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

Summary

Agenda Date:	December 12, 2019	**Application ID:**	ZC 2019-03
Project:	7-Eleven	**Project Number:**	PRJ 2019-18
Project Planner:	Joseph Yaciuk, Planning Administrator	**Enacting Document:**	☐ Resolution ☒ Ordinance
Owner:	6500 Pines Holdings, LLC.	**Agent:**	Dwayne Dickerson
Location:	6460 Pines Boulevard	**Acreage:**	+-1.6
Existing Zoning:	B2-A (Planned Business Center)	**Proposed Zoning:**	B-3 (General Business)
Existing Land Use:	Commercial	**Proposed Land Use:**	Commercial
Reference Applications:	SP 99-68, ZV 2000-02, SN 2012-22, ZV 2017-11, ZV 2017-12, ZV 2017-13, SP 2016-27		
Applicant Request:	Rezone property from B2-A (Planned Business Center) to B-3 (General Business) with voluntary deed restrictions.		
Staff Recommendation:	**Transmit to City Commission, inclusive of voluntary deed restriction, with a favorable recommendation**		
Final:	☐Planning & Zoning Board	☒City Commission	
Reviewed for the Agenda:	Director:	Planning Administrator:	

Project Description / Background

Dwayne Dickerson, at the request of his client 6500 Pines Holdings, LLC., has submitted a zoning change application for the property located at 6460 Pines Boulevard (FKA: Carter Financial Plaza, Pines Village Plaza). The applicant requests to rezone a +- 1.6 Acre portion of the property from B2-A (Planned Business Center) to B-3 (General Business) in order to redevelop the site into a 7-Eleven convenience store with gas station. As part of this rezoning request, the applicant has voluntarily provided the City with a restrictive covenant restricting the uses on this property to the following:

- Service station, convenience store, and accessory automatic car wash use within the B-3 (General Business) district.
- All permitted uses within the B-2 (Community Business) district.

Background

According to the property appraiser website, the existing building on this site was built in 1966. A variance (ZV 2000-12) to allow an out parcel to be located on the subject property was denied by the Board of Adjustment on February 3, 2000. A related site plan amendment application to expand the building (SP 99-68) was reviewed and ultimately withdrawn by the applicant in 2000 as a result of the outparcel request not being granted. A uniform sign plan for this property (SN 2012-22) was approved by the Planning and Zoning Board on November 8, 2012.

The Planning and Zoning Board at its May 25, 2017 meeting denied the following variances for the property:

ZV 2017-11	To allow a 10' landscape (open space) buffer along Pines Blvd. instead of the required 25'	Denied (5-0)
ZV 2017-12	To allow a 5' landscape (open space) buffer along SW 64th Way instead of the required 25'	Denied (5-0)
ZV 2017-13	To allow zero trees in the landscaping buffer adjacent to abutting properties instead of the required 11 trees	Denied (5-0)

A related site plan (SP 2016-27) had been submitted in 2016 but ultimately was never heard at a meeting as related variances were denied.

Over the years, the previous owner of the site (Carter Financial Group, LLC) received several violations for property maintenance which have resulted in a significant monetary lien on the property. The property ultimately fell under foreclosure.

The current owner acquired the property in early 2019 in foreclosure proceedings.

SURROUNDING PROPERTIES:

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

North: **Pines Boulevard / McArthur High School - City of Hollywood**

East: **Zoning**: B-2A (Planned Business Center) **Land Use**: Commercial

South: **Zoning**: R-1C (One Family Dwelling) **Land Use**: Residential (Low 5)

West: **Zoning**: R-1C (One Family Dwelling) **Land Use**: Residential (Low 5)

ANALYSIS:

Existing Zoning District (B2-A)

The underlying B2-A (Planned Business Center) zoning district was codified with the adoption of the Broward County zoning code in 1969. This commercial district was created with the following purpose:

> *"The B2-A Planned Business Center District is intended for locations where there is a need for proper design of buildings and structures, access, circulation, and relation to surrounding areas to provide for efficient functioning of the permissible uses, especially business uses; and for adequate protection to adjacent and nearby residential areas. These objectives can be only defined in general terms, and their realization can only be attained by adequate yards, setbacks, and limitation on principal and accessory uses where the plot is contiguous or near residentially zoned property."*

There are currently only fifteen (15), B2-A zoned properties within the City. The B2-A constitutes one of the City's smallest zoning districts by acreage.

