

# **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, September 12, 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 Chairman Rose, at 6:30 p.m., Thursday, September 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:

There were no lobbying disclosure forms submitted at this time.

## ORGANIZATIONAL:

Chairman Rose requested to defer the Sunshine Law Refresher to the end of the meeting.

It was the consensus of the Planning and Zoning Board to defer the Sunshine Law Refresher to the end of the meeting.

## APPROVAL OF MINUTES:

[19-1093](#)

August 8, 2019

On a motion by Member Girello, seconded by Vice Chairman Jacob, to approve, the minutes of the August 8, 2019 meeting, 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 requested to change the order of business and hear new business, non-quasi-judicial item number 8 through 12 at this time.

It was the consensus of the Planning and Zoning Board to change the order of

business and hear new business, non-quasi-judicial item number 8 through 12 at this time.

## **NEW BUSINESS:**

### **NON-QUASI-JUDICIAL ITEMS:**

8. [19-1083](#) SN 2019-09, Citibank, 8411 Pines Boulevard, sign application. (Cole)

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

The following staff report was entered into the record:

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

Bob Scott Light, Power, & Sign, agent, is requesting approval of the installation of 3 directional signs for the existing Citibank, located at 8411 Pines Boulevard in the Pines Home Improvement shopping center, generally located east of NW 86 Avenue and North of Pines Boulevard.

The existing outbuilding was approved through SP 88-129. Modifications were made to the building in 2003 (addition of monument sign), and in 2012 (addition of wall signage).

#### **SIGNAGE:**

The applicant is proposing to remove the existing directional signs and replace with 3 1.5 square foot non-illuminated directional signs. The signs will be located in landscape islands, two signs located to the northeast and one to the southeast of the building. The base of the sign will be Silver Cup Metallic (MP18076) and the top Citi Blue (MP37557).

The white sign copy will contain directional information regarding bank facilities.

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.

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.

On a motion by Member Girello, seconded by Member Gonzalez, to approve, as recommended by staff, the Citibank (SN 2019-09) sign application, the following vote was recorded:

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

**NAY:** None

**Motion Passed**

9. [19-1084](#) **MSC 2019-03, Miami Grill**, 11501 Pines Boulevard, miscellaneous request. (Joseph / Lauren)

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

The following staff report was entered into the record:

**PROJECT DESCRIPTION / BACKGROUND:**

Marc Van Winkle, agent for business owner ANDRAOS Inc., seeks approval for building façade modifications to the existing Miami Grill restaurant located at 11501 Pines Boulevard. Also included as part of the project are interior changes to the seating plan as well as new interior floor and wall finishes which are not subject to Board approval.

The Planning and Zoning Board approved the site plan for Miami Grill on August 24, 1995. No changes to the building have occurred since that time.

**BUILDINGS / STRUCTURES:**

The applicant proposes the following detailed scope of work to the building:

Demolition to include:

- Removal of scalloped parapets
- Removal of existing awnings and canopies
- Removal of tile banding
- Removal of building signs
- Removal of all exterior light fixtures

Additions to include:

- Raising a portion of the parapet on the north and south elevations of the building (22'-6" highest point measurement).
- New decorative banding and fascia.
- New decorative grill / louvers (blue back lit)
- New canopies over drive thru service windows and entries.
- New canister lighting on all elevations.
- New fascia mounted wall signs.
- New fascia mounted "eyebrows" placed above wall signs.

The following building / fascia colors are proposed for the structures on site as reflected on the architectural plans:

- Main Body – Benjamin Moore Silver Half Dollar (2121-40)
- Trim – Benjamin Moore Hot Lips (2077-30)
- Canopies / West Elevation Door– Benjamin Moore San Jose Blue (741)
- Aluminum Grill – Gray (Blue light)
- Building Base – Benjamin Moore Steel Wool (2121-20)

**SIGNAGE:**

The following signs will be provided on site a result of this application:

Sign:

Miami Grill Attached Building

Area (SF):

30.1

Location:

North Elevation

Details:

Miami Grill Logo in Pink, Teal, Black and Green

Sign:

Miami Grill Attached Building

Area (SF):

30.1

Location:

South Elevation

Details:

Miami Grill Logo in Pink, Teal, Black and Green

Total Area (SF) 60.2

There are no proposed changes to the existing monument signs as a result of this application.

