

## 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, December 12, 2019, 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, Labate, and Alternate Members Lippman and Taylor. Also present: Michael Stamm, Jr., Planning and Economic Development Director; Joseph Yaciuk, Planning Administrator; Dean Piper, Zoning Administrator; Brian Sherman, Assistant City Attorney, and Secretary McCoy.

Secretary McCoy declared a quorum present.

## SUBMISSION OF LOBBYING DISCLOSURE FORMS:

Vice Chairman Jacob submitted a lobbying disclosure form.

## APPROVAL OF MINUTES:

On a motion by Member Girello, seconded by Member Labate, to approve, the minutes of the November 14, 2019 meeting, the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob  
Members Girello, Gonzalez, Labate

NAY: None

Motion Passed

## NEW BUSINESS:

## PUBLIC HEARINGS / REGULAR ITEMS:

1. [19-1427](#) **PH 2019-03**, the purpose of this hearing is to adopt an amendment to the adopted development order pursuant to Chapter 380.06, Florida Statutes and 2018-158 Laws of Florida, on the tract of land identified as **Pembroke Meadows** (PH 2019-03) generally located between I-75 and Flamingo Road, and between Sheridan Street and Pines Boulevard. The proposed change is to increase the Commercial square footage by 30,000 square feet on Pembroke Falls Parcel C Plat, more particularly, the **Pines BMW** site. (Sharon)

(See regular agenda item number 2.)

Chairman Rose stated the purpose of the hearing is to adopt an amendment to the adopted development order pursuant to Chapter 380.06, Florida Statutes and 2018-158 Laws of Florida, on the tract of land identified as Pembroke Meadows (PH 2019-03) generally located between I-75 and Flamingo Road, and between Sheridan Street and Pines Boulevard. The proposed change is

to increase the Commercial square footage by 30,000 square feet on Pembroke Falls Parcel C Plat, more particularly, the Pines BMW site.

Dennis Mele, attorney representing the petitioner, addressed the Planning and Zoning Board. He gave a brief overview of the proposed Development of Regional Impact request.

The following staff report was entered into the record:

**PROJECT DESCRIPTION:**

The purpose of this public hearing is to consider an amendment to an adopted development order for the Pembroke Meadows Development of Regional Impact (DRI) by increasing the commercial development intensity from 558,417 square feet to 588,417 square feet. In addition a typographical error found after the last amendment will be corrected with this amendment. The applicant is requesting the modification to the DRI in order to accommodate expansion of the existing BMW dealership at 14800 Sheridan Street. The proposed modification is to increase the commercial square feet by 30,000 sq. ft., from 558,417 to 588,417, and the additional square footage will be allocated for the BMW property only.

**BACKGROUND:**

Pursuant to Chapter 2018-158, Laws of Florida, Greenspoon Marder, agent for the owner, Holman Automotive, is requesting approval of an application to modify the development order granted by Ordinance No. 816 for the Pembroke Meadows DRI, adopted by the City Commission on January 7, 1987. The DRI is a 1,563-acre mixed use development generally located between I-75 and Flamingo Road, and between Sheridan Street and Pines Boulevard. Effective April 9, 2018, the statutory provisions in Chapter 380, Florida Statutes, related to developments of regional impact (DRI) were amended to eliminate the state and regional review process regarding changes to existing DRIs. The law now requires local governments to review the changes based on the adopted local comprehensive plan and land development regulations. If the changes to the DRI have the net effect of reducing the originally approved intensity, the changes must be reviewed by the local government based on the standards in the comprehensive plan in effect when the development was originally approved and may approve the change.

The table below depicts the intensity levels of the DRI as originally approved, currently approved, and proposed for approval:

**Land Use - Residential**

Original Approved Intensity – 4,339

Current Approved Intensity – 3,885

Proposed Development Intensity - 3885

Net Change - -454

**Land Use - Office**

Original Approved Intensity – 1,019,170

Current Approved Intensity – 192,000

Proposed Development Intensity – 192,000

Net Change - -827,170

**Land Use - Industrial****Original Approved Intensity – 3,116,130****Current Approved Intensity - 0****Proposed Development Intensity - 0****Net Change - -3,116,130****Land Use – Community Commercial****Original Approved Intensity – 528,656****Current Approved Intensity – 558,417****Proposed Development Intensity – 588,417****Net Change – 30,000****Land Use – Town Center Neighborhood Commercial****Original Approved Intensity – 102,000****Current Approved Intensity - 0****Proposed Development Intensity - 0****Net Change - 0****Land Use - Hotel****Original Approved Intensity – 200,000 (130 Rooms)****Current Approved Intensity - 200,000 (130 Rooms)****Proposed Development Intensity - 200,000 (130 Rooms)****Net Change - 0****Land Use – Employment Center****Original Approved Intensity -****Current Approved Intensity – 225,750****Proposed Development Intensity - 225,750****Net Change - 0**

After the last development order (Ordinance No. 1822) was adopted, a typographical error was discovered by the Florida Department of Transportation with respect to the current approved number of units and commercial square feet. The table above is accurate based on DOT's review of Ordinance 1822, adopted by the City of Pembroke Pines 9/2/2015. The proposed development order will correct the typographical error.

