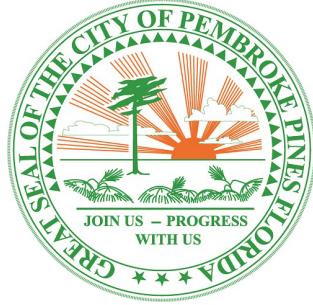


City of Pembroke Pines, FL

*City of Pembroke Pines
Planning and Zoning Board
601 City Center Way
Pembroke Pines, FL 33025*



Meeting Minutes - Final

Thursday, January 9, 2020

6:30 PM

Commission Chambers

Planning and Zoning Board

MEETING CALLED TO ORDER

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, January 9, 2020, at the Charles F. Dodge City Center, City Commission Chambers, 601 City Center Way, Pembroke Pines, FL.

ROLL CALL

Present to-wit: Chairman Rose, Vice Chairman Jacob, Members Girello, Gonzalez, and Alternate Member Taylor. Absent: Member Labate and Alternate Member Lippman. Also present: Michael Stamm, Jr., Planning and Economic Development Director; Dean Piper, Zoning Administrator; Brian Sherman, Assistant City Attorney, and Secretary McCoy.

Secretary McCoy declared a quorum present.

SUBMISSION OF LOBBYING DISCLOSURE FORMS:

There were no lobbying disclosure forms submitted.

APPROVAL OF MINUTES:

20-0056 December 12, 2019

On a motion by Member Girello, seconded by Vice Chairman Jacob, to approve, the minutes of the December 12, 2019 meeting, the following vote was recorded:

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

NAY: None

Motion Passed

CHANGE ORDER OF BUSINESS:

Chairman Rose requested to change the order of business and hear agenda item number 5 at this time. He clarified for the record the reason this item has been brought back to the Board was due to a scrivener error of the general location in the previous mailed notice and legal ad for the December 12, 2019 meeting and there are no changes to the site plan amendment request. He also noted for the record that a corrected legal ad was ran and a corrected notice was mailed.

It was the consensus of the Planning and Zoning Board to hear agenda item number 5 at this time.

5. 20-0061 **SP 2019-09, Cheddars Scratch Kitchen**, generally located on the southeast corner of Pines Boulevard and Dykes Road (160 Avenue), site plan amendment. (Joseph)

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.

Linda Nunn, representing the petitioner, waived her right to a quasi-judicial proceeding.

The following staff report was entered into the record:

PROJECT DESCRIPTION / BACKGROUND:

Linda Nunn, agent for tenant Cheddars Scratch Kitchen, requests site plan consideration to update a previously approved commercial shopping center site plan to allow for the development of a new restaurant perimeter building (Perimeter Building 3) on site with associated parking, landscape, infrastructure, pedestrian / traffic circulation modifications to accommodate such development.

The Planning and Zoning Board at its December 12, 2019 meeting voted to approve the Cheddars Scratch Kitchen site plan. City staff was made aware, post board approval, of a noticing error on the project. The proposed Cheddars notice identified the project location as the southwest corner of Pines Boulevard ad Dykes Road instead of the proper southeast corner of the intersection. Staff notes that no formal objections to the actual site plan have been received by our office.

The item has been re-noticed with the correct location. Staff is therefore requesting the Board reiterate their approval of the plan for procedural purposes.

STAFF RECOMMENDATION:

Staff has reviewed the proposed site plan and finds that the proposal meets code requirements. Staff therefore recommends approval of this application.

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.

On a motion by Member Girello, seconded by Member Gonzalez, to approve, as recommended by staff, the Cheddars Scratch Kitchen site plan amendment (SP 2019-09), the following vote was recorded:

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

NAY: None

Motion Passed

CONSENT AGENDA ITEMS:

20-0057

MSC 2019-17, Walmart #5932, 12800 Pines Boulevard, installation of one freestanding canopy over 6 short-term parking spaces. 10 short-term parking spaces in total are proposed. (Cole)

The following staff report was entered into the record:

PROJECT DESCRIPTION / BACKGROUND

Bowman Consulting Group, agent, is requesting approval the installation of a freestanding canopy and parking modifications for Walmart #5932, located at 12800 Pines Boulevard. The proposed site modifications will enable Walmart to offer online order customer pick up parking spaces. The customers will order their goods online, travel to the store and Walmart staff will bring the items to the customer's car in a designated parking space.

