

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

First Reading Date: November 28, 2018

Second Reading Date: July 10, 2019

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

Temp. Ord. Number: 1705

Item Description: **SECOND READING** of Temp. Ord. No. 1705, CONSIDERING APPLICATION NO. 1807190 FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY OF MIRAMAR COMPREHENSIVE PLAN, CHANGING FROM INSTITUTIONAL AND PUBLIC FACILITIES TO COMMERCIAL THE FUTURE LAND USE DESIGNATION OF THE APPROXIMATELY 3-ACRE REAL PROPERTY (ALSO DESIGNATED AS TRACT D ON THE UNRECORDED PLAT OF FOXCROFT), LOCATED ON THE NORTH SIDE OF MIRAMAR PARKWAY, ABOUT 600 FEET WEST OF DOUGLAS ROAD, AND LEGALLY DESCRIBED WITH BROWARD COUNTY FOLIO NUMBER 5141-2901-0100, IN ACCORDANCE WITH SECTIONS 163.3174, 163.3177, 163.3184(11) AND 163.3187, FLORIDA STATUTES, ARTICLE 1 OF THE ADMINISTRATIVE RULES DOCUMENT: BROWARDNEXT, AND SECTION 303 OF THE CITY OF MIRAMAR LAND DEVELOPMENT CODE; MAKING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR TRANSMITTAL TO THE BROWARD COUNTY PLANNING COUNCIL AND THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR ADOPTION; PROVIDING FOR RECERTIFICATION; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *(Passed 1st Reading on 11/28/18) (Eric Silva Community and Economic Development Director)*

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

Instructions for the Office of the City Clerk:

Public Notice – As required by the Sec. __301.11__ of the City Code and/or Sec. 163.3184(11)____, Florida Statutes, public notice for this item was provided as follows: on _____ in a _____ ad in the _____; by the posting the property on _____ and/or by sending mailed notice to property owners within _____ feet of the property on _____ (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 TO 1705**
- **Attachment(s)**
 - **Attachment 1: Staff Report**
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 - **Attachment 3: Broward County Ordinance No. 2019-XX**



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM:  Vernon E. Hargray, City Manager 

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

DATE: July 3, 2019

RE: SECOND READING of Temp. Ord. No. 1705, amending the Future Land Use Map of the City of Miramar Comprehensive Plan to change the land use designation of the former Public Safety Building Site from Institutional and Public Facilities to Commercial

RECOMMENDATION: That, pursuant to Sections 163.3187 and 163.3184(11), Florida Statutes ("F.S."), Article 1.1(A)(4) of Administrative Rules Document: BrowardNext and sub-sections 303.7 through 303.9 of the City of Miramar Land Development Code ("LDC"), the City Commission must hold a duly noticed adoption public hearing and adopt the attached ordinance in order to enact the proposed small-scale development amendment ("Amendment") changing the future land use designation of the former Public Safety Building site, consisting of approximately three acres in size, located on the north side of Miramar Parkway, west of Douglas Road, with Broward County Parcel ID: 4151-2901-0100, from Institutional and Public Facilities ("IPF") to Commercial on the Future Land Use Map ("FLUM") of the Future Land Use Element ("FLUE") of the City Comprehensive Plan. Criteria for adopting small-scale development amendment include: a finding of internal consistency with the goals, objectives and policies of the City Comprehensive Plan; a finding of consistency with the BrowardNext-Broward County Land Use Plan ("BCLUP"); a finding of compliance with the related provisions of Sections 163.3187 and 163.3184(11), F.S., and the City LDC; and consideration of the finding of facts and recommendation by the City Manager and the Planning and Zoning Board.

ISSUE: The Subject Property is the former site of the Miramar Public Safety Building, which, as a result of damages sustained from Hurricane Wilma was demolished in 2011. The subject property has remained vacant since and it is now the intent of the City to develop same with a free-standing multifamily residential project. However, the Subject Property has a land use designation of IPF on the City FLUM and an equivalent land use designation Community Use on the BCLUP FLUM, neither of which provides for residential

uses other than special residential facilities. The City has therefore initiated this small-scale amendment application seeking to redesignate the Subject Property to Commercial on the City's FLUM and Commerce on the BCLUP FLUM.

Previous Planning and Zoning Board & City Commission Actions: In compliance with Section 163.3174, F.S., and Section 303.6 of the City LDC, the Planning and Zoning Board, sitting as the local planning agency, reviewed the proposed Amendment at its November 13, 2018 hearing, and unanimously recommended adoption of same by the City Commission. In compliance with Sections 163.3184(3) and (11), F.S., and Sections 303.7 through 303.9 of the City LDC, the City Commission approved the proposed Amendment on first reading at its November 28, 2018 duly noticed public hearing. Since the proposed Amendment also amends the BCLUP, the City Commission further authorized the City Manager to file, pursuant to Section 8.05D and E of the Broward County Charter and Article 1.1(A) of Administrative Rules Document: BrowardNext, a concurrent amendment to the BCLUP with the Broward County Planning Council ("Planning Council").

External Agencies Actions: The Planning Council reviewed the concurrent amendment to the BCLUP (Amendment PCT 19-3) at its April 16, 2019 duly noticed public hearing and recommended adoption of the ordinance enacting Amendment PCT 19-3 on first reading by the County Commission. At a duly advertised public hearing held on June 4, 2019, the County Commission unanimously voted to adopt the amendment without the need for a second hearing by the Planning Council, as required by Article 1.2(A) of the Administrative Rules Document: BrowardNext.

Current City Commission Action: In light of the County Commission's adoption of the amendment to the BCLUP, the proposed Amendment is being placed on this meeting agenda so the City Commission can, pursuant to Sections 163.3184(11) and 163.3187, F.S., and sub-sections 303.7 through 303.9 of the City LDC, hold the required public hearing to adopt the ordinance enacting the proposed Amendment.

BACKGROUND: As noted above, the Subject Property is designated IPF on the City's FLUM and Community on the BCLUP FLUM, neither designation provides for residential uses. In accordance with Policy 1.4 of the FLUE of the City's Comprehensive Plan, free-standing multifamily residential uses are allowed on parcels of 5 acres in size or fewer in the City's Commercial land use category through the allocation of Flexibility ("Flex") Units, provided that the total combined Commercial-to-Residential acreage does not exceed 20% of the areas designated Commercial on the City's Comprehensive Plan FLUM. Similarly, Policy 2.3.4 of Section 2: Policies of the BCLUP, as well as Section 2: Permitted Uses of the BCLUP, provide for residential uses on parcels of 10 acres or fewer in the County's Commerce land use category by way of local government allocation of Flex Units. This is provided that the total residential uses do not exceed 20% of the areas designated Commerce on the BCLUP FLUM or equivalent land use category within the local government. As of August 9, 2018, the City has a unified pool of 524 Flex Units and a 20% Commercial-to-Residential acreage that is fixed at 80.6 acres.

The Subject Property comprises approximately three acres and, upon approval of the local and County land use map change requests, will meet the maximum parcel size requirement of 5 acres and 10 acres set forth in the City Comprehensive Plan and the BCLUP, respectively, for the allocation of Flex Units. A concurrent rezoning application seeking to change the zoning classification of the property from Community Facilities (CF) to Community Business (B2) will be presented under separate cover to the Planning and Zoning Board and the City Commission.

The City is nearing buildout and only a handful of development sites remain, which tends to compound the existing affordable housing shortage the City is facing. Recently, certain affordable and market-rate housing development companies have expressed interest in the Subject Property and the City has received an unsolicited proposal to enter into a Public/Private Partnership to redevelop the Subject Property as senior affordable housing. The City has held fee simple title to the Subject Property since the mid-1970s when it received title by way of a warranty deed for "municipal purposes" as part of a rezoning agreement involving the Foxcroft Development.

Staff has made the finding that, pursuant to the grant of home rule powers set forth in Section 2(b), Article VIII of the Florida Constitution, as codified in Chapter 166, F.S., any action taken by or legislation enacted by the City to address the affordable housing needs of its residents constitutes a legitimate "municipal purpose". As such, the development of the Subject Property as affordable housing will not conflict with the "municipal purpose" restriction imposed on the Subject Property by the Agreement, which was appended to, and approved simultaneously with, City Ordinance No. 73-3 approving the rezoning of the larger Foxcroft Development.

In light of the foregoing, Staff finds the proposed small scale amendment preserves the internal consistency of the adopted City Comprehensive Plan and complies with all applicable criteria of the Community Planning Act and the City LDC. Staff therefore recommends that the City Commission review the request, consider the City Manager's and the Planning and Zoning Board's recommendation, as well as any testimony from the public, and adopt the proposed ordinance for the small scale amendment.

