

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

**First Reading Date:** September 17, 2018

**Second Reading Date:** November 5, 2018

**Presenter's Name and Title:** Michael Alpert, Principal Planner, on behalf of Community & Economic Development Department

**Temp. Ord. Number:** 1695

**Item Description:** **SECOND READING** of Temp. Ord. #1695, CONSIDERING APPLICATION NO. 1707473, REZONING A 0.59-ACRE PARCEL FROM PLANNED UNIT DEVELOPMENT (PUD) TO RESIDENTIAL MULTIFAMILY 4 (RM4), LOCATED BETWEEN UNIVERSITY DRIVE AND SOUTH DOUGLAS ROAD, NORTH OF MIRAMAR BOULEVARD AND SOUTH OF PEMBROKE ROAD; AND PROVIDING FOR AN EFFECTIVE DATE. ***(Passed 1<sup>st</sup> Reading on 09/17/18) (Continued from the meeting of 10/17/18)*** (Community & Economic Development Principal Planner Michael Alpert)

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

**Instructions for the Office of the City Clerk:**

**Public Notice** – As required by the Sec. 301.11.1 of the City Code and/or Sec. \_\_\_\_, Florida Statutes, public notice for this item was provided as follows: on 8/8/2018 in a \_\_\_\_\_ ad in the \_\_\_\_\_; by the posting the property on 8/8/18 and/or by sending mailed notice to property owners within 1,000 feet of the property on 8/8/18 (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 TO1695**
- **Attachment(s)**
  - **Attachment 1: Location Map and Aerial View**
  - **Attachment 2: Development Review Report**
  - **Attachment 3: Survey**



**CITY OF MIRAMAR  
INTEROFFICE MEMORANDUM**

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

**FROM:** Vernon E. Hargray, Interim City Manager *VEH*

**BY:** Eric Silva, Community & Economic Development Director

**DATE:** October 30, 2018

**RE:** SECOND READING of Temp. Ord. No. 1695, considering Application No. 1707473, Rezoning a 0.59-acre parcel from Planned Unit Development (PUD) to Residential Multifamily 4 (RM4), located between University Drive and South Douglas Road, north of Miramar Boulevard and south of Pembroke Road

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**RECOMMENDATION:** The Interim City Manager recommends approval of Temp. Ord. No. 1695, Rezoning Application No. 1707473.

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

**BACKGROUND:** The subject property is a 0.59-acre vacant parcel located within the University Park Planned Unit Development (PUD). It is the last remaining developable parcel, as all others within the PUD were built over 30 years ago. Blue Ridge RE Developments LLC, a Florida Limited Liability Company, the Property Owner, has submitted Rezoning, Site Plan, Community Appearance Board, and Variance applications in order to develop a 3-story, 8-unit townhome development on this parcel, which have been reviewed under the current standards of the RM4 zoning district over the outdated and uncertain development standards of the University Park Ordinance. Furthermore, the proposed development is consistent with the density and intensity standards of the Comprehensive Plan, and is compatible with the surrounding existing uses, thus an RM4 zoning designation would be the most comparable and feasible zoning category for this property.

The Planning and Zoning Board recommended approval on this item on March 13, 2018. A community meeting was scheduled for March 5, 2018 at the Miramar Development Services building. No one from the public was in attendance.

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7/18/18  
9/5/18

**CITY OF MIRAMAR  
MIRAMAR, FLORIDA**

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

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, CONSIDERING APPLICATION NO. 1707473, REZONING A 0.59-ACRE PARCEL FROM PLANNED UNIT DEVELOPMENT (PUD) TO RESIDENTIAL MULTIFAMILY 4 (RM4), LOCATED BETWEEN UNIVERSITY DRIVE AND SOUTH DOUGLAS ROAD, NORTH OF MIRAMAR BOULEVARD AND SOUTH OF PEMBROKE ROAD; 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**, Blue Ridge RE Developments LLC, a Florida Limited Liability Company (the “Owner/Developer”), has submitted Application No. 1707473, a complete application for rezoning a 0.59-acre parcel from PUD, Planned Unit Development to RM4, Residential Multifamily 4 on the property located between University Drive and South Douglas Road, north of Miramar Boulevard and south of Pembroke Road; and

**WHEREAS**, Application No. 1707473 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. 1707473 was held on March 5, 2018; and

**WHEREAS**, the Planning and Zoning Board held a public hearing on Application No. 1707473 on March 13, 2018, and pursuant to Section 304 of the LDC, recommended approval of the application; and

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**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. 1707473; 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. 1707473.

