

PLANNING AND ZONING BOARD

CITY OF PEMBROKE PINES, FL

May 24, 2018

The Regular Meeting of the Planning and Zoning Board of the City of Pembroke Pines was called to order by Vice Chairman Jacob, at 6:30 p.m., Thursday, May 24, 2018, at the Charles F. Dodge Pembroke Pines City Center, City Commission Chambers, 601 City Center Way, Pembroke Pines, FL. Present to-wit: Vice Chairman Jacob, Members Girello, Gonzalez, Labate, and Alternate Member Taylor. Absent: Chairman Rose and Alternate Member Lippman. Also present: Dean Piper, Zoning Administrator; Brian Sherman, Assistant City Attorney, and Secretary McCoy.

Secretary McCoy declared a quorum present.

Vice Chairman Jacob 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.

APPROVAL OF MINUTES:

On a motion by Member Girello, seconded by Member Gonzalez, to approve, the minutes of the May 10, 2018 meeting, the following vote was recorded:

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

NAY: None

Motion Passed

CHANGE ORDER OF BUSINESS:

Vice Chairman Jacob requested to change the order of business and hear regular agenda item number 5 at this time.

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

NEW BUSINESS:

NON-QUASI-JUDICIAL ITEMS:

5. **SN 2018-03, Sunoco Gas Station**, 21250 Sheridan Street, sign application.

Michael Quintana, representing the petitioner, addressed the Planning and Zoning Board. He gave a brief overview of the proposed sign application.

The following staff report was entered into the record:

Michael Quintana, agent, is requesting approval for sign updates at the Sunoco gas station located at the southeast corner of Sheridan Street and US 27.

The applicant seeks approval to remove gas grade and price panels on the existing monument internally illuminated signs on site. The (2) existing monument signs are located on the northwest and southwest corners of the property.

The applicant will replace the removed sign faces with the following:

- The northwest and southwest signs will display Regular Gasoline and Diesel prices in white lettering on red and green faces and LED digital faces (price display) in red copy.
- In addition, the southwest sign will display a tag line reading "Avgas Available" in yellow lettering on a blue face.

The applicant will retain the existing Sunoco logo panels and, "Café & Grill" sign panels on the monument signs as depicted on the plans within. No other changes to the site are proposed at this time. Staff has reviewed the proposed changes and finds that the proposal meets code requirements. Staff therefore recommends approval of this application.

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.

The following member of the Planning and Zoning Board spoke:

Vice Chairman Jacob

The following member of the public spoke:

Michael Quintana, representing the petitioner

On a motion by Member Girello, seconded by Member Labate, to approve, as recommended by staff, the Sunoco Gas Station (SN 2018-03) sign application, the following vote was recorded:

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

NAY: None

Motion Passed

Dean Piper, Zoning Administrator, spoke in reference to future petitioners that would only be asking to convert manual changeable copy for gasoline pricing to LED digital gasoline pricing with no other changes. He noted that historically staff has brought this type of change to the board for review as a sign application. He questioned if the board would like to continue reviewing them or if these type of sign applications could be reviewed and approved by administration.

The following members of the Planning and Zoning Board spoke:

Vice Chairman Jacob, Members Girello, Gonzalez

The following member of staff spoke:

Dean Piper, Zoning Administrator

It was the consensus of the Planning and Zoning Board to allow any future petitioners that would only be asking to convert manual changeable copy for gasoline pricing to LED digital gasoline pricing with no other changes to be reviewed and approved by administration.

RESUME ORDER OF BUSINESS:

NEW BUSINESS:

QUASI-JUDICIAL ITEMS:

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

1. **ZV 2018-01, Village of Mayfair – Building 6 (Proposed Daycare)**, 1500 S Hiatus Road, variance request.

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.

Manny Synalovski, architect representing the petitioner, waived his right to the quasi-judicial proceedings.

Mr. Synalovski addressed the Planning and Zoning Board. He gave a brief overview of the proposed variance request.

The following summary was entered into the record:

Manny Synalovski as agent for owner, is requesting a variance to allow 2,451 square feet of open space enclosed, shaded, pervious area with outdoor drinking fountain instead of the required 3,500 square feet of open space enclosed, shaded, pervious area with outdoor drinking fountain.

