

# **SUPPLEMENT TO APPLICANT'S PRESENTATION**

525 W PEMBROKE RD, LLC

Applications CU-25-03650, V-25-03651

City of Hallandale Beach City Commission

Wednesday, August 20, 2025

## **Contents**

1. Applicant Letter to City Attorney
2. City Attorney Response
3. Applicant Reply to City Attorney

# **1. Applicant Letter to City Attorney**

# Caldera

LAW

February 20, 2025

Jennifer Merino, Esq.  
Office of the City Attorney  
400 South Federal Highway, Second Floor  
Hallandale Beach, Florida 33009  
*Transmitted via electronic mail to [jmerino@hallandalebeachfl.gov](mailto:jmerino@hallandalebeachfl.gov)*

RE: **Equitable Estoppel and M Car Wash Application**

Dear Madam City Attorney,

This correspondence is transmitted to you on behalf of 525 W Pembroke Rd LLC (the “Applicant”) regarding the Applicant’s rights with respect to the City of Hallandale Beach’s (the “City”) review of the Applicant’s site plan to construct a drive-through car wash facility (the “Project”) on vacant land located at 525 W. Pembroke Road, Hallandale Beach, Florida 33009 (the “Property”). As you are aware, the Applicant believes the City is equitably estopped from enforcing new requirements on the Applicant as described in more detail below. Based on the arguments presented here, the Applicant is requesting that the Project be considered for “Minor Development Review” pursuant to Section 32-782(a)(1) of the Ordinances of the City of Hallandale Beach as they existed when the Applicant submitted payment for the Project application on November 22, 2022 (the “Old Code”).

## **Timeline**

Before purchasing the Property, the Applicant requested and received a Zoning Verification Letter from the City. Please refer to Exhibit A. In March 2022, the Applicant conducted two in-person meetings with City staff to understand the development review process. To prepare for the first “pre-application” meeting, the Applicant invested time and money to design a preliminary site plan based on the Old Code. During the “pre-application” meeting, the Applicant specifically asked how the Project could be developed to stay within the scope of a “Minor Development Review” so that it could obtain its objectives without having to go through “Major Development Review.” At the second preliminary meeting, the Applicant received verbal confirmation that the Project would be reviewed under the “Minor Development Review” process. At the end of March 2022, the Applicant purchased the Property for \$2.1 million dollars with the express purpose of developing a car wash.

The Applicant filed its application electronically on August 8, 2022: receipt of the same was confirmed by Mr. Luis Fontanills. The Applicant submitted additional requested documentation in September 2022, the receipt of which was also confirmed by Mr. Fontanills. In November 2022, the Applicant had not received comments from the City, so requests were escalated to Planning and Zoning Manager Christy Dominguez. Ms. Dominguez advised that hard copies of the application had not been received, though they were hand delivered. She then requested an additional fee and additional copies.

# Caldera

LAW

The Applicant provided all requested materials and paid a \$6,500 application fee. Please refer to Exhibit B. The Applicant met with City staff on January 24, 2023 for its First Development Review Committee (“DRC”) meeting. On June 12, 2023, the Applicant resubmitted its plans. On September 21, 2023, the Applicant met with City staff for its Second DRC meeting. Throughout this period, the City confirmed in its DRC comments to the Applicant that the Project was going through the “Minor Development Review” process. At no point in time did staff advise the Applicant that code amendments were being considered that would substantively impact the Project and the Applicant.

In the intervening period between the Applicant’s Second and Third DRC meetings, the City introduced and passed amendments to its land development regulations, which substantially altered the review process for the Project (the “New Code”). The New Code was considered by the City Commission on December 6, 2023 on “first reading.” The City Commission approved the New Code on January 17, 2024.

The Applicant continued working with its architect, civil engineer, owner’s representative, and the Florida Department of Transportation to identify solutions to City comments. In February 2024, agents for the Applicant communicated to Ms. Bridgett Plummer to coordinate a visit to the Property to address comments related to sanitation. The visit to the Property with Ms. Plummer took place in February 2024. Please refer to Composite Exhibit C. On April 9, 2024, agents for the Applicant received an email from City staff urging the Applicant to submit a responsive resubmittal package by April 24, 2024. The Applicant complied. Please refer to Composite Exhibit D. The Applicant’s Third DRC meeting was held on July 11, 2024.

During this meeting, the Applicant was advised that its proposed use of a car wash on the Property was no longer a “permitted use” under the Old Code. Rather, the proposed use of a car wash is considered a “conditional use” under the New Code. The difference between “permitted use” and conditional use” is significant and substantively affects the Applicant. Under the Old Code, the Applicant was not required to participate in any quasi-judicial hearing before any public board, be it the City’s Planning and Zoning Board or the City Commission. The Project’s site plan review was purely administrative. Under the New Code, the Applicant is required to participate in two public meetings, including a quasi-judicial hearing before the City Commission. In addition to needing approval for a “conditional use,” the Applicant must also obtain approval of a variance to allow “auto-related uses” within a certain distance of other “auto-related uses” in the vicinity of the Property. The City Commission now has authority and discretion to reject the Project. Moreover, additional reviews and the burden of public hearings are costly, in terms of both time and money.

## Legal Argument

The doctrine of equitable estoppel is lawfully applied to a local government exercising its zoning power when a property owner, relying in good faith upon some act or omission of the government, has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights he has acquired. See *Town of Largo v. Imperial Homes Corp.*, 309 So.2d 571 at 572 (Fla.



# Caldera

LAW

2d DCA 1975). The mere purchase of land does not create a right to rely on existing zoning. See *City of Miami Beach v. 8701 Collins Ave.*, 77 So.2d 428 (Fla. 1954). But when a property owner takes proactive steps to exercise appropriate due diligence, spends vast sums of money relying on responses received and actions taken by the local government, submits a complete application, pays fees for said application, and engages in robust development reviews and corrections, the local government is estopped from creating new requirements and limitations on the property owner. See *City of Lauderdale Lakes v. Corn*, 427 So.2d 239 (Fla. 4th DCA 1983).

In *Lauderdale Lakes v. Corn*, the Fourth Circuit affirmed a final judgment invalidating zoning ordinances as applied to a specific property, requiring Lauderdale Lakes to approve a site plan (conditioned upon the correction by the owner of three specified deficiencies) and, ultimately, to issue a building permit. The owner spent a substantial sum of money to improve his property, relying on the City's affirmative adoption of zoning that permitted mini-warehouses and other commercial uses. When the owner was very close to obtaining site plan approval for his project, the City amended the site's zoning and prohibited the owner's intended use. The court noted in its opinion that the owner would not have spent that money had it not been for Lauderdale Lakes's action zoning the property to permit its intended use. *City of Lauderdale Lakes v. Corn*, 427 So.2d 239 (Fla. 4th DCA 1983).

It is well established that "an owner of property acquires no vested rights in the continuation of existing zoning or land use regulations as to such property unless matters creating an estoppel against the zoning authority have risen." *City of Gainesville v. Cone*, 365 So.2d 737, 739 (Fla. 1st DCA 1979). The Applicant in our case did not merely rely on the continuation of existing zoning on its property. The Applicant took numerous proactive steps to continuously affirm the permitted use of "car wash" on its Property. The Applicant obtained a Zoning Verification Letter to confirm the permitted use. The Applicant held two pre-application meetings with the City to confirm the permitted use as well as to confirm that the Project could be accomplished without having to obtain quasi-judicial approvals. The Applicant submitted a complete site plan application and paid the required fee for the same. The Applicant pursued its Project in good faith, working to resolve issues and respond to City comments throughout the development review process.

Moreover, retroactive application of Ordinance 2024-006 (see Exhibit E) to the Project is prohibited without the clear legislative intent of the City Commission. Ordinance 2024-006 declares in Section 5 that "this ordinance shall take effect immediately upon its passage and adoption." Nowhere else in the language of Ordinance 2024-006 is there a mention of retroactive application. Florida courts generally disfavor the retroactive application of substantive laws unless there is a clear legislative intent for retroactivity, and even then, it must not violate due process by creating new obligations, risks, and costs. (*Patronis v. United Insurance Company of America*, 299 So.3d 1152 (2020)).

The presumption against retroactivity is a default rule of statutory construction. The essential purpose of statutory construction is to determine legislative intent. See *City of Boca Raton v. Gidman*, 440 So.2d 1277, 1281 (Fla.1983); *State v. Sullivan*, 95 Fla. 191, 207, 116 So. 255, 261 (1928). The presumption is rebutted by clear evidence of legislative intent. See *Arrow Air*, 645 So.2d at 425. A retrospective

# Caldera

LAW

provision of a legislative act is invalid when a new obligation or duty is created or imposed, or an additional disability is established, on connection with transactions or considerations previously had or exiated. *McCord v. Smith*, 43 So.2d 704, 708–09 (Fla.1949). Thus, a municipality “may be equitably estopped to enforce a change in zoning regulations against one who has substantially altered his position in reliance upon the original regulation...” *City of Miami Beach v. 8701 Collins Ave.*, 77 So.2d 428, 429 (Fla. 1954).

The Applicant respectfully requests that you advise the Planning and Zoning Manager and other relevant authorities within the City that the Project must be reviewed under the Old Code, for Minor Development Review. Please contact me at your earliest convenience if you have any questions: [rachel@caldera.law](mailto:rachel@caldera.law), (954) 290-8600.

Sincerely,

  
Rachel A. Streitfeld Esq.

Counsel for the Applicant

cc: Roget Bryan ([rbryan@cohb.org](mailto:rbryan@cohb.org))



Community Enhancement  
and Sustainable  
Development Department  
(CESD)

**VANESSA LEROY**

JOY COOPER  
Mayor

MIKE BUTLER  
Vice Mayor

SABRINA JAVELLANA  
Commissioner

MICHELE LAZAROW  
Commissioner

ANABELLE LIMA-TAUB  
Commissioner

400 S. Federal Highway  
Hallandale Beach, FL 33009  
Ph (954) 457-1300  
Fax (954) 457-1454

February 24, 2022

Stanislav Tyufyagin  
331 NW 204<sup>th</sup> Ter.  
Miami Gardens, FL 33169

**RE: Zoning Verification Letter**  
**525-517 W Pembroke Road**  
**Folio #: 5142 21 16 0120, 5142 21 16 0110, 5142 21 16 0100, 5142 21 16 0090,**  
**5142 21 16 0080, 5142 21 16 0070**  
**LEGAL DESCRIPTION: (MULTIPLE – 6 CONTIGUOUS LOTS – see attached**  
**BCPA information)**

To Whom It May Concern:

The above referenced properties located at 525-517 W Pembroke Road are currently zoned West RAC (Regional Activity Center) Zoning District, and lie within the Pembroke Road Sub-district. The properties are designated Regional Activity Center under the Future Land Use Plan.

The West RAC Zoning District seeks to provide single-residential dwellings in the established neighborhoods along the Foster Road corridor, while also providing a mix of compatible neighborhood scale commercial uses along the Pembroke Road Corridor. Neighborhood-scaled commercial uses such as small convenience stores, barber shops and ice cream shops are envisioned for the District.

The Pembroke Road Subdistrict encourages and promotes well-designed commercial and mixed use developments along the Pembroke Road corridor. Residential uses within this subdistrict are limited to mixed use and live/work units. Pembroke road accommodates a wide range of commercial uses, including food stores, convenience stores, offices, professional services, and employment services. **A Car Wash which is fully enclosed in a building is a permitted use; also exterior self service Vacuum station arches is a permitted use.**

A complete listing of allowable uses and development standards for the subject property can be found in Table 32-160(a) and Section 32-160(d), respectively, in the City of Hallandale Beach Code of Ordinances. Copies are available at the City Clerk's Office located on the second floor of City Hall for fifteen cents per page or via the Internet at [www.municode.com](http://www.municode.com). For your convenience a list of allowed uses and development standards in the Pembroke Road Subdistrict has been attached to this letter.

Please feel free to contact me with any questions at (954) 457-3019.

Sincerely,

Luis Fontanills, R.A.  
Planning and Zoning Division, Zoning Technician  
Community Enhancement and Sustainable Development Department (CESD)  
City of Hallandale Beach

Attachments: Sec. 32-160.b. – West RAC Allowable uses and Sec. 32-160.d. – Pembroke Road Sub-district standards.

**Sec. 32-160.b. - Allowable uses.**

Table 32-160.a identifies uses that are allowed as permitted or conditional uses in each West RAC subdistrict as well as uses that are not permitted in each subdistrict. Uses identified with a "P" are permitted by right. Uses identified with a "C" are permitted subject to the standards in section 32-964 and additional standards in each subdistrict. Uses identified with a "-" are not permitted in the subdistrict.

(a) *Compatibility of uses.*

(1) Mixed-uses. The West RAC permits mixed use development (Table 32-160.a).

- a. Mixed use development blends a combination of compatible uses in an environment where such uses are physically and functionally integrated.
- b. Permitted uses cannot be mixed with prohibited uses.

(2) Mixed uses in the West RAC zoning district shall provide pedestrian connections and combine compatible uses that function in concert with all other uses in the development.

- a. Proposed mixed use developments, at the discretion of the development services director, must provide a supplemental report that outlines the following:
  - i. Special provisions made to ensure compatibility of the uses; and,
  - ii. Design features that enhance physical and functional integration (including parking, loading, sanitation storage, crime prevention, noise reduction, on-site circulation, etc.).

