

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

**Meeting Date:** July 8, 2020

**Presenter's Name and Title:** Michael Alpert, Principal Planner and Bissy Vempala, City Engineer, on behalf of the Engineering & Strategic Development

**Prepared By:** Michael Alpert, Principal Planner

**Temp. Reso. Number:** 7218

**Item Description:** Temp. Reso. #R7218, CONSIDERING MODIFICATION TO RESOLUTION NUMBER 20-15 SPECIFICALLY PERTAINING TO A MODIFICATION OF A CONDITION OF APPROVAL RELATED TO A PARK AGREEMENT FOR THE APPROVED MIRAMAR STATION DEVELOPMENT; PROVIDING FOR AN EFFECTIVE DATE. (*Community Development Principal Planner Michael Alpert and City Engineer Bissy Vempala*)

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

**Instructions for the Office of the City Clerk:** none

**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 N/A and/or by sending mailed notice to property owners within \_\_\_\_\_ feet of the property on N/A (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:** No fiscal impact

**Content:**

- Agenda Item Memo from the City Manager to City Commission
- Resolution TR 7218
- Attachment 1, Location Map
- Attachment 2, Phasing Site Plan
- Attachment 3, Resolution 20-15
- Attachment 4, Resolution 20-68





**CITY OF MIRAMAR  
INTEROFFICE MEMORANDUM**

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

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

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

**DATE:** July 1, 2020

**RE:** Temp. Reso. No. 7218, considering modification to Resolution 20-15, specifically pertaining to a condition of approval relating to a Park Agreement for Miramar Station

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**RECOMMENDATION:** The City Manager recommends approval of Temp. Reso. 7218, modification to Resolution 20-15 specifically pertaining to modifying a condition of approval regarding the Park Agreement for Miramar Station.

**ISSUE:** City Commission approval is required for proposed modifications to an approved Resolution.

**BACKGROUND:** Resolution No. 20-15 was approved on October 16, 2019 for Miramar Station, a mixed-use development located at the northeast corner of Miramar Parkway and Flamingo Road. On February 5, 2020, the Commission approved modifying this resolution to clarify a discrepancy specifically relating to the square footage of the commercial portion of the development between the 25,675 square feet noted on the Resolution (i.e., the initial commercial square footage when the application was submitted) and the 26,566 square feet shown on the final site plan (Reso. 20-68).

The current request from the applicant is to modify a condition of approval from Section 4 of the Resolution in order to alter the timeframe for a Park Agreement pertaining to the residential portions of the project. The adopted condition states the following:

“(b) Prior to the issuance of a building or engineering permit, the Owner/Developer of the Subject Property shall execute a Park Agreement with the City. The Park Agreement is for a fee in lieu of land dedication. The fee will be based on the current market value of the Subject Property site, as determined by Section 308.11 of the LDC.”



The proposed language is:

"Prior to the issuance of a building permit for any of the first 316 units in the first phase of residential development, the Owner/Developer shall execute a Park Agreement, in a form reasonably acceptable to Developer and City, and pay in full the park dedication fee associated with that phase of Miramar Station, in lieu of any land dedication. Prior to the issuance of a building permit for any of the remaining 332 units in the second phase, the Owner/Developer shall execute a Park Agreement, in a form reasonably acceptable to Developer and City, and pay in full the park dedication fee associated with that phase of Miramar Station in lieu of any land dedication. The fees will be based on the current market value of the Subject Property site, as determined by Section 308.11 of the LDC."

The applicant will be building roughly half (316) of the 648 residential units in their first phase (*FC Miramar Phase III, LLC*) and the remaining units (332) in the subsequent phase (*FC Miramar Phase IV, LLC*). Consequently, they would like to attain two separate Park Agreements with payment in lieu of parkland dedication with each lump sum payment due prior to the issuance of building permits for each phase of residential development. The current language provides that the proposed fee for all 648 units shall be paid (*upon approval of a singular Park Agreement by the City Commission*) prior to the issuance of any engineering or building permit and the applicant is nearly ready to obtain engineering permits in order to commence site work, which is required before any vertical construction can take place.

#### **DISCUSSION:**

The applicant has been working with the Engineering Services staff to complete final engineering construction documents for which engineering site work permits are nearly ready to be issued by the City. However, due to the language in the adopted condition, those permits cannot be issued until a Park Agreement is approved by the City Commission. The applicant is proposing to build this project in three disparate phases: the commercial component consisting of two buildings (*an Aldi's grocery and a drive-thru Chick-fil-A restaurant*), and two phases of multi-family residential development with 316 and 332 units, respectively. The commercial buildings are subject to Police, Fire, Water and Sewer impact fees, based on gross square footage, while the residential units are subject to those, based on the number of units and Equivalent Residential Connections ("ERCs"), as well park and recreation impact fees, based on the number of bedrooms within these units. A property owner/developer has the option of dedicating land or paying park impact fees; in this case, the applicant is working with the engineering staff to prepare two distinct Park Agreements, one for each phase, in lieu of land dedication. That set of Park Agreements is expected to move forward for City Commission consideration in the near future.



The approved site plan includes some passive open space and recreational amenities for the future residents and patrons of the property. The site itself was not feasible as a location for a dedicated public park. The City, therefore, recommends the direct collection of impact fee funds, over a land dedication, as the City is already meeting the parkland requirement from the Comprehensive Plan, which is 4 acres per 1,000 residents, including the potential residents within this future development.