**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.

**Section 2:** That it finds that Application No. 1707473 is in substantial compliance with the requirements of Section 304 of the City’s Land Development Code.

**Section 3:** That it approves Application No. 1707473, rezoning from PUD, Planned Unit Development to RM4, Residential Multifamily 4, for the property legally described as:

TRACT A, UNIVERSITY PARK PARCELS 4,5,6 ACCORDING TO  
THE PLAT THEREOF AS RECORDED IN PLAT BOOK 104, PAGE  
1, OF SECTION 21, TOWNSHIP 51 SOUTH, RANGE 41 EAST OF  
THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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**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.

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**Section 6:** That this Ordinance shall become effective 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:

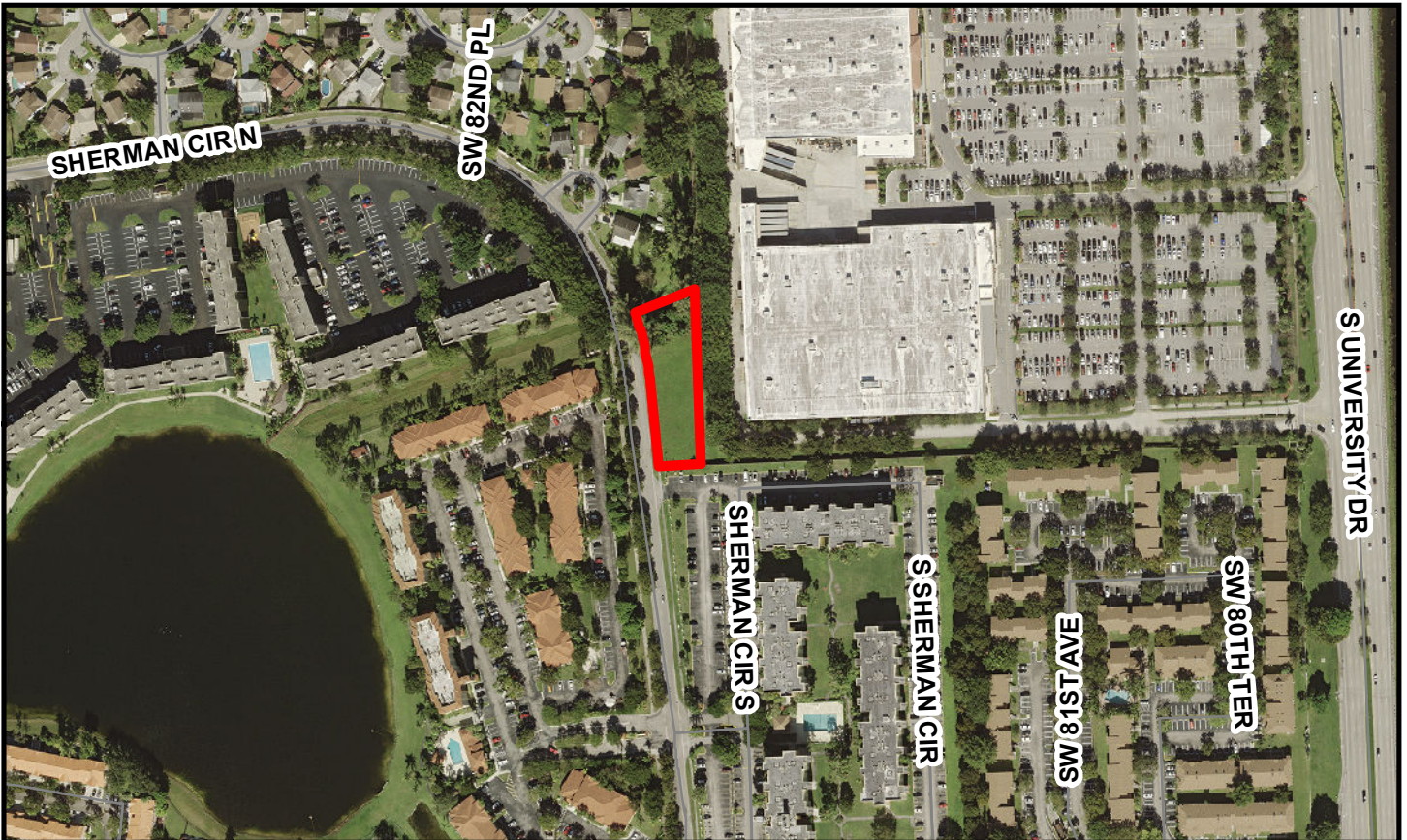
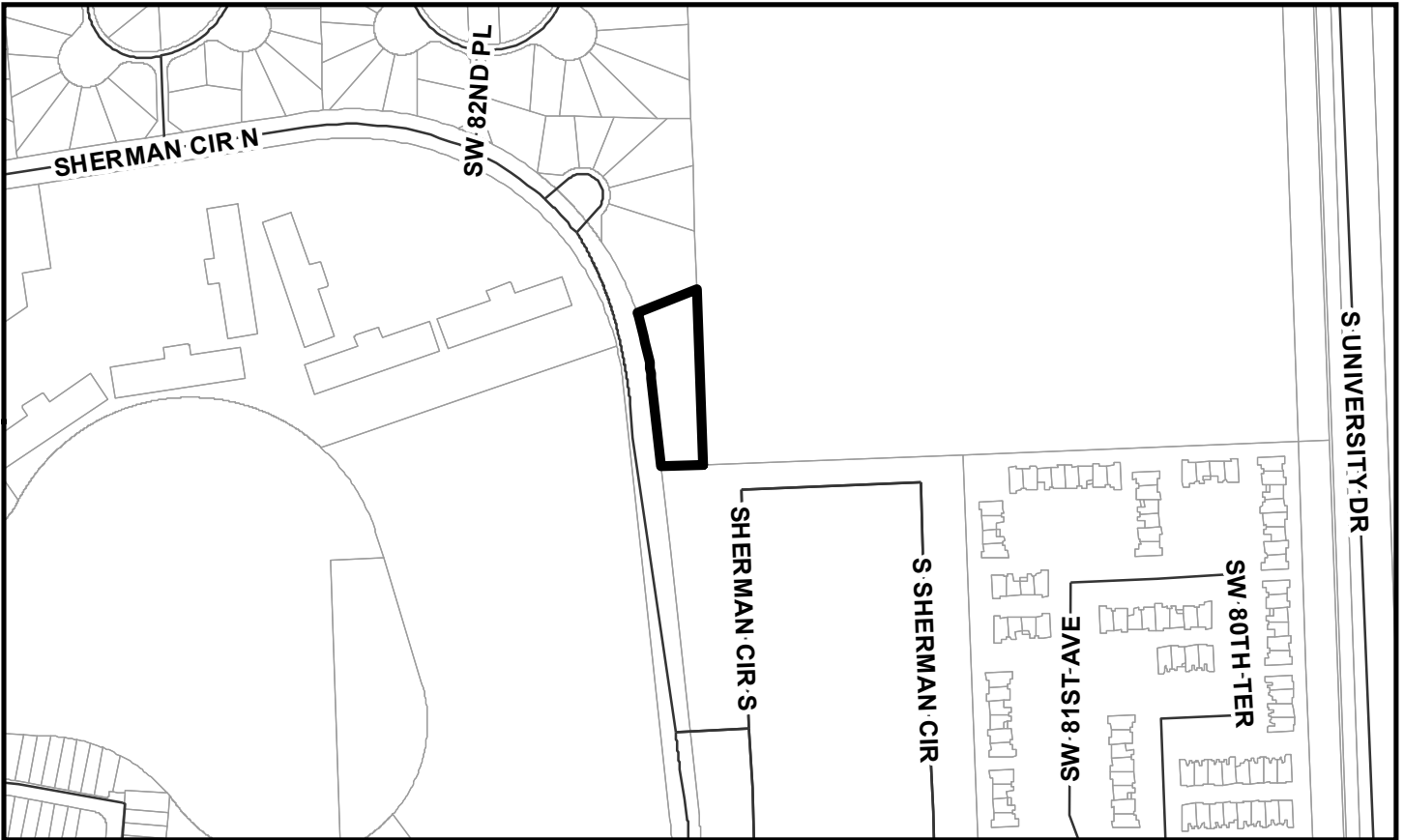
\_\_\_\_\_  
City Attorney  
Weiss Serota Helfman  
Cole & Bierman, P. L.