Staff Recommendation:

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

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 Planning and Zoning Board spoke:

Member Girello

The following member of staff spoke:

Joseph Yaciuk, Planning Administrator

The following member of the public spoke:

Frank Baran, representing the petitioner

On a motion by Vice Chairman Jacob, seconded by Member Girello, to approve, as recommended by staff, the Miami Grill (MSC 2019-03) miscellaneous request, the following vote was recorded:

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

NAY: None

**Motion Passed**

10.      [19-1085](#)      **MSC 2019-18, Burlington at Pembroke Crossing**, 11930 Pines Boulevard, minor façade changes, miscellaneous request. (Cole)

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

The following staff report was entered into the record:

**PROJECT DESCRIPTION / BACKGROUND:**

Miller Permitting & Land Development, agent, is requesting approval of façade modification to the existing tenant bay 11930 within the Pembroke Crossing shopping center, generally located east of Flamingo Road and south Pines Boulevard. The changes are the result of a change in tenant. The bay previously occupied by Babies 'R' Us will now be occupied by Burlington Coat Factory.

Pembroke Crossing was approved through site plan SP 96-24. Color changes were made to the bay in 2004, 2015 and 2016.

**BUILDINGS / STRUCTURES:**

The applicant is proposing to infill the existing recessed section of the pop out feature's upper band to create a flush surface. Additionally, 3 eyebrow canopies (XT20S, Burlington Red) will be added above the entry way. The existing store front will be replaced to match the existing.

The following color changes are proposed:

- Pop out feature, upper band: SW 7005 (Pure White)
- Columns: SW 6149 (Relaxed Khaki)

The colors of the rest of the tenant bay will not be modified.

**STAFF RECOMMENDATION:**

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

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.

On a motion by Vice Chairman Jacob, seconded by Member Gonzalez, to approve, as recommended by staff, the Burlington at Pembroke Crossing (MSC 2019-18) miscellaneous request, the following vote was recorded:

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

**NAY:**            None

**Motion Passed**

11.      [19-1080](#)      **MSC 2019-19, ABC Fine Wine & Spirits**, 10798 Pines Boulevard, façade changes to include addition of metal awnings, stone and wood siding, miscellaneous request. (Cole)

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

The following staff report was entered into the record:

**PROJECT DESCRIPTION / BACKGROUND**

Phyllis Fitzpatrick, agent, is requesting approval of a color change and addition of awnings to an existing ABC Fine Wine and Spirits located at 10798 Pines Boulevard, in the Rooms To Go shopping center, generally located east of Hiatus Road and south Pines Boulevard.

ABC Fine Wine & Spirits was approved through site plan SP 2004-14, as phase 2 of the Rooms To Go shopping center. Phase 1 was approved through site plan SP 2003-02.

**BUILDINGS / STRUCTURES:**

The applicant is proposing the following color changes for the existing building:

- Accents: SW 6115 (Totally Tan), SW 6082 (Cobble Brown)
- Stone: Cripple Creek Stone Veneer (Arkansas Gold)
- Roof Tile: SW 6082 (Cobble Brown)

The main body will be repainted to match the existing color SW 6115 (Totally Tan).

Additionally, the applicant is proposing chocolate brown awnings over the existing windows on the north and west elevation.

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.

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.

On a motion by Member Girello, seconded by Vice Chairman Jacob, to approve, as recommended by staff, the ABC Fine Wine & Spirits (MSC 2019-19) miscellaneous request, the following vote was recorded:

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

**NAY:** None

**Motion Passed**

12. [19-1086](#) **MSC 2019-21, Shoe Carnival**, 11136 Pines Boulevard, minor façade changes, miscellaneous request. (Cole)

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

The following staff report was entered into the record:

**PROJECT DESCRIPTION / BACKGROUND**

Select Strategies – FL Division, agent, is requesting approval of a façade modification to the existing tenant bay 11136 in the Boulevard Square shopping center, generally located east of Hiatus Road and south of Pines Boulevard. The proposed changes are the result of a change in tenant. The subject tenant bay had been previously occupied by Sports Authority. The bay will be subdivided into Michaels and Shoe Carnival, which will occupy the easternmost side of the bay. The proposed modifications are for Shoe Carnival's bay.