**ANALYSIS:**

The applicant expects to obtain building permits for their initial phase of the residential portion of the project before the end of this year, and therefore, would make a lump sum payment for the required park impact fees at the time of permit issuance. The remainder of the fees will be collected at the time of the second phase. Staff believes this request warrants consideration in order to facilitate a timely construction process.

The applicant's request meets the following goals, policies and objectives of the City's Comprehensive Plan Recreation and Open Space Element:

**Goal 1:** Provide adequate and accessible parks and facilities to meet the recreation needs of all current and future Miramar residents.

**Policy 1.1.4:** Maintain, and update as necessary, the City's Parks and Recreation Impact Fee Ordinance and associated land dedication requirements to ensure that the private sector pays its fair share.

**Policy 1.1.5:** Continue to provide a minimum of four (4) acres of park land and open space for each 1,000 residents, concurrent with new demand as measured by the City's Concurrency Management System. In addition, continue to provide a minimum of recreational facilities, as per the Florida Recreation and Parks Association Level of Service standards for recreational facilities.

**Objective 1.2:** Continue to coordinate public and private resources to ensure the provision of open space as well as promote the use of our existing regional and community parks.

**Policy 1.2.2:** Continue to require as a condition of site plan approval, the provision of natural reservations and open space to meet the landscaping and tree conservation requirements of the Land Development Code in order to maximize pervious area, as well as passive recreation and aesthetic standards of the City, as codified.

**Policy 1.3.4:** Utilize park and recreation impact fees, collected in accordance with Miramar City Code Sections 2-225 (as amended), developer contributions and user fees to finance development of recreational facilities serving new growth.



Temp. Reso. No. 7218  
6/3/20  
6/30/20

**CITY OF MIRAMAR  
MIRAMAR, FLORIDA**

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

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, CONSIDERING MODIFICATION TO RESOLUTION NUMBER 20-15, SPECIFICALLY PERTAINING TO A MODIFICATION OF A CONDITION OF APPROVAL RELATED TO A PARK AGREEMENT FOR THE APPROVED MIRAMAR STATION DEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Resolution 20-15 was approved on October 16, 2019 including 17 conditions of approval as outlined in the Resolution; and

**WHEREAS**, Condition (b) within Section 4 of Resolution 20-15 states that a Park Agreement shall be executed prior to the issuance of any engineering or building permit; and

**WHEREAS**, the applicant desires to obtain two separate Park Agreements with the City for two separate phases of residential development with payment of the fees in lieu of parkland dedication due prior to the issuance of building permits for each of those phases; and

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

**WHEREAS**, the City Commission finds that the approval of modification to Resolution 20-15 is in the best interest of the citizens and residents of the City of Miramar, Florida.

Reso. No. \_\_\_\_\_



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6/3/20  
6/30/20

**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:

(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) “Resolution 20-15” means the certified executed resolution approved by City Commission on October 16, 2019.

**Section 2: Approval of Modification to Resolution 20-15.** The City Commission hereby approves allowing the Modification of Resolution 20-15 to reflect the change in the title previously adopted by Resolution 20-68 pertaining to the commercial square footage of 26,566 square feet and specifically pertaining to the modification of Condition (b) in Section 4 from “(b) Prior to the issuance of a building or engineering permit, the Owner/Developer of the Subject Property shall execute a Park Agreement with the City.



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The Park Agreement is for fee in lieu of land dedication. The fee will be based on the current market value of the Subject Property site, as determined by Section 308.11 of the LDC” to state the following amendment: “Prior to the issuance of a building permit for any of the first 316 units in the first phase of residential development, the Owner/Developer shall execute a Park Agreement, in a form reasonably acceptable to Developer and City, and pay in full the park dedication fee associated with that phase of Miramar Station, in lieu of any land dedication. Prior to the issuance of a building permit for any of the remaining 332 units in the second phase, the Owner/Developer shall execute a Park Agreement, in a form reasonably acceptable to Developer and City, and pay in full the park dedication fee associated with that phase of Miramar Station in lieu of any land dedication. The fees will be based on the current market value of the Subject Property site, as determined by Section 308.11 of the LDC.”

**Section 3: Severability:** If any word, clause, phrase, sentence, paragraph or section of this Resolution is held to be unconstitutional or invalid by any court of competent jurisdiction, such unconstitutional or invalid part or application shall be considered as eliminated and shall not affect the validity of the remaining portions or applications which shall remain in full force and effect.

**Section 4: Scrivener’s Error:** 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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6/30/20

**Section 5:** That this Resolution shall take effect immediately 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**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

