

PLANNING AND ZONING BOARD

CITY OF PEMBROKE PINES, FL

June 21, 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, June 21, 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 Members Lippman and Taylor. Absent: Chairman Rose. Also present: Michael Stamm, Jr., Planning and Economic Development Director; Joseph Yaciuk, Planning Administrator; Dean Piper, Zoning Administrator; David Tolces, Assistant City Attorney, and Secretary McCoy.

Secretary McCoy declared a quorum present.

Vice Chairman Jacob stated that Alternate Member Lippman will be a voting member for this meeting.

(Secretary's Note: Alternate Member Taylor arrived at 6:45 p.m.)

SUBMISSION OF LOBBYING DISCLOSURE FORMS:

Alternate Member Lippman submitted a lobbying disclosure form in reference to agenda item number 6 Bergeron Outdoor Storage South.

APPROVAL OF MINUTES:

Member Labate moved to approve the minutes of the May 24, 2018 meeting. Alternate Member Lippman seconded the motion.

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 defer the approval of the May 24, 2018 minutes to the August 9, 2018 meeting.

NEW BUSINESS:
CONSENT AGENDA:

Member Gonzalez requested to pull consent agenda item number 1 for discussion.

Member Girello requested to pull consent agenda item numbers 2A, B, and C for discussion.

1. **MSC 2018-08, Walmart**, 151 SW 184 Avenue, color change, miscellaneous request.

Jay Boswell, representing the petitioner, addressed the Planning and Zoning Board. He gave a brief overview of the proposed miscellaneous request.

The following staff report was entered into the record:

Corporate Property Services Inc. is requesting miscellaneous plan approval for a color change to the Silver Lakes Center. Silver Lakes Center is located south of Pines Boulevard and east of SW 184 Avenue.

Silver Lakes Center currently consist of 2 buildings, Walmart and an outbuilding (O'Reilly Auto Parts, West Pines Modern Dentistry, and Starbucks)

The applicant is requesting the approval of the following exterior colors for the Walmart:

- Main Body - Cherish Cream (SW 6651), Repose Gray (SW 7015)
- Columns / Trim Cap - Dorian Gray (SW 7017), Repose Gray (SW 7015)
- Accents - Repose Gray (SW 7015), Medium Walmart Blue, Gauntlet Gray (SW 7019), Knockout Orange (SW 6885)
- Store Entry Band - Medium Walmart Blue
- Garden Center - Gauntlet Gray (SW 7019), Dorian Gray (SW 7017)

The applicant is requesting the approval of the following exterior colors for the outbuilding:

- Main Body - Cherish Cream (SW 6651)
- Store Entry Band - Gauntlet Gray (SW 7019)
- Store Sign Band - Repose Gray (SW 7015)
- Store Footer - Functional Gray (SW 7024)
- Accents / Trim Cap - Pure White (SW 7005)

Additionally, the two existing monument signs will be painted Cherish Cream (SW 6651) to be consistent with Walmart and the outbuilding.

The applicant uses Cherish Cream (SW 6651), Repose Gray (SW 7015), and Gauntlet Gray (SW 7019) to maintain a uniform look throughout the center. Staff has determined the colors to be generally consistent throughout. The miscellaneous application has been reviewed by staff and found to be in conformance with code requirements.

Staff Recommendation: Approval

The following members of the Planning and Zoning Board spoke:

Vice Chairman Jacob, Members Girello, Gonzalez, Alternate Member Lippman

The following member of staff spoke:

Joseph Yaciuk, Planning Administrator

The following member of the public spoke:

Jay Boswell, representing the petitioner

Mr. Boswell voluntarily agreed to limit the Knockout Orange (SW 6885) to a 6' X 12' band at the top of the wall.

On a motion by Alternate Member Lippman, seconded by Member Labate, to approve, as recommended by staff, consent agenda item number 1 (MSC 2018-08, Walmart); subject to limiting the Knockout Orange (SW 6885) to a 6' X 12' band at the top of the wall, the following vote was recorded:

AYE: Vice Chairman Jacob, Members Girello, Labate
Alternate Member Lippman

NAY: Member Gonzalez

Motion Passed

2. Shops at Pembroke Gardens, generally located south of Pines Boulevard and west of Southwest 145 Avenue, miscellaneous façade and/or signage approval for:

A) MSC 2018-09, Gottex

Annette Alvarez, representing the petitioner, addressed the Planning and Zoning Board. She gave a brief overview of the proposed miscellaneous request.

