



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

Summary

Agenda Date:	November 12, 2020	Application ID:	ZC 2020-03
Project:	Tractor Supply Company	Project Number:	PRJ 2020-12
Project Planner:	Joseph Yaciuk, Planning Administrator	Enacting Document:	<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance
Owner:	HIX Snedeker Companies, LLC	Agent:	Michael D. Miles
Location:	South of Pines Boulevard and east of 202 Avenue	Acreage:	+/-3.98 Acres
Existing Zoning:	B-2 (Community Business)	Proposed Zoning:	Tract A – C-1 (Commercial) Tract B – A-1 (Limited Agricultural)
Existing Land Use:	Employment Center Low	Proposed Land Use:	Commercial – Flex allocation
Reference Applications:	SUB 2002-13, ZV 2019-12		
Applicant Request:	Rezone property from B-2 (Community Business) to C-1 (Commercial) – Tract A, A-1 (Limited Agricultural) -Tract B with associated commercial flexibility allocation (Tract A) and voluntary restrictive covenants		
Staff Recommendation:	Transmit to City Commission with a favorable recommendation.		
Final:	<input type="checkbox"/> Planning & Zoning Board	<input checked="" type="checkbox"/> City Commission	
Reviewed for the Agenda:	Director:  Planning Administrator: 		

Project Description / Background

Michael D. Miles, agent for contract purchaser, requests consideration to rezone the subject +- 3.98-acre property from B-2 (Community Business) to C-1 (Commercial) on Tract A, A-1 (Limited Agricultural) on Tract B with associated commercial flexibility allocation (Tract A) and voluntary restrictive covenants. The subject property is generally located south of Pines Boulevard and east of 202 Avenue.

The site is currently part of the Pines 200 East plat which was approved in 2002. The Pines 200 East property currently contains a parking field which is being used for the adjacent commercial plaza (Pines 200 Plaza) to the west. On December 12, 2019, the Planning and Zoning Board approved a parking variance (ZV 2019-02) for the Pines 200 Plaza, reducing the parking required for that site and therefore allowing the subject site (Pines 200 East) to be redeveloped.

The subject Pines 200 East Plat is currently divided into three the following three tracts as depicted on the attached survey:

- Tract A – 2.726 Acres
- Tract B – 1.251 Acres
- Tract C - .265 Acres

Tracts A and B of the plat are currently being purchased by the applicant and are subject to tonight's request.

The applicant is requesting the changes above in expectation of building a Tractor Supply Co. Retail Store on Tract A while providing a landscape buffer on Tract B.

Tractor Supply Co. is a retailer of farm/ranch equipment and maintenance products; general maintenance products; animal (domestic and farm) feeds, equipment and health products; horse and rider tack, equipment and related products; bird feed, pet grooming, housing and related products; lawn and garden equipment and products; tools and hardware; farm vehicle equipment and maintenance products; clothing and footwear.

A plat note change and site plan will be provided for future City review should this application be approved.

DETAILED REQUEST:

The applicant requests consideration for the following items:

1. Rezone Tract A of the property from B-2 (Community Business) to C-1 (Commercial).
2. Allocation of commercial flexibility to Tract A in accordance with Broward County Administrative Rules.
3. Consideration of voluntary restrictive covenants to restrict uses on the property within the proposed C-1 (Commercial) district. The voluntary restrictive covenants will further restrict the property to the following uses:
 - Tract A of the Property shall be used only for a retail operation, which may include one or more of the following uses as accessory uses to the retail operation: "agricultural implements," "feed," "fertilizer," "fuel," "machinery," and "tractors" sales and display facility (as designated in the Code) with appurtenant outdoor display area, "bottle gas

storage, filling, and distribution,” (as designated in the Code), and “storage warehouse” (as designated in the Code).

- Tract A will also allow all B-2 (Community Business) uses.
4. Rezone Tract B of the property from B-2 (Community Business) to A-1 (Limited Agricultural).

Tractor Supply Co. requires C-1 (Commercial) zoning for outdoor storage / display as well as the other ancillary uses as listed within the voluntary restrictive covenant in order to operate their business.

