

APPLICATION FOR DRC AND CAB



Community & Economic
Development Department
Planning & Redevelopment Division
2200 Civic Center Place, Miramar, FL 33025
Tel: (954) 602-3264
www.miramarfl.gov

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING APPLICATION FOR DRC AND CAB REVIEW AND ALL ATTACHMENTS TO THE APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

INITIALS _____

A	INSTRUCTIONS	B	OFFICE USE ONLY
<input checked="" type="checkbox"/>	Please print or type all information. The application must be filled out accurately and completely. Answer all questions including criteria where an item might not be applicable, in which case write N/A (Not Applicable).	Main Project Application No.	
		Escrow No.	
<input checked="" type="checkbox"/>	Please refer to the DRC & CAB Submittal Checklists available on the City of Miramar website for all additional documents, in conjunction with this application, due at time of first submittal.	Application Received Date	

1	APPLICATION TYPE (Check all the applicable development applications)		
	Abandonment/Vacation of Right-of-Way or Easement		Plat / Plat Exemption / Plat Waiver
	Community Appearance Board	<input checked="" type="checkbox"/>	Plat Note Amendment
	Comprehensive Plan Text Amendment		Rezoning
<input checked="" type="checkbox"/>	Conditional Use		Site Plan / Site Plan Amendment
	Development Agreement		Telecommunications Site Plan
	Flex/Reserve Units	<input checked="" type="checkbox"/>	Variance / Cure Plan
	Land Development Code Amendment		Extension / Continuance Request
	Land Use Plan Map Amendment		Other:

2		PROJECT DESCRIPTION															
Project Location — Parcel ID Number(s)																	
5	1	4	0	2	5	1	2	0	0	1	0	5	1				
5	1											5	1				
Development/Project Name		Miramar Park Place															
Development/Project Address		Northwest corner of Miramar Parkway and Red Road															
Existing Zoning & Land Use Designation(s)		Land Use: RAC Zoning: ML															
Proposed Zoning & Land Use Designation(s)		Land Use: RAC Zoning: ML															
Current Use(s) of Property		Vacant															
Proposed Use(s) of Property		Commercial															
Residential Use(s)/Unit Type(s)		N/A															
Number of Residential Units		N/A															
Non-residential Total Building Gross SF		~60,000 square feet															
Site Area (SF & Acres)		306,566 SF & 7.04 Acres															

3 TEAM MEMBERS CONTACT INFORMATION (Combination of multiple titles is permitted, e.g. Agent & Architect)

Select Title: Agent / Planner / Architect / Landscape Architect / Engineer / Land Use Attorney / Other:

Name: **Dennis D. Mele, Esq.** Company: **Greenspoon Marder LLP**

Telephone No.: **(954) 527-2409** E-mail: **dennis.mele@gmlaw.com** CC: **tyler.woolsey@gmlaw.com**

Select Title: Planner / Architect / Landscape Architect / Engineer / Land Use Attorney / Other:

Name: Company:

Telephone No.: E-mail:

Select Title: Planner / Architect / Landscape Architect / Engineer / Land Use Attorney / Other:

Name: Company:

Telephone No.: E-mail:

4 PROPERTY OWNER INFORMATION

Name: **Miramar Park Place Associates, LLC** Signature: *[Handwritten Signature]*

Telephone No.: **(954) 354-8282** E-mail: **Jgerb@konoversouth.com** CC: **bwilliams@konoversouth.com**

Address: **431 Fairway Drive, Suite 201, Deerfield Beach, FL 33441**

NOTARIZATION

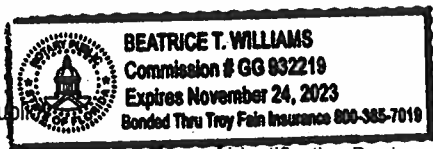
STATE OF FLORIDA/COUNTY OF Broward

The foregoing instrument was acknowledged before me this 3rd day of March, 2020, by Jeffrey Williams

(Signature of Notary Public - State of Florida)

[Handwritten Signature]

(Print, Type, or Stamp Commissioned Name of Notary Public)



Personally Known OR Produced Identification _____ Type of Identification Produced _____

5 APPLICATION FOR CONSULTANT PLAN REVIEW SERVICES

APPLICANT hereby requests CITY to utilize the cost recovery plan/permit review services provided by Ordinance No. 97-39 of the City of Miramar, Florida. In electing the cost recovery procedure, the APPLICANT will benefit from an expedited review of the project application. The APPLICANT understands and agrees that APPLICANT will be responsible for all costs and expenses incurred by the CITY's consultant(s) in reviewing such project, plus a 10% administration fee and a 7% surcharge. A minimum initial deposit is required.