The building was approved in 1993 through site plan SP 93-48 as a Home Depot. In 2010, through SP 2010-07 the building was repurposed for the current tenant Walmart. At the September 2019 Planning and Zoning Board Meeting Walmart was granted ZV 2019-06, which allows the store to have 10 short term parking spaces instead of a maximum of three permitted by code.

The proposed structure was constructed without approval. Currently, code case 19070105 is active for the site. If this application is approved, building permits are still required for the structure to fully resolve the case.

BUILDINGS / STRUCTURES:

The applicant proposes a 72'-8" - x 18' freestanding canopy located in the parking aisle near the northeast corner of the building. The freestanding canopy will be utilized as a cover for the online order pick up area. The steel beams and columns are currently painted "Knockout Orange", if approved the structure will be painted SW 7017 (Dorian Gray). The canopy color will be (preconstraint 502 satin) champagne. The canopy will be illuminated by under canopy lighting that is both full cutoff and concealed by the canopy.

PARKING:

Currently there are 695 spaces provided on site. 124 of the spaces are allocated to the adjacent commercial parcel to the east, leaving 571 parking spaces for Walmart. Current parking requirements for retail are 3.5 parking spaces per 1,000 sq. ft. of building area or 492 required parking spaces based on use. Currently there is a surplus of 79 spaces on the site. The applicant proposes 10 short-term parking spaces. 6 of the 10 spaces will be covered by the canopy. If this application is approved there will be a surplus of 69 parking spaces.

SIGNAGE:

Short-term parking spaces are permitted to have 1.5 square feet of signage per space. The applicant proposes 1.36 square foot short-term parking signs for each of the 10 short-term parking spaces. Additionally, each space will be delineated with pavement markings.

LANDSCAPING:

Any landscaping that is removed or damaged during construction will be restored to its original condition.

No other site modifications are being proposed at this time.

STAFF RECOMMENDATION:

Staff has reviewed the proposed changes and finds that the proposed changes meet code requirements. Staff therefore recommends approval of this application.

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:

Karri Mathis, representing the petitioner

On a motion by Alternate Member Taylor, seconded by Member Girello, to approve, as recommended by staff, consent agenda item number 1 (MSC 2019-17, Walmart #5932), the following vote was recorded:

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

NAY: None

Motion Passed

NEW BUSINESS:

QUASI-JUDICIAL ITEMS:

Chairman Rose noted that item numbers 2, 3, and 4 are related. He requested to have the petitioner present the items together. It was the consensus of the Planning and Zoning Board to hear the items at the same time.

(Secretary's Note: All affected parties were sworn under oath to give testimony in the relevant cases by the Assistant City Attorney.)

2. [20-0058](#) ZV 2019-09, Weekley Asphalt Paving Plant, 20701 Stirling Road, variance request. (Dean)

Tod Workman, representing the petitioner, addressed the Planning and Zoning Board. He gave a brief overview of the proposed variance requests.

The following summary was entered into the record:

Project Description / Background

Tod Workman, as agent for owner, has submitted three (3) variance requests for existing conditions at the Weekly Asphalt Plant located at 20701 Stirling Road:

To allow 9' x 18' existing parking spaces instead of the required 9' x 19' parking spaces; to allow 16.3' wide existing drive lane instead of required 24.0' wide drive lane and to allow no landscape buffer along northern property line instead of required landscape buffer abutting all adjacent properties.

These variances, along with proposed Site Plan #SP 2018-09 (to be reviewed by the Planning & Zoning Board at a future P & Z Board meeting) are to bring into compliance a number of structures and improvements made on this property over the years.

Variance Request Detail:

ZV 2019-09) Allow 9' x 18' existing parking spaces instead of the required 9' x 19' parking spaces.

Code Reference: §155.248 PARKING SPACE DIMENSIONS.

(B) Standard parking spaces must adhere to one of the following consistent with the city's engineering standard which may be amended from time to time (as maintained by the City Engineer): (1) Outparcel buildings and free standing buildings of over 3,000 square feet of gross floor area may be permitted a maximum of three short-term parking spaces.

