



City of Pembroke Pines
Planning & Economic Development Department
601 City Center Way 3rd Floor
Pembroke Pines FL, 33025

Summary

Agenda Date:	May 28, 2020	Application ID:	ZI 2020-01
Project:	Round 1 Entertainment	Project Number:	PRJ 2020-06
Project Planner:	Dean Piper, Zoning Administrator		
Owner:	Brookfield Properties	Agent:	Michael T. Brown
Location:	12055 Pines Blvd., Pembroke Pines, Florida 33026		
Existing Zoning:	General Business (B-3) Districts	Existing Land Use:	Commercial
Reference Applications:	N/A		
Interpretation Summary			
Application	Code Section	Required/Allowed	Request
ZI 2020-01	32.082(B)(4)	Interpretation	Allow a family entertainment center
Final:	<input checked="" type="checkbox"/> Planning & Zoning Board <input type="checkbox"/> Board of Adjustments		
Reviewed for the Agenda:	Director: <u></u> Zoning Administrator: <u></u>		

Project Description / Background

Michael T. Brown, as agent for the owner, is requesting a Zoning Interpretation to allow a family entertainment center (Round 1 Entertainment) in the vacant Sears space at Pembroke Lakes Mall (12055 Pines Blvd.).

Round 1 Entertainment is proposing to occupy two floors of the former Sears space at the Pembroke Lakes Mall with a total of 102,000 square feet. The applicant is proposing a variety of entertainment uses within the space including, but not limited to, bowling, billiards, party rooms, karaoke rooms, arcade games, snack bar and standard bar, mini golf, kid's soft play areas, shooting range (air soft), ping pong, basketball, trampoline, mechanical bull, soccer kicking game, dodgeball, archery, batting cages, roller skating rink, volleyball, badminton, a Segway track, seating and social areas.

The City's Code of Ordinances references and provides regulations for many of the uses listed above on an individual basis, nonetheless it does not contemplate them as one business in one space. The applicant is requesting a Zoning Interpretation that a family entertainment center be allowed in the vacant Sears space at Pembroke Lakes Mall (12055 Pines Blvd.)

VARIANCE REQUEST DETAILS:

ZI 2020-01) To allow a mixed use family entertainment center @ 12055 Pines Boulevard.

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 non-single-family 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.

Enclosed: Interpretation Request Application
Subject Site Aerial Photo



City of Pembroke Pines Planning and Economic Development Department Unified Development Application

Planning and Economic Development
City Center - Third Floor
601 City Center Way
Pembroke Pines, FL 33025
Phone: (954) 392-2100
<http://www.ppines.com>

Prior to the submission of this application, the applicant must have a pre-application meeting with Planning Division staff to review the proposed project submittal and processing requirements.

Pre Application Meeting Date: _____

Plans for DRC _____ Planner: _____

Indicate the type of application you are applying for:

- | | |
|---|---|
| <input type="checkbox"/> Appeal* | <input type="checkbox"/> Sign Plan |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Site Plan* |
| <input type="checkbox"/> Delegation Request | <input type="checkbox"/> Site Plan Amendment* |
| <input type="checkbox"/> DRI* | <input type="checkbox"/> Special Exception* |
| <input type="checkbox"/> DRI Amendment (NOPC)* | <input type="checkbox"/> Variance (Homeowner Residential) |
| <input type="checkbox"/> Flexibility Allocation | <input type="checkbox"/> Variance (Multifamily, Non-residential)* |
| <input checked="" type="checkbox"/> Interpretation* | <input type="checkbox"/> Zoning Change (Map or PUD)* |
| <input type="checkbox"/> Land Use Plan Map Amendment* | <input type="checkbox"/> Zoning Change (Text) |
| <input type="checkbox"/> Miscellaneous | <input type="checkbox"/> Zoning Exception* |
| <input type="checkbox"/> Plat* | <input type="checkbox"/> Deed Restriction |

INSTRUCTIONS:

1. All questions must be completed on this application. If not applicable, mark *N/A*.
2. Include all submittal requirements / attachments with this application.
3. All applicable fees are due when the application is submitted (Fees adjusted annually).
4. Include mailing labels of all property owners within a 500 foot radius of affected site with signed affidavit (Applications types marked with *).
5. All plans must be submitted no later than noon on Thursday to be considered for Development Review Committee (DRC) review the following week.
6. Adjacent Homeowners Associations need to be noticed after issuance of a project number and a minimum of 30 days before hearing. (Applications types marked with *).
7. The applicant is responsible for addressing staff review comments in a timely manner. Any application which remains inactive for over 6 months will be removed from staff review. A new, updated, application will be required with applicable fees.
8. Applicants presenting demonstration boards or architectural renderings to the City Commission must have an electronic copy (PDF) of each board submitted to Planning Division no later than the Monday preceding the meeting.