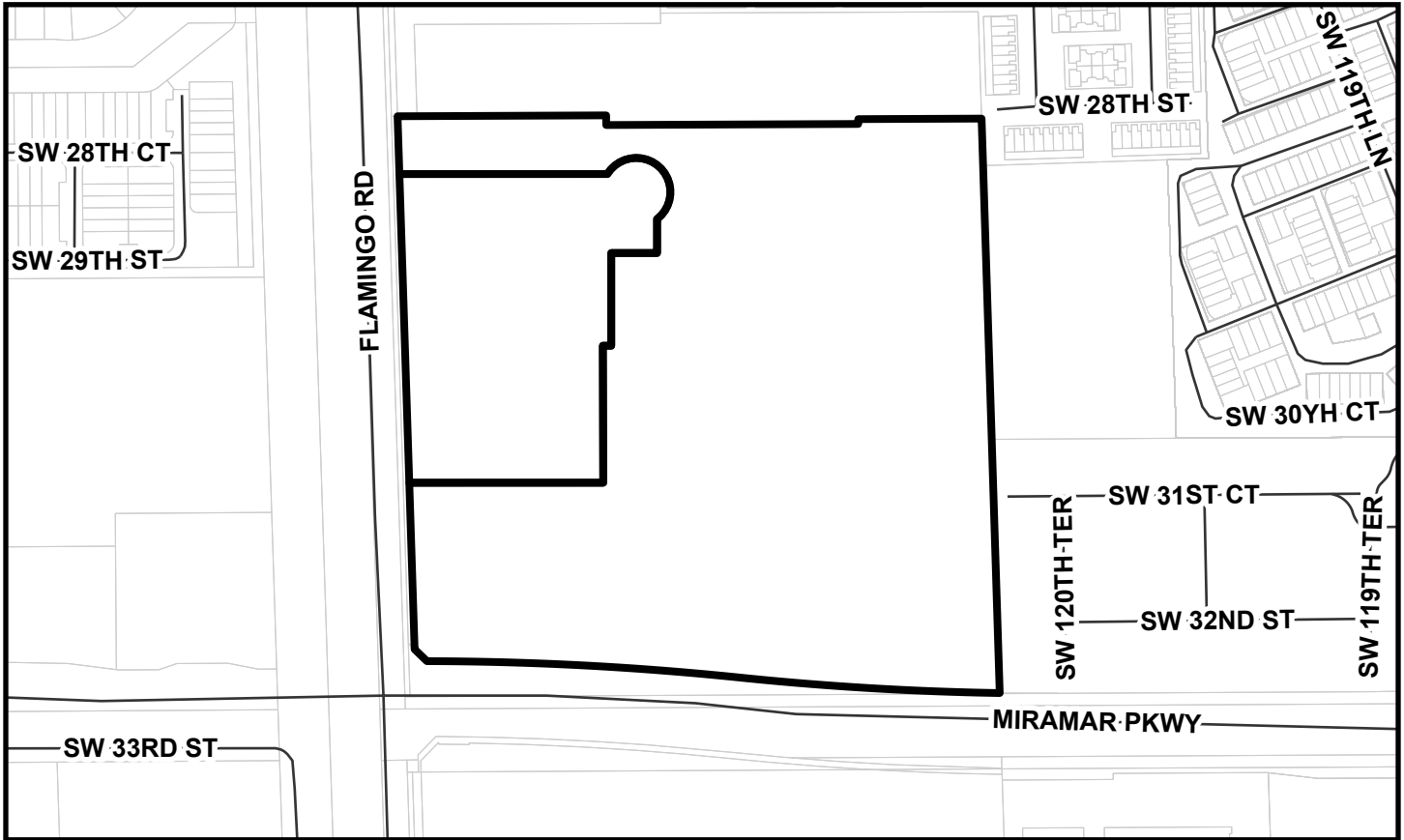
\_\_\_\_\_

Reso. No. \_\_\_\_\_



# Location Map/Aerial View

Attachment 1



0 250 500 Feet





LEGAL DESCRIPTION

A PARCEL OF LAND IN BROWARD COUNTY, FLORIDA, LYING AND BEING IN THE SOUTH 1/2 OF GOVERNMENT LOT 1, SECTION 2, TOWNSHIP 48 SOUTH, RANGE 42 EAST, MORE FULLY DESCRIBED AS FOLLOWS:

PARCEL "A", AS SHOWN ON THE PLAT OF DEERFIELD STATION, TOWNSHIP 48 SOUTH, RANGE 42 EAST, MORE FULLY DESCRIBED AS FOLLOWS:

SAID LANDS LYING IN THE CITY OF DEERFIELD BEACH, BROWARD COUNTY, FLORIDA.

CONTAINING 350,135 SQUARE FEET/8.0380 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

GENERAL NOTES

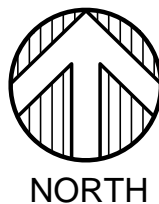
1. ALL GROUND MOUNTED MECHANICAL EQUIPMENT SHALL BE SCREENED AS PER CODE 155.5301.A.2.b. SEE LANDSCAPE DRAWINGS.
2. A/C COMPRESSOR MUST BE ABOVE THE MIN. ELEVATION REQUIRED AS PER CHAPTER IIC-5 (F)(4).
3. ALL CLUBHOUSE AMENITY SPACES ARE INTENDED FOR RESIDENT USE ONLY. THESE USES ARE NOT OPEN TO THE PUBLIC.
4. A KNOX BOX KEY SWITCH AT ENTRY GATES FOR FIRE DEPT. ACCESS.
5. ALL MONUMENT SIGN FEATURES TO BE UNDER SEPARATE PERMIT.
6. POOL BY OTHERS.
7. REFER TO LANDSCAPE DRAWINGS FOR POOL SHOWER, DRINKING FOUNTAIN & POOL GATES.
8. DRAINS AT POOL DECK TO BE COORDINATED WITH CIVIL ENGINEER.
9. FINISH FLOOR ELEVATION (F.F. ELEV.) SHOWN FOR REFERENCE ONLY. REFER TO CIVIL PLANS FOR FINAL ELEVATION & UPDATES.
10. FIRE DEPARTMENT ACCESS-KNOX KEY SWITCH MODEL 3502. ENTRY SYSTEM WILL BE PROGRAMMED SUCH THAT THE SWITCH WILL OPEN BOTH ENTRY/EXIT SWING GATES & SIMULTANEOUSLY UPON ACTIVATION OF KNOX KEY SWITCH. PROVIDE SIGNAGE TO READ "EMERGENCY VEHICLE KEY SWITCH".
11. 8" BUILDING ADDRESS NUMBERS OR LETTERS ARE REQUIRED. 8" NUMBERS OR LETTERS ARE REQUIRED ON MONUMENT SIGNS. ALL MARQUEE / SIGNBOARD DIRECTIONAL SIGNS REQUIRE 8" NUMBERS OR LETTERS. ADDITIONAL SIGNS SHALL BE PROVIDED TO IDENTIFY BUILDINGS OR DIRECTION OF TRAVEL TO REACH THE BUILDING. IN MULTI-FAMILY RESIDENTIAL BUILDINGS, ALL UNIT IDENTIFICATION NUMBERS / LETTERS SHALL BE A MINIMUM OF 4" IN HEIGHT.
12. MECHANICAL EQUIPMENT WILL BE LOCATED ON ROOF.
13. PLANS ARE IN NAVD 1988 DATUM. CONVERSION EQUATION IS BELOW: (NAVD 1988) = (NGVD 1929) + 1.568'

