

**CITY OF MIRAMAR  
PROPOSED CITY COMMISSION AGENDA ITEM**

**Meeting Date:** May 6, 2020

**Presenter's Name and Title:** Michael Alpert, Principal Planner, on behalf of the Community Development Department

**Prepared By:** Deyman Rodriguez, Planner II

**Temp. Reso. Number:** 7110

**Item Description:** Temp. Reso. No. 7110, CONSIDERING CONDITIONAL USE APPLICATION NO. 1908615, FOR A LIQUOR STORE LOCATED WITHIN THE MIRAMAR PARK PLACE COMMERCIAL DEVELOPMENT, AT THE NORTHWEST CORNER OF MIRAMAR PARKWAY AND RED ROAD. (Continued from the Meetings of 02/19/20 and 03/04/20 and 04/15/20) *(Community Development Principal Planner Michael Alpert)*

Consent ☐ Resolution ☐ Ordinance ☐ Quasi-Judicial ☒ Public Hearing ☐

**Instructions for the Office of the City Clerk:**

**Public Notice** – As required by the Sec. \_\_\_\_ of the City Code and/or Sec. \_\_\_\_, Florida Statutes, public notice for this item was provided as follows: on \_\_\_\_\_ in a \_\_\_\_\_ ad in the \_\_\_\_\_; by the posting the property on 12/27/19 and/or by sending mailed notice to property owners within 1,000 feet of the property on 12/27/19 (fill in all that apply)

**Special Voting Requirement** – As required by Sec. \_\_\_\_\_, of the City Code and/or Sec. \_\_\_\_\_, Florida Statutes, approval of this item requires a \_\_\_\_\_ (unanimous, 4/5ths etc.) vote by the City Commission.

**Fiscal Impact:** Yes ☐ No ☒

**REMARKS:**

**Content:**

- **Agenda Item Memo from the City Manager to City Commission**
- **Resolution TR 7110**
- **Attachment(s)**
  - **Attachment 1: Location Map**
  - **Attachment 2: Conditional Use Development Review Analysis**
  - **Attachment 3: Shopping Center Tenant Location**
  - **Attachment 4: Map of Liquor Package Stores in Miramar only**
  - **Attachment 5: Map of Liquor Package Stores in Miramar and Surrounding Municipalities**
  - **Attachment 6: Liquor Package Store Information for Miramar and Other Municipalities**



**CITY OF MIRAMAR  
INTEROFFICE MEMORANDUM**

**TO:** Mayor, Vice Mayor, & City Commissioners

**FROM:** Vernon E. Hargray, City Manager *V. Hargray*

**BY:** Eric Silva, Community Development Director

**DATE:** April 30, 2020

**RE:** Temp. Reso. No. 7110, for the approval of a liquor store located within the Miramar Park Place commercial development, at the northwest corner of Miramar Parkway and Red Road

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**RECOMMENDATION:** The City Manager recommends approval of Temp. Reso. 7110, Application 1908615 for a Conditional Use Permit, for a proposed liquor store at Miramar Park Place, with the following conditions:

1. Prior to the issuance of a Certificate of Occupancy, the applicant must install security cameras, interior lighting and other measures consistent with State Statutes; and
2. The store shall provide for natural surveillance capability (visibility from the outside) including the placement of the employees near the front of the store and prohibition of merchandise displays from obstructing visibility from the outside; and
3. The store must enforce a prohibition against open alcoholic consumption on the premises, which shall include the parking lot. Signs shall be posted within the store advising customers of the prohibition. Signs shall be in conformance with Miramar's sign code and design standards and State Statutes; and
4. Prior to the issuance of a Certificate of Occupancy, the applicant shall enter into a Trespass Agreement with the Police Department and warning signs shall be posted authorizing Miramar police officers to arrest for trespassing; and
5. The hours of operation are limited to 9:00 am on Sunday, Monday, Tuesday, Wednesday, and Thursday until 12:00 am midnight on Sunday, Monday, Tuesday, Wednesday, and Thursday nights, respectively; from 9:00 am on Friday to 1:00 am

on the following Saturday morning; and from 9:00 am on Saturday to 1:00 am the following Sunday morning.

**ISSUE:** City Commission approval is required for the granting of conditional uses for properties within the City.

**BACKGROUND:** In November of 2018, the City Commission approved Resolution 19-50, for the Miramar Park Place development consisting of a 50,000 square foot shopping center accompanying 650 residential dwelling units on approximately 30.73 acres of vacant land located at the northwest corner of Miramar Parkway and Red Road. In May of 2019, the Development Review Committee ("DRC") approved Application No. 1902594 for a modification to the approved site plan by increasing the building square footage of the shopping center by more than 7,000 square feet. Concurrently, the applicant has received a Letter of No Objection from the City for the request to increase the commercial square footage on the approved plat from (the original) 50,000 square feet to 60,000 square feet to account for the additional commercial square footage approved in May of 2019 by the DRC.

The applicant is proposing a liquor store located within a 2,000 square foot tenant bay of the main commercial structure (Building B) of the Miramar Park Place development. However, per Land Development Code ("LDC") Section 404, Table 403-5, Mixed-Use Principal Uses Table, liquor stores require conditional use approval. Staff finds that the land area is sufficient for the use and that the use is appropriate at the subject site since the store will be located within the main shopping center building and would be subject to Crime Prevention Through Environmental Design ("CPTED") standards as per the conditions aforementioned. The proposed liquor store would be the first within the Regional Activity Center (RAC) land use, which is an area at the center of the City that is approximately 2,205 acres in area and serves for a mix of uses of different density and intensity. Additionally, the proposed use is appropriate at the subject site since it's typically a use that does not generate a great deal of vehicular trips. For the trips generated by the use, the customer time spent at the store is relatively quick compared to grocery and department stores that sell alcoholic beverages; as such, it will allow more intense uses such as the proposed adjacent restaurant (which would be managed and operated by the same owners) to have more available parking spaces.

The Development Review Committee ("DRC") recommended approval of the conditional use application on December 11, 2019. Pursuant to Section 301.11.5. of the LDC, a Community Meeting was held on January 13, 2020 at 6:00 p.m. at the Miramar Town Center Development Services Building and no members of the public were present. The Planning and Zoning Board recommended approval of this application on January 14, 2020. At the February 19 City Commission meeting, the Commission requested additional information before making a final decision, and therefore this application was continued first to March 4, and then to April 15 and then to May 6.

The Commission requested Staff to research and identify how many other liquor package stores are existing or recently approved in Miramar and what their hours of operation are; and how many such establishments are located and operating within nearby and/or comparable municipalities and their hours of operation.

**Attachments 4 and 5** are maps of Miramar's liquor package store locations, and those located in Miramar and surrounding communities, respectively. **Attachment 6** is a spreadsheet indicating the store locations, hours of operation, and relevant code information from Miramar and several municipalities of comparable size and population, including Pembroke Pines, Miami Gardens, Sunrise, Hollywood, Davie and Plantation, cities ranging in population from 90,000 – 170,000. Miramar currently has 9 approved locations (one opening recently and one currently under construction). Pembroke Pines has ten (10) locations; their code allows these establishments to be open from 11 am – 3 pm. Miami Gardens has 5 locations; their code allows operation from 8 am – 12 am midnight. Sunrise has 6 locations and their permitted hours are 7 am – 2 am Sunday-Thursday and 7 am - 3 am Friday and Saturday. Hollywood has 15 locations and their permitted hours are 11 am – 3 am. Davie has 6 locations with permitted hours of operation from 7 am – 2 am. Plantation has 6 locations with hours of 7 am – 4 am Monday-Saturday and 8 am – 4 am on Sundays.

**COMPREHENSIVE PLAN ELEMENT:** The retail use itself is consistent with Policy 1.13 since the property is located within the Regional Activity Center which permits and encourages a mix of land uses. The proposed liquor store is also consistent with Objective 3 of the City's Comprehensive Plan as it assures that future land uses are compatible given the proposed liquor store would be located on the commercial portion of the Miramar Park Place development, as approved by Resolution 19-50. With the implementation of CPTED standards, the proposed use would be consistent with Policy 8.2 of the Comprehensive Plan. Staff finds the proposed liquor store use consistent with the City's Comprehensive Plan.