**Table 32-160.a West RAC Permitted Uses by Subdistrict**

	Palms Gateway	Pembroke Road	Foster Road
<b>RESIDENTIAL USES</b>			
Single-family residential dwelling	P	-	-
Two-family (duplex) residential dwellings	P	-	-
Townhouse residential dwellings	P	-	P
Multi-family residential dwellings	P	-	P
Mobile home	-	-	-
Residential accessory uses	P	P	P
Live/work units	-	P	P
Mixed use	-	P	P
Home occupations	P	P	P
Rooming houses	-	-	-

# EXHIBIT A

Assisted living facilities	See section 32-524		
Other residential care facilities			
COMMERCIAL USES			
Adult entertainment business (section 32-263)	-	-	-
Alcoholic beverage establishments	-	P	-
Antique shops	-	P	P
Apparel products	-	P	P
Appliance stores	-	P	P
Art and graphic supplies	-	P	P
Art galleries	-	P	P
Auction galleries	-	P	P
Automobile paint and body shops	-	-	-
Automobile parts and accessory sales	-	P	C
Automobile rental agencies	-	P	-
Automobile repair shops	-	-	-
Automobile sales and display (new or used)	-	-	-
Bakeries	-	P	P
Banks and financial institutions	-	P	P
Barber, beauty and skin care services	-	P	P
Bed-and-breakfast inns	-	-	-
Bicycle shops	-	P	P

# EXHIBIT A

Billiard and pool rooms	-	P	-
Boat and marine products	-	-	-
Boat sales and display	-	-	-
Bonding companies	-	-	-
Book and stationary stores	-	P	P
Bowling alleys	-	P	-
Broadcasting studios	-	P	P
Brokerage offices: stocks, commodities, real estate, yachts and like services	-	P	P
Bus terminals	-	-	-
Camera shops	-	P	P
Candy and ice cream stores	-	P	P
<b>Car washes (indoor only)</b>	-	P	-
Check cashing	-	P	P
Communication facilities	-	-	-
Convenience stores	-	P	-
Convenience stores with fuel ( <i>minimum of 2,000 square feet of G.F.A. required</i> )	-	C	-
Copying services	-	P	P
Delicatessens	-	P	P
Doctors, dentists, optometrists, and other similar licensed medical practitioners	-	P	P
Dog racing tracks	-	-	-
Drapery stores	-	P	P

# EXHIBIT A

Drive-through windows serving financial institutions or offices	-	P	-
Dry cleaners and laundry services ( <i>maximum of 2,000 square feet of G.F.A.</i> )	-	P	-
Dry-cleaning, on-premises retail operations ( <i>max. of 2,000 square feet of G.F.A.</i> )	-	P	P
Dry goods stores	-	P	P
Equipment rental (No heavy equipment, such as backhoes and bull dozers)	-	C	-
Establishments dealing with sale or repair of major appliances	-	-	-
Exhibition halls	-	-	-
Express companies	-	P	-
Exterminating companies	-	P	-
Fence companies (No outdoor storage)	-	P	-
Filming studio	-	P	-
Flea market	-	-	-
Florists	-	P	P
Food processing plants	-	-	-
Food stores	-	P	P
Fortunetellers (Minimum 1,000 ft. separation between like uses)	-	P	-
Fruit packers	-	P	-
Fruit stores	-	P	P
Funeral supply and display stores	-	-	-
Furniture and bedding products	-	P	-
Furniture stores	-	P	P

# EXHIBIT A

Garden supplies and plant nurseries	-	-	-
Garden shops (only as an accessory use to retail)	-	C	-
Gift shops	-	P	P
Gold buyers	-	-	-
Golf courses	-	-	-
Golf driving ranges	-	-	-
Gymnasiums	-	-	-
Hardware stores	-	P	P
Health and exercise studios	-	P	P
Hobby and handicraft shops	-	P	P
Home improvement centers	-	-	-
Horseracing tracks	-	-	-
Hotels, motels, and similar lodging	-	P	-
Indoor sport courts <i>(minimum of 5,000 square feet of recreational G.F.A. required)</i>	-	P	-
Initial care units	-	P	-
Insurance agencies	-	P	P
Interior decorators	-	P	P
Investment counselors	-	P	P
Jewelry stores	-	P	P
Kennel	-	-	-
Laundromats	-	C	C



# EXHIBIT A

Laundry and dry cleaning pickup substations	-	P	P
Lawn maintenance services	-	-	-
Leather good shops	-	P	P
Liquor package stores	-	P	-
Locksmith	-	P	P
Luggage shops	-	P	P
Machine shops	-	-	-
(Accessory) manufacturing	-	-	-
Marinas	-	-	-
Marine supply services	-	P	-
Medical and surgical equipment products	-	-	-
Medical marijuana treatment center dispensing facility	-	P	P
Messenger and delivery services	-	P	P
Miniature golf courses	-	-	-
Mixed use ( <i>minimum of 2,000 square feet</i> )	-	C	-
Motorcycle sales and services	-	-	-
Movie theaters (indoor)	-	P	P
Moving and transfer companies	-	-	-
Museums and art galleries	-	P	P
Music and record shops	-	P	P
Newsstands	-	P	P
Nightclubs, dancehalls, discotheques, private clubs, and cocktail lounges	-	C	-

# EXHIBIT A

Nonresidential agricultural research	-	-	-
Office	-	P	P
Office supply stores	-	P	P
Optical stores	-	P	P
Paint stores	-	P	P
Parking lots and parking garages (commercial or noncommercial)	-	C	-
Performing arts theaters	-	C	C
Pet shops	-	P	P
Petting zoos	-	-	-
Pharmacies	-	P	P
Photographic studios	-	P	P
Plumbing supply stores	-	-	-
Precision instruments products	-	-	-
Printers and book binders	-	P	-
Professional services including accountants, architects, engineers, lawyers, and other similar professions	-	P	P
Recording studios	-	P	-
Recreational vehicle sales and service	-	-	-
Research facilities	-	P	-
Restaurant equipment and supply service	-	P	-
Restaurants ( <i>minimum of 1,000 square feet of G.F.A. required</i> )	-	P	P
Restaurant (fast food) ( <i>minimum of 2,000 square feet of G.F.A. required</i> )	-	C	-

# EXHIBIT A

Secondhand merchandise stores	-	-	-
Secretarial and stenographic services	-	P	P
Service stations	-	-	-
Service stations (with accessory gas sales) <sup>1</sup>	-	P	-
Self-Storage	-	P	-
Shoe repair shops	-	P	P
Sign shops	-	-	-
Skating rinks (roller and ice)	-	P	-
Souvenir and novelty shops	-	P	P
Sporting goods store	-	P	C
Studio schools; art, sculpture, dance, drama and like instruction	-	P	P
Tailors and seamstresses	-	P	P
Taxi and limousine services	-	P	-
Taxidermist	-	-	-
Telecommunication Towers	P	P	P
Title services	-	P	P
Tobacco shops	-	P	P
Towing services storage facility	-	C	-
Trade schools	-	P	-
Transportation facilities	-	-	-
Transportation and utilities	-	-	-
Travel agencies	-	P	P

# EXHIBIT A

Truck and trailer sales and service	-	-	-
Utility substations, transformers and transmission lines	-	-	-
Vending machine sales and service	-	-	-
Warehouse and distribution (dry and cold storage)	-	C	-
Wholesale sales	-	C	-
Wholesale distributor's showrooms	-	C	-
CIVIC USES			
Animal hospitals/veterinary clinics	-	P	-
Auditoriums	-	-	-
Churches, synagogues and similar houses of worship ( <i>minimum of 2,000 square feet of G.F.A. required</i> )	C	-	P
Circuses, carnivals, fairs, and festivals	-	-	-
Clubs organized for either religious, social, educational, charitable, or cultural purposes ( <i>minimum of 2,000 square feet of G.F.A. required</i> )	C	-	P
Cultural centers ( <i>minimum of 2,000 square feet of G.F.A. required</i> )	C	-	P
Day care centers and nurseries	C	P	P
Educational institutions & vocational centers (not including work release programs or half way houses)	-	P	P
Employment services	-	P	P
Equestrian courses	-	-	-
Funeral homes (including operator's residence)	-	P	-
Hospitals, provided that there are no facilities for residential psychiatric care	-	-	-

# EXHIBIT A

Jai-alai frontons	-	-	-
Lodges and fraternal organizations ( <i>minimum of 2,000 square feet of G.F.A. required</i> )	C	-	P
Nursing and convalescent homes	-	C	C
Public facilities and utilities	C	P	P
Public parks, play grounds, and other recreation areas	P	P	P
Public and private schools	C	P	P
Public utility substations	-	-	-
Swimming pools (outdoor and indoor)	-	-	-
Tennis, handball and racquetball courts (outdoor and indoor)	-	-	-

<sup>1</sup> Subject to 1,500 feet distance separation between like uses.

- b. Live-work units within the West RAC district are administered pursuant to section 32-370 of the zoning and land development code.
  - c. Accessory uses within the West RAC district are administered pursuant to article IV, division 2 of the zoning and land development code (section 32-242).
  - d. Home occupations within the West RAC district are administered pursuant to section 32-370 of the zoning and land development code.
- (b) *Nonconforming uses.* Nonconforming lots, structures or uses located within this district shall be subject to the provisions of article VII of the zoning and land development code.
- (c) *Landscaping.* Minimum landscaping requirements for new or existing development proposals are contained in section 32-383 the zoning and land development code. Pembroke Road subdistrict shall be subject to additional landscape requirements to include street trees, as described below.
- (1) Additional landscaping requirements, Pembroke Road subdistrict.
- a. *Provisions for street trees:* The planting of street trees is required within the Pembroke Road overlay district. Development proposals must provide for the installation of street trees in conformance with the following criteria:
  - b. Street trees are not counted for credit towards the minimum number of on-site trees required by section 32-384.
  - c. Street trees must be a minimum of 20 feet in height with a minimum diameter of three inches at a point four feet above ground level at the time of planting and have trunks which can be maintained in a clean condition for over six feet of clear wood measured from ground level.
  - d. Street trees must be spaced center to center and must be planted and maintained so that there is at least one tree per 30 linear feet of street frontage, exclusive of accessways.

- e. The minimum height and specified street trees for major transportation corridor standards contained herein for street trees may be modified by the city manager, without penalty, where the installation of the trees would interfere with overhead utilities, so long as the minimum number and spacing of trees is maintained.
  - f. Street trees must be of noninvasive root species and must be designated as street or shade trees on the city's approved plant materials list. The designated street tree for Pembroke Road is the Royal Palm. The designation for all other local trees is Mahogany trees.
- (d) *Parking.* Minimum parking space requirements for new or existing development proposals are contained in section 32-203 the zoning and land development code.
- (e) *Awnings.*
- (1) Projecting canvas, fabric or metal awnings may be placed over doors or windows but shall not project closer than two feet to property lines provided however, that commercial uses fronting on Foster Road may project up to three feet over existing sidewalks into public rights-of-way. Such structure shall not be less than seven and one-half feet from grade. All awnings encroaching into a public right-of-way are subject to the city manager's approval as to location and structure.
  - (2) Awnings projecting over a public right-of-way are erected at the risk of the property owner. If the city or other governmental entity determines that the awning must be removed or modified, it shall be the duty of the property owner to remove or modify same, and bear all costs associated therewith.
  - (3) Awning signage shall be maintained in good condition, free from fading, peeling, or any other condition which renders the signage unreadable, either partially or totally. Additionally, all awnings installed in storefronts shall be maintained in good condition, free from tears, holes, fading or peeling, inclusive of all supporting structures. Repairs of awnings or awning signage shall be with the same or comparable materials. Internally illuminated or plastic awnings are prohibited.
  - (4) Any awning which will abut into the public right-of-way may be constructed only after a permit from the city has been obtained for such encroachment into the public right-of-way.
- (f) *Signage.* Sign regulations for new or existing development proposals are contained in section 32, division 17 of the zoning and land development code. Pembroke Road subdistrict shall be subject to additional sign requirements, as described below.
- (1) Additional signage requirements, Pembroke Road subdistrict.
    - a. Signs are prohibited along NW 10 Street within the subdistrict, except for traffic control, address signs and dedication plaques not exceeding three square feet in sign area.
    - b. Uniform signage. Signage on buildings with multiple storefronts must be of the same type (such as box sign channel lettering, molded lettering). Painted wood wall signs are prohibited within the Pembroke Road subdistrict.
- (g) *Sidewalks, fences, and walls.* Minimum sidewalk, wall and fence requirements for new or existing development proposals are contained in section 32-331 the zoning and land development code, and the following provisions.
- (1) Additional requirements for walls - Pembroke Road subdistrict.
    - a. When abutting residential zoning district, an eight-foot masonry wall must be provided with the required landscape buffer strip. Such walls must be painted to blend with the overall architectural design scheme of the development proposal.
    - b. All masonry walls must be finished on both sides so that no CBS courses are visible.
  - (2) Additional requirements for fencing - West RAC district.
    - a. Galvanized chain link and privacy wood fences are prohibited along the Foster Road and Pembroke Road Corridors.
  - (3) Additional requirements for fencing - Foster Road subdistrict.
    - a. Permitted fencing along Foster Road shall be setback a minimum of two feet to be finished as landscaping or as a sidewalk extension to existing sidewalk in the public right-of-way.
    - b. No barbed wire extensions shall be permitted on any fence within the West RAC zoning district.