In 1992, the City Commission passed Ordinance 1013, which established land use separation / alternative bufferyard regulations between residential and non-residential uses. The establishment of these new land separation criteria ultimately replaced the goals and objectives established within the B2-A district. Other planned districts such as PCD (Planned Commercial District) and PD-SL (Planned Development Small Lot) districts have recently been adopted and allow for better tools to ensure proper harmony between commercial and residential uses. The City has not rezoned a property to the B2-A designation in decades and it is likely the City will look to at ways to reduce the amount of B2-A zoned property in the future.

Compatibility with Adjacent Use

Staff reviewed this rezoning application and finds that the zoning change, as proposed, is compatible with the underlying commercial land use designation as well as the existing gas station use to the east. The voluntary deed restriction offered by the applicant on the subject property ensures that certain intense commercial uses first allowed in the B-3 (General Business) district such as Vehicle Sales, Tire and Battery Stores, Tattoo Parlors, Home Improvement Centers, Pet Hotels, and Storage of Rental Vehicles will not be permitted uses on this property.

Compatibility with Comprehensive Plan Policy

Further, staff has determined that the rezoning and future redevelopment of this property as proposed is consistent with the following policies of the comprehensive plan:

Policy 1.6 - Continue to implement land development regulations providing for all residential densities to be properly buffered from non-residential activities.
Policy 1.7 - Continue to evaluate all land use amendment requests for compatibility with the surrounding development and land uses.
Policy 1.8 - Continue to implement land development regulations to insure compatibility and buffering between adjacent residential and nonresidential uses.
Policy 2.2 - Continue to identify areas to attract major employers, small business enterprises, and high tech/service based economic sectors.
Policy 6.3 - Continue to implement land development regulations to insure that any uses found inconsistent with the community's character are not permitted.
Policy 7.4 - Through the development review process, the City shall continue to ensure safe and convenient on-site vehicular and pedestrian movement, off-street parking, access control management techniques, right-of-way dedications and acquisitions, and adequate access for service and emergency vehicles.
Policy 12.4 - Adequate vehicular parking shall continue to be provided for new development in accordance with the land development regulations.
Policy 18.2 - Continue to implement land development regulations to insure compatibility and buffering between adjacent residential and Non-residential uses.
Policy 18.6 - The City of Pembroke Pines shall continue to minimize the impacts of existing incompatible uses through the implementation of the land development and zoning codes, such as buffering and setback regulations.

Staff has reviewed the proposed site plan and finds that the proposal meets code requirements. Staff therefore recommends the Planning and Zoning Board transmit this application, inclusive of voluntary deed restriction, to the City Commission with a favorable recommendation.

Enclosures: Unified Development Application
Proposed Deed Restriction
Memo from Zoning Administrator (12/2/2019)
Memo from Planning Administrator (12/2/2019)
Memo from Zoning Administrator (10/22/2019)
Memo from Planning Administrator (10/21/2019)
Survey of Property
Aerial Map

SUBJECT SITE AERIAL PHOTO 7-Eleven (ZC 2019-03, PRJ 2019-18)

This Instrument Was Prepared By:

Dwayne L. Dickerson, Esquire
Dunay, Miskel and Backman, LLP
14 S.E. 4th Street, Suite 36
Boca Raton, FL 33432

Record and Return To:

Dwayne L. Dickerson, Esquire
Dunay, Miskel and Backman, LLP
14 S.E. 4th Street, Suite 36
Boca Raton, FL 33432

(Reserved)

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS ("Declaration") made this _____ day of _____, 2019 by 6500 Pines Holdings LLC, a Florida limited liability company, its successors or assigns, with an address of 151 N. Nob Hill Road, Suite 290, Plantation, Florida, 33324 ("6500 Pines"), shall be for the benefit of the CITY OF PEMBROKE PINES, a municipal corporation of the State of Florida, with an address of 601 City Center Way, Pembroke Pines, Florida, 33025 ("City").

