



MINUTES OF THE CITY OF MIRAMAR PLANNING AND ZONING BOARD MEETING

APRIL 16, 2024

6:30 P.M.

A meeting of the Planning & Zoning (P&Z) Board was called to order by Chairperson Thompson on Tuesday, April 16, 2024, at 6:41 p.m. in the Commission Chambers, Miramar City Hall, 2300 Civic Center Place, Miramar, Florida.

I. ROLL CALL

The following members of the Planning & Zoning Board were present:

Matthew Thompson, Chairperson
Marcus Dixon, Vice Chairperson
Saran Earle-Cunningham
Carson "Eddy" Edwards
Wayne Lomax
Mary Lou Tighe
Annette Payne (Alternate) (Late)

The following member of the Planning & Zoning Board was absent:

Vivian Walters, Jr. (Excused)
Wilbur Perez (Alternate) (Excused)

A quorum was achieved.

The following City staff members attended:

Building Planning & Zoning (BPZ) Director Nixon Lebrun
City Attorney Pam Booker
Senior Planner Deyman Rodriguez, BPZ
Planner Robert Artuso, BPZ

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

- **Regular Meeting Minutes of March 12, 2024**

Chairperson Thompson asked for a motion to approve the March 12, 2024, minutes, as presented; Member Tighe made a motion to approve, seconded by Member Earle-Cunningham; the following vote was recorded:

AYE: Chairperson Thompson, Vice Chairperson Dixon, Members Earle-Cunningham, Edwards, Lomax and Tighe

NO: None

ABSENT FOR VOTE: Members Perez, Payne, and Walters

MOTION PASSED: 6-0

IV. QUASI-JUDICIAL PUBLIC HEARING:

City Attorney Booker reviewed the City's quasi-judicial procedures, collectively swearing in all persons wishing to speak on agenda item IV. (1).

- (1) Application No. 2400056, Conditional use request for a Drive-thru expansion from an existing single lane Drive-thru to a double lane.

(Presenter: Deyman Rodriguez, Senior Planner)

Senior Planner Deyman Rodriguez presented the subject application, as detailed in the backup, noting the following:

- The proposed expansion was for the Chic-fil-A restaurant drive-thru located at the Fountains of Miramar shopping center in an outparcel, east of Dykes Road, and north of Miramar Parkway
- The land use designation was commercial; the zoning designation was community business; the restaurant use was permitted by right, but, pursuant to code regulations, a drive-thru component required conditional use approval
- The expansion was to address occasional traffic spill over, usually during peak hours, from the existing drive-thru lane into the main shopping center drive aisle
- With the proposed expansion, the applicant's use would still be code compliant in terms of parking that would be provided onsite with an additional ten spaces directly across in the shopping center parking
- One of staff's concerns was regarding the main crosswalk in front of the building as it would intersect the drive-thru lane, but the applicant stated Chic-fil-A employees could monitor the stacking of vehicles, and pedestrian crosswalk as part of their operation plans
- A community meeting was held Monday, March 25, 2024; no members of the public were present; the notice for the community meeting, and the present P&Z Board meeting done in a timely manner; notices were sent out property owners

- within 1,000 feet of the subject location
- Staff recommended approval of the application under the condition that Chic-fil-A operated the site in a manner that allowed for safe and efficient vehicular circulation, and pedestrian connectivity.

Vice Chairperson Dixon wondered if there was a timing issue for moving the subject application through the City's process, as staff's recommendations and notes contained in the backup led him to believe staff appeared to lean toward not recommending approval.

Mr. Rodriguez explained the project had been through the City's Development Review Committee (DRC) process multiple times, and city staff continued working back and forth with the applicant over the past month to finalize the site plan. The site plan shown in the presentation was the most current and accurate site plan, and staff was analyzing the staff report to bring forward the application for sign off at the upcoming DRC meeting.