- c. Galvanized chain link and privacy wood fences are prohibited in the West RAC district.
- (h) *Dumpster enclosures*. Dumpster enclosures shall be of masonry. All exterior walls shall be finished in stucco and/or painted to present a finished appearance.
- (i) *Development review procedures* . Development applications may follow two different review and approval processes:
  - (1) Major development applications in the West RAC zoning district may be approved administratively if the application:
    - a. Meets all requirements of this code; and
    - b. Does not exceed the permitted or base density specified for its RAC subdistrict; and
    - c. Does not require any conditional uses; and,
    - d. Does not require non-administrative: variances, or redevelopment area modifications.
  - (2) Development applications in the West RAC zoning district may be approved only by the city commission using the major development review process if the application:
    - a. Meets all requirements of this code only upon approval of simultaneously requested conditional uses; and/or
    - b. Meets all requirements of this code only upon approval of simultaneously requested non-administrative variances, or redevelopment area modifications; and/or
    - c. Is requesting more than the allowable base or permitted density in any West RAC subdistrict.
- (j) *Redevelopment area modifications*. The provisions of section 32-135 of the zoning and land development code shall apply within the West RAC district, except as may be modified by the following:
  - (1) *Criteria*. The city commission may modify any land development code standard through the redevelopment area modification process if all the criteria specified in article III, section 32-135 of the chapter are met.
  - (2) *Review*. The transmittal of a redevelopment area modification waiver request for properties within the West RAC district shall coincide with transmittal of the corresponding major development review application to the city commission, if applicable.
  - (3) *Administrative waivers* . Within the West RAC district, the city manager shall be allowed to approve administrative waivers for redevelopment area modifications up to 20 percent of minimum required for landscaping and setback requirements, and any measureable standard, with the exception of parking, building height, and density.
- (k) *Nonconformities*. Any previously lawful lot, structure, use, or characteristic of use made non-conforming by these provisions shall be subject to provisions of article VII of this Code,

(Ord. No. 2014-31, § 14(Exh. A), 11-5-2014; Ord. No. 2015-13, § 1, 10-7-2015; Ord. No. 2018-024, § 3, 9-17-2018)

## **Sec. 32-160.d. - Pembroke Road subdistrict standards.**

- (a) *Purpose and intent*. The Pembroke Road subdistrict is to encourage well-designed commercial and mixed-use developments along the Pembroke Road corridor.
- (b) *Permitted uses*.
  - (1) *Specific uses* . Specific uses in the Palms Gateway subdistrict shall conform to the regulations in Table 32-160.a
  - (2) *Conditional use standards* . Conditional uses are noted in Table 32-160.a and must be approved pursuant to the provisions in section 32-964.
  - (3) *Base density* . The base density in Table 32-160.d is the number of dwelling units allowed per acre.

# EXHIBIT A

- (4) *Maximum density* . The maximum density in Table 32-160.d is the maximum number of dwelling units allowed per acre. Density requests between the base and maximum are subject to the approval processes set forth in sections 32-205 and 32-206.
- (c) *Residential unit size* . Table 32-160.d provides the minimum unit sizes for single family houses, duplexes, townhomes, and multifamily dwellings for the Pembroke Road subdistrict.

**Table 32-160.d Pembroke Road Subdistrict Dimensional Requirements**

Lot Size	Commercial	Mixed Use	Live-Work Units
Lot Width (min.)			
1. Interior	50 ft.	75 ft.	50 ft.
2. Corner	50 ft.	75 ft.	60 ft.
Lot Area (min.)			
1. Interior Lot	5,000 sf.	10,000 sf.	5,000 sf.
2. Corner Lot	6,000 sf.		6,000 sf.
Building Placement			
A Front Setback (min.)	15 ft., w/ no parking	15 ft.	15 ft.
B Side Setbacks			
1. Interior	0 ft.	0 ft.	0 ft.
2. Corner	10 ft.	10 ft.	10 ft.
C Rear Setback (min.)	10 ft. 20 ft. adjacent to residential	10 ft.	10 ft.
D Accessory Structure	10 ft.	10 ft.	10 ft.
E Minimum Building Frontage	60%	60%	50%
F Min. Landscape Area	15 %	15%	15 %
Building Height			
Max. Building Height	30 ft.	45 ft. or 4 Stories	30 ft.



# EXHIBIT A

Density			
Base Density	-	18 du/ac	14 du/ac
Max. Density <sup>1</sup>	-	25 du/ac	18 du/ac
Min. Floor Area			
Non-residential	Where applicable, see Table 32-160.a	Where applicable, see Table 32-160.a	1,000 sf. - detached 850 sf. - MF or mixed-use
Efficiency	-	500 sf. (per unit)	-
1 bedroom	-	700 sf. (per unit)	-
2 bedrooms	-	850 sf. (per unit)	-
3 bedrooms or more	-	1,050 sf. (per unit)	-

<sup>1</sup> Maximum density allocation shall be subject to approval by the city commission, pursuant to sections 32-205 and 32-206.

(Ord. No. 2014-31, § 14(Exh. A), 11-5-2014)

# EXHIBIT A

[PREVIOUS](#)
[NEXT](#)
[VIEW MAP](#)
[PRINT](#)
[NEW SEARCH](#)
[PHOTOGRAPHS](#)
[BCPA HOME](#)

[Click here to display your 2021 TRIM Notice.](#)

<b>Site Address</b>	<b>525 W PEMBROKE ROAD, HALLANDALE BEACH FL 33009</b>	<b>ID #</b>	5142 21 16 0120
<b>Property Owner</b>	RABSUR BUSINESS LLC	<b>Millage</b>	2513
<b>Mailing Address</b>	3126 CORAL WAY MIAMI FL 33145	<b>Use</b>	00

<b>Abbr Legal Description</b>	LINCOLN PARK REPLAT 15-58 B LOT 12 & 13 LESS N 10 FOR RD AND LESS PT OF LOT 13 DESC AS EXT AREA FORMED BY 12 RAD ARC TANG TO W/L LOT 13 & TANG TO LN 10 S OF N/L LOT 13, BLK 1
-------------------------------	--

The just values displayed below were set in compliance with [Sec. 193.011](#), Fla. Stat., and include a reduction for costs of sale and other adjustments required by [Sec. 193.011\(8\)](#).

\* 2022 values are considered "working values" and are subject to change.

## Property Assessment Values

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2022*	\$162,740		\$162,740	\$72,820	
2021	\$58,120	\$88,940	\$147,060	\$147,060	\$3,285.99
2020	\$58,120	\$88,400	\$146,520	\$146,520	\$3,288.37

## 2022\* Exemptions and Taxable Values by Taxing Authority

	County	School Board	Municipal	Independent
<b>Just Value</b>	\$162,740	\$162,740	\$162,740	\$162,740
<b>Portability</b>	0	0	0	0
<b>Assessed/SOH</b>	\$72,820	\$162,740	\$72,820	\$72,820
<b>Homestead</b>	0	0	0	0
<b>Add. Homestead</b>	0	0	0	0
<b>Wid/Vet/Dis</b>	0	0	0	0
<b>Senior</b>	0	0	0	0
<b>Exempt Type</b>	0	0	0	0
<b>Taxable</b>	\$72,820	\$162,740	\$72,820	\$72,820

## Sales History

Date	Type	Price	Book/Page or CIN
3/12/2018	WD-Q	\$440,000	114944904
9/23/2016	WD-Q	\$110,000	113953069
3/11/2015	PRD-T	\$100	112882741

## Land Calculations

Price	Factor	Type
\$14.00	11,624	SF
<b>Adj. Bldg. S.F.</b>		

## Special Assessments

Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
25								
L								
1								

# EXHIBIT A

[PREVIOUS](#)
[NEXT](#)
[VIEW MAP](#)
[PRINT](#)
[NEW SEARCH](#)
[PHOTOGRAPHS](#)
[BCPA HOME](#)

[Click here to display your 2021 TRIM Notice.](#)

Site Address	517 PEMBROKE ROAD, HALLANDALE BEACH FL 33009	ID #	5142 21 16 0110
Property Owner	RABSUR BUSINESS LLC	Millage	2513
Mailing Address	3126 CORAL WAY MIAMI FL 33145	Use	10
Abbr Legal Description	LINCOLN PARK REPLAT 15-58 B LOT 11 LESS N 10 FOR RD R/W BLK 1		

The just values displayed below were set in compliance with [Sec. 193.011](#), Fla. Stat., and include a reduction for costs of sale and other adjustments required by [Sec. 193.011\(8\)](#).

* 2022 values are considered "working values" and are subject to change.					
Property Assessment Values					
Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2022*	\$94,450		\$94,450	\$94,450	
2021	\$70,840	\$238,690	\$309,530	\$309,530	\$6,676.33
2020	\$70,840	\$238,400	\$309,240	\$309,240	\$6,698.74
2022* Exemptions and Taxable Values by Taxing Authority					
	County	School Board	Municipal	Independent	
Just Value	\$94,450	\$94,450	\$94,450	\$94,450	
Portability	0	0	0	0	
Assessed/SOH	\$94,450	\$94,450	\$94,450	\$94,450	
Homestead	0	0	0	0	
Add. Homestead	0	0	0	0	
Wid/Vet/Dis	0	0	0	0	
Senior	0	0	0	0	
Exempt Type	0	0	0	0	
Taxable	\$94,450	\$94,450	\$94,450	\$94,450	

Sales History				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type
3/9/2018	WD*-E	\$460,000	114942631	\$16.00	5,903	SF
9/25/2014	QC*-T	\$100	112578929			
6/4/2014	QC*-T	\$100	112334634			
3/13/2007	QC*-T	\$100	44602 / 1532			
2/26/2003	WD*	\$170,000	34652 / 1654			
				Adj. Bldg. S.F.		

\* Denotes Multi-Parcel Sale (See Deed)

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
25								
L								
1								

# EXHIBIT A

[PREVIOUS](#)
[NEXT](#)
[VIEW MAP](#)
[PRINT](#)
[NEW SEARCH](#)
[PHOTOGRAPHS](#)
[BCPA HOME](#)

[Click here to display your 2021 TRIM Notice.](#)

<b>Site Address</b>	PEMBROKE ROAD, HALLANDALE BEACH FL 33009	<b>ID #</b>	5142 21 16 0100
<b>Property Owner</b>	RABSUR BUSINESS LLC	<b>Millage</b>	2513
<b>Mailing Address</b>	3126 CORAL WAY MIAMI FL 33145	<b>Use</b>	10
<b>Abbr Legal Description</b>	LINCOLN PARK REPLAT 15-58 B LOT 10 LESS N 10 FOR RD R/W BLK 1		

The just values displayed below were set in compliance with [Sec. 193.011](#), Fla. Stat., and include a reduction for costs of sale and other adjustments required by [Sec. 193.011\(8\)](#).

\* 2022 values are considered "working values" and are subject to change.

## Property Assessment Values

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
<b>2022*</b>	\$94,430		\$94,430	\$78,340	
<b>2021</b>	\$70,820	\$4,400	\$75,220	\$75,220	\$1,545.21
<b>2020</b>	\$70,820	\$4,610	\$75,430	\$75,430	\$1,556.42

## 2022\* Exemptions and Taxable Values by Taxing Authority

	County	School Board	Municipal	Independent
<b>Just Value</b>	\$94,430	\$94,430	\$94,430	\$94,430
<b>Portability</b>	0	0	0	0
<b>Assessed/SOH</b>	\$78,340	\$94,430	\$78,340	\$78,340
<b>Homestead</b>	0	0	0	0
<b>Add. Homestead</b>	0	0	0	0
<b>Wid/Vet/Dis</b>	0	0	0	0
<b>Senior</b>	0	0	0	0
<b>Exempt Type</b>	0	0	0	0
<b>Taxable</b>	\$78,340	\$94,430	\$78,340	\$78,340

## Sales History

Date	Type	Price	Book/Page or CIN
3/9/2018	WD*-E	\$460,000	114942631
9/25/2014	QC*-T	\$100	112578929
6/4/2014	QC*-T	\$100	112334634
3/13/2007	QC*-T	\$100	44602 / 1532
2/26/2003	WD*	\$170,000	34652 / 1654

## Land Calculations

Price	Factor	Type
\$16.00	5,902	SF
Adj. Bldg. S.F.		

\* Denotes Multi-Parcel Sale (See Deed)

## Special Assessments

Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
25								
L								
1								

# EXHIBIT A

[PREVIOUS](#)
[NEXT](#)
[VIEW MAP](#)
[PRINT](#)
[NEW SEARCH](#)
[BCPA HOME](#)

[Click here to display your 2021 TRIM Notice.](#)

<b>Site Address</b>	PEMBROKE ROAD, HALLANDALE BEACH FL 33009	<b>ID #</b>	5142 21 16 0090
<b>Property Owner</b>	RABSUR BUSINESS LLC	<b>Millage</b>	2513
<b>Mailing Address</b>	3126 CORAL WAY MIAMI FL 33145	<b>Use</b>	10
<b>Abbr Legal Description</b>	LINCOLN PARK REPLAT 15-58 B LOT 9 LESS N 10 FOR RD R/W BLK 1		

The just values displayed below were set in compliance with [Sec. 193.011](#), Fla. Stat., and include a reduction for costs of sale and other adjustments required by [Sec. 193.011\(8\)](#).

\* 2022 values are considered "working values" and are subject to change.

