



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

Summary

Agenda Date:	June 23, 2022	Application ID:	ZV 2022-0009 & ZV 2022-0010
Project:	Pembroke Commons	Project Number:	PRJ 2022-0008
Project Planner:	Dean Piper, Zoning Administrator		
Owner:	WRI JT Pembroke Commons, LP	Agent:	Sean McPeak (Bohler Engineering)
Location:	300-700 N University Drive, Pembroke Pines, Florida 33024		
Existing Zoning:	General Business (B-3)	Existing Land Use:	Commercial
Reference Applications:	Arby's Variances ZV 2018-02, 03 & 04 - VOIDED		
Variance Summary			
Application	Code Section	Required/Allowed	Request
ZV 2022-0009	155.644: Commercial Outparcel Standards (A) (1)	No more than one outparcel for every 10 acres of total site area	4 outparcels on 30 acres
ZV 2022-0010	155.644: Commercial Outparcel Standards (A) (2)	No more than one outparcel for every 500 feet of shopping center frontage	One outparcel for every 293.75 feet of shopping center frontage
Final:	<input checked="" type="checkbox"/> Planning & Zoning Board		<input type="checkbox"/> Board of Adjustments
Reviewed for the Agenda:	Director: <u></u>		Zoning Administrator: <u></u>

PROJECT DESCRIPTION / BACKGROUND:

Sean McPeak, agent for Pembroke Commons Shopping Center, is requesting two zoning variances for a proposed outparcel.

Zoning Variance #ZV 2022-0009 is to allow four (4) outparcels on a total site area of 30 acres instead of the required one (1) outparcel for every ten acres of total site area; and Zoning Variance #ZV 2022-0010 is to allow 293.75 lineal feet of street frontage per outparcel instead of the required 500 lineal feet of street frontage per outparcel.

The applicant has submitted a conceptual site plan to provide context and display the general location of the proposed outparcel. Depending on the outcome of the variances, the final Site Plan may need to be altered.

WRI JT Pembroke Commons had previously submitted three (3) Zoning Variances, ZV 2018-02, 03 & 04 for an Arby's outparcel. These variances were approved for Arby's only and became void when Arby's withdrew their project.

CODE REFERENCES:

ZV 2022-0009)

Table 155.644: Commercial Outparcel Standards:

(A) Number of outparcels. All of the following provisions apply to new or redeveloped outparcel developments.

(1) There shall be no more than one outparcel for every ten acres of total site area.

ZV 2022-0010)

Table 155.644: Commercial Outparcel Standards:

(A) Number of outparcels. All of the following provisions apply to new or redeveloped outparcel developments.

(2) There shall be no more than one outparcel for every 500 feet of shopping center frontage.

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
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 type="checkbox"/> Variance (Homeowner Residential) |
| <input type="checkbox"/> Flexibility Allocation | <input checked="" 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 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: Dean Project #: PRJ 20 22 - 0008 Application #: ZU 2022-0009

Date Submitted: ___/___/___ Posted Signs Required: (1) Fees: \$ 0000

SECTION 1-PROJECT INFORMATION:

Project Name: Pembroke Commons

Project Address: 300-700 N University Drive, Pembroke Pines Fl 33024

Location / Shopping Center: Pembroke Commons

Acreage of Property: 31.5 ac Building Square Feet: 2,539 SF

Flexibility Zone: _____ Folio Number(s): 514116220010

Plat Name: Pembroke Commons Traffic Analysis Zone (TAZ): N/A

Legal Description: See Attached

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
05/24/18	ZV 2018-02	Building Distance	Approved		
05/24/18	ZV 2018-03	# of Outparcels	Approved		
05/24/18	ZV 2018-04	Street Frontage	Approved		

SECTION 2 - APPLICANT / OWNER / AGENT INFORMATION

Owner's Name: WRI JT PEMBROKE COMMONS, LP

Owner's Address: 500 N Broadway, STE 201 Jericho, NY 11753

Owner's Email Address: pflint@kimcorealty.com

Owner's Phone: 954-956-2118 Owner's Fax: _____

Agent: Bohler Engineering

Contact Person: Sean McPeak, P.E.

Agent's Address: 1 SE 3rd Ave, Ste 1760

Agent's Email Address: smcpeak@bohlereng.com

Agent's Phone: 786-681-0800 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: B-3 (General Business)

Zoning: B-3 (General Business)

Land Use / Density: Commercial

Land Use / Density: Commercial

Use: Parking Field

Use: Fast-Food Restaurant

Plat Name: Pembroke Commons

Plat Name: Pembroke Commons

Plat Restrictive Note: plat restricted to 319,500 SF of commercial use

Plat Restrictive Note: plat restrict to 319,500 SF of commercial use

ADJACENT ZONING

ADJACENT LAND USE PLAN

North: R-MF / B-3

North: Commercial / Residential

South: C-1 / B-3

South: Commercial

East: U / R-MF

East: Commercial / Utility / Residential

West: R-1C

West: Residential

-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: _____

Required: _____

Request: _____

Details of Variance, Zoning Appeal, Interpretation Request:

