request
ZV2025-0005	155.608(A)4.iii.: Short-Term Parking	10 Short-Term Parking Spaces	31 Short-Term Parking Spaces
Final:	☑ Planning & Zoning Board	☐ Board of Adjustme	nt
Reviewed for the Agenda:	Director:	Assistant Direct	tor: (M)

PROJECT DESCRIPTION / BACKGROUND:

Lisa Leonard, agent for Wal-Mart, is requesting a parking variance for Wal-Mart, located at 12800 Pines Boulevard to allow 31 short-term parking spaces, instead of a maximum of 10 short-term parking spaces as allowed by Code.

The building was approved in 1993 through site plan SP 93-48 as a Home Depot. In 2010, through SP 2010-07 the building was repurposed for the current tenant Walmart.

In 2019, both ZV 2019-06 and MSC 2019-17 were approved to allow 10 short term parking spaces and associated canopy. Additionally, in 2022, site plan application SP2022-0005 was approved to allow an addition to the existing building to accommodate online orders.

On June 18, 2024 (Ordinance 2022) Code section 155.608 was amended resulting in an increase of the permissible number of short-term parking spaces for this site from 3 parking spaces to 10 parking spaces.

On 3/20/2025 the property owner was cited (code case 250300997) for the addition of short-term parking spaces without approval. Should the Planning and Zoning Board approve the variance as proposed the code case will be resolved.

VARIANCE REQUEST DETAILS:

The applicant is requesting a variance to allow 31 short-term parking spaces, instead of the allowed maximum of 10 short-term parking spaces for buildings over 20,000 square feet. Short-term parking spaces are deemed exclusive and must be surplus parking. Currently, 692 parking spaces exist on site. 124 of the spaces are allocated to the adjacent commercial parcel to the east, leaving 568 parking spaces for Walmart. Based on current and proposed uses 532 parking spaces are required. If approved as requested a surplus of 36 parking spaces shall remain.

The applicant has provided the attached site plan which depicts the proposed location of the parking spaces in the parking aisle adjacent to the northeast corner of the building. Also attached is a justification statement to support their request. Short-term parking is regulated by Land Development Code section 155.608. For reference, staff has attached the code section from Article 6 of the Land Development Code.

VARIANCE DETERMINATION:

The Planning & Zoning Board shall not grant any non-single-family residential variances, permits, or make any decision, finding, and determination unless it first determines that:

Its decision and action taken is in harmony with the general purposes of the zoning ordinances of the city and is not contrary to the public interest, health, or welfare, taking

into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in the buildings, and traffic conditions in the vicinity.

In the granting of non-single-family residential variances, the Board shall follow Section 155.301(O) Variance:

- 1. Purpose: To allow for the provision of relief from certain development standards of this LDC for one or more of the following reasons:
 - a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and that the strict application of the provisions of the zoning ordinances would result in an unnecessary hardship and deprive the applicant of the reasonable use of the land or building; or
 - b) Any alleged hardship is not self-created by any person having an interest in the property nor is the result of a mere disregard for or in ignorance of the provisions of the zoning ordinances of the city; or
 - c) Granting the variance is not incompatible with public policy, will not adversely affect any adjacent property owners, and that the circumstances which cause the special conditions are peculiar to the subject property.

Enclosed:

Variance Request Application
Variance Justification Statement
Proposed Short-Term Parking Site Plan
Section 155.608 Short-Term Parking
Subject Site Aerial Photo



☐ Plat*

City of Pembroke Pines Planning and Economic Development Department **Unified Development Application**

Planning and Economic Development City Center - Third Floor 601 City Center Way Pembroke Pines, FL 33025 Phone: (954) 392-2100 http://www.ppines.com	Prior to the submission of this application, the applicant must have a pre-application meeting with Planning Division staff to review the proposed project submittal and processing requirements. Pre Application Meeting Date: 02/18/2025
	# Plans for DRC Planner: Cole Williams
Indicate the type of application you are	e applying for:
☐ Appeal*	☐ Sign Plan
Comprehensive Plan Amendment	☐ Site Plan*
Delegation Request	☐ Site Plan Amendment*
DRI*	☐ Special Exception*
DRI Amendment (NOPC)*	☐ Variance (Homeowner Residential)
Flexibility Allocation	Variance (Multifamily, Non-residential)*
Interpretation*	☐ Zoning Change (Map or PUD)*
Land Use Plan Map Amendment*	☐ Zoning Change (Text)
☐ Miscellaneous	☐ Zoning Exception*

☐ Deed Restriction

INSTRUCTIONS:

- 1. All questions must be completed on this application. If not applicable, mark N/A.
- 2. Include all submittal requirements / attachments with this application.
- 3. All applicable fees are due when the application is submitted (Fees adjusted annually).
- 4. Include mailing labels of all property owners within a 500 feet radius of affected site with signed affidavit (Applications types marked with *).
- 5. All plans must be submitted no later than noon on Thursday to be considered for Development Review Committee (DRC) review the following week.
- 6. Adjacent Homeowners Associations need to be noticed after issuance of a project number and a minimum of 30 days before hearing. (Applications types marked with *).
- 7. The applicant is responsible for addressing staff review comments in a timely manner. Any application which remains inactive for over 6 months will be removed from staff review. A new, updated, application will be required with applicable fees.
- 8. Applicants presenting demonstration boards or architectural renderings to the City Commission must have an electronic copy (PDF) of each board submitted to Planning Division no later than the Monday preceding the meeting.

	Staff Use Only
Project Planner:	Project #: PRJ 20 Application #:
Date Submitted:/	Posted Signs Required: () Fees: \$

Project Name: 5932-251 Pembroke Pines - Walmart Project Address: 12800 Pines Boulevard, Pembroke Pines, FL 33027 Location / Shopping Center: Flamingo West78-36 Acreage of Property: 21.18 Building Square Feet: 136,979 Flexibility Zone: Folio Number(s): 5140 14 02 0330 Plat Name: Traffic Analysis Zone (TAZ): Legal Description: FLAMINGO WEST 78-36 THAT PT OF TR A DESC AS COMM SE COR TR A,WLY 1238.43 TO POB,CONT WLY 1299.81,NLY 820.35,ELY 428.33,NLY 400.33,ELY 527.07,SLY 273.08,ELY 344.57,SLY 947.33 TO POB,LESS THAT POR DESC AS COMM AT POINT OF INTERSEC OF N & W LINES OF TR A,S 460.34 TO POB, S 330.10,E 428.33,N 330.10,W 428.33 TO POB,LESS POR DESC IN 22287/460 DESC AS PARCELS A,B &C

Describe previous applications on property (Approved Variances, Deed Restrictions, etc...) Include previous application numbers and any conditions of approval.

Yes

Date	Application	Request	Action	Resolution / Ordinance #	Conditions of Approval
			11		

Has this project been previously submitted?

✓ No

SECTION 2 - APPLICANT / OWNER / AGENT INFORMATION Owner's Name: WAL-MART STORES EAST LP Owner's Address: 2001 SE 10 ST BENTONVILLE AR 72712-6489 Owner's Email Address: casey.fairchild@walmart.com Owner's Phone: 479.371.2299 Owner's Fax: Agent: Bowman Consulting Contact Person: Lisa Leonard Agent's Address: 301 SE Ocean Boulevard, #301, Stuart, FL 34994 Agent's Email Address: Ileonard@bowman.com Agent's Phone: 772.678.4331 Agent's Fax: _____ All staff comments will be sent directly to agent unless otherwise instructed in writing from the owner. SECTION 3- LAND USE AND ZONING INFORMATION: **EXISTING PROPOSED** Zoning: General Business (B-3) Zoning: N/A Land Use / Density: Land Use / Density: _____ Use: 13-02 Use: _____ Plat Name: _____ Plat Name: _____ Plat Restrictive Note: ____ Plat Restrictive Note: _____ ADJACENT ZONING **ADJACENT LAND USE PLAN** North: _____ North: South: South: East: _____

West:____

West: _____

-This page is for Variance, Zoning Appeal, Interpretation and Land Use applications only-

SECTION 4 - VARIANCE • ZONING APPEAL • INTERPRETATION ONLY Application Type (Circle One): OVariance OZoning Appeal OInterpretation Related Applications: Parking Variance Code Section: _____ Required: _____ Request: Details of Variance, Zoning Appeal, Interpretation Request: Refer to letter of intent for detail of variance request. **SECTION 5 - LAND USE PLAN AMENDMENT APPLICATION ONLY** ☐ City Amendment Only ☐ City and County Amendment Existing City Land Use: _____

Requested City Land Use: _____

Existing County Land Use: _____

Requested County Land Use: _____

SECTION 6 - DESCRIPTION OF PROJECT (attach additional pages if necessary)

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SECTION 7- PROJECT AUTHORIZATION

