

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

First Reading Date: June 17, 2020

Second Reading Date: July 8, 2020

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

Prepared By: Saul Umana, Assistant Planner

Temp. Ord. Number: 1752

Item Description: **SECOND READING** of Temp. Ord. No. O1752, CONSIDERING APPLICATION NO. 2000734, REZONING A 2.204-ACRE PARCEL FROM B2, COMMUNITY BUSINESS, TO CF, COMMUNITY FACILITIES, LOCATED AT THE NORTHEAST CORNER OF SOUTHWEST 186TH AVENUE AND MIRAMAR PARKWAY; AND PROVIDING FOR AN EFFECTIVE DATE. ***(Passed 1st Reading 06/17/20)***
(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 May 18, 2020 and/or by sending mailed notice to property owners within 1,000 feet of the property on May 18, 2020 (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: None

Content:

- **Agenda Item Memo from the City Manager to City Commission**
- **Ordinance TO1752**
 - **Exhibit A: Survey and Legal Description**
- **Attachment(s)**
 - **Attachment 1: Location Map**
 - **Attachment 2: Development Review Committee Report**
 - **Attachment 3: Planning & Zoning Board Minutes from June 9, 2020**
 - **Attachment 4: Planning & Zoning Board Minutes from June 23, 2020**



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

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

BY: Eric Silva, Director of Community Development

DATE: July 1, 2020

RE: SECOND READING of Temp. Ord. No. 1752, considering Application No. 2000734, rezoning a 2.204-acre parcel from Community Business (B2) to Community Facilities (CF), located at the northeast corner of Miramar Parkway and Southwest 186th Avenue in Sunset Lakes

RECOMMENDATION: The City Manager recommends approval of Temp. Ord. No. 1752, Rezoning Application No. 2000734, for the rezoning of a 2.204-acre parcel from Community Business (B2) to Community Facilities (CF), located at the northeast corner of Miramar Parkway and Southwest 186th Avenue.

ISSUE: Pursuant to Section 304 of the City's Land Development Code (the "LDC"), City Commission approval is required for the rezoning of properties within the City.

BACKGROUND: The Applicant/Owner is proposing to rezone the southern portion of their approximately 5-acre property from Community Business (B2) to Community Facilities (CF) to facilitate the expansion of the existing Calvary Fellowship Church. This third Phase proposes the addition of 20,662 square feet, including an 800-seat sanctuary, to the already existing 9,050-square foot building located on the northern portion of the site, along with associated parking spaces. The original Master Site Plan for the Calvary Fellowship Church was approved on July 3, 2013.

The Development Review Committee ("DRC") recommended approval of the rezoning application on March 11, 2020. A Virtual Community Meeting was conducted on Monday, June 1 at 6:00 pm. About seven residents participated in this meeting. In addition to learning about the scope of the Church's plans, they had concerns and questions about traffic flow in the neighborhood and anticipated hours/days of services and events of the church.

The main concern was from residents of the Grand Key community, located just north and west of the site, regarding the future increase in traffic along Miramar Parkway and the existing exit driveway along Southwest 186th Avenue. Multiple residents were concerned that parishioners entering and leaving the church would cause delays on both roadways or block the entrance to their community. Suggestions included the addition of a lane, a better traffic control plan with Miramar Police, and designating the exit on Southwest 186th Avenue as a right-turn only driveway. It was stated that there are already issues on weekdays with the nearby elementary school and sometimes with the church. When considering the current approved business uses on this parcel, the proposed use represents a decrease of 623 daily vehicle trips, a decrease of 96 AM peak hour vehicle trips, and a decrease of 51 PM peak hour vehicle trips.

The Planning and Zoning Board conducted a Virtual public hearing on this item on June 9, 2020; however, after some deliberation and public participation, the 5 participating members of the Board did not make a recommendation and instead voted to hear the item to a date certain. The Planning and Zoning Board conducted another Virtual public hearing and the 5 participating members present recommended approval on this item on June 23, 2020, finding it consistent with the Comprehensive Plan.

DISCUSSION:

Per Land Development Code Section 403.1.4, the CF zoning district is the most appropriate one for institutional uses such as places of worship and public assembly. Although the B2 district also permits the use, it has different bulk regulation standards and the existing church is located on property with CF zoning. Since the existing church was approved for the 3-acre portion of the site with CF zoning, the now unified property would have a uniform zoning designation upon approval of this rezoning request.

The property was originally 5.7 acres and was approved for an American Heritage private school in November of 1998. The entire acreage was zoned CF. The school was never built. Subsequently, the property owner subdivided the property with the northern portion remaining as CF, and the southern portion was eventually rezoned to B2 to allow for commercial uses. During this time period, there was a temporary use permit for the Lutheran Church tent on the CF portion for a few years. In 2012, a site plan was approved for a small shopping center, Sunset Lakes Center, with a 10,000-square foot daycare center and approximately 7,000 square feet of retail space in two buildings. In 2013, the Master Site Plan was approved for Calvary Fellowship Church and construction was completed for the first building. The Sunset Lakes Center project did not proceed with construction and the commercial developer sold the property to the Calvary Fellowship Church in October of 2017.

ANALYSIS:

When the applicant approached Staff about their plans for expansion on the newly reacquired property, it was recommended that the site be rezoned back to CF. Having a unified zoning district for the entire property, as noted previously, helps to ensure that any current and future zoning code provisions are consistently applied throughout the site and reduces the chance for legal, nonconforming issues to arise. Furthermore, while a place of worship or public assembly is permitted in B2, CF zoning is the more appropriate zoning category for this use, and unlike B2, it will not allow commercial uses to be established on the property. Keeping the commercial zoning in place would not technically prohibit the expansion of the church on to this portion of the property, but unified zoning is nearly always preferable to split-zoned property from a legal standpoint. Moreover, CF zoning is more compatible with the existing, surrounding single-family and multi-family residential, open space and community facilities uses as well as serving as a buffer from the existing commercial use to the east (*Shops at Sunset Lakes*).

Staff has analyzed the Rezoning request and established criteria and believes that it is consistent with the Comprehensive Plan (*refer to Attachment 2*). The Planning & Zoning Board, as noted above, also made a finding that it is consistent with the Comprehensive Plan (*refer to Attachments 3 and 4*).

Staff recognizes that the additional 2 acres of property has already become exempt from property taxes, since it was acquired by the applicant; however, the applicant is subject to building permit and other user fees as well as utility service and impact fees.

COMPREHENSIVE PLAN ELEMENT:

Staff finds that the Rezoning request is consistent with the following:

Per Policy 1.4(e) of the Future Land Use Element, "community facilities, such as day care centers, nursing homes, clinics, rehabilitation centers, police and fire protection facilities, libraries, adult vocational and adult educational institutions, civic centers, churches, and governmental administration" uses are permitted in the Commercial Land Use category.

Objective 3, Policy 3.2 provides that the City shall work to "locate non-residential land uses so that access to those uses does not generate high traffic volumes on local streets through residential neighborhoods." The related site plan application provides an additional ingress-only driveway directly from Miramar Parkway for patrons' vehicles to the parking area of the site to minimize impact to residential areas.

Temp. Ord. No. 1752
5/26/20
6/10/20

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, CONSIDERING APPLICATION NO. 2000734, REZONING A 2.204-ACRE PARCEL FROM B2, COMMUNITY BUSINESS, TO CF, COMMUNITY FACILITIES, LOCATED AT THE NORTHEAST CORNER OF SOUTHWEST 186TH AVENUE AND MIRAMAR PARKWAY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 304 of the Land Development Code (“LDC”) provides for review and approval of changes to the official zoning map; and

WHEREAS, Calvary Fellowship Incorporated, has submitted Application No. 2000734, a complete application for rezoning a 2.204-acre parcel from B2, Business Community to CF, Community Facilities, on the property located at the northeast corner of Miramar Parkway and Southwest 186th Avenue; and

WHEREAS, Application No. 2000734 has been reviewed pursuant to the standards set forth at Section 304.7 of LDC; and

WHEREAS, pursuant to Section 304 of the LDC, a community meeting on Application No. 2000734 was held on June 1, 2020; and

WHEREAS, the Planning and Zoning Board conducted a Virtual public hearing on this item on June 9, 2020, which also included participation from some residents; however, after some deliberation, the Board did not ultimately make a formal recommendation on the item and decided to continue the item to a Special Planning & Zoning Board hearing to be held on June 23, 2020; and

Ord. No. _____

Temp. Ord. No. 1752
5/26/20
6/10/20

WHEREAS, the City Commission has held two properly advertised public hearings pursuant to Section 304 of the LDC and Chapter 166, Florida Statutes; and

WHEREAS, the City Manager recommends approval of Application No. 2000734;
and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to approve Application No. 2000734.

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

Section 1: That the foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2: That it finds that Application No. 2000734 is in substantial compliance with the requirements of Section 304 of the City’s Land Development Code.

Section 3: That it approves Application No. 2000734, rezoning from B2, Community Business, to CF, Community Facilities, for the property legally described in the attached Exhibit “A”.

Temp. Ord. No. 1752

5/26/20

6/10/20

Section 4: 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 5: Failure to Adhere to Ordinance. That failure to adhere to the approval terms and conditions contained in this Ordinance shall be considered a violation of this Ordinance 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 Ordinance 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 Ordinance may be revoked by the City at any time upon a determination that the Owner/Developer is in non-compliance with the City Code.

Temp. Ord. No. 1752
5/26/20
6/10/20

Section 6: That this Ordinance shall take effect upon adoption on second reading.

PASSED FIRST READING: _____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Maxwell B. Chambers

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this ORDINANCE 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





















Ord. No. _____

TITLE COMMITMENT INFORMATION TABLE

FIRST AMERICAN TITLE INSURANCE COMPANY., FAST FILE No. 1062-262702
EFFECTIVE DATE: OCTOBER 10, 2011, AT 8:00 A.M.