The following staff report was entered into the record:

Kevin Chasson, agent, has submitted a miscellaneous application request for façade work and signage for Gottex, tenant at the Shops at Pembroke Gardens, generally located south of Pines Boulevard and west of Southwest 145 Avenue.

The Gottex store is located at building 10000 of the lifestyle center in the Planned Commercial Development (PCD) District. The applicant proposes to use the following colors / materials for the façade:

- Upper Main Body – White Whisper (SW2015)
- Base/Main Body– Porcelain Tile Caramel (Arriscraft)
- Trim and Cornice- Web Gary (SW7075)
- Fabric Awnings – Black (Sunbrella)
- Sconce Lighting-- Black

The applicant proposes the following signs as a result of this application:

- North Elevation
 - o Wall Sign: (1) White letter with perforated black vinyl LED illuminated channel letter for 59.7 S.F
 - o Awning Sign: (1) Heat transferred white letters for 6 S.F.
 - o Blade Sign: (1) White with perforated letter in black aluminum panel for 3.75 S.F
- East Elevation:
 - o Wall Sign: : (1) White letter with perforated black vinyl LED illuminated channel letter for 47.5 S.F
 - o Awning Sign: (1) Heat transferred white letters for 6 S.F.
 - o Blade Sign: (1) White letter in black for 3.75 S.F

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 colors, materials, and signage proposed by the applicant and found them to be in compliance with

the approved PCD guidelines.

Staff Recommendation: Approval.

The following member of the public spoke:

Annette Alvarez, representing the petitioner

On a motion by Member Girello, seconded by Member Gonzalez, to approve, as recommended by staff, consent agenda item number 2A (MSC 2018-09, Gottex), the following vote was recorded:

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

NAY: None

Motion Passed

B) MSC 2018-10, Sirocco Mediterranean Restaurant

Annette Alvarez, representing the petitioner, addressed the Planning and Zoning Board. She gave a brief overview of the proposed miscellaneous request.

The following staff report was entered into the record:

Tarek Younes, agent, has submitted a miscellaneous plan application requesting façade and sign modifications at the Shops at Pembroke Gardens site, generally located south of Pines Boulevard and west of Southwest 145 Avenue.

Sirocco will be located at building 7000 of the lifestyle center in the Shops at Pembroke Gardens. The following colors and materials for the storefront are proposed:

- Main Body: Stone Cladding: Acid Wash Limestone Finish (Color Varies in Cream Tones), Alabaster SW 7008
- Louvered Shutters: Watery SW 6478
- Fabric Awning: Vinyl Color 8341C
- Lighting Fixtures: Black

The applicant is proposing two new canopies. One will be located above the entrance. The second canopy will be located above the proposed outdoor dining. Both canopy colors will be

champagne (Fabric-Color 8341-C).

The storefront will be replaced with roll down shutters colored Peppercorn (SW 7674). During daily operation, the shutters will be rolled up, creating an open air dining area. As well, 166 square feet of outdoor dining enclosed by a bronze metal rail is being proposed.

The applicant proposes an illuminated reverse channel letter sign at 44.47 square feet to read, "SIROCCO MEDITERRANEAN RESTAURANT" in black. The applicant also proposes two canopy signs. The first to read, "SIROCCO" in black at 2.5 square feet, the second to read, "MEDITERRANEAN RESTAURANT" in black at 6 square feet.

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: Approval.

The following members of the Planning and Zoning Board spoke:

Vice Chairman Jacob, Member Girello

The following member of the public spoke:

Annette Alvarez, representing the petitioner

On a motion by Member Girello, seconded by Alternate Member Lippman, to approve, as recommended by staff, consent agenda item number 2B (MSC 2018-10, Sirocco Mediterranean Restaurant), the following vote was recorded:

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

NAY: None

Motion Passed

C) MSC 2018-11, Buddha Bowl

Annette Alvarez, representing the petitioner, addressed the Planning and Zoning Board.

She gave a brief overview of the proposed miscellaneous request.

The following staff report was entered into the record:

Mathew Baum, agent, has submitted a miscellaneous plan application requesting façade and sign modifications at the Shops at Pembroke Gardens site, generally located south of Pines Boulevard and west of Southwest 145 Avenue.

Buddha Bowl will be located at building 9000 of the lifestyle center in the Shops at Pembroke Gardens. The following colors and materials for the storefront are proposed:

- Main Body: Tin Lizzie (SW 9163),
- Fabric Awning: Firesist Forest Green
- Accents: Solistone Anatolia Pebble Wall Tile – Black Sea, Outdoor Artificial Boxwood Mat Foliage

The applicant is proposing 165 square feet of outdoor dining enclosed by wooden planters.