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**CITY OF MIRAMAR  
MIRAMAR, FLORIDA**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, CONSIDERING CONDITIONAL USE APPLICATION NO. 1908615 FOR A LIQUOR STORE LOCATED WITHIN THE MIRAMAR PARK PLACE COMMERCIAL DEVELOPMENT, AT THE NORTHWEST CORNER OF MIRAMAR PARKWAY AND RED ROAD; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Applicant has submitted Application No. 1908615, a complete application for conditional use review as provided for in Section 305 of the Land Development Code ("LDC") for a liquor store use pursuant to Table 403-5 of the LDC; and

**WHEREAS**, the Development Review Committee ("DRC") has reviewed Conditional Use Application No. 1908615 and made a determination that the conditional use is in substantial conformance with the applicable requirements, including those set forth in Section 305.4 of the LDC; and

**WHEREAS**, pursuant to Section 305.6 of the LDC, a community meeting was held on January 13, 2020 regarding the proposed liquor store use to ensure procedural due process and maintain citizen access to the local decision-making process regarding the approval of the request; and

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**WHEREAS**, pursuant to Section 305.7 of the LDC, the Planning and Zoning Board has evaluated the Conditional Use No. 1908615 and has made a determination that the conditional use is in substantial conformance with the applicable requirements, including those set forth in Section 305.4 of the LDC; and

**WHEREAS**, the Applicant has complied with the courtesy notice requirements of Section 301.11.1. of the LDC; and

**WHEREAS**, the Applicant has voluntarily agreed to the conditions set forth in Section 4 of this Resolution; and

**WHEREAS**, the City Manager recommends approval; and

**WHEREAS**, the City Commission finds that the approval of Conditional Use Application No. 1908615 is in the best interest of the citizens and residents of the City of Miramar, Florida.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:**

**Section 1:** Recitals; Definitions.

- (a) That the foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.
- (b) As used herein, unless the context or City Code of Ordinances requires to the contrary, the following terms will be defined as set forth below:

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(1) "City" means the City of Miramar, a Florida Municipal Corporation.

(2) "Development" is defined as set forth in Section 163.3164, Florida Statutes.

(3) "DRC" means the City's Development Review Committee.

(4) "LDC" means the City's Land Development Code of Ordinances.

(5) "Applicant" means Miramar Park Place Associates LLC, a Florida Limited Liability Company, their successors and assigns.

(6) "Subject Property" is real property situate and lying in the State of Florida, County of Broward, City of Miramar, to-wit:

A parcel of land being a portion of Tracts 2 and 3 and Tracts 28 through 32, inclusive of THE EVERGLADES SUGAR & LAND CO. SUBDIVISION OF SECTIONS 6,7,18,19,30 AND 31, TOWNSHIP 51 SOUTH, RANGE 41 EAST AND THE EAST HALF OF TOWNSHIP 51 SOUTH, RANGE 40 EAST, being in Section 25, Township 51 South, Range 40 East, according to the Plat thereof as recorded in Plat Book 2, Page 39, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the northeast corner of Parcel "D", MIRAMAR RESIDENTIAL PLAT, according to the Plat thereof as recorded in Plat Book 175, Page 84, of the Public Records of Broward County, Florida, said point being on the southerly Right-of-Way line of Flamingo/Red Road Extension, as depicted on that certain Florida Department of Transportation Right-of-Way Map Section 86190-2514, Sheet 6 and 7 of 10, last revision 10-11-94; thence along said southerly Right-of-Way line, South 65°11' 09" East, 28.11 feet to a point on the arc of a tangent curve; thence along said Right-of-Way line and southeasterly along the arc of said curve being concave to the southwest, having a radius of 1537.02 feet, a central angle of 12°42'00", an arc distance of 340.69 feet to the POINT OF BEGINNING; thence along said Right-

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of-Way line and continuing southeasterly along the arc of said curve being concave to the southwest, having a radius of 1537.02 feet, a central angle of 50°43' 30", an arc distance of 1360.75 feet; thence along said Right-of-Way line and tangent to said curve, South 1°45'39" East, 289.85 feet to a point on the North Right-of-Way line of Miramar Parkway, as described in Official Records Book 11810, Page 681, of the Public Records of Broward County, Florida; thence along said Right-of-Way line, South 89°41'54" West, 1536.34 feet to a point on a line being 367.80 feet easterly of and parallel with the easterly line of Parcel "E" of aforesaid MIRAMAR RESIDENTIAL PLAT; thence along said line being 367.80 feet easterly of and parallel with the easterly line of said Parcel "E" and the easterly line of aforesaid Parcel "D", North 32°14'35" East, 1737.71 feet to the Point of Beginning.

Said lands situate, lying and being in the City of Miramar, Broward County, Florida and containing 30.7240 acres, 1,338,338 square feet, more or less.

**Section 2: Application in Substantial Compliance.** That it finds that:

(a) The **Conditional Use application** of the Applicant for a liquor store use, on the Subject Property is in substantial compliance with the requirements of Section 305 of the LDC.

**Section 3: Approval of Application.** That subject to the conditions of approval set forth in Section 4 of this Resolution, the City Commission hereby approves:

(a) **Conditional Use Application No. 1908615** allowing a liquor store use, for the Applicant on the Subject Property, as recommended for approval by the DRC on December 11, 2019.

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**Section 4: Conditions of Approval.** That the following conditions shall apply to this approval:

1. Prior to the issuance of a Certificate of Occupancy, the applicant must install security cameras, interior lighting and other measures consistent with State Statutes; and
2. The store shall provide for natural surveillance capability (visibility from the outside) including the placement of the employees near the front of the store and prohibition of merchandise displays from obstructing visibility from the outside; and
3. The store must enforce a prohibition against open alcoholic consumption on the premises, which shall include the parking lot. Signs shall be posted within the store advising customers of the prohibition. Signs shall be in conformance with Miramar's sign code and design standards and State Statutes; and
4. Prior to the issuance of a Certificate of Occupancy, the applicant shall enter into a Trespass Agreement with the Police Department and warning signs shall be posted authorizing Miramar police officers to arrest for trespassing; and
5. The hours of operation are limited to 9:00 am on Sunday, Monday, Tuesday, Wednesday, and Thursday until 12:00 am midnight on Sunday, Monday, Tuesday, Wednesday, and Thursday nights, respectively; from 9:00 am on Friday to 1:00 am on the following Saturday morning; and from 9:00 am on Saturday to 1:00 am the following Sunday morning.

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**Section 5:**    **Approval does not Create a Vested Right.** That issuance of this approval by the City does not in any way create any right on the part of the Applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the approval if the Applicant fails to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in the violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the Development. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

**Section 6:**    **Failure to Adhere to Resolution.** That failure to adhere to the approval terms and conditions contained in this Resolution shall be considered a violation of this Resolution and the City Code, and persons found violating this Resolution shall be subject to the penalties prescribed by the City Code, including but not limited to the revocation of any of the approval(s) granted in this Resolution and any other approvals conditioned on this approval. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the City Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the City at any time upon a determination that the Applicant is in non-compliance with the City Code.

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**Section 7:**   **Scrivener's Error.** That the City Attorney is hereby authorized to correct scrivener's errors found in this Resolution by filing a corrected copy with the City Clerk.