## Property Assessment Values

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
<b>2022*</b>	\$94,430		\$94,430	\$85,690	
<b>2021</b>	\$82,630		\$82,630	\$77,900	\$1,630.82
<b>2020</b>	\$70,820		\$70,820	\$70,820	\$1,461.30

## 2022\* Exemptions and Taxable Values by Taxing Authority

	County	School Board	Municipal	Independent
<b>Just Value</b>	\$94,430	\$94,430	\$94,430	\$94,430
<b>Portability</b>	0	0	0	0
<b>Assessed/SOH</b>	\$85,690	\$94,430	\$85,690	\$85,690
<b>Homestead</b>	0	0	0	0
<b>Add. Homestead</b>	0	0	0	0
<b>Wid/Vet/Dis</b>	0	0	0	0
<b>Senior</b>	0	0	0	0
<b>Exempt Type</b>	0	0	0	0
<b>Taxable</b>	\$85,690	\$94,430	\$85,690	\$85,690

## Sales History

Date	Type	Price	Book/Page or CIN
3/9/2018	WD*-E	\$460,000	114942631
9/25/2014	QC*-T	\$100	112578929
6/4/2014	QC*-T	\$100	112334634
3/13/2007	QC*-T	\$100	44602 / 1532
2/26/2003	WD*	\$170,000	34652 / 1654

## Land Calculations

Price	Factor	Type
\$16.00	5,902	SF
Adj. Bldg. S.F.		

\* Denotes Multi-Parcel Sale (See Deed)

## Special Assessments

Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
25								
L								
1								

# EXHIBIT A

[PREVIOUS](#)
[NEXT](#)
[VIEW MAP](#)
[PRINT](#)
[NEW SEARCH](#)
[BCPA HOME](#)

[Click here to display your 2021 TRIM Notice.](#)

<b>Site Address</b>	PEMBROKE ROAD, HALLANDALE BEACH FL 33009	<b>ID #</b>	5142 21 16 0080
<b>Property Owner</b>	TYNES, CYRIL A	<b>Millage</b>	2513
<b>Mailing Address</b>	9234 UPLAND LN N MAPLE GROVE MN 55369-8454	<b>Use</b>	10
<b>Abbr Legal Description</b>	LINCOLN PARK REPLAT 15-58 B LOT 8 LESS N 10 FOR RD BLK 1		

The just values displayed below were set in compliance with [Sec. 193.011](#), Fla. Stat., and include a reduction for costs of sale and other adjustments required by [Sec. 193.011\(8\)](#).

\* 2022 values are considered "working values" and are subject to change.

## Property Assessment Values

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
<b>2022*</b>	\$94,430		\$94,430	\$77,750	
<b>2021</b>	\$82,630		\$82,630	\$70,690	\$1,529.30
<b>2020</b>	\$70,820		\$70,820	\$64,270	\$1,368.77

## 2022\* Exemptions and Taxable Values by Taxing Authority

	County	School Board	Municipal	Independent
<b>Just Value</b>	\$94,430	\$94,430	\$94,430	\$94,430
<b>Portability</b>	0	0	0	0
<b>Assessed/SOH</b>	\$77,750	\$94,430	\$77,750	\$77,750
<b>Homestead</b>	0	0	0	0
<b>Add. Homestead</b>	0	0	0	0
<b>Wid/Vet/Dis</b>	0	0	0	0
<b>Senior</b>	0	0	0	0
<b>Exempt Type</b>	0	0	0	0
<b>Taxable</b>	\$77,750	\$94,430	\$77,750	\$77,750

## Sales History

Date	Type	Price	Book/Page or CIN
6/23/2010	DR*-T	\$100	47171 / 1833
6/3/2010	QC*-T	\$100	47131 / 1549
5/10/2010	OD*-T		47142 / 967

## Land Calculations

Price	Factor	Type
\$16.00	5,902	SF
Adj. Bldg. S.F.		

\* Denotes Multi-Parcel Sale (See Deed)

## Special Assessments

Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
25								
L								
1								

# EXHIBIT A

[PREVIOUS](#)
[NEXT](#)
[VIEW MAP](#)
[PRINT](#)
[NEW SEARCH](#)
[BCPA HOME](#)

[Click here to display your 2021 TRIM Notice.](#)

Site Address	PEMBROKE ROAD, HALLANDALE BEACH FL 33009	ID #	5142 21 16 0070
Property Owner	TYNES, CYRIL A	Millage	2513
Mailing Address	9234 UPLAND LN N MAPLE GROVE MN 55369-8454	Use	10
Abbr Legal Description	LINCOLN PARK REPLAT 15-58 B LOT 7 LESS N 10 FOR RD BLK 1		

The just values displayed below were set in compliance with [Sec. 193.011](#), Fla. Stat., and include a reduction for costs of sale and other adjustments required by [Sec. 193.011\(8\)](#).

\* 2022 values are considered "working values" and are subject to change.

## Property Assessment Values

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2022*	\$94,420		\$94,420	\$77,740	
2021	\$82,610		\$82,610	\$70,680	\$1,529.02
2020	\$70,810		\$70,810	\$64,260	\$1,368.55

## 2022\* Exemptions and Taxable Values by Taxing Authority

	County	School Board	Municipal	Independent
Just Value	\$94,420	\$94,420	\$94,420	\$94,420
Portability	0	0	0	0
Assessed/SOH	\$77,740	\$94,420	\$77,740	\$77,740
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$77,740	\$94,420	\$77,740	\$77,740

## Sales History

Date	Type	Price	Book/Page or CIN
6/23/2010	DR*-T	\$100	47171 / 1833
6/3/2010	QC*-T	\$100	47131 / 1549
5/10/2010	OD*-T		47142 / 967
12/26/1963	D	\$1,067	2725 / 253

## Land Calculations

Price	Factor	Type
\$16.00	5,901	SF
Adj. Bldg. S.F.		

\* Denotes Multi-Parcel Sale (See Deed)

## Special Assessments

Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
25								
L								
1								

# EXHIBIT B

575 W PEMBROKE

MOYKA CAR WASH, LLC  
720 NE 62ND ST. #412  
MIAMI, FL 33138

BANK OF AMERICA  
2032 N MIAMI AVE  
MIAMI, FL 33127  
81-727/829

001403

11-22-2022

PAY TO THE ORDER OF City of Hallandale Beach \$ 6,500.00

Six Thousand five hundred dollars and <sup>00</sup>/<sub>100</sub> DOLLARS

MEMO  
Escrow for City traffic consultant  
Cost Recovery Payments

⑈001403⑈ ⑈082907273⑈ ⑈2189603158⑈



---

**525 W Pembroke RD.**

1 message

---

**Yogev Gmail** <yogevkarny@gmail.com>  
To: Bplummer@cohb.org

Thu, Feb 8, 2024 at 7:33 PM

Hi, Bridgett.

My name is Yogev Karny and I'm a developer currently under Minor Development Review with the COHB for the above mentioned property.

We are pretty far along the process and need to finalize the Trash Pickup route for track coming in and out of the property.

The city requested we consult with you and we all agreed that's a good idea.

Can we meet this coming Monday Feb 12 sometimes in the AM to discuss our proposed design?

Let me know what works and thanks for your cooperation, it is much appreciated.

Regards,

Yogev Karny  
C: 954-639-2365

---

**525 W Pembroke RD - Development assistance**

2 messages

**yogev karny** <yogevkarny@gmail.com>

Tue, Feb 20, 2024 at 11:43 PM

To: Bplummer@cohb.org

Cc: Arturo Fanjul &lt;arturo@fanjularchitects.com&gt;

Ms. Plummer,

Thank you for taking the time the other day to get on site and discuss our development plans and Sanitation requirements.

As I have explained, we are in the process of a minor DRC with COHB and the reviewers wanted to make sure the Sanitary dept. is ok with our proposed design. In our meeting we discussed the proposed location of the dumpster enclosure, the procedure at which dumpster service is being provided and what is required from us, the operators. I have expressed our commitment to push out the dumpster by the Car Wash staff onto the street for a much smoother operation. We have been using the push out procedure for years on our other locations as a way to minimize the time and the complexity of the pickup to everyone's benefit.

My understanding is that you would be ok with that.

I have attached a highlighted version of our proposed site plan showing the location of the dumpster, and the route taken by our employees to rendezvous with the waste service trucks.

Please advise if this represents our understanding so we can continue to the next part of the DRC process.

**Regards,****Yogev Karny**

C: (954) 639-2365

This email and any files transmitted with it may contain privileged or confidential information. Use, disclosure, copying, or distribution of this message by anyone other than the intended recipient is strictly prohibited. If you have received this email in error, please notify the sender by reply email and destroy all copies of this message in your possession, custody, or control.



---

**525 W Pembroke - A100 for Sanitary .pdf**

1356K

**Yogev Gmail** <yogevkarny@gmail.com>

Tue, Feb 27, 2024 at 8:01 AM

To: Bplummer@cohb.org

Cc: Arturo Fanjul &lt;arturo@fanjularchitects.com&gt;

Just a follow up to my previous email.

Can we get feedback from you regarding this project please?

**Regards,**

Yogev Karny

C: 954-639-2365

On Feb 20, 2024, at 23:43, yogev karny <yogevkarny@gmail.com> wrote:

[Quoted text hidden]

&lt;525 W Pembroke - A100 for Sanitary .pdf&gt;

# COMPOSITE EXHIBIT D

Monday, July 15, 2024 at 13:39:25 Eastern Daylight Time

**Subject:** FW: 2nd DRC Mtg - M Car Wash - 525 W Pembroke Rd  
**Date:** Monday, July 15, 2024 at 1:25:27 PM Eastern Daylight Time  
**From:** Arturo Fanjul  
**To:** Rachel Streitfeld  
**Attachments:** image001.png, image002.jpg, DRC 2 PZ- M Car Wash 9.21.23 LF.docx, Engineering comments 09.19.23.pdf, Fire Comments 08.01.23.docx, Transportation Comments 09.19.23.docx, Landscape comments 09.21.23.pdf, Police Comments - 08.16.29.pdf, Mcar wash DRC2 Notes 9.21.23.cd.docx

**Caution:** This is an external email. Please take care when clicking links or opening attachments.

Thank you,

Arturo G. Fanjul, RA  
FANJUL & ASSOCIATES, LLC  
Architecture, Planning & Interior Design  
305.726.8313

Sent from my Sprint Samsung Galaxy S8.

----- Original message -----

From: "Dominguez, Christy" <[cdominguez@hallandalebeachfl.gov](mailto:cdominguez@hallandalebeachfl.gov)>

Date: 4/9/24 1:07 PM (GMT-05:00)

To: yogevkarny <[yogevkarny@gmail.com](mailto:yogevkarny@gmail.com)>

Cc: [luciana@lucianagonzalez.com](mailto:luciana@lucianagonzalez.com), "Mass, Laura" <[lmass@hallandalebeachfl.gov](mailto:lmass@hallandalebeachfl.gov)>, "Fontanills, Luis" <[lfontanills@hallandalebeachfl.gov](mailto:lfontanills@hallandalebeachfl.gov)>, "Cc: Zaza Kozin" <[kozin.zv@gmail.com](mailto:kozin.zv@gmail.com)>, Arturo Fanjul <[arturo@fanjularchitects.com](mailto:arturo@fanjularchitects.com)>, Wilford Zephyr <[wzephyreng@gmail.com](mailto:wzephyreng@gmail.com)>

Subject: RE: 2nd DRC Mtg - M Car Wash - 525 W Pembroke Rd

Good afternoon Yogev

I am glad to hear that the project is moving forward.

Please be advised that we inquired about the status of the project as a courtesy notice. The City of Hallandale Beach closes project applications that remain inactive for a period more than 6 months. There has not been any activity on your project since the last DRC meeting.

Please resubmit the application by **April 24, 2024**, in order to void the closure of the application and needing to reapply.

Attached, for your convenience, are the DRC comments from the last meeting that need to be addressed. We cannot accept incomplete submittals, therefore, please make sure that all the following information is included:

- We require a flash drive with all original documents (application, proof of ownership, mailing list, etc. together with an updated cover letter, full plans, responses to the DRC comments,

# COMPOSITE EXHIBIT D

and any missing information as was discussed at the last DRC.

- Provide 2 hard copies of all 8-1/2 x11" documents, 2 copies of blueprints size 24 x36" and 3 blueprints size 12" x 18".

Please let us know as soon as you are ready and we will promptly schedule an appointment time. Please contact Laura Mass to schedule an appointment date prior to the noted deadline.

Respectfully,

## Christy Dominguez | Planning and Zoning Manager

Planning and Zoning Division, City of Hallandale Beach Development Services Department  
400 S. Federal Highway, Hallandale Beach, FL 33009 | p: 954.457.1380 f: 954.457.1488

[www.CoHB.org](http://www.CoHB.org) e: [cdominguez@CoHB.org](mailto:cdominguez@CoHB.org) Follow us on: [Twitter](#) | [Facebook](#) | [www.cohb.org](http://www.cohb.org) |  
[Report a Concern via our MyHB App](#)



*The Development Services Department is opened for in person assistance **from 8am to 5pm on Mondays through Thursdays**. City Hall is closed on Fridays.*

---

**From:** Mass, Laura <[lmass@hallandalebeachfl.gov](mailto:lmass@hallandalebeachfl.gov)>  
**Sent:** Tuesday, April 9, 2024 12:08 PM  
**To:** Dominguez, Christy <[cdominguez@hallandalebeachfl.gov](mailto:cdominguez@hallandalebeachfl.gov)>  
**Subject:** FW: 2nd DRC Mtg - M Car Wash - 525 W Pembroke Rd

fyi

---

**From:** yogev karny <[yogevkarny@gmail.com](mailto:yogevkarny@gmail.com)>  
**Sent:** Tuesday, April 9, 2024 10:10 AM  
**To:** Luciana Gonzalez <[luciana@lucianagonzalez.com](mailto:luciana@lucianagonzalez.com)>; Mass, Laura <[lmass@hallandalebeachfl.gov](mailto:lmass@hallandalebeachfl.gov)>; Fontanills, Luis <[lfontanills@hallandalebeachfl.gov](mailto:lfontanills@hallandalebeachfl.gov)>  
**Cc:** Zaza Kozin <[kozin.zv@gmail.com](mailto:kozin.zv@gmail.com)>; Arturo Fanjul <[arturo@fanjularchitects.com](mailto:arturo@fanjularchitects.com)>; Wilford Zephyr <[wzephyreng@gmail.com](mailto:wzephyreng@gmail.com)>  
**Subject:** Re: 2nd DRC Mtg - M Car Wash - 525 W Pembroke Rd

Laura

My name is Yogev Karny and I am the owner's rep for the project.