The applicant proposes an LED illuminated front and back lit channel letter sign at 28.75 square feet to read “BUDDHA BOWL” in Green.

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: 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.

The following members of the Planning and Zoning Board spoke:

Members Girello, Gonzalez

The following member of staff spoke:

Joseph Yaciuk, Planning Administrator

The following members of the public spoke:

Annette Alvarez, representing the petitioner

Mathew Baum, the petitioner

On a motion by Member Girello, seconded by Member Gonzalez, to approve, as recommended by staff, consent agenda item number 2C (MSC 2018-11, Buddha Bowl), the following vote was recorded:

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

NAY: None

Motion Passed

NEW BUSINESS:

QUASI-JUDICIAL ITEMS:

3. **ZI 2018-01, Check Cashing USA at Sheridan Plaza**, 2064 N University Drive, interpretation request.

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

Brian Soclow, representing the petitioner, waived his right to the quasi-judicial proceedings.

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

The following summary was entered into the record:

Taso Group d/b/a Check Cashing USA (Brian Soclow – Agent) is requesting a Zoning Interpretation to allow check cashing at their store to be located at 2064 N University Drive.

On September 3, 1998 check cashing was first approved through the interpretation process by the Board of Adjustment at 1980 N University Drive. Since then several companies have continued this service at 1980 N University with Check Cashing USA operating at this location since October 2012.

The following locations, and businesses, have been approved through the Interpretation process to allow check cashing:

8960 Taft Street – Statewide Insurance, August 1997
1980 N University Drive – Popular Cash Express, September 3, 1998
2216 N Flamingo Road – CCS Financial Services, November 2001
6954 Pembroke Road – Pines Check Cashing, April 2010
6767 Pembroke Road – Bravo Check Cashing, September 2010
8030 Pines Boulevard – Western Beef, November 2011
100 S Flamingo Road – Amscot, December 2012
314 N University Drive – Amscot, December 2012
15825 Pines Boulevard – Amscot, January 2013

Check Cashing USA is looking to move their existing business to 2064 N University and is requesting a Zoning Interpretation to continue their business at this new location.

Variance Request Summary:

Application	Code Section	Required/Allowed	Request
ZI 2018-01	32.082(B)(4)	Interpretation	Allow check cashing

Interpretation Request Details:

ZI 2012-02) to allow check cashing at 2064 N University Drive.

Code Reference: § 32.082 DUTIES AND RESPONSIBILITIES.

(B) For all non-single-family residential applicants, the Planning and Zoning Board shall perform the following duties and responsibilities: (4) Permit or authorize a use which is not specifically or implicitly prohibited in a zoning district, when the Board finds that the use is similar in character to a use permitted in that district and is not listed as a permitted use in a less restricted district.

Interpretation 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.

The following member of the Planning and Zoning Board spoke:

Member Gonzalez

The following member of staff spoke:

Dean Piper, Zoning Administrator

The following member of the public spoke:

Brian Soclow, representing the petitioner

On a motion by Alternate Member Lippman, seconded by Member Gonzalez, to grant, ZV 2018-09 to allow check cashing at 2064 N University Drive, the following vote was recorded:

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

NAY: None

Motion Passed

NEW BUSINESS:

NON-QUASI-JUDICIAL ITEMS:

4. SN 2018-04, Taft Street Baptist Church, 7241 Taft Street, sign application.

Naomi Matthews, representing the petitioner, addressed the Planning and Zoning Board. She gave a brief overview of the proposed sign application.

The following staff report was entered into the record:

Naomi Mathews, agent, is requesting approval for sign updates at the Taft Baptist Church located at 7241 Taft Street.

The applicant seeks approval to remove and to replace the existing non-conforming pylon sign with a double faced internally illuminated monument sign reading "Taft Baptist Church" and logo in red and black colors for a total sign area of 22 S.F. The sign base will be screened with landscape as required by City Code [Section 153.19]

The proposed sign will also include a 12 S.F. electronic screen where church cultural activities, church services and information for the community will be shown as allowed by City

Code [Section 155.324 (C) (5)]. If more than (1) one message to be announced, the applicant has provided a letter restricting such messages to be exchanged by 15 minute intervals. At no instance, there will be glare or flash produced by the electronic device since by City Code [Section 155.328 (2)] animated signs are prohibited. Finally, the new monument sign will be placed in the existing location in the property.