1. **ITEM 18, NOT A SUBJECT RELATED MATTER.**
2. **ITEM 19, PLAT AND AMENDMENTS, P.B. 163, PG. 20, AS MODIFIED BY O.R.B. 27399, PG. 757; O.R.B. 28553, PG. 430; O.R.B. 28575, PG. 446; O.R.B. 33242, PG. 153, AFFECTS THE SUBJECT PROPERTY AND WHERE APPLICABLE, ARE SHOWN.**
3. **ITEM 10, RESERVATIONS, D.B. 446, PG. 198; D.B. 470, PGS. 150, 160, 217, 229, 231, 233; D.B. 490, PGS. 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.**
4. **ITEM 11, RESOLUTION NO. 94-8, O.R.B. 22078, PG. 112, AFFECTS THE SUBJECT PROPERTY BUT CONTAINS NO PLOTTABLE MATTERS.**
5. **ITEM 12, ORDINANCE NO. 94-20, O.R.B. 25021, PG. 894, AFFECTS THE SUBJECT PROPERTY BUT CONTAINS NO PLOTTABLE MATTERS.**
6. **ITEM 13, AGREEMENT, O.R.B. 25355, PG. 571, AFFECTS THE SUBJECT PROPERTY BUT CONTAINS NO PLOTTABLE MATTERS.**
7. **ITEM 14, RESOLUTION NO. 95-212, O.R.B. 26446, PG. 80, AFFECTS THE SUBJECT PROPERTY BUT CONTAINS NO PLOTTABLE MATTERS.**
8. **ITEM 15, ORDINANCE NO. 0-173, O.R.B. 26666, PG. 840, AFFECTS THE SUBJECT PROPERTY BUT CONTAINS NO PLOTTABLE MATTERS.**
9. **ITEM 16, DRAINAGE EASEMENT, O.R.B. 28736, PG. 221, VACATED BY O.R.B. 28468, PG. 894, DOES NOT AFFECT THE SUBJECT PROPERTY, (VACATED) BUT SHOWN HEREON.**
10. **ITEM 17, RESOLUTION NO. 97-20, O.R.B. 28792, PG. 89, AFFECTS THE SUBJECT PROPERTY BUT CONTAINS NO PLOTTABLE MATTERS.**
11. **ITEM 18, RESOLUTION NO. PZB-97-03, O.R.B. 26024, PG. 172, DOES NOT AFFECT THE SUBJECT PROPERTY.**
12. **ITEM 19, DRAINAGE EASEMENT, O.R.B. 28621, PG. 306, VACATED BY O.R.B. 28468, PG. 897, DOES NOT AFFECT THE SUBJECT PROPERTY, (OFFSITE).**
13. **ITEM 20, RESOLUTION NO. 97-180, O.R.B. 28613, PG. 871, DOES NOT AFFECT THE SUBJECT PROPERTY.**
14. **ITEM 21, AGREEMENT, O.R.B. 27367, PG. 77, AFFECTS THE SUBJECT PROPERTY BUT CONTAINS NO PLOTTABLE MATTERS.**
15. **ITEM 22, RESOLUTION NO. 98-1, O.R.B. 27808, PG. 939, AFFECTS THE SUBJECT PROPERTY BUT CONTAINS NO PLOTTABLE MATTERS.**
16. **ITEM 23, DECLARATION, O.R.B. 27939, PG. 803, AFFECTS THE SUBJECT PROPERTY BUT CONTAINS NO PLOTTABLE MATTERS.**
17. **ITEM 24, RESOLUTION NO. PZB-98-05, O.R.B. 28019, PG. 726, DOES NOT AFFECT THE SUBJECT**

KEY TO ABBREVIATIONS & SYMBOLS LEGEND

B.C.R.	BROADWAY COUNTY RECORDS		AIR CONDITIONING UNIT
C.	CENTERLINE		CATCH BASIN
C.B.S.	CONCRETE BLOCK & STUCCO		CONCRETE LIGHT POLE
CONC.	CONCRETE		CONCRETE UTILITY POLE
ELEV.	ELEVATION		CURB INLET
FD.	FOUND		ELECTRIC BOX
I.P.	IRON PIPE		FIRE HYDRANT
I.B.	IRON ROD		GUY ANCHOR
O.R.B.	LICENSED BUSINESS		METAL LIGHT POLE
(P)	OFFICIAL RECORDS BOOK		TELEPHONE POLE
P.B.	PLAT		SIGN
P.G.	PLAT BOOK		SIGN
PAGE	PAGE		SANITARY SEWER MANHOLE
PSM	PROFESSIONAL SURVEYOR & MAPPER		WOOD UTILITY POLE
R/W	RIGHT OF WAY		WOOD UTILITY POLE W/RIGHT
(S)	AS SURVEYED IN THE FIELD		WATER METER
TYP.	TYPICAL		WATER VALVE
I/W	WITH		OAK
N 595566.635	INDICATES STATE PLANE		MYRTLE
E 855043.948	COORDINATES		PALM
NON-VEHICULAR ACCESS LINE			



SCALE: 1 inch = 30 feet

ZONING INFORMATION

ZONING - (B2) COMMUNITY BUSINESS DISTRICT

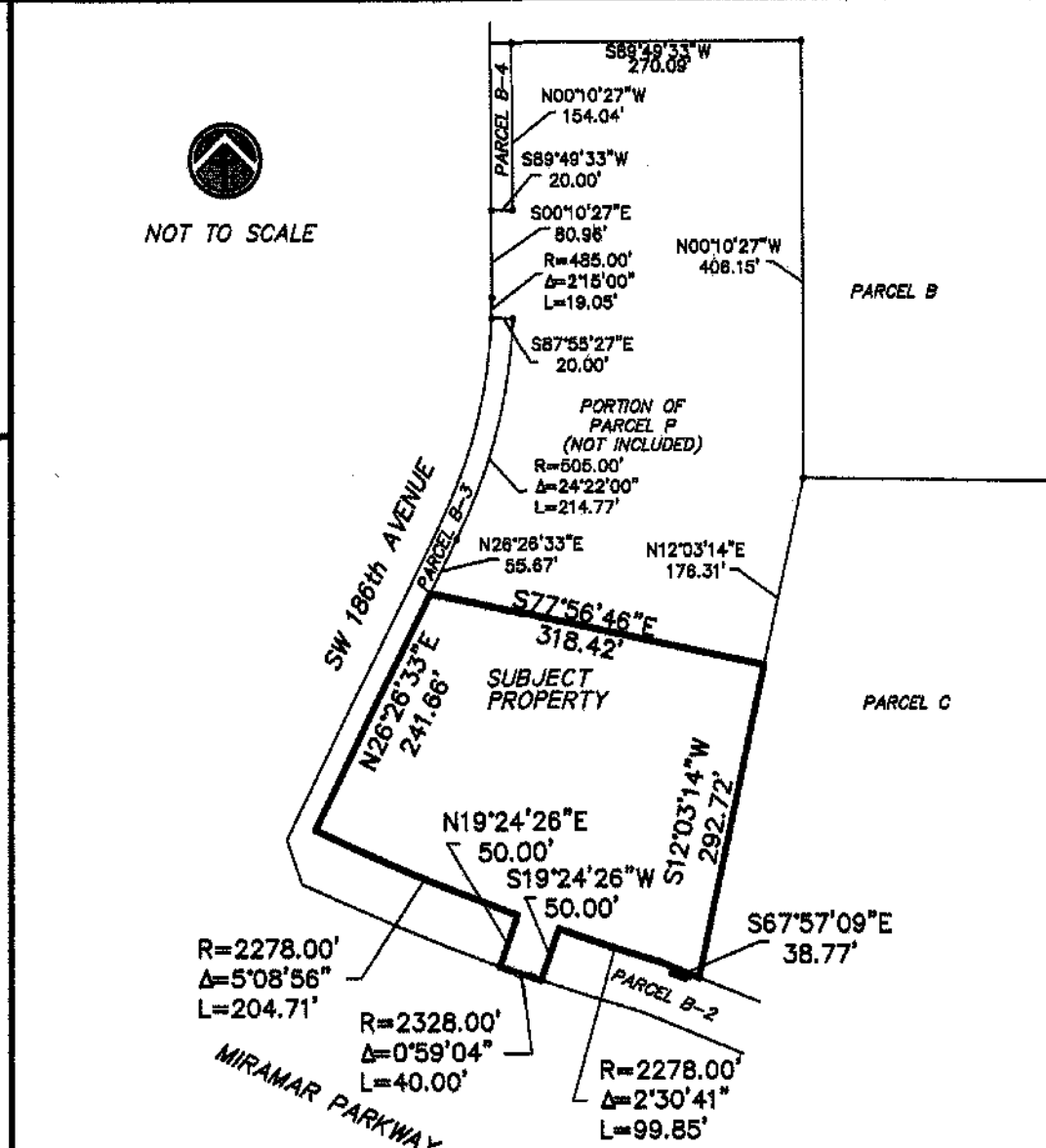
SETBACKS PER CITY OF MIRAMAR LAND DEVELOPMENT CODE SECTION 705.3.1 THROUGH 705.3.8.

FRONT YARDS

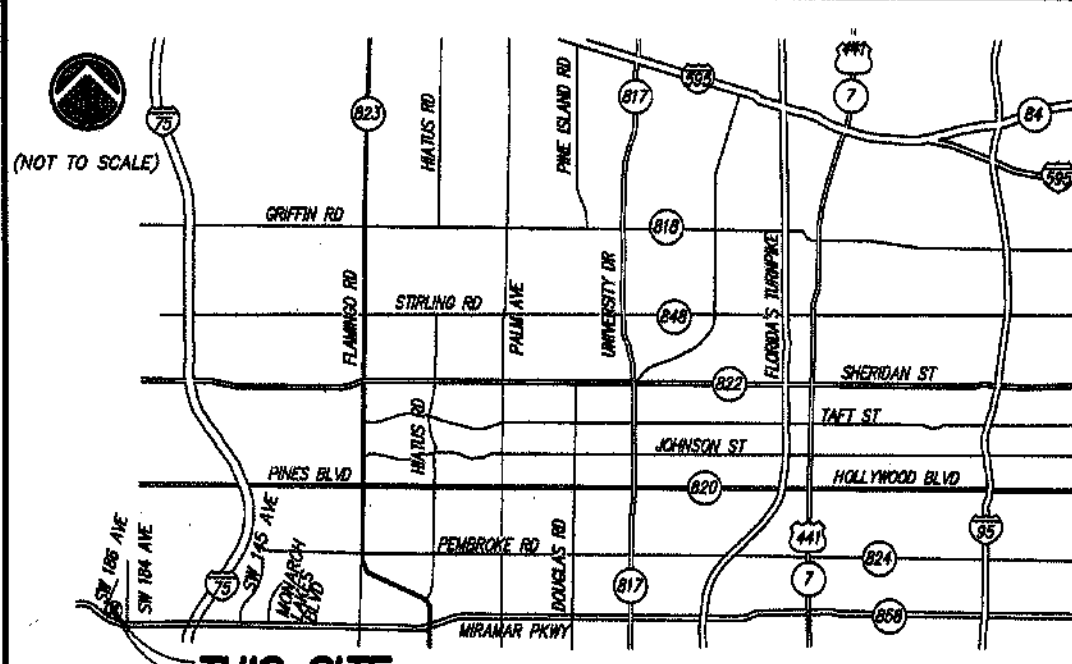
SIDE YARDS:
MINIMUM OF 20' FOR ADJACENT STREET SIDE

REAR YARDS:

SKETCH DEPICTING REMAINING PORTION OF PARCEL 1



LOCATION MAP



NATIONAL FLOOD RATE INFORMATION

COMMUNITY PANEL No.:	12011C 0290 F
F.I.R.M. INDEX DATE:	10-2-97
EFFECTIVE DATE:	8-18-92
BASE FLOOD ELEVATION	6.00
ZONE:	AH