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**Section 8:**    **Effective Date.** That this Resolution shall become effective upon adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Mayor, Wayne M. Messam

\_\_\_\_\_  
Vice Mayor, Maxwell B. Chambers

ATTEST:

\_\_\_\_\_  
City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved  
this RESOLUTION as to form:

\_\_\_\_\_  
City Attorney,  
Austin Pamies Norris Weeks Powell, PLLC

**Requested by Administration**

Commissioner Winston F. Barnes  
Vice Mayor Maxwell B. Chambers  
Commissioner Yvette Colbourne  
Commissioner Alexandra P. Davis  
Mayor Wayne M. Messam

**Voted**

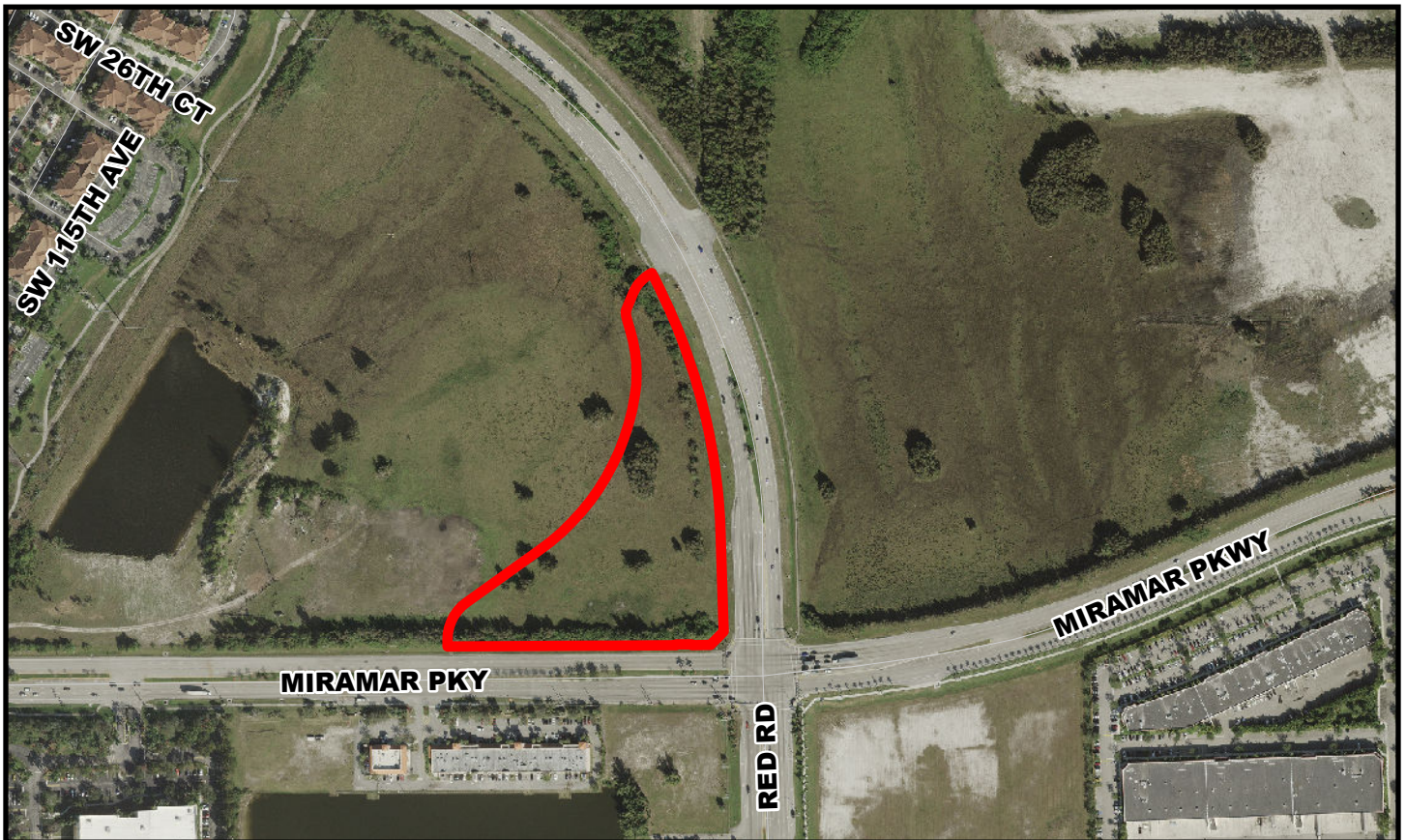
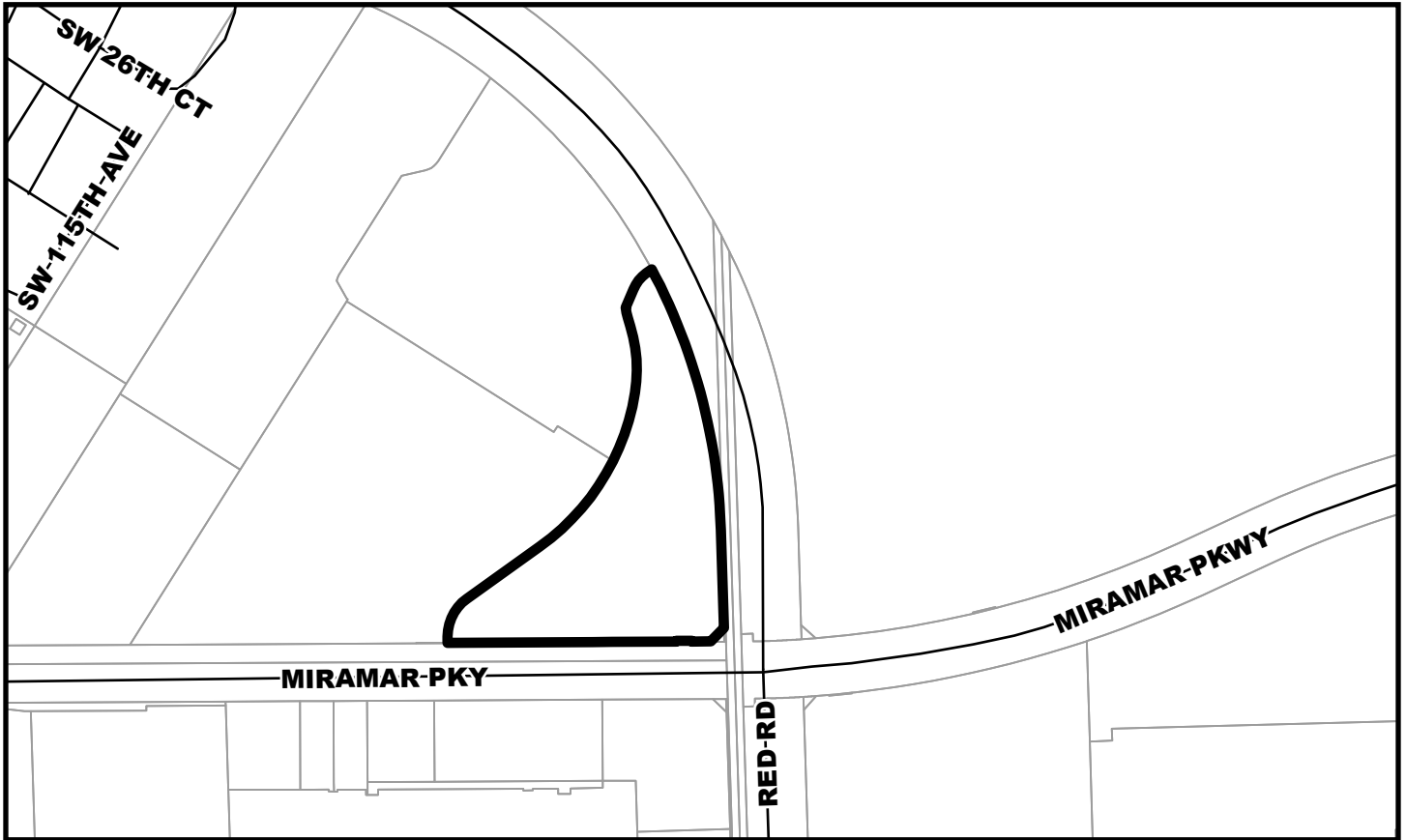
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**Location Map/Aerial View**  
**CU 1908615**

Attachment 1



0 400 800 Feet





**City of Miramar**  
Community Development Department  
Development Review Report



## I. Project Summary

**Project Name:** Liquor Store at Miramar Park Place

**Application:** 1908615 – CONDITIONAL USE

**Application Summary:** Application 1908615, for Conditional Use approval for a proposed Liquor Store, located at the northwest corner of Miramar Parkway and Red Road, a tenant of Miramar Park Place commercial development.