No other changes to the site are proposed at this time. Staff has reviewed the proposed changes and finds the proposal meets City 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 members of the Planning and Zoning Board spoke:

Vice Chairman Jacob, Members Girello, Gonzalez, Alternate Member Lippman

The following member of staff spoke:

Joseph Yaciuk, Planning Administrator

The following member of the public spoke:

Naomi Matthews, representing the petitioner

On the motion by Alternate Member Lippman, seconded by Member Labate, to approve, as recommended by staff, the Taft Street Baptist Church (SN 2018-04) sign application, the following vote was recorded:

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

NAY: None

Motion Passed

5. **MSC 2018-06, Starbucks – Flamingo Falls**, 2000 N Flamingo Road, signage with architectural tower feature and addition of outdoor seating and remodeling the drive thru, miscellaneous request.

George Balaban, representing the petitioner, addressed the Planning and Zoning Board. He gave a brief overview of the proposed miscellaneous request.

The following staff report was entered into the record:

Stephen Kirby, agent, has submitted a miscellaneous application request to modify an existing tenant bay for an outbuilding at the Flamingo Falls Shopping Center, generally located south of Sheridan Street and West of Flamingo Road.

Starbucks currently operates on the north side of the existing outbuilding. Starbucks plans to relocate to the southern end of the same outbuilding. The relocation will allow Starbucks to utilize an existing drive-thru area. The subject tenant bay was previously occupied by a bank tenant. As result of the proposed conversion, the applicant proposes the following work:

- Remove the existing night drop box and awning from the existing façade.
- Convert the existing three drive thru lanes south of the building to one, the other two lanes will be blocked off with impact bollards for safety and planter boxes for aesthetic appeal. Pavement markings, traffic signage will be provided accordingly for vehicular circulation.
- Remove concrete along the rear of the building for the creation of a landscape island with groundcover and shrubbery, where a 20.16 SF menu board, digital order screen with speaker, a clearance bar will be installed for the drive thru.
- Remove two parking spaces directly in front of the tenant space to accommodate a 300 S.F. paved outdoor sitting area with periphery SOD, protected by patio railing where green color umbrellas will be provided for patrons comfort.
- Patch and paint of the façade to match existing colors; similarly, applicant proposes to upgrade the color of the southernmost tower feature with a lighter brown (SW 0045) for identity, the northernmost tower feature will be color matched.
- Signage for the tenant is controlled by the shopping center's uniform sign plan standards.
- Applicant has confirmed the parking provided will go from 941 parking spaces to 939 parking spaces where 815 parking spaces are required per code based on the existing uses.

Staff has reviewed the proposed changes by the applicant and found them to be in compliance with the City Code of Ordinances.

Staff Recommendation: Approval subject to the fulfillment of the proposed color for the tower feature to be applied to the most northern tower feature and building base through to the

entire outbuilding.

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 members of the Planning and Zoning Board spoke:

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

The following member of staff spoke:

Joseph Yaciuk, Planning Administrator

The following member of the public spoke:

George Balaban, representing the petitioner

The following members of the Planning and Zoning Board spoke in reference to the poor maintenance conditions of the shopping center noting specifically the garbage dumpsters and drive aisle behind the building:

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

Joseph Yaciuk, Planning Administrator, noted the Board is discussing two separate issues one is site development and the other is property maintenance. He noted that property maintenance is a code issue and there has to be due process through Code Enforcement.

George Balaban, representing the petitioner, stated he will speak with DDR Corporation the shopping center owner and make them aware of the Boards property maintenance concerns.

The following members of the Planning and Zoning Board spoke in reference to traffic pattern concerns when exiting the property and not being able to make a left out of the property:

Vice Chairman Jacob, Member Gonzalez, Alternate Member Lippman

The following member of the public spoke in reference to traffic pattern concerns when exiting the property and not being able to make a left out of the property:

George Balaban, representing the petitioner

Joseph Yaciuk, Planning Administrator, noted that staff will work with the City Engineer to see what changes if any can be made concerning the exiting of the property and not being able to make a left out of the property.

On a motion by Member Labate, seconded by Member Gonzalez, to approve, as recommended by staff, the Starbucks – Flamingo Falls (MSC 2018-06) miscellaneous request, the following vote was recorded:

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

NAY: None

Motion Passed

6. **MSC 2018-12, Bergeron Outdoor Storage South**, 19700 Stirling Road and generally located west of SW 196 Avenue; south of Stirling Road; north of Deer Creek Pass, detailing new tenant locations with trailers and associated parking and storage, miscellaneous request.