Hope Calhoun, the applicant's representative gave a PowerPoint presentation on the subject application, stating most of the content in the presentation was contained in staff's presentation provided in the backup. The popularity of Chic-fil-A restaurants led the many of their sites throughout Dade, Broward, and Palm Beach Counties being retrofitted to accommodate their traffic needs; at the time they opened, they did not know they would need more space, so they sought to remedy a situation that resulted from their success. She noted the original application was submitted in October 2023, and the consultants were working with all the DRC disciplines since then to draft the site plan currently before the board. The proposed change was to address existing conditions, the site constraints, and concerns voiced by the Fire Department staff, along with landscaping concerns, so the applicant sought to create the best, efficient solution in the safest manner possible. The applicant felt the change would result in a safer atmosphere the cars traveling to and from their site via double stacking; the remaining landscaping added to the visual safety concern when they originally moved all the landscaping, to which staff objected, as the City wished to have some landscaping remain. Ms. Calhoun pointed out the solution Chic-fil-A sought to address the subject traffic issue was not one that was new for them; they had ways and means to operate their business safely, so people remained safe, whether standing outside taking orders, walking to and from their parked cars, etc. Staff's recommending approval indicated the applicant satisfied the conditions for approval, so she asked the P&Z Board to approve the subject application.

Member Edwards noticed food traffic would be walking across vehicular traffic, asking what safety measures were being implement to address this.

Ms. Calhoun, as done at other locations, Chic-fil-A employees would be in the parking area taking orders and monitoring foot and vehicular traffic; and once the new onsite configuration was completed, they would determine the safest way to get pedestrians through the parking lot into the business.

Vice Chairperson Dixon sought clarification that it was the applicant's understanding that they addressed all the conditions for approval of their conditional use application, as

indicated by the staff conditions noted in the backup.

Ms. Calhoun affirmed this was the applicant's understanding; when staff drafted their report, it was based on a prior site plan configuration, and with the original application having been submitted for some time, staff allowed the applicant to draft a new site plan based on the DRC conditions for approval given in response to the applicant's original site plan. She said staff recommended approval before the most recent changes to the site plan, and staff still recommended approval based on the improved site plan submitted by the applicant.

Member Earle-Cunningham believed the proposed drive-thru expansion was similar to that existing at the Chic-fil-A located in Pembroke Pines by Pines Boulevard and Flamingo Road.

Ms. Calhoun concurred.

Member Tighe wished to know what staff meant by Chic-fil-A employees would monitor the vehicular and pedestrian traffic, and that this would be part of their operational procedures.

Ms. Calhoun restated Chic-fil-A staff would be out in the field taking orders, so they would monitor the flow of vehicular and pedestrian traffic.

Member Tighe questioned what actions staff would take if they observed something wrong.

Ms. Calhoun gave an example of an employee stopping traffic to allow a pedestrian to walk from the restaurant to the parking lot, and vice versa. She remarked a similar practice took place at the franchises in Davie, Pembroke Pines; this was not a new operation system for the restaurant chain.

Member Tighe asked if it became Chic-fil-A employees' responsibility to police the situation.

Ms. Calhoun answered no; adults visiting the site were primarily responsible, first and foremost, to pay attention to their surroundings, but Chic-fil-A employees would be onsite additionally monitoring the situation, and offering assistance if needed.

Member Tighe wanted to know more about Chic-fil-A's operational plan.

Ms. Calhoun said once the store opened, and they saw how traffic flowed and operated, a would be better able to determine the specifics of the plan for the specific site.

Member Tighe asked if this meant the operational plan was not standard, rather it was unique to each site.

Vice Chairperson Dixon wished to know the timeline for the applicant to begin actual

construction.

Ms. Calhoun responded approximately three to six months, depending.

Member Lomax observed quite a few issues were raised by city staff regarding what seemed to be recommendations for corrections or adjustments, asking staff if the applicant addressed those satisfactorily.

Mr. Rodriguez answered yes; the DRC's concerns, and conditions of approval were all satisfied by the applicant, restating over the past month the applicant worked hard with all DRC disciplines. Staff held an internal meeting after the last DRC meeting, and the applicant addressed the concerns noted. He said the staff report before the board was an older version, and staff was still finalizing its most current report, and as in that later report they recommended approval, staff felt safe placing the subject application on the agenda for board consideration.

Chairperson Thompson stated he was familiar with the site, and he observed people tended to park in the ten parking spaces across the drive aisle; there seemed to be no crosswalk measures coming from the area of those ten parking spaces to and from guide restaurant patrons to the Chic-fil-A. He asked if this would be an additional, onsite improvement to the restaurant.