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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. 1807190 FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY OF MIRAMAR COMPREHENSIVE PLAN, CHANGING FROM INSTITUTIONAL AND PUBLIC FACILITIES TO COMMERCIAL THE FUTURE LAND USE DESIGNATION OF THE APPROXIMATELY 3-ACRE REAL PROPERTY (ALSO DESIGNATED AS TRACT D ON THE UNRECORDED PLAT OF FOXCROFT), LOCATED ON THE NORTH SIDE OF MIRAMAR PARKWAY, ABOUT 600 FEET WEST OF DOUGLAS ROAD, AND LEGALLY DESCRIBED WITH BROWARD COUNTY FOLIO NUMBER 5141-2901-0100, IN ACCORDANCE WITH SECTIONS 163.3174, 163.3177, 163.3184(11) AND 163.3187, FLORIDA STATUTES, ARTICLE 1 OF THE ADMINISTRATIVE RULES DOCUMENT BROWARDNEXT, AND SECTION 303 OF THE CITY OF MIRAMAR LAND DEVELOPMENT CODE; MAKING FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR TRANSMITTAL TO THE BROWARD COUNTY PLANNING COUNCIL AND THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR ADOPTION; PROVIDING FOR RECERTIFICATION; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 1985 Florida Legislature passed and adopted Chapter 163, Part II: Local Government Comprehensive Planning and Land Development Regulation Act ("1985 Act"), which required every municipality or local government in the State to adopt by 1992 a comprehensive plan for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area; and

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WHEREAS, the 1985 Act also required each local government, as part of the continuous and ongoing planning process, to prepare every seven years an Evaluation and Appraisal Report (“EAR”) and ultimately update its comprehensive plan based on the recommendations of the EAR; and

WHEREAS, in compliance with the 1985 Act, the City of Miramar adopted its first Comprehensive Plan in 1989, and subsequently completed two EARs, in 1995 and in 2005, which resulted in adopted EAR-based Amendments to its Comprehensive Plan in 2000 and in 2010, respectively; and

WHEREAS, the 2011 Florida Legislature repealed and replaced the 1985 Act with the Community Planning Act as Part II of Chapter 163, Florida Statutes; and

WHEREAS, the Community Planning Act provides that a local government may adopt small scale Development amendments to its comprehensive plan, pursuant to Section 163.3187, F.S.; and

WHEREAS, Section 163.3187, F.S., implicitly defines small scale comprehensive plan amendment as one: (1) that involves a use of ten acres or fewer; (2) that is limited to a change to the future land use map (“FLUM”) for a site-specific Development activity and does not otherwise involve a text change to the goals, objectives and policies of the local government’s adopted comprehensive plan, except those that relate directly to, and are adopted simultaneously with, the FLUM change; (3) where the cumulative annual acreage of all such adopted amendments does not exceed 120 acres in a calendar year;

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(4) where the property involved is not in an Area of Critical State Concern except for certain affordable housing projects; and (5) that preserve the internal consistency of the adopted comprehensive plan, pursuant to Section 163.3177, F.S.; and

WHEREAS, the real property (a.k.a., Tract D on the unrecorded Plat of Foxcroft), consisting of approximately three (3) acres in size, located on the North side of Miramar Parkway, West of Douglas Road, legally identified with Broward County Folio Number 5141-2901-0100, was conveyed by metes and bounds to the City by Foxcroft, Ltd, a Florida Limited Partnership, by warranty deed dated August 13, 1974, recorded in in August 1974 in Official Records Book 5909, page 614, Public Records of Broward County, Florida; and

WHEREAS, the conveyance of the Subject Property was made as an inducement to the City to facilitate the rezoning to Planned Unit Development district of the much larger parcel of land (a.k.a., Foxcroft Development), which is primarily located South of Miramar Parkway, and which included the Subject Property and the adjoining property to the West; and

WHEREAS, an agreement attached to City Ordinance No. 73-3, approving the rezoning of the Foxcroft Development, included a provision that restricted the use of Tract D or the Subject Property to municipal purposes; and

WHEREAS, Section 166.021(2), F.S., defines a “municipal purpose” as any activity or power which may be exercised by the State or its political subdivisions; and

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WHEREAS, pursuant to the grant of home rule powers set forth in Section 2(b), Article VIII of the Florida Constitution, as codified in Chapter 166, F.S., municipalities, as political subdivisions of the State, may exercise broad governmental, corporate and proprietary powers for municipal purposes, except when expressly prohibited by the Constitution or by general law; and

WHEREAS, Section 166.0451, F.S., mandates that local governments maintain an inventory list of real properties to which they hold fee simple title and which are appropriate for use as affordable housing, and that, upon approval by their governing body, take the following action: (1) sell such properties with a restriction requiring their Development as permanent affordable housing; (2) donate such properties to a nonprofit housing organization for the construction of permanent affordable housing; or (3) make such properties available for use for the production and preservation of permanent affordable housing; and

WHEREAS, the Subject Property is the former site of the Miramar Public Safety Building, which housed the Police Department Headquarter and Fire Station 70, and was demolished in 2011 as a result of damages sustained from Hurricane Wilma that rendered the facility uninhabitable; and

WHEREAS, pursuant to Section 287.05712, F.S., certain affordable and market-rate housing Development companies have expressed interest in the Subject Property

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and an unsolicited proposal was recently received by the City to enter into a Public/Private Partnership ("P3") to develop senior affordable rental housing; and

WHEREAS, the Subject Property has a future land use designation of Institutional and Public Facilities ("IPF") on the FLUM of the Future Land Use Element ("FLUE") of the City Adopted Comprehensive Plan and an equivalent land use designation of Community on the FLUM of the BrowardNext-Broward County Land Use Plan ("BCLUP"); and

WHEREAS, Policy 1.4 of the FLUE of the City Adopted Comprehensive Plan permits free-standing residential uses on parcels of 5 acres in size or less in the City's Commercial land use category through the allocation of Flexibility ("Flex") Units, provided that the total combined Commercial-to-Residential acreage does not exceed 20% of the land areas designated Commercial on the City's Comprehensive Plan FLUM; and

WHEREAS, Policy 2.3.4 of Section 2: Policies of the BCLUP, as well as Section 2: Permitted Uses of the BCLUP provide for residential uses on parcels of 10 acres or less in the BCLUP Commerce land use category; provided, that the total residential uses do not exceed 20% of the land areas designated Commerce on the BCLUP FLUM or equivalent land use category within the local government; and

WHEREAS, as of August 9, 2018, the City has a unified pool of 524 Flex Units and a 20% Commercial-to-Residential acreage that is fixed at 80.6 acres; and

WHEREAS, in light of the existing affordable housing shortage in the City, recent cutbacks in federal and state assistance for affordable housing programs, escalating land

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and Development costs, the relatively low availability of Development sites for affordable housing as compared to the City's rapid population growth, and the interest expressed by some affordable and market-rate housing Development companies, and pursuant to Sections 166.021(1) and (2), and 166.0451, F.S., the City is now desirous to make the Subject Property available for use for the production of affordable housing; and

WHEREAS, the City has initiated this change to the City's Comprehensive Plan FLUM request (Application No. 1807190) to change the future land use designation of the Subject Property from "IPF" to Commercial on the FLUM of the City Comprehensive Plan to provide for the Development of the Subject Property with residential uses, pursuant to Policy 1.4 of the FLUE of the Comprehensive Plan; and

WHEREAS, pursuant to the grant of home rule powers set forth in Section 2(b), Article VIII of the Florida Constitution, as codified in Chapter 166, F.S., any action by or legislation enacted by the City to address the affordable housing needs of its residents is not expressly prohibited by the Florida Constitution, nor is it expressly preempted to the State or County government by the Florida Constitution or by general law, but is essential to the health, morals, protection and welfare of its residents, making thereby such action and/or legislation a legitimate "municipal purpose"; and

WHEREAS, legislative action by the City to make the Subject Property available for the production and preservation of affordable housing would not conflict with the "municipal purpose" restriction imposed on the Subject Property by the Agreement, which Ord. No. _____

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was appended to, and approved simultaneously with, City Ordinance No. 73-3 approving the rezoning of the larger Foxcroft Development; and

WHEREAS, pursuant to Section 166.0451, F.S., it is within the City's corporate, governmental and proprietary power to include the Subject Property in its State-mandated inventory list of real properties, which are identified for use as affordable housing, and to which the City holds fee simple title, and, upon approval by the City Commission, dispose of same for the production and preservation of permanent affordable housing; and

WHEREAS, the amendment being proposed for the Subject Property qualifies as a small-scale comprehensive plan or Development amendment and may be adopted pursuant to Section 163.3187, F.S.; and

WHEREAS, pursuant to Section 163.3187(2), F.S., this City-initiated small-scale Development amendment for the Subject Property requires only one adoption public hearing before the City Commission, pursuant to Section 163.3184(11) F.S.; and

WHEREAS, notwithstanding the requirements of Section 163.3187(2), F.S., the proposed small Development amendment must, pursuant to Section 8.05D and E of the Broward County Charter, also be reviewed and approved by the Broward County Board of County Commissioners, as it will trigger concurrent amendment to the BCLUP FLUM; and

WHEREAS, the City Manager recommended adoption of the proposed small-scale amendment for the Subject Property, as filed under Application No. 1807190; and

WHEREAS, Section 107 of the City LDC establishes the Planning and Zoning Ord. No. _____

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Board as the LPA to exercise all the powers and duties related to the preparation of the City Comprehensive Plan and amendment thereof, as further specified in Section 163.3174(4)(a), F.S.; and

WHEREAS, sub-section 303.6 of the City LDC provides that the Planning and Zoning Board, sitting as the LPA, shall hold at least one public hearing, with public notice, to review any proposed amendment to the City Comprehensive Plan and forward a recommendation to the City Commission; and

WHEREAS, after a duly noticed public hearing held on November 13, 2018, the City's Planning and Zoning Board, sitting as the LPA, reviewed the proposed small scale Development amendment, considered the recommendation by the City Manager for approval and heard testimony from the attending members of the public, and

WHEREAS, after due consideration of all matters, the Planning and Zoning Board found the proposed amendment to preserve the internal consistency of the adopted City Comprehensive Plan and to comply with all applicable criteria of the Community Planning Act and the City LDC, and therefore recommended that the City Commission adopt the amendment, upon adoption of the concurrent amendment to the BCLUP FLUM by the Broward County Board of County Commissioners; and

WHEREAS, Section 163.3184(11), F.S., requires that the proposed amendment shall be adopted by ordinance and by affirmative vote of not less than a majority of the members of the City Commission present at the hearing, which is to be held at least five (5) days after the advertisement is published; and

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WHEREAS, the City Commission, after a duly noticed initial hearing held on November 28, 2018, reviewed and discussed the proposed small scale Development amendment, and authorized the City Manager to submit, pursuant to Article 1.1(A)(4) of the Administrative Rules Document: BrowardNext, to the Broward County Planning Council a concurrent request to change the land use designation of the Subject Property from Community to Commerce on the BCLUP FLUM; and