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

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**Location Map/Aerial View**  
**ZN 1707473**

Attachment 1



0 500 1,000 Feet







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

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**I. Project Summary**

**Project Name:** Sherman Circle Townhomes

**Application:** 1707473 – Rezoning

**Application Summary:** The Applicant/Owner is requesting to rezone the site from Planned Unit Development (PUD) to Residential Multifamily 4 (RM4 formerly known as TOC-RM). The site is an undeveloped parcel within University Park PUD. The property is surrounded by existing multifamily and single-family residential parcels which were developed under PUD zoning designations and commercial property to the east. Accordingly, the developer is processing this rezoning application in conjunction with the other development applications related to this project.

**Related Application(s):** Site Plan – 1707472  
CAB – 1707474  
Variance (Buffer Yard)– 1707478  
Escrow – 1707479

**Agent:** Corion J. DeLaine  
Assistant Project Engineer / Coordinator  
Messam Construction  
18300 NW 62nd Ave, Suite 320 | Miami, FL 33015  
3600 Red Road, Suite 303 | Miramar, FL 33025  
205 SE 3rd Ave, Suite B | South Bay, FL 33493  
Phone: (305) 771-3711  
E-mail: [cdelaine@messamconstruction.com](mailto:cdelaine@messamconstruction.com)

**Owner:** Blue Ridge Real Estate Investments Inc.  
5550 Glades Road #409  
Boca Raton, FL 33431  
Phone: (561) 809-0010  
E-mail: [vcic@me.com](mailto:vcic@me.com)



## II.Planning Information

|                                   |  |
|-----------------------------------|--|
| <b>Site Location:</b>             | Sherman Circle Miramar, Florida 33025 (Folio No. 514121092070) |
| <b>Total Area:</b>                | 0.59 acres   |
| <b>Land Use Plan Designation:</b> | Medium 16  |
| <b>Existing Zoning:</b>           | Planned Unit Development (PUD)                                 |
| <b>Proposed Zoning:</b>           | Residential Multifamily 4 (RM4)                                |
| <b>Existing Use:</b>              | Vacant   |
| <b>Proposed Uses:</b>             | Residential Multi-Family Townhomes                             |
| <b>Adjacent properties:</b>       |  |

|              | EXISTING USE              | ZONING                         | LAND USE PLAN |
|--------------|---------------------------|--------------------------------|---------------|
| <b>North</b> | Residential Single Family | Planned Unit Development (PUD) | Medium 16     |
| <b>East</b>  | Walmart/Sam's Club        | Community Business (B2)        | Commercial    |
| <b>South</b> | Residential Multifamily   | Planned Unit Development (PUD) | Medium 16     |
| <b>West</b>  | Residential Multifamily   | Planned Unit Development (PUD) | Medium 16     |



### III. Background

The parcel of land located on Sherman Circle North is known as Sherman Circle Townhomes ("Subject Property") and is owned by Blue Ridge Real Estate Investments, LLC. The proposed project is located between University Drive and South Douglas Road, north of Miramar Boulevard and south of Pembroke Road. The Subject Property consists of a total of 0.59 acres. The property is a portion of the University Park Parcels 4, 5 and 6 Plat recorded in Plat Book 104 Page 1 of the public records of Broward County. The plat was recorded in 1975 and no replat is required. The purpose of this document is to state the rationale for the rezoning request from Planned Unit Development (PUD) to Residential Multifamily 4 and will consist of a total of eight (8) residential, townhome units.

### 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:**

The proposed rezoning from Planned Unit Development (PUD) to Residential Multifamily 4 (RM4) is compatible with the goals and objectives of the City's Comprehensive Plan through:

Future Land Use Element.

Objective 2.

Policy 2.6: To limit urban sprawl and promote compact, efficient urban development, the City will not initiate the extension of sewer and water service outside of its approved water and wastewater service area. To provide services outside that area the City has adopted and will enforce the uniform extension policy in Ordinance 88-30;

*This policy is applicable to the proposed rezoning because it promotes the concept of urban infill and redevelopment in areas which already have the appropriate infrastructure installed. The proposed rezoning does not encourage sprawl or require City services to go beyond the planned service areas.*

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;

*This policy is applicable to the proposed rezoning because it promotes the concept of urban infill and redevelopment in areas which already have the appropriate infrastructure installed. The proposed rezoning does not impact any natural or man-made resources and poses no environmental concerns.*

Objective 3.

