

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

First Reading Date: June 12, 2019

Second Reading Date: July 10, 2019

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

Temp. Ord. Number: 1725

Item Description: **SECOND READING** of Temp. Ord. No. 1725, CONSIDERING APPLICATION NO. 1902591 FOR A CHANGE TO THE OFFICIAL ZONING MAP OF THE CITY OF MIRAMAR, REZONING FROM CF, COMMUNITY FACILITIES TO ML, MIXED-USE LOW FOR THE APPROXIMATELY 5.8-ACRE REAL PROPERTY, (ALSO DESIGNATED AS TRACT C AND TRACT D ON THE UNRECORDED PLAT OF FOXCROFT), LOCATED ON THE NORTH SIDE OF MIRAMAR PARKWAY, ABOUT 800 FEET WEST OF DOUGLAS ROAD, IN ACCORDANCE WITH SECTIONS 301 AND 304 OF THE CITY'S LAND DEVELOPMENT CODE; MAKING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE. ***(Passed 1st Reading on 06/12/19)***
(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 6/5/2019 in a newspaper ad in the ____; by the posting the property on ____ and/or by sending mailed notice to property owners within 1,000 feet of the property on 6/5/2019 (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**
- **Ordinance TO1725**
 - **Exhibit A: Legal Description**
- **Attachment(s)**
 - **Attachment 1: Location Map and Aerial View**
 - **Attachment 2: Development Review Report**
 - **Attachment 3: Written/Emailed Public Comments**



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM:  Vernon E. Hargray, City Manager 

BY: Eric Silva, Director of Community & Economic Development

DATE: July 3, 2019

RE: SECOND READING of Temp. Ord. No. 1725, amending the Official Zoning Map of the City of Miramar to rezone the 5.8-acre Property consisting of Tract C (Fire Station 70 & Adult Daycare Site) and Tract D (Former Public Safety Building Site) from CF, Community Facilities, to ML, Mixed-Use Low

RECOMMENDATION: That, pursuant to Section 304 of the City of Miramar's (the "City") Land Development Code ("LDC"), the City Commission holds two duly advertised public hearings (a first reading and a second reading) to review the proposed rezoning of the City-owned 5.8-acre parcel, consisting of Tract C and Tract D of the unrecorded Foxcroft Plat, located on the north side of Miramar Parkway about 800 feet west of Douglas Road, and more specifically identified with Parcel IDs: 514129010100 and 514129010101, from Community Facilities (CF) to Mixed-use low (ML) on the City's Official Zoning Map; considers the recommendation of the City Manager and the Planning and Zoning Board, and the testimony at the hearing, if any; and vote to enact the Ordinance adopting the rezoning.

ISSUE: Pursuant to Section 304 of the LDC, City Commission approval is required for the rezoning of property within the City.

BACKGROUND: The Subject Property is located on the north side of Miramar Parkway, about 800 feet west of Douglas Road, and includes two City-owned tracts, Tract C and Tract D, of the unrecorded plat of Foxcroft, totaling approximately 5.8 acres. Tract C is currently developed with Fire Station 70 and an adult daycare, while Tract D is the site of the former Public Safety Building, which was demolished in 2011.

A search of the City's zoning records indicates that the Subject Property was rezoned from A, Agricultural District, to PUD, Planned Unit Development, in 1973, as part of the much larger parcel primarily located on the south side of Miramar Parkway and commonly referred to as the Foxcroft Development. Tract D was voluntarily conveyed to the City via

a warranty deed dated August 13, 1974 for “municipal purposes.” The City was also granted an option for a period of two years to purchase Tract C, which was to be used for such purposes as the City shall determine, an option the City did exercise.

Following the rezoning, a plat was prepared in 1974, which memorialized the dedication of Tract D to the City for “municipal purposes.” That plat was approved by the City on March 26, 1974, and by the County on December 30, 1975. However, on December 27, 1977, the County rescinded its approval of the plat, prompting the developer to file a lawsuit seeking to enjoin the City from taking any rezoning action of the Foxcroft Development and to compel recording of the plat. That litigation was resolved by a Settlement Agreement and Agreed Order approved by the Florida 17th Circuit Court on March 5, 1980, which provided for the non-recording of the plat, the transfer of all easements, rights-of-way and property subject to dedications, to the City and the County as appropriate, and the purchase of Tract C by the City. Subsequently, the City acquired Tract C from Foxcroft, Ltd. on August 25, 1983.