WITNESSETH:

WHEREAS, 6500 Pines is currently the owner of approximately 1.62 acres (+/-) of land in Pembroke Pines, Florida which is located in Broward County, Florida, and which is more particularly described on Exhibit "A" attached hereto and made a part hereof ("Property"); and

WHEREAS, the Property has a land use designation of "Commercial"; and

WHEREAS, the Property had a "B-2A Planned Business Center" zoning designation; and

WHEREAS, the City Commission approved an amendment to the City's Zoning Map on _____ pursuant to Ordinance No._____to change the zoning designation of the Property from "B-2A Planned Business Center" to "B-3 General Business" to allow for the development of the property as a service station, convenience store and accessory automatic car wash; and

WHEREAS, 6500 Pines has offered to enter into this Declaration to restrict the permitted uses on the Property; and

WHEREAS, 6500 Pines agrees to grant this Declaration to the City, and the City agrees to accept this Declaration in order to place certain restrictions on the development of the Property; and

WHEREAS, in conjunction with such Zoning Map change, 6500 Pines has offered to restrict, by this Declaration, the use of the Property for certain commercial uses that would otherwise be permitted under the zoning designation of "B-3 General Business," in order to assure the City of the compatibility of the proposed development with the adjacent uses.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, 6500 Pines hereby declares that the Property specifically referenced herein shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the covenants, restrictions, and regulations hereinafter set forth, all of which shall run with the Property and any part thereof and which shall be binding upon all parties having any right, title or interest in such Property or any part thereof, including their heirs, successors and assigns.

1. **Recitations.** The recitations set forth above are true and correct and are incorporated into this Declaration by this reference.

2. **Property Development.** The Property may be used for a service station, convenience store, and accessory automatic car wash as permitted in the City's "B-3 General Business" zoning district and for all other "B-2 Community Business" uses permitted by the applicable zoning authority. Manual car wash/detailing and all other "B-3 General Business" uses, although permitted by the applicable zoning authority, are hereby specifically prohibited on the Property.

3. **Amendments.** This Declaration shall not be modified, amended or released as to any portion of the Property except by written instrument, executed by the then owner or owners of the portion of the Property affected by such modification, amendment, or release and approved in writing by the City. The appropriate governmental authority of the City shall execute a written instrument effectuating and acknowledging such modification, amendment or release. Any amendment, modification or release of this Declaration shall be recorded in the Public Records of Broward County, Florida.

4. **Recordation and Effective Date.** This instrument shall become effective once recorded in the Public Records of Broward County, Florida. Once recorded, this Declaration shall run with the Property for the sole benefit of the City and shall bind all successors and assigns to the title of the Property.

5. **Severability.** If any court of competent jurisdiction shall declare any section, paragraph or part thereof invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect.

6. **Captions, Headings and Titles.** Articles and paragraph captions, headings and titles inserted throughout this Declaration are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Declaration.

7. **Context.** Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

[Signatures Appear on Following Page]

IN WITNESS WHEREOF, 6500 Pines has executed this Declaration of Restrictions on the date set forth below.

WITNESSES:

By: _____
Print Name: _____

By: _____
Print Name: _____

6500 Pines Holdings LLC,
a Florida limited liability company ("6500 Pines")

By: _____
Print Name: _____
Title: _____

STATE OF _____)
) SS:
COUNTY OF_____)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by _____, Managing Member of 6500 Pines Holdings LLC, a Florida limited liability company ("6500 Pines"), freely and voluntarily under authority duly vested in him by said company. He is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this__ day of _____, 20 _____.

_____
Notary Public

_____
Typed, printed or stamped name of Notary Public

My Commission Expires:

MEMORANDUM

December 2, 2019

To: Joe Yaciuk
Planning Administrator

From: Dean A. Piper
Zoning Administrator

Re: ZC 2019-03 (PRJ 2019-18: 7-Eleven)

All of my comments regarding the above Zoning Change have been satisfied.