Variance Request Summary:

Application	Code Section	Required/Allowed	Request
ZV 2018-01	118.20(D)	3,500 sq. ft. outdoor play area	2,451 sq. ft. outdoor play area

Variance Request Details:

ZV 2018-01) to allow 2,451 square feet of open space enclosed, shaded, pervious area with outdoor drinking fountain instead of the required 3,500 square feet of open space enclosed, shaded, pervious area with outdoor drinking fountain.

Code Reference: § 118.20 CHILD DAY-CARE CENTER STANDARDS

(D) Each child-care center shall have a minimum of 3500 square feet or 45 square feet per two children, whichever is greater, of open space enclosed, shaded, pervious area with outdoor drinking fountain. All playground equipment shall be identified on the site plan and shall not be permitted in the required set back areas. Required yards are not to be counted as required open space.

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:

Vice Chairman Jacob, Members Girello, Gonzalez

The following member of staff spoke:

Dean Piper, Zoning Administrator

The following member of the public spoke:

Manny Synalovski, architect representing the petitioner

Mr. Synalovski voluntarily agreed to install a 6 feet high non-climbable fence.

On a motion by Member Gonzalez, seconded by Alternate Member Taylor, to grant, as

determined by variance criteria “A”, ZV 2018-01 to allow 2,451 square feet of open space enclosed, shaded, pervious area with outdoor drinking fountain, the following vote was recorded:

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

NAY: None

Motion Passed

2. **ZV 2018-02, Arby's @ Pembroke Commons**, 300 – 710 N University Drive, variance request.
3. **ZV 2018-03, Arby's @ Pembroke Commons**, 300 – 710 N University Drive, variance request.
4. **ZV 2018-04, Arby's @ Pembroke Commons**, 300 – 710 N University Drive, variance request.

Vice Chairman Jacob noted that agenda item numbers 2, 3, and 4 are related.

It was the consensus of the Planning and Zoning Board to hear the item presentations collectively at this time.

Vice Chairman Jacob advised that these are quasi-judicial matters. 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.

Robert Ziegenfuss, representing the petitioner, waived his right to the quasi-judicial proceedings.

Mr. Ziegenfuss addressed the Planning and Zoning Board. He gave a brief overview of the proposed variance requests.

The following summaries were entered into the record:

Robert Ziegenfuss, agent for the owner is requesting a variance for the restaurant being proposed within the Pembroke Commons Shopping Center located at 300-710 North University

Drive.

The variance requested is:

- ZV 2018-02: to allow 160 lineal feet of open space between outparcel buildings instead of the required minimum 300 lineal feet;

Variance Request Summary:

Application	Code Section	Required/Allowed	Request
ZV 2018-02	155.149(l)(2)(b)2	300 lineal feet between outparcel buildings	160 lineal feet between outparcel buildings

Variance Request Details:

ZV 2018-02) Allow 160 lineal feet of open space between outparcel buildings instead of the required minimum 300 lineal feet.

Code Reference: § 155.149 GENERAL BUSINESS (B-3) DISTRICTS

(l) Outparcels. (2) Standards. (b) Building coverage and distance. 2. There shall be a minimum of 300 lineal feet of open space between outparcels except on adjacent properties where there may be 300 lineal feet between buildings when separated by a roadway of sorts.

The variance requested is:

- ZV 2018-03: to allow four (4) outparcels on a total site area of 30 acres instead of the required one (1) outparcel for every ten (1) acres of total area; and

Variance Request Summary:

Application	Code Section	Required/Allowed	Request
ZV 2018-03	155.149(l)(2)(a)	One (1) outparcel per ten (10) acres	Four (4) outparcels on 30 acres

Variance Request Details:

ZV 2018-03) Allow four (4) outparcels on a total site area of 30 acres instead of the required one (1) outparcel for every ten (1) acres of total area.

Code Reference: § 155.149 GENERAL BUSINESS (B-3) DISTRICTS

(l) Outparcels. (2) Standards. (a) Number of outparcels. The number of outparcels permitted on any commercial or office tract shall be no more than one outparcel for every ten acres of total site area. Likewise, there shall be no less than 500 lineal feet of street frontage per outparcel

The variance requested is:

- ZV 2018-04: to allow 293.75 lineal feet of street frontage per outparcel instead of the required 500 lineal feet of street frontage per outparcel.