Policy 3.10: Ensure in the Land Development Regulations that the design of lakes, public and private roads and off-street parking facilities is consistent with the applicable criteria of the South Florida Water Management District, the South Broward Drainage District, and the Broward County Department of Planning and Environmental Protection;

*This policy is applicable to the proposed rezoning because it emphasizes that the design elements of the proposed project must be compatible with the regulations required by the City's Land Development Regulations and the other governmental agencies.*

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;

*This policy is applicable to the proposed rezoning because it demonstrates the proposed density is consistent with the underlying land use designation and no additional density is required in order to develop the proposed project.*

Objective 6.

Policy 6G.4: The City shall coordinate with the SFWMD to ensure consistency between the City's and the District's planning efforts;

*This policy is applicable to the proposed rezoning because it emphasizes that the drainage design of the proposed project must be compatible with the regulations required by the SFWMD and other surface water governmental agencies.*

Objective 7.

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;

*This policy is applicable to the proposed rezoning because this, like the proposed development, will meet concurrency requirements. The proposed rezoning will utilize existing infrastructure and have very little impact on the existing sewer and other services within the City of Miramar.*

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;

*This policy is applicable to the proposed rezoning because best management practices will be applied to the project in order to minimize impact on the existing stormwater service and other*

*infrastructure. The proposed rezoning will be utilizing existing infrastructure and will create minimal service demand for sewer and other services within the City of Miramar.*

Objective 9: Encourage redevelopment and infill development utilizing to the maximum extent feasible “Smart Growth” principles and energy efficient development which also account for existing and future electrical power generation and transmission systems in an effort to discourage urban sprawl and reduce greenhouse gasses;

*This policy is applicable to the proposed rezoning because it promotes the concept of urban infill and redevelopment in areas which already have the appropriate infrastructure installed. The proposed rezoning will be connecting to existing utility lines and will not cause the extension of services to go beyond already established areas.*

Policy 9A.5: Encourage the development of vacant residential lots, less than or equal to two (2) acres in size and which are surrounded by developed parcels, by exempting such lots from the transportation concurrency requirements contained in the Land Development Code utilizing the *de minimus* impact rule or other means available. While ensuring consistency with the adopted Miramar Comprehensive Plan and Land Development Code, the City will also allow flexibility for the owners of applicable residential infill lots to build a housing product which is compatible with adjacent development and maximizes property values to the extent possible;

*This policy is applicable to the proposed rezoning because the project meets the objectives by 1) proposing a residential use; 2) being less than two (2) acres in size; and 3) proposing a compatible housing type that is consistent with the surrounding community.*

Policy 9A.7: 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.

*This policy is applicable to the proposed rezoning because it promotes the concept of urban infill and redevelopment in areas which already have the appropriate infrastructure installed. The proposed rezoning does not impact any natural or man-made resources and poses no environmental concerns.*

**Staff's Evaluation:**

The applicant has provided several policies that demonstrate consistency with the Comprehensive Plan to ensure proposed development will promote compact, efficient urban development, encourage redevelopment and infill development and meet contemporary development standards.

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

**Applicant's Response:**

The proposed zoning from PUD to the RM4 zoning district is requested in order to allow townhomes to be constructed on the subject parcel. The subject property is a portion of an older subdivision within the City. This is the last undeveloped parcel within this neighborhood. The balance of the subdivision was developed years earlier; and, Sherman Circle Townhomes, which includes eight (8) townhome units, is consistent with the established development pattern consisting of a mix of multi-family and single family housing units. The immediate and surrounding use of multi-family residential located along Sherman Circle South is consistent with the proposed development and serves as a transition between the established Community Business (B2) zoning district, and the PUD residential zoning district of this neighborhood.

**Staff's Evaluation:**

The proposed zoning is compatible with the surrounding uses. While existing surrounding properties utilized Planned Unit Development (PUD) guidelines to create an assortment of single and multifamily housing options, rezoning the proposed parcel to a residential multifamily district such as RM4 would allow the developer and city an opportunity to provide compatible, convenient, and safe housing options for residents of the area and future residents of the property. The property would also be consistent with the City Land Development Code which has recently been amended to accommodate current and future trends and diverse development types.

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

**Applicant's Response:**

The subject property is the last remaining parcel within the subdivision. Due to the size of the parcel, the most efficient use is to propose multi-family residential or the RM4 zoning district designation. This will enable the construction of newer housing stock and updated construction within the area. The RM4 zoning designation is the most compatible zoning designation for the type of housing proposed.