PLANNING DIVISION STAFF COMMENTS
Recommendations:

Date: December 2, 2019
To: ZC 2019-03 file
From: Joseph Yaciuk, Planning Administrator
Re: 7-eleven Rezoning

Items which do not conform with the City of Pembroke Pines Code of Ordinances or other Governmental Regulations:

Recommend the Planning and Zoning Board transmit this application, inclusive of voluntary deed restriction, to the City Commission with a favorable recommendation.

MEMORANDUM

October 22, 2019

To: Joe Yaciuk
Planning Administrator

From: Dean A. Piper
Zoning Administrator

Re: ZC 2019-03 (PRJ 2019-18: 7-Eleven)

The following are my comments regarding the above Zoning Change:

1. Confirm all required mailings, advertising and posted notice(s) are completed.

Please contact me with any questions.

PLANNING DIVISION STAFF COMMENTS
Recommendations:

Date: October 21, 2019
To: ZC 2019-03 file
From: Joseph Yaciuk, Planning Administrator
Re: 7-eleven Rezoning

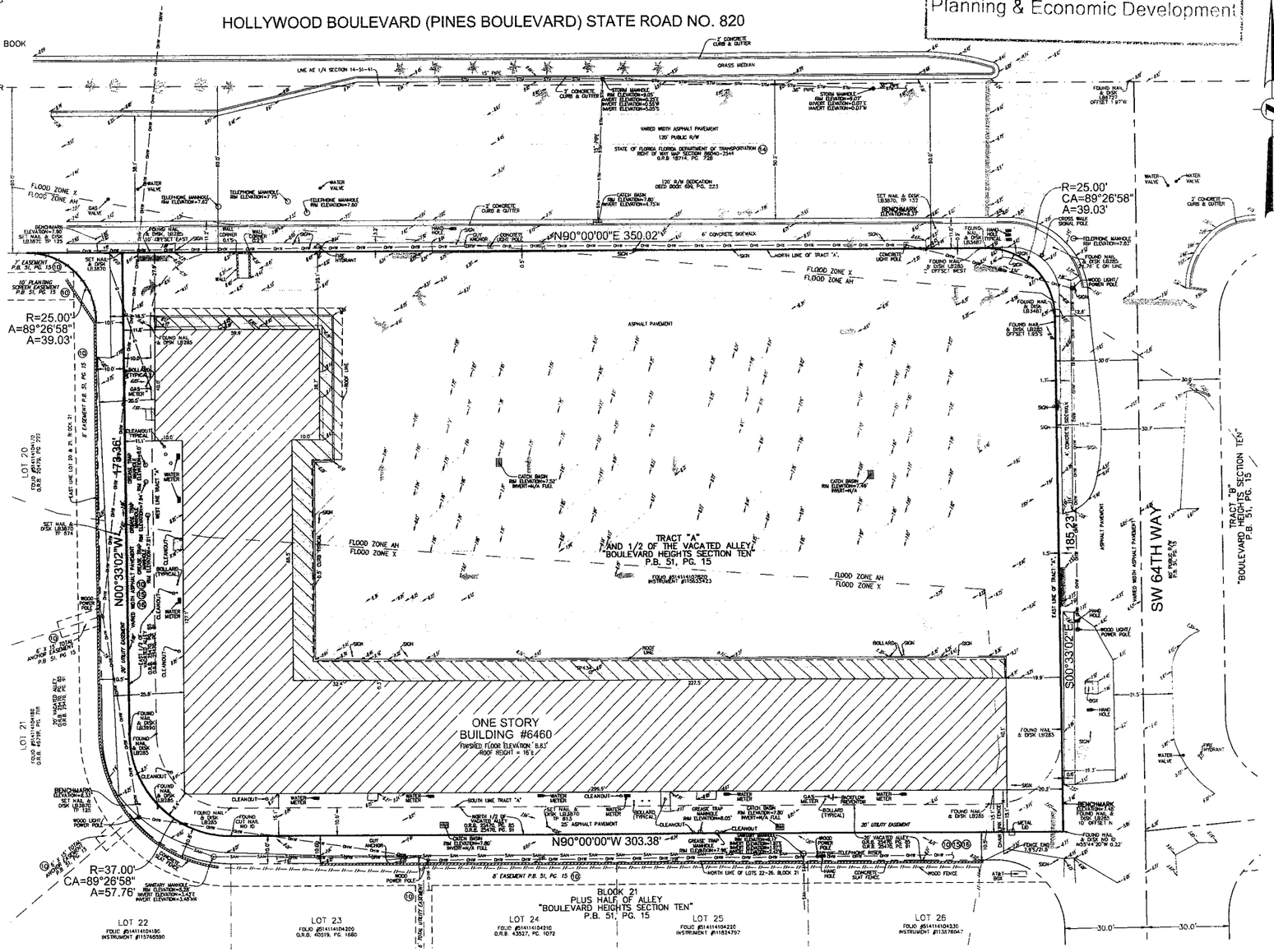
Items which do not conform with the City of Pembroke Pines Code of Ordinances or other Governmental Regulations:

1. Please provide notice per Code requirements. Include posted notice, mailed notice labels, and HOA notice as required by Code.
2. Please confirm this issue with Broward County whether a plat note change will be required for this property.
3. Keith and Associates letter attached to the rezoning application should only address rezoning related items and not site plan related issues.
4. Provide an electronic copy of the legal description for the property.
5. Provide GIS shapefile of property if available.

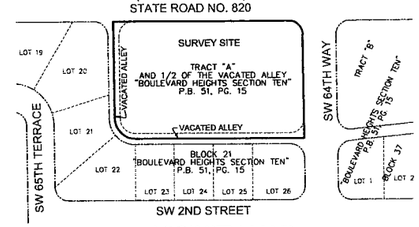
City of Pembroke Pines
Received
DEC - ? 2019
ZC2019-03
Planning & Economic Development

LEGEND

	CONCRETE
	ASPHALT PAVEMENT
00.0'	ELEVATION
OHW	OVERHEAD WIRES
SW	UNDERGROUND STORM SEWER LINE
SAN	UNDERGROUND SANITARY SEWER LINE
G	UNDERGROUND GAS LINE
	NON-VEHICULAR ACCESS LINE
℄	CENTERLINE
R/W	RIGHT-OF-WAY
TP	TRAVERSE POINT (FOR FIELD INFORMATION ONLY)
FPL	FLORIDA POWER & LIGHT COMPANY
LB	LICENSED BUSINESS
R	RADIUS
CA	CENTRAL ANGLE
A	ARC LENGTH
O.R.B.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
PG.	PAGE
N/A	NOT AVAILABLE
(10)	EXCEPTION NUMBER
	PALM TREE
	UNIDENTIFIED TREE



HOLLYWOOD BOULEVARD
(PINES BOULEVARD)
STATE ROAD NO. 820



VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION:

LEASEHOLD ESTATE IN AND TO THE FOLLOWING DESCRIBED REAL PROPERTY CREATED PURSUANT TO THAT CERTAIN GROUND LEASE DATED __/__/2019, BY AND BETWEEN _____ (LANDLORD) AND 7-ELEVEN, INC., A TEXAS _____ CORPORATION, (TENANT) AS EVIDENCED BY MEMORANDUM OF LEASE, DATED __/__/2019, FILED __/__/2019, RECORDED IN OFFICIAL RECORDS BOOK _____ PAGE _____ OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TRACT "A", TOGETHER WITH THAT CERTAIN 10 FOOT ALLEY LOCATED SOUTH OF AND ADJACENT TO AND WEST OF AND ADJACENT TO TRACT "A" OF "BOULEVARD HEIGHTS SECTION TEN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 51, AT PAGE 15, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; SAID ALLEY ALSO LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT "A" AND LYING WEST OF THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID TRACT "A".