**Agent:** Tyler Woolsey  
Greenspoon Marder LLP  
200 East Broward boulevard, Suite 1800  
Fort Lauderdale, FL 33301  
Phone: (954) 527-6209  
E-mail: [Tyler.Woolsey@gmlaw.com](mailto:Tyler.Woolsey@gmlaw.com)

**Owner:** Miramar Park Place Associates, LLC  
431 Fairway Drive, Suite 201,  
Deerfield Beach, FL 33441  
Phone: (954) 354-8282  
E-mail: [jgerb@konoversouth.com](mailto:jgerb@konoversouth.com)



## II. Planning Information

Site Location:	Northwest corner of Miramar Parkway and Red Road (Folio No. 514025120012)
Land Use Plan Designation:	Regional Activity Center, RAC
Existing Zoning:	Mixed-Use Low (ML)
Existing Use:	Vacant land
Proposed Zoning:	Mixed-Use Low (ML)
Adjacent properties:	

	EXISTING USE	ZONING	LAND USE PLAN
North	FPL Conservation Easement; Miramar Town Center	Rural (RL); Traditional Neighborhood District (TND)	Regional Activity Center (RAC)
East	Red Road; Vacant lot	Transportation; Planned Industrial Development (PID)	Regional Activity Center (RAC)
South	Miramar Parkway; Miramar Crossings shopping center	Transportation; Community Business (B2)	Regional Activity Center (RAC)
West	FPL Conservation Easement; Milano and Solano Apartments	Rural (RL); Multi-family Residential District (RM2)	Regional Activity Center (RAC)

### Location Map



### III. Background

In November of 2018, the City Commission approved by Resolution 19-50, the Miramar Park Place development consisting of a 50,000-square foot shopping center accompanying 650 residential dwelling units on approximately 30.73 acres of vacant land located at the northwest corner of Miramar Parkway and Red Road. In May of 2019 the Development Review Committee approved Application No. 1902594 for a modification to the approved site plan by increasing the building square footage of the shopping center by more than 7,000 square feet. Concurrently, the applicant has received a Letter of No Objection from the City for the request to increase the commercial square footage on the approved plat from the original 50,000 square feet to 60,000 square feet to account for the additional commercial square footage approved in May of 2019 by the DRC.

The applicant is proposing a liquor store located within a 2,000 square foot tenant bay of the main commercial structure (Building B) of the Miramar park Place development. However, per Land Development Code ("LDC") Section 404, Table 403-5, Mixed-Use Principal Uses Table, liquor stores require conditional use approval.

### IV. Review Criteria

Land Development Code Section 305.3 establishes the standards, outlined below, for reviewing and approving conditional uses.

***1) The proposed use shall be consistent with the Comprehensive Plan.***

**Applicant's Response:** The proposed development is consistent with the land use element of the City's Comprehensive Plan. Specifically, the current land use designation of the Property is Regional Activity Center ("RAC") which allows a mix of residential, retail, office, industrial and municipal uses over approximately twenty-two hundred (2,200) acres. The proposed Project will provide a mixed-use development that is consistent with the current land use designation of the Property and will contribute to the increased quality of life desired by the residents of Miramar. The Property is an ideal location for mixed- use development because of its position at the intersection of two major arterials in the City. Further, the Property is located less than one mile from the Florida Turnpike and within walking distance from the City's Town Center.

The Miramar Park Place Commercial development will provide retail options to serve the proposed residential development as well as nearby existing residential and employments centers. The liquor store use will provide a convenient and safe location for residents and visitors to the City to purchase fine wine, spirits, and beer for off-site consumption. The proposed location of the liquor store will ensure the use is located in a highly active area of the commercial portion of the Property in a manner that is consistent with the directives of the Comprehensive Plan as stated below.

- Policy 1.13 indicates the RAC land use permits and encourages a mix of land uses which will be facilitated by this Project.
- Policy 2.10 encourages the use of compact building design principles which contain mixed-use and reduce infrastructure costs which will be accomplished by the proposed development plan.

## ATTACHMENT 2

Application #1908615

Project Manager: Deyman Rodriguez

- Objective 3 states an intent to assure future land uses are compatible. The proposed use will be located within an area of the Property including nonresidential uses within a structure of compatible commercial uses. The liquor use will be directly adjacent to a restaurant use in order to maximize compatibility with surrounding uses.
- Policy 3.2 suggests nonresidential land uses should be located to minimize the traffic impacts on residential uses. The configuration of the commercial portion of the development relative to the residential uses proposed will ensure that nonresidential traffic results in a minimal impact on adjacent residential uses.
- Policy 3.6 indicates a goal to prevent strip commercial development in favor of concentrated neighborhood and community commercial nodes. The proposed development is designed to accomplish this goal as the nonresidential portion of the site will act as a commercial node for adjacent proposed and existing residences. The proposed liquor use will be located within an area with compatible commercial uses that will encourage guests to visit multiple uses within the Property.
- Policy 8.2 indicates a commitment to employing Crime Prevention Through Environmental Design (“CPTED”) which will be accomplished through the proposed development plan. The proposed location of the liquor store use would ensure sufficient visibility into and out of the tenant bay in a manner that maximizes eyes of the street and transparency of activity within the store.

For these reasons, the proposed request for conditional use approval of the liquor store use on the Property is consistent with the City’s Comprehensive Plan.

**Staff’s Evaluation:** Staff concurs and notes that the retail use itself is consistent with Policy 1.13. Furthermore, the type of retail tenant proposed here tends to draw two separate groups of patrons. The first group tends to be customers that come primarily for the liquor package store services, while the second group are patrons that come primarily for the adjacent restaurant that is owned and operated by the same group but make a visit to the subject liquor store before the end of their trip.

With the recommendation of approval of this application, Staff notes that the proposed use would be subject to CPTED standards that must be implemented prior to the issuance of a Certificate of Occupancy for the building permit for the construction of the liquor store. Some design principles that would be request are installing security cameras, bright interior lighting, and the interior design of the store must allow for natural surveillance capability (visibility from the outside). With such CPTED requirements, the proposed use would be consistent with Policy 8.2 of the Comprehensive Plan.

- 2) ***The establishment, maintenance or operation of the use shall not be detrimental to or endanger the public health, safety, aesthetics, comfort, or general welfare.***

**Applicant’s Response:** No aspect of the establishment, maintenance, or operation of the liquor store use will have detrimental effects on the public health, safety, or general welfare. The Miramar Park Place Commercial development will include approximately 60,000 square feet of retail space with a variety of restaurant and neighborhood retail uses. The proposed liquor store use will occupy a tenant bay in the largest structure (Building B) centrally located within the

commercial portion of the Property. The liquor store will be owned and operated by the same entity as the adjacent restaurant use. The operator is regionally established with more than a dozen establishments in South Florida. The presence of a high-quality, regionally known operator will ensure the branding and aesthetics of the liquor use will be consistent with the plaza overall. The location of the liquor use within a structure containing more than a dozen other commercial bays will work to minimize any aesthetic impacts that might be associated with standalone liquor stores. Further, the design of the proposed structure will ensure sufficient visibility into and out of the store. The proposed location will maximize the safety and comfort of the public visiting the Property.

**Staff's Evaluation:** The proposed liquor store will operate under similar hours the adjacent restaurant use; it will also be limited to sales for consumption off the premises until 2:00 a.m., and no earlier than 7:00 a.m., thus it will not be a 24-hour facility. Furthermore, provided that the products are packaged and on premises consumption is prohibited and strictly enforced, Staff concurs that the proposed use will not be detrimental to or endanger the public health, safety, aesthetics, comfort or general welfare of the residents of the City.

**3) *The use shall be consistent with the existing natural environment and community character of the immediate neighborhood and is appropriate at the particular location.***

**Applicant's Response:** The Property is currently vacant, and the Applicant has proposed a Project that offers compact mixed-use development that works to increase the availability and variety of housing stock while providing appropriate neighborhood commercial uses to complement the existing and proposed residential development in the immediate neighborhood. The property is located within the City's RAC land use and the Applicant has requested and received approval for a rezoning to the ML zoning district to allow for the proposed mixed-use development. Pursuant to Section 404.1 of the City's LDC, this zoning district is primarily intended to allow flexible, compact, and high-quality development with a large range of uses.

The proposed liquor store use will offer convenient fine wine, spirits, and beer sales from a reputable, regionally recognized brand distributor in a compact and discreet location that meet the needs of the surrounding neighborhoods and proposed residential development. The proposed liquor store will maintain the community character by way of its integration into a larger commercial structure with multiple retail and restaurant uses. As stated, the liquor store will be owned and operated by the same group as the adjacent restaurant which serves to improve consistency in branding and aesthetic throughout the plaza. As such, the proposed use will not impact the community character of the immediate neighborhood and is most appropriately located as proposed.

**Staff's Evaluation:** The proposed liquor store will be centrally located on Building B, adjacent to the 6,000 square foot bay designated for a regional restaurant, owned and operated by the same group. Given that the liquor store will be part of a larger commercial building and development that received CAB approval by the City Commission under Resolution 19-50, Staff finds the use consistent with the community character of the immediate neighborhood and is appropriate at the particular location.