Staff Use Only

Project Planner: Dean Project #: PRJ 2020 - 06 Application #: ZI 2020-01

Date Submitted: 04/14/20 Posted Signs Required: (2) Fees: \$ 2,251

SECTION 1-PROJECT INFORMATION:**Project Name:** Round 1 Entertainment**Project Address:** 120550 Pine Blvd, Pembroke Pines, FL 33026**Location / Shopping Center:** Pembroke Lakes Mall**Acreage of Property:** _____ **Building Square Feet:** Approximately 53,467 SF of floor area located on the lower level, and approximately 48,167 SF of floor area located on the upper level**Flexibility Zone:** 106 **Folio Number(s):** 514013130026**Plat Name:** PORTION OF TRACT A PEMBROKE LAKES REGIONAL CENTER PB 127 PG 50 **Traffic Analysis Zone (TAZ):** 824**Legal Description:** See attached Exhibit "A-1"**Has this project been previously submitted?** Yes **No**

Describe previous applications on property (Approved Variances, Deed Restrictions, etc...) Include previous application numbers and any conditions of approval.

Date	Application	Request	Action	Resolution / Ordinance #	Conditions of Approval
	See Attached Exhibit "B".	Exhibit "B"	Attached for reference		

SECTION 2 - APPLICANT / OWNER / AGENT INFORMATION

Owner's Name: Pembroke Sears Anchor Parcel LLC c/o Brookfield

Owner's Address: 350 N Orleans St. Suite 300; Chicago, IL 60654

Owner's Email Address: ryan.moore@brookfieldpropertiesretail.com

Owner's Phone: 312.960.2640

Owner's Fax: _____

Agent: City permit

Contact Person: Michael T. Brown

Agent's Address: 3191 Grand Ave # 188 Miami FL 33133

Agent's Email Address: info @ city permit . us

Agent's Phone: (202) 769-1958 Agent's Fax: N/A

All staff comments will be sent directly to agent unless otherwise instructed in writing from the owner.

SECTION 3- LAND USE AND ZONING INFORMATION:

EXISTING

Zoning: B-3/R-4/PO-2

Land Use / Density: Commercial/Med Residential

Use: Commercial

Plat Name: Regional Lakes Regional Center

Plat Restrictive Note: See attached Exhibit "C"
Exhibit "C" Attached for reference

PROPOSED

Zoning: B-3/R-4/PO-2

Land Use / Density: Commercial/Med Residential

Use: Commercial

Plat Name: Regional Lakes Regional Center

Plat Restrictive Note: See attached Exhibit "C"
Exhibit "C" Attached for reference

ADJACENT ZONING

North: PUD

South: PUD/ R-4

East: RO-2/ A-1/ R-4

West: HD / A-1

ADJACENT LAND USE PLAN

North: Medium

South: Industrial / Irregular

East: Low Medium

West: Community Facilities / Recreation and Open Spaces

-This page is for Variance, Zoning Appeal, Interpretation and Land Use applications only-

SECTION 4 – VARIANCE • ZONING APPEAL • INTERPRETATION ONLY

Application Type (Circle One): Variance Zoning Appeal Interpretation

Related Applications: _____

Code Section: 32.082(13)(4)

Required: Interpretation

Request: To allow mixed use family entertainment center

Details of Variance, Zoning Appeal, Interpretation Request:

Please See Exhibit - D for Interpretation Request

SECTION 5 - LAND USE PLAN AMENDMENT APPLICATION ONLY

☐ City Amendment Only

☐ City and County Amendment

Existing City Land Use: _____

Requested City Land Use: _____

Existing County Land Use: _____

Requested County Land Use: _____

SECTION 6 - DESCRIPTION OF PROJECT (attach additional pages if necessary)

