

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

First Reading Date: September 17, 2018

Second Reading Date: October 3, 2018

Presenter's Name and Title: Eric Silva, Director, on behalf of Community & Economic Development Department

Temp. Ord. Number: 1701

Item Description: **FIRST READING** of Temp. Ord. # 1701, CONSIDERING APPLICATION NO. 1800932, REZONING A 69.140-ACRE PARCEL FROM RURAL (RL) TO SINGLE-FAMILY RESIDENTIAL-8 (RS8), LOCATED AT THE SOUTHWEST CORNER OF BASS CREEK ROAD AND SOUTHWEST 172 AVENUE (Community & Economic Development Director Eric Silva)

Consent ☐ Resolution ☐ Ordinance ☒ Quasi-Judicial ☒ Public Hearing ☐

Instructions for the Office of the City Clerk: [Click or tap here to enter text.](#)

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 August 27, 2018 and/or by sending mailed notice to property owners within 1,000 feet of the property on August 27, 2018 (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 Interim City Manager to City Commission**
- **Resolution TO 1701**
 - **Exhibit A: Legal Description**
- **Attachment(s)**
 - **Attachment 1: Location Map**
 - **Attachment 2: Development Review Report**



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM: Vernon E. Hargray, Interim City Manager 

BY: Eric Silva, Director of Community & Economic Development

DATE: September 13, 2018

RE: FIRST READING of Temp. Ord. No. 1701, considering Application No. 1800932, rezoning a 69.140-acre parcel from Rural (RL) to Single-family Residential-8 (RS8), at the Subject Property located at the Southwest corner of Bass Creek Road and Southwest 172 Avenue

RECOMMENDATION: The Interim City Manager recommends approval of Temp. Ord. No. 1701, Rezoning Application No. 1800932, rezoning a 69.140-acre parcel from Rural (RL) to Single-family Residential-8 (RS8), at the Subject Property located at the Southwest corner of Bass Creek Road and Southwest 172 Avenue.

ISSUE: Pursuant to Section 304 of the City's Land Development Code ("LDC"), City Commission approval is required for the rezoning of properties within the City.

BACKGROUND: The Owner/Developer is proposing a residential subdivision consisting of 385 units. The Owner/Developer is also seeking to divide the proposed 385 homes into two separate residential pods. The first pod is to be zoned RS6 (with 158 homes) and would have a typical lot size of 65' X 120'. The second pod is to be zoned RS8 (with 227 homes) and would have a typical lot size of 50' X 110'.

This Ordinance seeks to rezone 69.140-acres of the 118.363 gross acre property from Rural (RL) to Single-family Residential-8 (RS8). Staff finds that the proposed residential community is comparable and compatible with the adjacent land uses since single-family gated subdivisions are the predominant use West of Interstate-75.

In addition to the rezoning applications, the Owner/Developer has submitted concurrent development applications (site plan, architectural design, platting, variance, trafficways amendment, and land use plan map amendment). Through a proposed Future Land Use Plan Map Amendment (Application 1502812) to the adopted Comprehensive Plan, the

property would be amended from allowing a "Rural" density (*i.e.* one dwelling units per gross 2.5 acres), to "Irregular (3.21) Residential" density (*i.e.* 3.21 dwelling units per gross acre). The proposed amendment will increase the maximum allowable density from 48 residential dwelling units to 385 residential dwelling units, thus permitting the Owner/Developer to create a gated single-family residential community as previous developers have done with the adjacent residential communities.

The Development Review Committee ("DRC") recommended approval of the rezoning application on May 2, 2018. A Community Meeting was held on Tuesday, July 31, 2018. There were about two dozen residents in attendance that had concerns about traffic and the environmental impact of the proposed development. The Planning and Zoning Board will hear this item on September 11, 2018.

Temp. Ord. No. 1701
7/18/18
8/10/18

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF
MIRAMAR, FLORIDA, CONSIDERING APPLICATION NO.
1800932, REZONING A 69.140-ACRE PARCEL FROM RURAL
(RL) TO SINGLE-FAMILY RESIDENTIAL-8 (RS8), LOCATED AT
THE SOUTHWEST CORNER OF BASS CREEK ROAD AND
SOUTHWEST 172 AVENUE; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, Section 304 of the Land Development Code (“LDC”) provides for review and approval of changes to the official zoning map; and

WHEREAS, Lennar Homes, LLC, a Florida Limited Liability Company, has submitted Application No. 1800932, a complete application for rezoning a 69.140-acre parcel from Rural (RL) to Single-family Residential-8 (RS8) on the Subject Property located at the Southwest corner of Bass Creek Road and Southwest 172nd Avenue; and

WHEREAS, Application No. 1800932 has been reviewed pursuant to the standards set forth at Section 304.7 of the LDC; and

WHEREAS, pursuant to Section 304 of the LDC, a community meeting on Application No. 1800932 was held on July 31, 2018; and