- 1) Nine by 19 feet, including a wheel stop which is placed three feet from the curb or edge of pavement;**

Variance Determination:

The Planning and Zoning Board shall not grant any 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 variances, the Planning and Zoning Board shall determine that the variance granted is the minimum variance that will accomplish the intended purpose (stated above) and:

- A) That 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) That 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) That 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.**

The following members of the Planning and Zoning Board spoke:

Chairman Rose, Vice Chairman Jacob, Members Girello, Gonzalez

The following members of staff spoke:

Michael Stamm, Jr., Planning and Economic Development Director
Dean Piper, Zoning Administrator
Brian Sherman, Assistant City Attorney

The following member of the public spoke:

Tod Workman, representing the petitioner

On a motion by Member Girello, seconded by Member Gonzalez, to grant, as determined by variance criteria "A", ZV 2019-09 to allow 9' x 18' existing parking spaces instead of the required 9' x 19' parking spaces, the following vote was recorded:

AYE Chairman Rose, Vice Chairman Jacob
 Members Girello, Gonzalez, Alternate Member Taylor

NAY: None

Motion Passed

3. [20-0059](#) **ZV 2019-10, Weekly Asphalt Paving Plant, 20701 Stirling Road, variance request. (Dean)**

Tod Workman, representing the petitioner, addressed the Planning and Zoning Board. He gave a brief overview of the proposed variance requests.

The following summary was entered into the record:

Project Description / Background:

Tod Workman, as agent for owner, has submitted three (3) variance requests for existing conditions at the Weekly Asphalt Plant located at 20701 Stirling Road:

To allow 9' x 18' existing parking spaces instead of the required 9' x 19' parking spaces; to allow 16.3' wide existing drive lane instead of required 24.0' wide drive lane and to allow no landscape buffer along northern property line instead of required landscape buffer abutting all adjacent properties.

These variances, along with proposed Site Plan #SP 2018-09 (to be reviewed by the Planning & Zoning Board at a future P & Z Board meeting) are to bring into compliance a number of structures and improvements made on this property over the years.

Variance Request Detail:

ZV 2019-10) Allow 16.3' wide existing drive lane instead of required 24.0' wide drive lane.

Code Reference: §154.35 DESIGN STANDARDS FOR PARKING AREAS.

(A) Parking lots for industrial, commercial and recreational, subdivisions and for residential subdivisions with multi-family units or single-family attached units shall be constructed in accordance with the following criteria: Nine by 19 feet, including a wheel stop which is placed three feet from the curb or edge of pavement;

(5) Driving lanes. Driving lanes shall have a minimum clear width of 24 feet for two-way traffic and parking spaces at 90 degree angles, 15 feet for one-way traffic and parking spaces at 30 and 45 degree angles and 12 feet for drive-thru/drop-off traffic. When parking spaces are provided at 60 degrees angle, the one-way driving lane shall be minimum 18 feet clear. A 24 inches wide white stop bar, along with 25 feet of double yellow lines, shall be provided at the end of each driving lane.

Variance Determination:

The Planning and Zoning Board shall not grant any 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 variances, the Planning and Zoning Board shall determine that the variance granted is the minimum variance that will accomplish the intended purpose (stated above) and:

- A) That 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) That 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) That 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.

The following members of the Planning and Zoning Board spoke:

Chairman Rose, Vice Chairman Jacob, Members Girello, Gonzalez

The following members of staff spoke:

**Michael Stamm, Jr., Planning and Economic Development Director
Dean Piper, Zoning Administrator**

Brian Sherman, Assistant City Attorney

The following member of the public spoke:

Tod Workman, representing the petitioner

On a motion by Member Gonzalez, seconded by Member Girello, to grant, as determined by variance criteria "C", ZV 2019-10 to allow 16.3' wide existing drive lane instead of required 24.0' wide drive lane, the following vote was recorded:

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

NAY: None

Motion Passed

4. [20-0060](#) ZV 2019-11, Weekley Asphalt Paving Plant, 20701 Stirling Road, variance request. (Dean)

Tod Workman, representing the petitioner, addressed the Planning and Zoning Board. He gave a brief overview of the proposed variance requests.

