

City of Pembroke Pines, FL

*City of Pembroke Pines
Planning and Zoning Board
601 City Center Way
Pembroke Pines, FL 33025*



Meeting Minutes - Final

Thursday, August 8, 2019

6:30 PM

Commission Chambers

Planning and Zoning Board

REGULAR MEETING CALLED TO ORDER

The Regular Meeting of the Planning and Zoning Board of the City of Pembroke Pines was called to order by Vice Chairman Jacob, at 6:30 p.m., Thursday, August 8, 2019, at the Charles F. Dodge City Center, City Commission Chambers, 601 City Center Way, Pembroke Pines, FL

ROLL CALL

Present to-wit: Vice Chairman Jacob, Members Girello, Gonzalez, and Alternate Member Taylor. Absent: Chairman Rose, Member Labate, and Alternate Member Lippman. Also present: Michael Stamm, Jr., Planning and Economic Development Director; Joseph Yaciuk, Planning Administrator; Dean Piper, Zoning Administrator; Jacob Horowitz, Assistant City Attorney, and Secretary McCoy.

Secretary McCoy declared a quorum present.

NOTE:

Vice Chairman Jacob informed the public and the petitioners that three aye votes are required for an item to pass. If any petitioner wishes they can defer their items to a later meeting date.

SUBMISSION OF LOBBYING DISCLOSURE FORMS:

There were no lobbying disclosure forms submitted at this time.

ORGANIZATIONAL:

19-0752

Sunshine Law Refresher

Jacob Horowitz, Assistant City Attorney, questioned, due to the number of board member absences from this meeting, if the Board would like to defer the Sunshine Law refresher to the next available meeting.

It was the consensus of the Planning and Zoning Board to defer the Sunshine Law refresher to the next available meeting.

APPROVAL OF MINUTES:

19-0950

June 27, 2019

On a motion by Member Girello, seconded by Member Gonzalez, to approve, the minutes of the June 27, 2019 meeting, the following vote was recorded:

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

NAY: None

Motion Passed

OLD BUSINESS:

PUBLIC HEARING / REGULAR ITEM CONTINUED:

1. [19-0951](#) **PH 2019-02**, The purpose of this item is to transmit a recommendation to the City Commission, at the request of School Board of Broward County, for the proposed change to the Land Use Designation from Irregular 2.243 (509.2) and Commercial (49 acres) to Irregular 2.702 (527.6) and Commercial (30.6 acres) for the purpose of developing 256 Townhomes on the proposed **Merrick Square** property (PH 2019-02) which is generally located on the southeast corner of SW 172 Avenue and Pines Boulevard and containing 558.2 ± acres. (Sharon)

Vice Chairman Jacob stated the purpose of this item is to transmit a recommendation to the City Commission, at the request of School Board of Broward County, for the proposed change to the Land Use Designation from Irregular 2.243 (509.2) and Commercial (49 acres) to Irregular 2.702 (527.6) and Commercial (30.6 acres) for the purpose of developing 256 Townhomes on the proposed Merrick Square property (PH 2019-02) which is generally located on the southeast corner of SW 172 Avenue and Pines Boulevard and containing 558.2 ± acres.

Dennis Mele, attorney representing the petitioner, addressed the Planning and Zoning Board. He requested deferment of this item to the September 12, 2019 meeting.

On a motion by Member Girello, seconded by Alternate Member Taylor, to defer this item to the September 12, 2019 meeting, the following vote was recorded:

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

NAY: None

Motion Passed

OLD BUSINESS:

QUASI-JUDICIAL ITEMS:

2. [19-0953](#) **SP 2018-12, Arby's Pembroke Commons**, generally located west of University Drive between Pines Boulevard and Johnson Street, site plan amendment. (Joseph)

Vice Chairman Jacob advised that this is a quasi-judicial matter. If the petitioner and affected parties are here and want to make a presentation they may. If not, the City will include the staff report and agenda materials as back up and provide staff members for cross examination if the petitioner chooses to do so.

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

Mr. Ziegenfuss addressed the Planning and Zoning Board. He gave a brief overview of the proposed site plan amendment.

The following staff report was entered into the record:

PROJECT DESCRIPTION / BACKGROUND:

Robert Ziegenfuss, agent for owner RTM Operating Company LLC., submitted a site plan application for the construction of an Arby's restaurant outparcel with drive-thru, associated parking, landscape, traffic circulation, lighting, and signage within the Pembroke Commons Shopping Center; generally located west of University Drive, between Pines Boulevard and Johnson Street.