WHEREAS, the Planning and Zoning Board held a public hearing on Application No. 1800932 on September 11, 2018, and pursuant to Section 304 of the LDC, recommended approval/denial of the application; and

Ord. No. _____

Temp. Ord. No. 1701
7/18/18
8/10/18

WHEREAS, the City Commission has held two properly advertised public hearings pursuant to Section 304 of the LDC and Chapter 166, Florida Statutes; and

WHEREAS, the Interim City Manager recommends approval of Application No. 1800932; and

WHEREAS, the City Commission finds that this Ordinance is consistent with the goals, objectives, and policies of the City's Comprehensive Plan based on the adoption of Temporary Ordinance 1690 changing the land use map for the Subject Property and based on the Future Land Use Element Goal, Objectives 3, 7, and 10, and Policies 2.9, 3.1, 3I12, 4.3, 4B.1, 5A.4, 6.9, 7.4, and 7A.4; and

WHEREAS, the proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses given that zoning to the South and West if identical to the zoning proposed by this Ordinance and the Planned Unit Development (PUD) zoning to the North allows single-family residential zoning at low density three units per acre; and

WHEREAS, the Subject Property is physically suitable for the zoned purpose and/or the proposed use and purpose given that most of the vegetation on site is invasive and based on the staff report on the rezoning; and

WHEREAS, there are no sites available in other areas of the City of similar size currently zoned or available for such use; and **WHEREAS**, the proposed change is undeveloped and is not a part of any redevelopment plan will contribute to

Temp. Ord. No. 1701
7/18/18
8/10/18

redevelopment of an area in accordance with an approved redevelopment plan; and

WHEREAS, the proposed rezoning should not adversely affect traffic patterns or congestion given the construction of two lanes on Bass Creek Road from SW 172nd Avenue to SW 179th Way, the construction of a roundabout at the intersection of Bass Creek Road and SW 172nd Avenue, the construction of an exclusive Southbound right-turn lane on SW 172nd Avenue at the Subject Property's Development driveway, the re-timing of traffic signal timing for the Southbound left-turn movement at SW 184th Avenue and Miramar Parkway; and

WHEREAS, the proposed change will not adversely impact population density such that the demand for water, sewers, streets, recreational areas and facilities, and other public facilities and services would be adversely affected based on determinations submitted by the Owner/Developer and City staff; and

WHEREAS, the proposed change will not have an adverse environmental impact on the vicinity based on findings submitted by the Broward County Environmental Protection and Growth Management Department, the South Florida Water Management district, the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, and the Florida Fish and Wildlife Conservation Commission; and

WHEREAS, the proposed change will not adversely affect the health, safety, aesthetics, and welfare of the neighborhood or the city as a whole given the City Staff

Temp. Ord. No. 1701
7/18/18
8/10/18

evaluation and that the zoning designation is consistent with communities in the area of the Subject Property; and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to approve Application No. 1800932.

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

Section 1: That the foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

(a) 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) “LDC” means the City’s Land Development Code of Ordinances.

(5) “Owner/Developer” means HBC Florida, Inc., a Florida Corporation; Lennar Homes, LLC, a Florida Limited Liability Company; and CCB Miramar, LLC, a Florida Limited Liability Company, their respective successors and assigns.

Temp. Ord. No. 1701
7/18/18
8/10/18

(6) "Subject Property" is real property situate and lying in the
State of Florida, County of Broward, City of Miramar, to-wit:

DESCRIPTION OF
EAST REZONING PARCEL (RS-8)

ALL OF TRACTS 1, 2, 3, 4, 5, 6, AND A PORTION OF
TRACTS 11, 12, 13, 14, 15 AND 16, IN SECTION 31,
TOWNSHIP 51 SOUTH, RANGE 40 EAST OF FLORIDA
FRUIT LANDS COMPANY'S SUBDIVISIONS NO. 1,
ACCORDING TO THE PLAT THEREOF AS RECORDED IN
PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF
DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID
TRACT 1; THENCE SOUTH 01°42'44" EAST, ALONG THE
EAST LINE OF SAID TRACTS 1 THROUGH 6, A DISTANCE
OF 1964.47 FEET; THENCE SOUTH 89°39'22" WEST
ALONG THE SOUTH LINE OF SAID TRACTS 6 AND 11, A
DISTANCE OF 1602.34 FEET; THENCE NORTH 00°20'38"
WEST, A DISTANCE OF 170.00 FEET; THENCE NORTH
89°39'22" EAST, A DISTANCE OF 71.73 FEET; THENCE
NORTH 01°44'47" WEST, A DISTANCE OF 1794.75 FEET;
THENCE NORTH 89°40'03" EAST, ALONG THE NORTH
LINE OF SAID TRACTS 16 AND 1, A DISTANCE OF 1527.63
FEET TO A POINT OF BEGINNING

SAID LANDS SITUATE IN THE CITY OF MIRAMAR,
BROWARD COUNTY, FLORIDA, AND CONTAIN 69.140
ACRES, MORE OR LESS.