SURVEYOR'S NOTES

1. THE UNDERSIGNED SURVEYOR HAS BEEN PROVIDED A COPY OF A COMMITMENT FOR TITLE INSURANCE AND ASSOCIATED DOCUMENTS, PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE #10.0, 10/10/2014, DATED 10/10/2014, WHICH SETS FORTH ALL OBLIGATIONS AND THEREBY RELEASES THE SURVEYOR OF LIABILITY RELATING TO THE SURVEY OF THE SUBJECT PROPERTY AND LISTED UNDER THE SOURCES OF INFORMATION HAVE BEEN REVIEWED AND NOTED HEREON. THERE MAY BE ADDITIONAL DEEDS, EASEMENTS, UNRECORDED INSTRUMENTS OR OTHER MATTERS AFFECTING TITLE OR BOUNDARY OF THE SUBJECT PROPERTY WHICH ARE NOT KNOWN TO THE SURVEYOR.
2. MEASUREMENTS SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF.
3. SUN-TECH ENGINEERING, INC. RESERVES THE RIGHT TO UTILIZE ANY AND ALL INFORMATION OBTAINED IN THE PREPARATION OF THIS SURVEY, INCLUDING THIS MAP OF SURVEY, FOR ANY OTHER PURPOSES. UNLESS NOTED, UNDERGROUND FORTIONS, FOUNDATIONS, SUBTERRANEAN UTILITIES OR OTHER SUBSURFACE FEATURES HAVE NOT BEEN LOCATED FOR THE PURPOSES OF THIS SURVEY.
4. THE BASIS OF THIS SURVEY IS A LEGAL DESCRIPTION PREPARED BY THIS OFFICE AND CONTAINED HEREIN, WHICH IS PREPARED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 472, FLORIDA STATUTES.
5. THIS DRAWING MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE PERMISSION OF SUN-TECH ENGINEERING, INC. ADDITIONS OR DELETIONS TO THE SURVEY MAP BY OTHER THAN THE SIGNING PARTY IS STRICTLY PROHIBITED.
6. THIS DRAWING IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. THE CERTIFICATION CONTAINED HEREIN IS FOR THE LATEST DATE OF FIELD SURVEY OR LATEST REVISION DATE, WHENEVER APPLICABLE.
8. BEARINGS SHOWN HEREON ARE BASED ON THE RECORD PLAT SUNSET LAKES AND ARE RELATIVE TO THE EAST LINE OF PARCEL B BEARING NORTH 12°03'14" EAST, AN ESTABLISHED AND MONUMENTED LINE (SEE SUBSECTION 10.0).
9. SOME FEATURES SHOWN HEREON MAY BE DRAWN "OUT OF SCALE" FOR THE PURPOSES OF CLARITY. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED MEASUREMENTS.
10. SUN-TECH ENGINEERING, INC. IS AUTHORIZED TO PROVIDE SURVEYING AND MAPPING SERVICES BY THE STATE OF FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION LICENSE NO. LB.7019, PURSUANT TO THE PROVISIONS OF CHAPTER 472, FLORIDA STATUTES.
11. THIS SURVEY DOES NOT DETERMINE OWNERSHIP OF THE SUBJECT PROPERTY OR ITS ADJACENTS.
12. THE INFORMATION CONTAINED HEREON IS BASED ON THE SOURCES OF INFORMATION AND THE SOURCES OF THE HORIZONTAL ACCURACY OF FIELD MEASURED CONTROL MEETS THE APPLICABLE REQUIREMENTS OF CHAPTER 55-17.051(10)(i). THE ACCURACY OBSERVED IS ±1:165,880 AND IS BASED ON A CLOSED GEOMETRIC FIGURE. THE EXPECTED USE OF THE PROPERTY IS COMMERCIAL/HIGH RISK, MANDATING A MAXIMUM PERMITTED ERROR OF ±1:110,000.
13. SOURCE OF INFORMATION RECEIVED AND USED IN THE PREPARATION OF THIS SURVEY IS AS FOLLOWS:
- A. RECORD PLAT ENTITLED SUNSET LAKES, PLAT BOOK 153, PAGE 20, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
- B. ELEVATIONS SHOWN HEREON ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929, AND ARE RELATIVE TO THE FOLLOWING DESCRIBED BENCHMARK:
- A. BROWARD COUNTY ENGINEERING DIVISION BENCHMARK #1054, DESCRIBED AS STANDARD BROWARD COUNTY BRASS NAIL IN CONCRETE SLAB, SOUTH SIDE OF BRIDGE #600-4 (MCPHAR PARKWAY OVER FLAMINGO CANAL), DISC IS 2 FEET SOUTH OF SIDEWALK, ELEVATION = 5.890.
14. THE PURPOSE OF THIS MAP OF SURVEY IS TO DEPICT THE RESULTS OF A BOUNDARY SURVEY PURSUANT TO CHAPTER 55-17.051(10)(i). THE PURPOSE OF THIS SURVEY IS NOT TO DETERMINE OWNERSHIP OF THE SUBJECT PROPERTY. CONTRACTUAL CONSIDERATIONS AND OBLIGATIONS BETWEEN THE SURVEYOR AND CLIENT MAY BE ADDRESSED IN THE PREPARATION OF THIS SURVEY.
15. GRID BEARINGS AND STATE PLANE COORDINATES SHOWN HEREON ARE RELATIVE TO THE RECORD PLAT OF SUNSET LAKES, PLAT BOOK 153, PAGE 20, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. THE EAST ONE-HALF OF TOWNSHIP 31° SOUTH, RANGE 39° EAST, AS RECORDED IN MISCELLANEOUS PLAT BOOK 6, PAGE 20 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND AS TRANSFORMED TO THE NORTH AMERICAN DATUM OF 1983.
16. THERE IS NO OBSERVABLE EVIDENCE OF THIS SITE BEING USED AS A SOLID WASTE DUMP, SLUMP OR SANITARY LANDFILL.
17. THERE IS OBSERVABLE EVIDENCE OF RECENT EARTH MOVING WORK, AS THE SITE HAS BEEN FILLED TO

LEGAL DESCRIPTION

A PORTION OF PARCEL "P", AS SHOWN ON THE PLAT OF "SUNSET LAKES", AS RECORDED IN PLAT BOOK 163 AT PAGE 20 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID PARCEL "P1", THENCE NORTH 12°03'14" EAST, ALONG THE EASTERLY BOUNDARY OF PARCEL "P1", FOR 292.72 FEET; THENCE NORTH 77°48'46" WEST FOR 318.43 FEET; THENCE SOUTHWESTERLY ALONG A CIRCULAR CURVE THAT BEARS SOUTH 12°03'14" EAST FROM THE RADIUS POINT, THENCE SOUTHEASTERLY ALONG A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 2278.00 FEET AND A CENTRAL ANGLE OF 87°08'56" FOR AN ARC DISTANCE OF 204.71 FEET; THENCE SOUTH 19°42'26" WEST FOR 50.00 FEET TO A POINT ON A CIRCULAR CURVE THAT BEARS SOUTH 12°03'14" EAST FROM THE RADIUS POINT, THENCE SOUTHEASTERLY ALONG A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 2328.00 FEET AND A CENTRAL ANGLE OF 87°04'04" FOR AN ARC DISTANCE OF 167.10 FEET; THENCE NORTH 19°42'26" EAST FOR 50.00 FEET TO A POINT ON A CIRCULAR CURVE THAT BEARS SOUTH 18°49'18" WEST FROM THE RADIUS POINT; THENCE SOUTHEASTERLY ALONG A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 2328.00 FEET AND A CENTRAL ANGLE OF 87°04'04" FOR AN ARC DISTANCE OF 167.10 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 67°57'08" EAST FOR 38.37 FEET TO THE POINT OF BEGINNING. (LAST MENTIONED SEVEN COURSES WERE ALONG THE WESTERLY AND SOUTHERLY BOUNDARIES OF SAID

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF MIRAMAR, BROWARD COUNTY, FLORIDA.

LAND AREA AS SURVEYED

96,006 SQUARE FEET, 2.2040 ACRES

SURVEYOR'S CERTIFICATE

TO: FRAGAMAR LLC, A FLORIDA LIMITED LIABILITY COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY; RUDEN, McCLOSKEY, P.A.; AND EACH OF THEIR RESPECTIVE, SUCCESSORS AND/OR ASSIGNS.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED (THIS "SURVEY") WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2011, AND INCLUDES ITEM TABLE 1, (IN PART), 0 (b), 8, 11 (a), 13, 14, 16 AND 18 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF FLORIDA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

THIS SURVEY WAS PREPARED WITH THE BENEFIT OF FIRST AMERICAN TITLE INSURANCE COMPANY, FAST NUMBER 1062-2627021, DATED OCTOBER 10, 2011, AT 8:00 A.M. AND WE CERTIFY THAT THE LEGAL DESCRIPTION ON THIS SURVEY AND THE LEGAL DESCRIPTION IN THE TITLE EVIDENCE DESCRIBE ONE AND THE SAME PROPERTY.

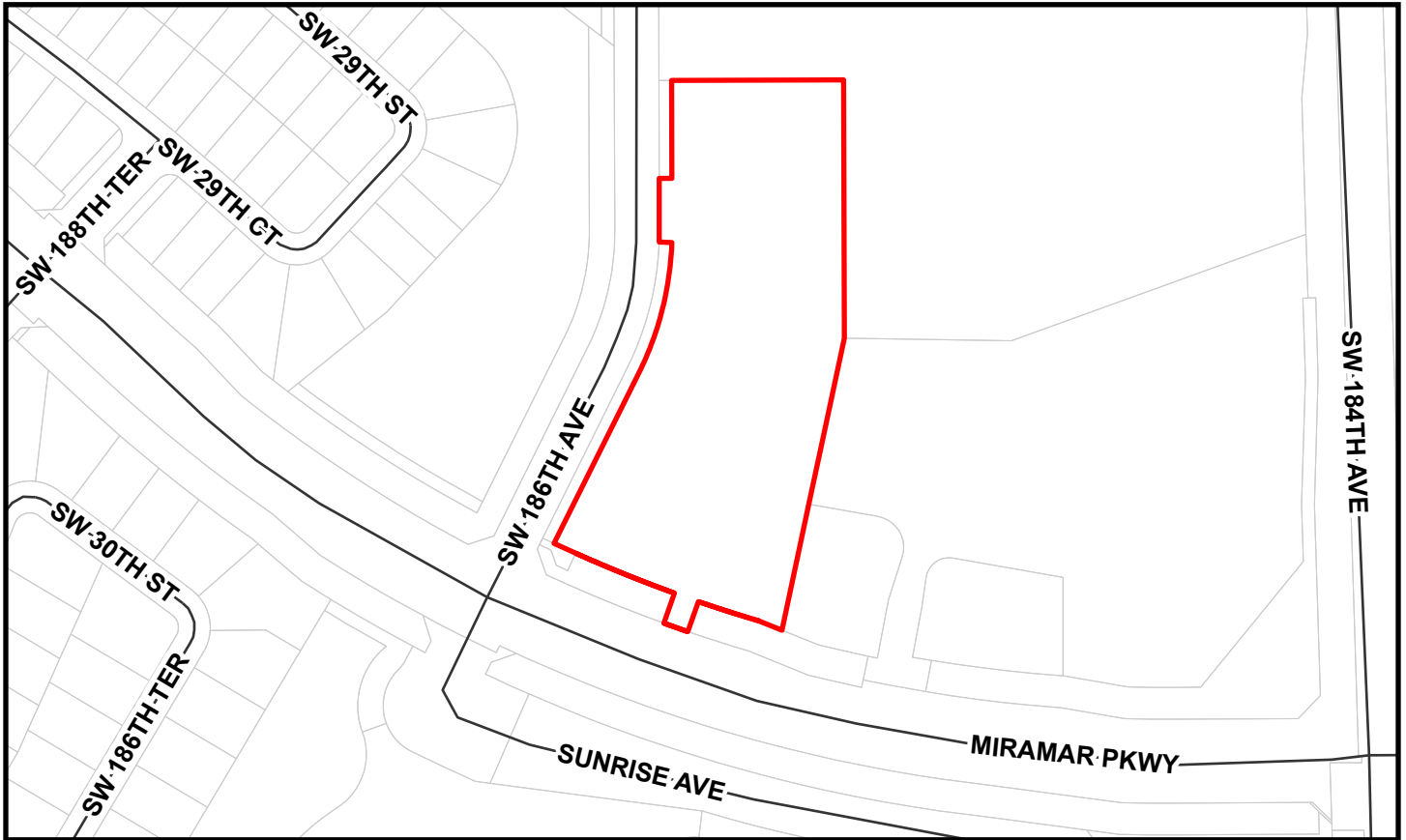
THE UNDERSIGNED FURTHER CERTIFIES THAT THE SURVEY CONFORMS TO THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 5J-17.052(2) OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.037, FLORIDA STATUTES.