SURROUNDING PROPERTIES:

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

North – Pines Boulevard – Planned Unit Development (PUD) / Irregular Residential

East – Single Family District (RS-7) / Irregular Residential

South – Single Family District (RS-7) / Irregular Residential

West – Community Business (B-2) / Agricultural* **(4.2 Acres of Commercial Flexibility Previously Applied to this Property)**

ANALYSIS:

Compatibility with Adjacent Use

Staff reviewed this application and finds that the allocation of commercial flexibility and associated commercial zoning request on Tract A is compatible with the existing commercial shopping center use (Pines 200 Plaza) directly to the west of this site. The adjacent Pines 200 Plaza received similar allocation of commercial flexibility on that property in the late 1990's.

The rezoning of Tract B from Community Business (B-2) to Limited Agricultural (A-1) further supports through zoning that the Tract will remain as a buffer between the future Tractor Supply project and the Alhambra residential community to the south. Staff notes that a similar Limited Agricultural (A-1) buffer condition exists on between multiple commercial properties located south of Pines Boulevard and west of Southwest 184 Avenue and the Estancia residential community.

The applicant provides a letter indicating that the commercial flex allocation achieves the following objectives / policies of the comprehensive plan:

- **OBJECTIVE I**
Continue to utilize land development standards and design guidelines that provide a framework by which high quality development can be established, sustained, and protected.

- Policy 1.6 - Continue to implement land development regulations providing for all residential densities to be properly buffered from non-residential activities.
- OBJECTIVE II
A variety of employment opportunities should continue to be encouraged to balance the City's tax base, provide jobs and employment centers in close proximity to affordable housing, and improve economic stability and mobility by giving special attention to the neediest and disadvantaged populations.
- Policy 2.5 - Continue to encourage the location of commercial, industrial and employment centers near public transportation facilities to improve access to employment opportunities.
- Policy 18.2 - Continue to implement land development regulations to insure compatibility and buffering between adjacent residential and nonresidential uses.

Staff reviewed the proposal and finds that the rezoning and commercial allocation generally comply with the comprehensive plan objectives and policies as listed by the applicant.

Staff Recommendation: Transmit to the City Commission with a favorable recommendation.

Enclosures: Unified Development Application
Proposed Voluntary Restrictive Covenants
Letter from Greenspoon Marder (11/5/2020)
Memo from Planning Administrator (11/5/2020)
Memo from Zoning Administrator (10/15/2020)
Memo from Planning Administrator (10/8/2020)
Memo from Zoning Administrator (8/25/2020)
Memo from Planning Administrator (8/24/2020)
Pines 200 East Plat
Aerial Map

Return to: (enclose self-addressed stamped envelope)

Name: Mark J. Lynn, Esq.

Address:

Greenspoon Marder
200 E. Broward Blvd., Suite 1800
Fort Lauderdale, Florida 33301

This Instrument Prepared by:

Mark J. Lynn, Esq.
Greenspoon Marder
200 E. Broward Blvd., Suite 1800
Fort Lauderdale, Florida 33301

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("**Covenant**") made this _____ of _____, 2020, by David Braun and Gail M. Braun (collectively, "**Owner**"), which shall be for the benefit of **CITY OF PEMBROKE PINES, FLORIDA**, a municipal corporation existing under the laws of the State of Florida ("**City**").

WITNESSETH:

WHEREAS, Owner is the fee simple owner of land located within the City of Pembroke Pines, more particularly described in **Exhibit "A"** containing approximately 3.98+/- gross acres ("**Property**"); and

WHEREAS, an application has been made to the City of Pembroke Pines, Florida (the "**City**") to rezone the Property, with respect to Tract A of the Property (as described in Exhibit "A"), from B-2, Community Business ("**B-2**"), to C-1, Commercial ("**C-1**") , and, with respect to Tract B of the Property (as described in Exhibit "B"), from B-2 to A-1, Limited Agriculture ("**A-1**") as such terms are defined under Chapter 155 of the Pembroke Pines Code of Ordinances (the "**Code**"), and the Owner has voluntarily agreed to enter into this Covenant; and

NOW, THEREFORE, in consideration of the foregoing premises and the promises and covenants herein contained, Owner hereby declares that the Property shall be subject to the covenant hereinafter set forth, which shall run with the land and which shall be binding upon all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns.