The project is a conversion of an existing Sears building into a Family Entertainment Center called Round 1. The first floor of this facility will consist of the following amenities: bowling lanes, billiard tables, party rooms (which can also be used as karaoke rooms), a snack bar and bar area as well as an area for redemption arcade games. The upper floor will be a sports challenge area. The patrons will purchase a wristband for a certain duration of time, and once inside will have access to the following amenities: additional billiards tables, a kids play area, mini bowling, additional party/ karaoke rooms, a snack bar serving food and non-alcoholic beverages, a roller skating rink, soccer kick game, trampoline area, batting cages, basketball courts, ping pong tables, dodgeball court, segway track, badmitten or volleyball courts, mechanical bull, etc. This is a family entertainment venue for all ages to enjoy with multiple attractions to pick from.

SECTION 7- PROJECT AUTHORIZATION

OWNER CERTIFICATION

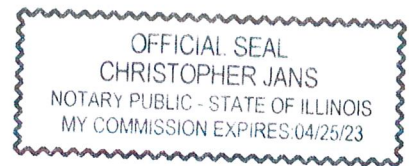
This is to certify that I am the owner of the property described in this application and that all information supplied herein is true and correct to the best of my knowledge.

Pembroke Sears Anchor Parcel LLC c/o Brookfield

Christopher Jans 4-1-20
Signature of Owner Date

Sworn and Subscribed before me this 1 day

of April, 2020



[Signature] 04/25/23
Fee Paid Signature of Notary Public My Commission Expires

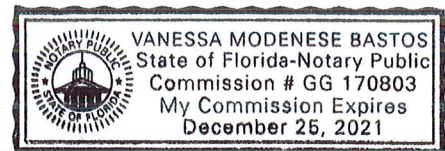
AGENT CERTIFICATION

This is to certify that I am the agent of the property owner described in this application and that all information supplied herein is true and correct to the best of my knowledge.

[Signature] 04/20/2020
Signature of Agent Date

Sworn and Subscribed before me this 10TH day

of APRIL, 2020



N/A [Signature] 12/25/2021
Fee Paid Signature of Notary Public My Commission Expires

EXHIBIT A-1

LEGAL DESCRIPTION OF LANDLORD'S PARCEL

A LEASEHOLD PARCEL WITHIN A PORTION OF TRACT "A" OF PEMBROKE LAKES REGIONAL CENTER, AS RECORDED IN PLAT BOOK 127, PAGE 50 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID LEASEHOLD BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHWEST CORNER OF SAID TRACT "A" AND NORTHERLY RIGHT OF WAY OF PINES BOULEVARD, AS SHOWN IN SAID PLAT BOOK 127, PAGE 50, THENCE RUN ALONG THE PERIMETER BOUNDARY OF SAID TRACT "A" THE FOLLOWING (S) COURSES: 1) NORTH 01°49'45" EAST, FOR 180.00 FEET; 2) THENCE NORTH 43°10'15" WEST, FOR 49.50 FEET; 3) THENCE NORTH 88°10'15" WEST, FOR 355.00 FEET TO A POINT OF CURVATURE;

4. THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT (RADIUS 449.00 FEET), (DELTA 45°04'03"), (CHORD BEARING NORTH 65°38'13" WEST), (CHORD 344.14 FEET), FOR 353.18 FEET; 5) THENCE RUN NORTH 45°15'16" EAST, FOR 36.82 FEET TO A POINT ON A CURVE AND THE POINT OF BEGINNING;

FROM SAID POINT OF BEGINNING RUN NORTHWESTERLY ALONG THE APPROXIMATE CURB LINE OF THE EXISTING PARKING AREA AND ALONG THE ARC OF A CURVE TO THE RIGHT (RADIUS 425.97 FEET), (DELTA 43°51'58"), (CHORD BEARING NORTH 22°48'45" WEST), (CHORD 318.22 FEET), FOR 326.12 FEET TO A POINT ON A CURVE; THENCE NORTHERLY ALONG THE ARC OF A CURVE TO THE RIGHT (RADIUS 1,032.33 FEET), (DELTA 18°19'13"), (CHORD BEARING NORTH 05°56'24" EAST), (CHORD 328.68 FEET), FOR 330.08 FEET TO A POINT ON A CURVE;

THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT (RADIUS 684.00 FEET), (DELTA 54°05'53"), (CHORD BEARING NORTH 42°13'01" EAST), (CHORD 622.10 FEET), FOR 645.83 FEET TO A POINT;

THENCE LEAVING SAID APPROXIMATE CURB LINE RUN SOUTH 43°10'25" EAST, FOR 411.78 FEET TO A POINT;

THENCE RUN NORTH 88°05'52" WEST, FOR 79.59 FEET TO A POINT ON THE NORTHERLY EXTENSION OF THE EXISTING BUILDING LINE;

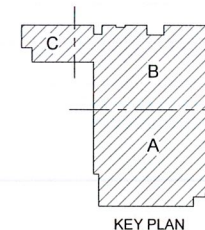
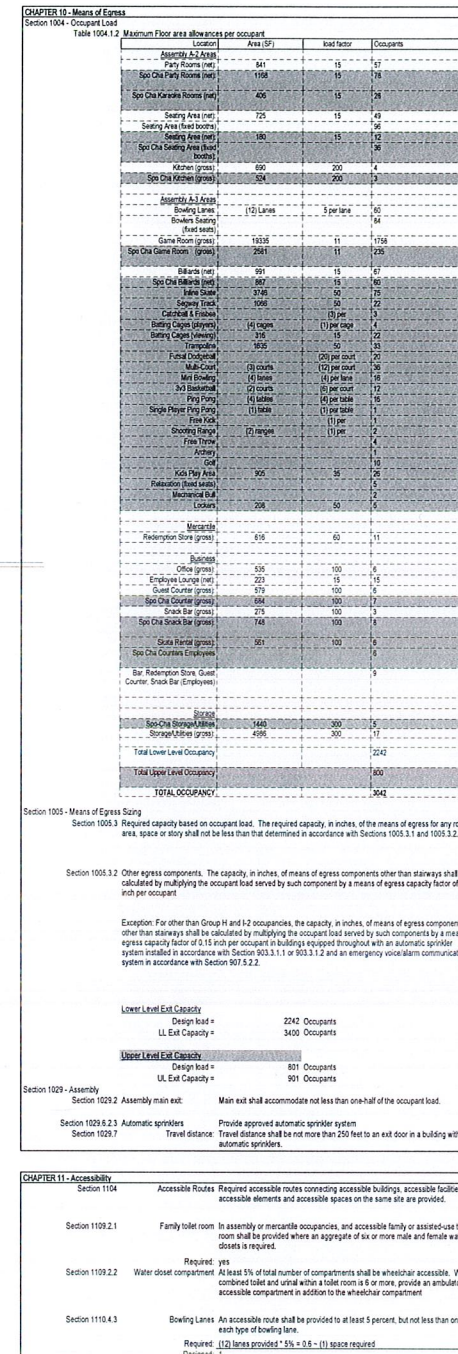
THENCE RUN SOUTH 01°54'08" WEST ALONG SAID NORTHERLY EXTENSION LINE, THE BUILDING LINE AND SOUTHERLY EXTENSION THEREOF, FOR 380.02 FEET TO A POINT;


THENCE RUN SOUTH 46°49'42" WEST, FOR 139.69 FEET TO A POINT;

THENCE RUN NORTH 43°07'43" WEST, FOR 60.30 FEET TO A POINT;