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

**BUILDINGS / STRUCTURES:**

The applicant is proposing to extend the parapet to 33'-8" to be match the adjacent tenant bay to the west. Additionally, the applicant proposes to install windows and canopies (#6031 Sunbrella Burgundy) on the store front to be consistent with the shopping center.

The main body (SW 7100, Arcade White), columns (SW 6625, Certain Peach), and accents (SW 7757, High Reflective White) will be repainted to match the previously approved colors.

**STAFF RECOMMENDATION:**

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

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, Labate  
Alternate Member Taylor



The following member of staff spoke:

Joseph Yaciuk, Planning Administrator

The following member of the public spoke:

Moe Azar, representing the petitioner

On a motion by Member Gonzalez, seconded by Member Labate, to approve, as recommended by staff, the Shoe Carnival (MSC 2019-21) miscellaneous request, the following vote was recorded:

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

NAY: None

Motion Passed

## RESUME ORDER OF BUSINESS:

## 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)

(Secretary's Note: Michael Stamm, Jr., Planning and Economic Development Director, clarified for the record that land use plan map amendment application is being processed at the request of the contract purchaser, for the property owned by the School Board of Broward County.

Chairman Rose noted that this item has been continued from the June 27, 2019 meeting.

He stated for the record 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 gave a brief history and Power Point presentation of the proposed land use plan amendment.

The following staff report was entered into the record:

**PROJECT DESCRIPTION / BACKGROUND:**

The purpose of this Public Hearing is to consider a land use plan map amendment application at the request of DR Horton, to change the Land Use Designation from 509 acres of Irregular Residential (2.243) plus 49 acres of Commercial (within a dashed line) to 527.6 acres of Irregular Residential (2.702) (2.663) plus 30.6 acres of Commercial (within a dashed line) for the 558 acre property generally located on the southeast corner of SW 172nd Avenue and Pines Boulevard (Pembroke Shores)

At the last public hearing of the Local Planning Agency (LPA) on June 27th 2019, the LPA passed a motion to defer this item to tonight's meeting. The applicant made changes to their application including reducing the number of units and overall density request from 2.702 dwelling units per acre to 2.663 dwelling units per acre; and from proposing a total of 256 units to 234 units. The associated changes to the staff report are in strike-thru and underline format.

**Public Hearing (PH 2019-02)**

The purpose of this Public Hearing is to consider a land use plan map amendment application at the request of DR Horton, to change the Land Use Designation from 509 acres of Irregular Residential (2.243) plus 49 acres of Commercial (within a dashed line) to 527.6 acres of Irregular Residential (2.702) (2.663) plus 30.6 acres of Commercial (within a dashed line) for the 558 acre property generally located on the southeast corner of SW 172nd Avenue and Pines Boulevard (Pembroke Shores)

The purpose of this Public Hearing is to consider the Merrick Square regular scale land use plan map amendment application to change the future land use designation for the approximate 558 acre site from 509 acres of Irregular Residential (2.243) plus 49 acres of Commercial (within a dashed line) to 527.6 acres of Irregular Residential (2.702) (2.663) plus 30.6 acres of Commercial (within a dashed line) for the purpose of developing an additional 256 234 townhome units. These units will be located on the 24.5 acre commercially designated property at the northwest corner of SW 172nd Avenue and Pines Boulevard (Pembroke Shores). Even though the proposed development will take place on approximately 24.5 26.88 acres of the 558 acre amendment area, the amendment process for sites within dashed lines mandates the change of land use on the entire 558 acres.

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

North – Commercial and Low Residential (3 du/ac) -Spring Valley

East – Irregular Residential (5.3 du/ac) – Agriculture

South – Estate - Lido Isles

West – Commercial and Low Residential (3 du/ac) - Silver Lakes FQD

The comparative analysis of Public Facilities and Services which is based on the maximum development potential of the site under the existing and

proposed land use designations indicates increases in impacts on all public facilities and services with the exception of traffic circulation and solid waste. The applicant has indicated that the wetland mitigation project for this area was never completed (1.35 acres permitted in 2009); however, the applicant will complete the wetlands mitigation area subject to Broward County requirements. In addition, the proposed 256 234 units will require the submittal of an update to the City's affordable housing study in compliance with Broward County Land Use Plan policy 2.16.2. The applicant has submitted letters of available capacity and will mitigate any increased impacts during the concurrency/capacity analysis and review process. The application has been transmitted to the Broward County School Board (BCSB) staff pursuant to the interlocal agreement for public school facility planning; however, the BCSB staff has agreed to provide review comments during the County review process (see memo from BCSB staff, dated 5/13/19).

