

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

**Meeting Date:** November 20, 2024

**Presenter's Name and Title:** Deyman Rodriguez, Senior Planner, on behalf of the Building, Planning & Zoning Department

**Prepared By:** Deyman Rodriguez, Senior Planner

**Temp. Reso. Number:** 8236

**Item Description:** TEMP. RESO. #R8236, RELATING TO THE LAND DEVELOPMENT CODE OF THE CITY OF MIRAMAR, CONSIDERING A REQUEST FOR THE ALLOCATION OF 156 RESIDENTIAL UNITS FROM THE CITY'S UNIFIED POOL AND 500 REDEVELOPMENT UNITS (APPLICATION (NO. 2302291); VARIANCE FROM THE MINIMUM LOT FRONTAGE REQUIREMENT, BUILD-TO-LINE REQUIREMENT MINIMUM AND BUILDING HEIGHT REQUIREMENT AS SET FORTH IN SECTION 404, TABLE 404-1, MIXED-USE DISTRICTS BULK REGULATIONS (APPLICATION NOS. 2307653, 2307654 & 2307658); VARIANCE FROM THE MAXIMUM SIGN FACE SQUARE FOOTAGE REQUIREMENT AS SET FORTH IN SECTION 1004.3, MASTER SIGN PLAN REGULATIONS (APPLICATION NO. 2403556); SITE PLAN REVIEW AND COMMUNITY APPEARANCE BOARD REVIEW (APPLICATION NOS. 2302288 & 2302290) IN CONNECTION WITH A PROPOSED MIXED-USE DEVELOPMENT TO BE NAMED "THE PARK AT MIRAMAR" AND CONSISTING OF 2,874 DWELLING UNITS, 337,317 SQUARE FEET OF COMMERCIAL USE, 125,354 SQUARE FEET OF OFFICE SPACE, A 185-ROOM FULL-SERVICE HOTEL, AND FEATURING MULTIPLE PARKS, PLAZAS, AND WATER BODIES ON THE 125.8-ACRE PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF RED ROAD AND MIRAMAR PARKWAY, AND LEGALLY IDENTIFIED WITH BROWARD COUNTY PARCEL ID NUMBERS 5141-3008-0010, 5141-3008-0020, AND 5141-3008-0030; PROVIDING FOR SEVERABILITY; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

Consent  Resolution  Ordinance  Quasi-Judicial  Public Hearing

**Instructions for the Office of the City Clerk: None**

**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 09/27/24 and/or by sending mailed notice to property owners within 1,500 feet of the property on 09/27/24 (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**
- **Resolution TR 8236**
  - **Exhibit A: The Park Miramar Property Survey**
  - **Exhibit B: The Park Miramar DRC Approved Plans**
- **Attachment(s)**
  - **Attachment 1: The Park Miramar Location Map**
  - **Attachment 2: The Park Miramar Architectural Design Review Summary**
  - **Attachment 3: Application No. 2307653 – Minimum Lot Frontage Variance Staff Analysis Report**
  - **Attachment 4: Application No. 2307654 – Build-to-Line Variance Staff Analysis Report**
  - **Attachment 5: Application No. 2307658 – Minimum Building Height Variance Staff Analysis Report**
  - **Attachment 6: Application No. 2403556 – Sign Variance Staff Analysis Report**



**CITY OF MIRAMAR  
INTEROFFICE MEMORANDUM**

**TO:** Mayor, Vice Mayor, & City Commissioners

**FROM:** Dr. Roy L. Virgin, City Manager 

**BY:** Nixon Lebrun, Director, Building, Planning & Zoning Department

**DATE:** November 14, 2024

**RE:** Temp. Reso. No. 8236, considering various development applications in connection with the proposed "The Park Miramar" mixed-use development.

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**RECOMMENDATION:** The City Manager recommends adoption of Temp. Reso. No. 8236, approving the following land use entitlement applications: (1) a request for the allocation of 156 residential units from the City's Unified Pool and 500 Redevelopment Units (Application No. 2302291); (2) a variance from the minimum lot (building) frontage requirement, build-to-line requirement minimum and building height requirement as set forth in Section 404, Table 404-1, Mixed-Use Districts Bulk Regulations of the City's Land Development Code ("LDC") (Applications Nos. 2307653, 2307654 & 2307658); (3) a variance from the maximum sign face square footage requirement as set forth in Section 1004.3, Master Sign Plan Regulations of the City's LDC (Application No. 2403556); (4) site plan review and Community Appearance Board ("CAB") review (Applications Nos. 2302288 & 2302290), in connection with a proposed mixed-use development to be named "The Park at Miramar" and consisting of 2,874 dwelling units, 337,317 square feet of commercial use, 125,354 square feet of office space, a 185-room full-service hotel, and featuring multiple parks, plazas, and water features on the approximately 126-acre property generally located at the northeast corner of Red Road and Miramar Parkway, legally identified with Broward County Parcel ID Numbers 514130080010, 514130080020, and 514130080030, and more particularly described in Exhibit "A," appended herein and incorporated herein by this reference (the "Subject Property"):