Since that time, the adopted Future Land Use Map (“FLUM”) of the City’s Comprehensive Plan has been amended to designate Tract C as Commercial and, in conformance with both the PUD Rezoning Agreement and Settlement Agreement, Tract D was zoned as Institutional and Public Facilities (IPF). A City-initiated small-scale development amendment (Temp. Ord. 1705) is in process for consideration on second reading on the July 10th, 2019, Commission agenda that seeks to change the future land use designation of Tract D to Commercial to match that of Tract C and to ultimately accommodate a proposed senior affordable housing development on a portion of Tract D.

Both tracts are currently designated as Community Facility (CF), on the City’s Official Zoning Map. The CF district provides for institutional uses, such as places of worship and public assembly, schools, government and cultural buildings, public facilities, hospitals, parks, but does not permit residential uses, such as a senior affordable housing development. The City is in the process of finalizing a public private partnership with Pinnacle Communities, LLC, a Florida Limited Liability Company, to develop part of Tract D with a senior affordable multifamily residential development. The City is also contemplating to continue the redevelopment of the latter portion of Tract D and possibly a portion of Tract C. Accordingly, the City is seeking to amend its Official Zoning Map in order to rezone both tracts to Mixed-Use Low (ML). One obvious reason for such rezoning is that the ML district permits as a matter of right residential development (subject to allocation of Flex Units), as well as community facility uses, such as the existing fire station and adult daycare uses on Tract C, meaning that the existing fire station and adult daycare will not become nonconforming uses as a result of the proposed rezoning.

Public Meeting: Pursuant to Section 301.5 of the City's LDC, notification of the proposed rezoning was published in the Sun-Sentinel, posted on the property and mailed to property owners within a 1,000-foot radius of the Subject Property to give them an opportunity to comment on the request if they so desire. A community meeting was also held on May 7, 2019, which no residents attended. Nevertheless, staff received two emails (Attachment 3), which are appended hereto, one from Ms. Sheryl-Ann Mullings-Black objecting to the rezoning and another one from Ms. Stephanie Allen expressing concerns over privacy issues.

Planning and Zoning Board Meeting: On May 14, 2019, the Planning and Zoning Board conducted a public hearing regarding the proposed rezoning. A motion was unanimously approved by the Board to recommend approval of the rezoning, finding it to be consistent with the pending comprehensive plan amendment (Temp. Ord. 1705).

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**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, CONSIDERING APPLICATION NO. 1902591 FOR A CHANGE TO THE OFFICIAL ZONING MAP OF THE CITY OF MIRAMAR, REZONING FROM CF, COMMUNITY FACILITIES, TO ML, MIXED-USE LOW, FOR AN APPROXIMATELY 5.8-ACRE REAL PROPERTY (ALSO DESIGNATED AS TRACT C AND TRACT D ON THE UNRECORDED PLAT OF FOXCROFT), LOCATED ON THE NORTH SIDE OF MIRAMAR PARKWAY, ABOUT 800 FEET WEST OF DOUGLAS ROAD, IN ACCORDANCE WITH SECTIONS 301 AND 304 OF THE CITY'S LAND DEVELOPMENT CODE; MAKING FINDINGS; PROVIDING FOR ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in compliance with Part II, Chapter 163, Florida Statutes, as amended, the City of Miramar adopted in 1989 a Comprehensive Plan with a Future Land Use Map ("FLUM") depicting the proposed distribution, location and extent of the various categories of land uses; and

WHEREAS, as also required by state law, the City adopted in 1996 a set of land development regulations along with an Official Zoning Map depicting the boundaries of the various zoning districts, which are consistent with and implement the Comprehensive Plan, as amended, and which are codified in the Land Development Code; and

WHEREAS, Section 166.041(3), F.S., outlines the procedural requirements for the adoption of ordinances enacted for city-initiated zoning map amendments; and