- 4) ***Utilities, roadway capacity, drainage, and other necessary public facilities, including police and fire protection and emergency-rescue services, shall exist at a minimum at the city's adopted level of service, or will be available prior to issuance of any certificate of occupancy.***

**Applicant's Response:** The Miramar Park Place Commercial development includes approximately 60,000 square feet of retail space in addition to the 650 apartment units comprising Park Homes and Altis. The proposed development of the vacant site is expected to impact traffic volumes and affect traffic patterns in the area. The Applicant has prepared a traffic analysis which was reviewed and approved by City staff in connection with the site plan approval and subsequent site plan amendment for the Property. The Applicant will continue to work with City staff to ensure that all necessary utilities, roadway capacity, drainage, and other public facilities such as police, fire and emergency services are provided and maintained at a sufficient level.

The requested conditional use approval for the liquor store will not significantly increase the current demand on utilities, roadway capacity, drainage, or other public facilities such as police, fire and emergency services. The Applicant has ensured the demand generated by the Project will meet the City's adopted levels of service standards and the expected demand will remain at or below the adopted level of service standards with the approval of the conditional use requested.

**Staff's Evaluation:** With the approval of Resolution 19-50 by City Commission, in concurrence with final site plan approval issued by the Development Review Committee in 2018 and 2019 (for application 1902594), Staff finds that utilities, roadway capacity, drainage, and other necessary public facilities, including police and fire protection and emergency-rescue services, will exist at a minimum at the City's adopted level of service, and will be available prior to issuance of any certificate of occupancy. The request for conditional use approval of the subject liquor store use will not have a detrimental impact to the infrastructure network.

- 5) ***Adequate measures exist or shall be taken by the applicant or the property owner to provide safe ingress and egress to the proposed use, for both vehicles and pedestrians, in a manner that minimizes traffic congestion in the public streets and the use may not result in a significantly greater amount of traffic on local streets than would result from a development permitted by right.***

**Applicant's Response:** The future traffic impacts of site development were accounted for in the consideration of the RAC land use designation on the Property. A traffic analysis was conducted, and the City has confirmed consistency with the East Miramar Area Development of Regional Impact (EMADRI) through the platting and site planning processes.

In terms of pedestrian circulation, the Project offers a network of sidewalks allowing safe pedestrian connection and travel throughout the Miramar Park Place Commercial development. The proposed liquor store use will be located within a tenant bay of the largest commercial structure (Building B) with other commercial uses. The commercial portion of the Property has been designed to allow patrons to safely, efficiently, and comfortably walk to any of the commercial tenants regardless of where they have parked in the commercial site. The placement of street trees and landscaping along walkways provides a comfortable and safe pedestrian experience that permits access to any portion of the Property. The proposed pedestrian plaza will slow traffic towards the center of the Miramar Park Place Commercial

development and improve the safety of pedestrian navigation between parking areas, store fronts, and between the three commercial structures.

Direct right-in, right-out access to the Miramar Park Place Commercial development will be provided on Miramar Parkway and Red Road, but there will be no direct access to the Property from adjacent residential areas. An internal roadway connects Red Road and Miramar Parkway that acts as a transition line between the residential and commercial components of the Project and provides three (3) internal points of access for vehicles and a dedicated pedestrian entrance leading from the linear park and into the central pedestrian plaza within the Miramar Park Place Commercial development. This internal drive lane will act to draw visiting traffic off adjacent roadways and minimize the impact of traffic congestion approaching the intersection of Miramar Parkway and Red Road.

**Staff's Evaluation:** The Miramar Park Place development was part of master planned community that also incorporated 650 garden and mid-rise dwelling units immediately west of the commercial portion of the subject site. During the DRC review of the project, a Traffic Study was generated for the conceivable impact to the City's roadway infrastructure network in the immediate area and to ensure adequate measures existed at the ingress and egress points of the development. As such, given the proposed liquor store will be integrated within one of the bays of the larger commercial building, Staff does not foresee any potential impact that would result in a significantly greater amount of traffic on local streets due to allowing the proposed use at the subject site.

- 6) ***The establishment of the conditional use shall not impede the development and improvement of surrounding properties for uses permitted in the zoning district nor have a negative impact on the value of those properties.***

**Applicant's Response:** The establishment of the liquor store use will not impede the development of surrounding properties. The Property is currently vacant and has been proposed for mixed-use development. The liquor store will occupy tenant space in the centrally located Building B with the front door opening to the south parking field. The proposed liquor store will be operated in connection with the adjacent restaurant use which will attract residents and visitors to the Property with a positive impact on surrounding value as expected from a high-quality, regional restaurant brand. The location of the Property at the northwest corner of Miramar Parkway and Red Road ensure sufficient spacing of the commercial plaza and proposed liquor use from adjacent development. In addition, the only remaining vacant land nearby is under the same ownership as the previous owner of the Property. Consequently, all proposed development plans and subsequent modifications are reviewed and approved by a representative of this entity prior to submittal with the City. As such, the Applicant ensures that all proposed development details are confirmed as compatible and will not negatively impact the value or development potential of surrounding properties.

**Staff's Evaluation:** Staff believes that the proposed liquor store use will not impede development since the approval of the shopping center was established by Resolution 19-50 by City Commission, in concurrence with final site plan approval issued by the Development Review Committee in 2018 and 2019 (for application 1902594).



- 7) *The design of the proposed use shall minimize adverse effects, including noise, light, dust or other potential nuisances, of the proposed use on adjacent property through the use of building orientation and design, setbacks, buffers, landscaping and other design criteria:*

**Applicant's Response:** Compared to a standalone liquor store or those located within a traditional strip retail plaza, the proposed location of the use and the configuration of the proposed commercial structures effectively creates a discreet and convenient location for the purchase of fine wine, spirits, and beer for off-premise consumption. A certain percentage of guests and residents will desire the convenient service afforded by a high-quality liquor store located in close proximity within a larger commercial node offering additional retail and restaurant options. The design of the commercial portion of the Property lends to a walkable environment that will see a high level of pedestrian activity throughout the structures which contributes to an increased sense of security for the proposed liquor use and the larger commercial area as a whole.

The Project has been designed as a cohesive, horizontally integrated mixed-use development that offers multi-family residential units in walking distance to a variety of commercial uses. Building B has been designed and located on the Property with sufficient setbacks to minimize any noise or light impacts on surrounding properties with a focus on creating an attractive and unified design theme when observed from adjacent properties or surrounding roadways. The proposed location of the liquor use within a tenant bay of the largest commercial structure, coupled with substantial landscaping and an urban plaza, acts to minimize any predictable or unforeseen nuisances that could result from the proposed use.

An internal drive lane with landscaping on either side exists to connect Red Road to Miramar Parkway while dividing the residential and commercial areas of the Project. This separation of use shall serve to minimize any potential adverse noise or light pollution that may result from the associated use. As mentioned previously, a significant area along the rear of the property will be dedicated to wetlands and will provide substantial buffer, in the same manner as adjacent roadways to the south and east, to control any noise, lights, fumes, or other perceived nuisances with the potential to impact surrounding residential development. Through conversation with City staff during the site plan review process, several site plan modifications occurred to minimize the adverse effects of potential nuisances. As a result, the impact of any noise, lights, fumes or other potential nuisances will be sufficiently controlled in terms of the adjacent residential.

**Staff's Evaluation:** Since the proposed liquor store is being centrally located within a 2,000 square foot bay of the main shopping center building of the Miramar Park Place development, Staff believes that with additional CPTED standards implemented by the applicant prior to the Certificate of Occupancy of the store, potential nuisances including crime would be greatly diminished.

- 8) *The use meets a public need and does not have an adverse impact on the economic stability of the neighborhood.*

**Applicant's Response:** The establishment of the liquor store use will provide residents and visitors to the site with an option to purchase fine wine, spirits, and beer in a safe and convenient location. The liquor store will effectively serve the proposed residential development, nearby existing residents, and those visiting the site for any variety of purposes.

The increased security and comfort associated with a reputable brand liquor store, the location of the store within the commercial structures, and the overall security features to be implemented in the commercial center will lend to a successful liquor store operation that meets a public need and provides the economic benefits of a high-quality retail operation.

**Staff's Evaluation:** The proposed liquor store, if approved, will be the first one located under the Regional Activity Center. As such, Staff anticipates that the use will assist in diversifying and improving the economic stability of the neighborhood.

