

**COMMISSION ORDER OF THE
CITY OF PEMBROKE PINES, FLORIDA
CITY COMMISSION**

COMMISSION ORDER NUMBER: 2025-03

DATE AND AGENDA: August 20, 2025

BOARD ACTION: APPROVED

APPLICANT: Towngate at Pembroke Pines Master Association, Inc.
c/o Jamie A. Cole, Esq. (the "Petitioner").

FILE NUMBER: ZV2024-0008.

PETITION FOR: Request to Appeal the Planning and Zoning Board decision pertaining to a zoning variance request to allow a four foot (4 ft.) sidewalk on one (1) side of the roadway for a forty foot (40 ft.) private roadway where a four foot (4 ft.) sidewalk on both sides of the roadway for a forty foot (40 ft.) private roadway is required for the property located at 1250 NW 155 Avenue, owned by Towngate at Pembroke Pines Master Association, Inc.:

- ZV2024-0008: to allow a four foot (4 ft.) sidewalk on one (1) side of the roadway for a forty foot (40 ft.) private roadway.

LOCATION: 1250 NW 155 Avenue, Pembroke Pines, Florida, 33028.

LEGAL DESCRIPTION: TOWNGATE 156-11 B POR PAR A DESC AS: COMM MOST NLY NW COR SAID PAR A;E 35.02 TO POB CONT E 645.29;S 30;E 481.58;NE 315.35 TO P/C;ELY & SELY 143.12; SE 730;SW 155;NW 4.87;NELY,NLY & NWLY 104.65;NWLY 22.17;NWLY 47.51;NW 597.77;NWLY & WLY 71.56 SW 339.73;WLY 6.49;NW 514.28; NWLY & WLY 107.11;SW 267.55;WLY & SWLY 70.26;SW 111.54;SLY 77.01 SLY 10.06,SW 106.70,NW 178.72, NE 64 TO POB AKA:COMMON AREA-N VILLAGE 19:CEDAR WAY-TOWNGATE.

FINDINGS OF FACT: The City Commission after having heard and considered the following matters hereby makes the following findings of fact:

1. On May 8, 2025, the City of Pembroke Pines Planning and Zoning Board considered Application No. ZV2024-0008, filed by Towngate at Pembroke Pines Master Association, Inc., for the property located at 1250 NW 155 Avenue, Pembroke Pines, FL 33028 (the "Application").
2. Upon consideration of the Application, the testimony that was presented on the record, and deliberation between the members of the Planning and Zoning Board, the Planning and Zoning Board voted to deny Application No. ZV2024-0008.
3. Zoning Variance Application, **Exhibit "1"**, is on file in the City Clerk's Office and by this reference is incorporated herein and made a part hereof.
4. Meeting minutes for the May 8, 2025 Planning and Zoning Board meeting, **Exhibit "2"**, are on file in the City Clerk's Office and by this reference are incorporated herein and made a part hereof.
5. Written notice of Petitioner's Intent to Appeal dated May 13, 2025 and submitted by Jamie A. Cole, Esq., as counsel for Petitioner. **Exhibit "3"**, is on file in the City Clerk's Office and by this reference is incorporated herein and made a part hereof.
6. Document entitled "Appeal Statement for Application Number ZV2025-0008: Project Number PRJ2024-0015" submitted by Jamie A. Cole on behalf of Petitioner. **Exhibit "4"**, is on file in the City Clerk's Office and by this reference is incorporated herein and made a part hereof.
7. In addition to testimony from City staff and Petitioner, the City Commission permitted one (1) member of the Public, Mr. Craig Kocis, Vice President of the Cedar Way Homeowners Association, Inc., to speak at the August 20, 2025 Commission meeting. Mr. Kocis was sworn in prior to addressing the City Commission.
8. In accordance with City Code of Ordinances §155.311, members of the City Commission reviewed the written record on appeal, including Exhibits 1-4 as referenced herein, for competent and substantial evidence and no new evidence was presented.

CONCLUSION AND ORDER:

After consideration and review of the City's records and arguments presented as reflected above in the FINDINGS OF FACT, the City Commission hereby GRANTS Petitioner's appeal of the decision of the Planning and Zoning Board and APPROVES the following variance request:

ZV2024-0008: to allow to allow a four foot (4 ft.) sidewalk on one (1) side of the roadway for a forty foot (40 ft.) private roadway.