WHEREAS, having found Amendment PCT 19-3 to be consistent with the policies of the BCLUP, the Broward County Planning Council ("Planning Council"), as the Local Planning Agency for the BCLUP, held a hearing, with due public notice, on April 16, 2019 to recommend that the Board of County Commissioners adopted PCT 19-3 without the need of a second Planning Council hearing as required by Article 1.2(A) of the Administrative Rules Document: BrowardNext; and

WHEREAS, upon receipt of the Planning Council's recommendation, the Board of County Commissioners held a duly noticed adoption public hearing on June 4, 2019, pursuant to the provisions of Section 163.3184(11), F. S., and of the Broward County Code of Ordinances, at which hearing public comment was accepted and comments from applicable county reviewing agencies, if any, were considered; and **WHEREAS**, the Board of County Commissioners, after due consideration of all matters, found amendment PC 19-3 to the BCLUP complied with all applicable provisions of the Community Planning Act and to be internally consistent with the goals, objectives and policies of the

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BCLUP, as provided in Section 163.3177(2), F.S.; and

WHEREAS, having found Amendment PC 19-3 to be essential to the health, morals protection and welfare of the residents of Broward County at that June 4, 2019 public hearing, the Board of County Commissioners adopted Ordinance No. 2019-18 enacting the proposed amendment to the BCLUP; and

WHEREAS, Ordinance No. 2019-18 was recorded on June 7, 2019, in Official Records Instrument 115855235, Public Records of Broward County; and

WHEREAS, with the adoption and subsequent recordation of Broward County Ordinance No 2019-18, the City Commission held a duly noticed adoption hearing on July 10, 2019, pursuant to Section 163.3184(11), F.S.; and

WHEREAS, the City Commission, after due consideration of all matters, found the proposed small-scale Development amendment to preserve the internal consistency of the City Comprehensive Plan, to be in substantial conformity with the BCLUP, and to comply with all applicable criteria of the Community Planning Act and the City LDC; and

WHEREAS, the proposed small scale Development amendment may not become effective until 31 days after adoption, and, if challenged within 30 days after adoption, until the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining that the adopted small-scale Development amendment is in compliance; and

WHEREAS, the City Commission found the adoption of the proposed amendment
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to promote the public health, safety, orderly growth and general welfare of the City and its residents, and further authorized its transmittal to the Florida Department of Economic Opportunity, the State Land Planning Agency, so the Agency can maintain a complete and up-to-date copy of the City Adopted Comprehensive Plan and FLUM.

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

Section 1: Recitals; Definitions:

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

(b) Definitions. 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) “BCLUP” means the BrowardNext-Broward County Land Use Plan.

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

(3) “Development” is defined as set forth in Section 163.3164, Florida Statutes.

(4) “F.S.” means Florida Statutes.

(5) “FLUE” means the Future Land Use Element of the Comprehensive Plan.

(6) “FLUM” means the Future Land Use Map of the

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Comprehensive Plan.

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

(8) “LPA” means the City’s Planning and Zoning Board, sitting as the Local Planning Agency pursuant to Section 163.3174, F.S.

(9) “Subject Property” is real property situate and lying 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 51 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 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.

(This legal description is as set forth in the deed to the City executed on August 13, 1974, and recorded in Official Records Book 5909, Pages 614-615, Public Records of Broward County, Florida; Shown in the Records of the Broward County Property Appraiser with Folio No. 5141-29-01-0100. The parcel is sometimes referred to as Tract “D” of the Foxcroft Planned Unit Development.)

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Section 2: **Adoption:** The City Commission of the City of Miramar, Florida, hereby passes and adopts the appended proposed amendment to the City of Miramar Comprehensive Plan, attached hereto and incorporated herein as composite “Exhibit A,” which changes the future land use designation of the Subject Property from Institutional and Public Facilities (“IPF”) to Commercial on the Future Land Use Map of the Future Land Use Element of the City adopted Comprehensive Plan.

Section 3: **Transmittal:** The City Commission of the City of Miramar, Florida, hereby authorizes the City Manager to transmit the appropriate number of copies of this Ordinance and the City Comprehensive Plan, as amended herein, to the Florida Department of Economic Opportunity so this Department can maintain a complete and up-to-date copy of the City Adopted Comprehensive Plan and FLUM. The City Manager is further authorized to do all things necessary to effectuate the adopted small-scale Development amendment, and to keep available copies of the Future Land Use Map, as amended, for public review and examination at the 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 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.

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Section 6: **Recertification:** The City Commission requests recertification of the City of Miramar Comprehensive Plan by the Broward County Planning Council.

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Section 7: **Effective Date:** Section 2. and 6. of this Ordinance shall be thirty-one (31) days after adoption or, if timely challenged, until the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. Sections 1., 3., 4., 5., and 7. of this Ordinance shall become effective upon adoption.

PASSED FIRST READING :November 28, 2018

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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October 17, 2018

**City of Miramar
Community and Economic Development Department
Development Review Report**

I. Project Summary

Project Name: Former Public Safety Building Site Land Use Plan Amendment

Application Number: 1507190

Property 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 Number: 514129010100

Property Size: 129,186 sq. ft./±3.0 acres

Request Summary: 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 changing the land use designation of the Property from Institutional & Public Facilities to Commercial.

Property Owner/Applicant: City of Miramar/Community & Economic Development
% Eric B. Silva, AICP, CED Director
2200 Civic Center Place
Miramar, Florida 33025
Tel.: (954) 602-3274
Fax: (954) 602-3646
Email: ebsilva@miramarfl.gov

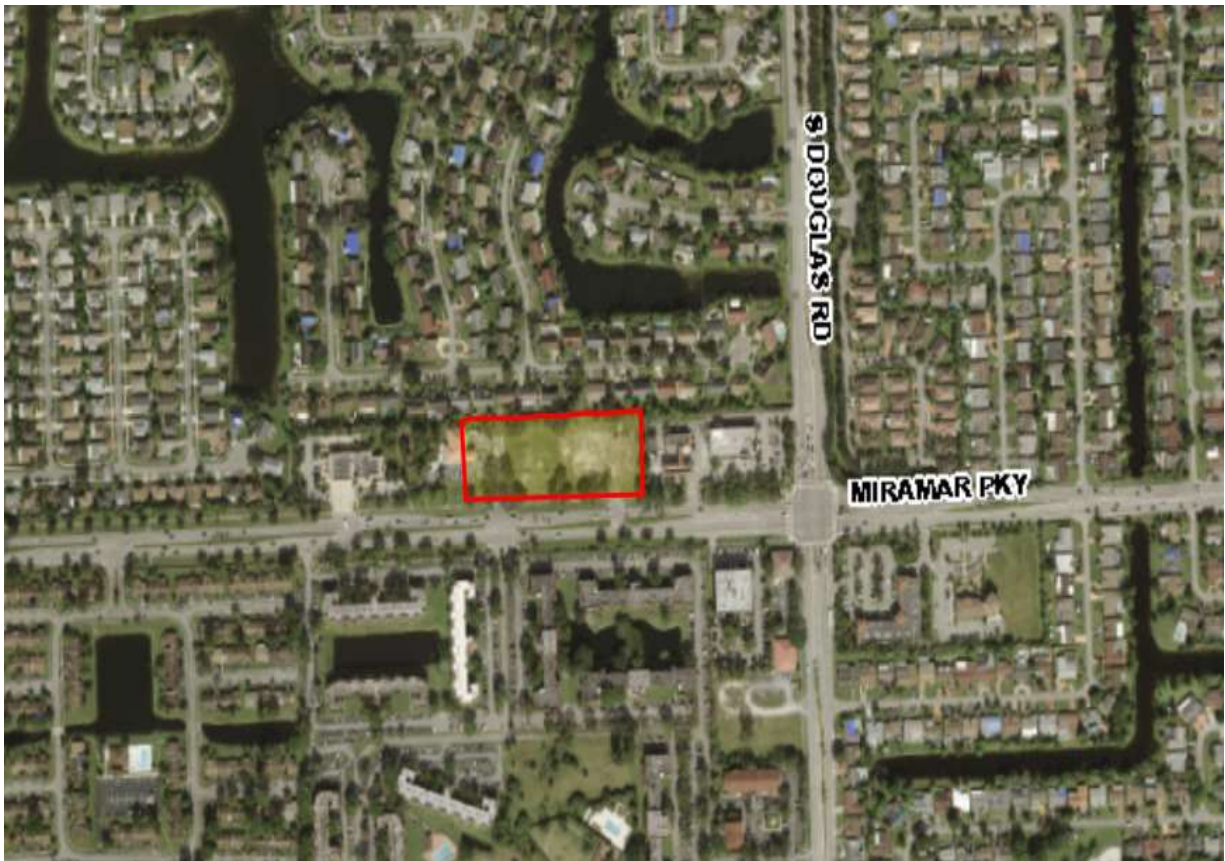
Contact: Nixon Lebrun, AICP, CED Senior Planner
2200 Civic Center Place
Miramar, Florida 33025
Tel: (954) 602-3281
Fax: (954) 602-3646
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II. Recommended City Commission Action

The City Manager recommends that, pursuant to the requirements of s. 163.3187, Florida Statutes (“F.S.”), as well as sub-sections 303.7 through 303.9 of the City’s Land Development Code (“LDC”), the City Commission adopts, by passage of the ordinance to which this report is appended, the requested small scale land use plan amendment to the Future Land Use Map (“FLUM”) of the Future Land Use Element (“FLUE”) of the Adopted City of Miramar Comprehensive Plan to change the land use designation from Institutional & Public Facilities (“IPF”) to Commercial to provide for the development on the 3-acre real property herein described and legally identified with Broward County Folio Number 5141-2901-0100.