APPLICANT has deposited with the CITY the sum of \$ 3,500.00, which shall be applied to the review cost and expenses incurred and which shall be replaced upon notice from CITY that such funds have been expended.

APPLICANT understands and agrees that any decision concerning compliance with any applicable codes and regulations is solely within and reserved to the authority of CITY employees and the City Commission, as provided by law. CITY reserves the right to review, modify and/or revise, in its sole discretion, any work performed by cost recovery consultants. APPLICANT understands and agrees that the above-referenced consultant shall work solely under the supervision and direction of CITY staff.

This document shall be executed by the owner and/or the agent who is financially responsible for the development application(s).

Print Name: Jeffrey Williams

Signature: *[Handwritten Signature]*

Company/Title: Miramar Park Place Associates, LLC, EVP Development and Construction

Date: 3/3/20

Variance Justification Narrative – Distance Separation for Liquor Package Store Use

Miramar Park Place Associates, LLC (the “Applicant”) is proposing to construct approximately 60,000 square feet of commercial use area to accompany 650 residential units to be developed by Altman Development as part of a larger mixed-use development on approximately 30.73 acres of land located at the northwest corner of the intersection of Miramar Parkway and Red Road (the “Property”) in the City of Miramar (the “City”). The Applicant is requesting conditional use approval to permit a liquor package store use within the commercial area of the Property.

The City of Miramar administratively approved an application for site plan amendment (Application #1902594) on May 22, 2019 allowing for modification of the commercial portion of the site plan and an increase in the amount of commercial space from 50,000 square feet to approximately 60,000 square feet. The commercial portion of the development consists of three (3) structures totaling 56,683 square feet of floor area plus 3,300 square feet of outdoor seating on approximately 7.04 acres of the Property. The proposed liquor store use will be located within a tenant bay of 2,000 square feet located within the largest proposed commercial structure (Building B) totaling 43,750 square feet as seen identified in **Exhibit A**. The proposed liquor store will be owned and operated by the same high-quality restaurant group planning to occupy the adjacent restaurant space of approximately 6,000 square feet. As such, the proposed liquor store will feature a regionally recognized high-quality brand operator that commonly locates liquor, package stores adjacent to their restaurants throughout South Florida.

The proposed use of a liquor package store is permitted as a conditional use within the ML zoning district in accordance with Table 403-5, Mixed-Use Principal Uses Table. Pursuant to Section 405.4.4 of the Code, vendors permitted to sell alcoholic beverages for consumption off premises should be located at least 2,500 feet by straight air-line measurement from any school, child care center, or library as measured from the main entrance of the alcohol vendor to the nearest property line of the school, child care center, or library grounds. Based on this manner of measurement, the proposed liquor store use is located approximately 554 feet from an existing child care center located on the south side of Miramar Parkway.

Pursuant to Section 315 of the Code, the City Commission is granted the authority to approve variance applications where strict application of the requirements of the Code would create a practical difficulty or unnecessary hardship and prohibit the use of land in a manner that is otherwise permitted under the Code. As explained in further detail below, the Applicant’s request is consistent with the variance criteria for practical difficulty as set forth in Section 315.7(c) of the City Code.

(1) The variance shall not be substantial in relation to what is required by the Code;

The City Code would require a distance separation of at least 2,500 feet where the proposed use is approximately 554 feet from the existing day care use. However, the uses are separated by a major arterial roadway that is not conducive to pedestrian crossing, especially for attendees of a child care center. The actual pedestrian route between the proposed use and the child care center is more than triple the airline measurement distance. The proposed location of the liquor store will ensure the use is one of many uses located in a highly active area of the commercial portion of the Property. The variance that is being requested by the Applicant is not substantial in relation to what is required by the Code.