**ISSUE:** Pursuant to the City's LDC, City Commission approval is required for the approval of: (1) flexibility unit and/or redevelopment units allocation (Section 106); variances from the lot (building) frontage, build-to-line or height requirement set forth in Section 404, Table 404-1, Mixed-use Districts Bulk Regulations (Section 315); (3) site plan review (Section 310); and (4) CAB review (Section 311).

**BACKGROUND:** The Subject Property is located directly across the Park Place shopping center on Red Road, the site of the proposed WSVN Station on Miramar Parkway, and Miramar Town Center on Hiatus Road. According to the Miramar Park of Commerce Phase VI Plat, the Subject Property includes three (3) parcels (Parcel A, B, & C) totaling approximately 126 acres and as further described below.

- **Parcel A**, legally identified with Broward County Parcel ID Number 5141-3008-0010, is approximately 9.5-acres and designated as a Florida Power and Light Company easement and proposed to be park space (“Founder’s Park”).
  - Land Use Designation: Regional Activity Center (RAC)
  - Existing Zoning Classification: Rural (RL)
  - Proposed Zoning Classification: Mixed-use High (MH) *via Rezoning Application No. 2302287*
  - Owner-of-record: Cleghorn Shoe Corporation
  
- **Parcel B**, legally identified with Broward County Parcel ID Number 5141-3008-0020, is approximately 24-acres and designated as a Wetland Conservation easement.
  - Land Use Designation: Regional Activity Center (“RAC”)
  - Existing Zoning Classification: Rural (RL)
  - Proposed Zoning Classification: N/A – *To remain a conservation easement*
  - Owner-of-record: Sunbeam Development Corporation
  
- **Parcel C**, legally identified with Broward County Parcel ID Number 5141-3008-0030, is approximately 92.3-acres, and where all of the structures will be located.
  - Land Use Designation: RAC
  - Existing Zoning Classification: Planned Industrial Development (PID)
  - Proposed Zoning Classification: Mixed-use High (MH) *via Rezoning Application No. 2302287*
  - Owner-of-record: Sunbeam Development Corporation

It is the intent of the owners, Cleghorn Shoe Corporation and Sunbeam Development Corporation, collectively known as the “Developer,” to develop the Subject Property with a mixed-use development to be named “The Park at Miramar” and consisting of 2,874 dwelling units, 337,317 square feet of commercial use, 125,354 square feet of office space, a 185-room full-service hotel, and featuring multiple parks, trails, plazas, and water features. In order to accommodate the proposal, the Developer has submitted a number of land use entitlement requests, starting with a rezoning application to rezone Parcels A & C to Mixed Use High (MH) (Application No. 2302287), a Development Agreement application to facilitate comprehensive and capital facilities planning and ensure the provision of adequate public facilities for the proposed development (Application No. 2404673) and an application to amend the Development Order (“DO”) for Increment II of

the East Miramar Areawide Development of Regional Impact (“EMADRI”) to address related traffic improvements within the DO. These requests, however, will be reviewed under separate order and this development review report only involves the following development applications:

- Application No. 2302288 for Site Plan approval
- Application No. 2302290 for Community Appearance Board approval
- Application No. 2302291 for a Flexibility and Reserve Units Allocation request
- Application No. 2307653 for a Minimum Lot Frontage Variance request
- Application No. 2307654 for a Build-to-Line Variance request
- Application No. 2307658 for a Minimum Building Height Variance request
- Application No. 2403556 for a Sign Variance request
- Application No. 2404673 for the consideration of a Development Agreement between the City of Miramar and the Cleghorn Shoe Corporation and Sunbeam Development Corporation

**DISCUSSION:** The proposed development will consist of 2,874 dwelling units dispersed between four (4) mixed-use buildings, three (3) multi-family buildings, and two (2) townhouse developments. There is also a proposed 185-room full-service hotel, 125,354 square feet of office use, 337,317 square feet of commercial use, of which 39,598 square feet will be dedicated for a grocery store, 38,536 square feet will be dedicated to an entertainment use, and the remaining square footage for the programming of restaurants and retail establishments.