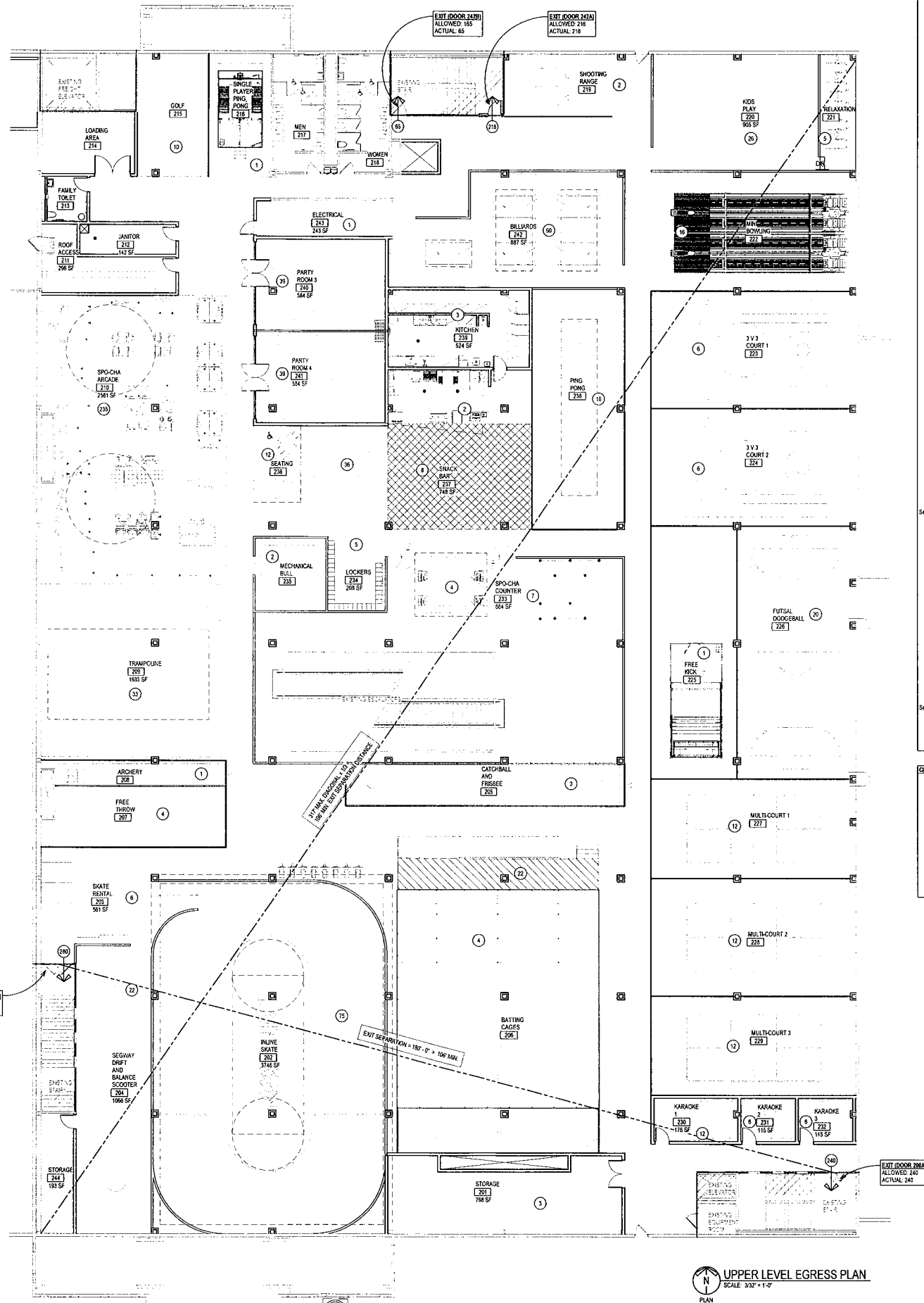
THENCE RUN SOUTH 46°49'42" WEST, FOR 514.38 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBES AN AREA OF 10.803 ACRES OR 470,585 SQUARE FEET, MORE OR LESS.



 <p>PARADIGM DESIGN ARCHITECTS ENGINEERS 550 3 Mile NW Suite B Grand Rapids, MI 49544 (616) 785-5659 Grand Rapids Phoenix Traverse City www.paradigmsee.com</p> <p>FIRM # A40003920 EXP. 02/28/2021</p>		
<p>PRELIMINARY NOT FOR CONSTRUCTION</p>		
<p>PROJECT</p>		
<p>ROUND 1 BOWLING AND AMUSEMENT</p>		
<p>PEMBROKE LAKES</p>		
<p>TENANT IMPROVEMENT</p>		
<p>120550 PINES BLVD., PEMBROKE PINES, FL 33026</p>		
<p>TENANT</p>		
<p>ROUND 1 ENTERTAINMENT</p>		
<p>3070 SATURN ST. STE. 200 BREA, CA 92821</p>		
<p>RELEASE DATE</p>		
<p>DATE</p>	<p>DESCRIPTION</p>	
<p>2-7-20</p>	<p>LANDLORD REVIEW</p>	
<p>3-3-20</p>	<p>FOR REVIEW</p>	
<p>PROJECT</p>		
<p>1809114</p>		
<p>SHEET</p>		
<p>LOWER LEVEL EGRESS PLAN</p>		
<p>G-101</p>		