The applicant is aware that they will be required to rezone the property. In addition, plat note and site plan approvals will be needed prior to the issuance of a development permit. This applicant is for a regular scale land use plan amendment and therefore, adoption isn't anticipated until early 2020.

**STAFF RECOMMENDATION:**

Staff requests the Planning and Zoning Board as the Local Planning Agency (LPA) transmit the proposed amendments to the City Commission, Florida Department of Economic Opportunity, Broward County Planning Council and Broward County Commission with a positive recommendation subject to Broward County Commission approval of the associated County Amendment, and recertification of the City's land use plan.

Chairman Rose inquired if there was anyone from the public who wished to speak either for or against this item.

The following members of the Planning and Zoning Board spoke:

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

The following member of staff spoke:

Michael Stamm, Jr., Planning and Economic Development Director

The following members of the public spoke:

Dennis Mele, attorney representing the petitioner  
Bonnie Bornstein - Rodriguez, president Pembroke Shores  
Nelson Medina, resident Pembroke Shores  
Nicole Perez, resident Pembroke Shores  
Agnieszka Perez, resident Pembroke Shores  
Nannette Rodriguez, resident Pembroke Shores  
Bruce Chaskin, resident Pembroke Shores  
Ric Arner, resident Pembroke Shores

Dennis Mele, attorney representing the petitioner, noted the board's requests to have more parking, two car garages, and larger units. He acknowledged

that at this time he wouldn't be able to provide an accurate maximum number of units and would appreciate the chance to continue working with the Planning and Zoning Board and the Pembroke Shores Homeowners toward reaching the density that is the best for the City and the community. At this time he voluntarily agreed to a limitation cap of 220 maximum units.

Member Girello moved to transmit the proposed amendments subject; to a limitation cap of 220 maximum units to the City Commission, Florida Department of Economic Opportunity, Broward County Planning Council and Broward County Commission with a positive recommendation subject to Broward County Commission approval of the associated County Amendment, and recertification of the City's land use plan. Member Labate seconded the motion.

The following members of the Planning and Zoning Board spoke:

Chairman Rose, Members Girello, Gonzalez

The following members of staff spoke:

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

On the motion by Member Girello, seconded by Member Labate, to transmit the proposed amendments subject; to a limitation of 220 maximum units to the City Commission, Florida Department of Economic Opportunity, Broward County Planning Council and Broward County Commission with a positive recommendation subject to Broward County Commission approval of the associated County Amendment, and recertification of the City's land use plan, and subject to a limitation cap of 220 maximum units, the following vote was recorded:

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

NAY: None

Motion Passed

## OLD 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.)

2. [19-1076](#) **ZV 2019-05, Holiday Showplace Plaza, 9101 - 9163 Taft 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.

Angela Martin, representing the petitioner, waived her right to the quasi-judicial proceedings.

Ms. Martin 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**

Angela Martin, as agent for owner, is requesting a variance to allow the existing 124 parking spaces instead of the code required 139 parking spaces for Holiday Showplace Plaza. This plaza was built in 1976 (SP 74-05) and is considered existing legal non-conforming. Parking requirements and means of evaluating required parking have changed since the project was originally developed.

Proposed variance request would bring existing conditions into compliance, allow for minimal flexibility in future tenant mix without creating future parking issues. The existing parking chart showing required parking is included with attached Variance Request Application.

Due to the incorrect number of required parking spaces being used in the original public notice and advertising, this item was deferred from the August 8, 2019 meeting to this meeting.

**Variance Request Detail:**

ZV 2019-05) Allow 124 parking spaces instead the required 139 parking spaces for Holiday Showplace Plaza.