The Developer intends on building 2,874 dwelling units (“DU”) dispersed between different building types: townhouses, which have a height of four (4) stories, and multifamily and mixed-use buildings, which have a varying height of seven (7) to ten (10) stories. About 2,000 RAC units are available to the Developer as it was facilitated by Ordinance 20-06, which allocated an additional 2,350 dwelling units in 2019, of which 350 units were utilized by a prior residential development in the RAC (“The Manor/Miramar Town Center Block 2”). For the remaining 874 DU, the Developer is utilizing 212 units that were platted but never built within the RAC and is also requesting an allocation of 156 Flexibility (“Flex”) Units from the City’s Unified Pool of Flex Units and 500 Redevelopment Units, which were allocated to the City via Resolution 2022-508 by the Broward County Commission pursuant to Policy 2.35.1 of the BrowardNext - Broward County Land Use Plan. As such, the City is asked to allocate a total of 656 dwelling units towards the proposed development.

The Developer has submitted four (4) variance requests under the practical difficulty standards set forth under LDC Chapter 3, Section 315. When reviewing the Applicant’s request, the Building, Planning and Zoning Department (the “Department”) considers how well the request complies with the general standards for granting variances as outlined in Chapter 3, Sub-section 315.7 of the City’s LDC. This section states in pertinent terms

that all proposed variances shall be granted only where the preponderance of the evidence presented in the particular case:

- 1) The variance shall not be substantial in relation to what is required by the Code; and
- 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; and
- 3) The variance can be approved without causing substantial detriment to adjoining properties; and
- 4) 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; and
- 5) The difficulty cannot be obviated by some method feasible for the applicant to pursue other than by a variance; and
- 6) In view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

The Developer has filed a site plan review application. Pursuant to LDC Section 310.7, the DRC shall consider internal site vehicular circulation, ingress and egress, conformance with the character of the surrounding area, general layout of the site, architectural design of the structures, and whether the development as presented will enhance the quality of life in the city and promote the public health, safety, interest, aesthetics, and welfare of its citizens, when reviewing site plan applications. Furthermore, the DRC shall require that the proposed development comply with the following criteria:

- 1) The goals, objectives, policies and other applicable requirements of the city's comprehensive plan and the Broward County comprehensive land use plan; and
- 2) All applicable codes of the city; and
- 3) Approved and accepted architectural and engineering design standards; and
- 4) The aesthetic character of the surrounding properties; and
- 5) Mitigation of all traffic impact to both on-site and off-site development; and
- 6) The requirements of the Site Plan Submittal Requirements document; and
- 7) The requirements and findings of the Guidelines for Traffic Impact Study for Development Approvals.

As with any site plan review application, a CAB review application was also filed. Pursuant to LDC Section 311.7, the CAB shall evaluate the development proposal as it relates to conformance to the requirements of the LDC and shall consider conformance with the character of the surrounding area, general layout of the site, architectural design of the structures, and whether the development as presented will enhance the quality of life in the city. Furthermore, the CAB shall require that the proposed development comply with the following criteria:

- 1) The goals, objectives, policies and other applicable requirements of the city's comprehensive plan and Community Design Plan (CDP); and
- 2) The established architectural design standards and precedents; and
- 3) The aesthetic character of the surrounding properties.

**ANALYSIS:** The Developer has applied for four (4) variances, which would be needed to in order to accommodate the proposed mixed-use development. Three (3) of the four (4) variances that are being sought pertain to the proposed Mixed-use High Zoning District development standards, specifically from LDC Section 404, Table 404-1, Mixed-Use Districts Bulk Regulations:

- 1) The first of the request is Variance Application No. 2307653, from the Minimum Lot (Building) Frontage requirement. The MH zoning district requires that 70% of the building frontage is encompassed by buildings. The current design and placement of buildings do not meet the 70% lot frontage requirement when measured from Red Road and Miramar Parkway.
- 2) The second request is Variance Application No. 2307654, from the Build-to-Line Variance requirement. The MH zoning district requires that buildings are placed 0 to 30 feet from the property line. The current design and placement of buildings do not meet the 0-30 ft build-to-line requirement when measured from Red Road and Miramar Parkway.
- 3) The third request is Variance Application No. 2307658, from the Minimum Building Height requirement. The MH zoning district requires that buildings maintain a minimum height of 3 stories and maximum height of 10 stories. While the Developer complies with the later requirement, there are several single- and two-story commercial buildings that are programmed to become restaurant and retail establishments.

The subject site is served by two main arterial roadways, Miramar Parkway and Red Road, with a right-of-way width of at least 150 feet, and a designated vehicular speed limit of 45 miles per hour. While there are multiple buildings, such as the Grocery Store and Entertainment Building and several multi-family/mixed use buildings that are placed as close as possible to those major roadways, the 70% building frontage and build-to-line requirements are better achieved by the integration of these buildings with the internal roadway network and organic placement of each building and site amenities.