TERMITE CONTROL TREATMENT

1. SOIL TREATMENT BELOW SLAB-ON-GRADE FOR SUBTERRANEAN INSECTS, WITHIN LIMITS OF FOUNDATION SYSTEM.
2. SOIL TREATMENT AT INTERIOR AND EXTERIOR FOUNDATION PERIMETER, FOR SUBTERRANEAN INSECTS.
3. USE ONLY TERMITICIDES WHICH BEAR A FEDERAL REGISTRATION NUMBER OF THE U.S. E.P.A.
4. SOIL TREATMENT APPLICATION REPORT: AFTER APPLICATION OF TERMITICIDE IS COMPLETED, SUBMIT REPORT FOR OWNER'S RECORD INFORMATION, INCLUDING THE FOLLOWING AS APPLICABLE:
  - A. DATE AND TIME OF APPLICATION.
  - B. MOISTURE CONTENT OF SOIL BEFORE APPLICATION.
  - C. BRAND NAME AND MANUFACTURER OF TERMITICIDE.
  - D. QUANTITY OF UNDILUTED TERMITICIDE USED.
  - E. DILUTIONS, METHODS, VOLUMES, AND RATES OF APPLICATION USED.
  - F. AREAS OF APPLICATION

PHASE I - UNIT MIX PER BUILDING TYPE

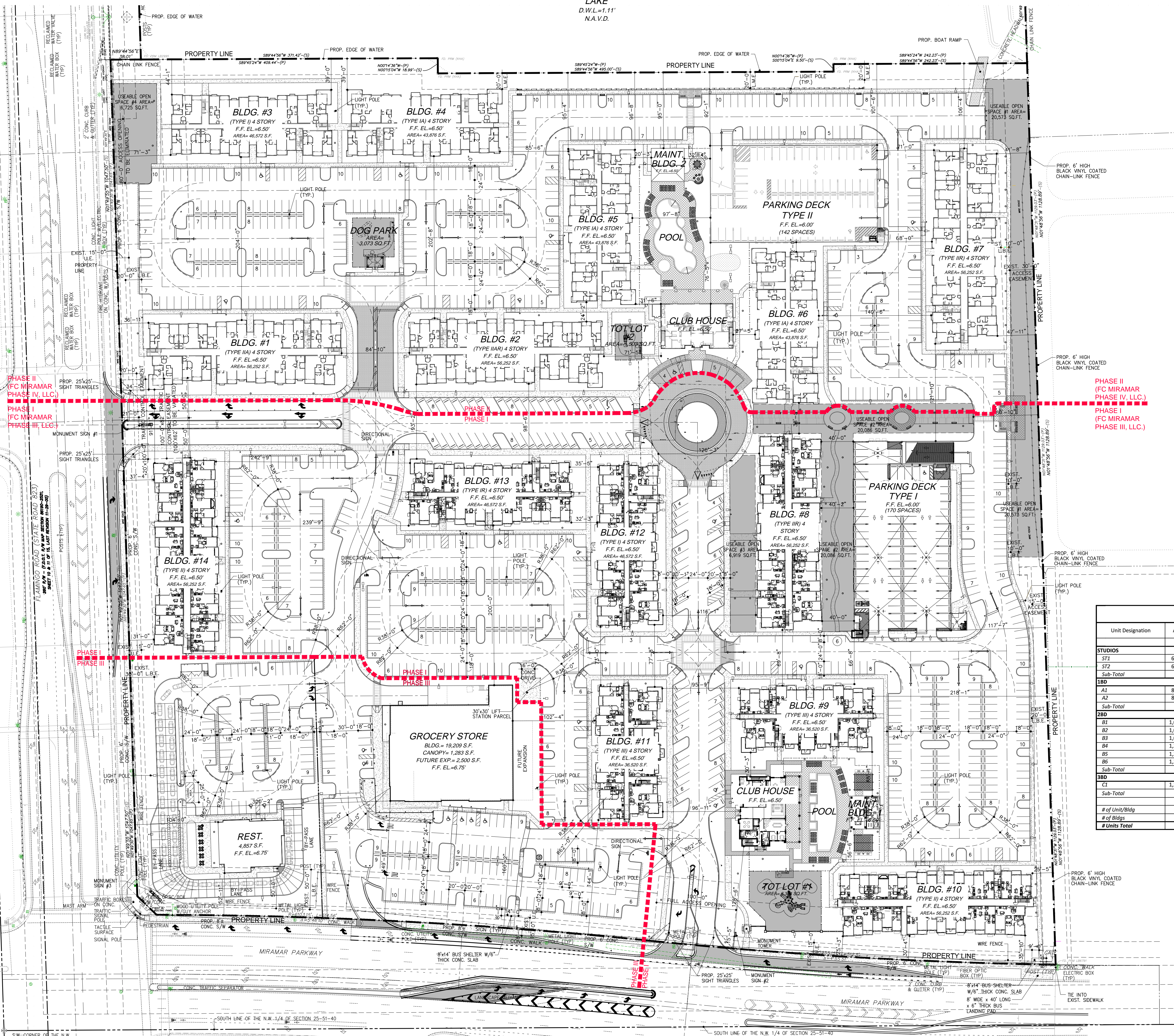
Unit Designation	Area	Bldg Types / All 4-Story Buildings					# Units	% of Total	Leasable Area (NRSF)
		Type I	Type II	Type II	Type IIR	Type III			
STUDIOS									
ST1	650 sf	0	0	0	0	12	24		15600
ST2	678 sf	4	4	4	4	0	20		13552
Sub-Total		4 units	4 units	4 units	4 units	12 units	44 units	13.9%	29,152 sf
1BD									
A1	803 sf	0	0	0	0	0	0		sf
A2	815 sf	8	8	8	8	8	40		32,600 sf
Sub-Total		8 units	8 units	8 units	8 units	units	40 units	12.7%	32,600 sf
2BD									
B1	1,071 sf	4	4	8	8	0	32		34,272 sf
B2	1,084 sf	4	4	4	4	0	20		21,680 sf
B3	1,089 sf	8	8	4	4	8	44		47,916 sf
B4	1,212 sf	8	8	12	12	8	68		82,416 sf
B5	1,226 sf	0	4	4	4	0	12		14,712 sf
B6	1,289 sf	4	4	8	8	0	32		41,248 sf
Sub-Total		28 units	28 units	40 units	40 units	16 units	208 units	65.8%	242,244 sf
3BD									
C1	1,289 sf	4	4	0	0	8	24		30,936 sf
Sub-Total		4 units	4 units	units	units	8 units	24 units	7.6%	30,936 sf
# of Unit/Bldg		44 units	44 units	52 units	52 units	36 units	316 units		
# of Bldgs		1 bldgs	1 bldgs	2 bldgs	1 bldgs	2 bldgs	7 bldgs		
# Units Total		44 units	44 units	104 units	52 units	72 units	316 units	100%	334,932 sf