WHEREAS, the City is the owner of record of two tracts of land, consisting of
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Tracts C and D of the unrecorded Plat of Foxcroft, covering 5.8 acres, and located on the North side of Miramar Parkway, slightly West of Douglas Road (the "Subject Property"); and

WHEREAS, Tract C is currently developed with Fire Station 70 and a City-owned and administered Adult Day Care Center, while Tract D is vacant; and

WHEREAS, the City has approved a Small-Scale Development Amendment seeking to change the land use designation of Tract D on the City's FLUM from Institutional and Public Facilities to Commercial to match that of Tract C and ultimately facilitate the redevelopment of a portion of Tract D; and

WHEREAS, the Subject Property is currently zoned CF, Community Facilities, on the City Official Zoning Map; and

WHEREAS, in order to properly implement the Small-Scale Development Amendment and facilitate a potential proposed senior affordable residential project, the City is desirous of changing the zoning designation of the Subject Property on the City Official Zoning Map from CF, Community Facilities, to ML, Mixed-Use Low, pursuant to Section 304 of the LDC; and

WHEREAS, pursuant to Section 304.3 of the LDC, the City has filed Application No. 1902591 for a concurrent Zoning Map Amendment or Rezoning; and

WHEREAS, pursuant to Section 163.3184(12), F.S., approval of this concurrent Zoning Map Amendment by the City Commission is contingent upon the pending Small-Scale Development Amendment to the Comprehensive Plan becoming effective; and

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WHEREAS, pursuant to 166.41(3)(c), F.S., and Section 301.5 of the City's LDC, notification of the proposed rezoning was published on the City's Sunshine Board and in the Sun-Sentinel, posted on the property, and mailed to property owners within a 1,000-foot radius of the Subject Property to give them an opportunity to comment on the request if they so desire; and

WHEREAS, pursuant to Section 301.5 of the City's LDC, a duly noticed community meeting was also held on May 7, 2019, in the lobby of the Community Development Department to further discuss the proposed rezoning and redevelopment of Tract D; and

WHEREAS, the City Manager recommended adoption the proposed Rezoning for the Subject Property, as filed under Application No. 1902591; and

WHEREAS, Section 107 of the City's LDC establishes the Planning and Zoning Board, sitting as as the Local Planning Agency, for the purpose of making recommendations to the City Commission regarding revisions to the LDC, and in regard to adoption and amendment of the Official Zoning Map; and

WHEREAS, at a duly noticed *quasi*-judicial public hearing held on May 14, 2019, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed and discussed the proposed Rezoning and accompanying staff report packet, considered the City Manager's recommendation, and reviewed written public comments made a part of the record from two residents who were unable to be in attendance; and

WHEREAS, after due consideration of all matters, the Planning and Zoning Board found the proposed Rezoning to be necessary to properly enact the pending Small-Scale

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Development Amendment to the City's Comprehensive Plan and to meet the review standards for amendments to the City's Official Zoning Map, as set forth in Section 304.7 of the LDC, and therefore recommended that the City Commission concurrently adopt the Rezoning; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, found the proposed rezoning to be consistent with the pending Comprehensive Plan amendment affecting the Subject Property; and

WHEREAS, pursuant to Section 304.6.1 of the City's LDC, the City Commission shall hold two public hearings to adopt the proposed Rezoning following the notification requirements set forth in Section 166.041(3), F.S; and

WHEREAS, the City Commission, at two duly advertised *quasi*-judicial public hearings held on June 12, 2019 and on July 10, 2019, reviewed the proposed Rezoning and accompanying staff report, the City Manager's and the Planning and Zoning Board's recommendations, the applicable review standards for rezonings set forth in the LDC, the application of the comprehensive plan, and oral and written comments received before or at the public hearings; and

WHEREAS, the City Commission, after due consideration of all matters, finds that the rezoning from CF, Community Facilities, to ML, Mixed-Use Low, to be necessary to properly implement the Small-Scale Development Amendment to the City's Comprehensive Plan involving the Subject Property, and to comply with the rezoning review standards of Section 304.7 of the LDC, the noticing requirements of Section 301.5

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of the LDC and Section 166.041(3), F.S., and the implied requirements of Section 163.3184(12) for rezoning concurrent to a pending land use plan amendment; and

WHEREAS, the City Commission finds that the proposed Zoning Map Amendment to promote the public health, safety, orderly growth and general welfare of the City, and it is therefore in the best interest of the City to adopt same.