11/4/2020 3:49:55 PM



CHAPTER 11: Accessibility		
Section 1104	Accessible routes	Provide accessible route connecting accessible building, accessible building elements and accessible spaces on the same site are provided.
Section 1109.2.1	Family toilet room	In assembly or mercantile occupancies, and accessible family or student-use toilet shall be provided where an aggregate of six or more male and female is desired is required.
Section 1109.2.2	Water drink compartment	At least 1% total number of compartments shall be wheelchair accessible, combined toilet and urinal within a toilet room is 6 or more, provide an ambulatory accessible compartment in addition to wheelchair accessible.
Section 1110.4.3	Bowling Lanes	An accessible route shall be provided to at least 2 lanes, but not less than each type of bowling lane. Required: (1) 2 lanes provided; (2) 0.6 - 1.1% lanes required.

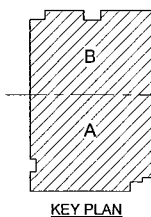


EXHIBIT "B"

DEVELOPMENT ORDER HISTORY

Ordinance No. 789, passed and adopted by the City Commission of Pembroke Pines on April 30, 1986:

- The original DRI Development Order approving the Pembroke Lakes Regional Center Development of Regional Impact.

Ordinance No. 950, passed and adopted by the City Commission of Pembroke Pines on April 17, 1991:

- Modified certain Development Order requirements pertaining to:
 - Amending the Master Development Plan to reduce the permitted residential development to 157 dwelling units.
 - Permitting transfer of commercial development from Parcel A to Parcel B and Parcel C.
 - Extending to the DRI buildout date to June 1, 2001.
 - Describing the project as a Single Phase Development.
 - Amending the various plans of the project to more accurately reflect the final approved site plan configuration.

Ordinance No. 986, passed and adopted by the City Commission of Pembroke Pines on March 4, 1992:

- Modified certain Development Order requirements pertaining to:
 - Restricting Parcel D to 250,000 square feet of retail commercial development and 0 feet of office space.
 - Deleting all references to the project being a one phase of development.
 - Setting forth the amended development figures of the project to be a one phase project of 217.474 acres containing 375,000 square feet of office space, 1,835,000 square feet of retail commercial space, 200 hotel and 157 residential units.

Ordinance No. 1051, passed and adopted by the City Commission of Pembroke Pines on October 6, 1993:

- Modified certain Development Order requirements pertaining to:
 - Reducing the total acreage of the project by 9.2 acres from 217.474 to 208.257 to remove Parcel H from the project and combine it with the adjacent hospital facility.

Ordinance No. 1508, passed and adopted by the City Commission of Pembroke Pines on January 19, 2005:

- Approved an extension of the DRI buildout date and downzoning date from June 1, 2001 to June 1, 2008.

The DRI buildout date was further extended:

- from June 1, 2008 to June 1, 2011 pursuant to Section 380.06(19)(c), Florida Statutes, as the DRI was under active construction;
- from June 1, 2011 to June 1, 2013 pursuant to HB 1752;
- from June 1, 2013 to June 1, 2015 pursuant to CS/HB 7019;
- from June 1, 2015 to May 8, 2028 pursuant to various Executive Orders issued in connection with various States of Emergency.

Ordinance No. 1830, passed and adopted by the City Commission of Pembroke Pines on November 12, 2015:

- Approved an extension of the DRI build-out date and downzoning date from June 1, 2015 to June 1, 2021; and
- Transfer of 1,500 square feet of undeveloped retail square footage from Parcel A to Parcel D.

SP 2015-22 approved by Planning & Zoning Board on May 26, 2016 for AMC Movie Theater

SN 2016-04 approved by Planning & Zoning Board on September 8, 2016 for Comprehensive Sign Plan for Mall property

EXHIBIT "C"

CURRENT PLAT NOTE

This plat shall be restricted to 302 Garden Apartments, a 200 room hotel, 1,755,00 square feet of commercial use, 575,000 square feet of office, and 57,762 square feet of public hospital uses ancillary to the adjacent hospital on a portion of Tract E.