The applicant submitted traffic, water and sewer analyses comparing the proposed modification to the original approved DRI intensities as required by the Laws of Florida. The analyses shows that the net impacts of the proposed change are less for all of the above services than the impacts from the original approved DRI intensities. The proposed change has been reviewed by the Engineering Division with no objections.

**STAFF RECOMMENDATION:**

Staff requests the Planning and Zoning Board transmit the proposed amendment to the Pembroke Meadows DRI to the City Commission, with a positive recommendation.

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 public spoke:

Dennis Mele, attorney representing the petitioner

On a motion by Member Girello, seconded by Vice Chairman Jacob, close the Public Hearing, the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob  
Members Girello, Gonzalez, Labate

NAY: None

Motion Passed

Chairman Rose stated this will be heard as regular agenda item number 2.

2. [19-1428](#)

**PH 2019-03**, the purpose of this item is to transmit the proposed amendment to a previously adopted Development of Regional Impact (DRI) order, as recommended by staff, for the tract of land identified as **Pembroke Meadows** generally located between I-75 and Flamingo Road, and between Sheridan Street and Pines Boulevard, to the City Commission with a favorable recommendation. The proposed change is to increase the Commercial square footage by 30,000 square feet on Pembroke Falls Parcel C Plat, more particularly, the **Pines BMW site**. (Sharon)

Chairman Rose stated the purpose of this item is to transmit the proposed amendment to a previously adopted Development of Regional Impact (DRI) order, as recommended by staff, for the tract of land identified as Pembroke Meadows generally located between I-75 and Flamingo Road, and between Sheridan Street and Pines Boulevard, to the City Commission with a favorable recommendation. The proposed change is to increase the Commercial square footage by 30,000 square feet on Pembroke Falls Parcel C Plat, more particularly, the Pines BMW site.

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 members of the Planning and Zoning Board spoke:

Vice Chairman Jacob, Member Gonzalez

The following member of the public spoke:

Dennis Mele, attorney representing the petitioner

On a motion by Member Girello, seconded by Member Labate, to transmit, as recommended by staff, the proposed Pembroke Meadows DRI (PH 2019-03) (Pines BMW site) amendment, to the City Commission with a favorable recommendation, the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob  
Members Girello, Gonzalez, Labate

**NAY: None**

**Motion Passed**

**CHANGE ORDER OF BUSINESS:**

Chairman Rose noted that regular agenda item number 15, ZV 2019-14, Pines BMW, is related to public hearing item number 1 and regular agenda item number 2. He requested to change the order of business and hear regular agenda item number 15 at this time.

**It was the consensus of the Planning and Zoning Board to change the order of business and hear item number 15 at this time.**

## 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.)

15. [19-1442](#) ZV 2019-14, Pines BMW, 14800 Sheridan Street, variance request.  
(Dean)

**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.**

**Dennis Mele, attorney representing the petitioner, waived his right to the quasi-judicial proceedings.**

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

**The following summary was entered into the record:**

### Project Description / Background

**Cynthia Pasch, as agent for the owner, is requesting a variance to allow 461 square feet of total building signage for Lauderdale BMW instead of the allowed 400 square feet of total building signage.**

Based on signage calculation formulas adopted by the Pembroke Falls Planned Unit Development Guidelines (4% of façade area for a 2 story building and 2% of façade area for a 4, or more, story building) this building would be allowed a total of 583 square feet of signage. However, the guidelines restrict the maximum allowed square footage to the lesser of 400 square feet, or the calculated amount based on the formula. Therefore this building would be limited to 400 square feet of total signage.

**Variance Request Detail:**

**ZV 2019-14) Allow 461 square feet of total building signage instead of the allowed maximum of 400 square feet of building signage.**

**Code Reference:****Pembroke Falls Planned Unit Development Guidelines****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 member of the public spoke:

Dennis Mele, attorney representing the petitioner

On a motion by Member Girello, seconded by Member Labate, to grant, as determined by variance criteria "A", ZV 2019-14 (Pines BMW) to allow 461 square feet of total building signage, the following vote was recorded:

**AYE:** Chairman Rose, Vice Chairman Jacob  
Members Girello, Gonzalez, Labate

**NAY:** None

**Motion Passed**

**RESUME ORDER OF BUSINESS:**

3. [19-1430](#) **ZC 2019-03**, the purpose of this Public Hearing is to consider, at the request of Pines Holdings, LLC, a zoning change from B-2A (Planned Business Center) to B-3 (General Business) for the purpose of allowing a service station on the proposed **7 - Eleven** (ZC 2019-03) property

located at 6460 Pines Boulevard, containing approximately 1.6294 acres more or less. (Joseph)

(See regular agenda item number 4.)

Chairman Rose stated the purpose of this Public Hearing is to consider, at the request of Pines Holdings, LLC, a zoning change from B-2A (Planned Business Center) to B-3 (General Business) for the purpose of allowing a service station on the proposed 7 - Eleven (ZC 2019-03) property located at 6460 Pines Boulevard, containing approximately 1.6294 acres more or less.

Dwayne Dickerson, attorney representing the petitioner, addressed the Planning and Zoning Board. He gave a brief Power Point presentation / overview of the proposed zoning change request.