Although it has been a little longer than expected to implement all of the revisions requested by the department and its consultants at the last meeting, we are now drawing to the end of the process and our package should be ready by the end of next week.

# COMPOSITE EXHIBIT D

Our architect, Arturo Fanjul, and our civil engineer, Wilford Zephyr, are both cc'd on the email and would reach out as soon as the package is ready so we can schedule a review meeting.

Thank you for your concern, we will keep you updated.

**Regards,**

**Yogev Karny**  
C: (954) 639-2365

This email and any files transmitted with it may contain privileged or confidential information. Use, disclosure, copying, or distribution of this message by anyone other than the intended recipient is strictly prohibited. If you have received this email in error, please notify the sender by reply email and destroy all copies of this message in your possession, custody, or control.

On Tue, Apr 9, 2024 at 12:25 AM Luciana Gonzalez <[luciana@lucianagonzalez.com](mailto:luciana@lucianagonzalez.com)> wrote:

----- Forwarded message -----

From: **Mass, Laura** <[lmass@hallandalebeachfl.gov](mailto:lmass@hallandalebeachfl.gov)>  
Date: Mon, Apr 8, 2024 at 5:23 PM  
Subject: RE: 2nd DRC Mtg - M Car Wash - 525 W Pembroke Rd  
To: Luciana Gonzalez <[luciana@lucianagonzalez.com](mailto:luciana@lucianagonzalez.com)>  
Cc: Fontanills, Luis <[lfontanills@hallandalebeachfl.gov](mailto:lfontanills@hallandalebeachfl.gov)>

Good afternoon, Luciana,

Could you please provide an update on the status of the DRC resubmittal for this project?

Please advise, and we can coordinate a resubmittal meeting.

Thank you,

Best regards,

**Laura Mass | Administrative Assistant**  
**Planning & Zoning Division**, City of Hallandale Beach Department of Sustainable Development  
400 South Federal Highway | Hallandale Beach, FL 33009 | (954) 457-1378  
[www.coHB.org](http://www.coHB.org) | Follow us on [Twitter](#) | [Facebook](#) | [Instagram](#) | [LinkedIn](#)  
Report a Concern via the [MyHB](#) app  
[Progress, Opportunity, Innovation](#)

# COMPOSITE EXHIBIT D



*Please note that Florida has a broad public records law. All correspondence via email may be subject to disclosure.*

---

**From:** Luciana Gonzalez <[luciana@lucianagonzalez.com](mailto:luciana@lucianagonzalez.com)>  
**Sent:** Tuesday, September 19, 2023 1:01 PM  
**To:** Mass, Laura <[lmass@hallandalebeachfl.gov](mailto:lmass@hallandalebeachfl.gov)>  
**Cc:** Fontanills, Luis <[lfontanills@hallandalebeachfl.gov](mailto:lfontanills@hallandalebeachfl.gov)>  
**Subject:** Re: 2nd DRC Mtg - M Car Wash - 525 W Pembroke Rd

Hi Laura, invoice has been paid. See attached.  
We look forward to receiving the comments as soon as feasible.

Thank you,

Luciana

On Tue, Sep 19, 2023 at 11:18 AM Mass, Laura <[lmass@hallandalebeachfl.gov](mailto:lmass@hallandalebeachfl.gov)> wrote:

Hi Luciana,

Per our conversation, please see attached invoice #00064398 and link below to pay.

<https://hallandalefl-energovpub.tylerhost.net/Apps/SelfService#/payinvoice>

**Enter the entire Invoice # including the Zeros.**

Best regards,

**Laura Mass | Administrative Assistant**

**Planning & Zoning Division**, City of Hallandale Beach Department of Sustainable Development

400 South Federal Highway | Hallandale Beach, FL 33009 | (954) 457-1378

[www.coHB.org](http://www.coHB.org) | Follow us on [Twitter](#) | [Facebook](#) | [Instagram](#) | [LinkedIn](#)

Report a Concern via the [MyHB](#) app

Progress, Opportunity, Innovation

# COMPOSITE EXHIBIT D

*Please note that Florida has a broad public records law. All correspondence via email may be subject to disclosure.*

--

Luciana L. González  
Project Management | Government | Land Use | Real Estate  
305-609-2879  
[Luciana@LucianaGonzalez.com](mailto:Luciana@LucianaGonzalez.com)

--

Luciana L. González  
Project Management | Government | Land Use | Real Estate  
305-609-2879  
[Luciana@LucianaGonzalez.com](mailto:Luciana@LucianaGonzalez.com)

## ORDINANCE NO. 2024- 006

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING ARTICLE III OF THE ZONING AND LAND DEVELOPMENT CODE, TABLE 32-160A WEST RAC PERMITTED USES BY SUBDISTRICT; AMENDING SECTION 32-160D PEMBROKE ROAD SUBDISTRICT, AMENDING SECTION 32-160E FOSTER ROAD SUBDISTRICT; AMENDING DIMENSIONAL AND OTHER REQUIREMENTS FOR THE SUBDISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, it is in the best interest of the City of Hallandale Beach, Florida, its residents and environment to amend the City's present site development standards and permitted uses in the West RAC District within the West RAC/Pembroke Road and Foster Road subdistricts; and

**WHEREAS**, it is in the best interest of the City of Hallandale Beach and its residents to amend the present regulations for the Pembroke Road and Foster Road subdistricts to promote mixed-use development along Pembroke Road and create a vibrant, pedestrian-friendly, mixed-use area in the main entryway to the Foster Road Corridor; and

**WHEREAS**, the proposed amendments to the site development standards will provide needed flexibility to promote mixed-use developments while ensuring development and redevelopment with respect to the adjacent areas, particularly residentially zoned areas; and

**WHEREAS**, the proposed amendments improve the standards for redevelopment within the West RAC District; and

**WHEREAS**, the Planning and Zoning Board afforded all interested persons an opportunity to be heard at a duly noticed public hearing and recommended approval of the proposed amendments; and

**WHEREAS**, the Mayor and City Commission have conducted duly noticed public hearings on the proposed amendments to the Zoning and Land Development Code; and



39  
40       **WHEREAS**, the Mayor and City Commission have determined that the proposed  
41 amendments are in the best interest of the City of Hallandale Beach and its residents.

42  
43       **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY**  
44 **OF HALLANDALE BEACH, FLORIDA:**

45  
46       **SECTION 1.**     The foregoing "Whereas" clauses are confirmed as true and  
47 incorporated herein.

48  
49       **SECTION 2.**

50       Chapter 32 Article III of the Zoning and Land Development Code is amended as follows:

51                               \* \* \*

52       **Sec. 32-8. - Definitions.**

53       The following words, terms and phrases mean:

54                               \* \* \*

55       *Store and services, general*, means establishments that sell merchandise or provide  
56 personal or professional services to the general public. ~~This term applies to the central RAC~~  
57 ~~and Hallandale Beach Boulevard zoning districts only.~~ The following uses are not  
58 considered "stores and services, general" for purposes of this code: stores and services,  
59 large format; contractor and trade operations; alcoholic beverage establishments; racing  
60 and casino complexes; restaurants; pawn shops, vehicle sales, repair, or service, auto parts  
61 sales; storage facilities, wholesale operations; and parking garages that are a principal use  
62 on a lot. This term applies to the ~~central RAC~~ and Hallandale Beach Boulevard zoning  
63 districts only.

64       *Stores and services, large format*, has the same meaning as "stores and services,  
65 general" as defined by this code, except that the establishment contains over 50,000 square  
66 feet of enclosed floor area. This term applies to the ~~central RAC~~ and Hallandale Beach  
67 Boulevard zoning districts only.

68                               \* \* \*

69       **Sec. 32-160.b - Allowable uses.**

70       Table 32-160.a identifies uses that are allowed as permitted or conditional uses in each West  
71 RAC subdistrict as well as uses that are not permitted in each subdistrict. Uses identified with a  
72 "P" are permitted by right. Uses identified with a "C" are permitted subject to the standards in

73 section 32-964 and additional standards in each subdistrict. Uses identified with a "-" are not  
74 permitted in the subdistrict.

75 (a) *Compatibility of uses.*

76 (1) *Mixed-uses.* The West RAC permits mixed use development (Table 32-160.a).

77 a. Mixed use development blends a combination of compatible uses in an  
78 environment where such uses are physically and functionally integrated.

79 b. Permitted uses cannot be mixed with prohibited uses.

80 (2) Mixed uses in the West RAC zoning district shall provide pedestrian connections  
81 and combine compatible uses that function in concert with all other uses in the  
82 development.

83 a. Proposed mixed use developments, at the discretion of the development  
84 services director, must provide a supplemental report that outlines the  
85 following:

86 i1. Special provisions made to ensure compatibility of the uses; and,

87 ii2. Design features that enhance physical and functional integration (including  
88 parking, loading, sanitation storage, crime prevention, noise reduction, on-site  
89 circulation, etc.).

90 \* \* \*

91 **Table 32-160.a West RAC Permitted Uses by Subdistrict**

	Palms Gateway	Pembroke Road	Foster Road
RESIDENTIAL USES			
Single-family residential dwelling	P	-	-
Two-family (duplex) residential dwellings	P	-	-
Townhouse residential dwellings	P	-	P
Multi-family residential dwellings	P	P-	P
Mobile home	-	-	-
Residential accessory uses	P	P	P
Live/work units	-	P	P
Mixed use	-	P	P
Home occupations	P	P	P
Rooming houses	-	-	-
Assisted living facilities	See section 32-524		
Other residential care facilities			
LODGING			
Bed-and-breakfast inns	-	-	-
Hotels	-	P	P

# EXHIBIT E

COMMERCIAL USES			
Adult entertainment business (section 32-263)	-	-	-
Alcoholic beverage establishments, <u>subject to Chapter 5</u>	-	P	-
Antique shops	-	P	P
Apparel products	-	P	P
Appliance stores	-	P	P
Art and graphic supplies	-	P	P
Art galleries	-	P	P
Auction galleries	-	P	P
Automobile paint and body shops	-	-	-
Automobile parts and accessory sales	-	P	C
<u>Automobile rental agencies<sup>1</sup></u>	-	<u>P</u>	<u>P -</u>
Automobile repair shops	-	-	-
Automobile sales and display (new or used)	-	-	-
Bakeries	-	P	P
Banks and financial institutions	-	P	P
Barber, beauty and skin care services	-	P	P
Bed-and-breakfast inns	-	-	-
Bicycle shops	-	P	P
Billiard and pool rooms	-	P	-
Boat and marine products	-	-	-
Boat sales and display	-	-	-
Bonding companies	-	-	-
Book and stationary stores	-	P	P
Bowling alleys	-	P	-
Broadcasting studios	-	P	P
Brokerage offices: stocks, commodities, real estate, yachts and like services	-	P	P
Bus terminals	-	-	-
Camera shops	-	P	P
Candy and ice cream stores	-	P	P
Car washes (indoor only)	-	P	-
Check cashing	-	<u>P -</u>	<u>P -</u>
Contractor and trade operations	-	-	-
Communication facilities	-	-	-
Convenience stores	-	P	-
Convenience stores with fuel (minimum of 2,000 square feet of G.F.A. required)	-	C	-

# EXHIBIT E

Copying services	-	<u>P</u>	P
Delicatessens	-	P	P
Doctors, dentists, optometrists, and other similar licensed medical practitioners	-	P	P
Dog racing tracks	-	-	-
Drapery stores	-	P	P
Drive-through windows facilities serving financial institutions or offices (for any use)	-	<u>PC</u>	-
Dry cleaners and laundry services (maximum of 2,000 square feet of G.F.A.)	-	P	-
Dry cleaning, on-premises retail operations (max. of 2,000 square feet of G.F.A.)	-	P	P
Dry goods stores	-	P	P
Equipment rental (No heavy equipment, such as backhoes and bull dozers)	-	C	-
Establishments dealing with sale or repair of major appliances	-	-	-
Exhibition halls	-	-	-
Express companies	-	P	-
Exterminating companies	-	P	-
Family Entertainment Center	-	<u>C</u>	<u>C</u>
Fence companies (No outdoor storage)	-	P	-
Filming studio	-	P	-
Flea market	-	-	-
Florists	-	P	P
Food processing plants	-	-	-
Food stores	-	P	P
Fortunetellers (Minimum 1,000 ft. separation between like uses)	-	P	-
Fruit packers	-	P	-
Fruit stores	-	P	P
Funeral supply and display stores	-	-	-
Furniture and bedding products	-	P	-
Furniture stores	-	P	P
Garden supplies and plant nurseries	-	-	-
Garden shops (only as an accessory use to retail)	-	C	-
Gift shops	-	P	P
Gold buyers	-	-	-
Golf courses	-	-	-