1. **Recitations.** The recitals set forth above are true and correct and are incorporated into this Covenant by this reference.

2. **Restriction on Use.** Notwithstanding the City's rezoning of the Property, with respect to Tract A, from B-2 to C-1 and, with respect to Tract B, from B-2 to A-1, Tract A of the Property shall be used only for a retail operation, which may include one or more of the following

uses as accessory uses to the retail operation: “agricultural implements,” “feed,” “fertilizer,” “fuel,” “machinery,” and “tractors” sales and display facility (as designated in the Code) with appurtenant outdoor display area, “bottle gas storage, filling, and distribution,” (as designated in the Code), and “storage warehouse” (as designated in the Code). No other use otherwise permitted under the Code for C-1 on Tract A, or A-1 on Tract B, is permitted. Tract A of the Property may be used for any use permitted under B-2.

3. Amendments. This Covenant shall not be modified, amended or released as to any portion of the Property except by written instrument, executed by the then owner or owners of the portion of the Property affected by such modification, amendment, or release and approved in writing by the City. Any amendment, modification or release of this Covenant shall be recorded in the Public Records of Broward County, Florida.

4. Recordation and Effective Date. Upon approval of this Covenant by the City and execution by the Owner, this Covenant shall be recorded in the Public Records of Broward County, Florida. Once recorded, this Covenant shall run with the land and shall bind all successors-in-interest with respect to the Property.

5. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part of this Covenant invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect.

6. Enforcement. The City is the beneficiary of this Covenant and may enforce the provisions herein by action at law or in equity against any person or persons, entity or entities, violating or attempting to violate the terms of this Covenant. Any failure by City to enforce this Covenant shall not be deemed a waiver of the right to do so thereafter.

7. Captions, Headings and Titles. Articles and paragraph captions, headings and titles inserted throughout this Covenant are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Covenant.

8. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Owner has executed this Covenant on the day first above written.

Signed, sealed and delivered
In the presence of:

(Signature)

Print Name

By: _____
David Braun
(as to Tract A and Tract B)

Dated: _____

(Signature)

Print Name

ACKNOWLEDGEMENT:

STATE OF FLORIDA)
) SS
COUNTY OF BROWARD)

BEFORE ME, the foregoing instrument was acknowledged by David Braun, who is personally known to me or who produced _____ as identification,

SWORN TO (OR AFFIRMED) AND SUBSCRIBED before me, by means of ____ physical presence or ____ online notarization, this _____ day of _____, 2020.

NOTARY PUBLIC:

(SEAL)

My commission expires:

Print name:

IN WITNESS WHEREOF, Owner has executed this Covenant on the day first above written.

Signed, sealed and delivered
In the presence of:

(Signature)

Print Name

(Signature)

Print Name

By: _____
Gail M. Braun

Dated: _____

ACKNOWLEDGEMENT:

STATE OF FLORIDA)
) SS
COUNTY OF BROWARD)

BEFORE ME, the foregoing instrument was acknowledged by Gail M. Braun, who is
personally known to me or who produced _____
as identification,

SWORN TO (OR AFFIRMED) AND SUBSCRIBED before me, by means of ____ physical
presence or ____ online notarization, this _____ day of _____, 2020.

(SEAL)

NOTARY PUBLIC:

My commission expires:

Print name:

**EXHIBIT A
LEGAL DESCRIPTION
PROPERTY**

TRACTS A AND B, PINES 200 EAST PLAT, ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 174, PAGE 27, OF THE PUBLIC RECORDS OF BROWARD
COUNTY, FLORIDA

October 29, 2020

VIA EMAIL

Mr. Joseph Yaciuk
City of Pembroke Pines
601 City Center Way
Pembroke Pines, FL 33025

Re: Tractor Supply Rezoning Application

Dear Joe:

The proposed rezoning to C-1 Commercial with flexibility allocation and A-1 Agriculture is consistent with the employment center-low land use designation and the following goals, policies, and objectives of the City's Comprehensive Plan, without limitation:

- **OBJECTIVE I**
Continue to utilize land development standards and design guidelines that provide a framework by which high quality development can be established, sustained, and protected.
- **Policy 1.6** - Continue to implement land development regulations providing for all residential densities to be properly buffered from non-residential activities.
- **OBJECTIVE II**
A variety of employment opportunities should continue to be encouraged to balance the City's tax base, provide jobs and employment centers in close proximity to affordable housing, and improve economic stability and mobility by giving special attention to the neediest and disadvantaged populations.
- **Policy 2.5** - Continue to encourage the location of commercial, industrial and employment centers near public transportation facilities to improve access to employment opportunities.
- **Policy 18.2** - Continue to implement land development regulations to insure compatibility and buffering between adjacent residential and nonresidential uses.