Section 2: That it finds that Application No. 1800932 is in substantial
compliance with the requirements of Section 304 of the City's Land Development Code.

Section 3: That it approves Application No. 1800932, rezoning from Rural (RL)

Temp. Ord. No. 1701
7/18/18
8/1/18

to Single-family Residential-8 (RS8) for the Subject Property.

Section 4: That issuance of this approval by the City does not in any way create any right on the part of the Owner/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 Owner/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 5: Failure to Adhere to Ordinance. That failure to adhere to the approval terms and conditions contained in this Ordinance shall be considered a violation of this Ordinance 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 Ordinance and any other approvals conditioned on this approval. The Owner/Developer understands and acknowledges that it must comply with all other applicable requirements of the City Code before it may commence construction or operation, and that the foregoing approval in this Ordinance may be revoked by the City at any time upon a determination that the Owner/Developer is in non-compliance with the City Code.

Temp. Ord. No. 1701
7/18/18
8/10/18

Section 6: This Ordinance shall become effective: (1) When Section 2. of Temporary Ordinance No. 1689 becomes effective; or (2) as provided in Section 104.2 of the LDC, thirty (30) days from the date of rendition of the Ordinance, and if appealed or otherwise judicially contested, after resolution of any judicial contests or appeals, whichever date shall be later in time.

PASSED FIRST READING: _____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Yvette Colbourne

ATTEST:

City Clerk, Denise A. Gibbs

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

City Attorney
Weiss Serota Helfman
Cole & Bierman, P. L.

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

Ord. No. _____

**DESCRIPTION OF
EAST REZONING PARCEL (RS-8)
AT UNIVISION MIRAMAR**

EXHIBIT A

LEGAL DESCRIPTION

ALL OF TRACTS 1, 2, 3, 4, 5, 6, AND A PORTION OF TRACTS 11, 12, 13, 14, 15 AND 16, IN SECTION 31, TOWNSHIP 51 SOUTH, RANGE 40 EAST OF **FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1**, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT 1; THENCE SOUTH 01°42'44" EAST, ALONG THE EAST LINE OF SAID TRACTS 1 THROUGH 6, A DISTANCE OF 1964.47 FEET; THENCE SOUTH 89°39'22" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 6 AND 11, A DISTANCE OF 1602.34 FEET; THENCE NORTH 00°20'38" WEST, A DISTANCE OF 170.00 FEET; THENCE NORTH 89°39'22" EAST, A DISTANCE OF 71.73 FEET; THENCE NORTH 01°44'47" WEST, A DISTANCE OF 1794.75 FEET; THENCE NORTH 89°40'03" EAST, ALONG THE NORTH LINE OF SAID TRACTS 16 AND 1, A DISTANCE OF 1527.63 FEET TO THE **POINT OF BEGINNING**.

SAID LANDS SITUATE IN THE CITY OF MIRAMAR, BROWARD COUNTY, FLORIDA, AND CONTAIN 69.140 ACRES, MORE OR LESS.

NOTES:


1. THIS DRAWING IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN HEREON THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. SUCH INFORMATION SHOULD BE OBTAINED BY OTHERS THROUGH AN APPROPRIATE TITLE SEARCH.
3. GRID BEARINGS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM OF 1927 COORDINATE VALUES SHOWN ON THE "CRAVEN THOMPSON & ASSOCIATES INC., RESURVEY OF TOWNSHIP 51 SOUTH, RANGE 40 EAST", (MISCELLANEOUS PLAT BOOK 6, PAGE 4), AS TRANSFORMED TO THE NORTH AMERICAN DATUM OF 1983 WITH THE 1990 ADJUSTMENT, WITH THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 31, TOWNSHIP 50 SOUTH, RANGE 41 EAST HAVING A BEARING OF NORTH 89°40'03" EAST, ACCORDING TO SAID PLAT.
4. THIS IS NOT A SURVEY. IT IS A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON.

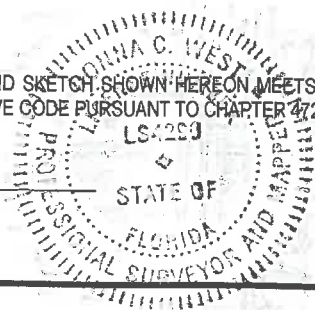
ABBREVIATIONS:

A	= ARC LENGTH	PG.	= PAGE
B.C.R.	= BROWARD COUNTY RECORDS	P.O.B.	= POINT OF BEGINNING
D	= DELTA (CENTRAL ANGLE)	P.O.C.	= POINT OF COMMENCEMENT
D.C.R.	= DADE COUNTY RECORDS	R	= RADIUS
D.E.	= DRAINAGE EASEMENT	R/W	= RIGHT-OF-WAY
P.B.	= PLAT BOOK	U.E.	= UTILITY EASEMENT

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THE DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE STANDARDS OF PRACTICE CONTAINED IN CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.


