



MEMORANDUM

AGENDA ITEM #5b)1

DATE: SEPTEMBER 14, 2009

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: CHAPEL TRAIL DEVELOPMENT OF REGIONAL IMPACT (DRI) NOTICE OF PROPOSED CHANGE (NOPC), CITY OF PEMBROKE PINES

Background

The Chapel Trail DRI, a 1,850-acre mixed-use development east of US-27 between Pines Boulevard and Sheridan Street in the City of Pembroke Pines (Map), was originally approved on September 15, 1987. Since then, seven Ordinances have been approved with respect to revisions in build-out dates, land uses, and site layouts (Table 1). The most recent build-out date prior to this NOPC was December 31, 2009, per Ordinance No. 1517. Pursuant to Sec. 380.06(19)(c), Fla. Stat., projects under active construction on July 1, 2007, automatically qualified for an extension of three years. This extended the Chapel Trail DRI build-out date to December 31, 2012.

Map - Location of Chapel Trail DRI

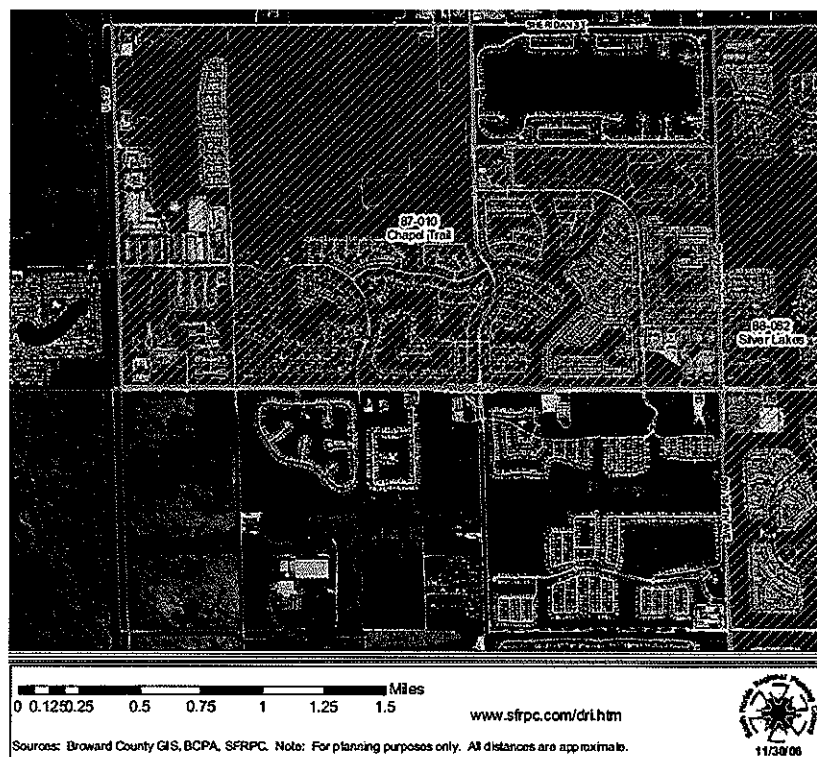


Table 1 - Chapel Trail DRI Development History

| Date | Action | City of Pembroke Pines |
|-------------|----------------------------------|-------------------------------|
| 09/15/87 | Adopted Original DO | Ordinance No. 843 |
| 11/28/90 | 1 st Amended DO | Ordinance No. 943 |
| 09/16/92 | 2 nd Amended DO | Ordinance No. 1009 |
| 02/08/95 | 3 rd Amended DO | Ordinance No. 1130 |
| 02/02/00 | 4 th Amended DO | Ordinance No. 1332 |
| 09/04/02 | 5 th Amended DO | Ordinance No. 1418 |
| 10/15/03 | 6 th Amended DO | Ordinance No. 1462 |
| 05/18/05 | 7 th Amended DO | Ordinance No. 1517 |
| 08/04/09 | NOPC: 8 th Amended DO | Ordinance No. 1649 |

Proposed Development

The Applicant proposes a change in land use, as shown in Table 2. The proposed changes result in a simultaneous increase in commercial square feet from 187,500 to 290,254, a decrease in industrial square feet from 1,550,000 to 1,029,914, and a decrease in community facility square feet from 224,200 to 189,816. No changes in residential density or office uses are proposed. In addition, the Applicant has provided a traffic analysis to determine PM Peak hour trip generation from the proposed change. According to the analysis, no increases in PM Peak hour trips will be generated by the proposed change.

Table 2 -Proposed Development

| Land Use | Approved (sq. ft.) | Proposed (sq. ft.) |
|-----------------------------|---------------------------|---------------------------|
| Commercial | 187,500 | 290,254 |
| Community/Inst itutional | 224,200 | 189,816 |
| Industrial | 1,550,000 | 1,029,914 |
| Office | 100,000 | 100,000 |
| Residential | 3,662 | 3,662 |

Findings

The proposed change does not constitute a substantial deviation under Sec. 380.06 (19), Fla. Stat. The proposed NOPC and revised traffic study have been reviewed by Council Staff, as well as by the City's Environmental Services Division and the Florida Departments of Transportation and Community Affairs, with no objections and a finding that the proposed changes do not result in any additional adverse or significant regional impacts. Staff analysis confirms that the adopted ordinance is compatible with and supportive of the Goals and Policies of the *Strategic Regional Policy Plan for South Florida*.