The following staff report was entered for the record:

**PROJECT DESCRIPTION / BACKGROUND:**

Dwayne Dickerson, at the request of his client 6500 Pines Holdings, LLC., has submitted a zoning change application for the property located at 6460 Pines Boulevard (FKA: Carter Financial Plaza, Pines Village Plaza). The applicant requests to rezone a +- 1.6 Acre portion of the property from B2-A (Planned Business Center) to B-3 (General Business) in order to redevelop the site into a 7-Eleven convenience store with gas station. As part of this rezoning request, the applicant has voluntarily provided the City with a restrictive covenant restricting the uses on this property to the following:

- Service station, convenience store, and accessory automatic car wash use within the B-3 (General Business) district.
- All permitted uses within the B-2 (Community Business) district.

**Background**

According to the property appraiser website, the existing building on this site was built in 1966. A variance (ZV 2000-12) to allow an out parcel to be located on the subject property was denied by the Board of Adjustment on February 3, 2000. A related site plan amendment application to expand the building (SP 99-68) was reviewed and ultimately withdrawn by the applicant in 2000 as a result of the outparcel request not being granted. A uniform sign plan for this property (SN 2012-22) was approved by the Planning and Zoning Board on November 8, 2012.

The Planning and Zoning Board at its May 25, 2017 meeting denied the following variances for the property:

**ZV 2017-11**

To allow a 10' landscape (open space) buffer along Pines Blvd. instead of the required 25'

Denied (5-0)

**ZV 2017-12**

To allow a 5' landscape (open space) buffer along SW 64th Way instead of the required 25'

Denied (5-0)

**ZV 2017-13**

To allow zero trees in the landscaping buffer adjacent to abutting properties instead of the required 11 trees

Denied (5-0)

A related site plan (SP 2016-27) had been submitted in 2016 but ultimately was never heard at a meeting as related variances were denied.

Over the years, the previous owner of the site (Carter Financial Group, LLC) received several violations for property maintenance which have resulted in a significant monetary lien on the property. The property ultimately fell under foreclosure.

The current owner acquired the property in early 2019 in foreclosure proceedings.

**SURROUNDING PROPERTIES:**

The existing zoning and land use plan designations of the surrounding properties are as follows:

North:	Pines Boulevard / McArthur High School - City of Hollywood	
East:	Zoning: B-2A (Planned Business Center)	Land Use: Commercial
South:	Zoning: R-1C (One Family Dwelling)	Land Use: Residential (Low 5)
West:	Zoning: R-1C (One Family Dwelling)	Land Use: Residential (Low 5)

**ANALYSIS:**

**Existing Zoning District (B2-A)**

The underlying B2-A (Planned Business Center) zoning district was codified with the adoption of the Broward County zoning code in 1969. This commercial district was created with the following purpose:

“The B2-A Planned Business Center District is intended for locations where there is a need for proper design of buildings and structures, access, circulation, and relation to surrounding areas to provide for efficient functioning of the permissible uses, especially business uses; and for adequate protection to adjacent and nearby residential areas. These objectives can be only defined in general terms, and their realization can only be attained by adequate yards, setbacks, and limitation on principal and accessory uses where the plot is contiguous or near residentially zoned property.”

There are currently only fifteen (15), B2-A zoned properties within the City. The B2-A constitutes one of the City’s smallest zoning districts by acreage.

In 1992, the City Commission passed Ordinance 1013, which established land use separation / alternative bufferyard regulations between residential and non-residential uses. The establishment of these new land separation criteria ultimately replaced the goals and objectives established within the B2-A district. Other planned districts such as PCD (Planned Commercial District) and PD-SL (Planned Development Small Lot) districts have recently been adopted



and allow for better tools to ensure proper harmony between commercial and residential uses. The City has not rezoned a property to the B2-A designation in decades and it is likely the City will look to at ways to reduce the amount of B2-A zoned property in the future.

#### **Compatibility with Adjacent Use**

Staff reviewed this rezoning application and finds that the zoning change, as proposed, is compatible with the underlying commercial land use designation as well as the existing gas station use to the east. The voluntary deed restriction offered by the applicant on the subject property ensures that certain intense commercial uses first allowed in the B-3 (General Business) district such as Vehicle Sales, Tire and Battery Stores, Tattoo Parlors, Home Improvement Centers, Pet Hotels, and Storage of Rental Vehicles will not be permitted uses on this property.

#### **Compatibility with Comprehensive Plan Policy**

Further, staff has determined that the rezoning and future redevelopment of this property as proposed is consistent with the following policies of the comprehensive plan:

Policy 1.6 - Continue to implement land development regulations providing for all residential densities to be properly buffered from non-residential activities.

Policy 1.7 - Continue to evaluate all land use amendment requests for compatibility with the surrounding development and land uses.

Policy 1.8 - Continue to implement land development regulations to insure compatibility and buffering between adjacent residential and nonresidential uses.

Policy 2.2 - Continue to identify areas to attract major employers, small business enterprises, and high tech/service based economic sectors.

Policy 6.3 - Continue to implement land development regulations to insure that any uses found inconsistent with the community's character are not permitted.