NOTICES: All notices or other communications required by one party to another shall be given in writing by personal delivery or by regular U.S. mail or sent by telex, facsimile or similar method of electronic communication addressed to such other party or delivered to such other party as follows:

CITY: Charles F. Dodge, City Manager
601 City Center Way
Pembroke Pines, FL 33025
Telephone No. (954) 431-4884
Facsimile No. (954) 437-1149

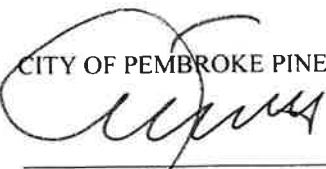
Copy To: Samuel S. Goren, City Attorney
Goren, Chero, Doody & Ezrol, P.A.
3099 East Commercial Blvd., Suite 200
Fort Lauderdale, Florida 33308
Telephone No. (954) 771-4500
Facsimile No. (954) 771-4923

APPELLANT: Towngate at Pembroke Pines Master Association, Inc. c/o
Jamie A. Cole, Esq.
1250 NW 155 Avenue
Pembroke Pines, Florida, 33028.

Issuance of this development order by the City of Pembroke Pines does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Pembroke Pines for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All other applicable state or federal permits must be obtained before commencement of the development.

DONE AND ORDERED on this 20 day of August, 2025 in Pembroke Pines, Florida.



CITY OF PEMBROKE PINES, FLORIDA
BY: 
MAYOR ANGELO CASTILLO

APPROVED AS TO FORM:


9/8/25
OFFICE OF THE CITY ATTORNEY

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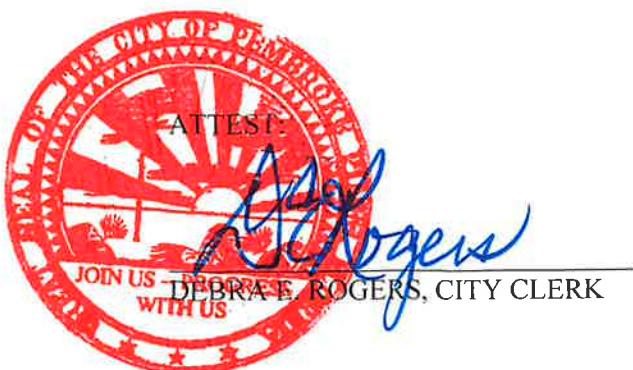
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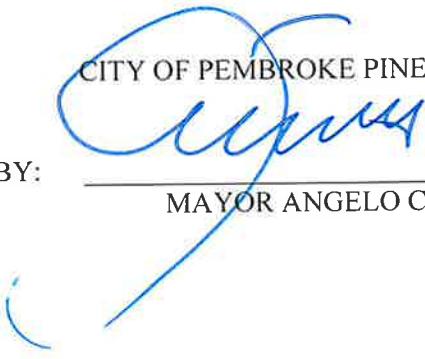
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DONE AND ORDERED on this 20 day of August, 2025 in Pembroke Pines, Florida.



CITY OF PEMBROKE PINES, FLORIDA
BY: 
MAYOR ANGELO CASTILLO

APPROVED AS TO FORM:


9/8/25
OFFICE OF THE CITY ATTORNEY



City of Pembroke Pines, FL

601 City Center Way
Pembroke Pines, FL
33025
www.ppinies.com

Agenda Request Form

Agenda Number: 12.

File ID: 25-1830

Type: Zoning

Status: Passed

Version: 1

Agenda
Section:

In Control: City Commission

File Created: 07/28/2025

Short Title: Towngate Sidewalk Variance Appeal

Final Action: 08/20/2025

Title: REQUEST TO APPEAL A DECISION OF THE PLANNING AND ZONING BOARD FOR THE TOWNGATE (CEDAR WAY) SIDEWALK 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.

*Agenda Date: 08/20/2025

Internal Notes: ZV2024-0008 Appeal of Planning and Zoning Board Denial 3-0

Attachments: 1. Intent to Appeal (5-13-2025), 2. Applicant Letter - Variance Appeal with exhibits (8-8-2025), 3. Towngate P&Z Staff Report and Supporting Documentation, 4. Planning and Zoning Board Minutes (5-8-2025)

Related Files:

1	City Commission	08/20/2025	grant	Pass
	Action Text:	A motion was made by Vice Mayor Hernandez, seconded by Commissioner Good Jr., to grant the appeal of Item 12. The motion carried by the following vote:		
		Aye: - 5	Mayor Castillo, Vice Mayor Hernandez, Commissioner Good Jr., Commissioner Rodriguez, and Commissioner Schwartz	
		Nay: - 0		

REQUEST TO APPEAL A DECISION OF THE PLANNING AND ZONING BOARD FOR THE TOWNGATE (CEDAR WAY) SIDEWALK 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.

