





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

Summary

Agenda Date:	May 8, 2025	Application ID:	ZV2024-0008
Project:	Towngate (Cedar Way) Sidewalk Variance	Project Number:	PRJ2024-0015
Project Planner:	Cole Williams, Senior Planner		
Owner:	Towngate At Pembroke Pines Master Assoc INC	Agent:	Jaime Cole
Location:	Generally located south of Sheridan Street and east of Dykes Road	District	District 3
Existing Zoning:	Planned Unit Development (PUD)	Existing Land Use:	Low 3 (2-3 du/acre)
Reference Applications:	SP97-82, ZC97-01, ZC95-01, PH95-1, ZC93-05		
Variance Summary			
Application	Code Section	Required/Allowed	Request
ZV2024-0008	Towngate Planned Unit Development Guidelines Roadway Standards	A 4 foot sidewalk on both sides of the roadway for a 40' private roadway.	To allow a 4 foot sidewalk on one side of the roadway for a 40' private roadway
Final:	<input checked="" type="checkbox"/> Planning & Zoning Board	<input type="checkbox"/> Board of Adjustment	
Reviewed for the Agenda:	Director:  Assistant Director: 		

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.

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
Site Plan
Towngate Planned Unit Development Roadway Design Standards.
Subject Site Aerial Photo



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: _____

Plans for DRC _____ Planner: _____

Indicate the type of application you are applying for:

- | | |
|---|--|
| <input type="checkbox"/> Appeal* | <input type="checkbox"/> Sign Plan |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Site Plan* |
| <input type="checkbox"/> Delegation Request | <input type="checkbox"/> Site Plan Amendment* |
| <input type="checkbox"/> DRI* | <input type="checkbox"/> Special Exception* |
| <input type="checkbox"/> DRI Amendment (NOPC)* | <input checked="" type="checkbox"/> Variance (Homeowner Residential) |
| <input type="checkbox"/> Flexibility Allocation | <input type="checkbox"/> Variance (Multifamily, Non-residential)* |
| <input type="checkbox"/> Interpretation* | <input type="checkbox"/> Zoning Change (Map or PUD)* |
| <input type="checkbox"/> Land Use Plan Map Amendment* | <input type="checkbox"/> Zoning Change (Text) |
| <input type="checkbox"/> Miscellaneous | <input type="checkbox"/> Zoning Exception* |
| <input type="checkbox"/> Plat* | <input type="checkbox"/> 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 foot 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: \$_____

SECTION 1-PROJECT INFORMATION:Project Name: Towngate at Pembroke Pines Master AssociationProject Address: c/o Glazer & Sachs, P.A. 3113 Stirling Rd, Ft Lauderdale, Florida 33312Location / Shopping Center: Inside the Cedar Way HOA - sidewalk area adjacent to grass fieldAcreage of Property: N/A Building Square Feet: N/AFlexibility Zone: N/A Folio Number(s): general =Plat Name: The Towngate Plat Traffic Analysis Zone (TAZ): N/ALegal Description: N/A

Has this project been previously submitted?



Yes



No

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

Date	Application	Request	Action	Resolution / Ordinance #	Conditions of Approval
	APP 2024-0002	sidewalk removal			

SECTION 2 - APPLICANT / OWNER / AGENT INFORMATION

Owner's Name: Towngate at Pembroke Pines Master Assoc. Inc.

Owner's Address: 96 Castle Group, 12270 SW 3rd St. Plantation, FL 33325

Owner's Email Address: For attorney Eric Glazer: eric@condo-laws.com

Owner's Phone: 954-983-1112

Owner's Fax: 954-333-3983

Agent: Eric Glazer, Esquire

Contact Person: Same

Agent's Address: 3113 Stirling Road, Ft. Lauderdale, FL 33312

Agent's Email Address: eric@condo-laws.com

Agent's Phone: 954-983-1112

Agent's Fax: 954-333-3983

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

Zoning: POD

Land Use / Density: Low 5 Residential

Use: Residential

Plat Name: The Towngate Plat

Plat Restrictive Note: N/A

PROPOSED

Zoning: _____

Land Use / Density: _____

Use: _____

Plat Name: _____

Plat Restrictive Note: _____

ADJACENT ZONING

North: _____

South: _____

East: _____

West: _____

ADJACENT LAND USE PLAN

North: _____

South: _____

East: _____

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): ☒ Variance ☐ Zoning Appeal ☐ Interpretation

