

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

First Reading Date: July 10, 2019

Second Reading Date: August 21, 2019

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

Prepared By: Michael Alpert, Principal Planner

Temp. Ord. Number: 1726

Item Description: SECOND READING of Temp. Ord. No. 1726, CONSIDERING APPLICATION NO. 1901434, REZONING A 33.84-ACRE PROPERTY FROM COMMUNITY BUSINESS (B2) TO MIXED-USE LOW (ML), LOCATED AT THE NORTHEAST CORNER OF MIRAMAR PARKWAY AND FLAMINGO ROAD. (Community & Economic Development Director Eric Silva)

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

Instructions for the Office of the City Clerk: Notice required for Second Reading

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 ____ in a ____ ad in the ____; by the posting the property on June 26, 2019 and/or by sending mailed notice to property owners within 1,000 feet of the property on June 26, 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:

Content:

- **Agenda Item Memo from the City Manager to City Commission**
- **Ordinance TO 1726**
 - **Exhibit A: Legal Description**
- **Attachment(s)**
 - **Attachment 1: Location Map and Aerial View**
 - **Attachment 2: Development Review Report**



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM: Vernon E. Hargray, City Manager *for [Signature]*

BY: Eric Silva, Director of Community & Economic Development

DATE: August 15, 2019

RE: SECOND READING of Temp. Ord. No. 1726, considering Application No. 1901434, Rezoning of a 33.84-acre property from Community Business (B2) to Mixed-Use Low (ML)

RECOMMENDATION: The City Manager recommends approval of Temp. Ord. No. 1726, Rezoning Application No. 1901434, for the rezoning of a 33.84-acre parcel from Community Business (B2) to Mixed-Use Low (ML).

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

BACKGROUND: The subject, unimproved 33.84-acre property is located at the northeast corner of Miramar Parkway and Flamingo Road, and has a Land Use designation of Regional Activity Center ("RAC") on the City's Adopted Future Land Use Map ("FLUM"). The RAC is associated with the East Miramar Areawide Development of Regional Impact ("EMADRI") and is currently approved for 1,836,000 square feet of commercial uses, among other uses.

The Applicant/Owner is requesting to rezone the subject property to Mixed-Use Low, ML, to accommodate a mixed-use development consisting of 648 mid-rise residential apartment units and 25,349 square feet of commercial uses. The original zoning designation for this property was Rural, RL.

On September 7, 2005, the City Commission denied a request (4-1) to rezone the property from Rural, RL to Community Business, B2, when the proposal consisted of a Super Wal-Mart store with two designated, but undetermined-use, outparcels for commercial development. There was also significant public opposition to this proposal, as a singular-use, big box store.

On January 14, 2015, however, Miramar Central Plaza, which encompassed approximately 210,000 square feet of retail space, including an approximately 40,000-square foot Neighborhood Wal-Mart grocery store (*greatly reduced in size from the previous proposal*) was approved by the City Commission (*without objection from the public within the notice area at the various public hearings and meetings*), but this project was ultimately never built. This development proposal included a rezoning application that changed the zoning category for this property to Community Business, B2 – its current designation.

The Development Review Committee ("DRC") recommended approval of the subject rezoning application on April 24, 2019. A Community Meeting was held on May 8th with two residents in attendance; however, one of the residents who attended the meeting subsequently sent an email expressing his concerns about the application, which the Planning & Zoning Board received at their hearing.

On June 11, 2019, the Planning & Zoning Board recommended denial of the application by a vote of 5-2. The recommendation was based on concerns raised by some of the Board members about residential density; anticipated traffic volume and patterns; the proposed drive-thru restaurant (Chick-fil-A) creating additional vehicular stacking; whether or not there will be the proper signalization to help control traffic circulation; whether or not there is a need for additional housing, particularly rental units; public noticing; and whether there will be enough commercial development if this property were able to include residential units as well.