# EXHIBIT E

Golf driving ranges	-	-	-
Gymnasiums	-	-	-
Garages, parking (commercial or non-commercial principal use)	-	<u>C</u>	-
Hardware stores	-	P	P
Health and exercise studios	-	P	P
Hobby and handicraft shops	-	P	P
Home improvement centers	-	-	-
Horseracing tracks	-	-	-
Hotels, motels, and similar lodging	-	P	-
Indoor sport courts (minimum of 5,000 square feet of recreational G.F.A. required)	-	P	-
Initial care units	-	P	-
Insurance agencies	-	P	P
Interior decorators	-	P	P
Investment counselors	-	P	P
Jewelry stores	-	P	P
Kennel	-	-	-
Laundromats	-	C	C
Laundry and dry-cleaning pickup substations	-	P	P
Lawn maintenance services	-	-	-
Leather good shops	-	P	P
Liquor package stores	-	P	-
Locksmith	-	P	P
Luggage shops	-	P	P
Machine shops	-	-	-
(Accessory) manufacturing	-	-	-
Marinas	-	-	-
Marine supply services	-	P	-
Medical and surgical equipment products	-	-	-
Medical marijuana treatment center dispensing facility, subject to Chapter 32, Art.IV, Division.24	-	P	P
Messenger and delivery services	-	P	P
Miniature golf courses	-	-	-
Mixed use (minimum of 2,000 square feet)	-	C	-
Motorcycle sales and services	-	-	-
Movie theaters (indoor)	-	P	P
Moving and transfer companies	-	-	-
Museums and art galleries	-	P	P
Music and record shops	-	P	P

# EXHIBIT E

Newsstands	-	P	P
Nightclubs, dancehalls, discotheques, private clubs, and cocktail lounges	-	C	-
Nonresidential agricultural research	-	-	-
Office	-	P	P
Office supply stores	-	P	P
Optical stores	-	P	P
Paint stores	-	P	P
Parking lots and parking garages (commercial or noncommercial principal use)	-	C	-
Pawn shops	-	-	-
Performing arts theaters	-	C	C
Pet shops	-	P	P
Petting zoos	-	-	-
Pharmacies	-	P	P
Photographic studios	-	P	P
Plumbing supply stores	-	-	-
Precision instruments products	-	-	-
Printers and book binders	-	P	-
Professional services including accountants, architects, engineers, lawyers, and other similar professions	-	P	P
Recording studios	-	P	-
Recreational vehicle sales and service	-	-	-
Research facilities	-	P	-
Restaurant equipment and supply service	-	P	-
Restaurants ( <i>minimum of 1,000 square feet of G.F.A. required</i> )	-	P	P
Restaurant <del>—</del> (fast food/no drive-thru) ( <i>minimum of 2,000 <u>1,000</u> square feet of G.F.A. required</i> )	-	C <u>P</u>	- : <u>P</u>
Secondhand merchandise stores	-	-	-
Secretarial and stenographic services	-	P	P
Service stations	-	-	-
Service stations/convenience business (with accessory gas sales and/ or carwash) ( <i>subject to <u>1,500 feet separation to other auto-related uses</u></i> )	-	P <u>C</u>	-
Self Storage	-	P	-



# EXHIBIT E

<u>Stores and services, general</u>	-	<u>P</u>	<u>P</u>
<u>Stores and services, large format</u>	-	<u>P</u>	<u>P</u>
<u>Studio or workshop</u>	-	<u>P</u>	<u>P</u>
<u>Shoe repair shops</u>	-	<u>P</u>	<u>P</u>
<u>Sign shops</u>	-	-	-
<u>Skating rinks (roller and ice)</u>	-	<u>P</u>	-
<u>Souvenir and novelty shops</u>	-	<u>P</u>	<u>P</u>
<u>Sporting goods store</u>	-	<u>P</u>	<u>C</u>
<u>Studio schools; art, sculpture, dance, drama and like instruction</u>	-	<u>P</u>	<u>P</u>
<u>Tailors and seamstresses</u>	-	<u>P</u>	<u>P</u>
<u>Taxi and limousine services</u>	-	<u>P</u>	-
<u>Taxidermist</u>	-	-	-
<u>Telecommunication Towers</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Title services</u>	-	<u>P</u>	<u>P</u>
<u>Tobacco shops</u>	-	<u>P</u>	<u>P</u>
<u>Towing services storage facility</u>	-	<u>C</u>	-
<u>Trade schools</u>	-	<u>P</u>	-
<u>Transportation facilities</u>	-	-	-
<u>Transportation and utilities</u>	-	-	-
<u>Travel agencies</u>	-	<u>P</u>	<u>P</u>
<u>Truck and trailer sales and service</u>	-	-	-
<u>Utility substations, transformers and transmission lines</u>	-	-	-
<u>Vending machine sales and service</u>	-	-	-
<u>Vehicle sales, repair, or service</u>	-	-	-
<u>Warehouse/self-storage facility and distribution (dry and cold storage)</u>	-	<u>C</u>	-
<u>Wholesale sales</u>	-	<u>C</u>	-
<u>Wholesale distributor's showrooms</u>	-	<u>C</u>	-
<b>CIVIC USES</b>			
<u>Animal hospitals/veterinary clinics (with ancillary boarding in an enclosed air-conditioned building)</u>	-	<u>PC</u>	-
<u>Civic open spaces</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Day care centers</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Government uses</u>	-	<u>P</u>	<u>P</u>
<u>Places of worship</u>	<u>C</u>	-	<u>P</u>
<u>Schools, public and private</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Auditoriums</u>	-	-	-

# EXHIBIT E

Churches, synagogues and similar houses of worship (minimum of 2,000 square feet of G.F.A. required)	G	-	P
Circuses, carnivals, fairs, and festivals	-	-	-
Clubs organized for either religious, social, educational, charitable, or cultural purposes (minimum of 2,000 square feet of G.F.A. required)	G	-	P
Cultural centers (minimum of 2,000 square feet of G.F.A. required)	G	-	P
Day care centers and nurseries	G	P	P
Educational institutions & vocational centers (not including work release programs or half way houses)	-	P	P
Employment services	-	P	P
Equestrian courses	-	-	-
Funeral homes (including operator's residence)	-	P	-
Hospitals, provided that there are no facilities for residential psychiatric care	-	-	-
Jai-alai frontons	-	-	-
Lodges and fraternal organizations (minimum of 2,000 square feet of G.F.A. required)	G	-	P
Nursing and convalescent homes	-	G	G
Public facilities and utilities	G	P	P
Public parks, playgrounds, and other recreation areas	P	P	P
Public and private schools	G	P	P
Public utility substations	-	-	-
Swimming pools (outdoor and indoor)	-	-	-
Tennis, handball and racquetball courts/field games (outdoor and indoor)	-	-	-

92 <sup>1</sup> Outdoor storage of rental fleet shall be located within a parking structure or be visually screened  
93 from the public right of way and adjacent properties by a fence/wall and landscape. Subject to 1,500  
94 feet distance separation between like uses.



b. ~~Live work units within the West RAC district are administered pursuant to section 32-370 of the zoning and land development code.~~

c. Accessory uses within the West RAC district are administered pursuant to article IV, division 2 of the zoning and land development code (section 32-242).

\* \* \*

(i) Development review procedures. Development applications may follow two different review and approval processes:

(1) Major development applications in the West RAC zoning district may be approved administratively if the application:

a. Meets all requirements of this code; and

b. Does not exceed the permitted or base density specified for its RAC subdistrict; and

c. Does not require any conditional uses; and,

d. Does not require non-administrative: variances, or redevelopment area modifications.

(2) Development applications in the West RAC zoning district may be approved only by the city commission using the major development review process if the application:

a. Meets all requirements of this code only upon approval of simultaneously requested conditional uses; and/or

b. Meets all requirements of this code only upon approval of simultaneously requested non-administrative variances, or redevelopment area modifications; and/or

c. Is requesting more than the allowable base or permitted density in any West RAC subdistrict subject to the provisions of section 32-206(c).

\* \* \*

## **Sec. 32-160.d. Pembroke Road subdistrict standards.**

(a) *Purpose and intent.* The Pembroke Road subdistrict is to encourage well-designed commercial and mixed-use developments along the Pembroke Road corridor.

(b) Permitted uses.

(1) *Specific uses.* Specific uses in the ~~Palms Gateway~~ Pembroke Road subdistrict shall conform to the regulations in Table 32-160.a.

(2) *Conditional use standards.* Conditional uses are noted in Table 32-160.a and must be approved pursuant to the provisions in section 32-964.

(3) *Base density.* The base density in Table 32-160.d is the number of dwelling units allowed per acre.

(4) *Maximum density.* The maximum density in Table 32-160.d is the maximum number of dwelling units allowed per acre. Density requests between the base and maximum are subject to the approval processes set forth in sections 32-205 and 32-206.

(c) *Residential unit size.* Table 32-160.d provides the minimum unit sizes for single family houses, duplexes, townhomes, and multifamily dwellings for the Pembroke Road subdistrict.

**Table 32-160.d Pembroke Road Subdistrict Dimensional Requirements**

Lot Size	Commercial Non-residential	Multi-family and Mixed Use	Live-Work Units
<b>Lot Width (min.)</b>			
All lots 1. Interior	50 ft.	<del>75 ft.</del> <u>50 ft.</u>	50 ft.
2. Corner	50 ft.	75 ft.	60 ft.
<b>Lot Area (min.)</b>			
All lots 1. Interior Lot	5,000 sf.	10,000 sf.	<del>5,000 sf.</del>
2. Corner Lot	6,000 sf.	10,000 sf.	6,000 sf.
<b>Building Placement</b>			
A. Front Setback <sup>1</sup> (min./max.)	15 ft., w/ no parking <u>Min. 10 ft.</u> <u>Max. 15 ft.</u>	15 ft. <u>Min. 10 ft.</u> <u>Max. 15 ft.</u>	15 ft.
B. Side <u>Interior</u> Setbacks (min.)	<u>0 ft.</u>	<u>0 ft.</u>	
1. Interior	0 ft.	0 ft.	0 ft.
2. Corner	10 ft.	10 ft.	10 ft.
<b>C. Rear Setbacks</b>			
<del>C. 1. Rear Setback</del> <u>setback (min.)</u>	10 ft. 20 ft. adjacent to residential district	10 ft. <u>20 ft. adjacent to residential district</u>	10 ft.
2. Rear setback above the 5 <sup>th</sup> floor (min.)	30 ft.	30 ft.	
D. Accessory Structure Setback (min.)	10 ft.	10 ft.	<del>10 ft.</del>

E. Minimum Building Frontage - <u>Pembroke Road</u>	60% of lot width	60% of lot width	50%
F. Minimum- Landscape Area	<del>15 %</del> <u>10% of lot area</u>	<del>15 %</del> <u>5% of lot area</u>	<del>15 %</del>
<b>Building Height</b>			
<u>Minimum Building Height</u>	<u>1 story or 20 ft.</u>	<u>2 stories</u>	
<u>Base Building Height</u>	<u>3 stories</u>	<u>3 stories</u>	
<u>Maximum- Building Height</u> <sup>2</sup>	<u>30 ft. 10 stories</u> <sup>2</sup>	<u>45 ft. or 4 Stories</u> <u>10 stories</u> <sup>2</sup>	<u>30 ft.</u>
<b>Density</b>			
<u>Base Density</u>	-	<u>18</u> <del>40</del> du/ac	<u>14</u> du/ac
<u>Maximum- Density</u> <sup>12</sup>	-	<u>25</u> <del>80</del> du/ac <sup>12</sup>	<u>18</u> du/ac
<b>Minimum- Floor Area</b>			
Non-residential	Where applicable, see Table 32-160.a	Where applicable, see Table 32-160.a	<u>1,000 sf. – detached</u> <del>850 sf. – MF or mixed-use</del>
Efficiency	-	500 sf. (per unit)	-
1 bedroom	-	700 sf. (per unit)	-
2 bedrooms	-	850 sf. (per unit)	-
3 bedrooms or more	-	1,050 sf. (per unit)	-

<sup>1</sup>All lot lines facing streets are regulated by front yard setback requirements.

<sup>12</sup>Maximum density allocation shall be subject to the performance criteria in section 32-160.d.(d)(4) and approval by the city commission, pursuant to sections 32-160.b.(i) 32-205 and 32-206.

(d) Building massing and placement.

(1) Lot size and building placement. Table 32-160(d) provides the dimensional requirements regarding lot size, lot coverage, building setbacks, and building frontage for the Pembroke Road subdistrict.

a. A minimum of 60 percent of the linear width of the lot along Pembroke Road shall be occupied by active uses, located in accordance with the minimum and maximum setbacks in Table 32-160(d). Active use requirements may be reduced or waived at the discretion of the director when sufficient evidence is provided to indicate that necessary vehicular access and circulation cannot be accommodated.

b. Buildings taller than five stories are subject to additional setback requirements to ensure harmony among adjacent buildings and architectural articulation of building mass; and protect the character of residential neighborhoods.

c. Buildings with more than 200 feet of street frontage shall provide a pedestrian passageway at least ten feet wide connecting rear parking to the sidewalk in the public right-of-way that the building faces.

d. At-grade parking lots shall not be permitted within frontage setbacks and shall be located behind the main structure to the maximum degree possible.