The City of Pembroke Pines unanimously voted to adopt the ordinance at its August 4, 2009 meeting.

Recommendation

Find City of Pembroke Pines adopted Ordinance 1649 generally consistent with the *Strategic Regional Policy Plan for South Florida*. Approve this staff report for transmittal to the Florida Department of Community Affairs.



City of Pembroke Pines



Frank C. Ortis, Mayor
Angelo Castillo, Vice-Mayor
Charles F. Dodge, City Manager

Jack McCluskey, Commissioner
Carl Shechter, Commissioner
Iris A. Siple, Commissioner

August 18, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED


Department of Community Affairs
Division of Community Planning
Robert Dennis, Principal Planner
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Chapel Trail Development of Regional Impact (DRI)
Rendition of Development Order/Ordinance No. 1649

Dear Mr. Dennis:

In accordance with Chapter 9J-2.025, enclosed is a certified copy of Ordinance No. 1649 of the City of Pembroke Pines, adopted at the August 4, 2009 City Commission meeting, and subsequently recorded in the records of Broward County. Ordinance No. 1649 modifies the Development Order for the Chapel Trail Development of Regional Impact.

Sincerely,


Judith A. Neugent, CMC
City Clerk

enclosure

Copy w/encls:

✓ South Florida Regional Planning Council
Attn: Larry Allen, Principal Planner
3440 Hollywood Boulevard
Hollywood, FL 33021

Janna P. Lhota, Esquire, Agent for Owner
Holland & Knight, LLP
1 East Broward Boulevard, Suite 1300
Fort Lauderdale, FL 33301

PROPOSED ORDINANCE NO. 2009-16

ORDINANCE NO. 1649

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING ORDINANCE NO. 843, AS AMENDED BY ORDINANCE NOS. 943, 1009, 1130, 1332, 1418, 1462, AND 1517 WHICH APPROVED A DEVELOPMENT ORDER FOR THE CHAPEL TRAIL DEVELOPMENT OF REGIONAL IMPACT ("DRI"); AMENDING THE CHAPEL TRAIL DRI TO PROVIDE FOR A SIMULTANEOUS INCREASE IN COMMERCIAL SQUARE FEET FROM 187,500 TO 290,254, DECREASE IN INDUSTRIAL SQUARE FEET FROM 1,550,000 TO 1,029,914, AND DECREASE IN COMMUNITY FACILITY SQUARE FEET FROM 224,200 TO 189,816; 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, the City Commission of the City of Pembroke Pines, Florida, by Ordinance No. 843, adopted a Development Order for Chapel Trail on September 15, 1987 pursuant to Chapter 380, Florida Statutes; and

WHEREAS, the City Commission of the City of Pembroke Pines, Florida, adopted amendments to the Development Order for Chapel Trail by Ordinance No. 943 adopted on November 28, 1990, by Ordinance No. 1009, adopted September 16, 1992, by Ordinance No. 1130 adopted August 2, 1995, by Ordinance No. 1332 adopted February 2, 2000, by Ordinance No. 1418 adopted September 4, 2002, by Ordinance No. 1462 adopted October 15, 2003, and by Ordinance No. 1517 adopted June 8, 2005; and

PROPOSED ORDINANCE NO. 2009-16

ORDINANCE NO. 1649

WHEREAS, Chapel Trail Associates, Ltd., through their agent, Holland & Knight, LLP, has requested the approval of an application to modify the DRI development program by simultaneously increasing the commercial square feet from 187,500 to 290,254, decreasing the industrial square feet from 1,550,000 to 1,029,914, and decreasing the community facility square feet from 224,200 to 189,816; and

WHEREAS, pursuant to Section 380.06(19), Florida Statutes, the proposed changes are not found to be a substantial deviation; and

WHEREAS, on May 14, 2009, the Planning and Zoning Board of the City of Pembroke Pines, Florida considered the proposed DRI modification and has recommended to the City Commission that the proposed changes to the Development Order are not a substantial deviation; and

WHEREAS, the City Commission of the City of Pembroke Pines, Florida, has held public hearings pursuant to Section 380.06(19)(f)(3), Florida Statutes, to consider the proposed changes and has recommended the approval of the modifications to the Development Order.

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

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Words in underscore type are additions

Page 2 of 7

PROPOSED ORDINANCE NO. 2009-16

ORDINANCE NO. 1649

SECTION 1. The foregoing "WHEREAS" clauses set forth above are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

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

A. The proposed change does 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, the South Florida Regional Planning Council, and the Florida Department of Community Affairs;

B. The criteria established under Section 380.06(19)(c), Florida Statutes, stipulates that an extension of the date of buildout of a development, or any phase thereof, by seven (7) or more years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. Subject to the applicant's satisfaction of the required transportation improvements, this application has been determined not to constitute a substantial deviation by the Florida Department of Transportation and the Florida Department of Community Affairs.