III. Background

Location Map



As shown on the location map above, the subject real property covers nearly three (3) acres and is located on the north side of Miramar Parkway, about 600 feet west of Douglas Road. Designated as Tract D on the unrecorded plat of Foxcroft, the subject property was conveyed to the City via a warranty deed dated August 13, 1974 for “municipal purposes.” That conveyance was made as an inducement to the City to facilitate the rezoning to Planned Unit Development (“PUD”) district of the much larger parcel of land, which included both the subject property and the property to the west, Tract C, and which is located south of Miramar Parkway and commonly referred to as the Foxcroft Development.

As part of the rezoning agreement, 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.

The subject property is designated IPF on the City FLUM and Community on the BrowardNext – 2017 Broward County Land Use Plan (“BCLUP”) FLUM. Areas so designated on both the City and the County FLUMs provide for a full range of regional and community facilities to meet the current and future needs of the City residents, and include, but are not limited to:

1. Municipal, county, state and federal offices;
2. Schools, colleges and universities;
3. Religious facilities and ancillary uses;
4. Libraries and cultural or civic uses;
5. Public utilities, such as treatment plants, pumping stations, and drainage facilities;
6. Recreation and open space uses, including cemeteries, and outdoor cultural, educational and civic facilities; and
7. Special Residential Facilities Category (1), (2) and (3).

The subject property is zoned Community Facilities (CF) on the City’s Official Zoning Map, which is consistent with its IPF land use designation. The CF zoning district provides for institutional uses, such as places of worship and public assembly, schools, government and cultural buildings, public facilities, hospitals, parks and other public facilities which benefit the community, provided they adhere to the compatibility and design standards of the City’s Land Development Code (“LDC”).

IV. Neighborhood Land Use Characteristics

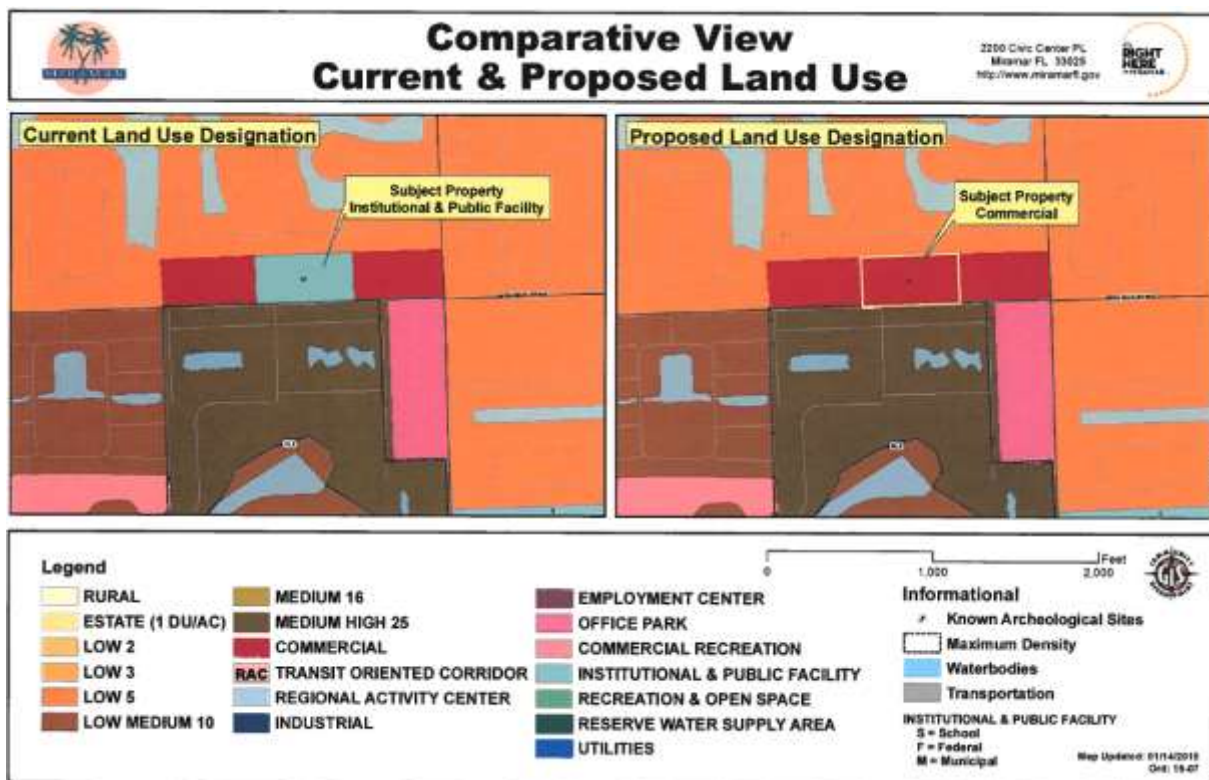
The now-vacant subject property is the former site of the Miramar Public Safety Building, which housed the City Police Headquarters and Fire Station 70. However, due to damages sustained from Hurricane Wilma that rendered the facility uninhabitable, the building was demolished in 2011. As depicted in the matrix below, development around the site includes single-family residential uses to the north, multifamily uses to the south, commercial uses to the east, and institutional uses to the west.

	Existing Land Uses	Zoning Map Classification	FLUM Designation
Site	Vacant	Community Facilities (CF)	IPF
North	Single-Family Residences	RS2 Residential	Low 5 (Residential)
East	Gas Station	Community Business (B2)	Commerce
South	Foxcroft Condominium	Planned Unit Development (PUD)	Irregular (19.9) Residential
West	Fire Station & Adult Daycare	Community Facilities (CF)	Commerce

V. Purpose of the Amendment

It is the intent of the City to develop the subject property with a senior affordable rental housing project. However, the subject property has a land use designation of IPF on the City's FLUM and an equivalent land use designation of Community on the BCLUP FLUM, neither of which provides for residential uses other than special residential facilities. As a result, the City has initiated this future land use map amendment application seeking to change the land use designation of the subject property to Commercial on the City's FLUM and Commerce on the BCLUP Map. In accordance with Policy 1.4 of the FLUE of the City's Comprehensive Plan, free-standing multifamily residential uses are allowed on parcels of 5 acres in size or fewer in the City's Commercial land use category through the allocation of Flexibility ("Flex") Units, provided that the total combined Commercial-to-Residential acreage does not exceed 20% of the areas designated Commercial on the City's Comprehensive Plan FLUM. Similarly, Policy 2.3.4 of Section 2: Policies of the BCLUP, as well as Section 2: Permitted Uses of the BCLUP provide for residential uses on parcels of 10 acres or fewer in the County's Commerce land use category via local government allocation of Flex Units, provided the total residential uses do not exceed 20% of the areas designated Commerce on the BCLUP FLUM or equivalent land use category within the local government. As of August 9, 2018, the City has a unified pool of 524 Flex Units and a 20% Commercial-to-Residential acreage that is fixed at 80.6 acres.

The subject property comprises approximately three (3) acres and, upon approval of the local and County land use map change requests, will meet the maximum parcel size requirement of 5 acres and 10 acres set forth in the City Comprehensive Plan and the BCLUP, respectively, for the allocation of Flex Units. A concurrent application seeking to rezone the subject property will be presented under separate cover to the Planning and Zoning Board and the City Commission.



VI. Rationale for the Selection of the Subject Property

Over the past two decades, the City of Miramar has experienced unprecedented and sustained growth. The City currently has a population of 140,328 residents, with all indications pointing to the population growing to over 150,000 by 2030. Like the rest of the County, which studies show is the most cost-burdened metropolitan region in the nation, the City is facing an affordable housing shortage. The recent construction of several new residential communities in the western areas of the City has done very little to improve overall housing affordability for existing owners and renters alike. In fact, according to the most recent Broward County Affordable Needs Assessment, the City has more than 21,000 households that are either cost-burdened (paying in excess of 30 percent of their incomes on housing costs) or severely cost-burdened (paying in excess of 50 percent on their incomes on housing costs). This number includes 56.1 percent of the owner-occupied units and 61.9 percent of the renter-occupied units. Another assessment recently submitted on behalf of the City to the County as part of a land use map change application further indicates that the housing stock for Moderate-Income Households and rental housing for the Very Low-Income category are largely deficient in the City. The affordable housing gap analysis included in that assessment points to a shortage of 776 affordable homes for the Moderate-Income owners and a shortage of 2,717 affordable rental units for the Very Low-Income renters. In compliance with Policy 2.16.2 of the BCLUP¹, the City proffered several strategies to help achieve a sufficient supply of affordable housing, one of which being the targeting of a location for new residential units to maximize housing affordability.

The City is nearing buildout and only a handful of development sites remain, which may help address this affordable housing shortage. In light of this limited availability of sites suitable for affordable housing, some affordable and market-rate housing development companies have expressed interest and the City has recently received an unsolicited proposal to enter into a Public/Private Partnership to redevelop the subject property as senior affordable housing. As stated above, the City holds fee simple title to the subject property since the mid-1970s and, since the demolition of the Miramar Public Safety Building in 2011, has yet to redevelop the property for another “municipal purpose.” The issue of law becomes whether the provision of affordable housing constitutes a municipal purpose and, if so, whether the subject property may be disposed for such purpose.

Subparagraph (1) of s. 166.021(1), F.S., a provision of the “Municipal Home Rule Powers Act,” states that municipalities may exercise any power for municipal purposes except when expressly prohibited by law. Subparagraph (3) of that same section provides that, pursuant to the authority set forth in section 2(b), Article VIII, Florida Constitution, the legislative body of each municipality has the power to enact legislation concerning any subject upon which the State Legislature may act except, among other things, any subject that is expressly prohibited by the Constitution or any subject that is expressly preempted to State or county government by the Constitution or by general law. It follows that municipal purpose is a liberally construed concept and can be broadly defined as when a municipality is exercising its regulatory power or providing services that will benefit the citizens of the municipality.