Policy 7.4 - Through the development review process, the City shall continue to ensure safe and convenient on-site vehicular and pedestrian movement, off-street parking, access control management techniques, right-of-way dedications and acquisitions, and adequate access for service and emergency vehicles.

Policy 12.4 - Adequate vehicular parking shall continue to be provided for new development in accordance with the land development regulations.

Policy 18.2 - Continue to implement land development regulations to insure compatibility and buffering between adjacent residential and Non-residential uses.

Policy 18.6 - The City of Pembroke Pines shall continue to minimize the impacts of existing incompatible uses through the implementation of the land development and zoning codes, such as buffering and setback regulations.

#### **STAFF RECOMMENDATION:**

Staff has reviewed the proposed zoning change and therefore recommends the Planning and Zoning Board transmit this application, inclusive of voluntary deed restriction, to the City Commission with a favorable recommendation.

The following member of the Planning and Zoning Board spoke:

Chairman Rose

The following members of the public spoke:

Dwayne Dickerson, attorney representing the petitioner  
Gal Shaltiel, 3408 Emerald Oaks Dr., Unit 805

On a motion by Member Girello, seconded by Member Gonzalez, to close the Public Hearing, the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob  
Members Girello, Gonzalez, Labate

NAY: None

Motion Passed

Chairman Rose stated this will be heard as regular agenda item number 4.

4. [19-1431](#)

**ZC 2019-03**, the purpose of this item is to transmit a favorable recommendation to the City Commission, as recommended by staff, at the request of Pines Holdings, LLC, a zoning change from B-2A (Planned Business Center) to B-3 (General Business) for the purpose of allowing a service station on the proposed **7 - Eleven** (ZC 2019-03) property located at 6460 Pines Boulevard, containing approximately 1.6294 acres more or less. (Joseph)

Chairman Rose stated the purpose of this item is to transmit a favorable recommendation to the City Commission, as recommended by staff, at the request of Pines Holdings, LLC, a zoning change from B-2A (Planned Business Center) to B-3 (General Business) for the purpose of allowing a service station on the proposed 7 - Eleven (ZC 2019-03) property located at 6460 Pines Boulevard, containing approximately 1.6294 acres more or less.

The following members of the Planning and Zoning Board spoke:

Chairman Rose, Vice Chairman Jacob, Members Girello, Gonzalez,  
Labate

The following members of staff spoke:

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

The following members of the public spoke:

Dwayne Dickerson, attorney representing the petitioner

Vice Chairman Jacob moved to defer to this item to the January 9, 2020 meeting. Member Gonzalez seconded the motion.

The following members of the Planning and Zoning Board spoke:

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Chairman Rose, Vice Chairman Jacob, Members Girello, Labate

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 members of the public spoke:

Dwayne Dickerson, attorney representing the petitioner  
Gal Shaltiel, 3408 Emerald Oaks Dr., Unit 805

On the motion by Vice Chairman Jacob, seconded by Member Gonzalez, to defer to this item to the January 9, 2020 meeting, the following vote was recorded:

AYE: Vice Chairman Jacob, Member Gonzalez

NAY: Chairman Rose, Members Girello, Labate

Motion failed

On a motion by Member Labate, seconded by Member Girello, to transmit, as recommended by staff, the 7-Eleven (ZC 2019-03) zoning change request, to the City Commission with a favorable recommendation, the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob  
Members Girello, Labate

NAY: Member Gonzalez

Motion Passed

## CONSENT AGENDA ITEMS:

Chairman Rose stated that consent agenda item number 6 (SN 2019-11, Sweet Tomatoes, sign application) has been changed and combined into addendum item number 1 (MSC 2019-29, Sweet Tomatoes, miscellaneous request).

Chairman Rose inquired if there was anyone from the public who wished to speak either for or against these items. No one wished to speak.

5. [19-1432](#) SN 2018-10, Somerset Academy South Campus, 19620 Pines Boulevard, sign application. (Cole)

### PROJECT DESCRIPTION / BACKGROUND:

Randy Bogen, agent, is requesting approval for the installation of wall and ground signage at Somerset Academy South Campus located at 19620 Pines Boulevard.

The school was originally approved as a multi-tenant office building in 2000 through application SP 2000-56. The property was sold and is now operating as

an educational facility. Modifications including the addition of an outdoor play area, perimeter fence and landscaping were approved in 2017 through application SP 2017-14 to accommodate the school. Additionally, through the site plan application Somerset Academy received a special exception for the school use as required by section 155.283 of the City Code of Ordinances. On September 12, 2019, Somerset Academy was granted a variance (ZV 2019-07) to allow 144 square feet of signage instead 120 square feet permitted by code.

#### **SIGNAGE:**

The applicant proposes 140 square feet of signage for the site consistent with the approved variance and it shall consist of the following:

- A 60 square foot internally illuminated raceway mounted channel letter sign to read "Somerset Academy Elementary" in blue copy located on the north elevation.
- A 57 square foot internally illuminated raceway mounted channel letter sign to read "Somerset Academy Elementary" in blue copy located on the south elevation.
- A 7'-6" tall monument sign with a 23 square foot white and blue internally illuminated panel to be located adjacent to the Pines Boulevard entrance at the northwest corner of the site. The sign will have routed features and include a multicolor Somerset Academy logo, as well as "Somerset Academy Elementary" in blue copy.