SITE PLAN

SCALE: 1" = 60'-0"

LAKE  
D.W.L.=1.11'  
N.A.V.D.





## **ATTACHMENT 3**

Temp. Reso. No. 7030  
9/11/19  
10/9/19

### **CITY OF MIRAMAR MIRAMAR, FLORIDA**

#### **RESOLUTION NO. 20-15**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, CONSIDERING CONDITIONAL USE APPLICATION NO. 1902992, CONSIDERING VARIANCE APPLICATION NO. 1905057 FROM THE BUILD-TO-LINE REQUIREMENT, CONSIDERING VARIANCE APPLICATION NO. 1905059 FROM THE OFF-STREET PARKING REQUIREMENT, AND CONSIDERING SITE PLAN APPLICATION NO. 1901455 AND COMMUNITY APPEARANCE BOARD APPLICATION NO. 1901457, FOR THE MIRAMAR STATION DEVELOPMENT THAT INCLUDES 648 MULTIFAMILY RESIDENTIAL UNITS AND 25,675 SQUARE FEET OF COMMERCIAL, WITHIN THE EAST MIRAMAR AREAWIDE DEVELOPMENT OF REGIONAL IMPACT, LOCATED AT THE NORTHEAST CORNER OF MIRAMAR PARKWAY AND FLAMINGO ROAD; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Owner/Developer has submitted Application No. 1902992, a complete application for conditional use review as provided for in Section 305 of the Land Development Code ("LDC") for restaurants with drive-through, pursuant to Table 403-5 of the LDC; and

**WHEREAS**, the Development Review Committee ("DRC") has reviewed Conditional Use Application No. 1902992 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

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**WHEREAS**, the Owner/Developer has submitted Application No. 1905057, a complete application for variance review as provided for in Section 315 of the LDC; and

**WHEREAS**, the DRC has reviewed and evaluated Variance Application No. 1905057 and made a determination that the variance is in substantial conformance with the applicable requirements, including those set forth in Section 315.7 of the LDC; and

**WHEREAS**, the Owner/Developer has submitted Application No. 1905059, a complete application for variance review as provided for in Section 315 of the LDC; and

**WHEREAS**, the DRC has reviewed and evaluated Variance Application No. 1905059 and made a determination that the variance is in substantial conformance with the applicable requirements, including those set forth in Section 315.7 of the LDC; and

**WHEREAS**, the Owner/Developer has submitted Application No. 1901455, a complete application for site plan review as provided for in Section 310 of the LDC; and

**WHEREAS**, pursuant to Section 310 of the LDC, the DRC has evaluated Site Plan Application No. 1901455 and has made a determination that the site plan is in substantial conformance with the applicable requirements, including those set forth in Section 310.6 of the LDC; and

**WHEREAS**, the Owner/Developer has submitted Application No. 1901457, a complete application for Community Appearance Review ("CAB") review as provided for in Section 311 of the LDC; and



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**WHEREAS**, pursuant to the established community appearance design criteria and procedural rules of Sections 311 and 813 of the LDC, the CAB reviewed the submitted materials for Application No. 1901457 and made a determination that the application is in substantial conformance with the established criteria; and

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

**WHEREAS**, the Owner/Developer 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. 1902992, Variance Application No. 1905057, Variance Application No. 1905059, Site Plan Application No. 1901455, and CAB Application No. 1901457, are 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.



