

May 10, 2018

The Regular Meeting of the Planning and Zoning Board of the City of Pembroke Pines was called to order by Chairman Rose, at 6:30 p.m., Thursday, May 10, 2018, at the Charles F. Dodge Pembroke Pines City Center, City Commission Chambers, 601 City Center Way, Pembroke Pines, FL. Present to-wit: Chairman Rose, Vice Chairman Jacob, Members Girello, Gonzalez, Labate, and Alternate Members Lippman and Taylor. Also present: Michael Stamm, Jr., Planning and Economic Development Director; Joseph Yaciuk, Planning Administrator; Jacob Horowitz, Assistant City Attorney, and Secretary McCoy.

Secretary McCoy declared a quorum present.

(Secretary's Note: Alternate Member Taylor arrived at 7:14 p.m. and became the voting member at 7:30 when Member Girello departed the meeting early.)

(Secretary's Note: Member Girello left the dais at 7:30 p.m.)

**SUBMISSION OF LOBBYING DISCLOSURE FORMS:**

Member Labate submitted a lobbying disclosure form in reference to SAFStor Pembroke Pines and the Accessory Car Wash item.

**APPROVAL OF MINUTES:**

On a motion by Member Labate, seconded by Member Girello, to approve, the minutes of the April 26, 2018 meeting, the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob  
Members Girello, Gonzalez, Labate

NAY: None

Motion Passed

**NEW BUSINESS:**

**PUBLIC HEARINGS AND REGULAR ITEMS:**

1. **ZC 2018-01**, The purpose of this Public Hearing is to consider, at the request of Sunshine Broward Prop Holding, LLC, a zoning change from B-3 (General Business) to C-1 (Commercial) with associated restrictive covenants for the **SAFStor Pembroke Pines** (ZC 2018-01) property generally located south of Pines Boulevard and west of SW 186 Avenue, containing approximately 7.171 acres more or less.

Chairman Rose stated the purpose of this Public Hearing is to consider, at the request of Sunshine Broward Prop Holding, LLC, a zoning change from B-3 (General Business) to C-1 (Commercial) with associated restrictive covenants for the SAFStor Pembroke Pines (ZC 2018-01) property generally located south of Pines Boulevard and west of SW 186 Avenue, containing approximately 7.171 acres more or less.

The following staff report was entered for the record:

Dwayne Dickerson, agent for property owner Sunshine Broward Prop Holding, LLC, is requesting approval of a zoning change application to rezone a +- 7.17 acre property from B-3 (General Business) portion of the property to C-1 (Commercial). The subject property is generally located south of Pines Boulevard and west of 186th Avenue.

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

- North - Pines Boulevard
- East - Commercial / C-1 (Commercial)
- South - Commercial / A-1 (Limited Agricultural), Low 2 Residential / RS-7 (Single Family District)
- West - Agricultural / B-3 (General Business), A-1 (Limited Agricultural)

The applicant proposes this zoning change with plans to construct a self-storage facility. Self-storage facilities require the C-1 zoning classification. As part of this rezoning, the applicant offers to restrict the property to the following uses only:

1. Self-storage use.
2. All uses allowed in the General Business (B-3) district.

Included within the backup is a microanalysis of self-storage facilities within a 5 mile radius provided by the applicant. The applicant reviewed the analysis and concludes confirms

investment confidence in additional self-storage use given the competition in the area.

Staff has reviewed the uses proposed on the subject site and finds them generally compatible with the adjacent commercial properties. The proposed zoning change application has been reviewed by the Zoning Administrator with no objections to the proposed change.

Staff Recommendation: Transmit to City Commission with a favorable recommendation.

Chairman Rose 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 member of the public spoke:

Dwayne Dickerson, attorney representing the petitioner

On a motion by Member Girello, seconded by Vice Chairman Jacob, to close the Public Hearing, the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob  
Members Girello, Gonzalez, Labate

NAY: None

Motion Passed

Chairman Rose stated this will be heard as regular agenda item number 2.