SUN-TECH ENGINEERING, INC.

CHARLES E. ROSSI, P.L.S.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4798

Location Map/Aerial View
ZR 2000734

Attachment 1



0 250 500 Feet





City of Miramar
Community Development Department
Development Review Report - Rezoning

I. Project Summary

Project Name: Calvary Fellowship Church Phase 3 Expansion

Application: 2000734 – Rezoning

Application Summary: The Applicant/Owner is requesting to rezone a portion of the site from Community Business (B2) to Community Facilities (CF) for the expansion of the church as part of Phase 3, which proposes 20,662 additional square feet, including an 800-seat sanctuary. This property is located at the northeast corner of Miramar Parkway and Southwest 186th Avenue in Sunset Lakes. Accordingly, the developer is processing a site plan amendment application in conjunction with the other development applications related to this project.

Related Application(s): Site Plan – 1907992
Plat Note Amendment – 1907994
CAB – 1908712
Escrow – 1907996

Agent: Rosana D. Cordova
Cordova Rodriguez & Associates
6941 Southwest 196th Avenue, Suite 28
Pembroke Pines, Florida 33332
Phone: (954) 880-0180
E-mail: rcordova@craengineering.com

Owner: Calvary Fellowship, Inc.
2951 SW 186 Avenue
Miramar, FL 33029
(954) 589-1244

Application #2000734
Project Manager: Saul Umana

Site Location:	NORTHEAST CORNER OF MIRAMAR PARKWAY AND SOUTHWEST 186 TH AVENUE (Folio No. 513925030270)
Land Use Plan Designation:	COMMERCIAL
Existing Zoning:	COMMUNITY BUSINESS (B2)
Existing Use:	Vacant
Proposed Zoning:	COMMUNITY FACILITIES (CF)

	EXISTING USE	ZONING	LAND USE PLAN
North	Sunset Lakes Municipal Complex	OS, Recreation/Open Space	Low 2 Residential
East	Shoppes at Sunset Lakes	Community Business (B2)	Low 2 Residential
South	Sunset Lakes (Residential)	Residential 3 (RS 3)	Low 2 Residential
West	Sunset Lakes (Residential)	Residential 3 (RS 3)	Low 2 Residential



III. Background

On July 3, 2013, the Master Site Plan for Calvary Fellowship was approved. Phase 1 construction consisted of the multi-purpose building with parking and infrastructure for future expansion. The City Commission approved the Calvary Fellowship Church site plan and community appearance board applications for the church (Resolutions 13-139 and 13-140).

On September 1st of 2016, Calvary Chapel applied for a Site Plan Amendment which resulted in the addition of an auxiliary building that provided space for a children's area and playground. The Phase 2 approved development is for 11,000 SF. This application is for the Rezoning of the subject property from B2 to CF.

IV. Review Criteria

Section 304.7 of the City's Land Development Code contains the standards for reviewing proposed rezoning applications. The City shall find whether the criteria below are met.

Please address underlined comments.

- 1) *The proposed amendment is consistent with the goals, objectives and policies of the City's Comprehensive Plan.*

Applicant's Response:

The proposed amendment to the zoning map from B2 – Community Business to CF – Community Facility is consistent with the goals, objective and policies of the city's comprehensive plan. The land use for this site is Commercial and per Future Land Use Element Objective 1, Policy 1.4, community facilities are permitted in this land use. This site is the southern portion of the existing church of the overall property and will be rezoned to conform with the remainder of the property.

Staff's Evaluation:

The proposed use of church space is permitted under the current B2 designation; however, B2 has different bulk regulation requirements than CF. In addition, it is always preferable to have a unified zoning for a property. The proposed Phase 3 development will also provide a uniform and cohesive development that will be compatible with the surrounding community facilities and residential developments.

- 2) The proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses.

Applicant's Response:

The proposed zoning district is compatible with the surrounding area's zoning designation and existing uses. The northern portion of the property is zoned Community [Facilities] and this change will allow for the entire property owned by the church to be zoned Community Facilities. The surrounding zoning designations are residential and commercial, and community facilities are allowed and encouraged near residents.

Staff's Evaluation:

The subject property is compatible with the surrounding zoning designations and existing uses. The

rezoning will aid in creating a single designation for the Parcel as the northern portion is zoned for Community Facilities while the southern portion is currently B2. The subject property is also adjacent to the Sunset Lakes Municipal Complex, while the surrounding communities are single-family residential and multi-family residential. The adjacent property to the east is zoned for B2; however, under the B2 designation an 800-seat sanctuary is permitted.

- 3) *The subject property is physically suitable for the zoned purpose and/or the proposed use and purpose.*

Applicant's Response:

The subject site is physically suitable for the Community Facilities zoning. This property is the southern half of the existing church property.

Staff's Evaluation:

As the Applicant has stated, the subject property will hold the expansion of an already existing church in the northern property. The expansion of the 800-seat sanctuary is currently proposed on the southern half of the property, which is currently designated B2. The expansion of the sanctuary is proposed to be unified and connected in similar site design and architecture with the rest of church located on the northern portion currently designated CF. Thus, the purpose of this rezoning is to allow the expansion of the church to fall under one unified CF designation which is better suited for church use. In addition, bulk regulations for CF are more suitable for the proposed site plan.

- 4) There are sites available in other areas currently zoned for such use.

Applicant's Response:

The northern portion of this property is owned by the church and is zoned Community Facilities. There are other areas currently zoned CF in the city.

Staff's Evaluation:

There are other areas in the City zoned for Community Facilities, but they are not vacant properties and rezoning this parcel adjacent to a CF parcel with the same ownership, will allow the entire property to be unified with the rest of the church under one zoning designation.

- 5) *If applicable, the proposed change will contribute to redevelopment of an area in accordance with an approved redevelopment plan.*

Applicant's Response:

This site is not within an area for redevelopment.

Staff's Evaluation:

The City does not have a redevelopment plan for this area.

6) *The proposed change would adversely affect traffic patterns or congestion.*

Applicant's Response:

The trip generation characteristics for this analysis were determined using the trip generation rates and equations contained in the Institute of Transportation Engineer's (ITE) Trip Generation (10th Edition) report. Based upon this information, the trip generation rates for the proposed development are as follows:

CHURCH - ITE LAND USE #560

- ☐ Weekday: $T = 6.14 (X) + 17.09$ where T = number of trips and X = 1,000 sq. ft. gross floor area
- ☐ AM Peak Hour: $T = 0.36 (X) - 0.74$ (60% in / 40% out)
- ☐ PM Peak Hour: $T = 0.37 (X) + 3.90$ (45% in / 55% out)

DAY CARE CENTER - ITE LAND USE #565

- ☐ Weekday: $T = 47.62 (X)$ where T = number of trips and X = 1,000 sq. ft. gross floor area
- ☐ AM Peak Hour: $T = 11.00 (X)$ (53% in / 47% out)
- ☐ PM Peak Hour: $T = 11.12 (X)$ (47% in / 53% out)

SHOPPING CENTER - ITE LAND USE #820

- ☐ Weekday: $\ln(T) = 0.68 \ln(X) + 5.57$ where T = number of trips and X = 1,000 sq. ft. gross leasable area
- ☐ AM Peak Hour: $T = 0.50 (X) + 151.78$ (62% in / 38% out)
- ☐ PM Peak Hour: $\ln(T) = 0.74 \ln(X) + 2.89$ (48% in / 52% out) ☐ Pass-by: 34%

The resulting trip generation characteristics for the approved and proposed future development programs are presented in Table 1 below.

Table 1 Trip Generation Summary Calvary Fellowship - Miramar, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Approved Uses</i>								
Church	30,665 SF	205	6	4	10	7	8	15
Day Care Center	21,180 SF	1,009	123	110	233	111	125	236
Shopping Center	8,500 SF	1,125	97	59	156	42	46	88
- Pass-by Trips (34%)		(383)	(33)	(20)	(53)	(14)	(16)	(30)
Total		1,956	193	153	346	146	163	309
<i>Proposed Uses</i>								
Church	50,000 SF	324	10	7	17	10	12	22
Day Care Center	21,180 SF	1,009	123	110	233	111	125	236
Total		1,333	133	117	250	121	137	258
Difference (Proposed - Approved)		(623)	(60)	(36)	(96)	(25)	(26)	(51)

Compiled by: KBP Consulting, Inc. (October 2019).

Source: Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition).

As indicated in Table 1, the proposed uses within Parcel P are anticipated to generate 1,333 daily vehicle trips, 250 AM peak hour vehicle trips (133 inbound and 117 outbound), and 258 PM peak hour vehicle trips (121 inbound and 137 outbound). When considering the approved uses on this parcel, this represents a decrease of 623 daily vehicle trips, a decrease of 96 AM peak hour vehicle trips, and a decrease of 51 PM peak hour vehicle trips.

Conclusions

Based upon the foregoing trip generation analysis, it is apparent that the proposed development program on Parcel P of the Sunrise Plat will result in fewer daily and peak hour vehicle trips when compared with the approved uses on this parcel. As a result of this reduced traffic impact, no further traffic analyses are warranted at this time.

Staff's Evaluation:

The provided data was evaluated by the Development Review Committee. Staff concurs that the change in zoning category from a commercial designation to a community facility designation represents a decrease in potential traffic, as the previously approved but unbuilt shopping center would have drawn more vehicular traffic to the site on average than the church.

- 7) *The proposed change would adversely impact population density such that the demand for water, sewers, streets, recreational areas and facilities, and other public facilities and services would be adversely affected; and*

Applicant's Response:

(chapter 21, article V, 21-195)

Place of Worship: 0.011ERC/Seat

Chapel: 800 Seats

ERC: 8.8 (*Equivalent Residential Capacity*)

8.8 ERCs x 325 gpd/ERC = 2,860 gpd Water (*gallons per day*)

Sewer = 95% of water demand = 2,717 gpd

Staff's Evaluation:

Water and sewer demand were analyzed by the Utilities and Engineering Services Departments. The DRC finds it to be an acceptable level of service.

- 8) *Whether the proposed change would have an adverse environmental impact on the vicinity; and*

Applicant's Response:

The proposed change will not have an adverse environmental impact on the vicinity. The property has been filled and has been used for overflow parking for church events.

Staff's Evaluation:

Staff concurs with this statement.

- 9) *Whether the proposed change would adversely affect the health, safety, aesthetics and welfare of the neighborhood or the city.*

Applicant's Response:

The proposed change will not adversely affect the health, safety, aesthetics and welfare of the neighborhood or city.