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(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:

- (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) "Owner/Developer" means FCI Residential Corporation, a Florida Corporation.
- (6) "Miramar Station Site Plan" means the XX-page plan entitled Miramar Station
- (7) "Subject Property" is real property situate and lying in the State of Florida,

County of Broward, City of Miramar, to-wit:

**PARCEL 1: (As to the Fee Simple Interest)**

Lots 1 and Lot 2, **MIRAMAR CENTRAL PLAZA**, according to the Plat thereof, as recorded in Plat Book 182, Page 80, of the Public Records of Broward County, Florida.

**PARCEL 2: Easement Parcel: (As to the Lake Easement)**

A parcel of land being a portion of Tracts 16 and 17, **THE EVERGLADES SUGAR & LAND CO. SUBDIVISION OF SECTION 25, TOWNSHIP 51 SOUTH, RANGE 40 EAST**, according to the Plat thereof, as recorded in Plat Book 2 at Page 39, of the Public Records of Miami-Dade County, Florida, and a portion of that certain Drainage, Flowage and Storage Easement, as depicted in Official Records Instrument No. 112894313, of the Public Records of Broward County, Florida and being more particularly described as follows:



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**COMMENCE** at the southwest corner of the northwest 1/4 of said Section 25; thence along the West line of said northwest 1/4 of Section 25, North 1°49'55" West, 1210.65 feet; thence North 88°16'44" East, 172.00 feet to the southwest corner of Parcel A, GROVE PLAT, according to the Plat thereof, as recorded in Plat Book 183, Page 5, said point also being the northwest corner of Lot 1, **MIRAMAR CENTRAL PLAZA**, according to the Plat thereof, as recorded in Plat Book 182, Page 80, of said Public Records of Broward County, Florida; thence along the South line of said Parcel A and the North line of Lot 1, North 89°44'56" East, 38.01 feet to the southeast corner of said Parcel A and the **POINT OF BEGINNING**; thence along the East line of said Parcel A, North 1°49'55" West, 180.02 feet; thence along said South line, North 89°44'56" East, 484.38 feet to the southeast corner of said Parcel A; thence along the East line of said Parcel A, North 1°49'55" West, 20.00 feet to a southwest corner of Parcel "A", MIRAMAR RESIDENTIAL PLAT, according to the Plat thereof, as recorded in Plat Book 175, Page 84, said Public Records of Broward County, Florida, said point being on the North line of aforesaid Drainage, Flowage and Storage Easement; thence along said North line and the South line of Parcel "A", MIRAMAR RESIDENTIAL PLAT, North 89°44'56" East, 624.01 feet; thence along a West line of said Parcel "A" and the East line of said Drainage, Flowage and Storage Easement Agreement, South 1°49'55" East, 209.52 feet; thence along the South line of said Drainage, Flowage and Storage Easement and along said North line of Lot 1, the following five (5) courses and distances, South 89°44'56" West, 242.23 feet; thence South 00°15'04" East, 9.50 feet; thence South 89°44'56" West, 495.00 feet; thence North 00°15'04" West, 18.99 feet; thence South 89°44'56" West, 371.42 feet to the Point of Beginning.

Said lands situate, lying, and being in the City of Miramar, Broward County, Florida and containing 1,474,180 square feet (33.8425 Acres) in aggregate, more or less.



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9/11/19  
10/9/19

**Section 2: Applications in Substantial Compliance.** That the City Commission finds that:

(a) The **Conditional Use application** of the Owner/Developer for a restaurant with drive-through on the Subject Property is in substantial compliance with the requirements of Section 305 of the LDC. The conditional use should be approved subject to the Site Plan as set forth in sub-section 2(d) of this Resolution and the variances set forth in sub-sections 2(b) and 2(c) of this Resolution.

(b) The **Variance application** from Section 404, Table 404-2 of the LDC for the Mixed-Use Districts Bulk Regulations, on the Subject Property is in substantial compliance with the requirements of Section 315 of the LDC. Variance Application No. 1905057 on the Miramar Station Site Plan will allow the Owner/Developer of the commercial development to exceed the maximum build-to-line with a non-residential building setback of 52.93 feet and to exceed the maximum build-to-line with a residential building setback of 25.22 feet where 10 feet and 15 feet are allowed, respectively, pursuant to the LDC.

(c) The **Variance application** from Section 808.3 of the LDC for the amount of off-street parking, on the Subject Property is in substantial compliance with the requirements of Section 315 of the LDC. Variance Application No. 1905057 will allow the Owner/Developer of the property depicted on the Miramar Site Plan to have a minimum of 1,423 parking spaces where a minimum of 1,569 parking spaces is required.



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(d) The **Site Plan application** for the Owner/Developer on the Subject Property is in substantial compliance with the requirements of Section 310 of the LDC. Approval of Application No. 1901455 will approve the Site Plan subject to the above variances.

(e) The **Community Appearance Board application** for the Owner/Developer on the Subject Property is in substantial compliance with the requirements of Section 311 of the LDC. Approval of Application No. 1901457 will approve the architectural design review for the property.

**Section 3: Approval of Applications.** 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. 1902992** allowing restaurant with drive-through for the Owner/Developer on the Subject Property, as recommended for approval by the DRC on July 24, 2019. This approval is subject to the approval of the variances set forth in sub-sections 3(b) and 3(c) of this Resolution and to the Site Plan set forth in sub-section 3(d) of this Resolution.