**Staff's Evaluation:**

The proposed site is suitable for residential multifamily with the currently vacant property and the infill project proposal submitted. The proposal is an eight-unit townhome concept which is permitted within the Residential Multifamily 4 zoning district through site plan approval. RM4 zoning permits the proposed use. It is compatible with surrounding zoning and existing uses.

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

**Applicant's Response:**

The proposed rezoning is to amend the current zoning designation from PUD to RM4. Contained within the PUD zoning district, there are varying densities contained within the subdivision. The surrounding development was constructed under previous LDRs of the City; however, the RM4 zoning district is the most compatible with the townhome development proposed and the City's current development regulations. There are other areas within the City that possess the RM4 zoning designation.

**Staff's Evaluation:**

The subject site is surrounded by existing single and multifamily development which is all zoned and developed under PUD zoning designation. The PUD designation allowed the developers of University Park the ability to create regulations that may have not been readily available under the City's land development regulations at the time it was adopted, Ordinance 68-4. Today, the city is better prepared to anticipate the type of development being proposed within its boundaries with new and updated regulations and encourages zoning changing from PUD properties that no longer align with the City's vision and Comprehensive Plan.

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

**Applicant's Response:**

The intent of the rezoning is to redevelop the parcel which is surrounded by existing development. The parcel is also constrained by an existing 50-foot drainage easement that serves as an outfall for surrounding development. In order to develop the site, innovative architectural solutions are required in order to create a product that is consistent and compatible with the surrounding area. The ability to redevelop this site will bring about renewed interest in established neighborhood without significant impact to the levels of service, as the proposed project consists of eight (8) townhome units.

**Staff's Evaluation:**

Though there is no redevelopment plan in the proposed area, the proposed change would permit the ability of future development while remaining consistent with development guidelines provided by the city.

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

**Applicant's Response:**

The proposed project will not adversely impact traffic. The proposal, as part of this rezoning, is to construct eight (8) townhome units which provide little impact to the area and surrounding community.

**Staff's Evaluation:**

Staff believes that the proposal will have minimal impact on the traffic patterns in this neighborhood, based on the total number of units allowed to be developed and the size of the property. A traffic flow study was conducted at the site plan level.

- 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:**

The proposed rezoning to RM4 will not significantly impact the density and levels of service for water, sewer and other infrastructure. The project proposes to construct a maximum of eight (8) townhome units. The average size of the units is approximately 1,450 square feet with each unit containing sufficient parking for three (3) vehicles per unit. Due to the small-scale nature of the project and given the site is only 0.59 acres, the impact to the population and other services are not significant.

**Staff's Evaluation:**

The proposed change should not adversely impact population density as the change would offer clear guidelines and regulations on developments that shall be permitted on the property under the current code. Any additional uses that may be permitted by the change that are not permitted may not have been mentioned or permitted within the PUD designation would be compatible with surrounding areas.

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

**Applicant's Response:**

The proposed project will have no environmental impact on the immediate or surrounding area. The proposed project requests the approval of a total of only eight (8) residential units located within an existing development. The necessary service lines and other infrastructure are in place. There is no impact to the environment as the proposed site for this development is currently vacant. The City of Miramar encourages infill development of this nature in order preserve the existing services and provide for orderly growth.

**Staff's Evaluation:**

Staff concurs with this statement.

- 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:**

The proposed rezoning will not adversely impact the health, safety and welfare of the City of Miramar. The intent of the proposed rezoning is to provide new housing opportunities within an existing subdivision. The addition of eight (8) townhome units is proposed and will bring about a redevelopment opportunity to this portion of the City. The creation of new housing product can



provide alternative housing options and potentially spur redevelopment activity within the subdivision through updates to architecture and other façade improvements.

**Staff's Evaluation:**

It is anticipated that the proposed change would not adversely affect the health, safety and welfare of the neighborhood or City as a whole, as it will be developed in accordance with the City of Miramar Land Development Code and Comprehensive Plan.

**V. Staff Recommendation**

Staff recommends approval.

**VI. Development Review Committee (DRC)**

The DRC recommended approval of this application on February 7, 2018.

**VII. Community Meeting**

A Community Meeting was held on March 5, 2018; no one from the public was in attendance.

**VIII. Planning & Zoning Board**

The Planning and Zoning Board recommended approval on March 13, 2018.

