

November 18, 2021

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, November 18, 2021, at the Charles F. Dodge City Center, City Commission Chambers, 601 City Center Way, Pembroke Pines, FL. Present to-wit: Chairman Rose, Vice Chairman Jacob, Members Girello, Gonzalez, and Alternate Members Lippman and Taylor. Absent: Member Labate. Also present: Joseph Yaciuk, Planning Administrator; Brian Sherman, Assistant City Attorney, and Secretary McCoy.

Secretary McCoy declared a quorum present.

Chairman Rose noted for the record that Alternate Member Taylor will be a voting member for this evenings meeting.

SUBMISSION OF LOBBYING DISCLOSURE FORMS:

There were no lobbying disclosure forms submitted at this time.

APPROVAL OF MINUTES:

On a motion by Member Girello, seconded by Vice Chairman Jacob, to approve, the minutes of the October 14, 2021 meeting, the following vote was recorded:

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

NAY: None

Motion Passed

NEW BUSINESS:
CONSENT AGENDA:

Chairman Rose inquired if any members of the Planning and Zoning Board wished to pull this item for discussion. No members wished to pull the item for discussion.

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.

1. **MSC 2021-28, SPG – The Carrot Restaurant**, 14538 SW 5 Street, minor façade and signage changes, miscellaneous application.

The following staff report was entered into the record:

PROJECT DESCRIPTION / BACKGROUND:

Yani Mige, agent is requesting approval of architectural, signage and outdoor dining modifications to the Carrot Express tenant (formerly Beverly's Jewelers) at the Shops at Pembroke Gardens site, generally located south of Pines Boulevard and west of Southwest 145 Avenue. Carrot Express will be located within building 7000.

The Shops at Pembroke Gardens was approved through SP 2005-36. An amendment was made to the site plan in 2006 (SP 2006-27, Architectural changes). Modifications were last made to the tenant bay in 2008 (MSC 2008-08, Beverly's Jewelers).

BUILDINGS / STRUCTURES:

The following modifications are proposed as a result of the new tenant:

- New exterior colors and finishes
 - Main Body: SW 7008 (Alabaster)
 - Accent: SW 7654 (Lattice)
 - Base Tile: White Brick
- Removal and replacement of the green canopy on the north elevation. The new canopy will be orange and feature no signage.
- Relocation of the existing rear door and solid black awning on the south façade.
- Addition of a 906.25 square foot outdoor dining area including 12 sets of tables and chairs. The table and chair shall be covered by 6 orange umbrellas.
 - A combination of planters and 4'-2" tall bollards will serve as barriers for the outdoor dining area.

SIGNAGE:

The following signs are proposed:

- One 38.5 square foot internally illuminated channel letter sign to read, "Carrot Express" in orange copy. Additionally, a carrot is proposed as part of the sign.
- One 4 square foot circular blade sign to read, "Carrot Express" in white copy on an orange background. Additionally, a carrot is proposed as part of the sign.

The tenant will be bordered by two neutral pier elements (MSC 2007-07) as approved by the Planning and Zoning Board at its February 8, 2007 meeting. Staff has reviewed the proposed changes by the applicant and found them to be in compliance with the approved PCD guidelines.

STAFF RECOMMENDATION:

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

On a motion by Member Girello, seconded by Alternate Member Taylor, to approve, as recommended by staff, consent agenda item number 1 (MSC 2021-28, SPG – The Carrot Restaurant), the following vote was recorded:

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

NAY: None

Motion Passed

NEW BUSINESS:

PUBLIC HEARINGS / REGULAR ITEMS:

2. **PH 2021-03**, the purpose of this Public Hearing is to provide certain text amendments to the adopted Comprehensive Plan by adopting the Property Rights Adoption Element pursuant to Florida House Bill 59.

Chairman Rose stated the purpose of this Public Hearing is to provide certain text amendments to the adopted Comprehensive Plan by adopting the Property Rights Adoption Element pursuant to Florida House Bill 59.

The following staff report was entered into the record:

PROJECT DESCRIPTION / BACKGROUND:

PUBLIC HEARING (PH 2021-03)

The City of Pembroke Pines is submitting a regular scale land use plan amendment application for the addition and adoption of a Property Rights Adoption Element of the City's Comprehensive Plan. The element is being submitted pursuant to the State of Florida House Bill

59 which was codified as 2021-195, Laws of Florida, which amended Florida State Statutes 163 by adding a new section, 163.3177 (16)(i), F.S. The law became effective July 1, 2021.

The proposed element is required by State Statutes to ensure the following rights shall be considered in local decision-making:

- 1) The right of a property owner to physically possess and control his or her Interests in the property, including easements, leases, or mineral rights;
- 2) The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances;
- 3) The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property; and
- 4) The right of a property owner to dispose of his or her property through sale or gift.

During the creation of Comprehensive Plan Elements, City Staff reviews model elements that have been recommended by the Florida Department of Economic Opportunity (DEO). During the creation of the City's Property Rights Element, staff evaluated several drafts and versions from other municipalities as well as various interest groups. Staff determined it was in the best interest of the City, to model our element after the City of Ocala's element which had been reviewed by DEO without comment or objections. Per the adopted statute, the City may not adopt future land use plan amendments submitted after July 1, 2021, until the City's Property Rights Element is effectuated. This staff report will serve as the element's support element. Final Adoption of the element is estimated to be February or April 2022.

STAFF RECOMMENDATION:

Staff requests the Planning and Zoning Board as the Local Planning Agency (LPA) transmit the proposed amendments to the City Commission and Florida Department of Economic Opportunity with a positive recommendation subject to recertification of the City's future land use plan.