Variance Request Summary:

Application	Code Section	Required/Allowed	Request
ZV 2018-04	155.149(I)(2)(a)	500 lineal feet of street frontage per outparcel	293.75 lineal feet of street frontage per outparcel

ZV 2018-04) Allow 293.75 lineal feet of street frontage per outparcel instead of the required 500 lineal feet of street frontage per outparcel.

Code Reference: § 155.149 GENERAL BUSINESS (B-3) DISTRICTS

(I) Outparcels. (2) Standards. (a) Number of outparcels. The number of outparcels permitted on any commercial or office tract shall be no more than one outparcel for every ten acres of total site area. Likewise, there shall be no less than 500 lineal feet of street frontage per outparcel

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:

Vice Chairman Jacob, Member Girello, Gonzalez, Labate
Alternate Member Taylor

The following members of staff spoke:

Dean Piper, Zoning Administrator
Brian Sherman, Assistant City Attorney

The following members of the public spoke:

Robert Ziegenfuss, representing the petitioner
Ryan Tufts, representing the property owner

ZV 2018-02, Arby's @ Pembroke Commons, 300 – 710 N University Drive, variance request.

Mr. Tufts, representing the property owner, voluntarily agreed to apply the variances for the development of only a proposed Arby's restaurant.

On a motion by Member Girello, seconded by Member Labate, to grant, as determined by variance criteria "A", ZV 2018-02 to allow 160 lineal feet of open space between outparcel buildings instead of the required minimum 300 lineal feet; for only a proposed Arby's restaurant, the following vote was recorded:

AYE: Members Girello, Labate, Alternate Member Taylor

NAY: Vice Chairman Jacob, Member Gonzalez

Motion Passed

ZV 2018-03, Arby's @ Pembroke Commons, 300 – 710 N University Drive, variance request.

Mr. Tufts, representing the property owner, voluntarily agreed to apply the variances for the development of only a proposed Arby's restaurant.

On a motion by Member Girello, seconded by Member Labate, to grant, as determined by variance criteria "A", ZV 2018-03 to allow four (4) outparcels on a total site area of 30 acres; for

only a proposed Arby's restaurant, the following vote was recorded:

AYE: Members Girello, Labate, Alternate Member Taylor

NAY: Vice Chairman Jacob, Member Gonzalez

Motion Passed

4. **ZV 2018-04, Arby's @ Pembroke Commons**, 300 – 710 N University Drive, variance request.

Mr. Tufts, representing the property owner, voluntarily agreed to apply the variances for the development of only a proposed Arby's restaurant.

On a motion by Member Girello, seconded by Member Labate, to grant, as determined by variance criteria "A", ZV 2018-04 to allow 293.75 lineal feet of street frontage per outparcel; for only a proposed Arby's restaurant, the following vote was recorded:

AYE: Members Girello, Labate, Alternate Member Taylor

NAY: Vice Chairman Jacob, Member Gonzalez

Motion Passed

ITEMS AT THE REQUEST OF THE BOARD:

On a motion by Member Gonzalez, seconded by Alternate Member Taylor, to excuse Chairman Rose and Alternate Member Lippman, the following vote was recorded:

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

NAY: None

Motion Passed

Vice Chairman Jacob questioned if staff had a response to the resale of power at electric car charging stations.

The following members of staff spoke in reference to electric car charging stations:

Vice Chairman Jacob, Members Gonzalez, Labate, Alternate Member Taylor

The following members of staff spoke in reference to electric car charging stations:

Dean Piper, Zoning Administrator
Brian Sherman, Assistant City Attorney

ITEMS AT THE REQUEST OF STAFF:

6. Discussion and possible action to combine the June meetings and schedule them for Thursday, June 21, 2018.

On a motion by Member Girello, seconded by Member Labate, to combine the June meetings and schedule them for Thursday, June 21, 2018, the following vote was recorded:

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

NAY: None

Motion Passed

ADJOURN:

Vice Chairman Jacob adjourned the meeting at 7:33 p.m.

ADJOURNED:
7:33 P.M.

Respectfully submitted:

Sheryl McCoy
Board Secretary