These buildings also span the entire portion of the internal streets, with several allocating open space for plazas and pedestrian focused amenities throughout the development, achieving the intent of the lot frontage requirement and build-to-line requirement, as demonstrated by Buildings C-1, MF-1 and MF-2. The proposed mixed-use buildings will have as similar building footprint as the recently constructed Manor at Miramar/MTC Block 2, thus remaining compatible with current development patterns. Additionally, the Developer has integrated 5+ miles of trail systems throughout the entire mixed-use

development, including a perimeter trail that borders the development, along Miramar Parkway and Red Road.

Moreover, the objective of the C-4 buildings design is to have the restaurants be seen from across the lake by motorists along Red Road and Miramar Parkway. This effect will be lost if the buildings are moved further away from the intersection in order to achieve the 0 to 30 feet build-to-line requirement, thus, by allowing the variance, the C-4 buildings become an integral part of the Park corner feature, which will have a decorative project sign and dancing fountains.

The third variance request pertains to the height of buildings. LDC Table 404-1, Mixed-Use Districts Bulk Regulations, regulates the minimum height of buildings. Although all the mixed-use and multifamily buildings, the hotel, the office building, the grocery and entertainment building, and the townhomes, have varying heights ranging from three (3) to ten (10) stories, there are several standalone commercial buildings that are one- and two-story. These buildings are intended to be used for restaurants and retail establishments, and while they may seem low, they reach a height in feet that is comparable to a building that is three-to-four stories. For example, Building C-3.1 is two (2) stories but reaches a height of 40-feet to the top of the second story parapet and Building C-4.2 is one-story but reaches a height of 30 feet to the top of the second parapet. A height of three and four stories can be comparable to a building that is 30 and 40 feet tall. Additionally, these lower scale buildings are adequately placed near plazas and water bodies, allowing for a more intimate pedestrian experience, and by also allowing view corridors for the taller buildings.

The fourth variance request, Application No. 2403556, pertains to several signs that exceed the maximum sign face square footage permitted by Code. The applicant has submitted a complete Master Sign Plan for the entire development. These signs range from monument signs, wall signs, directional (monument) signs, and wayfinding (pedestrian, vehicular, and park) signs. While the signs might be different materials and sizes, they all complement the architectural theme of the building(s) they serve and observe the maximum square footage permitted by Code. Pursuant to LDC Chapter 10, Section 104.3 (d)(4), under the established Master Sign Plan program, an attached sign is limited to a maximum sign face of 300 square feet and a freestanding monument sign is limited to a maximum sign face of 1,000 square feet. However, there are three (3) signs proposed by the Developer that exceed the maximum sign face square footage.

The first sign is a decorative project identity sign that is affixed to the garage. It has several building-mounted sign letters that call out "THE PARK". Each letter is approximately between 126 and 145 square feet, which combined create an overall sign face square footage of 1,000, exceeding the allotted amount. However, the proposed "THE PARK" project identity sign complements the elongated garage with the green screen system that will be attached to the parking structure. The sign will be visible from Red Road as it abuts the grocery store and parking lot that faces west.



There are two additional signs that exceed the allotted 300 square foot. The first is a building mounted digital media display that is 1,000 square feet and is affixed to the entertainment building. The second is also a building mounted digital media display that is 493 square feet and is affixed to the grocery store. Both media display signs are oriented north and south in order to be seen by motorists traveling along Red Road. The south-facing sign abuts the Lime West open space and is planned to be programmed to host movie nights on the lawn. The sign is complementary to the entertainment use that will occupy the building it serves. The north-facing sign will act more of a public information sign, advising motorists of events held within the development.

The proposed mixed-use development is aligned with Smart Growth principles by promoting sustainable, compact, and walkable community design. The development integrates residential, commercial, and public spaces, encouraging a live-work-play environment that reduces the need for automobile travel and fosters a vibrant, pedestrian-friendly neighborhood. Additionally, the development will prioritize access to public transit, green spaces, and community amenities, promoting a healthy, inclusive, and environmentally sustainable community in line with the goals of Smart Growth.

Furthermore, this application is in compliance with Policy 1.13(c) of the Future Land Use Element of the City's Comprehensive Plan, which states that "the Regional Activity Center shall facilitate mixed-use development, encourage mass transit, and non-motorized transportation, reduce the need for automobile travel, provide incentives for quality development and give definition to the urban form. The Regional Activity Center designation shall apply to such areas as downtown and redevelopment areas; regional employment centers; an Areawide Development of Regional Impact (DRI); and other large existing or planned concentrations of diverse activities and employment or educational opportunities of regional significance consisting of more than retail trade."

Pursuant to Chapter 3, Section 310.6 of the LDC, the Development Review Committee ("DRC"), which consist of Staff from various City Departments to ensure that, as proposed, the mixed-use development not only complies with the site plan review standards of the LDC, and established engineering and life safety standards, but to is compatible with the surrounding uses and has a de minimis impact on City infrastructures and services. The DRC reviewed the proposed development and recommended approval of the site plan application and variances on August 28, 2024 find a finding of consistency and preponderance of evidence by the aforementioned established review criteria.