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 Vice Chairman Jacob, to close the Public Hearing, the following vote was recorded:

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

NAY: None

Motion Passed

Chairman Rose stated this will be heard as regular agenda item number 3.

3. **PH 2021-03**, the purpose of this item is to transmit a recommendation to the City Commission, to provide certain text amendments to the adopted Comprehensive Plan by adopting the Property Rights Adoption Element pursuant to Florida House Bill 59.

Chairman Rose stated the purpose of this item is to transmit a recommendation to the City Commission, to provide certain text amendments to the adopted Comprehensive Plan by adopting the Property Rights Adoption Element pursuant to Florida House Bill 59.

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.

The following member of the Planning and Zoning Board spoke:

Member Gonzalez

The following members of staff spoke:

Joseph Yaciuk, Planning Administrator
Brian Sherman, Assistant City Attorney

On a motion by Member Girello, seconded by Alternate Member Taylor, to transmit the City's proposed Property Rights Element amendment (PH 2021-03), as recommended by staff, to the City Commission, Florida Department of Economic opportunity with a positive recommendation, subject to recertification of the City's future land use plan, 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:

4. **SP 2021-09, Boyd Panciera Funeral Home**, 6400 Pines Boulevard, site plan amendment.

Chairman Rose stated for the record that Boyd Panciera Funeral Home is a business client and he will be abstaining from voting on this item. He submitted his Conflict of Interest form at this time.

Chairman Rose relinquished the Chair to Vice Chairman Jacob.

Vice Chairman Jacob 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.

Tiffany Panciera, representing the petitioner, waived her right to a quasi-judicial proceeding.

Ms. Panciera addressed the Planning and Zoning Board. She gave a brief overview of the proposed site plan amendment.

The following staff report was entered into the record:

PROJECT DESCRIPTION / BACKGROUND:

Wesley Mills, agent, is requesting approval of architectural, landscape, parking lot and lighting modifications to the existing Boyd Panciera Family Funeral Care site located at 6400 Pines Boulevard.

Boyd Panciera Family Funeral Care was approved in 1978 through site plan application SP 78-7. Modifications were made to the site in 2006 (architectural modifications) through miscellaneous application MSC 2006-1.

BUILDINGS / STRUCTURES:

The applicant proposed the following modifications to the existing building:

- Remove and replace the existing windows
- Removal of concrete trim
- Removal and replacement of existing mansard roof tiles and parapet with a new parapet and Nichha Cement Board Siding. The new parapet will result in an increase in the building height to 18'-7". The new parapet will enable all mechanical equipment to be screened from view.
- Removal and replacement of existing porte-cochere on the north side of the building. The new porte-cochere will have a maximum height of 22' and have a clearance of 13'-1"
- The following colors and materials are proposed for the building.
 - Main Body: OC-152 (Super White)
 - Upper Façade: Ash Nichha Cement Board Siding
 - Trim: 2133-10 (Black Onyx)
- Addition of black wall sconces.
- Installation of a 6' tall white PVC fence along the western property line.

LANDSCAPING:

The following landscaping is proposed for the property.

- Installation of 19 trees consisting of the following species: Verawood, Green Buttonwood, Silver Buttonwood, Christmas Palm, Royal Palm and Florida Thatch Palm.
- Installation of 367 shrubs consisting of the following species: Shell Ginger, Green Island Ficus, Pink Muhly Grass, Philodendron Burle Marx, Cocoplum, Aechmea Blanchetiana Orange, Cordyline Fruticosa 'auntie lou' and Orange Bird of Paradise.

SIGNAGE:

No modifications to the existing signage are proposed.

PARKING:

The applicant proposes to remove the existing ADA space, to be replaced with two new ADA spaces directly northeast of the main entrance. The improvement will result in a net gain of 1 parking space for the site.

OTHER SITE FEATURES:

Removal and replacement of the existing site lighting with full cut off LED lighting fixtures mounted atop concrete poles (25' tall). All light fixtures will be 3,000 K Correlated Color Temperature (CCT).

STAFF RECOMMENDATION:

Staff recommends approval.

Vice Chairman Jacob inquired if there was anyone from the public who wished to speak either for or against this item. No one wished to speak.

(Secretary's Note: A quasi-judicial affected person form was received from Jorge Curtiellas and read into the record.)

The following member of the Planning and Zoning Board spoke:

Member Girello

The following member of staff spoke:

Joseph Yaciuk, Planning Administrator

The following members of the public spoke:

Tiffany Panciera, the petitioner
Jim Young, representing the petitioner
Robin Burfeindt, resident Pembroke Pines

On a motion by Member Girello, seconded by Member Gonzalez, to approve, as recommended by staff, the Boyd Panciera Funeral Home site plan amendment (SP 2021-09), the following vote was recorded:

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

NAY: None

Motion Passed

Vice Chairman Jacob returned the Chair to Chairman Rose.

ITEMS AT THE REQUEST OF THE BOARD:

Chairman Rose noted that Member Labate has requested an excused absence from this evenings meeting.

On a motion by Vice Chairman Jacob, seconded be Alternate Member Taylor, to excuse Member Labate 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

ITEMS AT THE REQUEST OF STAFF:

Joseph Yaciuk, Planning Administrator, reminded the board members there will only be one meeting, on December 9, 2021, for the remainder of the year.

ADJOURN:

Chairman Rose adjourned the meeting at 7:11 p.m.

ADJOURNED:
7:11 P.M.

Respectfully submitted:

Sheryl McCoy
Board Secretary