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

Section 1: Recitals; Definitions:

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

(b) That as used herein, unless the context clearly indicates to the contrary, that the following terms shall mean:

(1) “City” means of the City of Miramar, a Florida Municipal Corporation.

(2) “F.S.” means Florida Statutes.

(3) “LDC” means the City’s Land Development Code;

(4) “Subject Property” means and is described as comprising two tracts, Tracts C & D, which are described as follows:

Tract C, which is depicted on the unrecorded plat of Foxcroft, is located to the West of Tract D, the South line of which abuts Miramar Parkway, West of Douglas Road, and

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legally described as lying and situate in the State of Florida, County of Broward, City of Miramar, to-wit:

A portion of Everglades Sugar and Land Company Subdivision, of Section 29, Township 521 South, Range 41 East, according to the plat thereof, as recorded in Plat Book 3, Page 77, Public Records of Dade County, Florida, lying and being in the City of Miramar, Broward County, Florida, being more particularly described as follows:

Commence at the Northeast corner of Section 29, Township 51 South, Range 41 East; thence run South 01°49'49" East along the East line of said Section 29 for 1831.24 feet; thence run South 88°05'18" West along a line parallel and 1008.53 feet North of the South line of the North ½ of said Section 29 for 1134.70 feet to the Point of Beginning of the parcel hereinafter described; thence continue South 88°05'18" West along the last described course for 565.30 feet; thence run South 01°49'49" East along a line West of an parallel with the East line of said Section 29 for 222.78 feet; thence run North 88°09'09" East, 565.30 feet; thence run North 01°49'49" West along a line West of an parallel with the East line of said Section 29 for 223.40 feet to the Point of Beginning, containing 2.90 +/- acres.

Tract D, as shown on the unrecorded plat of Foxcroft, is located to the East of Tract C, the South line of which abuts Miramar Parkway, West of Douglas Road, and described as lying and situate in the State of Florida, County of Broward, City of Miramar, to-wit:

A portion of Everglades Sugar and Land Company Subdivision, of Section 29, Township 521 South, Range 41 East, according to the plat thereof, as recorded in Plat Book 3, Page 77, Public Records of Dade County, Florida, lying and being in the City of Miramar, Broward County, Florida, being more particularly described as follows:

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Commence at the Northeast corner of said Section 29, and run S. 1°49'49" E. along the East line of said Section 29 for 1831.24 feet; thence run South 88°05'18" West along a line parallel with and 1008.53 feet North of, the South line of the North ½ of said Section 29 for 550.00 feet to the Point of Beginning of the parcel of land hereinafter described; thence continue South 88°05'18" West for 584.70 feet; thence run S. 01°49'49" East along a line West of an parallel with the East line of said Section 29 for 223.40 feet; thence run North 88°09'09" East, 584.70 feet; thence run North 01°49'49" West along a line parallel with and 550.00 feet West of the East line of said Section 29 for 224.06 feet to the Point of Beginning.

Section 2: **Findings:** The City Commission of the City of Miramar, Florida, hereby finds the proposed Rezoning to be consistent with the City's Comprehensive Plan and to comply with all applicable provisions of the City's Land Development Code.

Section 3: **Adoption:** The City Commission of the City of Miramar, Florida, hereby passes and adopts the proposed Rezoning filed under Application No. 1902591, changing the zoning designation of the Subject Property, from CF, Community Facilities, to ML, Mixed-Use Low, on the Official Zoning Map of the City's Land Development Code. The City Manager is hereby authorized to do all things necessary to effectuate the adopted Rezoning and to keep available copies of the City's Official Zoning Map, as amended, for public review and examination at the Miramar Community Development Department.

