

## PROPOSED ORDINANCE NO. 2020-14

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA ADOPTING THE PROPOSED SMALL SCALE FUTURE LAND USE PLAN AMENDMENT AMENDING THE CITY'S LAND USE ON AN APPROXIMATE 5 ACRE PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF PINES BOULEVARD AND 72<sup>ND</sup> AVENUE, KNOWN AS TRINITY LUTHERAN CHURCH, AND AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A;" AMENDING THE CITY'S LOCAL LAND USE PLAN MAP FROM COMMUNITY FACILITIES TO COMMERCIAL FOR THE PURPOSE OF DEVELOPING A GAS STATION AND CONVENIENCE STORE ON THE NORTHERN APPROXIMATE 2.74 GROSS ACRES OF THE OVERALL 5 ACRE PROPERTY; PROVIDING FOR TRANSMITTAL OF CERTIFIED COPIES OF THIS ORDINANCE AND TRANSMISSION OF THE UPDATED FUTURE LAND USE PLAN MAP TO THE BROWARD COUNTY PLANNING COUNCIL AND BROWARD COUNTY COMMISSION; REQUESTING BROWARD COUNTY TO AMEND ITS FUTURE LAND USE MAP AND TO RE-CERTIFY THE CITY'S LAND USE MAP; AUTHORIZING AND DIRECTING THE CITY MANAGER AND ALL APPROPRIATE MEMBERS OF CITY ADMINISTRATION TO TAKE ALL ACTION NECESSARY TO EFFECTUATE THE INTENT OF THIS ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Applicant, through Dunay, Miskel & Backman, LLP, submitted a Land Use Plan Amendment application for an approximate 5 acre property generally located generally located on the southeast corner of Pines Boulevard and 72<sup>nd</sup> Avenue, known as Trinity Lutheran Church, as more particularly described in Exhibit "A;"; and

**WHEREAS**, the Applicant proposes to split the property into two (2) parcels, and change the land use on the approximate 2.74 (gross) acre north parcel from Community Facilities to Commercial for the development of a gas station with a convenience store; and

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**WHEREAS**, the southern parcel shall remain Community Facilities (CF) and Limited Agriculture (A-1) Zoning, and the existing church on the property will be demolished and rebuilt on the southern parcel: and,

**WHEREAS**, the applicant will be required to plat, rezone and site plan the the property; and,

**WHEREAS**, the Applicant proposes to amend both the City of Pembroke Pines' (the "City") and Broward County's (the "County") land use plan designations for the above-referenced property; and,

**WHEREAS**, an analysis conducted on the Public Facilities and Services indicates that such land use change will result in an increase in impacts on all public facilities and services. The applicant has provided documentation regarding the available capacity of the Public Facilities and Services and will mitigate any increased impacts prior to adoption to accommodate the proposed amendment; and

**WHEREAS**, City Staff recommends approval of the proposed Land Use Plan Amendment with the understanding that the City's Environmental Services Department may have some additional comments about traffic circulation during the site plan approval process; and

**WHEREAS**, at its regular meeting on October 8, 2020, the City's Planning and Zoning Board, acting as the City's Local Planning Agency, held a public hearing and considered the proposed Land Use Plan Amendment, and voted to transmit the amendment to the City Commission with a favorable recommendation and further recommends transmitting the proposed Land Use Plan Amendment to the Broward

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County Planning Council and the Broward County Commission with a positive recommendation subject to Broward County Commission's approval and recertification of the City's land use plan; and

**WHEREAS**, the City Commission has held the required public hearings and desires that the Land Use Plan Amendment application for the approximate 5 acre property generally located between generally located on the southeast corner of Pines Boulevard and 72<sup>nd</sup> Avenue, known as Trinity Lutheran Church, as more particularly described in **Exhibit "A,"** be transmitted to the Broward County Planning Council and the Broward County Commission requesting that Broward County amends its future land use map and to re-certify the City's land use map; and

**WHEREAS**, the Broward County Commission adopted the proposed land use plan amendment on January 25, 2022; and

**WHEREAS**, the City Commission of the City of Pembroke Pines finds the adoption of the Land Use Plan Amendment to be in the best interests of the citizens and residents of the City of Pembroke Pines;

**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 referenced herein are hereby incorporated within this Ordinance by this reference and made a specific part hereof.

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**Section 2.** The City Commission hereby adopts this Land Use Plan Amendment for the approximate 5 -acre property generally located generally located on the southeast corner of Pines Boulevard and 72<sup>nd</sup> Avenue, known as Trinity Lutheran Church, as more particularly described in **Exhibit “A,”** attached hereto, by amending the land use from Community Facilities to Commercial only on the approximate 2.74 (gross) acre north parcel for the development of a gas station with a convenience store

**Section 3.** The approval of the Land Use Plan Amendment as provided herein is subject to the City’s receipt of letters from the Applicant verifying adequate capacity of the service availability for the increased impacts associated with this Land Use Amendment.

**Section 4.** The City Commission of the City of Pembroke Pines, Florida, hereby directs that the proposed Land Use Plan Amendment for the 2.74 (gross) acre property generally located on the southeast corner of Pines Boulevard and 72<sup>nd</sup> Avenue, known as Trinity Lutheran Church, as more particularly described in **Exhibit “A,”** attached hereto, be transmitted to the Broward County Planning Council and the Broward County Commission with a favorable recommendation.

**Section 5.** The City's Land Use Map and Certified Land Use Plan are hereby amended to include the amendments and re-designation described herein.

**Section 6.** The City Clerk shall transmit a certified copy of this Ordinance to the Broward County Planning Council and the Broward County Board of County

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Commissioners with a request to re-certify the City of Pembroke Pines Land Use Plan.

**Section 7.** The City Manager and all appropriate members of City Administration are hereby authorized and directed to take all action necessary to effectuate the intent of this ordinance.

**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.

(SIGNATURE PAGE TO FOLLOW)

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS \_\_\_\_ DAY OF  
\_\_\_\_\_, 2020.**

**PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF**

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PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

CITY OF PEMBROKE PINES, FLORIDA

By: \_\_\_\_\_

ATTEST:

MAYOR FRANK C. ORTIS

\_\_\_\_\_  
MARLENE GRAHAM, CITY CLERK

ORTIS

\_\_\_\_\_

APPROVED AS TO FORM:

CASTILLO

\_\_\_\_\_

GOOD

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\_\_\_\_\_  
OFFICE OF THE CITY ATTORNEY

SCHWARTZ

\_\_\_\_\_

SIPLE

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