DONNA C. WEST
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. LS4290



HSQ GROUP, INC.
Engineers • Planners • Surveyors
1001 Yamato Rd., Suite 105
Boca Raton, Florida 33431 • 561.392.0221
CA26258 • LB7924

PROJECT: **UNIVISION MIRAMAR**

PROJECT NO.: 170106

DATE: 1/30/18

SHEET 1 OF 2



P.O.B.

NE CORNER
TRACT 1

(FUTURE BASS CREEK ROAD)

N. LINE NE 1/4
SECTION 31-50-41

15' R/W
(P.B. 2, PG. 17, D.C.R.)

N89°40'03"E

N89°40'03"E 1527.63'

BASS CREEK ROAD
(SW 48TH CT.)

TRACT 16

TRACT 1

TRACT 15

TRACT 2

EAST REZONING
PARCEL (RS-8)

TRACT 14

TRACT 3

SECTION 31-51-40
FLORIDA FRUIT LANDS COMPANY'S
SUBDIVISION NO. 1
(P.B. 2, PG. 17, D.C.R.)

TRACT 13

TRACT 4

N01°44'47"W 1794.75'

S01°42'44"E 1964.47'

SW 172ND AVENUE

TRACT 12

TRACT 5

TRACT 11

TRACT 6

170.00'
N00°20'38"W

N89°39'22"E
71.73'

S89°39'22"W 1602.34'

15' R/W
(P.B. 2, PG. 17, D.C.R.)

LEGEND:

CL CENTERLINE

REVISE EAST REZONING PARCEL (RS-8)

8/2/18

JDV

DCW

N/A

EAST REZONING PARCEL (RS-8)

1/30/18

JDV

DCW

N/A

REVISIONS

DATE

BY

CK'D

FIELD BK.

PROJECT: UNIVISION MIRAMAR

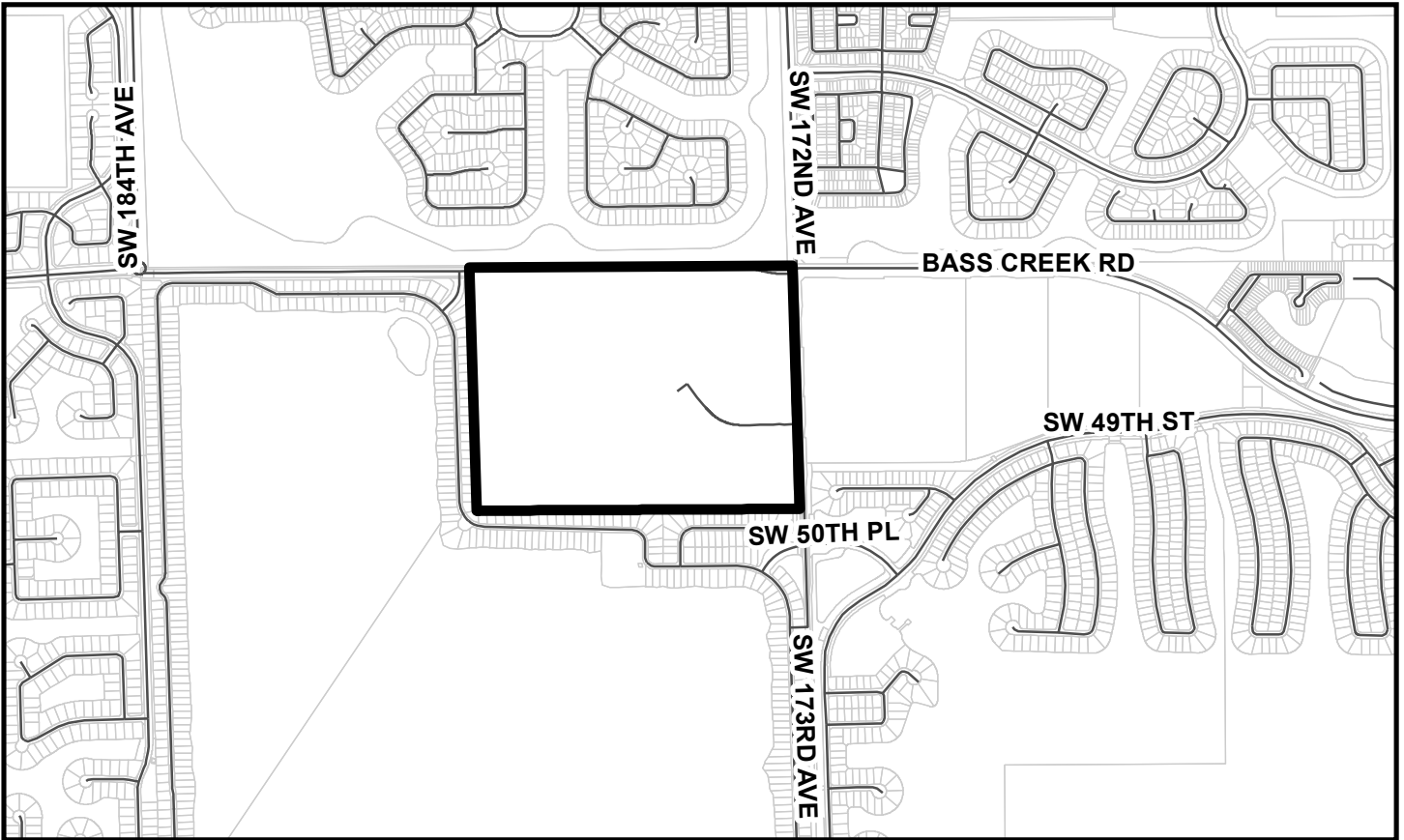
SCALE: 1" = 300'