See variance justification letter 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: N/A _____

Existing County Land Use: N/A _____

Requested County Land Use: N/A _____

May 5, 2022

Mr. Dean Piper
City of Pembroke Pines
601 City Center Way
Pembroke Pines, FL 33025

Project Name: Pembroke Commons Shopping Center – Restaurant Outparcel
Subject: Variance Request Narrative

Dear Mr. Piper,

WRI JT Pembroke Commons, LLC (“Applicant”) is the owner of the ±31.5 acres shopping center known as Pembroke Commons and located at 600 North University Drive in the City of Pembroke Pines (“Property”). The Applicant is proposing to construct an outparcel including a 2,516 square foot restaurant with drive through associated supporting infrastructure, parking and landscaping (“Project”).

The Applicant is requesting a variance from the City of Pembroke Pines Land Development Code (LDC) Section 155.644(A), *Number of Outparcels*:

- 1. There shall be no more than one outparcel for every ten acres of total site area.*
- 2. There shall be no more than one outparcel for every 500 feet of shopping center frontage.*

Existing shopping center encompasses 31.5 acres- allowing for three (3) outparcels per the first Code subsection. The existing shopping center has a total frontage of approximately 1,820 LF- allowing for two (2) outparcels per the second Code subsection. Three outparcels already exist. The project requests a variance to add a fourth outparcel for the new restaurant.

Pursuant to Pembroke Pines LDC Section 155.301(O), a variance may be granted for one or more of three possible reasons.

- Granting the 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.

The proposed layout adheres to all the zoning requirements within the outparcel lot; all dimensional requirements are met. Variances from these same Code provisions were previously approved for this site under an application for a different fast-food restaurant with drive-thru, which was never constructed (see applications ZV 2018-02, ZV 2018-03 and ZV 2018-04). If the previous restaurant had been constructed, the variance would run with the land and no further variances would be needed even if a different restaurant was proposed for the site. Neither the physical characteristics of the site nor other factors have changed in the subsequent years; therefore, the rationale for approving the previous variances still holds valid for the new restaurant.

The proposed restaurant will bring diversity to the dining area and is not a direct competitor for other tenants throughout the center. The new tenant will be a significant improvement compared to the underutilized parking field that exists in that location today, and the shopping center has sufficient parking spaces to support both the proposed and existing uses within the center. The area surrounding the site includes several other restaurant establishments such as Chili’s, Red Lobster and Taco bell; as such, the fast food with drive-thru service is compatible with the surrounding area.

Based on the information provided above, the Applicant has demonstrated substantial compliance with the criteria and is requesting approval of the variance for relief from Section 155.644(A) to allow for the proposed fourth outparcel. The proposed project 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.

Sincerely,

BOHLER ENGINEERING

A handwritten signature in blue ink that reads "Sean McPeak".

Sean McPeak, P.E.
Assistant Project Manager

LETTER OF AUTHORIZATION

To Whom It May Concern:

This letter authorizes Bohler FLA, LLC to act on behalf of WRI JT PEMBROKE COMMONS, LP, in regard to permits and applications for The City of Pembroke Pines, South Florida Water Management District, South Broward Drainage District, Florida Department of Transportation, and Broward County approval through The City of Pembroke Pines, South Florida Water Management District, and South Broward Drainage District, Florida Department of Transportation, and Broward County for the construction and development located at Pembroke Commons, 300-700 N University Drive, Pembroke Pines Fl 33024.

Signature: _____



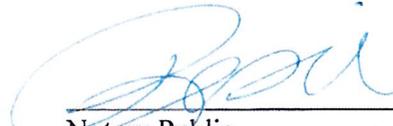
Peter S. Flint VP of Development

Name (printed)

STATE OF Florida

COUNTY OF Broward

The foregoing instrument was acknowledged before me this 8 day of April, 2021, by Peter Flint, VP Development on behalf of the corporation. They are personally known to me or have produced _____ as identification and (did/did not) take oath.



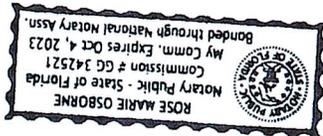
Notary Public

Rose Marie Osborne

Print Name

Commission No. GG 342521

Expiration Date: October 4, 2023



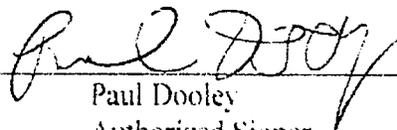
WRI JT Pembroke Commons, LP
500 North Broadway, Suite 201
Jericho, NY 11753
(516) 869-9000

AGENT AUTHORIZATION

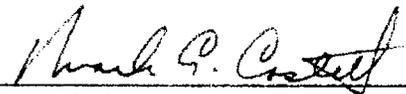
WRI JT Pembroke Commons, LP, a Delaware limited liability company (the "Owner"), is the current owner of the property commonly known as Pembroke Commons, located in Pembroke Pines, Florida (the "Property").

