

PROPOSED ORDINANCE NO. 2015-19

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING ORDINANCE NO. 789, AS AMENDED BY ORDINANCE NOS. 950, 986, 1051, AND 1508 WHICH APPROVED A DEVELOPMENT ORDER FOR THE PEMBROKE LAKES REGIONAL CENTER DEVELOPMENT OF REGIONAL IMPACT ("DRI"); AMENDING THE PEMBROKE LAKES DRI TO EXTEND THE BUILDOUT AND DOWNZONING DATES FOR THE DRI FROM JUNE 1, 2016, UNTIL JUNE 1, 2021; AMENDING THE MASTER DEVELOPMENT PLAN TO TRANSFER 1,500 SQUARE FEET OF EXISTING APPROVED UNDEVELOPED RETAIL USE FROM PARCEL A TO PARCEL D, GENERALLY LOCATED BETWEEN PINES BOULEVARD AND JOHNSON STREET, AND FLAMINGO ROAD AND HIATUS ROAD; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR RECORDATION; PROVIDING FOR TRANSMITTAL TO ALL APPLICABLE GOVERNMENTAL AGENCIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on June 11, 1986, the City Commission of the City of Pembroke Pines, Florida (hereinafter referred to as the "City"), adopted Ordinance No. 789, thereby approving a Development Order for the Pembroke Lakes Development of Regional Impact (hereinafter referred to as "Pembroke Lakes DRI"), pursuant to Chapter 380, Florida Statutes, as may have been subsequently amended; and

WHEREAS, the Pembroke Lakes DRI is an approximate 208-acre mixed-use development generally located between Pines Boulevard and Johnson Street, and Flamingo and Hiatus Roads; and

WHEREAS, pursuant to section 380.06, Florida Statutes, Pembroke Lakes Mall, Ltd., through its agent, Janna P. Lhota, Esq., is requesting approval of an application to modify the Pembroke Lakes DRI to provide to extend the build-out date from June 1, 2015 to June 1, 2021, for an additional six (6) year extension,

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on the approximate 208-acre mixed-use development generally located between Pines Boulevard and Johnson Street, and Flamingo and Hiatus Roads; and

WHEREAS, the applicant also proposes an amendment to the Master Development Plan (Map H-2) to transfer 1,500 square feet of existing approved undeveloped retail use from Parcel A (Main Mall parcel) to Parcel D; and

WHEREAS, the proposed Notice of Proposed Change to the Pembroke Lakes DRI and associated traffic study were reviewed by the City's Environmental Services Division, as well as by the South Florida Regional Planning Council, State of Florida Departments of Transportation (DOT) and Economic Opportunity (DEO) with no objections and a finding that the proposed changes do not result in any increased regional impacts; and

WHEREAS, at the public hearing and regular meeting of the Local Planning Agency (Planning and Zoning Board) on September 10, 2015, the Local Planning Agency passed a motion to transmit the Notice of Proposed Change to the Pembroke Lakes DRI to the City Commission with a favorable recommendation and a finding that the proposed change does not constitute a substantial deviation; and

WHEREAS, City Staff has reviewed the proposed modification to the Development Order and determined that it is consistent with all relevant provisions of the State Statutes and the City's Code of Ordinances; and

WHEREAS, the City Commission deems the approval of the applicant's proposed modification to the Development Order to be in the best interests of the citizens and residents of the City.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance. All exhibits attached hereto are hereby incorporated herein by this reference.

Section 2. The City, pursuant to Section 380.06(19), Florida Statutes, makes the following findings of fact:

- A. The proposed changes do not create a reasonable likelihood of additional regional impact, or any type of regional impact created by the changes not previously reviewed by the City and the applicable governmental agencies;
- B. The Planning and Zoning Board has conducted a public hearing which was properly noticed and advertised pursuant to Section 380.06(19)(f)(3), Florida Statutes; and
- C. To the best of the City's knowledge, all other statutory or regulatory requirements or conditions have been met or fulfilled.

Section 3. The City, pursuant to Section 380.06(19), Florida Statutes, makes the following conclusions of law:

- A. The proposed changes to the Development Order of Pembroke Lakes DRI (Ordinance No. 789 dated June 11, 1986, as amended) do not constitute a substantial deviation from said Development Order. In making this finding, the City Commission has considered the evidence provided by the applicant, the recommendations made by the City Staff and the City's Planning and Zoning Board and all matters raised at the Public Hearing.

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Section 4. The Pembroke Lakes DRI is hereby amended to provide for an to provide to extend the build-out date from June 1, 2015 to June 1, 2021, for an additional six (6) year extension, on the approximate 208-acre mixed-use development generally located between Pines Boulevard and Johnson Street, and Flamingo and Hiatus Roads.

Section 5. The Pembroke Lakes DRI is hereby amended to provide for the an amendment to the Master Development Plan (Map H-2) to transfer 1,500 square feet of existing approved undeveloped retail use from Parcel A (Main Mall parcel) to Parcel D, on the approximate 208-acre mixed-use development generally located between Pines Boulevard and Johnson Street, and Flamingo and Hiatus Roads.

Section 6. Except as otherwise repealed, amended or modified herein, Ordinance No. 789, dated June 11, 1986, as amended, shall remain in full force and effect.

Section 6. Within thirty (30) days of the effective date of this amendment to the Development Order for Pembroke Lakes DRI, the Developer shall record this Ordinance in the Public Records of Broward County, Florida, along with a notification of the subsequent modification of an adopted development order as provided in Section 380.06(15)(f), Florida Statutes.

Section 7. The City Clerk is hereby directed to transmit this Ordinance with all related exhibits by certified, U.S. mail, return receipt requested, to the

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Florida Department of Economic Opportunity, the South Florida Regional Planning Council, and all other appropriate governmental agencies and interested parties.

Section 8. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 9. If any clause, section or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance remaining in full force and effect.

Section 10. This Ordinance shall become effective immediately upon its passage and adoption.

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**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA ON THE FIRST READING THIS _____ DAY OF
_____, 2015.**

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA ON THE SECOND AND FINAL READING THIS
_____ DAY OF _____, 2015.**

CITY OF PEMBROKE PINES, FLORIDA

ATTEST:

MARLENE D. GRAHAM, CITY CLERK

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

By: _____

MAYOR FRANK C. ORTIS

ORTIS _____

CASTILLO _____

SCHWARTZ _____

SHECHTER _____

SIPLE _____