The Planning and Zoning Board at its May 10, 1990 meeting approved the development of Pembroke Commons Shopping Center located on the subject 31.5 acre tract. The 1990 approval included the development of 319,500 square feet of building and over 1,500 parking spaces. The Shopping Center is currently constructed. The shopping center currently includes three outparcels (Chili's Bar and Grill, Wells Fargo Bank, and Chase Bank).

The Planning and Zoning Board at its May 24, 2018 meeting voted to approve the following variances on the Pembroke Commons property:

- ZV 2018-02) allow 160 lineal feet of open space between outparcels except on adjacent properties where there may be 300 lineal feet between buildings when separated by a roadway of sorts;
- ZV 2018-03) allow four (4) outparcels on a total site area of 30 acres instead of the required one (1) outparcel for every ten acres of total site area;
- ZV 2018-04) allow 293.75 lineal feet of street frontage per outparcel instead of the required 500 lineal feet of street frontage per outparcel.

The Planning and Zoning Board at its June 27, 2019 meeting voted to defer this item at the request of the applicant to tonight's meeting.

BUILDINGS / STRUCTURES:

The proposed 19'-0" high, 2,320 square foot building will be constructed over an existing parking field at the southeast corner of the existing Shopping Center. The proposed main building entry will face University Drive. The building includes a walk-in cooler/freezer at the northeast corner of the restaurant which will be accessed from inside the building.

The applicant proposes the following color selections for the building which are match the colors of the min building:

- Base Color – Pure White (SW 7005), Rockwood Dark Brown (SW 2808)
- Base Brick – Belden Brick (Alaska White), Belden Brick (Rockwood Dark Brown)
- Trim – Stop Red (SW 6869)
- Popout Features - Belden Brick (Alaska White)
- Roof Screen - Pure White (SW 7005)

ACCESS:

Access to this site will be through existing shopping center driveways off of Johnson Street and University Drive. Access is also available to the south through a connecting driveway with the adjacent University Mall (Lowes)

Shopping Center.

The proposed restaurant drive-thru lane will be accessed from the north side of the proposed restaurant building. Drive-thru orders will be taken to the west of the Arby's building. Drive-thru pickup will occur at a window along the proposed south elevation of the restaurant. The applicant provides a total of 9 stacking spaces (5 inbound, 4 outbound) throughout the drive-thru area. The drive-thru, as proposed, meets Code requirements.

ADA access will be provided as per Federal requirements. These improvements include new ramps / striping / sidewalk connecting the building to University Drive.

PARKING:

The applicant proposes 28 parking spaces on site where 23 parking spaces are required based on Code. Parking consists of 90 degree parking (18 standard parking spaces) and angled parking (8 standard parking spaces + 2 handicapped spaces).

SIGNAGE:

The following attached signs are proposed as a result of this application:

Sign: Arby's Logo
Area (SF): 17.7
Copy Color: Red and White
Location: East Elevation

Sign: Arby's Lettering (2)
Area (SF): 9.43 each
Copy Color: White
Location: North and East Elevation

Sign: Arby's Monument Sign
Area (SF): 23.4
Copy Color: Red and White (Silver Background)
Location: Northeast Corner of Outparcel

Total 59.96

In addition to the building signs on site, the applicant proposes a 32 square foot menu board to the west of the building, east of the drive-thru lane.

LANDSCAPING:

Landscape for this property consists of the following:

- Installation of 22 trees, 9 palms, and 409 shrubs is proposed on the property. Primary species of trees include Gumbo Limbo and Dahoon Holly. Primary specie of palms is Cabbage Palm. Primary species of shrubs include Emerald Goddess Liriope, Coco Plum, and Japanese Yew.

OTHER SITE FEATURES:

The proposed parking areas will be illuminated by a series of full cut off LED fixtures (4,000K) mounted upon 30 feet high foot high tapered concrete poles. Additional lighting will be located on the building at varying heights (7.5 feet, 8.5 feet, and 12 feet). All lighting will comply with the City's lighting Code.

Two trash dumpsters with enclosures will be located at the southwest corner of the restaurant outparcel. The applicant provides a letter from WASTEPRO approving the dumpster locations. Dumpster enclosure will be painted to match the building.

A bike rack will be placed near the northeast corner of the proposed building.

STAFF RECOMMENDATION;

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

Vice Chairman Jacob inquired if there was anyone from the public who wished to speak either for or against this item. No one wished to speak.