The following summary was entered into the record:

Project Description / Background:

Tod Workman, as agent for owner, has submitted three (3) variance requests for existing conditions at the Weekly Asphalt Plant located at 20701 Stirling Road:

To allow 9' x 18' existing parking spaces instead of the required 9' x 19' parking spaces; to allow 16.3' wide existing drive lane instead of required 24.0' wide drive lane and to allow no landscape buffer along northern property line instead of required landscape buffer abutting all adjacent properties.

These variances, along with proposed Site Plan #SP 2018-09 (to be reviewed by the Planning & Zoning Board at a future P & Z Board meeting) are to bring into compliance a number of structures and improvements made on this property over the years.

Variance Request Detail:

ZV 2019-11) Allow no landscape buffer along northern property line instead of required landscape buffer abutting all adjacent properties.

Code Reference: §153.14 LANDSCAPING ADJACENT TO ABUTTING PROPERTIES - ALL PROPERTIES.

(A) On the site of a building, structure, or open-lot use providing an off-street parking area or other vehicular use area, where the area will not be entirely screened visually by an intervening building or structure from abutting property, screening shall be required as provided within this section.
(B) The buffer screening shall comply with the yard requirements as provided

in Chapter 155 for all applicable districts and land use separation requirements if applicable in §155.056.

(C) Walls, hedges, or other durable landscape barriers at least three feet in height, with appropriate spacing as provided in the SFWMD Guide, shall be accepted as screening material if that material can provide the required full screening from the abutting property.

(D) In addition, trees and landscape beds shall be located between the common lot line and the off-street parking area or other vehicular use area. The required number of trees shall be calculated as one tree provided for every 50 lineal feet or fractional part thereof. Each tree shall be planted in at least a 100 square feet planting area consisting of grass, groundcover, or other landscape material with a minimal dimension of at least ten feet. Non-living durable landscape material shall not be acceptable material for these landscape beds. (Ord. 1808, passed 2-4-15)

Variance Determination:

The Planning and Zoning Board shall not grant any 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 variances, the Planning and Zoning Board shall determine that the variance granted is the minimum variance that will accomplish the intended purpose (stated above) and:

A) That 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) That 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) That 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.

The following members of the Planning and Zoning Board spoke:

Chairman Rose, Vice Chairman Jacob, Members Girello, Gonzalez

The following members of staff spoke:

**Michael Stamm, Jr., Planning and Economic Development Director
Dean Piper, Zoning Administrator
Brian Sherman, Assistant City Attorney**

The following member of the public spoke:

Tod Workman, representing the petitioner

On a motion by Member Girello, seconded by Member Gonzalez, to grant, as determined by variance criteria "A", ZV 2019-11 to allow no landscape buffer along northern property line instead of required landscape buffer abutting all adjacent properties, the following vote was recorded:

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

NAY: None

Motion Passed

ITEMS AT THE REQUEST OF THE BOARD:

Chairman Rose stated that Member Labate and Alternate Member Lippman have requested an excused absence from this evenings meeting.

On a motion by Alternate Member Taylor, seconded by Vice Chairman Jacob, to excuse Member Labate and Alternate Member Lippman from this evenings meeting, the following vote was recorded:

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

NAY: None

Motion Passed

Member Girello questioned if staff knows what utility work is happening in some of the Pasadena communities' utility easements.

The following member of staff spoke in reference utility work in easements:

Dean Piper, Zoning Administrator

Member Gonzalez spoke in reference to affordable workforce housing.

The following members of the Planning and Zoning Board spoke in reference to affordable workforce housing:

Chairman Rose, Members Girello, Gonzalez

The following member of staff spoke in reference to affordable workforce housing:

Michael Stamm, Jr., Planning and Economic Development Director

ITEMS AT THE REQUEST OF STAFF:

Michael Stamm, Jr., Planning and Economic Development Director, addressed

the Planning and Zoning Board. He informed the board members that the Holiday Showplace variance appeal will be heard by the City Commission at the January 15, 2020 meeting. He requested that a board member be present should the City Commission have any questions on the appeal.

The following members of the Planning and Zoning Board spoke in reference to the City Commission appeal process:

Chairman Rose, Vice Chairman Jacob, Member Girello

ADJOURNMENT:

ADJOURN:

Chairman Rose adjourned the meeting at 7:18 p.m.

ADJOURNED:

7:18 P.M.

Respectfully submitted:

Sheryl McCoy