(2) Building articulation.

a. Building facades shall incorporate breaks in the horizontal and vertical wall plane to provide articulation and reduce visual mass.

b. Blank walls visible from adjacent streets, public areas or adjacent buildings shall not be permitted and shall incorporate facade articulation. A portion of the facade proportionate to the building massing may be permitted.

c. For ground floor commercial active uses, 50 percent of the storefront facade area shall provide transparency. Transparency may be provided through the use of windows and door glazing as well as unobstructed openings in the building facade.

d. Architectural treatment shall be provided for all non-active use facade elevations and shall be harmonious and integrated with the design of adjacent active use facades. Architectural treatment shall be provided through a combination of two (2) or more treatments including, but not limited to: the use of similar materials and construction assemblies; the continuation of fenestration patterns, architectural features, articulation, and rhythm; the application of architectural screens, meshes, louvers, and glass; the incorporation of pervious surfaces and planters; and the provision of consistent signage, graphics, and architectural lighting. The following treatments are permitted but shall not fulfill the requirement for architectural treatment: the application of paint and faux treatments; scoring, construction joints or material projections less than four (4) inches in height, width, or depth.

(3) Base density. The base density in Table 32-160(d) is the number of dwelling units allowed per acre.

(4) Maximum density and height. The maximum density and height in Table 32-160(d) shall be subject to approval by the city commission, pursuant to sections 32-160.b.(i) and 32-206. and the following performance criteria:

a. For a maximum density of 80 du/ac and/or a maximum building height of 10 stories, projects shall provide:

1. At least 15 percent of the project's residential units as affordable housing or similar value as contribution to the city's affordable housing fund;

2. Street/streetscape improvements consistent with the city's complete streets efforts, on both sides of adjacent rights-of-way, where feasible; and

3. At least two of the following:

i. A total of 5 percent of the site, or the portion of the site proposed for development in a multi-phased project, as civic open space(s);

ii. Fully conceal parking garage levels at the sidewalk level for a depth of at least 20 feet by a story containing active use(s), such as residential, office, or retail; and

iii. Public art in a form and location acceptable to the city accessible and visible to the public from the right-of-way.

(e) Section 32-194, configuration of buildings, and sections 32-202 through 32-204, civic open spaces, off-street-parking requirements and street and block standards also apply to the Pembroke Road subdistrict.

## **Sec. 32-160.e. Foster Road subdistrict standards.**

(a) *Purpose and intent.* The Foster Road subdistrict is designed to create opportunities for both vertical and horizontal mixed use (residential and commercial) along the Foster Road corridor, while also enhancing the historical and cultural identity of the area.

(b) *Permitted uses.*

(1) *Specific uses.* Specific uses in the ~~Palms Gateway~~ Foster Road subdistrict shall conform to the regulations in Table 32-160.a.

(2) *Conditional use standards.* Conditional uses are noted in Table 32-160.a and must be approved pursuant to the provisions in section 32-964.

~~(3) *Permitted density.* The permitted density in Table 32-160.e is the number of dwelling units allowed per acre.~~

(c) *Residential unit size.* Table 32-160.e provides the minimum residential unit sizes for ~~live-work and~~ multifamily dwellings within the Foster Road subdistrict.

~~(d) *Commercial structure size.* Table 32-160.e provides the minimum non-residential unit sizes for commercial structures within the Foster Road subdistrict, where applicable.~~

**Table 32-160.e Foster Road Subdistrict Dimensional Requirements**

Lot Size	Commercial-Non-residential	Multi-family and Mixed Use <sup>2</sup>	Townhomes <sup>(1) (2)</sup>	Multifamily	Live-Work Units



Lot Width (min.)					
All lots1. Interior	50 ft.	75 ft. <sup>2</sup> 50 ft	-	50 ft.	50 ft.
2. Corner	50 ft.	75 ft. <sup>2</sup>	-	50 ft.	60 ft.
Lot Area (min.)					
All lots1. Interior Lot	5,000 sf.	10,000 sf. <sup>2</sup> 5,000 <sup>1</sup> sf.	10,000 sf.	5,000 sf.	5,000 sf.
2. Corner Lot	5,000 sf.	10,000 sf. <sup>2</sup>	10,000 sf.	5,000 sf.	6,000 sf.
Building Placement					
A. Front Setback <sup>2</sup> (min./max)	Min. 2 ft. Max. 10 ft.	Min. 2 ft. Max. 10 ft.	Min. 2 ft. Max. 10 ft.	Min. 2 ft. Max. 10 ft.	Min. 2 ft. Max. 10 ft.
B. Side Interior Setbacks	0 ft.	0 ft.			
1. Interior	0 ft.	0 ft.	End unit: 15ft. 10ft. Between Units: 20 ft.	7.5 ft.	0 ft.
2. Corner	10 ft.	10 ft.		15 ft.	10 ft.
C. Rear Setback					
C. 1. Rear Setback (min.)	10 ft. min. 20 ft. adjacent to residential districts	10 ft. min. 20 ft. adjacent to residential districts	20 ft.	25 ft.	10 ft.
2. Rear setback above the 5 <sup>th</sup> floor – Lots East of 4 <sup>th</sup> Avenue (min).	30 ft.	30 ft.			
D. Accessory Structure Setback (min.)	10 ft.	10 ft.	- <sup>4</sup>	5 ft.	10 ft.
E. Minimum Building Frontage - Foster Road or North Dixie Highway	50%60% of lot width	50%60% of lot width	-	-	50%
F. Minimum Landscape Area					
F. 1. Minimum Landscape Area	15%10% of lot area	15%10% of lot area	40%	40%	15%
2. Minimum Landscaping Area - Lots East of NW 4 <sup>th</sup> Avenue	5% of lot area	5% of lot area			
Building Height					

<u>Max. Minimum Building Height</u>	<u>2 Stories or 30 ft. 1 story, 20 ft.</u>	<u>3 Stories or 40 ft. 2 Stories</u>	<u>2 Stories or 30 ft.</u>	<u>3 stories or 40 ft.</u>	<u>2 Stories or 30 ft.</u>
<u>Base Building Height</u>	<u>3 Stories</u>	<u>3 Stories</u>			
<u>Maximum Building Height<sup>3</sup></u>	<u>5 stories<sup>2</sup></u>	<u>5 stories<sup>3</sup></u>			
<u>Maximum Building Height - Lots East of 4<sup>th</sup> Avenue.<sup>3</sup></u>	<u>12 Stories<sup>3</sup></u>	<u>12 Stories<sup>3</sup></u>			
<b>Density</b>					
<u>Permitted Base Density</u>	-	<u>2530 du/ac</u>	<u>18 du/ac</u>	<u>18 du/ac</u>	<u>14 du/ac</u>
<u>Maximum Density<sup>3</sup></u>	=	<u>60 du/ac<sup>3</sup></u>			
<u>Maximum Density - Lots East of 4<sup>th</sup> Avenue.<sup>3</sup></u>	=	<u>120 du/ac<sup>3</sup></u>			
<b>Minimum Floor Area</b>					
<u>Non-residential</u>	<u>Where applicable, see Table 32-160.a</u>	<u>Where applicable, see Table 32-160.a</u>	-	-	<u>1000 sf. detached 850 sf. MF or mixed use</u>
<u>Efficiency</u>	-	<u>500 sf. (per unit)</u>	<u>N/A</u>	<u>500 sf. (per unit)</u>	-
<u>1 bedroom</u>	-	<u>700 sf. (per unit)</u>	<u>850 sf. (per unit)</u>	<u>700 sf. (per unit)</u>	-
<u>2 bedrooms</u>	-	<u>850 sf. (per unit)</u>	<u>1,000 sf. (per unit)</u>	<u>850 sf. (per unit)</u>	-
<u>3 bedrooms or more</u>	-	<u>1,050 sf. (per unit)</u>	<u>1,150 sf. (per unit)</u>	<u>1,050 sf. (per unit)</u>	-

<sup>1</sup> ~~Subject to the provisions of article IV, division 21, townhouse, residential development.~~

<sup>12</sup> Smaller lots platted prior to November 21, 1978, shall be permitted at their platted size, and are not subject to the provisions of article VII.

<sup>2</sup> All lot lines facing streets are regulated by front yard setback requirements.

<sup>3</sup> Maximum density allocation and building height shall be subject to the performance criteria in section 32-160.e.(d)(4) and approval by the city commission, pursuant to sections 32-160.b.(i) and 32-206.

(d) Building massing and placement.

(1) Lot size and building placement. Table 32-160(e) provides the dimensional requirements regarding lot size, lot coverage, building setbacks, and building frontage for the Foster Road subdistrict.

a. A minimum of 60 percent of the linear width of the lot along Foster Road or North Dixie Highway shall be occupied by active uses, located in accordance with the minimum and maximum setbacks in Table 32-160(e). Active use requirements may be reduced or waived at the discretion of director when sufficient evidence is provided to indicate that necessary vehicular access and circulation cannot be accommodated.

b. Buildings taller than five stories are subject to additional setback requirements to ensure harmony among adjacent buildings and architectural articulation of building mass; and protect the character of residential neighborhoods.

c. Buildings with more than 200 feet of street frontage shall provide a pedestrian passageway at least ten feet wide connecting rear parking to the sidewalk in the public right-of-way that the building faces.

d. At-grade parking lots shall not be permitted within frontage setbacks and shall be located behind the main structure to the maximum degree possible.

(2) Building articulation.

a. Building facades shall incorporate breaks in the horizontal and vertical wall plane to provide articulation and reduce visual mass.

b. Blank walls visible from adjacent streets, public areas or adjacent buildings shall not be permitted and shall incorporate facade articulation. A portion of the facade proportionate to the building massing may permitted.

c. For ground floor commercial active uses, 50 percent of the storefront facade area shall provide transparency. Transparency may be provided through the use of windows and door glazing as well as unobstructed openings in the building façade.

d. Architectural treatment shall be provided for all non-active use facade elevations and shall be harmonious and integrated with the design of adjacent active use facades. Architectural treatment shall be provided through a combination of two (2) or more treatments including, but not limited to: the use of similar materials and construction assemblies; the continuation of fenestration patterns, architectural features, articulation, and rhythm; the application of architectural screens, meshes, louvers, and glass; the incorporation of pervious surfaces and planters; and the provision of consistent signage, graphics, and architectural lighting. The following treatments are permitted, but shall not fulfill the requirement for architectural treatment: the application of paint and faux treatments; scoring, construction joints or material projections less than four (4) inches in height, width, or depth.



(3) Base density. The base density in Table 32-160(e) is the number of dwelling units allowed per acre.

(4) Maximum density and height. The maximum density and height in Table 32-160(e) shall be subject to approval by the city commission, pursuant to sections 32-160.b.(i) and 32-206 and the following performance criteria:

a. For density up 60 du/ac and/or a maximum height of 5 stories, projects shall:

1. At least 15 percent of the project's residential units as affordable housing or similar value as contribution to the city's affordable housing fund;

2. Street/streetscape improvements consistent with the city's complete streets efforts, on both sides of adjacent rights-of-way where feasible; and

3. At least two of the following:

i. A total of 5 percent of the site, or the portion of the site proposed for development in a multi-phased project, as civic open space(s);

ii. Fully conceal parking garage levels at the sidewalk level for a depth of at least 20 feet by a story containing active use(s), such as residential, office, or retail;

iii. Public art in a form and location acceptable to the city and visible to the public from the right-of-way; and

iv. Other community benefit as approved by the city.

b. For lots East of NW 4<sup>th</sup> Avenue, for density up to 120 du/ac and/or a maximum height of 12 stories, in addition to the criteria in (d)(4)(a), projects shall also provide:

1. At least 25 percent of the project's residential units as affordable housing or similar value as contribution to the city's affordable housing fund; and

2. At least 10 percent more parking than the amount required, accessible to the general public on an hourly or daily basis, with a fee to be determined by the owner.

(e) Section 32-194, configuration of buildings, and sections 32-202 through 32-204, civic open spaces, off-street-parking requirements and street and block standards also apply to the Foster Road subdistrict.

**SECTION 3.** All ordinances, parts of ordinances, resolutions, or parts of resolutions in conflict herewith are hereby repealed, to the extent of the conflict.

**SECTION 4.** Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part that is declared to be invalid.

**SECTION 5.** This Ordinance shall take effect immediately upon its passage and adoption.

PASSED on 1st reading, on December 6, 2023.

PASSED AND ADOPTED on 2nd reading, on January 17, 2024.