(2) The approval of the variance will be compatible with development patterns, and whether a substantial change will be produced in the character of the neighborhood;

The proposed liquor store is located within a commercial shopping center and will not have any singular impact on the character of this neighborhood, both existing and proposed. The larger mixed-use development is in line with the intention and current development pattern of the City's Regional Activity Center (the "RAC"). The proposed liquor store is akin to the ABC Fine Wine & Spirits store that is set to open in March of 2020. The ABC Store, located at 16941 Miramar Parkway, is across Miramar Parkway from Dolphin Bay Elementary School. The ABC Store, though in range of a large elementary school, has taken on significant measures to ensure that the building façade and plans would be compatible with the character of its neighborhood.

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

(3) The essential character of the neighborhood would be preserved;

The essential character of the neighborhood will be preserved with the proposed liquor store use. The proposed liquor store is part of a larger commercial shopping

center with multiple restaurants and retail options. A liquor store use would be more appropriate in such a scenario versus a standalone liquor store. Further, based on the adjacent restaurant use, the essential character of the entirety of the mixed-use development will be kept intact.

(4) The variance can be approved without causing substantial detriment to adjoining properties;

The variance can be approved without causing substantial detriment to adjoining properties. The development of this vacant property, including the liquor store use as one of many commercial operators will improve this area of the City by providing a range of housing options and additional commercial uses that complement existing development in the surrounding area. Further, this liquor store is the only liquor store within the entirety of the City's RAC. Though the liquor store is not within the distance separation criterion of the City Code, it is sufficiently far enough and buffered enough by Miramar Parkway, on-site landscaping, and vehicular use areas to create a significant distance between the liquor store and the child care center.

(5) The request is due to unique circumstances of the property, the property owner, and/or the applicant which would render conformity with the strict requirements of the Code unnecessarily burdensome;

Strict adherence to this Code requirement would effectively prohibit the liquor store use where it is otherwise permitted as a conditional use. This is severely limiting considering the large separation requirement of 2,500 feet, the manner of measurement by straight line to property line, and the practical benefit of locating a liquor store use within a commercial center that promises to be an important hub for the City. The mixed-use development where the liquor store use is being proposed was planned with the intent of allowing for this liquor store use to be adjacent with the proposed restaurant, given the nexus between the two entities. The Applicant requests the approval of this variance to allow for the liquor store use so as to not create a completely restrictive barrier of entry.

(6) The special conditions and circumstances which exist are the result of the actions beyond the control of the applicant;

The current conditions and circumstances that exist with respect to the proposed liquor store use are beyond the control of the Applicant. Based on the mixed-use development's location in connection with the child care center, there is no other portion of the development where the proposed liquor store could be placed in order to meet the stringent distance separation requirement proposed by the City Code. In an effort to remedy this, the Applicant intends on developing a liquor store that is top of the line, operated by a nationally recognized brand, and will implement all necessary security features to ensure the viability of the store and the safety of the overall neighborhood.

(7) The difficulty cannot be obviated by some method feasible for the applicant to pursue other than by a variance; and