¹ This policy states that “For amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the BCLUP, Broward County and affected municipalities shall coordinate and cooperate to implement the affected municipality’s chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing.”

Based on the foregoing review of municipal home rule authority under state law, the selection of this City-owned property to help address the current affordable housing shortage clearly constitutes a legitimate municipal purpose. In fact, it is in the best interest of the City residents that such special initiative to help meet the City's existing and future affordable housing needs, especially in light of recent cutbacks in federal and state assistance for housing programs, escalating land and predevelopment costs, the City's projected population growth and the scarcity of available development sites. Further, such an action by the City for the purpose herein described is not expressly preempted by and will not conflict with state law. Rather, it will further the affordable housing related provisions contained in the state-required Housing Element of the City Comprehensive Plan, and in the State Housing Strategy Act as codified under Chapter 420, F. S.

In light of the foregoing and pursuant to s. 166.0451, F.S., the City may include the subject property in the mandated inventory list of City-owned real properties identified as appropriate for use as affordable housing and subsequently leverage same for affordable housing development by taking either of the following action:

1. Sell the subject property with a restriction that requires its development of the property as permanent affordable housing; or
2. Donate the subject property to a nonprofit housing organization for the construction of permanent affordable housing; or
3. Make the subject property available for use for the production and preservation of permanent affordable housing.

VII. Process for Review and Adoption of the Requested Small Scale Development Amendment

This City-initiated site-specific land use map amendment request is two-fold. It involves both a local request to change the FLUM of the City's Comprehensive Plan and a request to also amend the BCLUP Map. In reviewing the land use plan amendment request for the subject property, Staff took into consideration the extent to which it complies with the procedural requirements contained in s. 163.3187, F.S., Article 1 of the Administrative Rule Document: BrowardNext, as well as ss. 303.6 through 303.9 of the City's LDC.

Process for Adoption of Small Scale Development Amendments under the Florida Statutes

The requested land use plan amendment was first reviewed under the criteria established in s. 163.3187, F.S., which sets forth criteria for the review and adoption of small scale development amendments. More specifically, this section provides that such amendment may be adopted under the following conditions:

- (a) The proposed amendment involves a use of 10 acres or fewer;
- (b) The cumulative annual effect of the acreage for all small development amendments adopted by the local government does not exceed 120 acres in a calendar year;
- (c) The proposed amendment is limited to FLUM changes for site-specific small scale development activities, and does not involve a text change to the goals, objectives and policies of the local government's comprehensive plan, except those that relate directly to, and are adopted simultaneously with, the FLUM change;
- (d) The property subject to the proposed amendment is not located within an Area of Critical State Concern designated by s. 380.0552, F.S., unless the project involves

- the construction of affordable housing units meeting the criteria of s. 420.0004(3), F.S., or by the Administration Commission pursuant to s. 380.05(1), F.S.; and
- (e) The proposed amendment, must, pursuant to s. 163.3177, F.S., preserve the internal consistency of the local government comprehensive plan.

First, the real property subject to this City-initiated amendment request comprises less than 10 acres. Second, the City has not, in this calendar year, adopted any other small scale development amendment, which, with the proposed amendment, would exceed the 120-acre threshold established in the statutes. Third, the requested amendment only proposes a land use designation change to the City's FLUM specifically for the subject real property and does not involve any text change to the goals, objectives and policies of the City's Comprehensive Plan. Fourth, the subject real property is not located within an Area of Critical State Concern. Lastly, the proposed amendment will help develop the subject property with the expressed intent of increasing the supply of affordable housing in the City, consistent with s. 166.0451, F.S., the City's affordable housing commitment to the County and with several other policies of the City's Comprehensive Plan. As such, the proposed amendment will also preserve the internal consistency of the City's Comprehensive Plan, as required by s. 163.3177, F.S., and meets the statutory definition of a small scale development amendment.

In accordance with s. 163.3187, F.S., a small scale development amendment requires only one public hearing before the governing board, which shall be an adoption hearing as per s. 163.3184(11), F.S., and may not become effective until 31 days after adoption, unless challenged. Notwithstanding this statutory requirement, the Miramar City Commission will hold two (2) hearings on the local request. The first hearing is to allow the City Commission to consider the recommendation of the City Planning and Zoning Board, sitting as the Local Planning Agency ("LPA"), and also authorize City Administration to formally submit to the Broward County Planning Council ("Planning Council") the concurrent proposal to amend the BCLUP Map for the subject property. The second hearing, which shall be the adoption hearing pursuant to s. 163.3184(11), F.S., cannot be held until such time the Broward County Commission ("BCC") adopts the County request. In light of the foregoing, this item is being placed on this agenda so the City Commission can hold an initial hearing on the local request to consider the recommendation of the City's LPA and the City Manager, and subsequently authorize Administration to formally submit the County request.

Process for Adoption of Small Scale Development Amendments affecting the BCLUP

Article 1 of the Administrative Rule Document: BrowardNext establishes procedural requirements for the adoption of land use plan amendments to the BCLUP. This Article provides that a local government may formally submit to the Planning Council a proposal for an amendment to the BCLUP, with a recommendation from the local government's LPA and a recommendation by resolution or ordinance from the governing body. If the request also proposes to amend the local land use plan, no further action can be taken on the local request until such time the County request is adopted.

Upon receipt of a small scale development amendment application to change the BCLUP Map, the Planning Council shall hold two public hearings with due public notice, pursuant to the requirements of s. 163.3174 F.S., and subsequently make a final recommendation to the Broward County Commission. Upon receipt of said recommendation, the BCC shall hold a

duly advertised hearing hold a public hearing on the amendment request pursuant to s. 163.3187, F.S., and take final action on the County request.

City administration will formally submit the County request following the City Commission's initial hearing.

Process for Adoption of Small Scale Development Amendments under the City's LDC

The proposed amendment to the City Comprehensive Plan was evaluated under the criteria of ss. 303.6 through 303.9 of the City's LDC. These criteria mandate that the City's LPA shall hold at least one duly advertised public hearing to review any proposed land use plan amendment and provide recommendations to the City Commission, which shall then hold two public hearings, with due notice, on said amendment, in compliance with s. 163.3187 F.S. The first City Commission hearing shall be to transmit the proposed amendment to the Planning Council. The second hearing shall be held following the BCC's adoption of the County request to take final action on the local request.

The City's LPA considered the local request at its November 13, 2018 hearing and forwarded a recommendation for adoption to the City Commission. In compliance with s. 163.3187, F.S. and s. 303.9 of the City's LDC, the item is being placed on this agenda so the City Commission can hold the required initial hearing on the local request, and subsequently authorize City Administration to formally submit the County request.

VIII. Review of Public Infrastructures and Services/Impacts Analysis

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 amendment on City infrastructure and services. The purpose of that analysis is to ensure that, concurrent with the development of the subject property, City infrastructures and services will be provided in order to achieve and maintain the adopted levels of service standard established in the City's Comprehensive Plan. While the intent of the amendment is to build a senior affordable rental housing development, the impact analysis provided herein assumes, however, a non-residential development on the subject real property under the proposed land use designations.

Using the Planning Council standard of 10,000 square feet of buildable floor area per one (1) acre of land, the IPF land use category would permit by right a 30,000 square-foot government office building and the proposed Commercial land use category a 30,000-square foot retail building on the subject 3-acre real property. The analysis compares the cumulative impacts on public facilities by both development scenarios, in order to address potential deficiencies and ultimately ensure that these public facilities are available at the adopted LOS standards to serve any development permitted under the proposed Commercial land use designation.

Demand calculations are summarized in the table below. These estimates were performed using the guidelines of the Broward County Water and Wastewater Engineering Division. The demands for potable water are based on 42 gallons per day (gpd) per 1,000 square feet for office uses and 5 gpd per 100 square feet for shopping center "dry uses." The demands for sanitary sewer are based on 34 gpd per 1,000 square feet for office uses, and 5 gpd per 100 square feet for shopping center "dry uses."

INFRASTRUCTURE ANALYSIS SUMMARY			
Facility Demand	Current Land Use (30,000 SF of Office)	Proposed Land Use (30,000 SF of Retail)	Net Change
Water (gpd)	1,260 gpd	1,500 gpd	+ 300 gpd
Sewer (gpd)	1,020 gpd	1,500 gpd	+ 480 gpd
Solid Waste (lbs./day)	300 lbs/day	2,700 lbs/day	+ 2,400 lbs/day
Parks (acres)	-	-	-
Daily Trips*	359 trips	1,288 trips	+ 929 trips
PM Peak Trips*	51 trips	63 trips	+ 8 trips

- Source: ITE Manual 10th Edition

Potable Water

Presently the City has a wellfield capacity of 22.1 millions of gallons per day (MGD), according to South Florida Water Management District Permit No. 06-00054-W (expiration date March 14, 2036), and a total plant capacity of 17.45 MGD, as provided by the City of Miramar East and West Water Treatment Plants, which service the amendment area. The current and committed demand are 13.45 MGD and 0.22 MGD, respectively. Adequate combined capacity currently exists that can accommodate the additional demand from the proposed amendment at the adopted LOS of 325 gallons per day (gpd) of Equivalent Residential Connection (ERC).

Sanitary Sewer

The subject property is served by the Miramar Wastewater Reclamation Facility, which has a plant capacity of 12.7 MGD, plus 1.5-MGD additional capacity through an interlocal agreement with the City of Hollywood. The average annual daily flow is 10.4 MGD with a committed demand of 0.2 MGD, for a total current and committed demand of 10.6 MGD. Therefore, adequate capacity currently exists that can accommodate the additional impact from the proposed amendment at the adopted LOS of 300 gpd per Equivalent Residential Unit (ERU).