2. **ZC 2018-01**, The purpose of this item is to transmit a recommendation to the City Commission, as recommended by staff, at the request of Sunshine Broward Prop Holding, LLC, a zoning change from B-3 (General Business) to C-1 (Commercial) with associated restrictive covenants for the **SAFStor Pembroke Pines** (ZC 2018-01) property generally located south of Pines Boulevard and west of SW 186 Avenue, containing approximately 7.171 acres more or less.

Chairman Rose stated the purpose of this item is to transmit a recommendation to the City Commission, as recommended by staff, at the request of Sunshine Broward Prop Holding, LLC, a zoning change from B-3 (General Business) to C-1 (Commercial) with associated restrictive covenants for the SAFStor Pembroke Pines (ZC 2018-01) property generally located south of Pines Boulevard and west of SW 186 Avenue, containing approximately 7.171 acres

more or less.

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

Member Gonzalez requested that the developer relocate any deer that may be on the property.

Dwayne Dickerson, attorney representing the petitioner, stated the developer typically accommodates those types of concerns.

The following members of the Planning and Zoning Board spoke:

Chairman Rose, Vice Chairman Jacob, Members Girello, Gonzalez

The following member of staff spoke:

Michael Stamm, Jr., Planning and Economic Development Director

The following member of the public spoke:

Dwayne Dickerson, attorney representing the petitioner

On a motion by Member Girello, seconded by Vice Chairman Jacob, to transmit, as recommended by staff, the SAFStor Pembroke Pines (ZC 2018-01), to the City Commission with a favorable recommendation, the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob  
Members Girello, Gonzalez, Labate

NAY: None

Motion Passed

**OLD BUSINESS:**

**QUASI-JUDICIAL ITEMS:**

- 3. **SP 2018-01, Flamingo Pines Shopping Center**, generally located south of Pines Boulevard and west of Flamingo Road, site plan amendment.

Chairman Rose advised that this is a continuance of 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.

The following staff report was submitted, in response to the affected party and board concerns, into the record:

Ryan Tufts, agent for owner WRI JT Flamingo Pines LP, is requesting approval for a building addition and site changes to the Flamingo Pines Shopping Center is located south of Pines Boulevard and west of Flamingo Road.

The Planning and Zoning Board at its April 26, 2018 meeting deferred the item to the May 10, 2018 meeting. During the deferral period staff reviewed the following:

- Affected party concerns regarding future development rights to a lake to the south of the property based on a drainage due diligence report performed in 2004.
- Revised parking layout and conversion of angled parking to 90 degree parking.

Attached to this document is an email and professional opinion from South Broward Drainage District which addresses the drainage claims made by the affected party at the April 26, 2018 meeting. It should be noted that South Broward Drainage District signed off on DRC review for the subject Flamingo Pines Site Plan on April 3, 2018 and has not changed their position. Therefore, it is the conclusion of staff that the proposed site plan may move forward for consideration.

The City Engineer had previously signed off on this project. However by comments by Board members during the discussion, staff had the City traffic engineering consultant Eric Czerniejewski, provide an additional analysis. The following conclusions were made:

- The traffic circulation with two-way drive aisles versus alternating one-way roadways is less confusing for motorists. The two way drive aisle with 90 degree parking eliminates the possibilities that vehicles will travel the wrong direction down a one way road. It also allows for a more continuous flow of traffic through the shopping center

- The handicap accessible path designed as part of the 90 degree parking allows for refuge islands at these stalls and other stalls. The refuge islands provide for safe pedestrian circulation out of the vehicular travel ways within the drive aisles.
- The total number of parking stalls is increased with the 90 degree parking versus the angled parking.
- There are other outparcels within the shopping plaza that already have 90 degree parking. The proposed 90 degree parking provides compatibility within the shopping center. The recently approved Publix at City Center also has 90 Degree parking.
- There are no restrictions to the 90 degree parking design layout in the City of Pembroke Pines.
- The medians created with the 90 degree parking allows for more landscaping opportunities which will provide better shade to pedestrians
- The 90 degree parking creates better alignment with the adjacent driveway connections around the ring road. There are conditions with the existing angled parking where the tie-in to the ring road does not align with the outparcel ingress and egress locations.