Section 4: **Severability:** If any word, clause, phrase, sentence, paragraph or section of this Ordinance is held to be unconstitutional or invalid by any court of competent jurisdiction, such unconstitutional or invalid part or application shall be considered as

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eliminated and shall not affect the validity of the remaining portions or applications which shall remain in full force and effect.

Section 5: **Scrivener's Error:** The City Attorney is hereby authorized to correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk.

Section 6: **Effective Date:** This Ordinance shall not become effective until the pending Small-Scale Development Amendment to the City's Comprehensive Plan, changing the future land use designation of Tract D of the Subject Property from Institutional and Public Facilities to Commercial becomes effective, as provided by general law.

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PASSED FIRST READING: _____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Alexandra P. Davis

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	_____
Commissioner Yvette Colbourne	_____
Vice Mayor Alexandra P. Davis	_____
Mayor Wayne M. Messam	_____

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Location Map





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

I. Project Summary

Project Name: Foxcroft

Application: 1902591 – Rezoning

Application Summary: A Zoning District change from Community Facilities to Mixed Use Low on the former Public Safety Building site located on the north side of Miramar Parkway and west of Douglas Road. Accordingly, the City has applied for a Small Scale Land Use Plan Amendment to the Future Land Use Map of the Future Land Use Element of the Adopted City of Miramar Comprehensive Plan in conjunction with this application.

Related Application(s): 1807190 Small Scale Comprehensive Plan Amendment

Owner: City of Miramar/City Clerk
 2200 Civic Center Place
 Miramar, Florida 33025
 Tel.: (954) 602-3274
 Fax: (954) 602-3646

Contact: Nixon Lebrun, AICP, CED Senior Planner
 2200 Civic Center Place
 Miramar, Florida 33025
 Tel: (954) 602-3281
 Fax: (954) 602-3646
 Email: nlebrun@miramarfl.gov

II. Planning Information

Site Location: IN SECTION 29, TOWNSHIP 521 SOUTH, RANGE 41 EAST;
 GENERALLY LOCATED ON THE NORTH SIDE OF MIRAMAR
 PARKWAY, APPROXIMATELY 600 FEET WEST DOUGLAS ROAD
 (Folio Nos. 514129010100 & 514129010101)

Existing Land Use Plan Designation: COMMERCIAL

Existing Zoning: COMMUNITY FACILITIES (CF)

Proposed Zoning: MIXED-USED LOW (ML)

Neighboring Land Use Characteristics:

	EXISTING USE	ZONING	LAND USE PLAN
North	Single-Family Residences	Residential Single-Family 2 (RS2)	Low 5 (Residential)
East	Gas Station	Community Business (B2)	Commercial
South	Foxcroft Condominiums	Planned Unit Development (PUD)	Irregular (19.9) Residential
West	Single-Family Residences	Residential Single-Family (RS2)	Low 5 (Residential)

Location Map



III. Background

As shown on the location map above, the subject real property is located on the north side of Miramar Parkway, about 600 feet west of Douglas Road, and includes two (2) City-owned tracts, Tract C and Tract D, of the unrecorded plat of Foxcroft, totaling approximately 5.8 acres. In 1973, the property was rezoned from A, Agricultural District to PUD, Planned Unit Development, as part of the much large parcel primarily located south of Miramar Parkway and commonly referred to as the Foxcroft Development. As an inducement to the City to facilitate the rezoning, Tract D was conveyed to the City via a warranty deed dated August 13, 1974 for “municipal purposes.” The City was also granted an option for a period of two (2) years to purchase Tract C, which shall be used for such purposes as the City shall determine.

A plat was subsequently prepared in 1974, which included a dedication to the City of Tract D for “parks and public purposes.” That plat was approved by the City on March 26, 1974 and by the County on December 30, 1975. However, on December 27, 1977, the County rescinded its approval of the plat, prompting the developer to file a lawsuit seeking to enjoin the City from taking any rezoning action of the Foxcroft Development and to compel recording of the plat. That litigation was resolved by a Settlement Agreement and Agreed Order approved by the Florida 17th Circuit Court on March 5, 1980, which provided for the non-recording of the plat, the transfer of all easements, rights-of-way and property subject to dedications to the City and the County as appropriate, and the purchase of Tract C by the City. Subsequently, Tract C was conveyed to the City by Foxcroft, Ltd., by warranty deed recorded on August 25, 1983.