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

**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.

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, Members Girello, Gonzalez, Labate

The following members of staff spoke:

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

The following member of the public spoke:

Angela Martin, representing the petitioner

On a motion by Vice Chairman Jacob, seconded by Member Gonzalez, to deny, the Holiday Showplace Plaza (ZV 2019-05) variance request, the following vote was recorded:

AYE: Vice Chairman Jacob, Members Girello, Gonzalez

NAY: Chairman Rose, Member Labate

Motion Passed

## NEW BUSINESS:

## PUBLIC HEARING / REGULAR ITEMS:

3. [19-1077](#) **ZC 2019-01**, The purpose of this Public Hearing is to consider, amending the guidelines of the Mixed Use Development District (MXD) for the **Pembroke Pines Center** (ZC 2019-01) property generally located at the southwest corner of Pines Boulevard and west of Palm Avenue, containing a total net area of 161.36 acres more or less.

(This item will be heard as regular agenda item number 4.)

Chairman Rose stated the purpose of this Public Hearing is to consider, amending the guidelines of the Mixed Use Development District (MXD) for the **Pembroke Pines Center** (ZC 2019-01) property generally located at the southwest corner of Pines Boulevard and west of Palm Avenue, containing a total net area of 161.36 acres more or less.

The following staff report was entered for the record:

**PROJECT DESCRIPTION / BACKGROUND:**

Dwayne Dickerson, agent for contract purchaser Providence Investments, LLC, submitted an application to amend the existing development guidelines for the Pembroke Pines City Center Mixed Use Development (MXD) guidelines. The applicant requests the following amendment to the existing design guidelines:

1. The addition of Assisted Living Facility (ALF) as a permitted use within a specific 3.15-acre parcel within the Community Commercial area of the MXD.
2. The creation of general development, landscape, and parking criteria for the new assisted living facility use.
3. Revision to the guidelines to allow outdoor dining to be permitted within the required building setbacks throughout City Center, allowing for outdoor dining to be closer to nearby roads.
4. Addition of outdoor sales / display subject to City approval.
5. Exhibits Page: Revised accordingly to provide a specific legal description for the Assisted Living Facility property.

The City Commission at its January 16, 2019 meeting voted to approve the sale of the subject 3.15 acre parcel of City Center to Providence Investments, LLC, for the development of up to a 150-room assisted living / memory care facility (Ordinance 1922). The proposed amendment to the Pembroke Pines City Center (MXD) guidelines will allow for the developer to continue through the development approval process. The applicant will be required to submit a site plan for future consideration.

Staff reviewed the proposed application and finds it to be consistent with the purchase and sale agreement as well as compatible with surrounding residential use to the south as well as future contemplated hotel and commercial uses to the north and west of the development parcel.

**STAFF 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.

Transmit this application to the City Commission with a favorable recommendation.

The following member of the public spoke:

Dwayne Dickerson, attorney representing the petitioner

On a motion by Member Girello, seconded by Vice Chairman Jacob, 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. [19-1078](#) **ZC 2019-01**, The purpose of this item is to consider, amending the guidelines of the Mixed Use Development District (MXD) for the **Pembroke Pines Center** (ZC 2019-01) property generally located at the southwest corner of Pines Boulevard and west of Palm Avenue, containing a total net area of 161.36 acres more or less.

Chairman Rose stated the purpose of this item is to, transmit a recommendation to the City Commission, for the consideration to, amend the guidelines of the Mixed Use Development District (MXD) for the Pembroke Pines Center (ZC 2019-01) property generally located at the southwest corner of Pines Boulevard and west of Palm Avenue, containing a total net area of 161.36 acres more or less and

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, Member Gonzalez  
Alternate Member Lippman

The following member of the public spoke:

Dwayne Dickerson, attorney representing the petitioner

On a motion by Member Girello, seconded by Member Gonzalez, to transmit, as recommended by staff, the Pembroke Pines Center (ZC 2019-01), 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

## NEW BUSINESS:

## QUASI-JUDICIAL ITEMS:

5. [19-1079](#) **ZV 2019-06, Walmart #5932**, 2201 N University Drive, 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.

Karri Mathis, representing the petitioner, waived her right to the quasi-judicial proceedings.

Ms. Mathis 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**

Vance Bindley, as agent for owner, is requesting a variance to allow ten (10) short-term parking spaces for Walmart at 12800 Pines Boulevard instead of the allowed three (3) short-term parking spaces. Walmart is considered a free-standing building, and therefore, is limited to three (3) short-term parking spaces per City Code.