In addition to the comments above, planning staff notes the following improvements as a result of this application:

- Improved site circulation to the ring road due to adjustments made to the existing hard corner near the Boston Market outparcel and the addition of head in parking at southern end of the shopping center.
- Improved site lighting for better surveillance.
- Improved ADA conditions.
- Reconfigured landscape islands provide for additional shade for shoppers.
- Additional tax revenue to the City due to the construction of the proposed outbuilding.

Staff Recommendation: Approval.

Ryan Tufts, representing the petitioner, waived his right to a quasi-judicial proceeding.

Mr. Tufts addressed the Planning and Zoning Board. He gave a brief overview of the proposed site plan amendment.

The following staff report was entered into the record at the April 26, 2018:

Ryan Tufts, agent for owner WRI JT Flamingo Pines LP, is requesting approval for a building addition and site changes to the Flamingo Pines Shopping Center is located south of Pines Boulevard and west of Flamingo Road.

The following outlines the scope of work:

1. Construction of a multi-tenant retail / restaurant out building at the existing Flamingo Pines Shopping Center with associated parking, signage, traffic
2. Parking lot modification to the main shopping center parking field which will convert all existing angled parking into 90 degree parking.

The proposed 21'-0" high, 4,921 square foot out building will be constructed over an existing parking field at the perimeter of the plaza to the south of the existing Bank of America out parcel. The proposed site will not be an out parcel, rather an additional freestanding building within the shopping center. The proposed building will face Flamingo Road. Freestanding buildings are required to maintain compatibility with the main center as well as compliance with the shopping center uniform sign plan.

The applicant proposes the following color selections for the building which are match the colors of the min building:

- Base Color – Eaglet Beige (SW 7573)
- Entry Columns – Mesa Tan (SW 7695)
- Trim / Cornice – Steady Brown (SW 6110)
- Awnings – Tricorn Black (SW 6258)

The applicant provides two hundred and Twenty (220) square feet outdoor dining is proposed on patio areas at the southeast corner of the proposed building as displayed in the plans. The patio will contain 4 tables. The patios will be enclosed by 3'-6" black aluminum railing. A dumpster enclosure is proposed at the northwest corner of the site. The enclosure will be painted to match the building. WASTEPRO reviewed the proposed location and has no objections.

The applicant will provide 662 parking spaces within this portion of the Shopping Center as a result of all of the changes on site. 538 spaces are required based on the existing business profile and proposed outbuilding uses on site.

The shopping center will be illuminated by black full cut off LED fixtures (4,000K) mounted

atop 28 - 30-foot high concrete poles. In addition, canister lights are proposed on the main columns of the building. The proposed lighting complies with section 116 of the City Code of Ordinances.

Landscape for this site will include the following:

The applicant proposes the installation of 127 trees, 9 palms, and 5,759 shrubs as part of this application. Primary species used on the site include the following:

- Primary trees - Satinleaf, Black Ironwood, and Verawood.
- Primary species of palms - Cabbage Palm.
- Primary species of shrubs - Green Island Ficus, Dwarf Asian Jasmine, Dwarf Fakahatchee.

No new ground signs are proposed with this application. The applicant has updated the Uniform Sign Plan to include the proposed building.

Staff Recommendation: Approval.

Chairman Rose inquired if there was anyone from the public who wished to speak either for or against this item.

Dane Stanish, attorney representing Lake Flamingo Pines, LLC, spoke as an affected party.