**9) *The land area must be sufficient, appropriate and adequate for the proposed use.***

**Applicant's Response:** This location is appropriate for a liquor store use considering the proposed development of a commercial node within a larger mixed-use development. Further, the Property's relative isolation at the northwest corner of the intersection of two major roadways minimizes any potential impact on adjacent properties or uses. The proposed liquor store would be located among compatible commercial business uses within the 7.04 acres designated as the Miramar Park Place Commercial development. Residents of adjacent residential developments are afforded the opportunity to walk to the location and experience the public realm. With the proposed liquor store, residents and visitors alike would also be able to conveniently obtain fine wine, spirits, and beer for off- premise consumption if they desire. The Miramar Park Place Commercial development offers sufficient land area to provide the desired square footage for a liquor store use within a larger commercial structure featuring a comfortable pedestrian realm, urban plaza, and landscape buffering.

**Staff's Evaluation:** Staff agrees that the land area is sufficient for the use and that the use is appropriate here since the 2,000 square foot store will be located on the main shopping center building. Additionally, the proposed use is appropriate at the subject site since it's typically a use that does not generate a great deal of vehicular trips; and for those vehicular trips generated by the use, the customer time spent at the store is relatively quick compared to grocery and department stores that sell alcoholic beverages.

**10) *The proposed use, based on size, massing, impact, aesthetics, impacts, number, location, design, configuration, and methods and hours of operation is compatible with adjacent properties and the neighborhood:***

**Applicant's Response:** The proposed liquor store use will be located within a structure will maintain an architectural theme consistent with the overall design of the commercial development while allowing for recognizable branding and proper directional signage. The design, function, and impacts of the proposed liquor use have been considered and incorporated during the site planning process to ensure the operation will be compatible with proposed and existing adjacent development.

The liquor store will operate during standard commercial business hours and is not expected to warrant a high volume of visitors during known peak operating hours for other commercial uses in the plaza. Further, the nature of the use enables patrons to purchase their desired product in a matter of minutes. Sufficient parking spaces located nearby Building B and the pedestrian connections created throughout the Miramar Park Place commercial development will allow for comfortable and efficient access to the proposed liquor store and safe pedestrian interface with

surrounding vehicular use areas. As such, the proposed use will be compatible with other uses to be included in the proposed commercial development and with the larger neighborhood as a whole due to its inclusion within a compact, commercial node located among a larger mixed-use development.

**Staff's Evaluation:** By the approval of Resolution 19-50 by City Commission for the Miramar Park Place development, Staff has looked at all the applicable standards and determined that the proposed size, massing, impact, aesthetics, impacts, number, location, design, and configuration is appropriate for the proposed location and compatible with the surrounding uses of the immediate neighborhood. As for the liquor store use, with proper CPTED standards (set by the Conditions at the end of this report), and based on the aforementioned circumstances, Staff finds the proposed use adequate at the subject site.

## **V. Development Review Committee (DRC)**

The DRC recommended approval of this application on December 11, 2019.

## **VI. Community Meeting**

A community meeting was conducted on January 13, 2020. No members of the public were present.

## **VII. Planning and Zoning Board Meeting**

The Planning and Zoning Board recommended approval of this application on January 14, 2020.

## **VIII. Staff Recommendation**

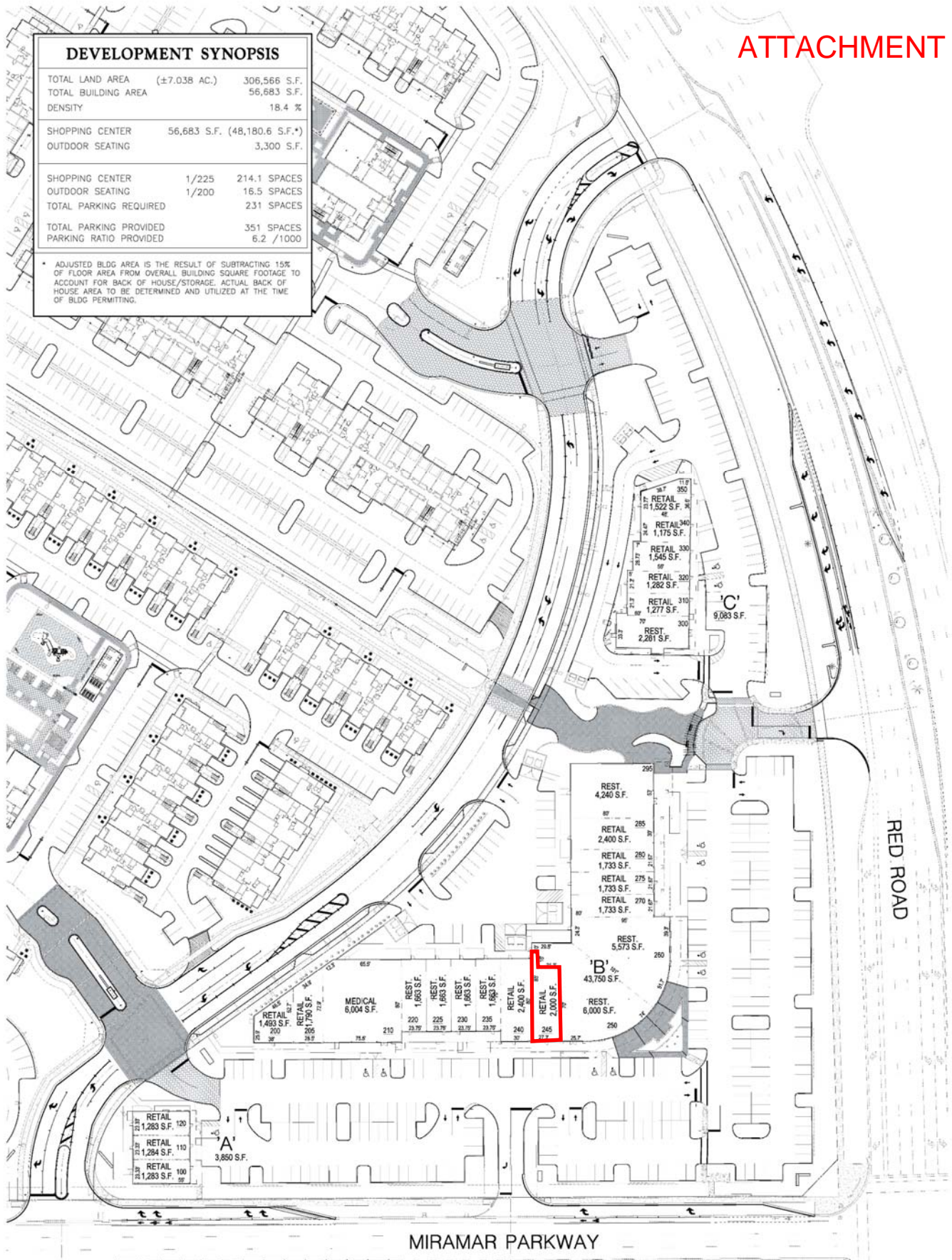
Staff recommends approval with the following conditions:

1. Prior to the issuance of a Certificate of Occupancy, the applicant must install security cameras, interior lighting and other measures consistent with State Statutes.
2. The store shall provide for natural surveillance capability (visibility from the outside) including the placement of the employees near the front of the store and prohibition of merchandise displays from obstructing visibility from the outside.
3. The store must enforce a prohibition against open alcoholic consumption on the premises, which shall include the parking lot. Signs shall be posted within the store advising customers of the prohibition. Signs shall be in conformance with Miramar's sign code and design standards and State Statutes.
4. Prior to the issuance of a Certificate of Occupancy, the applicant shall enter into a Trespass Agreement with the Police Department and warning signs shall be posted authorizing Miramar police officers to arrest for trespassing.

**DEVELOPMENT SYNOPSIS**

TOTAL LAND AREA	(±7.038 AC.)	306,566 S.F.
TOTAL BUILDING AREA		56,683 S.F.
DENSITY		18.4 %
SHOPPING CENTER	56,683 S.F. (48,180.6 S.F.*)	
OUTDOOR SEATING		3,300 S.F.
SHOPPING CENTER	1/225	214.1 SPACES
OUTDOOR SEATING	1/200	16.5 SPACES
TOTAL PARKING REQUIRED		231 SPACES
TOTAL PARKING PROVIDED		351 SPACES
PARKING RATIO PROVIDED		6.2 /1000

\* ADJUSTED BLDG AREA IS THE RESULT OF SUBTRACTING 15% OF FLOOR AREA FROM OVERALL BUILDING SQUARE FOOTAGE TO ACCOUNT FOR BACK OF HOUSE/STORAGE. ACTUAL BACK OF HOUSE AREA TO BE DETERMINED AND UTILIZED AT THE TIME OF BLDG PERMITTING.