PROJECT NO.: 170106

SHEET 2 OF 2

Location Map/Aerial View

Attachment 1





City of Miramar
Community & Economic Development Department
Development Review Report - Rezoning

I. Project Summary

Project Name: Tuscan Isles

Application No.: 1800932

Application Summary: The Applicant, which includes Lennar Homes and CC Devco, is proposing a single family residential development on a now 120-acre vacant parcel which used to house radio towers for Univision/Radio Mambisa. The current zoning for the parcel is RL, Rural. The Applicant wants to divide the proposed 385 homes into two separate residential pods. The first pod will be zoned RS6 (with 158 homes) and will have a typical lot size of 65' X 120'. The second pod will be zoned RS8 (with 227 homes) and will have a typical lot size of 50' X 110'.

Related Application(s): Site Plan - 1801862
CAB - 1801863
Land Use Plan Amendment - 1502812
Rezoning (RL > RS6) 1800931
Escrow - 1502816

Agent: Cynthia A. Pasch, AICP
Land Planner
Greenspoon Marder
200 East Broward Boulevard, Suite 1800
Fort Lauderdale, Florida 33301
Telephone: 954-527-6266
Email: cynthia.pasch@gmlaw.com

Owner: Shawn McCann
HBC Florida, Inc.
800 Douglas Road, Annex Building #111
Coral Gables, FL 134

II.Planning Information

Site Location:	Southwest corner of Bass Creek Road and SW 172 nd Avenue
Existing Land Use Plan Designation:	Rural (i.e. One dwelling unit per 2.5 acres)
Proposed Land Use Plan Designation:	Irregular (3.21) Residential (i.e. 3.21 dwelling units per gross acre)
Existing Zoning:	RL, Rural
Proposed Zoning:	Each Pod will have its own Single-family Residential Zoning: RS6 & RS8
Existing Use:	Vacant parcel
Proposed Uses:	385 single-family homes with clubhouse area
Adjacent properties:	

	EXISTING USE	ZONING	LAND USE PLAN
North	Silver Lakes single-family home subdivision	PUD, Planned Unit Development	Residential, Low 3
East	Broward County Everglades High School	CF, Community Facilities	Residential, Low 5
South	Sunset Falls single-family home subdivision	RS6, Single-family Residential	Estate (One dwelling unit per acre)
West	Sunset Falls single-family home subdivision	RS6, Single-family Residential	Estate (One dwelling unit per acre)

Aerial View



III. Background

The Applicant, which includes Lennar Corporation and CC Devco, is proposing a single family residential development on a now 120-acre vacant parcel which used to house radio towers for Univision/Radio Mambisa. The current zoning for the parcel is RL, Rural, which permits large estate homes.

Through a proposed Future Land Use Plan Map Amendment (Application 1502812) to the adopted Comprehensive Plan, the property would be amended from allowing a “Rural” density (i.e. one dwelling units per gross 2.5 acres), to “Irregular (3.21) Residential” density (i.e. 3.21 dwelling units per gross acre). The proposed amendment will increase the maximum allowable density from 48 residential dwelling units to 385 residential dwelling units. Since the Applicant is proposing two residential pods with different home models, the subject site will be rezoned to RS8 and RS6. The RS8 zoning will accommodate homes with a smaller footprint, while the larger homes will be part of the pod with the RS6 zoning designation.

IV. Review Criteria

Section 304.7 of the City’s Land Development Code contains the standards for reviewing proposed rezoning applications. These standards are addressed below:

- 1) *The proposed amendment is consistent with the goals, objectives and policies of the City’s Comprehensive Plan.*

Applicant’s Response:

RS8 Rezoning - The proposed rezoning will provide residential units needed to accommodate the current and projected population. The City’s population is projected to continue to expand and there are very few undeveloped residential parcels in the southwest portion of Miramar. The Applicant is proposing 385 single family units to accommodate future population growth at a density that is compatible with the proposed land use plan designation on the Subject Property. The resulting development will continue the orderly development of the City by providing new residential development in an area that is currently served by municipal facilities. Any new infrastructure that is needed for the proposed development will be provided by the Developer at the level of service standards adopted by the City. For these reasons, the proposed amendment is consistent with the City’s Comprehensive Plan.