Frank Saia, representing the petitioner, addressed the Planning and Zoning Board. He gave a brief overview of the proposed miscellaneous request.

The following staff report was entered into the record:

Frank Saia, agent, has submitted a miscellaneous application for the addition of trailers, and parking at the Bergeron Outdoor Storage South property generally located south of Stirling Road and west of Southwest 196 Avenue.

Background

On June 22, 2017 the Planning and Zoning Board approved with conditions a site plan amendment application (SP 2017-12) for the development of an outdoor industrial storage facility with site perimeter fencing and landscaping for the property. The approval allowed for the flexibility for tenants to lease one acre or larger storage spaces on site. The approved plan required all tenant storage areas to be enclosed by 6 foot high chainlink fences. These fences

may be modified throughout the site by building permit only as long as minimum lot size requirements and associated building, engineering and fire access requirements are met. The approval also included the installation of perimeter landscape. As part of that approval, the applicant voluntarily agreed to return to the Board for consideration of associated sales trailers / permanent structures and parking areas for future tenants should that need arise.

Request

The applicant recently signed two tenants to occupy the majority of the approved outdoor storage facility. As such, the applicant will also be looking to reduce the overall size of the Bergeron Outdoor Storage South storage area from the originally approved 52.6 acres to approximately 48.4 acres. The storage area being removed from the previously approved storage site is located immediately north of Republic Pass (private) and west of SW 196th Avenue.

The first future tenant, Insurance Auto Auctions, will be leasing an "L" shaped +/-37 acres parcel that is generally located along the entire western most portion and all of the land south of Sylvan Pass (private) of the Bergeron Outdoor Storage South site. Bergeron will be installing interior fencing and one (1) trailer office (William Scotsman - 48' x 60', white with blue trim), asphalt parking (13 spaces) for trailer office and parking lot lighting, two (2) parking area security lights as provided in the site plans. The site will be used as additional storage of vehicles similar to their existing location in Bergeron Park of Commerce North. No on-site auctions are contemplated at this location at this time. All auctions will be via remote/on-line auction.

The second future tenant, DGD Transport, will be leasing a rectangular shaped +/- 3 acre parcel that is generally located south of Republic Pass (private) and immediately east of the Insurance Auto Auctions site described above. Bergeron will be installing perimeter fencing and one (1) trailer office (William Scotsman - 10' x 20', white with blue trim), asphalt parking (3 parking spaces) for trailer office and five (5) security lights along the eastern boundary of the parcel. The

site will be used for storage of the tenant's fleet of tractor trailers.

The proposed miscellaneous plan has been reviewed by staff and all requirements have been met. The proposed tenant plans are consistent with the master plan requirements as set forth under previously approved site plan application (SP 2017-02) for this site.

Staff Recommendation: 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.

The following members of the Planning and Zoning Board spoke:

Vice Chairman Jacob, Members Girello, Gonzalez, Alternate Member Lippman

The following members of staff spoke:

Michael Stamm, Jr., Planning and Economic Development Director
Joseph Yaciuk, Planning Administrator

The following members of the public spoke:

Frank Saia, representing the petitioner
Lonnie Bergeron, representing the petitioner

On a motion by Member Girello, seconded by Member Gonzalez, to approve, as recommended by staff, the Bergeron Outdoor Storage South (MSC 2018-12) miscellaneous request, the following vote was recorded:

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

NAY: None

Motion Passed

ITEMS AT THE REQUEST OF THE BOARD:

Member Girello spoke in reference to wireless / small cell tower replacements and regulations.

The following members of the Planning and Zoning Board spoke in reference to wireless

/ small cell tower replacements and regulations:

Vice Chairman Jacob, Member Girello, Alternate Member Lippman

The following members of staff spoke in reference to wireless / small cell tower replacements and regulations:

David Tolces, Assistant City Attorney
Joseph Yaciuk, Planning Administrator

Member Girello noted the progress of the construction of the Publix at Taft Street and Hiatus Road.

The following members of the Planning and Zoning Board spoke in reference to the construction of the Publix at Taft and Hiatus Road:

Vice Chairman Jacob, Member Girello

Vice Chairman Jacob noted that Chairman Rose has requested an excused absence from this evenings meeting.

On a motion by Member Girello, seconded by Member Gonzalez, to excuse Chairman Rose from this evenings meeting, the following vote was recorded:

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

NAY: None

Motion Passed

David Tolces, Assistant City Attorney, clarified the resale of electricity regulations in reference to Vice Chairman Jacob's previous request.