Pursuant to Chapter 3, Section 311.6, the CAB reviewed the design of the proposed mixed-use development with respect to its site layout, amenities, architectural design of all buildings and structures, landscaping and hardscape, lighting, and signage, and also recommended approval on August 28, 2024.

The Park Miramar is a fitting name as the mixed-use project will feature multiple parks, multiple plazas and open space areas, and miles of walking trails. Three of the prime parks is Founders Park, the Estuary, and the Island. Founders Park is a 9.5-acre park that will be located under the existing Florida Power and Light Company easement (Parcel A). It will feature undulating berms with walkable multi-use trails and public art. The Estuary is currently a 24-acre conservation easement that will be converted to a passive educational park. It will feature a boardwalk, benches, and educational signs identifying different flora and fauna native to Florida. The integration of this park will connect the development via the pedestrian boardwalk to Miramar Boulevard and the Ansin Sports Complex. The third major park is The Island, which is a small manmade peninsula that will feature a large children's playground, themed to wetlands, and will serve as one of the entryways into the Estuary.

Additionally, there are multiple open space areas and plazas, such as the Lime East and Lime West. The Lime East plaza will be located at the heart of the project and will encompass an open lawn surrounded by restaurants and retail overlooking the central lake. It will also feature a water feature/splash pad. The Lime West plaza, located a couple steps away from the Lime East plaza, is also open lawn that will be adjacent to the entertainment uses building and will feature a 1,000 square foot building mounted digital media display sign that will be programmed to show movies and display public information.

Regarding transit, there will be multiple Broward County Public Transit shelter stops located along the perimeter of the development, while the Developer will provide internal transit pick-up locations that may be utilized by the City's community shuttle bus system. The Developer is also proposing multiple ride-share pick up locations. The integration of transit and wide availability of multi-use trails throughout the development will provides for consistency with the City's Comprehensive Plan, Transportation Element Policy 1.27, which states that the City shall encourage the provision of pedestrian and bicycle infrastructure linking neighborhoods to the transit system.

In conclusion, the proposed large mixed-use development represents a significant opportunity to enhance the economic vitality, livability, and sustainability of our community. By combining residential, commercial, and public spaces, this project will create a dynamic and vibrant neighborhood that fosters economic growth, supports local businesses, promotes walkability, improves access to public transit and meets the diverse housing needs of current and future residents. This mixed-use development will seamlessly integrate beautiful Town Center. The Park Miramar aligns with the City's long-term vision for smart, sustainable growth.

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**CITY OF MIRAMAR  
MIRAMAR, FLORIDA**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, RELATING TO THE LAND DEVELOPMENT CODE OF THE CITY OF MIRAMAR, CONSIDERING A REQUEST FOR THE ALLOCATION OF 156 RESIDENTIAL UNITS FROM THE CITY'S UNIFIED POOL AND 500 REDEVELOPMENT UNITS (APPLICATION (NO. 2302291); VARIANCE FROM THE MINIMUM LOT FRONTAGE REQUIREMENT, BUILD-TO-LINE REQUIREMENT MINIMUM AND BUILDING HEIGHT REQUIREMENT AS SET FORTH IN SECTION 404, TABLE 404-1, MIXED-USE DISTRICTS BULK REGULATIONS (APPLICATION NOS. 2307653, 2307654 & 2307658); VARIANCE FROM THE MAXIMUM SIGN FACE SQUARE FOOTAGE REQUIREMENT AS SET FORTH IN SECTION 1004.3, MASTER SIGN PLAN REGULATIONS (APPLICATION NO. 2403556); SITE PLAN REVIEW AND COMMUNITY APPEARANCE BOARD REVIEW (APPLICATION NOS. 2302288 & 2302290) IN CONNECTION WITH A PROPOSED MIXED-USE DEVELOPMENT TO BE NAMED "THE PARK AT MIRAMAR" AND CONSISTING OF 2,874 DWELLING UNITS, 337,317 SQUARE FEET OF COMMERCIAL USE, 125,354 SQUARE FEET OF OFFICE SPACE, A 185-ROOM FULL-SERVICE HOTEL, AND FEATURING MULTIPLE PARKS, PLAZAS, AND WATER BODIES ON THE 125.8-ACRE PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF RED ROAD AND MIRAMAR PARKWAY, AND LEGALLY IDENTIFIED WITH BROWARD COUNTY PARCEL ID NUMBERS 5141-3008-0010, 5141-3008-0020, AND 5141-3008-0030;; PROVIDING FOR SEVERABILITY; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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10/2/24