Goal

Maintain a long-range future land use pattern which promotes the orderly and well-managed growth and development of the community, producing quality neighborhoods, enhancing the city’s aesthetic appeal, conserving the natural environment and open space, supporting a vibrant economic tax base, and minimizing risks to the public’s health, safety and welfare.

Policy 2.9 Development within the City shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.

Objective 3

Assure that future land uses are compatible.

Policy 3.1 Buffer low density residential land uses, from major transportation arteries and from commercial uses and minimize the impacts of existing incompatible land uses through the adoption of Land Development Regulations which provide for setbacks, landscaping and other design techniques. Concentrate mixed use development on transit corridors that will promote pedestrian activity and support multi-modal transportation options.

Policy 3.12 Any arrangement of dwelling units on a parcel of land designated for residential use is compatible with the City of Miramar Land Use Plan as long as the maximum number of dwelling units permitted within the parcel is not exceeded. For example, the City of Miramar Land Use Plan does not regulate whether the developer uses 100 acres of land designated for low (3) residential density to build 300 single-family homes, or whether the same 100 acres are used to build a 300 unit high rise structure, with the balance of the land maintained as permanent open space. The distribution and type of units will be determined by applicable zoning and land development regulations.

Policy 4.3 Prior to application for a building permit, the Applicant shall obtain a Transportation Concurrency Satisfaction Certificate from Broward County. The City will not accept a building permit application, nor issue a building permit, unless the corresponding Transportation Concurrency Satisfaction Certificate has been presented. The County Commission may adopt land development regulations which exempt from these requirement categories of building permits that clearly do not create additional transportation impacts.

Policy 4B.1 Continue to protect existing rights-of-way from building encroachment through implementation of the City of Miramar Land Development Code provisions that no obstructions of any type which are deemed unsafe pursuant to City standards shall remain or be permitted in the ultimate right-of- way.

Policy 5A.4 Maintain, and update as necessary, the City's Parks and Recreation Impact Fee Ordinance and associated land dedication requirements to ensure that the private sector pays its fair share.

Policy 6.9 Miramar shall coordinate its development review and permitting programs with the wetlands permitting and mitigation programs of the appropriate local state and federal jurisdictional agencies.

Objective 7

Assure availability of public facilities and services.

Policy 7.4 Permit no new development in areas to which sewer service is not available or scheduled to be available, consistent with the City's Concurrency Management System.

Policy 7A.4 Ensure that new development is designed in a manner which utilizes best management practices to minimize the impact on the existing stormwater management system and meets the adopted stormwater management level of service.

Objective 10

Develop programs to provide a complete range of housing opportunities necessary to accommodate all segments of Miramar's present and future population, which shall encourage

energy efficient design and construction in the creation of housing, including the use of renewable energy resources.

Staff's Evaluation:

The subject site has a land use and zoning designation of Rural. The Rural land use permits one dwelling unit per 2.5 gross acres. This means that the maximum allowed dwelling units permitted to be developed would have been 48 single-family units. When Lennar and CC Devco entered into agreement with the seller of the land, the Applicant submitted an application for a Land Use Plan Amendment in order to allow for a large residential development of a 537 single-family homes. The process included multiple community meetings with the surrounding Homeowner associations, and multiple land use public hearings. After much input from the community, the Applicant decreased the proposed number of homes by 28%, to the now 385-homes. Staff finds that the application is consistent with the goals, objectives and policies listed above.

- 2) *The proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses.*

Applicant's Response:

RS8 Rezoning - Residential is the predominate use in the southwest portion of Miramar. The Subject Property approximately the eastern half of a larger development parcel in southwest Miramar. The Applicant chose the RS-8 zoning designation for the eastern half of the development parcel in order to provide a residential product that is compatible with the existing single family residential development in the area and also provide for a transitional density between the CF zoning to the east and the existing residential developments to the west. Residential developments surround the Subject Property to the north, south, and west. The only other use in the immediate vicinity of the Subject Property is Everglades High School which is located on the east side of SW 172 Avenue. Everglades High School will be an asset to the proposed development because students will live within walking distance of the school.

Staff's Evaluation:

Staff agrees with the Applicant in the statement affirming that single-family gated subdivisions are the predominant use west of Interstate-75. The least dense zoning designation for an existing community west of Interstate-75 is RS3, Single-family Residential-3, which encompasses all of the neighborhoods on Sunset Lakes, and Harbour Lakes. Staff finds that the proposed zoning district is compatible with the surrounding area's zoning designations and existing uses. The table below illustrates that the densities and lot sizes of nearby developments are very similar to the proposed project.