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

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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.
1901434, REZONING A 33.84-ACRE PROPERTY FROM
COMMUNITY BUSINESS (B2) TO MIXED-USE LOW (ML),
LOCATED AT THE NORTHEAST CORNER OF MIRAMAR
PARKWAY AND FLAMINGO ROAD; AND PROVIDING FOR AN
EFFECTIVE DATE.**

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

WHEREAS, FCI Residential Corporation, a Florida Corporation, has submitted Application No. 1901434, a complete application for rezoning a 33.84-acre property from Community Business (B2) to Mixed-Use Low (ML), located at the Northeast corner of Miramar Parkway and Flamingo Road; and

WHEREAS, Application No. 1901434 has been reviewed pursuant to the standards set forth at Section 304.7 of the LDC; and

WHEREAS, pursuant to Section 304 of the LDC, a community meeting on Application No. 1901434 was held on May 8, 2019; and

WHEREAS, the Planning and Zoning Board held a public hearing on Application No. 1901434 on June 11, 2019, and pursuant to Section 304 of the LDC, recommended denial of the application; and

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WHEREAS, the City Commission has held two properly advertised public hearings pursuant to Section 304 of the LDC and Chapter 166, Florida Statutes, and finds the proposed rezoning to be consistent with the City's Comprehensive Plan; and

WHEREAS, the City Manager recommends approval of Application No. 1901434;
and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to approve Application No. 1901434.

NOW, THEREFORE, BE IT RESOLVED 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) As used herein, unless the context or City Code of Ordinances requires to the contrary, the following terms will be defined as set forth below:

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

(2) "Development" is defined as set forth in Section 163.3164, Florida Statutes.

(3) "LDC" means the City's Land Development Code of Ordinances.

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(4) "Owner/Developer" means Andrew Ansin, Trustee of the 2009 Ansin Family Trust (Exempt) f/b/o/ Andrew Ansin dated November 5, 2009, who is the fee simple owner of the property, and FCI Residential Corporation, a Florida Corporation, as the applicant, their respective successors and assigns.

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

PARCEL 1: (As to the Fee Simple Interest)

Lots 1 and Lot 2, MIRAMAR CENTRAL PLAZA, according to the Plat thereof, as recorded in Plat Book 182, Page 80, of the Public Records of Broward County, Florida.

PARCEL 2: Easement Parcel: (As to the Lake Easement)

A parcel of land being a portion of Tracts 16 and 17, THE EVERGLADES SUGAR & LAND CO. SUBDIVISION OF SECTION 25, TOWNSHIP 51 SOUTH, RANGE 40 EAST, according to the Plat thereof, as recorded in Plat Book 2 at Page 39, of the Public Records of Miami-Dade County, Florida, and a portion of that certain Drainage, Flowage and Storage Easement, as depicted in Official Records Instrument No. 112894313, of the Public Records of Broward County, Florida and being more particularly described as follows:

COMMENCE at the Southwest corner of the northwest 1/4 of said Section 25; thence along the West line of said Northwest 1/4 of Section 25, North 1°49'55" West, 1210.65 feet; thence North 88°16'44" East, 172.00 feet to the Southwest corner of Parcel A, GROVE PLAT, according to the Plat thereof, as recorded in Plat Book 183, Page 5, said point also being the Northwest corner of Lot 1, MIRAMAR CENTRAL PLAZA, according to the Plat thereof, as recorded in Plat Book 182, Page 80, of said Public Records of Broward County, Florida; thence along the South line of said Parcel A and the North line of Lot 1, North 89°44'56" East, 38.01 feet to the Southeast

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corner of said Parcel A and the POINT OF BEGINNING; thence along the East line of said Parcel A, North 1°49'55" West, 180.02 feet; thence along said South line, North 89°44'56" East, 484.38 feet to the southeast corner of said Parcel A; thence along the East line of said Parcel A, North 1°49'55" West, 20.00 feet to a Southwest corner of Parcel "A", MIRAMAR RESIDENTIAL PLAT, according to the Plat thereof, as recorded in Plat Book 175, Page 84, said Public Records of Broward County, Florida, said point being on the North line of aforesaid Drainage, Flowage and Storage Easement; thence along said North line and the South line of Parcel "A", MIRAMAR RESIDENTIAL PLAT, North 89°44'56" East, 624.01 feet; thence along a West line of said Parcel "A" and the East line of said Drainage, Flowage and Storage Easement Agreement, South 1°49'55" East, 209.52 feet; thence along the South line of said Drainage, Flowage and Storage Easement and along said North line of Lot 1, the following five (5) courses and distances, South 89°44'56" West, 242.23 feet; thence South 00°15'04" East, 9.50 feet; thence South 89°44'56" West, 495.00 feet; thence North 00°15'04" West, 18.99 feet; thence South 89°44'56" West, 371.42 feet to the Point of Beginning.

Said lands situate, lying, and being in the City of Miramar, Broward County, Florida and containing 1,474,180 square feet (33.8425 Acres) in aggregate, more or less.