Staff's Evaluation:

It is anticipated that the proposed change would not adversely affect the health, safety and welfare of the neighborhood or City as a whole, any proposed development would be constructed in accordance with the City of Miramar Land Development Code. Additionally, the project is currently under Community Appearance Board review to properly address the façades facing Miramar Parkway and Southwest 186th Avenue. The expansion of the existing use on to this parcel is found to be sufficient with the proposed site plan reviewed by the DRC.

V. Staff Recommendation

Staff recommends approval of application 2000734.

VI. Development Review Committee (DRC)

The DRC recommended approval of application 2000734 on March 11, 2020.

VII. Community Meeting

A Virtual Community Meeting was conducted on June 1, 2020. A summary of the discussion is noted in the memorandum.

VIII. Planning & Zoning Board

The Planning and Zoning Board recommended approval of this application at a Virtual meeting on June 23, 2020.



MINUTES OF THE CITY OF MIRAMAR PLANNING AND ZONING BOARD MEETING

JUNE 9, 2020	6:30 P.M.
---------------------	------------------

The meeting of the Planning and Zoning (P&Z) Board was called to order virtually by Chairperson Thompson on Tuesday, June 9, 2020, at 6:34 p.m.

I. ROLL CALL

The following members of the Planning and Zoning Board were present remotely:

Matthew Thompson, Chairperson
Nasif Alshaier, Vice Chairperson (*arrived 7:20 p.m.*)
Marcus Dixon
Mary Lou Tighe
Vivian Walters, Jr.

The following members of the Planning and Zoning Board were absent:

Wayne Lomax (Excused)
Saran Earle-Smith (Excused)

A quorum was declared.

The following were also present remotely:

City Attorney Pam Booker
Ronnie Navarro, Assistant Director, Utilities
Michael Alpert, Principal Planner
Nixon Lebrun, Senior Planner
Pastor Bob Franquiz, Applicant's Representative
Rosana Cordova, Engineer, Applicant's Representative
Saul Umana, Assistant Planner
Deanna Allamani, Clerk/Recording Secretary

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

- **Regular Minutes of March 10, 2020**

Principal Planner Michael Alpert asked the Board to consider agenda item IV.1 first, and defer voting on the minutes, as Member Walters had announced that he had to leave the meeting at 7:00 p.m.

The approval of the minutes was taken near the end of the meeting.

IV. QUASI-JUDICIAL PUBLIC HEARING:

City Attorney Booker reviewed the City's quasi-judicial public hearing procedures, collectively swearing in any persons wishing to speak on the following item.

- 1) **Temp. Ord. #O1752 Application No. 2000734**, Temporary Ordinance 1752, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, CONSIDERING APPLICATION NO. 2000734, REZONING A 2.204-ACRE PARCEL FROM B2, COMMUNITY BUSINESS, TO CF, COMMUNITY FACILITIES, LOCATED AT THE NORTHEAST CORNER OF SOUTHWEST 186TH AVENUE AND MIRAMAR PARKWAY; AND PROVIDING FOR AN EFFECTIVE DATE.

Presenter: Michael Alpert, AICP, Principal Planner

Mr. Alpert reviewed the proposed application, as detailed in the backup, highlighting the following:

- The subject Rezoning was for the Calvary Fellowship Church situated on a five-acre parcel; the request was to rezone the southern two acres of the property from B2 to CF
- The Rezoning was a phase three expansion of the existing church; the northern portion of the property where the existing church building is located is already zoned Community Facilities
- The purpose of the zoning application was to unify the parcel under one zoning designation
- On June 1, 2020, a Virtual Community Meeting was held to introduce the project and obtain input from the public prior to the P&Z Board hearing; seven residents attended, and they had questions and concerns about the traffic flow, the expansion of the facility, and the days and hours of operation of the church, a summary of which was provided in the backup
- Rezoning ordinances required two separate readings by the City Commission, and those hearings were scheduled for June 17 and July 8, 2020; the site plan application would be considered at the July 8 meeting; residents could participate in all meetings
- When considering the proposed Rezoning, it's important to note that the existing commercial designation had a site plan previously approved to accommodate a shopping center on the two vacant acres; this shopping center was never built.

- The proposed change would result in a net decrease of 623 daily vehicular trips, a decrease of 96 a.m. peak hour vehicular trips, and a decrease of 51 p.m. peak hour vehicular trips, as compared to the commercial use previously approved for the subject site
- Staff recommended approval.

Member Dixon asked if, for the subject application, City staff followed the City's normal notification process for community meetings for the virtual community meeting.

Mr. Alpert replied the public notice went out two weeks prior to the community meeting on June 1, 2020, and the notice explained it would be a virtual meeting, as would the present P&Z Board meeting and the two upcoming Commission meetings. The notice included instructions on how members of the public could contact City staff to participate in those meetings, though when the notices went out, the City did not have the WebEx link. He received some emails, and people were sent the invite for the community meeting; a notice was posted on the property about upcoming meetings.

Member Walters thought some consideration should be given, since this was a new norm for everyone concerned, and two weeks notification might not be sufficient to get community members to respond and/or support for the agenda items.

Mr. Alpert stated members at the public did attend the virtual community meeting, joining the discussion and emailing questions about the application. The noticing of the virtual meeting met the City's minimum code requirements and Florida's statutory requirements for noticing public meetings.

Member Tighe recalled at the March 10, 2020, meeting, Member Walters requested staff include in the backup, summarized minutes of community meetings that took place for any agenda item. She asked Staff to notify the Board whenever community meetings were scheduled to allow Board members to attend, keeping in mind the City Attorney's counsel regarding the Sunshine Law, but she did not receive notice of the June 1 community meeting. She saw that residents mentioned traffic concerns, but there was very little detail about specific comments, and this was concerning to her.

Member Walters restated his concern about two weeks being adequate notice for virtual community meetings, though he understood City staff followed noticing guidelines. The present times were unusual, and until the City returned to its usual way of doing business, it seemed to him Staff should consider what allowances could be made to adjust and accommodate additional public noticing of virtual meetings. He asked if staff was required to adhere to the City's noticing guidelines regardless.

City Attorney Booker commented the Governor's orders did not mention anything about the time of notification, though there was still the requirement to comply with Florida Statute 286 to give notice of public meetings and allow the public to participate. The Governor's order suspended the requirement for everyone to meet in person at one location, thus the noticing used by City staff met those requirements. She understood some Board members were asking about providing more information to the Board on

what happened at the community meetings, such as what the public actually said. As to the legal requirements, as mentioned before, each local jurisdiction was handling such situations differently with regard to noticing and participation until they got back to full, in-person public meetings.

Member Walters stated he was clear on the City's existing noticing requirements for public meetings. However, at previous meetings, Board members requested Staff provide supporting documentation for community meetings on agenda items coming before the Board, such as minutes, so Board members could understand exactly what the interaction was at those meetings. His point and question were specific to noticing, and whether or not the City had the latitude to extend notification from two weeks, possibly, to 30 days; it appeared the answer was no. For people used to working with a computer and communicating in such meeting forums as Zoom, etc., virtual meetings presented little challenge, but there were likely some residents who needed more time to adjust. He said the City was giving residents two weeks' notice to get ready to participate in virtual meetings, without any knowledge as to their access to the technology that would allow them to attend a meeting virtually, to find a way to give their input or buy-in on issues related to their community. These actions could change their communities, and the notification time should be extended to allow residents the opportunity to have fair access to due process during such unusual times

Chairperson Thompson commented the City gave notice of the community meeting two weeks in advance, and many people had smartphones, with which they could access WebEx. Such access might be difficult for a select few, such as seniors who might not have a smartphone or use that type of technology, but City staff could not consent to change noticing requirements at the present meeting, as such action had to go through a process.

Member Dixon asked if it was in the City's authority to create a standard for public meetings that allowed notification of more than two weeks for the subject application, and then create a similar standard for future community meetings.

Mr. Alpert reiterated City staff issued the normal notification for public meetings, but what they did differently for the June 1 community meeting for the subject application was add the meeting to the website; with the help of the Marketing Department, word of the June 1 community meeting was spread throughout the Miramar community. Regular guidelines required mailed notices be sent to property owners within a radius of 1,000 feet of the applicant's property, and a sign posted on the property to notice the meeting had information for contacting the City planners specifically if they had any questions. He noted, in the past, as well as for the subject application, Staff received emails and phone calls; some people just wanted to know what it was about and had no issue with the change, while some people had specific questions and/or concerns. The people who participated in the June 1 community meeting had questions, though not a large number, and there were some concerns expressed, which he summarized in the P&Z Board memo; the two paragraphs spoke about the conversation at the community meeting, although there wasn't a verbatim reporting on the questions and answers; the people who asked questions seemed to be satisfied with Staff's responses. Mr. Alpert stated the

notices that went out and were posted were very clear that the community meeting would be virtual, just like the Commission meetings, where there were special accommodations and instructions to residents to reach out to City Staff 24 hours prior to the meeting if they wished their questions included on the record. No member of the public sought to communicate in the latter manner to City staff, so the virtual meeting was held with seven residents in attendance, along with the applicant and City staff on June 1. He acknowledged the Board requested at the March meeting that Staff provide more details on what transpired at community meetings, noting he was happy to discuss the details of the community meeting. Staff added information on the traffic analysis to the present PowerPoint, though it was not in the presentation made to the public at the community meeting; it was added in response to residents voicing traffic concerns at the community meeting. He mentioned a member of the public was responding to the dialogue at the present meeting, using the Chat function, stating: "I don't know if this helps, but I found that on the *Nextdoor* app, and I'm attending on my smartphone." Thus, there were people listening to the virtual meeting; and for those persons who did not live within the 1,000-foot radius, they might see the sign posted at the property, as well as see the notice on the website for the P&Z Board meeting, along with the agenda.

Member Walters said his question was answered, but he could not say that it satisfied where he stood on the matter.

Member Tighe restated her request that P&Z Board members be sent notification of upcoming community meetings.

Mr. Alpert commented, technically, Board members should not attend community meetings ***if the matter was coming before them for a vote***, and this, too, was true for Commissioners. If Board members or Commissioners attended such community meetings, they had to later disclose they attended the community meetings prior to the agenda item being considered, so it was better that they not attend them.

Member Walters sought clarification as to whether it was "better" that Board members not attend community meetings, or Board members were "not allowed" to attend such meetings; that is, was there any law or legislation prohibiting Board members from attending community meetings.

Mr. Alpert: No, there isn't a prohibition, but it was important for Board members to abide by the Sunshine Law.

City Attorney Booker remarked nothing prohibited Board members from attending community meetings, but it was possible their attendance could create Sunshine Law violations if more than one Board member attended. She said the Board's receiving the summary of those meetings was a better approach, and if there were residents expressing concerns at the community meeting, hopefully they would attend the P&Z Board meeting to voice them again.

Member Tighe noticed in the summary of the dialogue at the community meeting, questions were asked by residents regarding traffic; she asked for more information on

the traffic issues and the applicant's responses on how they would be handled.