The following members of the Planning and Zoning Board spoke:

Chairman Rose, Vice Chairman Jacob, Member Girello, Gonzalez, Labate

The following member of staff spoke:

Michael Stamm, Jr., Planning and Economic Development Director

The following members of the public spoke:

Ryan Tufts, representing the petitioner  
Joel Kaplan, representing the petitioner  
Maday Gutierrez, architect representing the petitioner

On a motion by Member Labate, seconded by Member Gonzalez, to approve, as recommended by staff, the Flamingo Pines Shopping Center site plan amendment (SP 2018-01),

the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob  
Members Girello, Gonzalez, Labate

NAY: None

Motion Passed

**NEW BUSINESS:**

**QUASI-JUDICIAL ITEMS:**

4. **SP 2018-06, Tesla Charging Stations at Cobblestone Plaza**, generally located south of Pines Boulevard, west of I-75 within Cobblestone Plaza, site plan amendment.

Chairman Rose 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.

George Moreno, representing the petitioner, waived his right to a quasi-judicial proceeding.

Tessa Mencia, representing the petitioner, addressed the Planning and Zoning Board. He gave a brief overview of the proposed site plan amendment.

The following staff report was entered into the record:

Shawn Gleason, agent for Tesla, is requesting an amendment to the Cobblestone Plaza site plan generally located south of Pines Boulevard and west of I-75. The applicant proposes to build a charging station with associated power equipment enclosure, transformer, landscape and signs over an existing parking field to the north and west of the existing Chase Bank building at Cobblestone Plaza.

**Background**

On January 17, 2018, the City Commission approved Ordinance 1892 which permit the installation of Electric Vehicle charging stations within the City. Ordinance 1892 also established categorized electric charging stations based on levels of service standards as well as location and

design criteria for these units.

The proposed charging station is considered a level 3 charging station as per Code definition. Level 3 units are considered fast or rapid charging and operated on a sixty amp or higher breaker on a four hundred eighty volt or higher three phase circuit with special grounding equipment. Level 3 stations are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles. Level 3 (480 V) stations can charge a battery to 80% in 30 minutes or less. Level 3 charging stations are an allowable use within the B-3 (General Business), C-1 (Commercial) and industrial district zones (where underlying land use permits this use). 6-20 charging stations may be permitted per shopping center or freestanding building site subject to parking availability. One parking space for this use shall be designated solely for each charging service position. Charging Unit operators will be required to file for a Local Business Tax Receipt with the City for each location.

Proposal

The applicant proposes the installation of the following equipment for this charging station as a result of this application:

- The installation of 16 charging posts occupying 16 parking spaces along Pines Boulevard as depicted in the plan.
  - o Each charging post will be approximately 5.5 feet high.
  - o Each charging space will be depicted by a 1.5 square foot Tesla Vehicle charging sign mounted at 6 feet.
  - o Charging station parking will be exclusive for charging activities only. The proposed shopping center provided on site will still exceed parking required with the introduction of this use.
  
- The installation of an 8 foot tall equipment enclosure in the Pines Boulevard shopping center landscape bufferyard to the north of the proposed charging posts. The equipment enclosure will house the following equipment:
  - o 8 Tesla charging cabinets
  - o 1 QED Switchgear Assembly with automatic shutoff switch
  - o 8 Auto transformers

The equipment enclosure consist of composite panels between steel metal posts.

The following changes are proposed in the buffer area to the north of the proposed electric vehicle charging stations:

- The installation of a +/- 5 foot tall utility transformer (Green) to the northeast of the equipment enclosure.
- Slight relocation of two existing light poles in the parking area to accommodate the installation of the charging stations.

The applicant will include landscape to screen the proposed equipment enclosure consisting of the following:

- Installation of 2 trees and 14 shrubs is proposed on the property. Primary species of trees include Cathedral Live Oak. Primary species of shrubs include Glossy Privet, Muhly Grass, and Red-Tip Cocoplum.

The proposed plan has been reviewed by staff and was found to be consistent with all applicable city codes.