ITEMS AT THE REQUEST OF STAFF:

7. **AM 2018-06**, Discussion and possible action on updating the **sign code**.

Michael Stamm, Jr., Planning and Economic Development Director, gave a brief PowerPoint presentation of the proposed updates to the sign code.

The following staff report was entered for the record:

The Planning & Economic Development Department has worked with the City's Attorney Office to complete a review of the City's Sign Code in response to the Supreme Court ruling for Reed v. Town of Gilbert. In addition, staff has reviewed other sign regulations that potentially could be amended. The following amendments are proposed for discussion and potential action.

1. Removal of Political, Noncommercial Direction, Information, and Community Service Signs from the Code of Ordinances in favor of a content neutral approach.
2. Removal of content based regulations for Leasing and New Business Banners.
3. Addition of General Standards covering Obscene, Misleading, and Non-Commercial Copy signage.
4. Addition of standards regulating certain signs. Regulations for these signs may include but are not limited to the following:
 - a. Real Estate Sale and Real Estate Leasing Signs
 - i. If a permit is required
 - ii. Sign area
 - iii. Height
 - iv. Duration
 - v. Location
 - b. Non-Commercial Signs
 - i. If a permit is required
 - ii. Sign area
 - iii. Square footage allowed per parcel
 - iv. Height
 - v. Duration
 - c. Construction Signs
 - i. Location
 - ii. Maintenance
 - d. Short Term Parking Signs
 - i. Location
 - ii. Sign area
 - e. Signs on Right-Of-Way and Public Property.
 - i. Location
 - ii. Non-compliance
5. Revisions to the current monument sign standards. Currently the standards are very specific in regards to the placement of architectural features, which leads to a less aesthetically pleasing appearance and uniform look

- throughout the City. The new standards will allow for a signs to have a unique architectural appearance, while maintaining the same standards.
6. Removal of Revitalization signage. Recent upgrades to monument sign standards have removed the need for Revitalization signs.

Reed v. Town of Gilbert Synopsis

In the case of Reed v. Town of Gilbert, Arizona, Good News Community Church filed suit against the town alleging its freedom of speech was violated when the Town cited the church for violation of the sign code. The church was cited for exceeding the time limits for displaying temporary directional signs and for failing to include event dates on the signs. The Supreme Court ruled that the Town of Gilbert's sign code was not content-neutral as it failed to make distinctions between Political Signs, Temporary Directional Signs, and Ideological signs beyond the communicative content of the sign.

In the towns attempt to meet the strict scrutiny standard, which is used to determine the constitutionality of certain laws, the Town offered aesthetic appeal and safety as support for their distinctions. It was determined by the Supreme Court that the Town did not meet the strict scrutiny standard, thus determining that the Town of Gilbert's sign code was in constitutional violation of freedom of speech. The court noted the following as content neutral options for sign regulation:

1. Size
2. Building Materials
3. Lighting
4. Moving Parts
5. Portability

Staff Recommendation: City staff to request City Attorney draft and Ordinance revising the City Code of Ordinances reflective of staff recommendations to be considered by the City Commission.

Alternate Member Lippman moved to have City staff to request City Attorney draft and Ordinance revising the City Code of Ordinances reflective of staff recommendations to be considered by the City Commission. Member Girello seconded the motion.

The following members of the Planning and Zoning Board spoke:

Vice Chairman Jacob, Members Girello, Gonzalez, Labate
Alternate Member Lippman

The following members of staff spoke:

Michael Stamm, Jr., Planning and Economic Development Director
David Tolces, Assistant City Attorney
Joseph Yaciuk, Planning Administrator

Alternate Member Lippman requested to amend the motion to include staff bringing the proposed ordinance back to the board for further review. Member Labate as the seconder agreed to the amendment.

On a motion by Alternate Member Lippman, seconded by Member Labate, to have City staff to request City Attorney draft and Ordinance revising the City Code of Ordinances reflective of staff recommendations to be considered by the City Commission as amended to have City staff bring the draft ordinance back to the Planning and Zoning Board for review, the following vote was recorded:

AYE: Vice Chairman Jacob, Members Girello, Labate
Alternate Member Lippman

NAY: Member Gonzalez

Motion Passed

ADJOURN:

Vice Chairman Jacob adjourned the meeting at 8:36 p.m.

ADJOURNED:
8:36 P.M.

Respectfully submitted:

Sheryl McCoy
Board Secretary