OWNER CERTIFICATION

This is to certify that I am the owner of the property de	escribed in this application and that
all information supplied herein is true and correct to the	e best of my knowledge.
Case Jean Melo	2-26-25
Signature of Owner	Date
Swom and Subscribed before me this <u>AGH</u> day of <u>February</u> , 20 <u>25</u>	JOSEPH A PRITCHARD NOTARY PUBLIC BENTON COUNTY, ARKANSAS COMM. EXP. 07/01/33 COMMISSION NO. 12724265
Fee Paid Signature of Notary Public	My Commission Expires
AGENT CERTIFICATION	
This is to certify that I am the agent of the property own and that all information supplied herein is true and con	ner described in this application rect to the best of my knowledge.
1 1 1 1 1	-26-25
Signature of Agent	Date
Sworn and Subscribed before me this <u>26th</u> day of <u>February</u> , 20 <u>25</u>	DONNA M KORTE Notary Public - State of Fiorida Commission # HH 602854 My Comm. Expires Feb 8, 2029 Bonded through National Notary Assn.
Fee Paid Signature of Notary Public	2/8/2029 My Commission Expires

Waiver of Florida Statutes Section 166.033, Development Permits and Orders

Applic	ant: WAL-MART STORES EAST	LP	
Autho	rized Representative: Bowman Cons	ulting - Lisa Leon	
Applic	ation Number:		
Applic	ation Request: Parking Variance		
	ı, Lisa Leonard, PE (pr	rint Applicant/Authorized Representative	name), on behalf
proced above	of WAL-MART STORES EAST	LP (Applicant), hereby waive the ction 166.033 as the provisions of said sta	deadlines and/o
a.	30-day requirement for Applicant F described in DRC Comments and/or Le	Response to Staff determination of in etter to Applicant;	completeness as
b.	30-day Staff review of Applicant Respo	onse to DRC Comments and/ or Letter to A	Applicant;
c.	Limitation of three (3) Staff Requests f	or Additional Information;	
d.	Requirement of Final Determination o with conditions within 120 or 180 days	n Applicant's application approving, deny of the determination of incompleteness	ring, or approving , as applicable.
		BU	3/5/2025
		Signature of Applicant or Applicant's Authorized Representative	Date
		Lisa Leonard, PE	
		Print Name of Applicant/Authorized Re	presentative



March 5, 2024

VIA ELECTRONIC DELIVERY

Mr. Michael Stamm, Jr.
Director, Planning & Economic Development Department
City of Pembroke Pines
601 City Center Way, 3rd Floor
Pembroke Pines, Florida 33025

RE: WAL-MART STORES EAST L.P.

Letter of Intent for Online Pickup Delivery (Short-Term) Parking Variance 12800 Pines Boulevard (Parcel ID: 514014020330) (Store # 5932)

Dear Mr. Stamm:

Please accept this letter of intent on behalf of WAL-MART STORES EAST, LP (the "Applicant" or "Walmart") for that certain ±21.18 acre parcel of land owned by Applicant located at 12800 Pines Boulevard (Parcel ID: 514014020330) (the "Property") in connection with Walmart's plan to increase the number of Online Pickup Delivery ("OPD") parking spaces at the subject Walmart store from 14 existing OPD spaces to 31 total OPD spaces (the "Project"). The proposed location and configuration of the OPD spaces is depicted on the plan prepared by Bowman Consulting enclosed with this Application ("Plans"). Section 155.608 of the City of Pembroke Pines Land Development Code (the "City Code") allows a maximum of only 10 OPD parking spaces per retail establishment regardless of property or building size. Therefore, the Application requests a variance pursuant to Section 155.301(O) of the City Code to allow an additional 17 OPD parking spaces beyond the currently provided 10 spaces (the "Variance").

According to the City Code, a Variance is defined as "[a] modification of, or deviation from, the regulation of this code which is authorized and approved by the respected board after it finds that the literal application of the provisions of the code would cause unnecessary hardship or practical difficulty in the use of development of a specific lot or building" (emphasis added). Section 155.301(O) further states that the purpose of Variances is "[t]o allow for the provision of relief from certain development standards of the [City Code]" subject to multiple criteria.

Walmart respectfully submits that limiting the subject Walmart to a maximum of 10 OPD parking spaces represents an unnecessary hardship or practically difficulty for the subject store and Walmart's proposal to add an additional 17 OPD spaces for a grand total of 31 OPD spaces satisfies all relevant variance criteria on the following bases:

Basic variance criteria include special circumstances peculiar to the land and building and for which the Variance is sought where strict application of the standard City Code criteria would result in unnecessary hardship and deprive the application of reasonable use, that the hardship is not self-created by the applicant and is not result of mere disregard or ignorance of the City Code, or that granting the variance is not incompatible with public policy, will not adversely affect adjacent property owners, and the circumstances which case the special conditions are peculiar to the subject property.