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**WHEREAS**, in conformity with, and in furtherance of, the 1985 Growth Management Act, as codified in Part II of Chapter 163, Florida Statutes (“F.S.”), the City of Miramar (the “City”) adopted in 1989 its Comprehensive Plan along with a Future Land Use Map (“FLUM”) showing the distribution and extent of the various land use designations; and

**WHEREAS**, in conformity with, and in furtherance of, the Growth Management Act, the City adopted in 1996 a set of land development regulations, which, codified in the Land Development Code (“LDC”), are consistent with, and contain specific and detailed provisions necessary to implement the adopted Comprehensive Plan; and

**WHEREAS**, along with the LDC, the City adopted an Official Zoning Map showing the location and boundaries of the various zoning districts, which, as described in Section 401 thereof, have been found to be conforming to, and adequate to carry out, the City Comprehensive Plan, Future Land Use Map and LDC; and

**WHEREAS**, Section 402, “Residential Districts” and Section 403, “Non-Residential Districts” include in Table 402-1 and Table 403-1, respectively, a consolidated list of permitted uses that are considered to be fundamentally appropriate within the residential and non-residential and mixed-use zoning districts, and are deemed to be consistent with the City Comprehensive Plan, subject to any use-related standards and requirements that may be applicable in Section 405, and the Development Review Committee (“DRC”) site plan and permit requirements and procedures described elsewhere in the LDC; and

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**WHEREAS**, Cleghorn Shoe Corporation (“the Developer”), is the owner of record of the approximately 9.5-acre parcel of real property located at the northeast corner of Red Road and Hiatus Road, more specifically identified with Broward County Parcel ID number 5141-3008-0010, and legally described in Exhibit “A” appended hereto and made a part thereof (the “Subject Property”); Sunbeam Development Corporation (“the Developer”), is the owner of record of the approximately 24-acre parcel of real property, and 92.3-acre parcel located at the southeast corner of Red Road and Miramar Parkway, more specifically identified with Broward County Parcel ID numbers 5141-3008-0020 and 5141-3008-0020, and legally described in Exhibit “A” appended hereto and made a part thereof (the “Subject Property”); The Cleghorn Shoe Corporation and Sunbeam Development Corporation are to be known collectively as the Developer; and

**WHEREAS**, the currently undeveloped Subject Property has a Regional Activity Center future land use designation on the City’s Future Land Use Map (“FLUM”), and a zoning classification of PID, Planned Industrial Development and RL, Rural, on the City’s Official Zoning Map; and

**WHEREAS**, the currently undeveloped Subject Property has a Regional Activity Center future land use designation on the City’s Future Land Use Map (“FLUM”), and a zoning classification of PID, Planned Industrial Development and RL, Rural, on the City’s Official Zoning Map; and

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10/10/24

**WHEREAS**, it is the intent of the Applicant to develop the Subject Property with a mixed-use development comprised of 2,874 dwelling units dispersed between four (4) mixed-use buildings, three (3) multi-family buildings, and two (2) townhouse developments, a 185-room full-service hotel, 125,354 square feet of office use, and 337,317 of square feet of commercial uses; and

**WHEREAS**, in order to accommodate the proposed mixed-use development and in conformity with the requirements of Sections 301, 304, 309, 310, 311, 315, and 813 of the City LDC, the Developer has filed the following land use entitlement requests with the City Building, Planning and Zoning Department (the "Department"), Site Plan (Application No. 2302288), Community Appearance Board ("CAB") Review (Application No. 2302290), Flexibility, Redevelopment and Regional Activity Center Unit Allocation (Application No. 230229), Minimum Lot (Building) Frontage Variance (Application No. 2307653), Build-to-line Variance (Application No. 2307654), Minimum Building Height Variance (Application No. 2307658), Sign Size Variance (Application No. 2403556), and various companion applications that are being reviewed under separate cover; and

**WHEREAS**, companion applications, which are being reviewed under separate cover, include a rezoning request (Application No. 2302287), a Development Agreement (Application No. 2404673), and an amendment to the Development Order ("DO") for Increment II of the East Miramar Areawide Development of Regional Impact ("EMADRI"); and

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**WHEREAS**, pursuant to Section 310 of the LDC, the DRC has evaluated the Site Plan Application No. 2302288 and has made a determination that the proposed site plan and code-compliant alternative site plan, is in substantial conformance with the applicable requirements, including those set forth in Section 310.6 of the LDC. The alternative site plan shall be effective at the discretion of the Developer based on market conditions during the second phase of the mixed-use development; and

**WHEREAS**, pursuant to the established community appearance design criteria and procedural rules of Section 311 and 813 of the LDC, the CAB reviewed the submitted materials for Application No. 2302290 and made a determination that the application is in substantial conformance with the established criteria; and