(b) **Variance Application No. 1905057** allowing buildings to exceed the maximum build-to-line for a non-residential and residential building where 10 feet and 15 feet are allowed, respectively, pursuant to the Miramar Station Site Plan for the Owner/Developer on the Subject Property, as recommended for approval by the DRC on September 11, 2019.



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(c) **Variance Application No. 1905059** allowing a minimum of 1,423 parking spaces for Miramar Station for the Owner/Developer on the property depicted on the Miramar Station Site Plan on the Subject Property, as recommended for approval by the DRC on September 11, 2019.

(d) **Site Plan Application No. 1901455** approving the Miramar Station Site Plan for the Owner/Developer on the Subject Property, as recommended for approval by the DRC on September 11, 2019.

(e) **Community Appearance Board Application No. 1901457** granting community appearance approval for the Owner/Developer on the Subject Property and based in part on the Miramar Station Site Plan, as recommended for approval by the CAB on September 26, 2019.

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

- (a) All applicable state and federal permits must be obtained before commencement of the development subject to this approval.
- (b) Prior to the issuance of a building or engineering permit, the Owner/Developer of the Subject Property shall execute a Park Agreement with the City. The Park Agreement is for fee-in lieu of land dedication. The fee will be based on the current market value of the Subject Property site, as determined by Section 308.11 of the LDC.
- (c) Prior to the issuance of a building permit, the applicant shall provide evidence of payment into the East Miramar Areawide Transportation Improvement Trust Fund ("EMATI Fund").



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- (d) Prior to the issuance of a building permit, the Applicant shall obtain a Plat Note Amendment from Broward County.
- (e) Prior to the issuance of a building permit, the applicant shall provide a final list of sustainable building, site, lighting and landscaping practices, consistent with the final construction documents, for review and approval by the Community Development Director.
- (f) Prior to the issuance of a building permit, the Owner/Developer must execute and record a Perpetual Maintenance Agreement for Subject Property for the berms, landscaping, and common area elements in form and substance acceptable to the City Attorney providing that the Owner /Developer of the Subject Property shall at its expense continuously maintain in a healthy condition all berms, landscaping, and common area elements.
- (g) Prior to the issuance of a building, engineering, and landscaping permit for any portion of the Subject Property, the Owner/Developer shall obtain a Tree Removal/Relocation Permit and pay for any outstanding mitigation fees, if applicable.
- (h) Prior to the issuance of a building permit, the Owner/Developer shall provide evidence of payment to the Broward County School Board for payment of school impact fees.
- (i) Prior to the issuance of a final Certificate of Occupancy ("CO") for any residential portion of the Subject Property, the Owner/Developer shall construct and install a bus/transit shelter on an easement conveyed to the City, along Miramar Parkway, pursuant to the City's established design standards, said easement being in form and substance acceptable to the City Attorney.
- (j) Prior to the issuance of a CO for the fast food restaurant as shown on the Miramar Station Site Plan (the commercial portion of the Subject Property), the Owner/Developer shall install high definition HD cameras around the building, particularly at the drive-thru, and a tag reader to be approved by the City's Police Department.
- (k) Prior to the issuance of a CO for the commercial buildings as shown on the Miramar Station Site Plan (the commercial portion of the Subject Property), the Owner/Developer shall execute and maintain a standard City Trespassing Agreement approved by the City's Police Department.



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10/9/19

- (l) Prior to the issuance of a CO for the commercial buildings as shown on the Miramar Station Site Plan (the commercial portion of the Subject Property), the Owner/Developer shall enter into and record a standard City Traffic Enforcement Agreement approved by the City's Police Department as provided by Section 316.006, Florida Statutes, and erect and continuously maintain warning signs authorizing Miramar police officers to arrest citizens for trespassing.
- (m) One year after the final CO for the Development on the Subject Property, the Property Owner/Developer shall coordinate with Broward County Transit to establish a reduced rate or complimentary bus pass program.
- (n) One year after the final CO of the Development on the Subject Property, the Owner/Developer shall provide evidence of coordination with South Florida Commuter Services and Broward County Transit, including but not limited to the distribution of promotional materials to encourage and promote regional/national transportation services for residents; and shall periodically distribute information about alternative transit options within the residential and commercial portions of the property. Future reporting shall be required at the discretion of the Community Development Director.
- (o) Any future renovation or exterior painting of the buildings and structures on the subject property subsequent to this approval shall be subject to the City's prior approval in accordance with the established design standards and Community Appearance procedures in effect at that time, including facade improvements, prior to the issuance of a building or zoning (repainting) permit.
- (p) Prior to a building permit for the Chick-fil-A restaurant, the applicant shall comply with and address the architectural and signage comments issued on September 9, 2019.
- (q) The applicant shall implement the parking mitigation measures noted in Attachment 7, provided to the City on September 10, 2019.



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9/11/19  
10/9/19

**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 Owner/Developer 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 Owner/Developer 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.

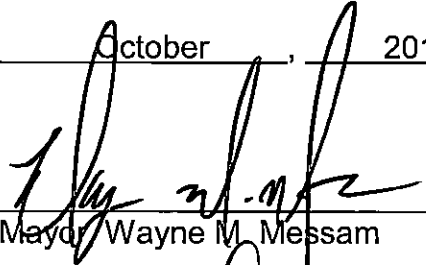
**Section 6:**     **Failure to Adhere to Resolution.** That failure to adhere to the approval terms and conditions contained in this Resolution shall be considered a violation of this Resolution and the City Code, and persons found violating this Resolution shall be subject to the penalties prescribed 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 Owner/Developer 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 Owner/Developer is in non-compliance with the City Code.