DEVELOPMENT	GROSS ACREAGE	BUILT UNITS	LAND USE (Current)	ZONING	LOT WIDTH	ORIGINAL DENSITY
Sunset Falls	501.795 acres	491	Irregular (1) Residential	RS-6	55'(min.)/70'(max.)	- 1979 Ag - Estate (1 du/2.5ac) (Max. Density 0.4) - 1988 Estate (1 du/ac)
Silver Lakes	889.3 acres	2,375	Low (3) Residential	Planned Unit Development (PUD)	40'(min.)/65'(max.)	- 1979 Ag - Estate (1 du/2.5ac) (Max. Density 0.4) - 1988 L(3) - 1999 L(3)
Nautica	274.25 acres	840	Low (3) Residential	RM-16, RS-7, RS-5 and CF	50'(min.)/65'(max.)	- 1979 L(5) (Max. Density 4.4) - 1988 L(5)/Max. 4du/ac
Riviera Isles	306.778 acres	1,761	Irregular (3.06) Residential	RS-4 and RS-6	52'(provided min.)/65'(max.)	- 1979 Ag - Estate (1 du/2.5ac) (Max. Density 0.4) - 1988 L(5)/Max. 4du/ac and Estate (1 du/ac)
Lennar (proposed)	120 acres	385	Irregular (3.21) Residential (proposed)	RS-6 and RS-8	50'(min.)/65'(max.) (proposed)	- 1979 Ag - Estate (1 du/2.5ac) (Max. Density 0.4) - 1988 Estate (1 du/ac)

Comparison of Nearby Developments

- 3) *The subject property is physically suitable for the zoned purpose and/or the proposed use and purpose.*

Applicant's Response:

RS8 Rezoning - The Development Parcel is surrounded by single family residential developments to the north, south and west. To the east is Everglades High School. The proposed development is consistent with the existing development in the area. The Subject Property does not have any physical restrictions that would prevent a residential development.

Staff's Evaluation:

The subject site is a 120-acre vacant parcel which as of late 2017, used to house radio towers for Univision/Radio Mambisa. Most of the existing vegetation on site is invasive, thus with the development of a single family subdivision, a pre-emptive land clearing would help rid of such invasives and replace it with more appropriate native and exotic vegetation suited for South Florida's climate. Staff believes that subject property is physically suitable and of an adequate size and shape for the proposed purpose.

- 4) *There are sites available in the other areas currently zoned for such use.*

Applicant's Response:

RS8 Rezoning - The City's population is projected to continue to expand and there are very few undeveloped residential parcels in the southwest portion of Miramar. There are very few undeveloped properties in the City that can accommodate the residential units that are needed to serve the projected population increase. Therefore, the proposed rezoning is needed for residential units.

Staff's Evaluation:

Land in Broward County is becoming more and more scarce. Given that over 200,000 people are projected to move to Broward County by 2030, a development of this size would certainly help add stock to the single family housing market. Furthermore, Staff is not aware of any other sites Citywide that are both as large in developable land, has a residential land use designation, and currently is zoned for such use.

- 5) *If applicable, the proposed change will contribute to redevelopment of an area in accordance with an approved redevelopment plan.*

Applicant's Response:

RS8 Rezoning - The Subject Property is currently undeveloped and is not part of a redevelopment plan.

Staff's Evaluation:

Staff concurs with the Applicant's statement.

- 6) *The proposed change would adversely affect traffic patterns or congestion.*

Applicant's Response:

RS8 Rezoning - The proposed development is designed to have two access points to distribute traffic on the adjacent roadways. The access on SW 172 Avenue will be limited to residents only. Driveways will provide for sufficient stacking within the development. The Broward County Planning Council analyzed the long range traffic impact of the proposed development. This analysis documented that the proposed development would result in a de minimis impact on the regional roadway network. Thus, no traffic mitigation was required for the land use plan amendment. Nonetheless, the Applicant recognized that the surrounding area has experienced traffic congestion. This congestion will be reduced with the Miramar Parkway and I-75 improvements that were recently completed by FDOT. In addition, the Applicant has committed to additional roadway improvements that will improve traffic flow in the area. These improvements include the following:

- Construction of two lanes on Bass Creek Road from SW 172 Avenue to SW 179 Way to allow a continuous roadway which will provide additional travel routes for those residents living west of SW 172 Avenue.
- Construction of a roundabout at the intersection of Bass Creek Road and SW 172 Avenue. This roundabout will replace a 4-way stop intersection and improve the level of service at this intersection from LOS "C" in the Peak Hour to LOS "B".

- Construction of an exclusive southbound right turn lane on SW 172 Avenue at the project driveway. This improvement will separate vehicles that are turning into development from the through traffic and allow more free-flowing traffic on SW 172 Avenue.
- The Applicant will work with Broward County to adjust the signal timing to improve the southbound left-turn movement at Miramar Parkway and SW 184 Avenue.

Staff's Evaluation:

Although traffic will increase due to the construction of 385 homes, the Applicant has offered to mitigate traffic concerns through the improvements stated in the Applicant's response. Staff has reviewed the proposed improvements and agrees that it will improve traffic flow in the area and maintain an acceptable level of service for the City. As part of the Future Land Use Amendment process, the traffic analysis and associated improvements were also reviewed by Broward County and the Florida Department of Transportation. Neither of these agencies had any objections to the project.