Ms. Calhoun pointed out on the rendering showing the crosswalk from where the two handicap parking spaces were located going to the building.

Jason James, the applicant's engineer of record, said the idea was that the meaning of signage, pavement markings in parking lots, and drive lanes in a plaza were understood by drivers and pedestrians alike, so they knew to use them accordingly. Pavement markings were a legal form to stop cars, and the landscaping and sidewalk connections guided pedestrians on the route they should take to and from the restaurant.

Chairperson Thompson commented on the applicant already sacrificing parking already within the property with the concession that there were adequate parking in the adjacent parking lot across the drive aisle. His suggestion was to include some paving markings to guide patrons safely across the drive aisle.

Mr. James concurred, stating they had pedestrian signage, so he would propose to the applicant including additional pavement markings as wayfinding for pedestrians from the shared parking lot to the restaurant. He said there was a connection to the north of the site via the existing sidewalk, where they created a pavement connection from that sidewalk, where crosswalks were provided.

Chairperson Thompson mentioned the possibility of including a ramp for disabled patrons.

Mr. Rodriguez thought Mr. Thompson's suggestions were possible, so staff would ensure in the final set of plans, specifically on the pavement markings sheets, the applicant would be asked to provide signage, and show the exact markings for the midblock crossing.

Vice Chairperson Dixon sought clarification on notes in the backup that spoke about a kitchen expansion, where that was located in the renderings, and how that impacted the subject conditional use application.

Ms. Calhoun said the applicant was doing a small kitchen expansion that did not require conditional use approval; it was just a building permit matter, but it was part of the work to be done onsite. The applicant sought to make the entire site operate more efficiently.

Chairperson Thompson opened the discussion to the public; he received no input.

Member Tighe expressed concern about approving something she could not see actually reflected in the updated staff report; she was also concerned about not seeing an operational plan regarding safety, and monitoring, and how that would happen.

Mr. Rodriguez explained time constraints led staff to put the subject application for consideration, as staff recommended approval in both the old staff report, and the staff report still in the process of being updated. As staff and the applicant were working constantly over the last month, and the site plan before the board was the most current version for which staff recommended approval, as it eliminated the need for two landscape variances the applicant previously applied for, but withdrew. He said there were no other development applications in terms of variances, as staff worked with the applicant to ensure all DRC concerns and conditions for approval were addressed by the applicant, and they were code compliant. Despite not being able to finalize their report prior to the present meeting, they felt comfortable presenting the subject application to the board for approval, knowing their report would recommend approval.

Member Lomax remarked the board's challenge was they were working from a report contained in the backup that staff was saying was outdated, but which showed staff's concerns with the subject application. He heard staff state that the DRC's concerns and conditions were addressed by the applicant, but this was not what the working documentation before the board stated.

Ms. Calhoun mentioned, as the City Attorney stated, the subject application was quasi-judicial matter, so when such matters came before the board, the latter considered the backup documents, as well as the testimony received from staff and the applicant at the present Meeting, hence all speakers taking an oath to tell the truth. Thus, the testimony given to the board by staff and the applicant's representatives supplemented whatever was provided in the backup, and the recommendation for approval from staff based on whatever was contained in the staff report in the backup, and in the live testimony from staff remained the same. Member Lomax specifically asked staff if the applicant addressed all staff's concerns and conditions for approval, and Mr. Rodriguez testified, answering yes, the applicant had, hence staff's recommendation for approval. She said, therefore, the evidence presented to the board at the present meeting indicated the applicant received staff's recommendation, the applicant satisfied and met all the conditions required under city code for approval of the item, hence the applicant's request that the board approve the subject application. The issues being raised by the board

were not related to the conditions and requirements established by city code.