Related Applications: _____

Code Section: 155.301(0) Land Development Code

Required: _____

Request: _____

Details of Variance, Zoning Appeal, Interpretation Request:

see attached

SECTION 5 - LAND USE PLAN AMENDMENT APPLICATION ONLY

☐ City Amendment Only

☐ City and County Amendment

Existing City Land Use: N/A

Requested City Land Use: _____

Existing County Land Use: _____

Requested County Land Use: _____

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

See attached

SECTION 7- PROJECT AUTHORIZATION

OWNER CERTIFICATION

This is to certify that I am the owner of the property described in this application and that all information supplied herein is true and correct to the best of my knowledge.

[Signature]
Signature of Owner

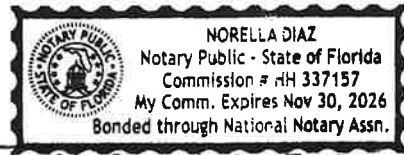
8/29/24
Date

Sworn and Subscribed before me this 29 day

of AUGUST, 2024

Fee Paid

Norella Diaz
Signature of Notary Public



My Commission Expires

AGENT CERTIFICATION

This is to certify that I am the agent of the property owner described in this application and that all information supplied herein is true and correct to the best of my knowledge.

[Signature]
Signature of Agent

8-19-24
Date

Sworn and Subscribed before me this 19th day

of August, 2024

Fee Paid

[Signature]
Signature of Notary Public



My Commission Expires

Waiver of Florida Statutes Section 166.033, Development Permits and Orders

Applicant: Tamgate at Pembroke Pines Master Association, Inc


Authorized Representative: Jamie Cole, Esq.

Application Number: _____

Application Request: Variance from requirement for sidewalk on both sides of street

I, Jamie Cole (print Applicant/Authorized Representative name), on behalf of Tamgate at Pembroke Pines Master Association, Inc (Applicant), hereby waive the deadlines and/or procedural requirements of Florida Statute Section 166.033 as the provisions of said statute apply to the above referenced application, including, but not limited to the following:

- a. 30-day requirement for Applicant Response to Staff determination of incompleteness as described in DRC Comments and/or Letter to Applicant;
- b. 30-day Staff review of Applicant Response to DRC Comments and/ or Letter to Applicant;
- c. Limitation of three (3) Staff Requests for Additional Information;
- d. Requirement of Final Determination on Applicant's application approving, denying, or approving with conditions within 120 or 180 days of the determination of incompleteness, as applicable.


Signature of Applicant or Applicant's Authorized Representative

2/12/25

Date

Jamie Cole
Print Name of Applicant/Authorized Representative



JAMIE A. COLE
MEMBER
Broward Managing director
JCOLE@WSH-LAW.COM

April 17, 2025

VIA E-MAIL

Cole Williams, AICP (cwilliams@ppines.com)
Senior Planner, Planning and Economic Development Department
City of Pembroke Pines
601 City Center Way, 3rd Floor
Pembroke Pines, FL 33025

RE: Updated Justification Statement
Application Number ZV2024-0008
Project Number: PRJ2024-0015

Dear Mr. Williams:

I first want to thank you for your assistance in connection with the subject application for a variance. Please consider this letter as an updated justification for the variance and as part of the application.

The City of Pembroke Pines previously issued The Towngate Master Association a citation for having cracked sidewalks inside the Cedar Way HOA along NW 24th Street (Case Number 230502002). Upon inspection, it became clear that fixing the sidewalk would only be in fact a temporary fix inasmuch as the sidewalk is bordered on one side by massive oak trees. It would only be a matter of time before these trees would again tear up the ground once again resulting in danger and a massive expense for the owners in the community.

On the other side of the sidewalk there exists a large grass area (See photos attached). The Master Association simply wishes to remove the sidewalk along NW 24th Street from approximately NW 159th Lane to the east terminus at the cul de sac approximately one block east of NW 157th Avenue, and plant grass instead. It would match what is already there and avoid future danger and expense.