**PRELIMINARY SITE PLAN**  
**MIRAMAR PARKWAY & RED ROAD**  
**MIRAMAR, FLORIDA**  
 2017-132.001 SP-35 08-12-2019



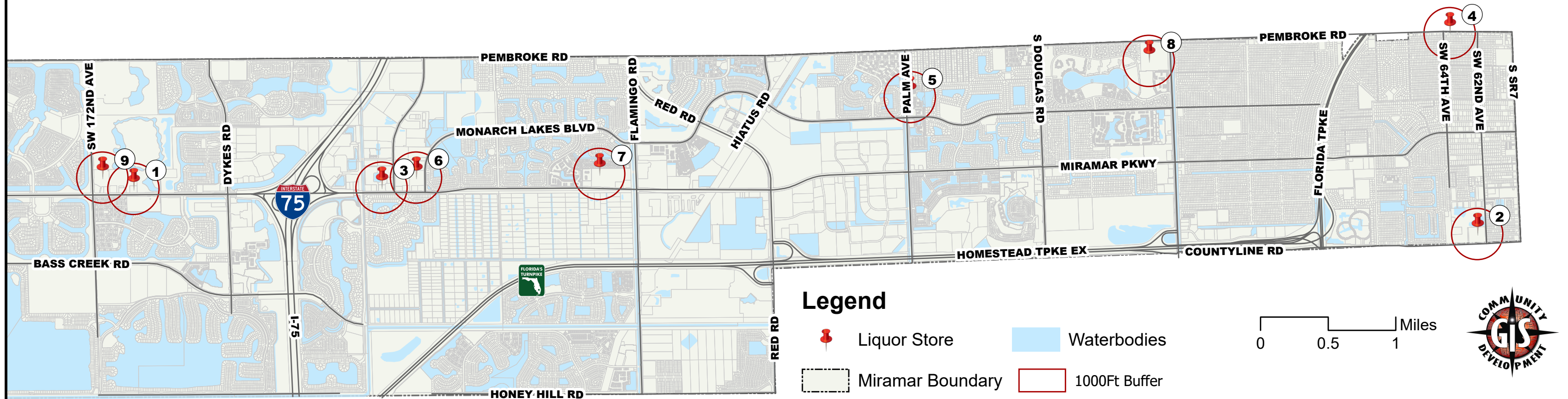
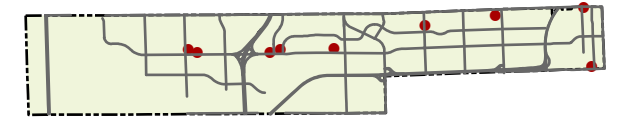
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# Miramar Liquor Package Store Locations

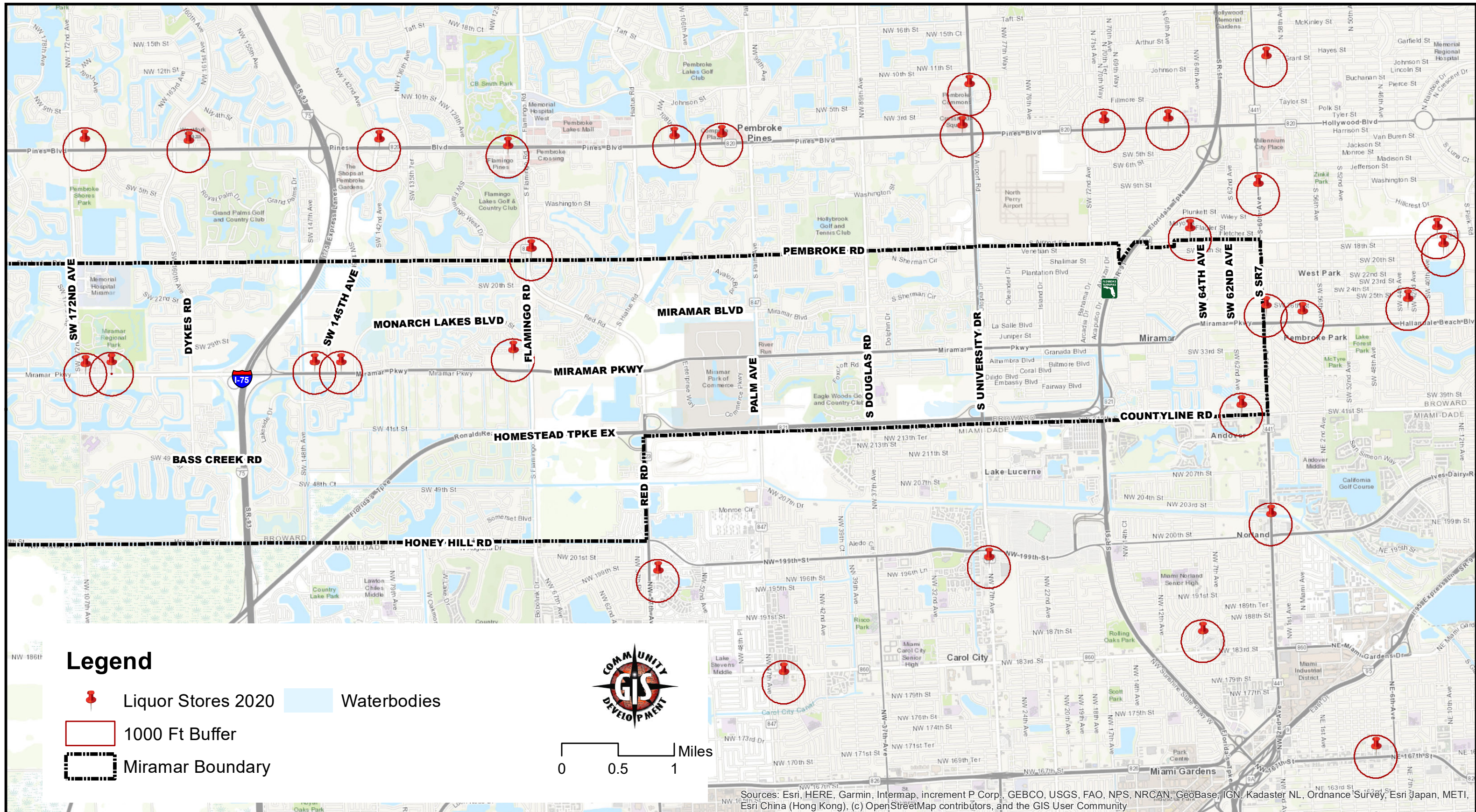
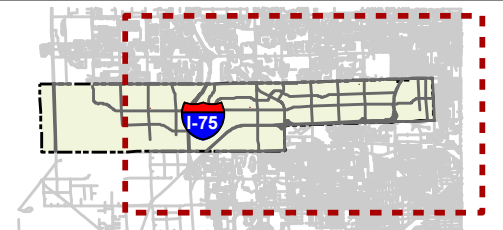


ID	Business Name	Business Address	Status	Folio
1	ABC Fine Wine and Spirits	16941 Miramar Parkway	Active	514029090060
2	Countyline Liquors	6263 Southwest 41st Street	Active	514125250010
3	Liquor Mart 5	14663 Miramar Parkway	Active	514027110013
4	Mikes Lounge & Package Store	6328 Pembroke Road	Active	514124160680
5	Palm Liquors	2201 Palm Avenue Unit 107	Active	514120AD0120
6	Publix Liquors at Monarch Lakes	14375 Miramar Parkway	Active	514027080010
7	Publix Liquors at Monarch Town Center	12681 Miramar Parkway	Under Construction	514026100010
8	Sam's Club Liquors	1900 S University Drive	Active	514121200010
9	Winn-Dixie Wine & Liquor	17131 Miramar Parkway	Active	514029060010