The following members of the Planning and Zoning Board spoke:

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

The following member of staff spoke:

Joseph Yaciuk, Planning Administrator

The following member of the public spoke:

Robert Ziegenfuss, representing the petitioner

On a motion by Alternate Member Taylor, seconded by Member Girello, to approve, as recommended by staff, the Arby's Pembroke Commons site plan amendment (SP 2018-12), the following vote was recorded:

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

NAY: None

Motion Passed

NEW BUSINESS:

QUASI-JUDICIAL ITEMS:

3. [19-0954](#) **ZV 2019-02, Southport Pembroke Towers, 2201 N University Drive, variance request. (Dean)**

Vice Chairman Jacob advised that this is a quasi-judicial matter. If the petitioner and affected parties are here and want to make a presentation they

may. If not, the City will include the staff report and agenda materials as back up and provide staff members for cross examination if the petitioner chooses to do so.

Mark Rickards, representing the petitioner, waived his right to the quasi-judicial proceedings.

Mr. Rickards 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

Mark Rickards, as agent for owner, is requesting a variance to allow 188 parking spaces instead of the required 395 parking spaces for the Pembroke Tower Apartments.

The existing Pembroke Tower building and parking were approved through Broward County as a low income, elderly housing project in 1979. In 2011 the City Commission approved land use, rezoning and plat for the parcel granting an additional 100 units on the parcel.

Currently, Pembroke Tower Apartments consists of one building with 100 age-restricted (62 and over) apartment units with fifty (50) parking spaces. The owners of the existing building, and the adjacent vacant parcel, will be submitting a site plan for a proposed 88 unit, age-restricted (62 and over) building to be incorporated with the existing site for a two (2) building, 188 unit, age-restricted complex.

The requested variance would increase the overall parking ratio to one space (1) per dwelling unit, from the existing one half (1/2) space per dwelling unit. Variance Request Detail:

ZV 2019-02) Allow 188 parking spaces instead the required 395 parking spaces for Pembroke Tower Apartments, an age-restricted (62 and over) rental project. Code Reference: §155.251 AMOUNT OF OFF-STREET PARKING REQUIRED (A) Dwelling – multi-family: .2.1 Parking Spaces per unit. Variance Determination:

The Planning and Zoning Board shall not grant any variances, permits, or make any decision, finding, and determination unless it first determines that:

Its decision and action taken is in harmony with the general purposes of the zoning ordinances of the city and is not contrary to the public interest, health, or welfare, taking into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in the buildings, and traffic conditions in the vicinity.

In the granting of variances, the Planning and Zoning Board shall determine that the variance granted is the minimum variance that will accomplish the intended purpose (stated above) and:

A) That there are special circumstances or conditions applying to the land or

building for which the variance is sought, which circumstances are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and that the strict application of the provisions of the zoning ordinances would result in an unnecessary hardship and deprive the applicant of the reasonable use of the land or building; or

B) That any alleged hardship is not self-created by any person having an interest in the property nor is the result of a mere disregard for or in ignorance of the provisions of the zoning ordinances of the city; or

C) That granting the variance is not incompatible with public policy, will not adversely affect any adjacent property owners, and that the circumstances which cause the special conditions are peculiar to the subject property.

The following members of the Planning and Zoning Board spoke:

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

The following members of staff spoke:

Joseph Yaciuk, Planning Administrator
Dean Piper, Zoning Administrator

The following members of the public spoke:

Mark Rickards, representing the petitioner
Brianne Heffner, representing the petitioner

On a motion by Member Gonzalez, seconded by Alternate Member Taylor, to grant, as determined by variance criteria "A", ZV 2019-02 to allow 188 parking spaces instead the required 395 parking spaces for Pembroke Tower Apartments, an age-restricted (62 and over) rental project, the following vote was recorded:

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

NAY: None

Motion Passed

4. [19-0955](#) **ZV 2019-05, Holiday Showplace Plaza**, 9101 - 9163 Taft Street, variance request. (Dean)

Vice Chairman Jacob stated that staff has requested to defer this variance request to the September 12, 2019 meeting.

On a motion by Member Gonzalez, seconded by Alternate Member Taylor, to defer ZV 2019-05, Holiday Showplace Plaza, variance request to the September 12, 2019 meeting, the following vote was recorded:

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

NAY: None

Motion Passed

ITEMS AT THE REQUEST OF THE BOARD:

Vice Chairman Jacob questioned the status of Metro Diner parking concerns.

Dean Piper, Zoning Administrator, noted they are going through the code violation process.

ITEMS AT THE REQUEST OF STAFF:

Joseph Yaciuk, Planning Administrator, reminded the board that the Thursday, August 22, 2019 meeting was cancelled and there will be a Land Development Review Open House Wednesday, August 28, 2019.

ADJOURNMENT:

Vice Chairman Jacob adjourned the meeting at 7:42 p.m.

ADJOURNED:
7:42 P.M.

Respectfully submitted:

Sheryl McCoy
Board Secretary