Solid Waste

The City is a participant in the Broward County Inter-Local Agreement for Solid Waste Disposal Services. Waste materials are delivered to the designated facilities by waste type. Municipal solid waste is currently being delivered to the Wheelabrator South Broward waste-to-energy facility located at 4400 South State Road 7 in the City of Fort Lauderdale. The facility has an annual capacity of approximately 800,000 tons. Therefore, adequate capacity currently exists to accommodate the additional demand from the proposed amendment at the adopted LOS of 9 pounds per 100 square feet per day for shopping center “dry uses”

Drainage

Development on the subject property shall maintain or exceed the LOS standards for drainage and stormwater management set forth in the City Comprehensive Plan and shall meet all other requirements of the City’s Floodplain Ordinance, the South Broward Drainage District and the South Florida Water Management District. Specifically, all stormwater shall be retained on-site utilizing properly designed seepage or infiltration structures. Drainage shall be provided for the 5-year storm event with full on-site retention of the 25-year/3-day storm. Pollution

control devices shall be required at all drainage inlet structures and all drainage improvements shall meet design requirements as applicable to the corridor type.

Parks

As stated above, this impact analysis assumes a commercial development on the subject property, which, therefore, will have no impact on the City's park system. Nevertheless, should the City, upon adoption of this land use amendment, dispose of the subject property and make it available for senior rental affordable housing, adequate park acreage is available citywide to accommodate the estimated park demand that would result from that type of development at the City's adopted LOS for parks of four (4) acres of land per 1,000 residents.

	Population (est.)	Required Acreage	Provided Acreage	Difference
Current Demand	140,328*	561	861	+300

** Source: 2017 U.S. Census 2017 Population Estimates*

Traffic

The subject property is located on and is accessed primarily from Miramar Parkway, an east-west, four-lane divided roadway that, in proximity of the subject property, is operating at a Peak Hour LOS D, with a Peak Hour capacity of 3,580 trips and a Peak Hour traffic volume of 3,563 trips. Douglas Road, another roadway that will be impacted by the amendment, has current Peak Hour LOS C, a Peak Hour capacity of 2,920 trips and a Peak Hour traffic volume of 2,138 trips.

A trip generation comparison analysis was conducted for the 30,000-square foot municipal office development allowed in the existing IPF land use category and the 30,000-square foot commercial development that the proposed Commercial land use designation would allow, in order to ensure that the adopted LOS D in the City Comprehensive Plan will be maintained. Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, Tenth Edition, a government office development would generate 359 daily trips and 51 PM Peak Hour trips, while a shopping center would generate 1,288 daily trips and 63 Peak PM trips. As such, the proposed small scale amendment would have a de minimis impact on the two (2) roadway facilities in proximity of the site, to wit, Miramar Parkway and Douglas Road.

Mass Transit

Currently, the closest mass transit service to the subject area, through Broward County Transit ("BCT"), is Route 28, which exceeds the one-quarter mile service area buffer. However, the City has partnered with BCT to provide the Miramar Red Community Bus Route and Miramar Green Community Bus Route, in order to increase the number of destinations and connections that can be reached through mass transit. Miramar Red Community Bus operates along BCT Route 703 approximately every 80 minutes, and provides connections to BCT Routes 2, 5, 7, 16, 23, 28, 95-Express, University breeze and Miramar Green, Miramar Orange, Miramar Yellow Route Community Bus Routes. Miramar Green Community Bus Route operates along BCT Route 704 approximately every 65/80 minutes, and provides connections to BCT Routes 2, 5, 28, University Breeze, 95-Express and Miramar Orange, Miramar, Miramar Yellow Community Bus Routes. respectively. Both community buses operate on weekdays from 6:30 a.m. to 6:30 p.m.

Schools

For the purpose of this analysis, no impact is anticipated on any of the schools within the School District Planning Area in which the amendment site is located.

Natural & Historic Resources

The proposed amendment will have no adverse impacts on natural and historic resources.

a. Archaeological sites listed on the Florida Master Site File

The subject property contains no known historical or archaeological resources or areas of archaeological or paleontological sensitivity.

b. Wetlands

The subject property is not jurisdictional wetlands.

c. Local Areas of Particular Concern as identified by the Broward County or City Comprehensive Plans

There are no known Local Areas of Particular Concern affecting the amendment site.

d. “Endangered” species or “threatened species” or “species of special concern”

There are no endangered or threatened species or species of special concern known to inhabit the amendment site.

e. Plants listed in the Endangered Plant Index for protection by the Florida Department of Agriculture and Consumer Services

No such species are known to exist on the site.

f. Wellfields

The Broward County Wellfield Protection Zones Map indicates the subject site is not located within a wellfield zone.

g. Soils

Development resulting from this amendment will not require the alteration of soil conditions or topography other than typical construction activity. Best management practices will be utilized. No special soil conditions exist on site that would affect the land development activity.

IX. Consistency with Goals, Objectives and Policies of the City’s Comprehensive Plan and BCLUP

Staff also reviewed the proposed amendment for generally consistency with the policies of the City’s Comprehensive Plan and the BrowardNext – BCLUP.

Affordable Housing

This City-initiated small scale development seeks to assign a commercial land use designation to the subject property and, to all intents and purposes, seems not to be subject to the provisions of Policy 2.16.2 of the BCLUP. Nonetheless, the affordable housing development that the City

is hoping to accommodate through the proposed amendment will be consistent with that policy, as it would leverage 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.

Compatibility

Staff also reviewed the proposed amendment for compatibility with the surrounding uses. The Community Planning Act, in s. 163.3194(9), defines compatibility as “a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.” The proposed amendment seeks to change the future land use map designation to Commercial on the City FLUM and Commerce on the County FLUM, which, as noted previously, is the same land use designations that the two (2) properties along Miramar Parkway, which adjoin the subject property currently has. The current IPF and Community land use designations of the subject property on the City and County FLUM, respectively, are noticeably incompatible with the land use designations of these other two (2) properties. At first glance, the former designations seem to have stemmed more from an erratum on these FLUMs than from a thoughtful land use decision. From a land use standpoint, it will therefore make more sense to do away with the IPF and Community land use designations, and have all three (3) properties designated Commercial and Commerce land use designations on the City and County FLUM, respectively, to provide for greater land use compatibility and uniformity.

X. Public Meeting

No public meeting has been held other than the public hearing scheduled before the Planning and Zoning Board, as well as the City Commission, where residents are invited to provide either oral or written comments on the proposed amendment.