However, the PUD Guidelines for Towngate contain a provision that requires sidewalks to be on both sides of the street. You have advised us that the PUD Guidelines were referenced in the approval for Towngate by the City Commission and thus a variance would be necessary to allow Towngate to remove the sidewalk on one side of the street (there is an

existing sidewalk on the other side of NW 24th Street). It is not the general policy of the City to require sidewalks on both sides of streets, there is no City Code provision requiring sidewalks on both sides of streets and there are many examples in the City where projects have been approved with sidewalks on only one side of the street.

Section O of The Land Develop Code provides:

(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 are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and the strict application of the provisions of the zoning ordinance would result in an unnecessary hardship and deprive the applicant of the reasonable use of the land or building;

(b) Any alleged hardship is not self-created by 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

Each of these criteria are met in this case.

First, this property has special circumstances applying to this property that are peculiar and do not apply generally in the City. As noted above, the PUD Guideline requirement originally required sidewalks on both sides of the street. The Towngate Association board has amended the PUD Guidelines to remove this requirement, which is not generally required in the City. Since the PUD Guidelines were referenced in the City Commission's original approval, you have advised that a variance from that requirement in the original PUD Guidelines is nevertheless required. This unusual requirement, which is not required in other parts of the City under the City Code, makes this situation unique and satisfies the special circumstances criteria. In addition, the developer of the property planted a string of oak trees that have now grown so much that they would continue to rip up the sidewalk, causing danger and substantial cost the owners. Repeatedly repairing or replacing the sidewalk is impracticable and not financially feasible (costing as much as \$3,000 per home in Cedar Way). Therefore, strict application of the PUD Guideline would result in an unnecessary hardship and deprive the applicant of the reasonable use of the land by requiring the removal and replacement of the sidewalk and the elimination of the tree canopy (to prevent repeated sidewalk repair and replacement).

The hardship is not self-created as the sidewalk and trees were installed and planted by the original developer of the property, which also drafted the original PUD Guidelines. Given the passage of time, and the growth of the trees, the continued current application of the two sidewalk rule on NW 24th Street in this area does not make sense.