  
JOY F. COOPER  
MAYOR

ATTEST:

  
JENORGEN GUILLEN  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY  
FORM

  
JENNIFER MERINO  
CITY ATTORNEY

## FIRST READING VOTE ON ADOPTION

Mayor Cooper	<u>Yes</u>
Vice Mayor Lima-Taub	<u>Yes</u>
Commissioner Adams	<u>Yes</u>
Commissioner Butler	<u>Yes</u>
Commissioner Lazarow	<u>Yes</u>

## FINAL VOTE ON ADOPTION

Mayor Cooper	<u>Yes</u>
Vice Mayor Lima-Taub	<u>Yes</u>
Commissioner Adams	<u>Yes</u>
Commissioner Butler	<u>Yes</u>
Commissioner Lazarow	<u>Yes</u>

335

## **2. City Attorney Response**

JENNIFER MERINO  
*City Attorney*  
ROGET BRYAN  
*Deputy City Attorney*  
ELIZABETH MURPHY LOCONTE  
*Assistant City Attorney*  
MAXINE STREETER  
*Assistant City Attorney*



**OFFICE OF THE CITY ATTORNEY**

400 S. FEDERAL HIGHWAY  
HALLANDALE BEACH, FL 33009  
Phone (954) 457-1325  
Fax (954) 457-1660  
[www.coHB.org](http://www.coHB.org)

March 25, 2025

Ms. Rachel Streitfeld, Esq.  
Caldera Law  
7293 NW 2<sup>nd</sup> Ave.  
Miami, FL 33150  
*Via electronic mail to Rachel@caldera.law*

**Re: *Equitable Estoppel and M Car Wash Application (525 W. Pembroke Rd. LLC)***

Dear Ms. Streitfeld,

This letter is in response to your correspondence regarding the application of 525 W. Pembroke Rd LLC for the proposed M Car Wash. You indicate that your client filed an initial application for the project on August 8, 2022 that might have been entitled to “Minor Development Review” at the time, avoiding the need for City Commission approval. However, between the applicant’s second and third revised submittals (and after two Development Review Committee reviews of those applications by City staff identifying deficiencies in the application that would require variances or waivers to be approved by the City Commission) the City Commission separately adopted a zoning change that resulted in the requirement that the applicant would need to apply for a conditional use approval. The operative difference between the two circumstances being the additional requirement for the City Commission to approve a conditional use rather than the administrative approval your client sought.

You argue that the City is estopped from requiring the applicant to undertake the process requiring commission approval. During our conversation in August 2024, I requested that you provide us with the legal citations supporting your argument the City is subject to equitable estoppel in this case. I have reviewed the legal citations you provided and also asked staff to provide me with the history and current status of application. After review of the above, it is the City’s position that it is within its rights to enact the zoning change in this matter and to require the applicant to undertake the current conditional use process.

With respect to the cases you provided, each of the cases you cited involves an action by the legislative and quasi-judicial authority of the municipality on the specific development in

**CITY OF HALLANDALE BEACH  
OFFICE OF THE CITY ATTORNEY**

question, upon which the owner *subsequently* relied.<sup>1</sup> None of the cases involve reliance on anything other than an action of the commission prior to the reliance. In this case, the only commission action involved took place *after* your client's purchase of the property and initial application.<sup>2</sup> Therefore, the cases cited do not to support the argument of estoppel in this circumstance.

Second, the cases do not establish a legal basis entitling your client to a specific *process* for review of his development application. The Commission, by ordinance, previously delegated certain authority to the administration for approval of certain types of applications and it has now rescinded that authority. This change affects all of the properties within that zoning district. Your client has no legal basis to require the Commission to delegate authority, even if it may have been potentially more convenient to your client. To date, no one has denied the applicant the proposed use. The City is merely requiring a different approval process.<sup>3</sup>

More importantly, a review of the multiple applications filed by your client reveals that, to date, no application has been filed that would have been entitled to Minor Development approval. Each iteration of the application for the proposed car wash has contained deficiencies that would have required commission approval for variances or waivers. Further, the most recent iteration of the application, submitted nearly two years after the first, is still not in compliance with the requirements that would have potentially entitled it to administrative approval under the prior Code provisions.<sup>4</sup> As it presently stands, the current proposal would still require Commission approval of a number of variances or waivers of City Code requirements. City administration has provided my office with the following list of deficiencies in the current proposed plans:

- Building frontage less than 60% of lot frontage on Pembroke Road. (Dimensional requirements -Sec. 32-160.d(e)

---

<sup>1</sup> *Town of Largo v. Imperial Homes Corp.*, 309 So.2d 571, 572 (Fla. 2nd DCA 1975)(Property was originally rezoned by commission at request of property owner to allow for unlimited density, then later rezoned to restrict density to most restrictive category over objection of owner. The property was the only parcel in the town upon which density was reduced by the rezoning. Court ruled the owner had a right to rely on the "official mind" of the town: the town commission.) *City of Lauderdale Lakes v. Corn*, 427 So.2d 239, 241 (Fla. 4th DCA, 1983)(Property was originally zoned by commission in accordance with a development it approved. Owner developed the property in accordance to approved plans. When owner sought to develop another portion of the property in accordance with approved development plan, the council rezoned that portion and voted unanimously to deny approval of proposed site plan.)

<sup>2</sup> It was further a general zoning amendment, not an action directly related to your client's application.

<sup>3</sup> *South Fla. Equitable Fund, LLC v. City of Miami, Fla.*, 770 F.Supp.2d 1269, 1285 (S.D.Fla., 2011)("The Court does not find that SFEF has demonstrated equitable estoppel. SFEF has not shown that it availed itself of all the means available to get authorization of its settlement proposal from the City Commission...")

<sup>4</sup> In contrast, note the following observation of the court in *Town of Largo*: "[a]ccording to the Town Manager, there was no suggestion in any of the discussion that the [application] did not comply with the ordinances and regulations of the Town as they then existed." 309 So.2d at 572.

**CITY OF HALLANDALE BEACH  
OFFICE OF THE CITY ATTORNEY**

- The building height is less than 20 feet in height (Dimensional requirements- Sec. 32-160d.)
- The building does not meet the transparency/glazing requirements (Building articulation -Sec.32-160 (d)(2) and architectural standards of Sec. 32-194(d)(1)))
- The building does not provide a parapet at least 42" high (Configuration of buildings sec. 32-194(a)(8))
- A minimum of 8 feet wall separating the use from abutting residential (Sec.32-160.a(g))
- Landscaping islands not dimensioned to verify minimum size required. (Sec. 32-384(f))
- Maneuvering aisle for 45-degree parking spaces less than the minimum width required. (Sec. 32-453)
- The dimensions of the parallel parking space are less than the minimum size required. (Sec. 32-453)
- Provides all parking spaces as vacuum spaces. Does not provide the 5 parking spaces required for the use.

Therefore, since your client has never submitted an application entitled to minor development approval the City respectfully disagrees that there is any basis for estoppel or any legal right for your client to avoid the present code requirements relating to the approval process for the proposed use.

Please let me know if you have any further questions.

Sincerely,



Jennifer Merino  
City Attorney

### **3. Applicant Reply to City Attorney**





May 12, 2025

Jennifer Merino, Esq.  
Office of the City Attorney  
400 South Federal Highway, Second Floor  
Hallandale Beach, Florida 33009  
*Transmitted via electronic mail to [jmerino@hallandalebeachfl.gov](mailto:jmerino@hallandalebeachfl.gov)*

RE: **Applicant's Response to March 25, 2025 Letter**

Dear Madam City Attorney,

This correspondence is transmitted to you on behalf of 525 W Pembroke Rd LLC (the "Applicant") in response to your letter dated March 25, 2025 ("City's Response"), which letter responds to the Applicant's initial correspondence dated February 20, 2025 claiming that the City is equitably estopped from enforcing newly-adopted code provisions that classify the Applicant's proposed use as "conditional" as opposed to "permitted" against the Applicant ("Initial Letter").

**Previously Provided Cases**

The City's Response states that each of the cases provided in the Initial Letter involves an action by the legislative and quasi-judicial authority of the municipality on the specific development in question, upon which the owner subsequently relied, and that none of the cases involve reliance on anything other than an action of the commission prior to the reliance. That is a misunderstanding of the cases cited.

*Town of Largo v. Imperial Homes, Corp.*, 309 So.2d 571, 572 (Fla. 2nd DCA 1975). In this case, Imperial Homes relied on the original rezoning of the land when it made its investment. The subsequent rezoning that reduced the buildable density inspired the lawsuit. When the Court ruled that the owner had a right to rely on the "official mind" of the town, it was referring to the original rezoning, which was the zoning in effect at the time the property owner made its investment and submitted its application. Similarly, the Applicant relied on the existing zoning that was in effect at the time the Applicant made its investment in real property to develop a car wash. The doctrine of equitable estoppel is lawfully applied to a local government exercising its zoning power when a property owner, relying in good faith upon some act or omission of the government, has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights he has acquired. See *Town of Largo v. Imperial Homes Corp.*, 309 So.2d 571 at 572 (Fla. 2d DCA 1975).

*City of Lauderdale Lakes v. Corn*, 427 So.2d 239, 241 (Fla. 4th DCA 1983). The same fact pattern appears in this case. Corn relied on existing zoning when he submitted his plans to develop warehouses, the same way that the Applicant relied on existing zoning when he invested in the property and design consultants to build a car wash. When a property owner takes proactive steps to exercise appropriate

# Caldera

LAW

due diligence, spends vast sums of money relying on responses received and actions taken by the local government, submits a complete application, pays fees for said application, and engages in robust development reviews and corrections, the local government is estopped from creating new requirements and limitations on the property owner. See *City of Lauderdale Lakes v. Corn*, 427 So.2d 239 (Fla. 4th DCA 1983).

Moreover, in *Lauderdale Lakes v. Corn*, the Fourth Circuit affirmed a final judgment invalidating zoning ordinances as applied to a specific property, requiring Lauderdale Lakes to approve a site plan even though corrections were needed by the owner of several specified deficiencies before a building permit could be issued. Your letter states that the Applicant was not entitled to Minor Development Review because there were deficiencies in the plans submitted. As you know, the development review process as a matter of course entails the detailed review of plans by various City departments, the City's issuance of comments to applicants, followed by resubmittal of revised plans that respond to those comments. The Applicant was entitled to Minor Development Review. It was not entitled to a building permit until the deficiencies were corrected, but it was certainly entitled to be reviewed under the code provisions that were in place at the time, following the procedure that was in place at the time.

## **The City Violated Notice Provisions Required in §166.041(3)(c)(2), Fla. Stat.**

Finally, the City's approval of Ordinance 2024-006 violated Chapter 166.041. "Procedures for adoption of ordinances and resolutions." Ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category must be noticed in the print edition of a newspaper; the advertisement shall not be placed in that portion of the newspaper where legal notices and classified ads appear. In lieu of publishing the advertisement, the municipality may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place, and location of any public hearing on the proposed ordinance. The City did not publish either of the two required notices in a newspaper of general circulation as called for in state law, nor did it mail notice to all property owners within the West RAC zoning district.

Additionally, the Applicant met with the City to discuss its site plan application while the ordinance in question was being revised by the City. At no time – not even once – did City staff advise the Applicant or its representatives that the permitted uses on the Property were being revised. The City had ample opportunity to provide notice to the Applicant that the City was considering changes to the Permitted Uses in the Pembroke Road Subdistrict. The City's failure to provide reasonable notice to the Applicant deprived the Applicant of its meaningful opportunity to be heard before the City Commission during the legislative process.

## **Your Letter Did Not Address The City's Failure to Notify the Public that the City Would Retroactively Apply Ordinance 2024-006**

Retroactive application of Ordinance 2024-006 (see Exhibit E) to the Project is prohibited without the clear legislative intent of the City Commission. Ordinance 2024-006 declares in Section 5 that "this

# Caldera

LAW

ordinance shall take effect immediately upon its passage and adoption.” Nowhere else in the language of Ordinance 2024-006 is there a mention of retroactive application. Florida courts generally disfavor the retroactive application of substantive laws unless there is a clear legislative intent for retroactivity, and even then, it must not violate due process by creating new obligations, risks, and costs. (*Patronis v. United Insurance Company of America*, 299 So.3d 1152 (2020)).

The presumption against retroactivity is a default rule of statutory construction. The essential purpose of statutory construction is to determine legislative intent. See *City of Boca Raton v. Gidman*, 440 So.2d 1277, 1281 (Fla.1983); *State v. Sullivan*, 95 Fla. 191, 207, 116 So. 255, 261 (1928). The presumption is rebutted by clear evidence of legislative intent. See *Arrow Air*, 645 So.2d at 425. A retrospective provision of a legislative act is invalid when a new obligation or duty is created or imposed, or an additional disability is established, on connection with transactions or considerations previously had or expiated. *McCord v. Smith*, 43 So.2d 704, 708–09 (Fla.1949). Thus, a municipality “may be equitably estopped to enforce a change in zoning regulations against one who has substantially altered his position in reliance upon the original regulation...” *City of Miami Beach v. 8701 Collins Ave.*, 77 So.2d 428, 429 (Fla. 1954).

## **Equitable Estoppel**

The Florida Supreme Court in *City of Hollywood Beach Co. v. City of Hollywood* explained that the doctrine of equitable estoppel precludes a municipality from exercising its zoning power where a property owner (1) in good faith (2) upon some act or omission of the government (3) has made such a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the right he acquired. *City of Hollywood Beach Co. v. City of Hollywood*, 329 So.2d 10, 15-16 (Fla. 1976). The Applicant in our case did not merely rely on the continuation of existing zoning on its property. The Applicant took numerous proactive steps to continuously affirm the permitted use of “car wash” on its Property. The Applicant obtained a Zoning Verification Letter to confirm the permitted use. The Applicant held two pre-application meetings with the City to confirm the permitted use as well as to confirm that the Project could be accomplished without having to obtain quasi-judicial approvals. The Applicant submitted a complete site plan application and paid the required fee for the same. The Applicant pursued its Project in good faith, working to resolve issues and respond to City comments throughout the development review process.

Again, the Applicant respectfully requests that you advise the Planning and Zoning Manager and other relevant authorities within the City that the Project must be reviewed under the Old Code, for Minor Development Review. I look forward to meeting with you tomorrow to discuss our differences in interpretation of the authority and hope that we can come to a mutually agreeable resolution to this matter. Please contact me at your earliest convenience: [rachel@caldera.law](mailto:rachel@caldera.law), (954) 290-8600.

Sincerely,



Rachel A. Streitfeld, Esq.  
Counsel for the Applicant