Pastor Bob Franquiz of the Calvary Fellowship Church thought some questions at the community meeting were about adding a traffic light, which was something Broward County determined, while other questions were regarding whether the entrance was ingress or egress, so some of the questions were purely informational. They had police officers directing traffic, and there was a question as to which way they sent cars in between services and would the church's traffic conflict with public school pickup, which it would not, as there was no school on Sundays. From what he could tell, residents appeared satisfied with the applicant's answers.

Member Dixon knew it was better for the entire property to have the same zoning designation, asking if there were other reasons for changing the current zoning other than for uniformity.

Mr. Alpert explained if the property were to remain B2, the applicant would need to request a variance, as there was a different maximum setback requirement; it is also better not to have a split-zoned property from a legal standpoint. Sometimes codes changed over time, and if the existing conditions changed, it could make a property become a legal, nonconforming property, becoming an issue later if the property transferred ownership. He stated it was not an absolute requirement to rezone, but it was better to have consistent zoning for a unified site.

Chairperson Thompson opened the discussion to the public.

Judy Jawer, 3120 SW 187th Terrace, Miramar, commented the ingress proposed off Miramar Parkway would be fairly close to the Publix shopping center entrance, and one of the concerns residents had was on Sundays when there were three church services, there would be additional participants resulting from the proposed expansion. There was a very high possibility, with such a short distance between the two entrances, the shopping center entrance would get blocked, and the traffic coming from the church could, potentially, block people turning right or west onto Miramar Parkway from SW 184th Avenue heading south. She noted there was another concern with that church entrance, as they knew when school was in session for Sunset Lakes Elementary, the entrance for the parents on SW 186th Avenue was very often backed up onto Miramar Parkway. Thus, if an ingress was placed off of Miramar Parkway, she was unsure what would prevent people from cutting through the Calvary Church's property to bypass some of the traffic during the week. She believed if the applicant's ingress were approved, the entrance should be chained off to prevent usage any time other than church services. Ms. Jawer thought her residing in Sunset Lakes put her within 1,000 feet of the subject property; apparently not, as she received no notice of the June 1 community meeting. She said Mr. Alpert was terrific, and extremely responsive and professional, but without his help, she could not have participated in the community meeting on June 1 or the present Board meeting, as the information about the meeting was not readily available. She posted the notice on *Nextdoor* for others in the Miramar community to know about the subject item before the Board. The Calvary Church was terrific, and it was wonderful that more people wanted to attend the church, and in many ways the residents of Sunset Lakes were happy

the subject site was not a shopping center, though she questioned how much revenue the subject use would bring to the City, since revenue was currently an issue for the City. Ms. Jawer spoke about the exit, stating one of the parcels for Sunset Lakes, Grand Key, was directly across from Calvary Church, and with the existing level of participation at the church, it was difficult for residents in Grand Key to get in and out of their community on Sundays, because of cars going into the Calvary Church lot. She requested, with the additional traffic the church's expansion would create that cars exiting the Calvary site only be allowed to make a right after services to minimize the disruption to the Grand Key parcel.

Chairperson Thompson sought to confirm this would be a right onto SW 186th Avenue.

Ms. Jawer answered correct, heading north toward SW 184th Avenue, past Sunset Lakes Elementary on the right-hand side. She said Pastor Bob originally asked the Sunset Lakes Homeowners' Association (HOA) for permission for the ingress off Miramar Parkway, as she believed there was some land belonging to Sunset Lakes, to which the HOA said no. However, it had since been brought up at the community meeting by Rosana Cordova, the applicant's engineer, that ingress was already platted, but she did not know what that meant. She was unsure why Sunset Lakes' permission was requested for an ingress that was already a done deal.

Pastor Bob explained the Calvary Church had to move its existing fire lane a certain number of feet, and they asked if Sunset Lakes was amenable to them moving the fire lane, and the Sunset Lakes HOA approved the church's request in writing.

Ms. Jawer agreed they approved the moving of the fire lane, but she was told by a number of board members who were on the board at that time that, a year prior, Calvary asked Sunset Lakes for permission to open the entrance off Miramar Parkway.

Pastor Bob said it might have been someone else from Calvary, but he did not know, as the subject change was the church's first pass through, and he knew nothing about a previous pass through request. He saw no reason for Calvary to ask for permission for the opening, as their site was already platted for the church to have an entrance.

Ms. Jawer mentioned Calvary asked about putting up the church's sign, which she knew the Sunset Lakes HOA said no to, but she was unsure where the sign was meant to be.

Pastor Bob replied the sign would be located further in Calvary's property.

Mr. Alpert wished to address some of the questions posed by Ms. Jawer. He referred to the enlarged site plan in the PowerPoint presentation, which showed on the southern portion of the subject site the proposed entrance from Miramar Parkway, and there was also a turn lane. There was about 305 feet from the beginning of the church's driveway to the Shops of Sunset Lakes, which had another way in and out of the shopping center off SW 184th Avenue; the 305 feet met Broward County's traffic standard for separation of driveways. He indicated the turning lane shown would fit on the Miramar Parkway portion, fitting at least eight cars, and then another five would be accommodated on the

driveway leading into the church parking area. Looking at the aerial view, the Grand Key community abutted the City's property just to the north and west of the subject site, and he thought when a similar discussion was had at the June 1 community meeting, the residents and the applicant recognized there were times when traffic would be heavy; between the church personnel and the City's police officers, they tried to do the best they could with traffic management at times when people entered and exited for church services and other big events. With regard to the possibility of installing a traffic light, which was dictated by the County, usually there was a certain spacing requirement and a warrant for the number of vehicular trips. In speaking with the City's Engineering Staff, he did not foresee that being approved by the County.

Platting took place when a property was established, as it drew the boundaries, including ingress and egress points, easements, dedications, etc. He noted the subject site was actually a part of the entire Sunset Lakes Plat approved in 1997, along with the Sunset Lakes Amenities Center, the townhomes, all the single-family homes, the City's property to the north, and the shopping center to the east of the subject site. The subject parcel had an ingress easement on Miramar Parkway, but it allowed right turns only, and did not allow the in and out, hence the driveway configuration illustrated. He explained, previously, there was a shopping center approved for the subject two-acre portion of the property, but it only had an ingress into the site, with no way of exiting the site. On the SW 186th Avenue perimeter of the property was an easement on property owned by the Sunset Lakes HOA, and it was this portion that the HOA was asked to approve for an actual driveway anyone could use to enter/exit off SW 186th Avenue. He said this never materialized, and the shopping center was never built; the land was sold to the Calvary Church, and the location of the driveway shown on the site plan was on property that belonged to the church not Sunset Lakes. Regarding revenue to the City from the subject property, Mr. Alpert stated the property was sold in 2017 to the church, which was a tax exempt, nonprofit organization. Along with an assessment, the only revenue from the church to the City was in the form of building permit fees, impact fees for the new facility, and payment for water service.

Chairperson Thompson received no further input from the public. He asked the Board to make a motion to approve the item, and received no motion, after which he asked for a motion to deny the application, and again he received no response. He noted Vice Chairperson Alshaier had joined the meeting.

Vice Chairperson Alshaier indicated he was unable to vote on the subject item, as he received the email late and had no chance to review the backup material.

Member Walters continued to express concern about the residents not being given adequate time to position themselves to participate in virtual community meetings. He was not questioning whether Staff and the applicant did what they were required to do, rather, his focus was on making sure residents had adequate opportunities to voice their concerns. This would remain his concern, whether the item was approved or not.

Chairperson Thompson understood Member Walters's concern. He wished the notification radius could be increased, but it appeared such changes were beyond the

Board's control.

Member Walters reminded the Board he mentioned before the meeting started that he had to leave the meeting early.

Member Tighe expressed concern about the traffic impact, and she did not think there had been sufficient discussion with the applicant regarding traffic impacts to satisfy her concerns. Normally, when such an application came before the Board, a traffic engineer spoke about the different issues and, based on the applicant's responses, it seemed they were not sure about the impacts.

Pastor Franquiz pointed out Mr. Alpert showed the number of trips resulting from the proposed use would be less than a shopping center would generate, and the church was already on the property. Even with the expansion, as he said in the last meeting, they were talking about 80 cars, and there would be another entrance that would lessen traffic, as people could enter the site from two different directions.

Member Tighe recalled a mention of other events.

Member Walters interjected that he had to leave the meeting.

Pastor Franquiz commented his project team was present, and they hoped the proposed application would be approved by the Board, as they had been going through the process for months. He was happy to answer any questions, as he hoped the subject meeting would not be for naught.

Chairperson Thompson responded the meeting would not have been for naught, as the application could be moved to the July 2020 Board meeting; the Board could not vote, as they did not have a quorum with Member Walters having to leave, and Vice Chairperson Alshaier stating he could not vote, since he had not read the application.

Mr. Alpert pointed out that it was possible for the Board to hold another meeting in late June before the second hearing by the Commission.

Member Walters thought it was not just a question of a quorum, as a number of Board members expressed concerns as to whether or not the subject application was where it needed to be for the Board to vote; that is, in terms of Board members' concerns being adequately addressed.

Chairperson Thompson commented on looking at the trip summary in the information provided to the Board; it showed if the use on the subject site was a shopping center, there would be more trips than a church.

Member Dixon stated he was unsure if the issues being voiced by the Board could be resolved at the present meeting.

Chairperson Thompson concurred, hence his suggestion the application be moved to the

Board's next meeting agenda.

Member Dixon withdrew his motion to approve before Member Walters left the meeting. He made a motion to move the item to the next Board meeting.

Mr. Alpert believed the next P&Z Board meeting was scheduled for July 14, 2020, and that date was after the Commission meeting of July 8, 2020, restating his suggestion for the Board to have a meeting in late June, perhaps two weeks from the present one.

Member Walters left the meeting.

City Attorney Booker pointed out the Board still had a quorum, despite Member Walters leaving the meeting, so the Board could take action on tabling the item.

Chairperson Thompson said the meeting date for hearing the subject application would be coordinated by Staff between the Board and the applicant.

Mr. Alpert stated the motion should contain whether the Board would meet in a special meeting prior to the next regular meeting date in July, or the application would be moved to the regular July meeting. The item had to be continued to a time certain.

City Attorney Booker stated June 23, 2020, was two weeks from the present meeting; this should give staff sufficient time to notice the special P&Z Board meeting.

Chairperson Thompson, Vice Chairperson Alshaier, and Members Dixon and Tighe indicated they were available to meet on June 23, 2020, at 6:30 p.m.

Chairperson Thompson asked for a motion to approve tabling Temp. Ord. #01752 to a special P&Z Board meeting on Tuesday, June 23, 2020, at 6:30 p.m.; a motion was made by Member Dixon, seconded by Member Tighe; the following vote was recorded:

AYE: Chairperson Thompson, Vice Chairperson Alshaier and Members Dixon and Tighe.

NO: None

ABSENT FOR VOTE: Members Lomax, Earle-Smith and Walters

MOTION PASSED: 4-0

Member Dixon remarked he had no issue or concern moving forward with the previously tabled application, but thinking the Board was losing its quorum, he wanted the Board to make some decision before that happened. He acknowledged Board members had a number of concerns, and his concern was brought out in comments by Ms. Jawer, and he was unsure if he was able to process all the information related to the voiced concerns

by both the Board and members of the public. This brought forth Member Tighe's request for the Board to have a more detailed summary of community meetings related to items the Board would be considering, so they better understood the community's response to an application. He thought, had the Board received a better record of the dialogue at the community meeting, particularly the residents' feedback, the Board could have been more prepared to ask questions of Staff and the applicant, etc.