XI. Staff Recommendation

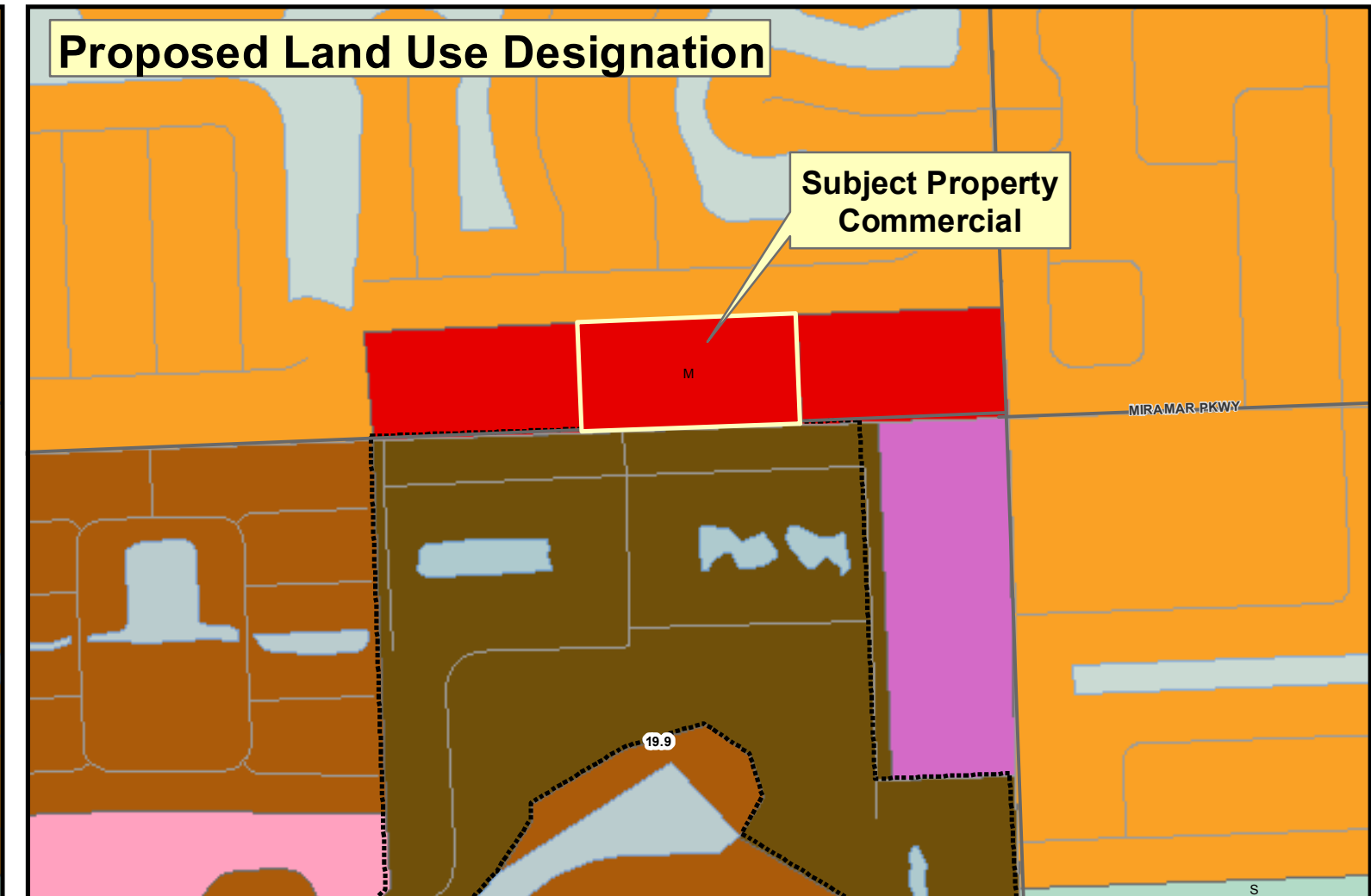
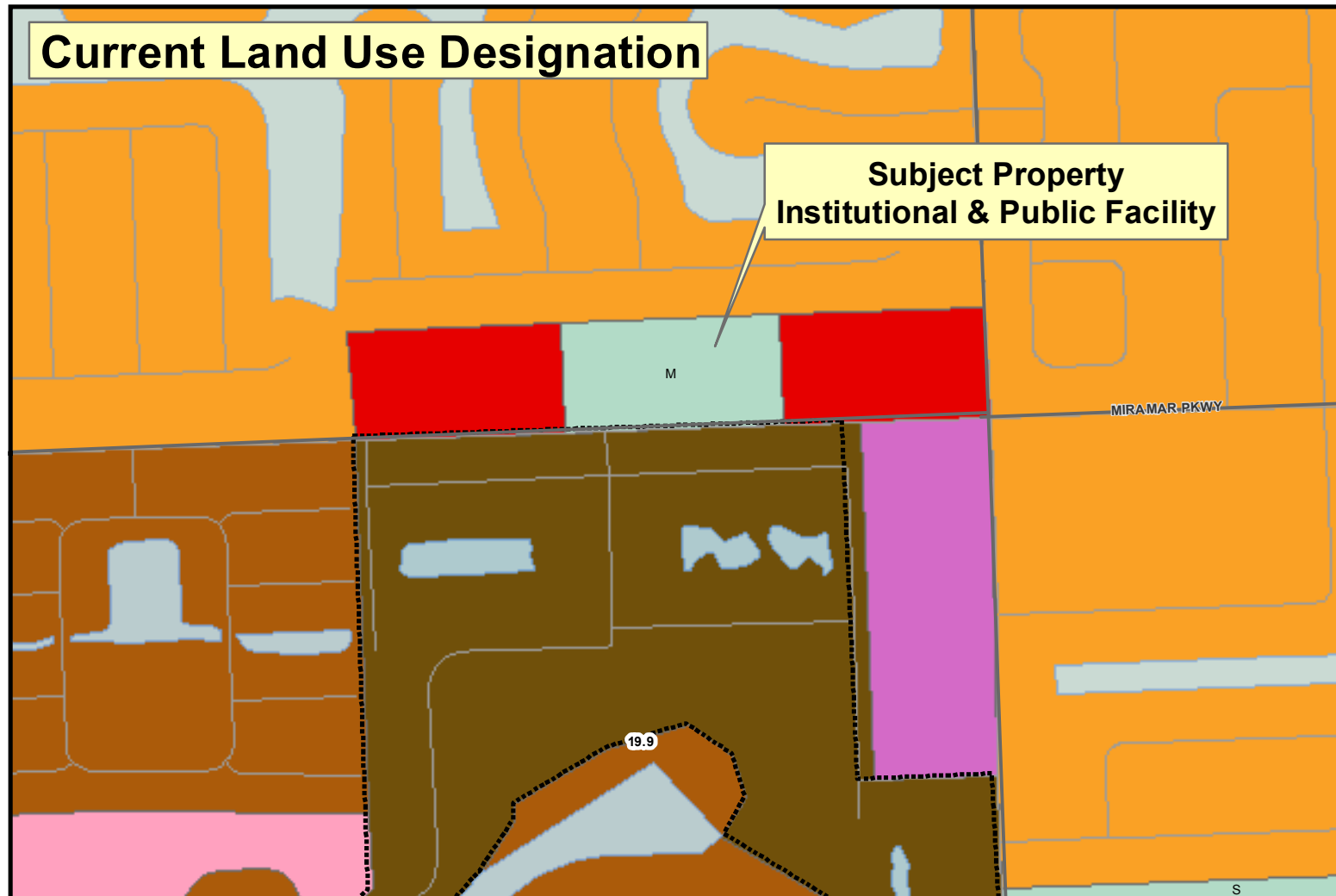
Based on the preceding analysis, Staff finds the proposed small scale development amendment for the herein described subject property to preserve the internal consistency with the goals, objectives and policies of the City’s Comprehensive Plan, and to comply with the statutory requirements of ss. 163.3177, 163-3184(11) and 163.3187, F.S. The amendment also complies with the zoning criteria stipulated in the applicable sections of the City’s LDC, pertaining to land use plan amendments. Staff therefore recommends that the City Commission review the request, consider the City Manager’s and the Planning and Zoning Board’s recommendation for approval, as well as any testimony at the public hearing, further authorize the City Manager to submit a concurrent request to change the land use designation of the subject property from Community to Commerce on the BCLUP FLUM, and, upon the County adoption of that concurrent request, approve the proposed map change on the City FLUM by passage of the attached ordinance.

The City Commission approval of this land use plan amendment request shall not be construed to be a final development order. In fact, one or more concurrency determinations may be made and additional conditions prescribed upon the review of other development applications, such as site plan approval. Provisional determinations made in association with this small scale development amendment request shall not be binding with regard to future decisions to approve, approve with conditions, or deny subsequent development orders on any grounds.



Comparative View Current & Proposed Land Use

2200 Civic Center PL
Miramar FL 33025
<http://www.miramarfl.gov>



Legend

- | | | |
|------------------|--------------------------------------|---------------------------------|
| RURAL | MEDIUM 16 | EMPLOYMENT CENTER |
| ESTATE (1 DU/AC) | MEDIUM HIGH 25 | OFFICE PARK |
| LOW 2 | COMMERCIAL | COMMERCIAL RECREATION |
| LOW 3 | RAC TRANSIT ORIENTED CORRIDOR | INSTITUTIONAL & PUBLIC FACILITY |
| LOW 5 | REGIONAL ACTIVITY CENTER | RECREATION & OPEN SPACE |
| LOW MEDIUM 10 | INDUSTRIAL | RESERVE WATER SUPPLY AREA |
| | | UTILITIES |

0 1,000 2,000 Feet



Informational

- Known Archeological Sites
- Maximum Density
- Waterbodies
- Transportation

INSTITUTIONAL & PUBLIC FACILITY
S = School
F = Federal
M = Municipal

Map Updated: 01/14/2015
Ord: 15-07

ORDINANCE NO. 2019-18

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING A SMALL SCALE AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE BROWARD COUNTY LAND USE PLAN WITHIN THE CITY OF MIRAMAR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Broward County adopted the Broward County Comprehensive Plan on April 25, 2017 (the Plan);

WHEREAS, the Department of Economic Opportunity has found the Plan in compliance with the Community Planning Act;

WHEREAS, Broward County now wishes to propose an amendment to the Broward County Land Use Plan within the City of Miramar;

WHEREAS, the Planning Council, as the local planning agency for the Broward County Land Use Plan, held its hearing on April 25, 2019, with due public notice;

WHEREAS, the Board of County Commissioners held an adoption public hearing on June 4, 2019, at 10:00 a.m., having complied with the notice requirements specified in Section 163.3184(11), Florida Statutes, at which public comment was accepted and considered;

WHEREAS, the Board of County Commissioners, after due consideration of all matters, hereby finds that the following amendment to the Plan is consistent with the State Plan, Regional Plan, and the Plan; complies with the requirements of the Community Planning Act; and is in the best interests of the health, safety, and welfare of the residents of Broward County; and

Approved BCC 6/4/19, #54
Submitted By Planning & Development
RETURN TO DOCUMENT CONTROL

1 WHEREAS, the proposed amendment constitutes a Broward County permitted
2 small scale amendment to the Plan pursuant to Section 163.3187(1), Florida Statutes,

3 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
4 BROWARD COUNTY, FLORIDA:

5 Section 1. The Broward County Land Use Plan is hereby amended by
6 Amendment PC 19-3 in the City of Miramar, set forth in Exhibit "A," attached hereto and
7 incorporated herein.

8 Section 2. Severability.

9 If any portion of this Ordinance is determined by any court to be invalid, the invalid
10 portion will be stricken, and such striking will not affect the validity of the remainder of this
11 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
12 legally applied to any individual, group, entity, property, or circumstance, such
13 determination will not affect the applicability of this Ordinance to any other individual,
14 group, entity, property, or circumstance.

15 Section 3. Effective Date.

16 1. The effective date of the plan amendment set forth in this Ordinance shall
17 be the latter of:

18 (a) Thirty-one (31) days after the adoption of this Ordinance;

19 (b) The date a final order is issued by the Department of Economic Opportunity
20 or the Administration Commission finding the amendment to be in
21 compliance;

22 (c) If the Department of Economic Opportunity or the Administration
23 Commission finds the amendment to be in noncompliance, pursuant to
24 Section 163.3184(8)(b), Florida Statutes, the date the Board of County

1 Commissioners nonetheless, elects to make the plan amendment effective
2 notwithstanding potential statutory sanctions; or
3 (d) If a Declaration of Restrictive Covenants is applicable, as per Exhibit B, the
4 date the Declaration of Restrictive Covenants is recorded in the Public
5 Records of Broward County.
6 2. This Ordinance is effective as of the date provided by law.