Landscaping will be installed at 24" in height around the base of the sign.

- The school classifies as a cultural facility, as such code section 155.324 (C)(5) permits up to 50 square feet of changeable copy, which does not count towards the total square footage for the site. The applicant proposes the installation of a 12.7 square foot LED changeable copy message board on the monument sign beneath the illuminated panel.

No other site modifications are being proposed at this time.

#### **STAFF RECOMMENDATION:**

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

6. [19-1433](#) **SN 2019-11, Sweet Tomatoes, 15901 Pines Boulevard, sign application. (Cole)**

Consent agenda item number 6 (SN 2019-11, Sweet Tomatoes, sign application) has been changed and combined into addendum item number 1 (MSC 2019-29, Sweet Tomatoes, miscellaneous request).

7. [19-1435](#) **MSC 2019-23, KFC / Taco Bell, 15821 Pines Boulevard, façade color change and change of signage, miscellaneous request. (Cole)**

#### **PROJECT DESCRIPTION / BACKGROUND:**

Eric Renegar, agent, is requesting approval for architectural, color and site modifications to the existing KFC / Taco Bell located at 15821 Pines Boulevard in the Westfork Plaza.

The existing KFC / Taco Bell was approved in 1999 through SP 99-04. In 1999 zoning variance 99-09 was granted to provide relief from the 300' separation requirement between outparcels.

#### **BUILDINGS / STRUCTURES:**

Architectural modifications to include the removal of the existing barrel tile awnings to be replaced with shutter awnings. The awnings will be located on all elevations and vary in color (red or black).

The applicant is proposing the following color changes to the existing building and structures:

- Paint the main body of the building SW 7005 (Extra White).
- Paint the tower feature and drive-thru window area SW 0033 (Rembrandt Ruby)
- Paint the existing tile base and entryway SW 7008 (Iron Ore)
- Paint the existing Parapet BM 2125-70 (Wedding Veil)
- Paint the existing trash enclosure SW 7069 (Iron Ore).
- Repair and paint existing trash enclosure gates. The gates will be painted SW 7069 (Iron Ore).

Other proposed site modifications include:

- Installation of a new 10'-2' 1/2" tall clearance bar painted SW 7069 (Iron Ore), BM 2086-10 (Exotic Red) and BM 3630-20 (White)
- Installation of a new 9'-6' 1/2" tall menu board canopy to be painted BM 2086-10 (Exotic Red) and BM 2125-70 (Wedding Veil).
- Installation of full cutoff LED wall sconces angled straight down. The lighting will not exceed 4,000K

#### **SIGNAGE:**

The proposal includes the removal of the existing building signage and modifications to the existing monument, directional and menu board signs. City code permits 120 square feet of signage for freestanding buildings. Menu boards and directional signage does not count towards the total square footage of the site. In total 82 square feet is being proposed and shall include the following:

- A 17 square foot internally illuminated sign to read "TACO BELL" in black copy and include a multi-colored bell logo. The sign will be located on the south elevation.
- A 35 square foot internally illuminated sign featuring the KFC logo in black, red and white. The sign will be located on the tower feature on the south elevation.
- The existing monument sign along Pines Boulevard and the existing nonconforming monument sign adjacent to the shopping centers interior road will be painted to match the building. As well, the 15 square foot sign panels will be replaced to reflect the new branding for both restaurants.
- The existing menu and existing nonconforming preview board will be painted black.
- The existing 1.25 square foot directional signage throughout the site will be

painted black and have the panels replaced to be reflective of the new branding.

**LANDSCAPING:**

The landscaping for the site will not be modified as a result of this application. If any landscaping is damaged during construction it will be repaired to the previous condition.

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

**STAFF RECOMMENDATION:**

Approval.

8. [19-1436](#) **MSC 2019-26, Devonaire at Pembroke Pines Condominiums**, generally located on the northeast corner of Washington Street and S. Hiatus Road, color change to the existing apartments, clubhouse, and garages, miscellaneous request. (Cole)

**PROJECT DESCRIPTION / BACKGROUND:**

Gerardo Garcia, agent, is requesting approval of a color change to the Devonaire Condominiums (FKA Jefferson Pines), generally located east of Hiatus Road and north of Washington Street.

The existing condominiums were approved through site plan SP 98-61. The property has since been divided into Devonaire Condominiums and The Winston Apartments. The proposed modifications are only for the Devonaire Condominium portion of the site. Previous modifications were made to the site in 2018 (Modifications to the existing monument signs) and in 2008 (Installation of directory signs).

**BUILDINGS / STRUCTURES:**

The applicant proposes the following colors for this project:

**Residential Buildings:**

- Main Body: SW 7672 (Knitting Needles), SW 7673 (Pewter Cast)
- Trim and Railings: SW 7006 (Extra White)

**Garages, Guardhouse and Devonaire Condominium Entryway:**

- Main Body: SW 7672 (Knitting Needles)
- Trim and Garage Doors: SW 7006 (Extra White)

**Monument Signs, Directory Sign and Dumpster Enclosure:**

- Main Body: SW 7673 (Pewter Cast)
- Trim: SW 7006 (Extra White)

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.