The approved Walmart Site Plan (SP 2010-07) shows 695 total parking spaces provided for the 140,450 sq. ft. building with an attached garden center. 124 of these parking spaces are allocated to the adjacent commercial parcel to the east, leaving 571 parking spaces for Walmart. Current parking requirements for retail are 3.5 parking spaces per 1,000 sq. ft. of building area or 492 required parking spaces based on use. Currently there is a surplus of 79 spaces on the site.

To construct the short term parking spaces, Walmart will lose 3 spaces, thus reducing the total parking on site to 692 spaces with a surplus of 76 spaces. A future Miscellaneous Plan submittal, with all details of any proposed changes to colors of the building, proposed awnings, signage, etc. will be submitted to the Planning and Zoning Board for consideration.

**Variance Request Detail:**

ZV 2019-06) Allow ten (10) short-term parking spaces instead of the allowed three (3) short-term parking spaces.

Code Reference: §155.521 AMOUNT OF OFF-STREET PARKING REQUIRED.

(H) Short-term parking may be permitted within non-residential properties with approval from the City Manager or his/her designee subject to the following provisions:

(1) Outparcel buildings and free standing buildings of over 3,000 square feet of gross floor area may be permitted a maximum of three short-term parking spaces.

**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.

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, Labate

The following members of staff spoke:

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

The following member of the public spoke:

Karri Mathis, representing the petitioner

On a motion by Member Gonzalez, seconded by Member Labate, to grant, as determined by variance criteria "C", the Walmart #5932 (ZV 2019-06) variance request to allow ten (10) short-term parking spaces instead of the allowed three (3) short-term parking spaces, the following vote was recorded:

AYE: Chairman Rose, Members Gonzalez, Labate

NAY: Vice Chairman Jacob, Member Girello

Motion Passed

6. [19-1081](#)

**ZV 2019-07, Somerset Academy Elementary, 19620 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.

Dwayne Dickerson, attorney representing the petitioner, waived his right to the quasi-judicial proceedings.

Mr. Dickerson 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**

Dwayne Dickerson, as agent for the owner, is requesting a variance to allow 144 square feet of total signage for Somerset Academy South Campus instead of the allowed 120 square feet of total signage for the site. The Somerset Academy building is considered a freestanding building which is allowed a combined 120 square feet of signage. The previously approved Somerset Academy South Campus Site Plan (SP 2017-14) included 120 square feet of wall signs on the north and southern elevations of the building.

The applicant is requesting a variance, to allow an additional 24 square feet of signage so they can install a monument sign for the campus. The proposed variance would increase the total square feet of signage for the campus to 144 square feet.

**Variance Request Detail:**

ZV 2019-07) Allow 144 square feet of total signage instead of the allowed maximum of 120 square feet of signage for the site.

Code Reference: §155.324 PERMANENT SIGNS

(C) Business Zoning Districts.

(2) Outparcels and freestanding buildings. Unless otherwise provided for herein, signs for all outparcels and freestanding buildings shall be subject to the same provisions of §155.326(C)(6) for shopping center tenants.

(b) The maximum allowable sign area for an outparcel or freestanding building shall be 120 square feet.

**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.

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, Member Gonzalez,

The following member of the public spoke:

Dwayne Dickerson, attorney representing the petitioner

On a motion by Vice Chairman Jacob, seconded by Member Labate, to grant, as determined by variance criteria "C", Somerset Academy Elementary (ZV 2019-07) variance request to allow 144 square feet of total signage instead of the allowed maximum of 120 square feet of signage for the site, the following vote was recorded:

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

NAY: None

Motion Passed

7. [19-1082](#)

**SP 2018-13, Walk-On's @ City Center Phase II**, generally located south of Pines Boulevard and west of Southwest 106 Avenue, site plan application. (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.

Kevin Busse, representing the petitioner, waived his right to a quasi-judicial proceeding.

Mr. Busse 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:**

Interplan LLC, agent for business owner Walk On's Enterprises LLC., seeks site plan approval for the addition of a restaurant perimeter building (Building P-8) at the City Center Commercial Phase II site with associated covered outdoor dining, parking, hardscape and landscape. The proposed Walk-on's restaurant perimeter building will be located at the northwest corner of the City Center Commercial Phase II site. Walk On's is the final perimeter building being

contemplated on the City Center Commercial Phase II property. The City Center Phase II commercial site is generally located south of Pines Boulevard and west of Southwest 106 Avenue. This shopping center is currently under construction.