Approval of the Application will allow Walmart to meet established local customer demand, address future demand, and avoid potential operational disruptions. OPD parking spaces are reserved for Walmart customers who have ordered their products online (via Walmart's website or mobile application) prior to arriving at a particular Walmart store. OPD parking spaces are typically marked with signage stating "Online Pickup," or similar. Once OPD customers arrive at an OPD parking space, Walmart associates bring the Customers' pre-ordered products directly to customer vehicles for retrieval. The OPD model has proven popular amongst customers, as it combines the efficiency of online retail with the convenience of local "brick and mortar" shopping. The subject Walmart store has maintained an OPD program for some time, and currently offers a total of 14 OPD spaces. Based on current projections, Walmart has found that 31 OPD spaces are required at this particular store location in order to meet current and projected demand, as well as to avoid any potential operational backups as a result of continued customer demand.

Approval of the Application is consistent with the City Code's policy intent of proportionality. Section 155.608 of the City Code sets forth the standards for OPD (a/k/a short-term) parking spaces at retail shopping centers in the City, in relevant part, as follows:

BUILDING SIZE (SQ. FT.)	OPD SPACES (MAX.)
Less than 10,000	3
Between 10,000 and 20,000	5
More than 20,000	10

Accordingly, the City Code generally allows a number of OPD spaces proportionate to building square footage. However, the City Code includes a "catch-all" maximum of 10 OPD spaces for buildings larger than 20,000 square feet. The subject Walmart building is approximately 136,979 square feet in size, which is *almost 7 times larger* than the "catch-all" category. Walmart's current request for 31 ODP spaces for a 136,979 Walmart building is clearly proportionate from a policy intent perspective.

The Walmart Property is sufficiently large to accommodate increased OPD service. The subject Walmart store boasts a total Property size of ± 21.18 acres, all of which is owned and controlled by Walmart. This particular Walmart store also provides significant excess parking beyond what is required by City Code (480 parking spaces are required whereas 576 parking spaces are currently provided). Accordingly, Walmart has sufficient parking flexibility to intelligently position and plan for increased OPD services in a manner that satisfies both City and internal Walmart operational standards for both vehicular and pedestrian circulation, all while not adversely impacting neighbors. Indeed, as previously discussed, a meaningful expansion of OPD services at this location would ensure that future demands are met and customer flow operations remain within target parameters (i.e. no backups), and would therefore improve internal operations and avoid potential future negative impacts on neighbors.

The Application is consistent with approved OPD operations comparable Walmart stores located in other Florida jurisdictions. As previously described, OPD operations are being increasingly utilized and relied upon by customers throughout the country – and South Florida is no exception. For many, the allure of OPD is simply increased efficiency. For others with limited mobility or other accessibility challenges, OPD creates the opportunity to conveniently and more safely shop for a wide variety of retail products. The subject Application is wholly consistent with precedent throughout the state. Walmart respectfully requests the opportunity to provide the same level of OPD service to its valued customers in the City of Pembroke Pines.

We respectfully request your favorable review of this Application. Thank you for your considerate attention to this matter. Should you have any further questions or concerns, please do not hesitate to contact me.