Staff Recommendation: Approval.

Chairman Rose 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:

Chairman Rose, Vice Chairman Jacob, Members Girello, Gonzalez, Labate  
Alternate Member Lippman

The following members of staff spoke:

Michael Stamm, Jr., Planning and Economic Development Director  
Joseph Yaciuk, Planning Administrator  
Jacob Horowitz, Assistant City Attorney

The following members of the public spoke:

George Moreno, representing the petitioner  
Tessa Mencia, representing the petitioner

On a motion by Member Labate, seconded by Alternate Member Taylor, to approve, as recommended by staff, the Tesla Charging Stations at Cobblestone Plaza site plan amendment

(SP 2018-06), the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob  
Members Gonzalez, Labate, Alternate Member Taylor

NAY: None

Motion Passed

**ITEMS AT THE REQUEST OF THE BOARD:**

5. Discussion and possible action on transmittal of the **Annual Board Report** to the City Commission.

Chairman Rose gave an overview of the proposed annual board report.

On a motion by Member Gonzalez, seconded by Member Labate, to transmit the annual board report to the City Commission, the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob  
Members Gonzalez, Labate, Alternate Member Taylor

NAY: None

Motion Passed

**ITEMS AT THE REQUEST OF STAFF:**

6. **AM 2018-03**, Discussion and possible action to consider adding **manual car wash / detailing** use as an **accessory use to regional mall development**.

Dwayne Dickerson, at the request of his client PW Pembroke, LLC, requests consideration of a text amendment to City Code Section 155.149 – General Business (B-3) Districts. The applicant requests that the City consider adding manual car wash / detailing use as an accessory use to regional mall development. Further, the applicant requests the following additional restrictions for accessory manual car wash use in a regional mall:

- Manual car wash / detailing facilities located within regional malls shall use a waterless cleaning process and all utilized products shall be 100% biodegradable.
- Engine cleaning and undercarriage shall be prohibited within Regional Malls.

Specifically, the applicant requested the following text change to Section 155.149 of the City Code of Ordinances in strikethrough and underline format:

**Sec. 155.149. - General Business (B-3) Districts.**

\* \* \*

(B) *Uses permitted. No building, structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, for other than one or more of the following specified uses, provided, however, that no more than one of the specified uses will be permitted on a single parcel of property except as permitted by subsection (I) "Out Parcels":*

\* \* \*

(10) *Car washes. All car washes shall be reviewed by the Planning & Zoning Board through the city's site plan review procedures.*

\* \* \*

(e) *Manual car wash/detailing. Permitted only as an accessory use to Service Stations, automobile dealerships, Regional Malls and golf courses.*

1. *General design standards.*

a. *Manual car wash/ detailing shall be conducted under a permanently installed canopy aesthetically compatible with the primary structure and shall meet all applicable building code regulations.*

b. *The operation of such manual car wash shall not create any standing water and shall not drain directly into drainage system. Manual car wash/detailing facilities located within Regional Malls shall use a waterless cleaning process and all utilized cleaning products shall be 100% biodegradable.*

c. *Engine cleaning and undercarriage cleaning shall be prohibited within Regional Malls.*

d. *Required parking and site circulation for existing use(s) shall be maintained.*

e. *Sign(s) for car washes are restricted to car wash canopies only and are counted as part of the total allowed building signage of 36 square feet.*

2. *Parking. Two parking spaces are required per work station for storage, stacking, pick-up, or drop-off.*

\* \* \*

**Analysis of Request:**

The applicant provides staff with a justification statement below for the proposed change.

Staff then provides comments in response to points raised by the applicant.

**Applicant Comment:** With the busy and hectic lifestyles of individuals today, there is a demand of such car wash and detail servicing that can be completed while the customer is working or completing other errands. As such, Regional Malls are perfect locations for such uses where customers may be working at the retail center or shopping. Upon completion of their errands, they can leave the regional mall with a clean and fully detailed car. This eliminates the hour (or more) of wait time that can occur at other stand-alone car wash and detail facilities.