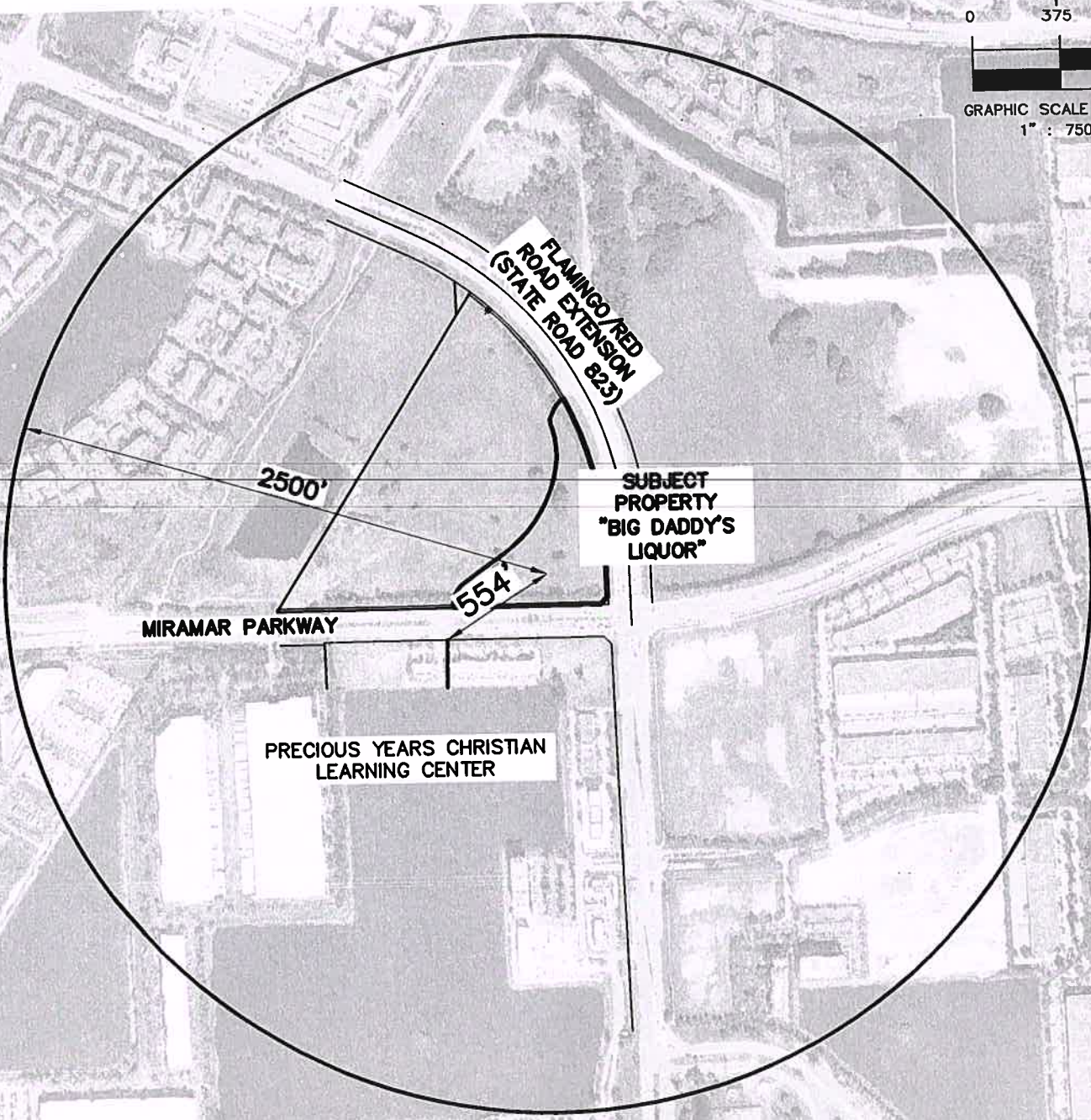
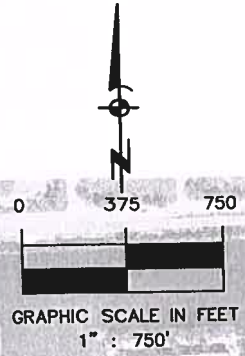
As discussed in subsection (6) above, the difficulty cannot be obviated by some method feasible for the Applicant to pursue other than a variance. Due to the location of the existing child care center and the location of the already approved mixed-use development, it is not possible to locate the liquor store anywhere else on site to avoid a variance for distance separation. The Applicant is committed to maintaining a safe environment through CPTED principles.

(8) In view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

The interest of justice will be served by allowing the variance. The location of the proposed liquor store had been contemplated during the approval process for the mixed-use development. The Applicant believes that the proposed liquor store use in connection with a regionally recognized restaurant brand as a part of this development will create a hub within the City that contributes to something that the City does not currently have -- a high-quality development with an emphasis on restaurants, bars, and walkability. The proposed liquor store use has been a part of the Applicant's vision throughout the approval process. The approval of this variance would allow for this vision to be realized and to serve the interests of justice.

SURVEYOR'S NOTES

- 1. The purpose of this sketch is to depict the center of the subject property within a 2500 foot radius. This sketch is not a survey. Uses inconsistent with its intended purpose are prohibited.



SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY that the herein Sketch is true and correct to the best of my knowledge and belief, as prepared under my direction, supervision and responsible charge.

Sun-Tech Engineering, Inc.
Date of Preparation: March 4, 2020

Donald L. Cooper 3.4.2020
Donald L. Cooper, P.S.M. Date

Professional Surveyor and Mapper
Florida Registration No. 6269



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JOB No.:

16-3813