# Liquor Package Stores Near Miramar 1000 Ft Buffer





# ATTACHMENT 6

## Liquor Store Research Summary

Municipality	Population	Number of Liquor Package Stores	Permitted Hours of Operations	Spacing Requirements		
				Distance	From	Measurement
Coconut Creek	59,405	3	<p><i>On-premise</i> consumption. No licensee for consumption on the premises shall sell or offer for sale, deliver, service or permit to be consumed upon the premises of such licensee any beer, wines or alcoholic beverages of any kind, regardless of alcoholic content, on any day between the hours of 2:00 a.m. and 9:00 a.m., except as provided in subsection (c) below.</p> <p>(b)  <i>Off-premise consumption.</i> No licensee for consumption off the premises shall sell, offer for sale, deliver, service or permit to be consumed upon the premises of such vendor any beer, wines or alcoholic beverages of any kind, regardless of alcoholic content, Monday through Saturday between the hours of 12:00 midnight and 8:00 a.m., and on Sunday</p>	500 feet	Places of worship or school	Measured by the nearest pedestrian travel along public right-of-way from main entrance to main entrance, except that in case of a school, to the nearest point of the school grounds, used as part of the school facilities

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			<p>between the hours of 12:00 midnight and 9:00 a.m.</p> <p>(c)  <i>Consumption on premises in area of the regional activity center.</i> A licensee for consumption on premises within the area of the Regional Activity Center, commonly called "MainStreet" may apply for an extended hours license, which license shall allow the sale and consumption of alcoholic beverages from 7:00 a.m. to 6:00 a.m. of the following day, seven (7) days a week</p> <p>(<a href="https://bit.ly/2wXINmA">https://bit.ly/2wXINmA</a>)</p>			
<b>Davie</b>	105,149	6	No person shall sell alcoholic beverages at retail between the hours of 2:00 a.m. and 7:00 a.m.	1,200 feet	The premises of any other package liquor store; and from any elementary, middle or high school, whether public, private or parochial, or any place of public assembly	Measured in a straight line from the furthest extension of the premises of the package liquor store to the nearest primary or accessory building associated with an elementary school, middle school, high school, or place of public assembly
<b>Hollywood</b>	153,627	15	No person or vendor, except those determined by the City Commission to comply with the requirements for an extended	500 feet	An established place of worship or school	Measured by the nearest pedestrian travel on the public right-of-way from



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			hours license pursuant to § 113.26, shall sell or offer for sale or deliver upon the premises of such person or vendor, any liquor, beer or wine, regardless of the alcoholic content, on any day of the week between the hours of 2:00 a.m. and 7:00 a.m.			main entrance to main entrance, except that in case of a school, to the nearest point of the school grounds used as part of the school facilities
Miami Gardens	113,750	5	Package stores. Permitted each day between the hours of 8:00 a.m. and 12:00 a.m. of the following day, every day.	1,500 feet	Similar establishments	Measured by following a straight line from the nearest portion of the structure of the place of business
				2,500 feet	Religious facility or school	Measured and computed as follows: From a religious facility or school, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the religious facility grounds or school grounds
				500 feet	Public parks and recreational areas and residential zoned property	Measured and computed as follows: From a public park or residentially zoned property, the distance shall be measured by following a straight

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						line from the front door of the proposed place of business to the nearest point of the parks or residentially zoned property
Miramar	140,328	9	No sales for consumption off the premises from any kind of business or establishment shall be allowed between the hours of 2:00 a.m. and 7:00 a.m.	2,500 feet	Any established school or childcare center or library	straight air-line measurement from any established school or childcare center or library measured from the main entrance point of the vendor's establishment to the nearest property line of a school or childcare center or library grounds used as part of the school or childcare center facility
				1,000 feet	Similar establishments	straight air-line measurement, measured from the main entrance to main entrance of another place of business in which there is already in existence a vendor selling alcoholic or intoxicating beverages for consumption on or off the premises.

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Oakland Park	44,326	6	<p>Clubs, nightclubs, cocktail bars, hotel bars and restaurant bars licensed under the state beverage laws to sell beer, wine or alcoholic beverages may sell, serve or deliver or offer to sell, serve or deliver any beer, wine or alcoholic beverage, regardless of alcohol content, between the hours of 7:00 a.m. and 12:00 midnight, on any day of the week as long as the beer, wine or alcoholic beverage is served and consumed on the premises.</p> <p>(2) Convenience stores, package stores, vendors licensed under the state beverage laws to sell beer, wine or alcoholic beverages and any vendor not listed in section (1) above may sell, serve or deliver or offer to sell, serve or deliver any beer, wine or alcoholic beverage, regardless of alcohol content, on any weekday or Saturday between the hours of 7:00 a.m. and 12:00 midnight, or any Sunday between 7:00 a.m. and 12:00 midnight.</p> <p>(3) Any beer, wine or alcoholic beverage, regardless of content, ordered by a patron from a club, nightclub, cocktail bar, hotel bar, restaurant bar,</p>	500 feet	Church or School	Measured by the closest feasible route on public right-of-way, from any church or school, measured from main entrance to main entrance, except, in case of a school, to the nearest point of the school grounds used as part of the school facilities
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## ATTACHMENT 6

			convenience store, bottle club, package store or vendor and served prior to 12:00 midnight may be consumed on licensed premises by a patron until no later than 12:30 a.m.			
<b>Pembroke Pines</b>	170,712	10	No person, vendor or distributor shall sell, or offer to sell, deliver, serve, or permit to be consumed "off the premises" of that person, vendor or distributor, any alcoholic beverage, regardless of alcoholic content, between the hours of 3:00 a.m. and 7:00 a.m.	200 feet	Any day care, church, public, private, or parochial, elementary, middle, or high school	Airline measurement; measurements being between the nearest entrance to the alcoholic beverage establishment and the nearest entrance to the day care, church, public, private, or parochial, elementary, middle, or high school
<b>Plantation</b>	93,909	6	Any person, or any employee thereof, who sells or offers for sale in bottles, cans or containers of any type, any liquor, beer or wine, regardless of alcoholic content, for consumption off the premises, is hereby prohibited from selling or offering for sale, for consumption off the premises, said liquor, beer or wine, regardless of alcoholic content, on weekdays between the hours of 4:00 a.m. and 7:00 a.m., and on Sundays between the hours of 4:00 a.m. and	1,000 feet	Houses of worship, schools, hospitals, parks, and childcare centers	Airline measurement, from main entrance to main entrance of the place of business of any similar type licensed purveyor of liquor for off-site consumption, and must be separated from similar type licensed establishments by the one thousand-foot distance

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			8:00 a.m., provided, however, that on Christmas Day and Easter Sunday the prohibited hours of sale or offering for sale extend from 4:00 a.m. until 12:00 noon.			
<b>Pompano Beach</b>	110,379	14	No vendor or retail business authorized under the provisions of the state beverage law to sell, offer for sale, deliver, or otherwise distribute alcoholic beverages, for consumption off the premises only, nor any employee thereof, shall sell, offer for sale, deliver, or otherwise distribute any alcoholic beverage on any day between the hours of 2:00 a.m. and 7:00 a.m.	1,000 feet	Similar establishments	Measured from main entrance to main entrance of the establishments by airline route
				500 feet	Houses of worship, schools, and childcare centers	Separation shall be measured from main normal public entrance of Alcoholic Beverage Establishment to the nearest point of the Child Care facility, School, or Place of Worship's property used as a part of the facility measured along public thoroughfares by the shortest route of ordinary pedestrian traffic; and measured from main normal public entrance of Alcoholic Beverage Establishment to the nearest point of the Child Care facility, School, or Place of Worship's property used as a

## ATTACHMENT 6

						part of the facility measure by airline route
<b>Sunrise</b>	94,323	6	<p>Hours of sale for consumption off the premises. No person, vendor, or distributor shall sell, offer for sale, distribute, or deliver any alcoholic beverages, for the purpose of consumption off the premises, except during the following hours:</p> <p>Sunday through Thursday, between the hours of 7:00 a.m. and 2:00 a.m. the following morning;</p> <p>Friday and Saturday, between 7:00 a.m. and 3:00 a.m. the following morning.</p>	600 feet	Any existing place of worship, public or private school or public park	<p>The distance measurement shall be by air line from property line to property line, using the closest property lines of the parcels, if the establishment occupies its own parcel, or, from door to door, if measuring to a place of worship, school or public park located on the same parcel or if the establishment is located within a shopping center; such measurement shall also apply to existing places of worship, schools, and public parks in another municipality adjoining the city</p>