Sincerely,

GREENSPOON MARDER LLP

/s/ Elizabeth Adler

Elizabeth S. Adler, Esq.

Boca Raton Denver Edison Ft. Lauderdale Las Vegas Los Angeles Miami Naples
New York Orlando Portland Scottsdale Tallahassee Tampa West Palm Beach

PLANNING DIVISION STAFF COMMENTS

Recommendations:

Date: November 5, 2020
To: ZC 2020-03 file
From: Joseph Yaciuk, Planning Administrator
Re: Tractor Supply

Items which do not conform with the City of Pembroke Pines Code of Ordinances or other Governmental Regulations:

All of my comments have been addressed.

MEMORANDUM

October 15, 2020

To: Joe Yaciuk
Planning Administrator

From: Dean A. Piper
Zoning Administrator

Re: ZC 2020-03 (PRJ 2020-12: Tractor Supply)

The following are my comments regarding the above Re-Zoning:

- ~~1. As part of this re-zoning a Flex allocation converting underlying Office Park Land Use on parcels "A" & "B" to Commercial and Agricultural Land Uses, respectively, must be processed.~~
2. Provide existing plat to show proposed square footage is allowed, or a Delegation Request must be processed to add additional square footage.
Provided and a delegation request will be needed to update the existing plat note. Contact Joe Yaciuk to discuss new note.

Please contact me with any questions.

PLANNING DIVISION STAFF COMMENTS

Recommendations:

Date: October 8, 2020
To: ZC 2020-03 file
From: Joseph Yaciuk, Planning Administrator
Re: Tractor Supply

Items which do not conform with the City of Pembroke Pines Code of Ordinances or other Governmental Regulations:

1. Verify that you have met all City / HOA Noticing requirements. Verify that you have provided mailing labels of property owners within 500 feet of the property.
2. ~~Provide the original plat.~~
3. It appears that the underlying land use for this property is employment center low which does not permit this commercial use. You may apply for an allocation of commercial flexibility per Administrative Rules in order to accommodate for this development. ~~Please contact Broward County Planning Council to determine acreage necessary to achieve your proposed development.~~ Applicant provides request and will be processed with this application.
4. New comment – Please update your restrictive covenant to reflect proper uses requested in the City Code as well as voluntary restriction in lieu of condition of approval.

MEMORANDUM

August 25, 2020

To: Joe Yaciuk
Planning Administrator

From: Dean A. Piper
Zoning Administrator

Re: ZC 2020-03 (PRJ 2020-12: Tractor Supply)

The following are my comments regarding the above Re-Zoning:

1. As part of this re-zoning a Flex allocation converting underlying Office Park Land Use on parcels "A" & "B" to Commercial and Agricultural Land Uses, respectively, must be processed.
2. Provide existing plat to show proposed square footage is allowed, or a Delegation Request must be processed to add additional square footage.

Please contact me with any questions.

PLANNING DIVISION STAFF COMMENTS

Recommendations:

Date: August 24, 2020
To: ZC 2020-03 file
From: Joseph Yaciuk, Planning Administrator
Re: Tractor Supply

Items which do not conform with the City of Pembroke Pines Code of Ordinances or other Governmental Regulations:

1. Verify that you have met all City / HOA Noticing requirements. Verify that you have provided mailing labels of property owners within 500 feet of the property.
2. Provide the original plat.
3. It appears that the underlying land use for this property is employment center low which does not permit this commercial use. You may apply for an allocation of commercial flexibility per Administrative Rules in order to accommodate for this development. Please contact Broward County Planning Council to determine acreage necessary to achieve your proposed development.

SUBJECT SITE AERIAL PHOTO

Tractor Supply (ZC 2020-03, PRJ 2020-12)