C. The proposed change does not result from requirements imposed by the Department of Environmental Protection or any water management district created by Section 373.069, Florida Statutes, or any of their successor agencies, or by the appropriate federal regulatory agency;

D. The proposed change does not include the addition of land not previously reviewed as part of the Chapel Trail Development of Regional Impact Application for Development Approval;

E. The proposed change does not constitute a change of fifteen percent (15%) or more of the acreage of the Chapel Trail Development of Regional Impact to a land use not previously approved in the Development Order;

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11

PROPOSED ORDINANCE NO. 2009-16

ORDINANCE NO. 1649

F. The proposed change does not constitute a change which would result in the development of any area which was specifically set aside in the Application for Development Approval or in the Development Order for preservation, buffers or special protection, including habitat for plant and animal species, archaeological and historic sites, dunes or other special areas;

G. The City's Planning and Zoning Board has reviewed the proposed change at its May 14, 2009 meeting and has recommended approval as a non-substantial deviation to the City Commission.

H. The City Commission has conducted a public hearing which was properly noticed and advertised pursuant to Section 380.06(19)(f)(3), Florida Statutes;

I. The Developer has submitted the above referenced Notification of Proposed Change and amendment to a previously approved Development of Regional Impact and the City Commission hereby determines that the proposed change does not constitute a substantial deviation; and

J. 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 change to the Development Order of Chapel Trail (Ordinance No. 843) dated September 15, 1987, as amended by Ordinance No. 943 dated November 28, 1990, by Ordinance No. 1009 dated September 16, 1992, by Ordinance No. 1130 dated August 2, 1995, by Ordinance No. 1332 dated February 2, 2000, Ordinance No. 1418 dated September 4, 2002, Ordinance 1462 dated October 15, 2003, and Ordinance No. 1517 dated June 8, 2005 shall not constitute a substantial deviation from said Development Order. In making this finding, the City Commission has considered the evidence provided by

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PROPOSED ORDINANCE NO. 2009-16

ORDINANCE NO. 1649

the applicant, the recommendations made by the City Staff and the City's Planning and Zoning Board and all matters raised at the Public Hearings.

B. The modification to the Development Order of Chapel Trail (Ordinance No. 843 dated September 15, 1987, as amended by Ordinance No. 943 dated November 28, 1990, by Ordinance No. 1009 dated September 16, 1992, by Ordinance No. 1130 dated August 2, 1995, by Ordinance No. 1332 dated February 2, 2000, by Ordinance No. 1418 dated September 4, 2002, Ordinance 1462 dated October 15, 2003, and Ordinance No. 1517 dated June 8, 2005) adopted herein, do not divest the Developer or the Chapel Trail DRI property of any of the rights described in Section 163.3167(8), Florida Statutes.

SECTION 4. In accordance with the terms and provisions set forth herein, all applicable provisions of the Chapel Trail Development of Regional Impact shall hereby be amended to provide for the simultaneous increase of the commercial square feet from 187,500 to 290,254, decrease of the industrial square feet from 1,550,000 to 1,029,914, and decrease of the community facility square feet from 224,200 to 189,816.

SECTION 5. Except as otherwise repealed, amended or modified herein, Ordinance No. 843 dated September 15, 1987, as amended by Ordinance Nos. 943 dated November 28, 1990, by Ordinance No. 1009 dated September 16, 1992, by Ordinance No. 1130 dated August 2, 1995, by Ordinance No. 1332 dated February 2, 2000, Ordinance No. 1418 dated September 4, 2003, Ordinance No. 1462 dated October 15, 2003, and

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PROPOSED ORDINANCE NO. 2009-16

ORDINANCE NO. 1649

Ordinance No. 1517 dated June 8, 2005 this Ordinance 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 Chapel Trail 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 Florida Department of Community Affairs and the South Florida Regional Planning Council and all other appropriate governmental agencies.

SECTION 8. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions 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 part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or application in full force and effect.

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PROPOSED ORDINANCE NO. 2009-16

ORDINANCE NO. 1649

SECTION 10. This Ordinance shall become effective as provided by law.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS 17 DAY OF JUNE, 2009.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS 4TH DAY OF AUGUST, 2009.

CITY OF PEMBROKE PINES, FLORIDA

BY: [Signature]
MAYOR FRANK C. ORTIS

ATTEST: [Signature] 8/11/09
JUDITH A. MEUGENT, CITY CLERK

| | |
|-----------|------------|
| ORTIS | <u>AYE</u> |
| CASTILLO | <u>AYE</u> |
| McCLUSKEY | <u>AYE</u> |
| SHECHTER | <u>AYE</u> |
| SIPLE | <u>AYE</u> |

APPROVED AS TO FORM:
[Signature] 8/4/09
OFFICE OF THE CITY ATTORNEY



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