



Legislation Text

File #: 20-0675, **Version:** 1

REQUEST TO APPEAL A DECISION OF THE PLANNING AND ZONING BOARD BY AN AFFECTED PARTY FOR THE LADIM AVIATION SITE PLAN (SP 2020-08).

1. On August 13, 2020 the Site Plan (SP 2020-08) for LaDiM aviation was heard by the Planning and Zoning Board, the backup materials and staff report for the agenda item have been attached.
2. The Planning and Zoning Board approved the site plan as recommended by staff by a vote of 3-2. Chairman Rose, Vice Chair Jacob and Member Girello voted in favor of the application and Members Labate and Gonzalez voted against the application. A draft version of the action minutes has been attached to the agenda item.
3. On Saturday, August 15, 2020 District 1 Commissioner Thomas Good Jr. submitted an appeal of the Planning and Zoning Board decision as an affected person. The written request to appeal was submitted in a timely fashion in accordance with section 32.083 Appeal of Board Decisions.
4. On Tuesday, September 8, 2020, the Director of Planning and Economic Development received a written statement from the affected person outlining why the Planning and Zoning Board's decision was not based on competent and substantial evidence. The letter has been attached to the item.
5. Section 32.083 of the City of Pembroke Pines Code of Ordinances allows for an affected party to appeal decisions made by the Planning & Zoning Board to the City Commission.
6. Section 32.083 APPEAL OF BOARD DECISIONS states the following:
 - (A) Decisions of 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 § 37.02 based on lack of competent and substantial evidence to support the Board's ruling.
 - (B) Any person seeking to appeal must file a written request to appeal with the Director of Planning and Economic Development, or his or her 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.
 - (C) The person 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 Commission meeting at which time the appeal shall be heard.
 - (D) The person filing the appeal shall bear the cost of all advertising and notice requirements associated with the appeal.
 - (E) 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.
 - (F) Hearings before the City Commission are not trials de novo but rather appellate in nature.

Appeals shall be limited to the written record and new additional evidence shall not be presented. For purposes of this subchapter, COMPETENT AND SUBSTANTIAL EVIDENCE shall mean evidence shall be deemed competent to the extent that it should be sufficiently relevant and material so that a reasonable person would accept it as adequate to support the conclusion reached. Evidence shall be deemed substantial if it will establish a substantial basis of fact from which the fact at issue can be reasonably inferred, or such relevant evidence as a reasonable mind would accept as adequate to support the conclusion.

7. Request City Commission action appealing a decision of the Planning and Zoning Board by an affected party for Site Plan SP 2020-08 LaDiM aviation.

- 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.