Please be advised that **Benjamin Bridges, Martin Espejo, Peter Flint, Christopher Oftedal, Jose Navarro and Brandon Reynolds**, each acting singularly, are hereby authorized as an agent to execute and deliver any and all permit applications, utility applications, zoning and building plans, notices of commencement and other property-related applications and ancillary documents on behalf of Owner with respect to the Property.

WRI JT Pembroke Commons, LP,
a Delaware limited partnership
By: WRI JT Retail Holdings GP, LLC,
its general partner

By: 
Name: Paul Dooley
Title: Authorized Signer

Sworn to before me this
24th day of March, 2022


Notary Public

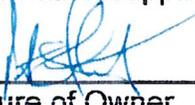
MARK E COSTELLO
Notary Public - State of New York
No. 02CO4944805
Qualified In Nassau County
My Commission Expires Dec. 05, 2022

MRI 120610 WRI 40720

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.

 April 8, 2022
Signature of Owner *Authorized Agent* Date

Sworn and Subscribed before me this 8th day
of April 8, 2022, 202022



 October 4, 2023
Fee Paid 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 of Agent Date

Sworn and Subscribed before me this _____ day
of _____, 20_____

Fee Paid Signature of Notary Public My Commission Expires

Waiver of Florida Statutes Section 166.033, Development Permits and Orders

Applicant: WRI JT PEMBROKE COMMONS, LP

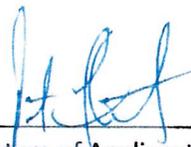
Authorized Representative: Peter Flint

Application Number: _____

Application Request: Variance

I, Peter Flint (print Applicant/Authorized Representative name), on behalf of KIMCO Realty (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 Date
Authorized Representative 4/8/2022

Peter Flint, VP Development
Print Name of Applicant/Authorized Representative
Authorized Agent

N02°15'32"W 650.04'(R&M)

N87°49'34"E 251.89'(R&M)

N02°15'32"W 325.00'(R&M)

S87°48'58"W 1246.50'(R&M)

S87°48'58"W 1246.50'(R&M)

N87°48'58"E 969.67'(R&M)

S02°15'32"E 1174.99'(R&M) (T)

S02°15'32"E 1174.99'(R&M)

F 902,650

F 902,650

293.75

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293.75

293.75

May 05, 2022
H:\2022\FLM\10091\CADD\DRAWINGS\EXHIBITS\FLM210091-EXHA-0-LAYOUT-EXHA-0-OVERALL SITE PLAN



SITE VARIANCES

VARIANCE #1

155.644 COMMERCIAL OUTPARCEL STANDARDS

(A) NUMBER OF OUTPARCELS

1. THERE SHALL BE NO MORE THAN ONE OUTPARCEL FOR EVERY TEN ACRES OF TOTAL SITE AREA.

OVERALL SITE IS 31.5 ACRES WHICH PERMITS THREE (3) OUTPARCELS PER CODE. PROPOSING ONE (1) ADDITIONAL OUTPARCEL FOR THE PROPOSED FAST FOOD RESTAURANT.

VARIANCE #2

155.644 COMMERCIAL OUTPARCEL STANDARDS

(A) NUMBER OF OUTPARCELS

2. THERE SHALL BE NO MORE THAN ONE OUTPARCEL FOR EVERY 500 FT OF SHOPPING CENTER FRONTAGE.

VARIANCE #2 TOTAL STREET FRONTAGE ALONG UNIVERSITY DRIVE IS APPROXIMATELY 1,175 FT WHICH PROVIDES 293.75 LF OF STREET FRONTAGE PER OUTPARCEL AS OPPOSED TO THE CODE REQUIRED 500 LF PER OUTPARCEL.

BOHLER
SITE CIVIL AND CONSULTING ENGINEERING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

REVISIONS

REV	DATE	COMMENT	DRAWN BY	CHECKED BY

811
Know what's below.
Call before you dig.
ALWAYS CALL 811
It's fast. It's free. It's the law.

ISSUED FOR PERMIT

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

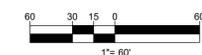
PROJECT No.:	FLM210091
DRAWN BY:	VAC
CHECKED BY:	SMH
DATE:	04/22/2022
CAD ID:	EXHA-0

PROPOSED SITE PLAN DOCUMENTS FOR

PROPOSED
FAST FOOD RESTAURANT
320 NORTH UNIVERSITY DRIVE
PEMBROKE PINES, FL

BOHLER
1 SE 3rd AVENUE
SUITE 1760
MIAMI, FLORIDA 33131
Phone: (786) 681-0800
FLORIDA BUSINESS CERT. OF AUTH. No. 30760

This item has been digitally signed and sealed by Sean Matthew McPeak, PE, on 05/05/2022. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.



OVERALL SITE PLAN

SHEET NUMBER:
EXHA-0

ORG. DATE - 04/22/2022

SUBJECT SITE AREIAL PHOTO

Additional Outparcel @ Pembroke Commons (ZV 2022-0009 & 0010)