City Attorney Booker pointed out the planning process was not always a perfect one, and, ideally, the ultimate site plan presented in the backup could have been presented a month ago, but in reality, sometimes through conversations between city staff and the applicant's team, additional changes were made to address concerns, and conditions before coming before the board, and the City Commission. At least when the applicant came before the board, they already took action to address staff's concerns and conditions for approval. She said, in the subject instance, it was unfortunate the changes were not made prior to the staff report in the backup, but this was the reality of the situation, which she witnessed in other municipalities, though not in Miramar, where the report was not consistent with the final version of the site plan. At least the applicant addressed all staff's concerns, and the board was allowed to take into account the evidence voiced by staff and the applicant at the present meeting, and the current site plan included in the backup, along with all other evidence when making its decision. It was not an inconsistency in the record, and both staff and the applicant explained the difference in the record, thus, the decision would be made on the prior staff report, the final site plan, and the full discussion on how those things differed, and why. The board received a complete picture on which to base its decision on the subject application.

Chairperson Thompson wish to restate for the record his recommendation that the applicant include roadway striping for restaurant patrons walking to and from the shared parking area.

City Attorney replied this could, again, be spoken into the record, but in the earlier meeting discussion, city staff already agreed to ensure that striping was included in the final approved site plan, and the applicant verbally agreed on the record to include markings for pedestrian to have safe access from the shared parking area to the restaurant.

Ms. Calhoun said the applicant can definitely provide safe pedestrian signage, but they were unable to guarantee putting in a crosswalk, as it was a midblock; from an engineering standpoint, they might not be able to do the striping on the road.

Chairperson Thompson understood, hence his adding, as per code for allowing the safe crossing of pedestrians. Thus, whatever the city code allowed was what he was asking for.

Member Tighe wished to know what would happen if the city code did not allow the applicant to stripe the subject area for better pedestrian safety, as something different was needed in order to accomplish what Mr. Thompson sought to do.

Chairperson Thompson commented on looking at existing shopping centers, and seeing how they functioned, some had no crosswalk. In the Monarch Lakes Town Center, there were busy drive aisles, but the only places they had crosswalks were by the Publix with stop signs on each side, so there was signage. Thus, his request being for whatever city code allowed, as he was not asking to supersede code requirements.

City Attorney Booker pointed out the first motion, or Ms. Earle-Cunningham, the maker of the first motion, along with Mr. Edwards, who seconded the motion, could agree to add Mr. Thompson's recommendation to staff and the applicant to the motion.

Members Earle-Cunningham and Edwards agreed to add Mr. Thompson's language to their motion for approval.

Chairperson Thompson asked for a motion to approve Application No. 2400056 as presented, and with the addition of Chairperson Thompson's recommendation noted above. Member Earle-Cunningham made a motion to approve, seconded by Member Edwards; the following vote was recorded:

AYE: Chairperson Thompson, Vice Chairperson Dixon, Members Earle-Cunningham, Edwards, Lomax and Payne

NO: Member Tighe

ABSENT FOR VOTE: Members Perez, Payne, and Walters

MOTION PASSED: 6-1

Vice Chairperson Dixon asked, for the record, that staff provide board members with the updated version of staff's report on the subject application when it was completed, and make it a part of the minutes for the present meeting.

Mr. Rodriguez agreed to provide the most current staff report, as requested above. The finalized staff report would be part of the agenda backup provided to the City Commission when the item was placed on the Commission agenda for consideration.

VI. OTHER BUSINESS

- City Attorney Presentation: Sunshine Law Review

Chairperson Thompson stated city staff advised him the subject presentation would be postponed to the next board meeting.

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Chairperson Thompson asked for a motion to approve the excused absence of Member Walters; on a motion by Member Tighe, seconded by Member Lomax; the following vote was recorded:

AYE: Chairperson Thompson, Vice Chairperson Dixon, Members Earle-Cunningham, Edwards, Lomax, Payne and Tighe

NO: None

ABSENT FOR VOTE: Members Perez, Payne, and Walters

MOTION PASSED: 7-0

Chairperson Thompson asked for a motion to approve the excused absence of Member Perez; on a motion by Member Tighe, seconded Vice Chairperson Dixon; the following vote was recorded:

AYE: Chairperson Thompson, Vice Chairperson Dixon, Members Earle-Cunningham, Edwards, Lomax, Payne and Tighe

NO: None

ABSENT FOR VOTE: Members Perez and Walters

MOTION PASSED: 7-0

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VII. ADJOURNMENT

The next meeting: May 14, 2024, at 7:30 p.m.

The meeting was adjourned at 7:51 p.m.



Matthew Thompson, Chairperson
MT/cp