**WHEREAS**, the DRC has reviewed the evaluated the Variance Application No. 2307653, for minimum lot frontage practical difficulty request, and made a determination that the variance is in substantial conformance with the applicable requirements, including those set forth in Section 315.7 of the LDC; and

**WHEREAS**, the DRC has reviewed the evaluated the Variance Application No. 2307654, for a build-to-line practical difficulty request, and made a determination that the variance is in substantial conformance with the applicable requirements, including those set forth in Section 315.7 of the LDC; and

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**WHEREAS**, the DRC has reviewed the evaluated the Variance Application No. 2307658, for a minimum building height practical difficulty request, and made a determination that the variance is in substantial conformance with the applicable requirements, including those set forth in Section 315.7 of the LDC; and

**WHEREAS**, the DRC has reviewed the evaluated the Variance Application No. 2403556, for a sign practical difficulty request, and made a determination that the variance is in substantial conformance with the applicable requirements, including those set forth in Section 315.7 of the LDC; and

**WHEREAS**, in order to accommodate the proposed development, the Developer is requesting that City allocates to same 156 Flexibility (“Flex”) Units from the City’s Unified Pool of Flex Units as well as 500 Redevelopment units, provided that adequate public facilities and services will be available at the adopted Level of Service to serve the development; and

**WHEREAS**, upon the Certificate of Occupancy of the mixed-use development on Subject Property, all unutilized flexibility units shall revert back to the City’s Unified Pool of Flex Units; and

**WHEREAS**, the proposed mixed-use development for the subject site is currently zoned as Planned Industrial Development, PID, and Rural, RL, which does not permit the proposed use or density as outlined in the site plan application, and the approval of the



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site plan application is contingent upon the approval of the requested rezoning by the Developer, without which the site plan and other aforementioned concurrent development applications cannot proceed; and

**WHEREAS**, the approval of the site plan application is contingent upon the execution and approval of the development agreement by the City and the Developer, without which the site plan and other aforementioned concurrent development applications cannot proceed; and

**WHEREAS**, the Developer has complied with the courtesy notice requirements of Section 301.11.1 of the LDC; and

**WHEREAS**, the Developer has voluntarily agreed to the conditions set forth in Section 4 of this Resolution; and

**WHEREAS**, the City Manager recommended approval of Site Plan Application No. 2302288, CAB Application No. 2302290, Variance Application Nos. 2307653, 2307654, and 2307658, Flexibility and RAC Units Allocation Application No. 230229; and

**WHEREAS**, in conformity with Subsections 310.7, 311.7, and 315.13 of the LDC, the City Commission held a duly noticed public hearing on October 16, 2024, to review Site Plan Application No. 2302288, CAB Application No. 2302290, Variance Application Nos. 2307653, 2307654, and 2307658, Flexibility and RAC Units Allocation Application No. 230229, and the recommendations from the DRC, the CAB and the City Manager, as well as public testimony, if any, provided orally and in writing at said meeting; and

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**WHEREAS**, the City Commission finds that the approval of Site Plan Application No. 2302288, CAB Application No. 2302290, Variance Application Nos. 2307653, 2307654, and 2307658, Flexibility and RAC Units Allocation Application No. 230229, are in the best interest of the citizens and residents of the City of Miramar, Florida.

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

**Section 1:** Recitals; Definitions.

- (a) That the forgoing “**WHEREAS**” clauses are ratified and confirmed as being true and confirmed as being true and correct and are made a specific part of this Resolution.
- (b) As used herein, unless the context or City Code of Ordinances requires to the contrary, the following terms will be defined as set forth below:
  - (1) “City” means the City of Miramar, a Florida Municipal Corporation.
  - (2) “Development” is defined as set forth in Section 163.3164, Florida Statutes.
  - (3) “DRC” means the City’s Development Review Committee.
  - (4) “CAB” means the City’s Community Appearance Board.
  - (5) “LDC” means the City’s Land Development Code of Ordinances.
  - (6) “Developer” means Cleghorn Shoe Corporation, a Foreign Profit Corporation, and Sunbeam Development Corporation, a Foreign Profit Corporation their successors and assigns.

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- (7) "Site Plan" means the 550-Page document entitled The Park Miramar.
- (8) "Subject Property" is a real property situate and lying in the State of Florida, County of Broward, City of Miramar, identified with Broward County Parcel ID Numbers 514130080010, 514130080020, and 514130080030, and legally described in Exhibit "A."