9. [19-1437](#)

**MSC 2019-27, Boulevard Square**, generally located east of Hiatus Road and south of Pines Boulevard, color change to the shopping center and associated structures, miscellaneous request. (Cole)

**PROJECT DESCRIPTION / BACKGROUND:**

Select Strategies Brokerage, agent, is requesting approval of a color change to the Boulevard Square Shopping Center, generally located east of Hiatus Road and south of Pines Boulevard. The Boulevard Square Shopping Center consists of a main shopping center building and self-storage facility along the south side of the property as well as two outparcels (Bahama Breeze and CVS) and one multi-tenant outbuilding (Denny's, Mattress One, Vitamin Shoppe, etc...) adjacent to Pines Boulevard. The proposed color change will apply only to the shopping center main building, multi-tenant outbuilding, shopping center signs and dumpster enclosures.

Boulevard Square shopping center was approved through site plan SP 99-14. Modifications were made to the site in 2000 (addition of a retail building), 2002 (addition of self-storage facility), and in 2004 (adoption of a uniform sign plan) and 2019 (façade modifications).

**BUILDINGS / STRUCTURES:**

The applicant proposes the following colors for the existing main shopping center building, multi-tenant outbuilding, monument signs, and dumpster enclosure:

- Main Body: SW 7024 (Functional Gray), SW 7022 (Alpaca)
- Trim: SW 6070 (Heron Plume)

The existing self-storage facility is under separate ownership and at this time the owner is electing to not paint the building. A letter has been provided from the owner stating that when the building is repainted it will be painted to match the shopping center.

CVS and Bahama Breeze outparcel buildings are not required to match the main shopping center color theme.

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.

10. [19-1444](#)

**MSC 2019-28, The Avant at Pembroke Pines**, generally located east of Flamingo Road and north of Pembroke Road, color change to the

existing apartment buildings and associated structures, miscellaneous request. (Cole)

**PROJECT DESCRIPTION / BACKGROUND:**

BH Management, agent, is requesting approval of a color change to The Avant at Pembroke Pines (FKA Pasadena Place Apartments), generally located east of Flamingo Road and north of Pembroke Road.

The existing apartments were approved through site plan applications SP 85-12, SP 86-18 and SP 87-14. Site modifications were approved in 2002 through application SP 2002-24. The modifications included the installation of garage buildings, gazebos and signage. In 2018, an update to the existing signage was approved through SN 2018-02. Additionally, a color change approved for the site in through MSC 2018-19. The property was sold in 2019 and as a result the new owners wishes to modify the color scheme.

**BUILDINGS / STRUCTURES:**

The applicant proposes the following colors for this project:

**Residential Buildings:**

- Main Body: SW 7103 (Whitetail)
- Lower Body: SW 7504 (Keystone Gray)
- Railings and Doors: SW 6258 (Tricorn Black)
- Fascia, Corbels and Décor Elements: SW 7055 (Enduring Bronze)

**Garages:**

- Main Body: SW 7103 (Whitetail)
- Lower Body: SW 7504 (Keystone Gray)
- Doors and trim: SW 6258 (Tricorn Black)
- Fascia: SW 7055 (Enduring Bronze)

**Car Wash and Guard House:**

- Main Body: SW 7103 (Whitetail)
- Lower Body: SW 7504 (Keystone Gray)
- Doors: SW 6258 (Tricorn Black)
- Fascia and Décor Elements: SW 7055 (Enduring Bronze)

**Leasing Center and Clubhouse:**

- Main Body: SW 7103 (Whitetail)
- Fascia and Décor Elements: SW 7055 (Enduring Bronze)

**Dumpster Enclosure and Interior Walls:**

- Main Body: SW 7103 (Whitetail)

**Property Exterior Wall:**

- Main Body: SW 7103 (Whitetail)



- Trim: SW 7055 (Enduring Bronze)

No other site modifications are being proposed at this time.

**STAFF RECOMMENDATION:**

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

**CONSENT AGENDA:**

**ADDENDUM ITEM NO. 1:**

[19-1446](#)

**MSC 2019-29, Sweet Tomatoes**, 15901 Pines Boulevard, façade color change and change of signage, miscellaneous request. (Cole)

**PROJECT DESCRIPTION / BACKGROUND**

Bear Necessity LLC, agent, is requesting approval for color and sign modifications to the existing Sweet Tomatoes, located at 15901 Pines Boulevard.

Item SN 2019-11, on the agenda was only for the building signage. Following the distribution of the item the applicant brought forward modifications to the color of the building. Staff decide to bring forward the items together as one, due to the next Planning and Zoning Board meeting being in January.

Sweet Tomatoes was approved in 1999 through SP 99-02 and a color change in 2012 through MSC 2012-04. No other modifications have been made to the site.