7
8 ENACTED June 4, 2019

9 FILED WITH THE DEPARTMENT OF STATE June 6, 2019

10 EFFECTIVE June 6, 2019

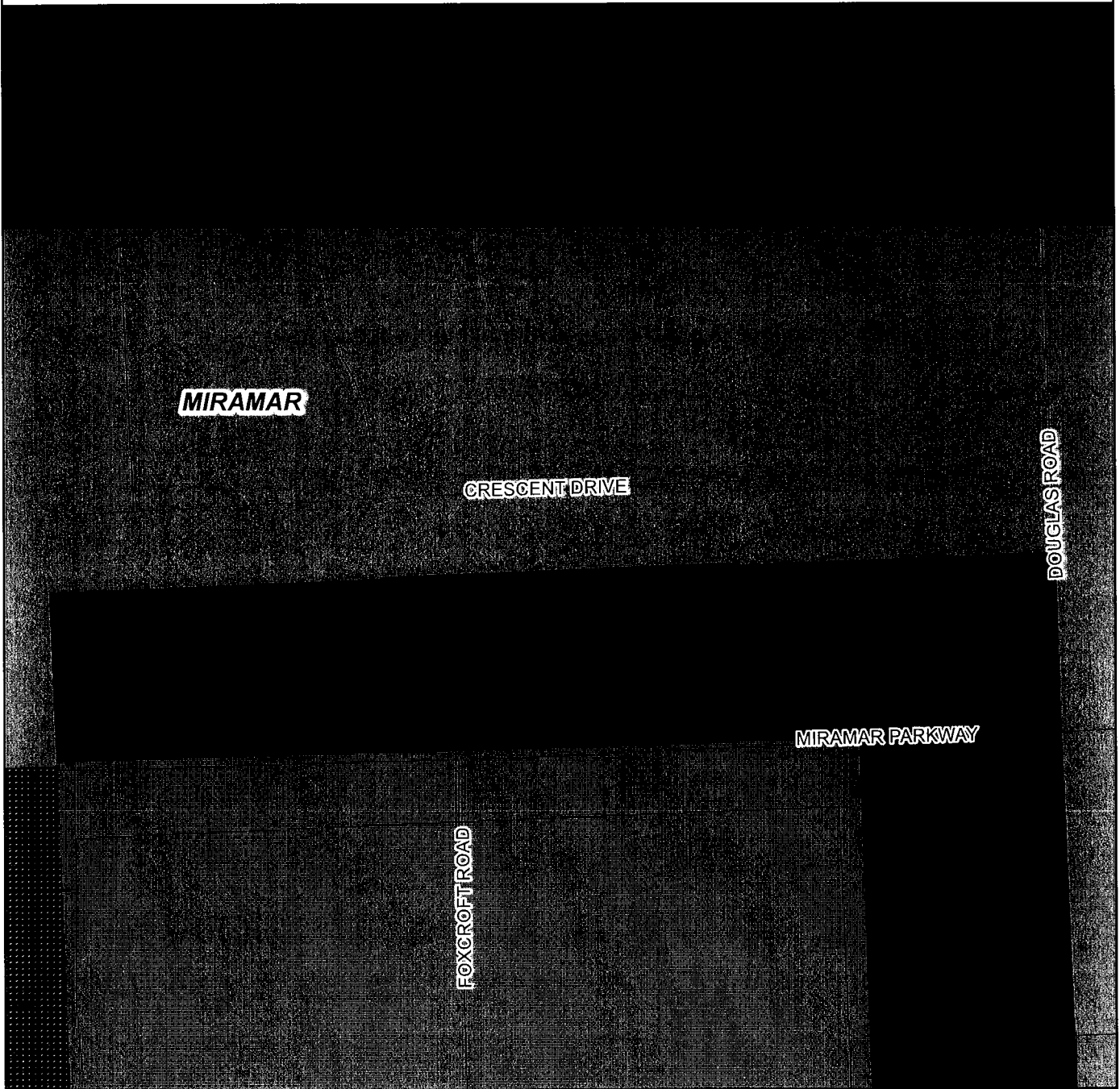
11
12 Approved as to form and legal sufficiency:
13 Andrew J. Meyers, County Attorney

14 By /s/ Maite Azcoitia 04/25/19
15 Maite Azcoitia (date)
16 Deputy County Attorney

17
18
19
20
21
22
23 MA/gmb
24 PC 19-3 City of Miramar.SmallScaleOrd.
 04/25/19
 Imanage File #80041

EXHIBIT A

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
FUTURE LAND USE DESIGNATIONS
AMENDMENT PC 19-3



Site



Low (5) Residential



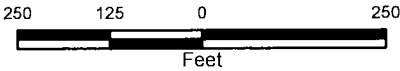
Low-Medium (10) Residential



Medium (16) Residential



Commerce



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 19-3
(MIRAMAR)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Recommendation

April 16, 2019

Planning Council staff finds that the proposed amendment is generally consistent with the policies of the BrowardNext - Broward County Land Use Plan. Therefore, it is recommended that the proposed amendment be approved.

Planning Council staff does not recommend a second Planning Council public hearing be required consistent with Article 1.2 (A) of the *Administrative Rules Document: BrowardNext*.

In addition, if the Broward County Land Use Plan amendment is adopted by the County Commission, this action by the Planning Council shall be considered the “conditional” recertification of the municipal land use plan amendment which directly correlates to the referenced Broward County Land Use Plan amendment. The recertification will not be deemed effective until such time as the Planning Council Executive Director and Attorney determine that the municipality has fulfilled all application requirements for recertification of local land use plans, as outlined in the *Administrative Rules Document: BrowardNext*. The Planning Council Executive Director will issue a written letter of effectiveness to the municipality upon satisfaction of the same.

II. Planning Council Public Hearing Recommendation

April 25, 2019

Approval per Planning Council staff recommendation. (Vote of the board; Unanimous: 16-0; Blattner, Breslau, Brunson, Castillo, DiGiorgio, Good, Graham, Grosso, Hardin, Parness, Railey, Rich, Rosenof, Ryan, Williams and Stermer)

III. County Commission Final Action

June 4, 2019

Approved per Planning Council public hearing recommendation.

SECTION II

AMENDMENT REPORT

PROPOSED AMENDMENT PC 19-3

INTRODUCTION AND APPLICANT'S RATIONALE

- | | | |
|------|--|--|
| I. | <u>Municipality:</u> | Miramar |
| II. | <u>County Commission District:</u> | District 8 |
| III. | <u>Site Characteristics</u> | |
| A. | Size: | Approximately 4.0 acres |
| B. | Location: | In Section 29, Township 51 South, Range 41 East; generally located on the north side of Miramar Parkway, west of Douglas Road. |
| C. | Existing Uses: | Vacant and parking for adjacent adult day care facility |
| IV. | <u>Broward County Land Use Plan (BCLUP) Designations</u> | |
| A. | Current Designation: | Community |
| B. | Proposed Designation: | Commerce |
| C. | Estimated Net Effect: | Addition of 4.0 acres of commerce use
Reduction of 4.0 acres of community use |
| V. | <u>Existing Uses and BCLUP Designations Adjacent to the Amendment Site</u> | |
| A. | Existing Uses: | North: Single-family residential
East: Service station
South: Multi-family residential
West: Adult day care center and fire station |
| B. | Planned Uses: | North: Low (5) Residential
East: Commerce
South: Medium (16) Residential
West: Commerce |

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

VI. Applicant/Petitioner

A. *Applicant:* City of Miramar

B. Agent: City of Miramar

C. *Property Owner:* City of Miramar

VII. Recommendation of
Local Governing Body:

The City of Miramar recommends approval of the proposed amendment. The City anticipates adoption of the corresponding local amendment in August of 2019.

EXHIBIT B

A Declaration of Restrictive Covenants is not applicable to this amendment.

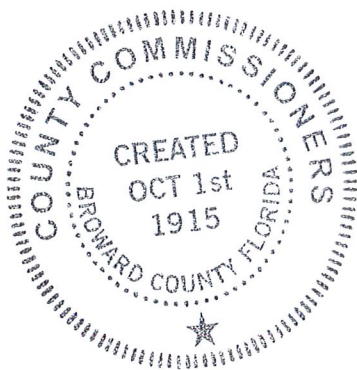
STATE OF FLORIDA)

) SS

COUNTY OF BROWARD)

I, Bertha Henry, County Administrator, in and for Broward County, Florida, and ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Ordinance 2019-18 as the same appears of record in the minutes of said Board of County Commissioners held on the 4th day of June, 2019. (Item 54)

IN WITNESS WHEREOF, I have hereunto set my hand and official seal
this 6th day of June, 2019.



Bertha Henry
COUNTY ADMINISTRATOR

Deputy Clerk TAMARA BRANNON

(SEAL)



Transaction #: 10155969

Receipt #: 7800262

**BROWARD COUNTY BOARD OF
COUNTY COMMISSIONERS**

Records, Taxes & Treasury Division
115 South Andrews Avenue Rm 114
Fort Lauderdale, FL 33301
Tel. (954) 831-4000 Fax (954) 357-7267
<http://www.Broward.org/RecordsTaxesTreasury>

Cashier Date: 6/7/2019 11:13:39AM

Print Date: 6/7/2019 11:13:52AM

(1750) DOCUMENT CONTROL
ROOM 336U, GOVERNMENTAL CENTER
FORT LAUDERDALE, FL 33301

Payment Summary

Total Fees	\$0.00
Total Payments	\$0.00
	\$0.00

REF#: APPR BCC 6/4/19, #54 SUB BY PLANNING & DEVE

1 Payment

No Charge

1 Official Record

It is the responsibility of our customers to inspect their recording receipt, to verify the accuracy of the information keyed. Should you find a mistake, please contact us immediately and the correction will be made within 24 business hours after notification. Submit corrections to: records@broward.org

**Gov Orders Ordinances Petitions &
Resolutions**

REF#: APPR BCC 6/4/19, #54 SUB BY
PLANNING & DEVELOPMENT

Instrument #: **115855235** Date: **6/7/2019 11:13:38AM**

From: BROWARD COUNTY

To: BROWARD COUNTY COMPREHENSIVE PLAN
ORDINANCE NO 2019-18