Chairperson Thompson stated the only question he did not see in the backup was about the revenue stream; there were comments on the egress and the traffic study, but he hoped to see an actual site plan, so he could evaluate the end result or the proposed finished product. He understood a shopping center operating 24/7 would generate more traffic than a church, such as on a Monday at the end of a school day.

Member Dixon thought about such matters, as there was already a backup of traffic in the subject area, as mentioned by Ms. Jawer, and he was unsure if that was communicated in the backup information the Board received in advance; he was unsure if Ms. Jawer made such comments at the community meeting.

Member Tighe mentioned there would be times when other events would take place on church property, and those, too, would have traffic impacts outside of what the Board discussed earlier. Thus, she wished to know more about the various events that would take place on the subject property, aside from regular church services.

Chairperson Thompson agreed, special events could result in a bottleneck of traffic, and he tried to understand the aerial photographs in the backup prior to the meeting.

Vice Chairperson Alshaier asked if traffic counts were included in the City's traffic study.

Mr. Alpert: No, there weren't any recent traffic counts; the City did a traffic analysis when the church's site plan was approved in 2013, but one was not done for the subject project. Currently, it was really hard to conduct a traffic study, as the COVID-19 pandemic meant people's lives were not in a normal situation, with many families staying home, and people not yet back at work. Additionally, when there were holidays and summer breaks, the counts were unlikely to yield true numbers. City Staff felt comfortable using Institute of Transportation Engineers (ITE) standards for their review of the use the applicant proposed for the subject property, versus if the site was used for a shopping center, hence the net decrease of trips. There were peak periods, especially on Sundays, but during the course of a normal week, the applicant's existing and proposed expansion would not draw as much traffic as it would if the site were developed with a commercial or even a residential use.

Vice Chairperson Alshaier stated he was always concerned when traffic studies were based on calculations rather than on actual trip counts; that is, what was truly happening on the street.

V. LOCAL PLANNING AGENCY PUBLIC HEARING: NONE

VI. COMMUNITY DEVELOPMENT DEPARTMENT REPORT:

Mr. Alpert reminded the Board the consideration of the minutes was postponed to allow item VI.1 to be considered first, but the Board had a quorum, so they were at liberty to consider the approval of the March 10, 2020, minutes.

Member Tighe referred to the discussion in the March 10 minutes about Board members attending community meetings, at which the Board was told it was acceptable for them to attend community meetings related to items scheduled to come before the Board. Yet, at the present meeting, the Board was being told it was not acceptable for them to attend such meetings, so Staff needed to clarify the matter for the Board either way; some consistency was needed. The minutes stated Senior Planner Nixon Lebrun would include the Board in future community meeting notices. She was okay either way, but she needed clarity.

Chairperson Thompson: Was it possible for the Board to receive emailed public notices regarding upcoming community meetings, so Board members were aware of upcoming community meetings? Whenever applications came before the Board, usually the first question asked by the Board was whether a community meeting was held to get resident input.

Member Dixon added: when Staff sent the notice to the Board, they could check to see if any members planned to attend the community meeting.

City Attorney Booker: Staff could send notices for all meetings to the Board, and they had the option to attend as an individual decision, but if more than one Board member attended, there was a risk of violating the Sunshine Law. If only Staff and the public attended community meetings, this would not create Sunshine Law issues.

Member Dixon: If more than one Board member wished to attend, could that attendance be properly noticed to prevent the creation of a Sunshine Law issue?

City Attorney Booker: Yes; the City Clerk could address such noticing.

Member Tighe questioned if community meetings operated under the Sunshine Law.

City Attorney Booker replied community meetings were opened to the public and the manner in which those meetings were handled are not subject to the same standards; however, members of Boards or the City Commission who attended such meetings were always subject to Sunshine Laws. That is, they could not engage in discussions of items at those meetings that were coming before them for a vote. She noted, in such scenarios, any sidebar conversations with members of the public where Board or Commission members were present, there was a possibility for someone to make allegations that a Board or Commission member violated the Sunshine Law by discussing an item coming before them for a vote. Thus, a risk was created for any Board or Commission member attending and participating in the discussion at a community meeting. As the City's legal

counsel, she discouraged such attendance, but this was only her advice, which a Board or Commission member was free to disregard.

Vice Chairperson Alshaier asked if he attended a community meeting pertaining to an item coming before the Board for a vote, should he publicly disclose his attendance at the Board meeting prior to the Board's consideration of that item.

City Attorney Booker: Yes, Board members should disclose such attendance.

Member Tighe wished to at least receive notice of upcoming community meetings related to items scheduled to come up for the Board's consideration, and if she attended a community meeting and saw a fellow Board member there, she would rapidly excuse herself from the meeting.

Mr. Alpert referred to the March 10 minutes, stating there was a paragraph on page 15, in which Member Tighe asked about the Board being included in the notification for upcoming community meetings in light of the Sunshine Law, and the City Attorney's response was, "yes, they could receive notice, but if two or more members attended a community meeting, they could remain at the meetings if they did not converse." He was unsure if that reply was inconsistent with the present discussion.

Chairperson Thompson understood, under the Sunshine Law, there was no violation if more than one Board member attended a public meeting and did not interact.

City Attorney Booker said this was correct.

Chairperson Thompson reiterated, if four Board members attended a community meeting, they just had to stay clear of each other, so no one could claim there was any wrongdoing. He asked what would transpire if, for example, an applicant claimed two or more Board members plotted against them by being speaking to each other at a community meeting?

City Attorney Booker responded, in a worst case scenario, if a violation of the Sunshine Law was found under the above circumstance, the offenders would be removed from the Board, and at the Commission level, they would be removed from office and receive up to a \$500.00 fine. This was why attorneys generally advised Commission and Board members not to do it. Member Tighe's statement was correct, that in attending a community meeting, if more than one Board member appeared, one member should leave the meeting immediately to avoid any appearance of wrongdoing.

Chairperson Thompson thought, under the Sunshine Law, Board members could not converse even after the meeting.

City Attorney Booker affirmed this to be the case, stating Board members could speak to each other about their children, a recipe, etc., but not about anything that was coming or could potentially come before the Board for consideration. If, for example, at a community meeting, a Board member mentioned the problem with traffic on SW 184th Avenue, as

that was related to an item coming before them, this would be considered a Sunshine Law violation.

Member Dixon sought clarification this included a Board member asking questions of staff or members of the community at the community meeting.

City Attorney Booker stated any public back and forth between Board members or a Board member and anyone else attending the community meeting was considered a Sunshine Law violation.

Member Dixon asked if Board members were sent a notice for the June 1, 2020, community meeting by Staff.

Chairperson Thompson said he received no such notice.

Member Tighe felt the discussion of violating the Sunshine Law was pointless if the Board would not be notified of future community meetings. She did not receive any notice from City staff about the June 1 community meeting.

Mr. Alpert recalled prior discussion about the City Attorney giving the Board training on the Sunshine Law, particularly since there were some recently appointed Board members who had yet to have that training, none of whom were present. The presentation had been scheduled for the April 2020 Board meeting, but the lockdown due to COVID-19 caused the April meeting to be cancelled. He asked if the Board wished to have the Sunshine Law training at the June 23, 2020, Board meeting or the July 2020 meeting. Even if existing Board members previously received the Sunshine Law training, it was always good to have a refresher, along with training on public records laws, etc.

City Attorney Booker confirmed she could do a Sunshine Law and public records law training at the June 23, 2020, Board meeting.

Chairperson Thompson asked Mr. Alpert to include in the June 23 agenda language informing Board members City Attorney Booker would be doing a presentation on the Sunshine Law and public records law.

Mr. Alpert affirmed he would.

Member Dixon inquired if the Board would begin receiving notices of upcoming community meetings, whether before or after the June 23 meeting.

Mr. Alpert indicated there were no upcoming community meetings; applications were currently with the Development Review Committee (DRC) that would eventually have community meetings scheduled, and Staff would email Board members the notice of future community meetings, if they were not already receiving a notice because they did not reside in the 1,000-foot radius of the relevant site. Staff would always do this going forward, as they did with the regular meeting agenda for upcoming meetings. He added

the community meetings would not conflict with the Board's regular meeting dates if they had to do with items coming before the Board for consideration.

- **Regular Minutes of March 10, 2020**

Chairperson Thompson opened the discussion to the public and received no input.

Chairperson Thompson asked for a motion to approve the minutes of March 10, 2020, as presented and with the clarification noted above; a motion was made by Member Tighe, seconded by Member Dixon; the following vote was recorded:

AYE: Chairperson Thompson, Vice Chairperson Alshaier and Members Dixon and Tighe

NO: None

ABSENT FOR VOTE: Members Lomax, Earle-Smith and Walters

MOTION PASSED: 4-0

Mr. Alpert mentioned Member Lomax emailed City staff about his absence from the present meeting. He said Member Earle-Smith phoned Ms. Allamani to say she would be absent from the present meeting.

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

AYE: Chairperson Thompson, Vice Chairperson Alshaier and Members Dixon and Tighe

NO: None

ABSENT FOR VOTE: Members Lomax, Earle-Smith and Walters

MOTION PASSED: 4-0

Chairperson Thompson asked for a motion to approve the excused absence of Member Earle-Smith; a motion was made by Member Dixon, seconded by Vice Chairperson Alshaier; the following vote was recorded:

AYE: Chairperson Thompson, Vice Chairperson Alshaier and Members Dixon and Tighe

NO: None

ABSENT FOR VOTE: Members Lomax, Earle-Smith and
Walters

MOTION PASSED: 4-0

VII. ADJOURNMENT

The meeting was adjourned at 7:57 p.m.

Matthew Thompson, Chairperson
MT/cp



MINUTES OF THE CITY OF MIRAMAR PLANNING AND ZONING BOARD MEETING

JUNE 23, 2020	6:30 P.M.
----------------------	------------------

The meeting of the Planning and Zoning (P&Z) Board was called to order virtually by Chairperson Thompson on Tuesday, June 23, 2020, at 6:34 p.m.

I. ROLL CALL

The following members of the Planning and Zoning Board were present remotely:

Matthew Thompson, Chairperson
Nasif Alshaier, Vice Chairperson
Marcus Dixon
Wayne Lomax
Mary Lou Tighe

The following members of the Planning and Zoning Board were absent remotely:

Saran Earle-Smith (*Excused*)
Vivian Walters, Jr. (*Excused*)

A quorum was declared.

The following were also present remotely:

City Attorney Pam Booker
Michael Alpert, Principal Planner
Pastor Bob Franquiz, Applicant
Rosana Cordova, PE, Civil Engineer/Applicant's Representative
Karl Peterson, PE, TrafTech Engineering
Deanna Allamani, Clerk/Recording Secretary

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES: NONE

IV. QUASI-JUDICIAL PUBLIC HEARING:

City Attorney Booker reviewed the City's quasi-judicial public hearing procedures, collectively swearing in any persons wishing to speak on the following item.

- 1) **Application No. 2000734**, Temporary Ordinance 1752, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, CONSIDERING APPLICATION NO. 2000734, REZONING A 2.204-ACRE PARCEL FROM B2, COMMUNITY BUSINESS, TO CF, COMMUNITY FACILITIES, LOCATED AT THE NORTHEAST CORNER OF SOUTHWEST 186TH AVENUE AND MIRAMAR PARKWAY; AND PROVIDING FOR AN EFFECTIVE DATE.