Since that time, the adopted Future Land Use Map (“FLUM”) of the City’s Comprehensive Plan has been amended to designate Tract C as Commercial and, in conformance with both the PUD Rezoning Agreement and Settlement Agreement, Tract D as Institutional and Public facilities (“IPF”). A City-initiated land use plan amendment was recently adopted by both the City Commission, which changed the future land use designation of Tract D to Commercial with the intent of developing the site with a senior affordable housing development. The Commercial land use designation provides for commercial uses, community facilities, public utilities, as well as free-standing multifamily residential uses on sites of five acres or less, subject to the allocation of Flexibility (“Flex”) Units.

The City’s Official Zoning Map currently depicts both tracts as being zoned CF, Community Facility. This district provides for institutional uses, such as places of worship and public assembly, schools, government and cultural buildings, public facilities, hospitals, parks, but does not permit residential uses. As such, the City has initiated this zoning map change to rezone the subject property to ML, Mixed Use Low, in order to accommodate the senior affordable housing development envisioned for much of the vacant Tract D.

IV. Review Criteria

Section 304.7 of the City’s Land Development Code contains the standards for reviewing proposed rezoning applications. The City shall find whether or not the criteria below are met.

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

Staff’s Evaluation:

As mentioned above, the City recently changed the future land use designation of Tract D of the subject property to accommodate a proposed senior affordable housing development. The proposed rezoning is yet another entitlement endeavor being pursued by the City to bring to fruition that elderly housing project. The purpose and intent of the ML District is to encourage a functional mix of compact, first-rated projects based on the principles Smart Growth and Complete Streets in order to enhance the City’s transit ridership base by reducing the use of single-occupancy vehicles, improve access and mobility, and increase pedestrian activity. While the underlying Commercial land use designation allows for more liberal zoning classifications, staff believes that the proposed ML zoning would be less intrusive to the single-family residential homes located just north of the subject property and would neither create any nonconformity on the subject property as the existing adult daycare and fire station are permitted by right in the ML district.

Furthermore, the proposed senior affordable residential south through this rezoning not only implements the overall Commercial future land use designation of the subject property, but will be in

keeping with several goals, objectives and policies of the City's Comprehensive Plan. It is the intent of the City to develop the subject property with a senior affordable housing project, a finding of facts reveals that the proposed rezoning is supported by the following policies of the City's Comprehensive Plan, as contained herein and summarized below:

- ✓ Policy 1.4, which provides for free standing multi-family residential uses on parcels of 5 acres or less, subject to the allocation of Flex Units.
- ✓ Policy 3.1, which calls for the concentration of mixed use development on transit corridors in order to promote pedestrian activity and support multi-modal transportation options.
- ✓ Policy 10.2, which directs the City to take appropriate actions to support affordable housing, especially for the low- to moderate-income residents, including the elderly.

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

Staff's Evaluation:

The subject real property covers nearly 5.75 acres and has remained unimproved since 2011 following the demolition of the Miramar Public Safety Building, which housed the City Police Headquarters and Fire Station 70. The development that the proposed rezoning will accommodate will be similar in height with the multifamily residential development to the south, and will provide a more appropriate transition from the commercial uses to the east than any of the more intensive, non-residential uses allowed in the underlying Commercial land use designation. It will greatly complement the existing City-owned adult day care that was recently built on Tract C. Therefore, the proposed ML district and the residential development it will facilitate on the subject property will be compatible with the surrounding area.

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

Staff's Evaluation:

The property is suitable in size and shape to accommodate the development sought through the proposed the Mixed-Use Low zoning classification. The prospective developer, i.e. Pinnacle Housing Group, is committed to design a development concept that meets the intent and purpose of the ML District, adheres to compatible transition standards, and incorporates quality of design, city streetscapes and public realm enhancements.