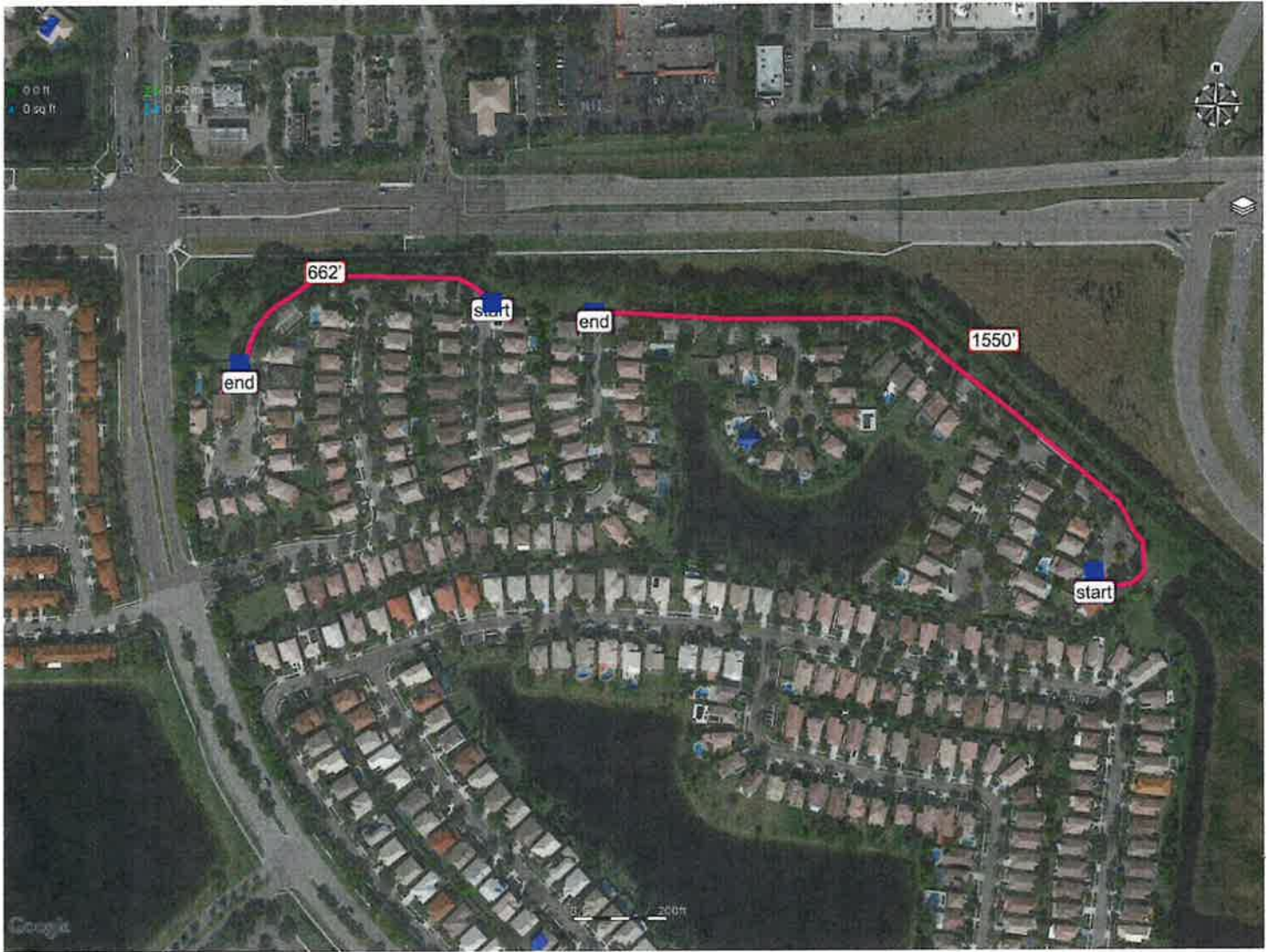
Granting this variance is not incompatible with public policy, will not adversely affect any adjacent property owners, and the circumstances which cause the special conditions are peculiar to the subject property. Here, the public policy of the City, as reflected in the City Code and past City approvals, is to require sidewalks on only one side of a street. The ancient PUD Guideline's requirement is no longer consistent with public policy. The property is very peculiar because the PUD Guideline two sidewalk requirement does not apply to other properties in the City, the trees are numerous and have grown to full size and the sidewalk is very long. If the sidewalk was repaired or replaced, it would not only cost the homeowners a significant amount of money but it would also be only a temporary fix. Once the sidewalk begins to again become dangerous, the massive cost to the owners would need to again be incurred. The option of removal of the trees so as to prevent damage to future sidewalks is also not practical because it would destroy the largest old-growth natural area in Towngate, and would most likely not be permitted or feasible under the City's and County's tree preservation codes. Removal of the mature trees would also eliminate the sound buffer for the residents in the area, and impact privacy. Because the sidewalk borders on a large grass area, removal of the sidewalk represents an affordable fix that increases green space, and still leaves in place the sidewalk on the other side of the road for pedestrian use. This solution is very much compatible with public policy.

For the foregoing reasons, The Towngate of Pembroke Pines Master Association, Inc. respectfully requests a variance from the strict applications of the PUD Guideline's two sidewalk rule, allowing the applicant to remove the sidewalk along NW 24th Street from approximately NW 159th Lane to the east terminus at the cul de sac approximately one block east of NW 157th Avenue. Should you require any additional information in this regard, please call me directly, Again, thank you for your assistance.

Very truly yours,



Jamie A. Cole



ROADWAY DESIGN STANDARDS

1. GENERAL

TownGate is comprised of both public and private roadways. The right of widths vary from 100 feet to 40 feet. Exhibit 6, 6A and 7 depict the Typical Roadway Sections.

2. CONSTRUCTION

Construction specification for the subgrade, rock base, and asphalt thickness shall comply with Broward County or the City of Pembroke Pines requirements.

3. CURBING

All roadways shall be constructed with Type "F", Type "D" or mountable curb and gutter depending on the roadway section.

4. LIGHTING

All roadways, both public and private, shall have street lights installed.

5. SIDEWALKS

All roadways shall be constructed with 4 foot sidewalks on both sides of the roadway for a 40' private roadway. The 60 foot wide right-of-way shall conform to either Exhibit 4 or 4A.