The City Commission at its August 2, 2017 meeting voted to approve site plan application SP 2016-21 consisting of the development of three buildings (Buildings E, F, and H) on the City Center Phase II property with associated parking, landscape, traffic circulation, and lighting for this site. On March 8, 2018 the Planning and Zoning Board approved a restaurant perimeter building (Building P-9) site plan (SP 2018-03) on this property. The Planning and Zoning Board at its November 15, 2018 meeting approved building P-10 as well as modifications to building H (SP 2018-10) for City Center Phase II.

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

The proposed Walk On's single-tenant restaurant perimeter building will be 27'-8" in height (highest point) and 8,500 square feet in area with the following configuration:

- 7,923 square feet under air restaurant space.
- 1,207 square feet exterior covered patio.

The applicant proposes the following color and material selections for the building:

- Main Body –Brick Veneer (Ragland Clay), Metal Wall Panel (Color -Galvalume)
- Entry Tower – Composite Decking Board – Trex (Color - Tiki Torch)
- Building Accent Color – Cedar Siding (Allura LAP Siding)
- Metal Canopy / Roof – Standing Seam (Color - Matte Black)
- Storefront – Kawneer (Color - Dark Bronze)
- Base Stone – Stone Veneer (Color - Shale Grey), Borra Ceramic Stone (Color – Wellington White)

#### **ACCESS:**

Access to this the Commercial II project will continue to be through the approved locations:

- Main entry off of Southwest 106 Avenue off of Pines Boulevard.
- Secondary access through the following
  - o 1 driveway off Pines Boulevard (northwest entry to site)
  - o 2 driveways off of City Center Boulevard (southeast and southwest of site)

#### **PARKING:**

The City Center Phase II shopping center will provide 465 parking spaces upon completion. 454 parking spaces are required for the shopping center inclusive of the Walk On's restaurant.

#### **SIGNAGE:**

The applicant proposes a 63.16 square foot sign on each the south, north and

east elevations of the building. All three signs will display, "WALK ON'S BISTRAUX & BAR" in red white and blue as displayed in the document backup plans. A WALK ON'S tenant panel will be added to the main shopping center monument.

#### **LANDSCAPING:**

Landscape for this property consists of the following:

- Installation of 6 trees, 15 palms, and 477 shrubs. Primary species of trees Queen Crape Myrtle. Primary specie of palms is Foxtail Palm. Primary species of shrubs include Blue Daze, Cocoplum, and Coontie.

Landscape above is in addition to the landscape provided as part of the master site plan for this shopping center.

#### **OTHER SITE FEATURES:**

Two exterior freezer areas are proposed for the building. The main exterior cooler/freezer (420 sf) will be located on the southwest corner of the building and the secondary cooler (218 sf) to be located on the north elevation. Both coolers will be treated with materials to match the 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.

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, Member Girello

The following member of the public spoke:

Kevin Busse, representing the petitioner

On a motion by Member Gonzalez, seconded by Member Girello, to approve, as recommended by staff, the Walk-On's @ City Center Phase II site plan amendment (SP 2018-13), 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:**

Rose reminded the Planning and Zoning Board members that Member Labate, Alternate Member Lippman, and he requested excused absences from the August 8, 2019 meeting.

On a motion by Member Labate, seconded by Vice Chairman Jacob, to excuse Chairman Rose, Member Labate, and Alternate Member Lippman, from the August 8, 2019 meeting, the following vote was recorded:

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

NAY: None

Motion Passed

#### **ITEMS AT THE REQUEST OF STAFF:**

Michael Stamm, Jr., Planning and Economic Development Director, spoke in reference to combining the October meetings and only having the October 10, 2019 meeting. He also noted that a workshop meeting will be held at 6:00 p.m. prior to the regular meeting.

#### **ITEMS AT THE REQUEST OF THE PUBLIC:**

#### **ADJOURNMENT:**

Chairman Rose adjourned the meeting at 9:17 p.m.

ADJOURNED:  
9:17 P.M.

Respectfully submitted:

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Sheryl McCoy  
Board Secretary