Exhibit D Interpretation Request

The subject application seeks an interpretation of the application of Sections 111.25 through 111.37 of the City of Pembroke Pines ("City") Code of Ordinances ("Code") to Round 1, a family entertainment center proposed within the former Sear's anchor space within the Pembroke Lakes Mall. More specifically, the applicant requests an interpretation that the proposed use is not an "amusement establishment" as defined in Section 111.25, and alternatively, at most the use of the premises for "coin-operated devices" is a secondary use.

Sections 111.25 through 111.37 of the City Code were originally adopted in 1976. The most recent amendments to the definitions in Section 111.25 date back to 1982. It is readily apparent that the existing Code is antiquated and written to target the video game arcades so popular in the early-to-mid 1980's which often served as a magnet for loitering youth and a gateway to bad behavior. With the introduction of home gaming systems (Atari and Nintendo and more recently PlayStation and Xbox) and the introduction of smart phones, the video arcades contemplated by these Code sections are all but a thing of the past.

How individuals and families spend their free time has changed significantly. Technological advancements and innovations have led to the ruin of the traditional video game arcade of thirty-five years ago. Notwithstanding, it is still fairly common to find coin operated video game machines offered as a supplemental activity in a wide variety of facilities. For example, you will often find small but sizeable video game arcades within bowling alleys, movie theaters, specialty bars and restaurants, jump parks, gas stations, laundromats, and even hospitals and offices. While the use of video games in these examples are clearly accessory and only a small component of the overall business, a strict application of Section 111.25 of the City Code would categorize these businesses as an "Amusement Establishment" if the business has 15 or more mechanical devices. Such is the case with the present application and thus, this request for an interpretation.

Round 1, working with the ownership of Pembroke Lakes Mall, is seeking to reimagine the use of the currently vacant, approximately 102,000 square foot Sear's anchor space, to construct the first Round 1 Family Entertainment Center in South Florida. Round 1 is a state-of-the-art entertainment company offering fun the whole family can enjoy. Video arcade games comprise a very small component of the overall experience at Round 1. Utilizing the measurement standard in Section 111.32 for amusement devices as a secondary use, the total anticipated square footage associated with the video arcade games totals only 8,300 square feet of the overall approximately 102,000 square feet of leased space. The actual footprint of the arcade games totals approximately 11,000 square feet or just over 10% of the proposed facility. By either standard, the arcade component is indisputably a minor part of the overall experience. By contrast, the remaining 90 percent of the facility which covers two floors will offer the following activities on the first floor: bowling, billiards, redemption center, party/karaoke rooms, snack bar and standard bar, seating and social areas. The second floor will offer: kid's soft play areas, mini bowling, mini golf, additional party/karaoke rooms, billiards, shooting range, ping pong, snack bar, basketball, trampoline, mechanical bull, soccer kicking game, dodgeball, archery, batting cages, roller skating rink, volleyball, badminton, and a Segway track. Clearly, this proposed use represents a wide variety of experiences and elements and is an entirely different type of facility from the 1980's video game arcade. While Round 1 does propose an area of video game machines within the

Exhibit D
Interpretation Request

the entertainment facility, the arcade use represents only a small portion of the wide range of activities available.

Section 111.25 of the City Code defines an "Amusement Establishment" as "any business establishment, the primary business of which is to offer coin-operated amusement devices to the public" "Primary Use" is further defined as "the use of 15 or more coin-operated amusement devices at one location." As outlined in detail in the paragraph above, it is clear that the overall and primary use proposed by Round 1 ***is not*** to offer coin-operated amusement devices to the public. At best, the video arcade component is a secondary use as outlined in Section 111.32 of the City Code.

It is clear that the City Code has not kept pace with the current trends, evolution of leisure activities and technological advancements in the family entertainment industry. With this application, Round 1 and the ownership of Pembroke Lakes Mall seeks to activate a significant vacant space within the Mall (former Sear's) with a state-of-the-art entertainment center appropriate for South Florida and offering activities for individuals of all ages and families. It is for these reasons that we respectfully ask for a favorable interpretation that the proposed use of the facility by Round 1 does not constitute an "Amusement Establishment" as contemplated by the City Code, or alternatively, should only constitute a secondary use of the premises.