**BUILDINGS / STRUCTURES:**

The following colors are proposed for the building and associated structures:

- Main Body: SW 7615 (Sea Serpent)
- Low Body and Base of Columns: SW 6254 (Lazy Gray)
- Crown, Columns and Mullions: SW 7006 (Extra White)
- Accent Tiles: SW 7588 (Show Stopper)
- Dumpster Enclosure and Gates: SW 7615 (Sea Serpent)

**SIGNAGE:**

The applicant is proposing to remove the existing signage on the south elevation and install the following:

- A 59.11 square foot internally illuminated channel letter sign located on the south and east elevations. The signs shall read "sweet tomatoes" in white copy. The first "o" in "tomatoes" will be a red and green to appear as a tomato, consistent with the national logo.
- A total of 118.22 square feet of signage is proposed for the site. A maximum of 120 square feet is permitted by code.

No other site modifications are being proposed at this time.

**STAFF RECOMMENDATION:**

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

On a motion by Member Labate, seconded by Vice Chairman Jacob, to approve, as recommended by staff, consent agenda item numbers 5 (SN 2018-10, Somerset Academy South Campus), 7 (MSC 2019-23, KFC / Taco Bell), 8 (MSC 2019-26, Devonaire at Pembroke Pines Condominiums), 9 (MSC 2019-27, Boulevard Square), 10 (MSC 2019-28, The Avant at Pembroke Pines), and Addendum Item No. 1 (MSC 2019-29, Sweet Tomatoes), the following vote was recorded:

**AYE:** Chairman Rose, Vice Chairman Jacob  
Members Girello, Gonzalez, Labate

**NAY:** None

**Motion Passed**

**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.)

Chairman Rose noted that the petitioner has requested to defer new business quasi-judicial-item numbers 11 – 13, ZV 2019-09-11, Weekley Asphalt Paving Plant, to the January 9, 2020 meeting.

- |     |                                |   |
|-----|--------------------------------|---|
| 11. | <a href="#"><u>19-1438</u></a> | ZV 2019-09, Weekley Asphalt Paving Plant, 20701 Stirling Road, variance request. (Dean) |
| 12. | <a href="#"><u>19-1439</u></a> | ZV 2019-10, Weekley Asphalt Paving Plant, 20701 Stirling Road, variance request. (Dean) |
| 13. | <a href="#"><u>19-1440</u></a> | ZV 2019-11, Weekley Asphalt Paving Plant, 20701 Stirling Road, variance request. (Dean) |

On a motion by Member Girello, seconded by Member Labate, to defer new business quasi-judicial-item numbers 11 – 13, ZV 2019-09-11, Weekley Asphalt Paving Plant, to the January 9, 2020 meeting, the following vote was recorded:

**AYE:** Chairman Rose, Vice Chairman Jacob  
Members Girello, Gonzalez, Labate

**NAY:** None

**Motion Passed**

- |     |                                |  |
|-----|--------------------------------|--|
| 14. | <a href="#"><u>19-1441</u></a> | ZV 2019-12, Pines 200 Plaza, 20170 Pines Boulevard, variance request. (Dean) |
|-----|--------------------------------|--|

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.

Andrea Keiser, attorney representing the petitioner, waived her right to the quasi-judicial proceedings.

Ms. Keiser addressed the Planning and Zoning Board. She gave a brief overview of the proposed variance request.

The following summary was entered into the record:

**Project Description / Background**

Andrea Keiser, as agent for the owner, is requesting a variance to allow 178 parking spaces instead of the required 238 parking spaces for the Pines 200 Plaza located at 20170 Pines Boulevard.

Pines 200 Site Plan #SP 94-40, was originally approved on November 10, 1994 by the Planning and Zoning Board providing 219 parking spaces. At time of approval the parking ratios were different and caused this property to be non-conforming when the code was amended.

Based on current parking code (adopted by Ordinance #1738 on September 19, 2012), and existing tenants, 238 parking spaces are required. Currently, Pines 200 Plaza has 219 parking spaces on site and is considered existing legal non-conforming.

**Variance Request Detail:**

ZV 2019-07) Allow 178 parking spaces instead of the required 238 parking spaces.

Code Reference: §155.251 AMOUNT OF OFF-STREET PARKING REQUIRED  
(A) Other uses. Minimum parking shall be required as set forth in the matrix below.

(D) Mixed uses. In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately, and off-street parking space for one use shall not be considered as providing the required off- street parking for any other use.

**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, Member Girello, Gonzalez

The following members of staff spoke:

Dean Piper, Zoning Administrator  
Brian Sherman, Assistant City Attorney

The following member of the public spoke:

Andrea Keiser, attorney representing the petitioner

On a motion by Member Labate, seconded by Vice Chairman Jacob, to grant, as determined by variance criteria "A", ZV 2019-12 (Pines 200 Plaza) to allow 178 parking spaces instead of the required 238 parking spaces, the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob  
Members Girello, Labate

NAY: Member Gonzalez

Motion Passed

16. [19-1443](#)

**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 his right to a quasi-judicial proceeding.

Ms. Nunn 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:**

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 16000 Pines Market shopping center is generally located south of Pines Boulevard and east of Dykes Road. On November 14, 2016, the City Commission approved a site plan (SP 2016-14) for a portion of this property consisting of the development of a main shopping center building, a post office building, and a perimeter building with associated parking, landscape, traffic circulation and lighting. Several grassed areas were included on the site plan which were to be the site of future perimeter buildings.