- 7) *The proposed change would adversely impact population density such that the demand for water, sewers, streets, recreational areas and facilities, and other public facilities and services would be adversely affected.*

Applicant's Response:

RS8 Rezoning - The proposed rezoning will not adversely impact the water, sewer, school, or recreation facilities in the surrounding area. There is sufficient capacity in these public facilities to accommodate the proposed development without degrading the level of service. In addition, the proposed development will include private recreation facilities and open spaces within the development. The Applicant will dedicate any right-of-way needed to comply with the Broward County Trafficways Plan for future roadway improvements. In addition, the Applicant will construct all on-site facilities needed to provide water, sewer and drainage service for the proposed development.

Staff's Evaluation:

Staff concurs that the addition of 385 homes at the subject site will not adversely impact the water, sewer, school, recreation facilities, and other public facilities and services in the immediate neighborhoods. Through the current Land Use Plan Amendment application to the City and site plan and architectural review, and future permitting and certificate of occupancy processes, Staff is ensuring that proposed development complies with all municipal, county and state regulations and approvals.

- 8) *Whether the proposed change would have an adverse environmental impact on the vicinity.*

Applicant's Response:

RS8 Rezoning - As documented by the 2004 Broward County Wetlands Map the vegetation on Subject Property is dense melaleuca. There are no threatened or endangered species on the Subject Property. The Applicant will obtain all required environmental permits and mitigate any environmental impacts of the development through the permitting and land development approval process. Prior to the adoption of the Broward County land use plan amendment for the Subject, County staff was asked to evaluate the wildlife and vegetation on the Subject Property. County staff

confirmed that there are no threatened or endangered species on the Subject Property. In addition, City staff met on the Subject Property with the Applicant's consultant and determined that the Subject Property is infested with dense melaleuca. For these reasons, the proposed rezoning will not have an adverse environmental impact.

Staff's Evaluation:

Based on the findings of the Broward County Environmental Protection and Growth Management Department, South Florida Water Management District, Florida Department of Environmental Protection, Florida Department of Agriculture and Consumer Services, and Florida Fish and Wildlife Conservation Commission, Staff concurs that the proposed development will not have an adverse environmental impact and most of the existing vegetation on the site is invasive.

- 9) *Whether the proposed change would adversely affect the health, safety, aesthetics and welfare of the neighborhood or the city as a whole.*

Applicant's Response:

RS8 Rezoning - The proposed rezoning will result in a development that provides housing for the projected future population in the City. The residential units will be developed in a manner that is consistent with the design and amenities that are common in the southwest portion of the City. The proposed development will comply with all of the applicable land development regulations to produce a development that will promote the health, safety, economy and welfare of the City. Specifically, the Applicant has agreed to mitigate the traffic impacts of the proposed development with roadway improvements described above. Sidewalks will be provided along the perimeter of the Subject Property to ensure that there are safe walking routes to the schools that serve the Subject Property. Open spaces and a recreation area will be provided in the development that residents can use for exercise areas. In addition, the proposed development will increase the tax base of the City to enhance the economic health of the community.

Staff's Evaluation:

The proposed single-family subdivision falls within the trend of development west of Interstate-75, which is mostly single-family residential gated communities. The zoning designation for these communities vary from least dense, RS3, to much denser, RS7. The proposed rezoning of RS6 and RS8 have similar bulk regulations to the existing homes of some of the adjacent communities. The RS6 zoning is already established for the community of Sunset Falls, which is immediate to the south and west of the subject site. Additionally, some of the pods of Riviera Isles, immediately to the southeastern section of the subject site, have also a zoning designation of RS6. As for the RS8, only properties in the eastern part of the City have such zoning designation, which was established when the City amended the land use for the properties within State Road 7 to the Transit Oriented Corridor. However, the RS8 zoning is comparable to the RS7 zoning bulk regulations, with the major difference being that RS7 zoning districts permits "z-lots" (zero-lot line homes), while the RS8 zoning district does not.

The proposed development will include amenities such as an 8,000 square feet clubhouse with a large pool, a sanded area with hammocks, tot lots, and other passive recreation areas for residents of the community to enjoy. The development will also provide sidewalks at the boundaries of the development (Southwest 172 Avenue and Bass Creek Road), as well as a dense buffer with decorative fencing and landscaping to maintain an aesthetic appeal such as the existing communities surrounding the subject site. Staff believes that the proposed change would not adversely affect the health, safety, aesthetics and welfare of the residents in the immediate communities.

V. Staff Recommendation

Staff recommends approval of application 1800932.

VI. Development Review Committee (DRC)

The DRC recommended approval of application 1800932 on May 2, 2018.

VII. Community Meeting

A Community Meeting has been scheduled for July 31, 2018.

VIII. Planning & Zoning Board

The Planning and Zoning Board will hear this application on August 14, 2018.