Presenter: Michael Alpert, AICP, Principal Planner

Principal Planner Michael Alpert gave a PowerPoint presentation to recap the details of the subject item discussed at the previous Board meeting, and as provided in the backup, highlighting the following:

- The purpose of the subject rezoning was to unify the parcel under one zone designation, thereby eliminating possible nonconformity due a split-zoned use
- On June 1, 2020, a virtual community meeting was held to introduce the proposed project and get public input prior to the P&Z Board hearing; residents had questions and concerns related to traffic flow, expansion of the existing facility, and hours and days of the church's operation
- Rezoning ordinances required two separate readings by the City Commission; on June 17, 2020, the Commission passed the subject application on first reading; the final reading and site plan would be heard on the July 8, 2020, agenda
- Regarding the traffic analysis, considering the approved business commercial use currently allowed on the subject parcel, the proposed rezoning, community facilities (CF), represented a decrease of 623 daily vehicular trips, a decrease in peak hour trips - 96 in the morning, and 51 in the afternoon
- Phase I of the property's development was already approved by the Development Review Committee (DRC) and the City Commission and built, serving as the multipurpose building where church services were held; Phase II was approved a few years prior but was yet to be built; this building would be the future children's building to the north of the existing building; Phase III was the proposed expansion, and the reason for the subject rezoning application to allow construction of an additional church building to the south of the property
- The subject expansion included additional parking, and a right turn lane into the property from Miramar Parkway
- Staff recommended approval of the subject rezoning application.

David Dial, architect for all three phases of development on the applicant's property, gave a presentation on the proposed development, including a history of how the property evolved, and why the subject rezoning was needed, highlighting the following:

- The original property was north of the parcel on Miramar Parkway; they first did Phase I, the multiuse building, by backing the building all the way down to the southern property line, which still left a large portion the church planned to use

for a daycare, though the owner had the ability to use that portion as a shopping center; under its present zoning, a shopping center would result in the need for a higher load for parking than would be required for the proposed development

- The church opened in 2015; it was one of the fastest growing churches in the country, and its growth happened so quickly that while staff and he were working on Phase II, the children's building and offices north of the existing building closer to the site's two-way entry off the side street, Pastor Bob Franquiz and his staff realized they needed more worship space, causing them to switch to Phase III, despite Phase II already being approved for construction
- The only present access onto SW 186th Avenue other than the existing right in, right out on the west side of the property was the original, required fire truck lane
- Phase III was the final sanctuary on the property; it was situated adjacent and just west of the existing shopping center; the applicant knew they could use the subject portion of the property for a church, as long as they abided by the parking and other code requirements
- Part of what was on the south side of the southern portion of the property was the access to Miramar Parkway that was a part of the deed, and it was said the applicant was not allowed to move the access, as it was presently based on, he guessed, the 300-foot Broward County standard from the entrance to the existing shopping center to allow adequate stacking of about nine to 12 vehicles on the right-turn-in only off Miramar Parkway; the shopping center had both a south and east ingress/egress
- The applicant considered two options: Option A stayed with the zoning that allowed them to have more parking on the site, but it required the applicant to have a portion of the building that connected the two buildings to be two stories, which was the aegis for their nursery and the preschool rooms, and it was not ideal to ask some parents to walk up the stairs with their children; Option B required a rezoning, as it went with a single connector between the two buildings for the babies, helped unify the buildings on the property under one zone, and pushed the building closer to Miramar Parkway
- In speaking with City staff, they felt it was a good recommendation to unify the property under one zone, and though it decreased the amount parking lots they could have, they felt this to be a good trade, as it allowed all parents to move from one building to another without having to climb stairs; the church could work with either option, but Option B was preferred, hence the subject rezoning application; they felt it was in the best interest of the community and the church.

Member Dixon recalled Mr. Dial mentioning the traffic from the school backed up, asking if this meant the proposed development would not exacerbate existing traffic issues in the area.

Mr. Dial replied the proposed development would not exacerbate existing traffic issues due to the timing of church services on Sunday mornings versus weekdays. The church used its facility during non-peak hours, and even during the holiday seasons, they would not generate significant traffic to the degree the area experienced with the traffic from the school. He noted, according to the County, the traffic counts were so low on

Sunday mornings, no issues were anticipated.

Member Tighe wished to know what other events would take place on the church site other than Sunday services.

Mr. Dial responded, besides the presence of a church staff of 40 persons or less Monday through Friday, Sunday was the predominant worship time, with the only other times special events were scheduled being on Christmas and Easter. The applicant never intended to have a school on the property, and they discussed a Mothers' Morning Out program, but because this could mean parents backing out in the morning, the church chose to forego that option during Phase I. Many churches started babysitting services and/or a preschool, but the church felt this did not fit the best use of how they wished to serve the community, preferring to go into the community to work.

Vice Chairperson Alshaier asked if the traffic study was done by the church or the City.

Mr. Dial was not aware of the source of the traffic study, adding when he spoke with the County's traffic staff about traffic on SW 186th Avenue, their information from the traffic count on the County's side led them to think this was not a problem area.

Karl Peterson, a licensed traffic engineer for the applicant, stated he was contacted by the applicant to issue a traffic statement associated with the proposed development of the subject property. It was a rare case for a traffic engineer to document a decrease in traffic as a result of proposed development; the subject portion of the property along Miramar Parkway was previously approved and zoned for almost 10,000 [*sic* 17,000] square feet of retail space. He noted, when comparing the space with that of church activities on the property, this represented a fairly significant drop in traffic volume, as referenced by Mr. Alpert in his presentation, such as in the typical weekday traffic time periods when everyone experienced the most congestion on the road during a.m. and p.m. peak hours. The elimination of the retail element of the site and the expansion of the church resulted in a significant drop in traffic generated by the overall site.

Vice Chairperson Alshaier questioned if the determination of the drop in traffic was based on the two development options considered by the church, as mentioned by Mr. Dial, or was it based on weekday traffic counts.

Mr. Peterson replied, in terms of his analysis, he did not base his results on the options mentioned by Mr. Dial, rather they were based on the additional square footage of church facilities and the elimination of the retail use of the property.

Vice Chairperson Alshaier clarified his question on if the traffic study was based on counts from Monday to Friday or for seven days of the week.

Mr. Peterson said the standard for traffic analyses in Broward County was weekdays, particularly during a.m. and p.m. peak hours, when the greatest amount of traffic congestion was generated.

Vice Chairperson Alshaier sought confirmation the traffic impact estimates for the subject site were not based on actual counts when the site was in use.

Chairperson Thompson reminded the Board at its last meeting, it was discussed that if a traffic study was conducted at the present time, the numbers would be inaccurate, in light of the COVID-19 shelter in place order. Thus, the applicant and City staff used the USTD standards, as no accurate physical traffic study could be conducted at present.

Vice Chairperson Alshaier commented traffic studies were usually based on some formula set by the County, but using traffic counts on weekdays could not reflect the traffic the church would generate, since its activities would be concentrated on weekends. He understood the church, including the proposed use, would generate very little traffic during the week.

Chairperson Thompson asked Pastor Bob to elaborate on the times of church services; that is, if there were multiple services or just one Sunday service.

Pastor Bob Franquiz, Calvary Church, stated they normally did three services on Sundays: 10:00 a.m., 11:30 a.m. and 1:00 p.m.; these were not times of high traffic. In comparison to having a shopping center on the subject site, the church's proposed use would generate a lot less cars on the roads than a shopping center the City already approved under the existing zoning.

Member Dixon remarked the church would move forward with one of the abovementioned options, regardless of the Board's decision, and this would affect neither the required parking capacity nor the traffic generated by the proposed use.

Mr. Alpert: Correct.

Mr. Dial indicated there would be a difference as to the location of the building and the parking if they chose Option B, as the building would be 60 feet farther away from Miramar Parkway, giving them more room for parking and access to the building. The applicant understood asking for a rezoning meant they would reduce their own parking ability, but the one-story option was a better use for parents with young families.

Chairperson Thompson opened the discussion to the public.

Rocio Alba, 19025 SW 25 Court, Monaco Cove, Miramar, stated she traveled on the weekends in and out of the complex, and she saw no issue with traffic from the church. She was very happy with the proposed expansion, as it would allow for better traffic and parking; she supported the requested Rezoning and hoped the Board would approve it.

Raul Ocampo, 19146 SW 25th Court, Monaco Cove, Miramar, said he fully supported the subject Rezoning application and the proposed expansion of the church. He believed there was no real architectural or traffic issues with the expansion, rather there was a benefit to the community, particularly from a spiritual perspective.

Pedro Dominguez, 19025 SW 25 Court, Monaco Cove, Miramar, echoed support for the subject Rezoning and proposed expansion, believing the traffic issue would be lessened, and it would be a benefit to the surrounding community to have access to a church of this magnitude. He wished the Board to approve the Rezoning application.

Rebecca Joyce, 19296 SW 25th Court, Monaco Cove, Miramar, supported the subject Rezoning, as she attended Calvary Church for a while and thought the proposed expansion would improve traffic flow, as it would provide additional ways to exit the site. To date, she had no problem entering/exiting the church site, and people liked to spend time there on weekends and were in no hurry to move in and out of the parking lot.

Chairperson Thompson received no further input from the public.

Member Dixon stated his remarks about the Rezoning application had to do with the proposed development to the southern portion of the property creating an additional entrance onto the church property. He acknowledged the decrease in traffic that would result from the subject rezoning, and when this was taken into consideration with the fact that the church would move forward with building Phase III, regardless of whether the Rezoning was approved, the Board's approval of the Rezoning would make little difference in traffic the expansion would generate, but it would make the entire property consistently zoned. He saw no reason for the Board not to move forward with approving the application.

Chairperson Thompson asked for a motion to approve Temp. Ord. #O1752, along with a finding that the application was consistent with the City's Comprehensive Plan; a motion was made by Member Dixon, seconded by Member Lomax; the following vote was recorded:

AYE: Chairperson Thompson, Vice Chairperson Alshaier and Members Dixon, Lomax and Tighe.

NO: None

ABSENT FOR VOTE: Members Earle-Smith and Walters

MOTION PASSED: 5-0

V. LOCAL PLANNING AGENCY PUBLIC HEARING: NONE

VI. COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT REPORT:

Mr. Alpert said there were two items for consideration for the Board's regular July 14, 2020, meeting.

Chairperson Thompson asked for a motion to approve the excused absence of Member Earle-Smith; a motion was made by Member Dixon, seconded by Member Lomax; the following vote was recorded:

AYE: Chairperson Thompson, Vice Chairperson Alshaier and Members Dixon, Lomax and Tighe

NO: None

ABSENT FOR VOTE: Members Earle-Smith and Walters

MOTION PASSED: 5-0

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

AYE: Chairperson Thompson, Vice Chairperson Alshaier and Members Dixon, Lomax and Tighe

NO: None

ABSENT FOR VOTE: Members Earle-Smith and Walters

MOTION PASSED: 5-0

VII. ADJOURNMENT

The meeting was adjourned at 7:18 p.m.

Matthew Thompson, Chairperson
MT/cp