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

Staff's Evaluation:

While there exist other sites available in other parts of the City, which are currently appropriately zoned for multifamily residential uses, the City does not, however, hold fee simple title to any such site. The subject property is the most suitable City-owned property to accommodate the proposed senior affordable housing. As noted above, the City holds fee simple title to the subject property, especially Tract D since the mid-1970s but, since the demolition of the Miramar Public Safety Building in 2011, has yet to redevelop said tract for another "municipal purpose," as required by the Settlement Agreement. Upon receiving an unsolicited proposal from Pinnacle Housing Group last year to enter into a Public Private Partnership to develop the site as senior affordable housing, the City Commission, under the municipal home rule authority conferred by the State Legislature, determined that it was

legitimate municipal purpose to select Tract D of the subject property to help address the affordable housing shortage that the City currently faces. In light of this, the municipal purpose of addressing the affordable housing shortage in the City, especially in light of recent cutbacks in federal and state assistance for housing programs and escalating land and predevelopment costs, takes precedence over the availability of other sites in other areas of the City, which are currently zoned for the proposed use, since the City does not own such sites.

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

Staff's Evaluation:

While the City does not have a redevelopment plan for the area, the proposed rezoning will further many of the policies of the City's Comprehensive Plan, especially as they relate to the provision of affordable housing for the extremely low-, low- to moderate-income residents in the City. In fact, according to the City 2015-2019 Consolidated Plan prepared for the United States Housing and Urban Development (HUD), about 30 percent of all Miramar households –owners and renters- are considered severely cost-burdened, spending at least half of their monthly income on housing costs, and a slightly higher percentage of the City's households are considered cost-burdened, spending between 30 and 50 percent of their monthly income. In addition, the latest Broward County Affordable Housing Needs Assessment, not only reveals that there are significant gaps in the number of affordable owner and renter housing in the very low and low household income categories, but also suggests that the current supply of affordable housing is insufficient to meet the demands of these households. By leveraging publicly-owned land to develop affordable housing that targets elderly residents, who are income-constrained, and, for all intents and purposes, are otherwise unable to afford the basic cost of living in the City, the development sought through the proposed rezoning will also be in keeping with the recommendations of the aforementioned Consolidated Plan.

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

Staff's Evaluation:

The combined traffic impact on surrounding roadways resulting from the existing developments and proposed residential development sought through this rezoning would be *de minimis* at best. In fact, according to the Traffic Circulation Analysis conducted for the land use plan amendment, “the change in designation does result in an increase in daily and PM peak hour trips, the change is relatively minimal (e.g., less than 100 peak hour trips) and is not anticipated to generate a significant impact (defined as 3% or more of the adopted roadway capacity) on any of the surrounding roadway segments”.

- 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.*

Staff's Evaluation:

The proposed change will not create any undue burden on public facilities and services such as water, sanitary sewers, streets/roadways, recreational areas and facilities, and other public facilities. In compliance with the requirements of s. 163.3180, F.S., and the Concurrency Management System (“CMS”) of the Capital Improvement Element (“CIE”) of the City's Comprehensive Plan, Staff has

performed an analysis of the impacts of the proposed rezoning on City infrastructure and services, and found that adequate capacity exists for all of these public services and infrastructures to accommodate at the adopted level of service (LOS) standards the existing developments, as well as the proposed senior affordable housing development on the subject property.

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

Staff's Evaluation:

As part of the land use amendment adoption, County and State agencies review the site and the development proposed to be built on same, for any adverse environmental impacts and determined that the development will have no adverse environmental impacts, which could not otherwise be mitigated. According to their report, the subject property is not located within a wellfield zone, is not listed in the County's Protected Natural Lands Inventory and is not otherwise adjacent to a site in the inventory, does not include any other Specially Designated Areas by the County, and therefore is not subject to any special restrictions. Their review indicates that two listed contaminated sites were found on or adjacent to the property, most likely due to the presence of the underground storage tank facility that was built for the now-demolished Public Safety Building that occupied Tract D. Efforts are underway to address the perceived contamination.

The review acknowledged that the development being proposed for the subject property would involve a major percentage of impervious area and would result in net increase in the volume of water available for recharge. However, the report concluded that the change in recharge capacity would be insignificant.