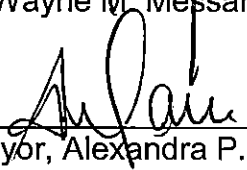


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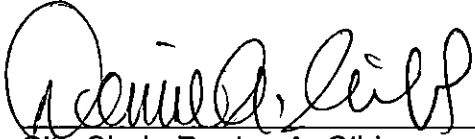
**Section 7:** That this Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this 16 day of October, 2019.


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

  
\_\_\_\_\_  
Vice Mayor, Alexandra P. Davis

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

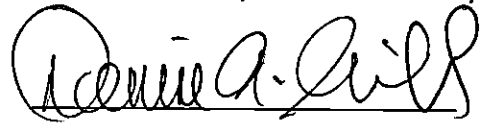
<b><u>Requested by Administration</u></b>	<b><u>Voted</u></b>
Commissioner Winston F. Barnes	Yes
Commissioner Maxwell B. Chambers	Yes
Commissioner Yvette Colbourne	Yes
Vice Mayor Alexandra P. Davis	Yes
Mayor Wayne M. Messam	Yes



**Certificate of Filing for a Resolution**

**CERTIFICATE OF FILING**

I, Denise A. Gibbs, as City Clerk of the City of Miramar, a Florida Municipal Corporation, hereby certify that this fully executed Resolution No. 20-15 was filed in the records of the City Clerk this 31<sup>st</sup> day of October, 2019.

A handwritten signature in black ink, appearing to read "Denise A. Gibbs", written over a horizontal line.

Print Name: Denise A. Gibbs

Print Title: City Clerk



## **ATTACHMENT 4**

Temp. Reso. No. 7107  
1/14/20  
1/30/20

### **CITY OF MIRAMAR MIRAMAR, FLORIDA**

#### **RESOLUTION NO. 20-68**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, APPROVING A MODIFICATION TO RESOLUTION NO. 20-15 SPECIFICALLY PERTAINING TO A CHANGE FROM 25,675 SQUARE FEET TO 26,566 SQUARE FEET OF COMMERCIAL SPACE FOR THE APPROVED MIRAMAR STATION DEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Resolution No. 20-15 was approved on October 16, 2019, specifically with 25,675 square feet of commercial development noted in the Resolution; and

**WHEREAS**, Attachment 3 of Resolution No. 20-15, final site plan, states 26,566 square feet of commercial development was proposed; and

**WHEREAS**, a modification to Resolution No. 20-15 is necessary to the change from 25,675 square feet of commercial development to 26,566 square feet of commercial development within the title of that Resolution; and

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

**WHEREAS**, the City Commission finds that the approval of the modification to Resolution No. 20-15 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:**

Reso. No. 20-68



Temp. Reso. No. 7107  
1/14/20  
1/30/20

**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:

(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) “Resolution No. 20-15” means the certified executed resolution approved by the City Commission on October 16, 2019.

**Section 2: Approval of Modification to Resolution No. 20-15.** The City Commission hereby approves the modification of Resolution No. 20-15 specifically pertaining to the change from 25,675 square feet to 26,566 square feet of commercial development.

**Section 3: Severability:** If any word, clause, phrase, sentence, paragraph or section of this Resolution is held to be unconstitutional or invalid by any court of competent jurisdiction, such unconstitutional or invalid part or application shall be considered as eliminated and shall not affect the validity of the remaining portions or applications which shall remain in full force and effect.

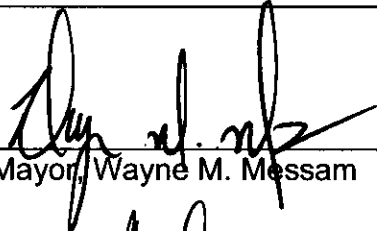
**Section 4: Scrivener’s Error:** The City Attorney is hereby authorized to correct scrivener’s errors found in this Resolution by filing a corrected copy with the City Clerk.

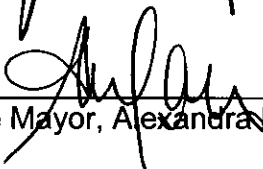


Temp. Reso. No. 7107  
1/14/20  
1/30/20

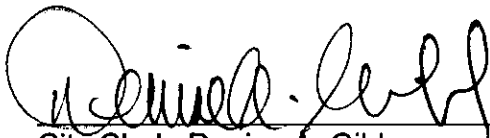
**Section 5:** That this Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this 5 day of February, 2020.

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

  
\_\_\_\_\_  
Vice Mayor, Alexandra P. Davis

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

**Voted**

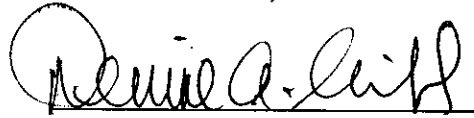
Yes  
Yes  
Yes  
Absent  
Yes



**Certificate of Filing for a Resolution**

CERTIFICATE OF FILING

I, Denise A. Gibbs, as City Clerk of the City of Miramar, a Florida Municipal Corporation, hereby certify that this fully executed Resolution No. 20-68 was filed in the records of the City Clerk this 4<sup>th</sup> day of March, 2020.

A handwritten signature in black ink, appearing to read "Denise A. Gibbs", written over a horizontal line.

Print Name: Denise A. Gibbs

Print Title: City Clerk