**Section 2: Findings.** That it finds that:

- (a) **Variance application No. 2307653**, from the Minimum Lot (Building) Frontage requirement of the LDC, more specifically from Chapter 4, Section 404, Table 401-1, Mixed-use Districts Bulk Regulations. Variance Application No. 2307653 will allow the Developer to forgo the 70% lot frontage requirement as the goal is achieved through the of the form-based (urban) design of the proposed mixed-use development. This application should be approved subject to the Site Plan as set forth in sub-section 2(f) of this Resolution.
- (b) **Variance application No. 2307654**, from the Build-to-Line requirement of the LDC, more specifically from Chapter 4, Section 404, Table 401-1, Mixed-use Districts Bulk Regulations. Variance Application No. 2307654 will allow the Developer to forgo the 0 to 30 feet build-to-line requirement, as the goal is achieved through the integration of mixed-use, multi-family, and several commercial buildings with the internal roadway network and organic placement of each building and site amenities. This application should be approved

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subject to the Site Plan as set forth in sub-section 2(f) of this Resolution.

(c) **Variance application No. 2307658**, from the Minimum Building Height requirement of the LDC, more specifically from Chapter 4, Section 404, Table 401-1, Mixed-use Districts Bulk Regulations. Variance Application No. 2307658 will allow the Developer to construct one- and two-story buildings as the goal is achieved due to all the mixed-use, multi-family, hotel, entertainment, and office building achieving the required height, and that several of the building height in feet is comparable to a building that is three-to-four stories. Additionally, these lower scale buildings are adequately placed near plazas and water bodies, allowing for a more intimate pedestrian experience. This application should be approved subject to the Site Plan as set forth in sub-section 2(f) of this Resolution.

(d) **Variance application No. 2403556**, from the Sign Variance requirement of the LDC, more specifically from the maximum sign face square footage permitted by Chapter 10, Section 104.3 (d)(4), under the established Master Sign Plan program. Variance Application No. 2307658 will allow the Developer to construct three signs, one decorative project identity sign at 1,000 square feet, one building mounted digital media display that is 493 square feet, and one building mounted digital media display that is 1,000 square feet. This application should be approved subject to the Site Plan as set forth in sub-

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section 2(f) of this Resolution.

(e) **Flexibility, Redevelopment and Regional Activity Center Unit Allocation**

**Application No. 230229** for the allocation of 500 residential units from the Regional Activity Center and up to 162 Flexibility (“Flex”) Units from the City’s Unified Pool of Flex Units. Approval of Application No. 230229 will allocate the Redevelopment and Flex units for the construction of a mixed-use development containing up to 2,874 dwelling units, approximately 337,317 square feet of gross commercial use, and approximately 125,354 square feet of office use. This application should be approved subject to the Site Plan as set forth in sub-section 2(f) of this Resolution.

(f) The **Site Plan application** for the Developer on the Subject Property is in substantial compliance with the requirements of Section 310 of the LDC. Approval of Application No. 2302288 will approve the Site Plan.

(g) The **Community Appearance Board application** for the Developer on the Subject Property is in substantial compliance with the LDC Sections 311 and 813. Approval of Application No. 2302288 will grant architectural design approval for new construction at the Subject Property.

**Section 3: Adoption.** That subject to the conditions of approval set forth in Section 4 of this Resolution, the City Commission hereby passes and adopts the Resolution approving the above-mentioned site plan, Community Appearance Board

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applications, and variances, as further depicted in Exhibit "B."

**Section 4: Development Agreement.** That the Development Agreement between the City of Miramar, the Cleghorn Shoe Corporation, and the Sunbeam Development Corporation, shall govern the uses of the subject site and any conditions associated with the approval of the development; and

**Section 5: Approval does not Create a Vested Right.** That issuance of this approval by the City does not in any way create any right on the part of the 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 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 6: Failure to Adhere to Resolution.** That failure to adhere to the approval terms and conditions contained in this Resolution shall be considered a violation of this Resolution 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 Resolution and any other approvals conditioned on this approval. The Developer understands and acknowledges that it must

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comply with all other applicable requirements of the City Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the City at any time upon a determination that the Developer is in non-compliance with the City Code.

**Section 7. Severability.** That should any phrase, clause, sentence, paragraph or section of this Resolution be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining portions or applications which shall remain in full force and effect.

**Section 8: Administrative Correction of Scrivener's Error.** That the City Attorney is hereby authorized to correct scrivener's errors found in this Resolution by filing a corrected copy with the City Clerk.

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**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Mayor, Wayne M. Messam

ATTEST:

\_\_\_\_\_  
City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved  
this RESOLUTION as to form:

\_\_\_\_\_  
City Attorney,  
Austin Pamies Norris Weeks Powell, PLLC

<b><u>Requested by Administration</u></b>	<b><u>Voted</u></b>
Commissioner Winston F. Barnes	_____
Commissioner Maxwell B. Chambers	_____
Commissioner Yvette Colbourne	_____
Mayor Wayne M. Messam	_____

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