**City Staff Comment:** Manual car washes are currently permitted as accessory uses to service stations, automobile dealerships, and golf courses. Manual car washes are currently not permitted as accessory to shopping centers or malls within the City.

The Planning and Zoning Board in the past has expressed concern about the proliferation of accessory manual car washes throughout the City. Board members reported loud music and poor aesthetic conditions at many of these accessory car wash locations.

The applicant in their justification fails to explain a reason as to why this use should specifically be permitted as accessory to regional malls over other existing retail uses. Furthermore, there is no prohibition of car washes as primary outparcel uses within the mall property. The City Commission at its March 7, 2018 meeting approved Ordinance 1897 allowing for the development of up to 3 new outparcels for the City's only regional mall site (Pembroke Lakes Mall) which could be used for freestanding car washes.

Staff also has concerns with the location of these accessory car washes on a regional mall site. It is expected that these accessory car washes would be placed in parking areas of convenience to regional mall patrons. Therefore, it is highly likely that these accessory car wash locations would be placed near the mall building and ultimately could inhibit access to desirable parking or restrict vehicle circulation throughout these already complicated mall traffic circulation systems.

**Applicant Comment:** The proposed text amendment further adds more protections for such uses at regional malls. More specifically, the proposed Code amendment would require the manual car wash/detailing facility at a regional mall to use a waterless cleaning process and 100% biodegradable cleaning products. This requirement will prevent the creation of any standing water or drainage into the drainage system for the mall. In addition, Petitioner is proposing a restriction on engine and undercarriage cleaning. These added protections ensure that the manual car wash/detailing facility does not have negative impacts on the retail center or to the environment.

**City Staff Comment:** The applicant adds specific operational restrictions for accessory car washes at regional malls which are more restrictive than current Code requirements.

These additional requirements may significantly limit future car wash / detailing competition to the regional mall property. If the Board wishes to accept this type of operational limitation for accessory manual car washes then it should consider requiring all manual car washes to operate in similar manner. Should the Board consider such restrictions for all accessory manual car wash uses within the City then the result of such all-encompassing amendment will result in creation of existing non-conforming car wash businesses within the City.

Based on review of the above applicant justification for the Code amendment, staff finds no compelling information provided to support of this change.

The following members of the Planning and Zoning Board spoke:

Chairman Rose, Vice Chairman Jacob, Members Gonzalez, Labate  
Alternate Member Lippman

The following member of staff spoke:

Michael Stamm, Jr., Planning and Economic Development Director

The following member of the public spoke:

Dwayne Dickerson, attorney requesting the change

Member Gonzalez moved to request City Attorney to draft an ordinance to amend Sec. 155.149. - General Business (B-3) Districts, (B), (10) as outlined in the petitioners request and transmit to the City Commission with a favorable recommendation. Alternate Member Taylor seconded the motion.

The following members of the Planning and Zoning Board spoke:

Chairman Rose, Vice Chairman Jacob, Members Gonzalez, Labate

The following members of the public spoke:

Dwayne Dickerson, attorney requesting the change  
Jack McCluskey, resident Pembroke Pines

On the motion by Member Gonzalez, seconded by Alternate Member Taylor, to request City Attorney to draft an ordinance to amend Sec. 155.149. - General Business (B-3) Districts, (B), (10) as outlined in the petitioners request and transmit to the City Commission with a favorable recommendation, the following vote was recorded:

AYE: Members Gonzalez, Labate, Alternate Member Taylor

NAY: Chairman Rose, Vice Chairman Jacob

Motion Passed

**ADJOURN:**

Chairman Rose adjourned the meeting at 8:10 p.m.

**ADJOURNED:**

8:10 P.M.

Respectfully submitted:

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Sheryl McCoy  
Board Secretary