Legislation Text

File #: 22-0370, **Version:** 1

REQUEST FROM JIMMY NEWMON (CLAYTON SIGNS), AS AGENT FOR VERIZON, TO APPEAL THE PLANNING AND ZONING BOARD'S DENIAL OF COMMERCIAL ZONING VARIANCE #ZV 2022-04 FOR THE PROPERTY LOCATED AT 16040 PINES BOULEVARD, P-101.

1. On April 14, 2022 the Planning and Zoning Board (PZB) heard an application for two non-residential zoning variance for the Verizon Store at 16040 Pines Boulevard, P-101 from Jimmy Newmon (Clayton Signs), as agent for Verizon wireless.

2. The applicant requested Non-Residential Zoning Variance #'s ZV 2022-03 to allow 162 square feet of wall signage instead of the allowed 120 square feet of wall signage; and ZV 2022-04 to allow three (3) wall signs instead of the allowed two (2) wall signs.

3. The variance requests, and applicant's statement, are attached to the agenda item.

4. After hearing testimony, reviewing the application as well as the statements from the applicant, the motion to APPROVE Non-Residential Zoning Variance # ZV 2022-03 passed by a 4-1 vote, and on a motion to DENY Non-Residential Zoning Variance # ZV 2022-04 passed by a 3-2 vote.

5. The applicant is appealing the denied Zoning Variance # ZV 2022-04 to allow three (3) signs.

6. Per Section 155.311 of the City of Pembroke Pines Land Development Code decisions of the PZB are subject to appeal to the City Commission in accordance with the procedures set forth below:

155.311 APPLICATION APPEAL PROCESS

(A) Right to Appeal. Any party aggrieved by a decision, interpretation, or order made by the Planning and Economic Development Department Director or other administrative official, Board of Adjustment, Planning and Zoning Board, or the City Commission in administering or enforcing the provisions of the Land Development Code may appeal the decision, interpretation, or order.

(C) Appeal of Board Decisions

1. Decisions of the Board of Adjustment or the Planning and Zoning Board in quasi-judicial proceedings are subject to appeal to the City Commission by either the city, petitioner, or an affected person as defined in this code based on lack of competent and substantial evidence to support the Board's ruling.

2. Any person seeking to appeal must file a written request to appeal with the Director of Planning and Economic Development, or designee, no later than noon on the seventh calendar day following the meeting at which the Planning and Zoning Board has rendered a final decision.

3. The applicant filing the appeal shall submit a written statement to the Director of Planning and Economic Development no later than eight days before City Commission meeting at which the appeal shall be heard. This written statement shall state with specificity why the appellant believes

that the Planning and Zoning Board's decision was not based on competent and substantial evidence. This written statement shall be included in the agenda for the City Commission meeting at which time the appeal shall be heard

4. The person filing the appeal shall bear the cost of all advertising and notice requirements associated with the appeal.

5. The appeal shall be presented to the City Commission as soon as practicable, subject to the notice requirements and procedures set forth herein, for a final determination as to whether or not there was competent and substantial evidence to support the Board's ruling.

7. Consistent with code requirements, the applicant, has submitted the required documentation to appeal the PZB decisions to the City Commission. See attached Intent to appeal dated April 20, 2022 and Request for Appeal Justification letter.

8. Below is the link to the video of the April 14, 2022 Planning & Zoning Board meeting. Copy link and past into browser to view: **http://ppines.granicus.com/player/clip/637?view_id=1&redirect=true**

9 . The applicant requests City Commission action regarding Denied Non-Residential Zoning Variance Request # ZV 2022-04 to allow three (3) signs instead of the allowed two (2) signs.

a) Initial Cost: None
b) Amount budgeted for this item in Account No: Not Applicable.
c) Source of funding for difference, if not fully budgeted: Not Applicable.
d) 5 year projection of the operational cost of the project: Not Applicable.
e) Detail of additional staff requirements: Not Applicable.

FEASIBILITY REVIEW:
a) Was a Feasibility Review/Cost Analysis of Out-Sourcing vs. In-House Labor Conducted for this service? Not Applicable
b) If Yes, what is the total cost or total savings of utilizing Out-Sourcing vs. In-House Labor for this service? Not Applicable