Respectfully submitted,

Lisa Leonard, PE

Principal

lleonard@bowman.com

301 SE Ocean Boulevard Suite 301

Stuart, Florida 34994

772,283,1413







OGP DESIGN PLANS SUPERCENTER #5854-280

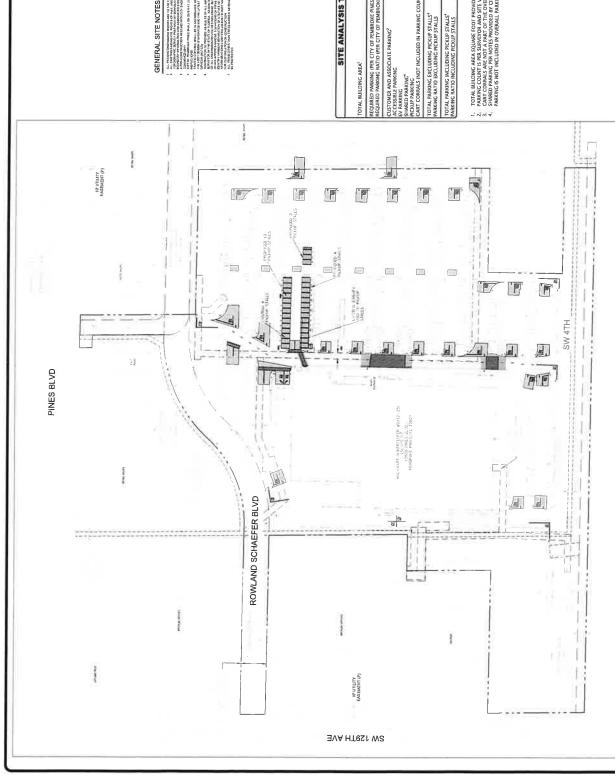








OVERALL SITE PLAN





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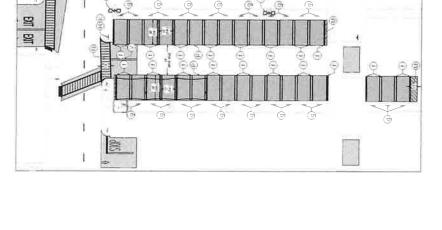






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DEMOLITION PLAN

SITE CONSTRUCTION PLAN

SITE AND DEMOLITION LEGEND

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GRAPHIC SCALE

REFERENCE SITE CONSTRUCTION PLAN FOR SITE SPECIFIC DIMENSIONS OF CROSSWALK STRIPING AND LOCATION OF SIGNAGE.

PROVIDE A COMPREHENSIVE CONSTRUCTION PHASING PLAN FOR THIS WORK TO THE STORE MANAGER 7 DAYS RIOR TO STARTING ANY WORK IT STO PROVIDE FOR DATES, TIMES AND DURATION OF LANE CLOSHRS, TEMPORARY VEHICLE AND PEDESTRIAN TRAFIC CONTROL.

ALL EXISTING STRIPING AND PAVEMENT MARKINGS OR TEXT ALONG THE BFR (BUILDING FRONTAGE ROAD) SHALL BE REMOVED WHERE SHOWND TO THE COMPLETE STETENT STRIPING OR TEXT HAS BEEN REMOVED IDO NOT APPLY SEAL COAT OVER CONCRETE) INSTALL IN WEW STRIPING ON TEXT HAS BEEN REMOVED IDO NOT APPLY SEAL COAT OVER CONCRETE). INSTALL NEW STRIPING AND SIGNAGE AS SHOWN FON THE SITE CONSTRUCTION PLAN. ALL SIGNS LOCATED ON THE BUILDING SIDE OF THE BFR SHALL BE INSTALLED ON A SINGLE POST WITH BOLLARD.

155.608 SHORT-TERM PARKING

- (A) Short-term parking may be permitted within multi-tenant non-residential shopping centers. Short-term parking spaces shall be approved via the administrative review process as outlined in 155.301(C) of this LDC. Short-term parking spaces shall be subject to the following provisions:
 - 1. All short-term parking spaces are deemed exclusive and will only be permitted when a parking -surplus exists on the property.
 - 2. All short-term parking must meet minimum design standards of 155.606.
 - 3. Short-term parking must not impede normal traffic flow nor interfere with the operations of emergency equipment.
 - 4. Outparcel buildings and freestanding buildings:
 - i. less than 10,000 square feet may be permitted a maximum of three short-term parking spaces.
 - ii. between 10,000 square feet and 20,000 square feet may be permitted a maximum of five short-term parking spaces.
 - iii. more than 20,000 square feet may be permitted a maximum of ten short-term parking spaces.
 - 5. Office parks or industrial parks may be allotted up to 2% of the total parking on site to be used for short-term parking space.
 - 6. Tenants within Multi-tenant Shopping Centers:
 - i. less than 10,000 square feet may be permitted a maximum of three short-term parking spaces.
 - ii. between 10,000 square feet and 20,000 square feet may be permitted a maximum of five short-term parking spaces.
 - iii. more than 20,000 square feet may be permitted a maximum of ten short-term parking spaces.
 - 7. Location of short-term parking shall not limit or restrict reasonable access to the tenant bays and shall be subject to the review and approval by the Planning and Economic Development Department.

155.609 NON-CONCURRENT PARKING

- (A) If there is not sufficient parking within a shopping center per code requirements to accommodate a proposed use, the applicant may submit a non-concurrent parking plan. The plan shall indicate that the amount of parking require based on the hours of operation for all tenants does not exceed the supplied parking at any time.
- (B) Non-concurrent parking agreements shall be reviewed via the Administrative Review process as outlined in Article 3.

SUBJECT SITE AERIAL PHOTO Walmart 12800 Varaince (ZV2025-0005, PRJ2025-0005)