1. Jaime Cole, as attorney representing the association (Towngate Master Homeowners Association), is appealing a decision by the Planning and Zoning Board.

2. On May 8, 2025 the Planning and Zoning Board heard Variance Request ZV2024-0008 to permit the removal of an existing 4 foot sidewalk on one side of the roadway, where a 4 foot sidewalk is required on both sides of 40' private roadway.

3. Roadway design standards for the Cedar Way subdivision is regulated by the Towngate Planned Unit Development Guidelines.
4. In 1998, the Cedar Way community, a subdivision of Towngate was approved through site plan SP 97-82.
5. 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.
6. Planning and Economic Development staff, do not make recommendations on variance requests.
7. After hearing testimony, reviewing the application as well as the statements from the applicant, the Planning and Zoning Board voted to deny Variance ZV2024-0008 by a 3-0 vote. Only three Board members (Labate, Aloy, Zacharias) were in attendance. The applicant was provided an opportunity to defer their application to a future meeting due to only three board members being in attendance and a unanimous vote for approval.
8. Section 155.311 of the City of Pembroke Pines Code of Ordinances allows for an affected party to appeal decisions made by the Planning & Zoning Board to the City Commission.
9. Section 155.311 APPEAL OF BOARD DECISIONS states the following:

(C) Appeal of Board Decisions

1. Decisions of the Board of Adjustment or the Planning and Zoning Board, collectively known as "Board", in quasi-judicial proceedings are subject to appeal to the City Commission by either the city, petitioner, or an affected person as defined in this code based on lack of competent and substantial evidence to support the Board's ruling.
2. Any person seeking to appeal must file a written request to appeal with the Director of Planning and Economic Development, or designee, no later than noon on the seventh calendar day following the meeting at which the Board has rendered a final decision.
3. The applicant filing the appeal shall submit a written statement to the Director of Planning and Economic Development no later than ten days before City Commission meeting at which the appeal shall be heard. This written statement shall state with specificity why the appellant believes that the Board's decision was not based on competent and substantial evidence. This written statement shall be included in the agenda for the City Commission meeting at which time the appeal shall be heard.
4. The person filing the appeal shall bear the cost of all advertising and notice requirements associated with the appeal.
5. The appeal shall be presented to the City Commission as soon as practicable, subject to the notice requirements and procedures set forth herein, for a final determination as to whether or not there was competent and substantial evidence to support the Board's ruling.

(D) Appeal of City Commission Decisions. The final determination of the City Commission with

regards to the applications specified in this LDC is subject to judicial review in a court of competent jurisdiction.

(E) Hearings. Hearings before the Planning and Zoning Board and City Commission are not trials de novo but rather appellate in nature. Appeals shall be limited to the written record and new additional evidence shall not be presented.

10. The intent to appeal the Planning and Zoning Board decision was submitted May 13, 2025 and was consistent with code requirements.

11. The applicant's statement regarding why the Planning and Zoning Board's decision was not based on competent and substantial evidence was submitted by the applicant in a timely fashion, consistent with code requirements. Nonetheless, upon review of the documentation, it appears that additional information was included in the statement regarding Cedar Way's change in position and a subsequent survey taken within the Cedar Way community. This information was not presented to the Planning and Zoning Board and may not be considered by the City Commission as newly presented evidence is excluded from the appeal.

12. The Planning and Zoning Board minutes are provided in the backup paperwork. The video of the Board of Adjustment meeting can be accessed through the following link
https://ppines.granicus.com/player/clip/1041?view_id=1&redirect=true

13. Request City Commission action on the appeal of the denial of Zoning Variance ZV2024-0008.

FINANCIAL IMPACT DETAIL:

- a) **Initial Cost:** None.
- b) **Amount budgeted for this item in Account No:** Not Applicable.
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) **5 year projection of the operational cost of the project** Not Applicable.
- e) **Detail of additional staff requirements:** Not Applicable.

FEASIBILITY REVIEW:

A feasibility review is required for the award, renewal and/or expiration of all function sourcing contracts. This analysis is to determine the financial effectiveness of function sourcing services.

- a) **Was a Feasibility Review/Cost Analysis of Out-Sourcing vs. In-House Labor Conducted for this service?** Not Applicable.

b) If Yes, what is the total cost or total savings of utilizing Out-Sourcing vs. In-House Labor for this service? Not Applicable.