The Planning and Zoning Board at its April 25, 2019 meeting approved an amendment to the 16000 Pines Market site plan (SP 2018-08) to allow for the development of two new perimeter buildings on site with associated parking, landscape, infrastructure, pedestrian / traffic circulation modifications to accommodate such development. In addition, the façade of the main shopping center anchor tenants have been updated to reflect the branding of the future tenants.

The 16000 Pines Market is currently under development.

**BUILDINGS / STRUCTURES:**

The applicant proposes one restaurant perimeter building as part of this submittal. This building will be located just south of Pines Boulevard and east of the shopping center central entry drive. The building will be 26 feet tall (highest point) and 8,263 square feet in size. The Cheddars Scratch Kitchen building will utilize the following colors / materials which are generally compatible with the main shopping center building:

Proposed Perimeter Cheddars Scratch Kitchen perimeter building colors / materials:

- Exterior Color: Hyacinth (SW 0046)
- Base Brick: Knox (Gray Mortar)
- Popout Feature / Columns: Cream Limestone (BBCO Brae Barton)
- Roof: Black Oak Shingles (GAF – Grand Canyon Style)
- Trim: Mississippi Bronze Enamel (SW BRZ8)

A dumpster enclosure will be located to the west of the proposed building as depicted on the site plan. The dumpster walls and metal gate will be painted to match the building. The dumpster location has been reviewed by

WASTEPRO and found to be acceptable for trash pickup service.

**ACCESS:**

Primary access to this project will continue to remain through the approved access drives on Dykes Road (2) and access drives on Pines Boulevard (2).

**PARKING:**

Parking for the site had been previously approved with the original site plan for the shopping center. The applicant will need to modify the parking and traffic circulation slightly adjacent to Cheddars in order to accommodate the building layout. Modifications include the following:

- The placement of the proposed dumpster along the west side of the building pad will result in the modification of parking spaces from the previously approved plan.
- The drive aisle on the west side of the building pad has been increased in width from 22' to 26' to accommodate large garbage trucks.
- The parking spaces adjacent to the building pad have been reduced to 16 feet and length and will utilize 3 feet in overhang as permitted by Code. A type D curb will substitute for wheel stops for these spaces.
- The parking spaces on the east side of the building will be shifted slightly to accommodate the restaurant main entrance.
- 2 short term parking spaces will be designated directly to the south of the Cheddar's building.

The overall shopping center provides for 607 parking spaces where 605 spaces are required based on proposed uses. The 2 short term parking spaces will account for the remaining spaces available.

**SIGNAGE:**

No signage is being considered within this proposal. All signs shall be compliant with the previously approved uniform sign plan for this shopping center.

**LANDSCAPING:**

Landscape for this site has been previously approved and is being modified slightly from the originally approved plan in order to accommodate the proposed building and parking modifications.

Landscape for Cheddars site consists of the following:

- Installation of 8 palms, and 1,027 shrubs is proposed along the perimeter of the building. Primary specie of palms is Montgomery Palm. Primary species of shrubs include American Crinum Lily, Gold Mound Duranta, and Nora Grant Ixora. This landscape is in addition to the trees and shrubs required that are provided in the 16000 Pines Market landscape plan.

**OTHER SITE FEATURES:**

The lighting for the overall shopping center was approved with the original

site submittal. The applicant is requesting to modify the approved lighting by moving certain light poles near the proposed Cheddar's building. The following lighting changes are proposed as a result of this application:

- The approved light pole to the west of the proposed Cheddar's building has been shifted slightly to accommodate the new garbage enclosure.
- Three light poles were repositioned to the south of the Cheddars pad as depicted in the attached photometric plans.
- Three light poles were repositioned to the east of the Cheddars pad as depicted in the attached photometric plans.

The lighting plan, as proposed, meets Code requirements.

The applicant will also be providing benches on the east side of the building as depicted within the site plans.

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

**STAFF RECOMMENDATION:**

Approval.

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 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:

Linda Nunn, representing the petitioner

On the 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, Labate

**NAY:** None

**Motion Passed**

**ITEMS AT THE REQUEST OF THE BOARD:**

Member Gonzalez spoke in reference to a newspaper article that mentioned the City of Miami's Planning and Zoning Board and the development of special area plans (SAP) zoning districts.

The following members of the Planning and Zoning Board also spoke:

Vice Chairman Jacob, Alternate Member Lippman

Michael Stamm, Jr., Planning and Economic Development Director, also spoke.

## ITEMS AT THE REQUEST OF STAFF:

Michael Stamm, Jr., Planning and Economic Development Director, spoke in reference to the posted notification signs and notification process.

The following members of the Planning and Zoning Board spoke in reference to the posted notification signs and notification process:

Chairman Rose, Members Girello, Gonzalez

The following members of staff spoke in reference to the posted notification signs and notification process:

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

### 17. [19-1352](#) Land Development Code Review (LDC) Update

Joseph Yaciuk, Planning Administrator, gave a brief update on the progress of the Land Development Code Review.

The following members of the Planning and Zoning Board spoke:

Chairman Rose, Member Girello

The following members of staff spoke:

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

## ADJOURNMENT:

Chairman Rose adjourned the meeting at 8:10 p.m.

ADJOURNED:  
8:10 P.M.

Respectfully submitted:

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Sheryl McCoy  
Board Secretary