NOTES:

1) THIS SITE CONTAINS 70,978 SQUARE FEET (1.6294 ACRES) MORE OR LESS.
2) ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988. BROWARD COUNTY BENCHMARK #1853; ELEVATION: 7.313 FEET.
3) FLOOD ZONE: X AND AH; BASE FLOOD ELEVATION: NONE AND 8 FEET; PANEL #120053 0564H; MAP DATE: 8/18/14.
4) THIS SITE LIES IN SECTION 14, TOWNSHIP 51 SOUTH, RANGE 41 EAST, BROWARD COUNTY, FLORIDA.
5) BEARINGS ARE BASED ON THE EAST LINE OF TRACT "A" BEING S00°33'02"E.
6) REASONABLE EFFORTS WERE MADE REGARDING THE EXISTENCE AND THE LOCATION OF UNDERGROUND UTILITIES. THIS FIRM, HOWEVER, DOES NOT ACCEPT RESPONSIBILITY FOR THIS INFORMATION. BEFORE EXCAVATION OR CONSTRUCTION CONTACT THE APPROPRIATE UTILITY COMPANIES FOR FIELD VERIFICATION.
7) THE HORIZONTAL POSITIONAL ACCURACY OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS ±0.07'. THE VERTICAL ACCURACY OF ELEVATIONS OF WELL DEFINED IMPROVEMENTS ON THIS SURVEY IS ±0.07'
8) THIS SITE CONTAINS 86 TOTAL PARKING SPACES (82 REGULAR & 4 DISABLED).
9) THIS SURVEY WAS PREPARED WITH BENEFIT OF COMMITMENT FOR TITLE INSURANCE COMMITMENT NUMBER: 1002-278272-RTT, PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY; EFFECTIVE DATE: JUNE 10, 2019 AT 8:00 AM.
   THE FOLLOWING ARE SCHEDULE B-II EXCEPTIONS TO SAID COMMITMENT:
   ITEMS 1, 2, 3, 4, 5, 6, 7, 8 & 9-NOT ADDRESSED.
   ITEM 10-MATTERS SHOWN IN P.B. 51, PG. 15, APPLY TO THIS SITE AS DEPICTED HEREON.
   ITEM 11-SEWER AGREEMENT IN O.R.B. 1678, PG. 51, APPLIES TO THIS SITE BUT CANNOT BE PLOTTED.
   ITEM 12-WATER SYSTEM AGREEMENT IN O.R.B. 1678, PG. 63, APPLIES TO THIS SITE BUT CANNOT BE PLOTTED.
   ITEM 13-RESTRICTIVE COVENANTS IN O.R.B. 1806, PG. 239, DO NOT APPLY TO THIS SITE.
   ITEM 14-RESOLUTION OF TAKING IN O.R.B. 18714, PG. 728, DEPICTED HEREON, DOES NOT APPLY TO THIS SITE.
   ITEM 15-RESOLUTION IN O.R.B. 25470, PG. 85, APPLIES TO THIS SITE AS DEPICTED HEREON.
   ITEM 16-RESOLUTION IN O.R.B. 25470, PG. 91, APPLIES TO THIS SITE AS DEPICTED HEREON.
   ITEM 17-NOT ADDRESSED.
10) ALL RECORDED DOCUMENTS ARE PER BROWARD COUNTY RECORDS, UNLESS OTHERWISE NOTED.

CERTIFICATION:

TO, 7-ELEVEN, INC., A TEXAS CORPORATION; CREIGHTON CONSTRUCTION AND MANAGEMENT; 6500 PINES HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(a), 8, 9, & 11 OF TABLE A THEREOF.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR A DIGITAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

□ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
□ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
□ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
STATE OF FLORIDA

NO.	REVISIONS	BY
5		
4		
3		
2		
1	66398-REVIEWED TITLE COMMITMENT-09/05/19	B.F.

7-ELEVEN SITE #1045649
6460 HOLLYWOOD BOULEVARD
PEMBROKE PINES, BROWARD COUNTY
FLORIDA 33023

BOUNDARY AND TOPOGRAPHIC SURVEY
ALTA/NSPS LAND TITLE SURVEY

PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351
TELEPHONE: (954) 572-1777
FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com
WEBSITE: www.pulicelandsurveyors.com
CERTIFICATE OF AUTHORIZATION LB#3870

DRAWN BY:	SCALE: 1" = 20'	FILE: CREIGHTON CONSTRUCTION & MANAGEMENT
CHECKED BY: J.F.P.	SURVEY DATE: 7/9/19	ORDER NO.: 66398

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