The property is located within the jurisdiction of the South Broward Drainage District and South Florida Water Management District. Development within the site will be required to meet the drainage standards of the Broward County Department of Planning and Environmental Protection, and the South Florida Water Management District. Successful compliance with the criteria established should result in reducing the potential danger from flooding and maintaining the quality of surface waters.

Staff will further ensure that all appropriate environmental permits will be secured from the County and other external agencies prior to the issuance of any building permit, site grading and paving, drainage and any other construction activities on the site.

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

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. In fact, the development being proposed through this rezoning will activate an otherwise unimproved site (Tract D), which has, sometimes, been used for illegal dumping activities. The proposed residential development is anticipated to greatly improve the site and have an overall positive impact on neighboring properties. Through the DRC site plan approval, staff will ensure that the final plans show a project that is architecturally and aesthetically pleasing, that blends well with the adult day care and fire station already built on the subject property, i.e., Tract C, and that transitions well with the low-lying single-family residences immediately north. Through the DRC approval process, staff will ensure that all concurrency determinations are finalized in strict compliance with the requirements of the City LDC.

V. Staff Recommendation

Based on the foregoing finding of facts, Staff recommends approval.

VI. Community Meeting

Community meeting was held on May 7, 2019 at City Hall. No one was in attendance but staff received an e-mail of objection from a resident.

VII.Planning & Zoning Board

Planning and Zoning Board was held on Tuesday, May 14, 2019. The Board voted unanimously to approve this application.

From: [Sheryl-Ann Mullings-Black](#)
To: [Lebrun, Nixon](#)
Subject: Re: Rezoning of 5141-2901-0100 and 5141-2901-0101 (from Community Facilities to Mixed-Use Low)
Date: Sunday, May 05, 2019 1:10:16 PM

Dear Sir or Madam,

I am unable to attend both the Community meeting and Public Hearing regarding this matter.

I am an 18 year resident of Miramar and this is my *written* objection concerning the above captioned subject matter. Several years ago, I personally asked incoming Mayor Wayne Messam (who was in attendance at our community meeting) what the proposed use of land would be, given that it was left vacant stemming from damage sustained by Hurricane Wilma. I was told then that it would be utilized for the Elder Day Care facility which is now in existence. I indicated then that the residents of South Central Miramar (south of Miramar & west of Douglas) did not have (and still don't) a *designated* community park within a ½ -1 mile radius that we can enjoy. Instead adults and children have to either trek or drive to the County park located on University drive or, rely on other parks (e.g. River Run) in adjoining communities. While I understand the importance of re-development and local investment, I do not appreciate the over-commercialization of Miramar.

Please read my email objection at both the community meeting and public hearing.

Thank You.

Sheryl-Ann Mullings (nee Black), MBA
Home Owner/Community Board Director
Foxcroft Condominium & Apartments Inc.

From: [Stephanie Allen](#)
To: [Lebrun, Nixon](#)
Subject: Zoning proposal comments
Date: Friday, May 10, 2019 2:05:28 PM

Good afternoon,

I am writing to have my written comments included in the public hearing scheduled for May 14th since I will not be able to personally attend. I reside at 9110 Crescent Dr; Miramar, FL. I live directly behind the land that is in question. From the other meetings I've attended, it seems that it is a sure thing this deal will go forward and that the couple of miramar residents who will be impacted are very much in the minority. So I just ask that they take my family (and neighbors) and our privacy into consideration. My understanding is that a multi-story living facility is being proposed to be built there, which would make it very easy for someone to look out of their window and observe my family or my 3 young daughters in our pool or even inside of our house. We are limited by the height of our own fence and I would hope if this goes forward, at least that will be addressed or have a huge buffer of space because had I known the vacant land behind our home would one day house a building or if it had already existed when we purchased 3 years ago, I would not have chosen to live here. At minimum, VERY dense and tall trees should be built along our fence lines to allow us privacy. I feel it's a huge violation of privacy and I would like someone to assure me that will not occur.

Thank you for keeping us notified of the updates in regards to this upcoming change. If this is not the venue to address these concerns, please let me know. Is there any way to get further details on EXACTLY what will be built there and who will be eligible to live there?