Section 2: That it finds that Application No. 1901434 is in substantial compliance with the requirements of Section 304 of the City's Land Development Code.

Section 3: That it approves Application No. 1901434, rezoning from B2, Community Business to ML, Mixed-use Low District, for the Subject Property.

Section 4: That issuance of this approval by the City does not in any way create any right on the part of the Owner/Developer to obtain a permit from a state or federal

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agency and does not create any liability on the part of the City for issuance of the approval if the Owner/Developer fails to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in the violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the Development. This condition is included pursuant to Section 166.033, Florida Statutes, as amended.

Section 5: Failure to Adhere to Ordinance. That failure to adhere to the approval terms and conditions contained in this Ordinance shall be considered a violation of this Ordinance and the City Code, and persons found violating this Ordinance shall be subject to the penalties prescribed by the City Code, including but not limited to the revocation of any of the approval(s) granted in this Ordinance and any other approvals conditioned on this approval. The Owner/Developer understands and acknowledges that it must comply with all other applicable requirements of the City Code before it may commence construction or operation, and that the foregoing approval in this Ordinance may be revoked by the City at any time upon a determination that the Owner/Developer is in non-compliance with the City Code.

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Section 6: That this Ordinance shall take effect upon adoption on second reading.

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.

Requested by Administration

Commissioner Winston F. Barnes
Commissioner Maxwell B. Chambers
Commissioner Yvette Colbourne
Vice Mayor Alexandra P. Davis
Mayor Wayne M. Messam

Voted

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EXHIBIT A

PARCEL 1: (As to the Fee Simple Interest)

Lots 1 and Lot 2, **MIRAMAR CENTRAL PLAZA**, according to the Plat thereof, as recorded in Plat Book 182, Page 80, of the Public Records of Broward County, Florida.

PARCEL 2: Easement Parcel: (As to the Lake Easement)

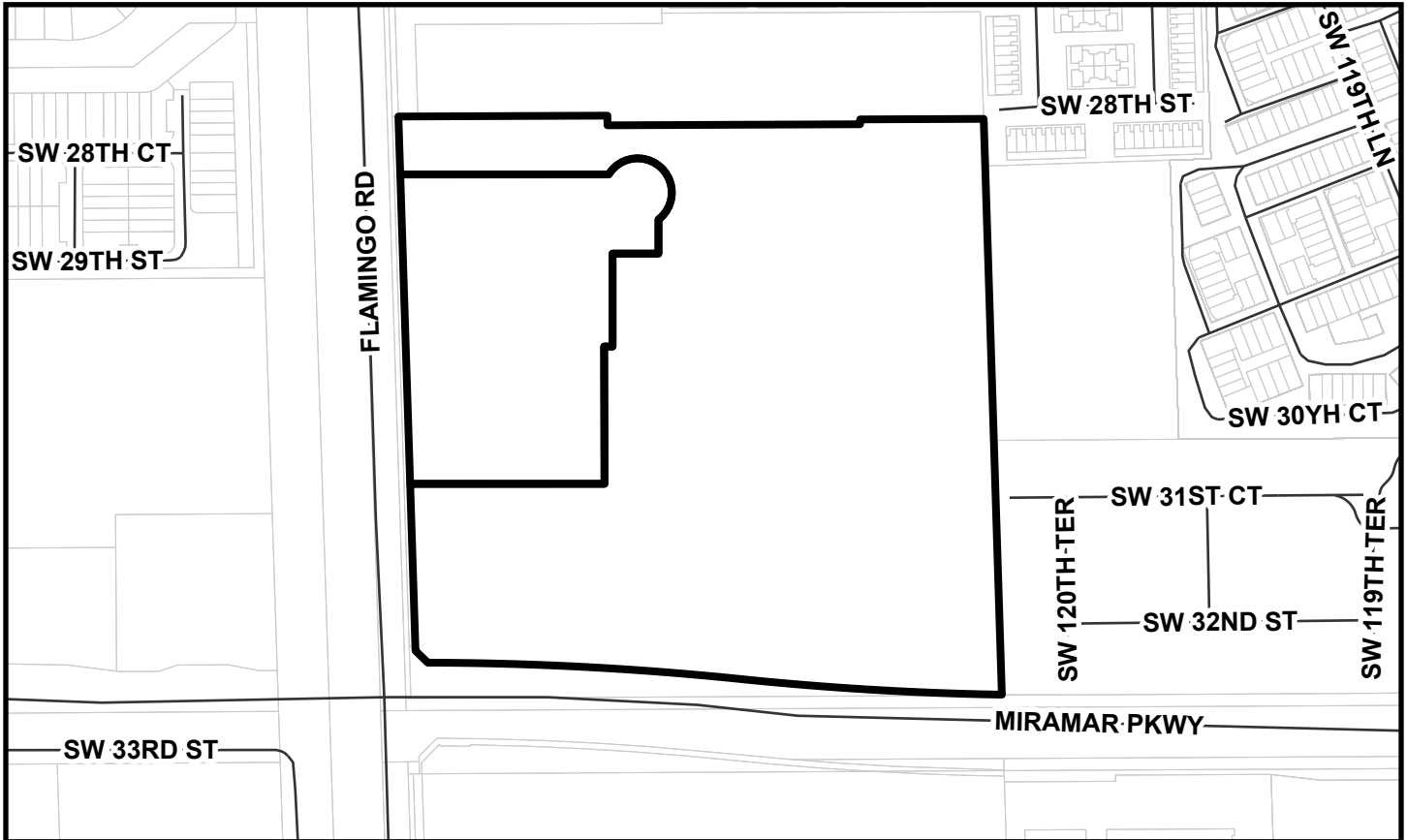
A parcel of land being a portion of Tracts 16 and 17, **THE EVERGLADES SUGAR & LAND CO. SUBDIVISION OF SECTION 25, TOWNSHIP 51 SOUTH, RANGE 40 EAST**, according to the Plat thereof, as recorded in Plat Book 2 at Page 39, of the Public Records of Miami-Dade County, Florida, and a portion of that certain Drainage, Flowage and Storage Easement, as depicted in Official Records Instrument No. 112894313, of the Public Records of Broward County, Florida and being more particularly described as follows:

COMMENCE at the southwest corner of the northwest 1/4 of said Section 25; thence along the West line of said northwest 1/4 of Section 25, North 1°49'55" West, 1210.65 feet; thence North 88°16'44" East, 172.00 feet to the southwest corner of Parcel A, GROVE PLAT, according to the Plat thereof, as recorded in Plat Book 183, Page 5, said point also being the northwest corner of Lot 1, **MIRAMAR CENTRAL PLAZA**, according to the Plat thereof, as recorded in Plat Book 182, Page 80, of said Public Records of Broward County, Florida; thence along the South line of said Parcel A and the North line of Lot 1, North 89°44'56" East, 38.01 feet to the southeast corner of said Parcel A and the **POINT OF BEGINNING**; thence along the East line of said Parcel A, North 1°49'55" West, 180.02 feet; thence along said South line, North 89°44'56" East, 484.38 feet to the southeast corner of said Parcel A; thence along the East line of said Parcel A, North 1°49'55" West, 20.00 feet to a southwest corner of Parcel "A", MIRAMAR RESIDENTIAL PLAT, according to the Plat thereof, as recorded in Plat Book 175, Page 84, said Public Records of Broward County, Florida, said point being on the North line of aforesaid Drainage, Flowage and Storage Easement; thence along said North line and the South line of Parcel "A", MIRAMAR RESIDENTIAL PLAT, North 89°44'56" East, 624.01 feet; thence along a West line of said Parcel "A" and the East line of said Drainage, Flowage and Storage Easement Agreement, South 1°49'55" East, 209.52 feet; thence along the South line of said Drainage, Flowage and Storage Easement and along said North line of Lot 1, the following five (5) courses and distances, South 89°44'56" West, 242.23 feet; thence South 00°15'04" East, 9.50 feet; thence South 89°44'56" West, 495.00 feet; thence North 00°15'04" West, 18.99 feet; thence South 89°44'56" West, 371.42 feet to the Point of Beginning.

Said lands situate, lying, and being in the City of Miramar, Broward County, Florida and containing 1,474,180 square feet (33.8425 Acres) in aggregate, more or less.

Location Map/Aerial View
ZR 1901434

Attachment 1



0 250 500 Feet





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

I. Project Summary

Project Name: Miramar Station

Application: 1901434 – Rezoning

Application Summary: The Applicant/Owner is requesting to rezone the site from Community Business (B2) to Mixed-Use Low (ML) to allow for 14 mid-rise buildings and 2 clubhouses with 648 units and 25,349 square feet of commercial development on 33.84 acres (1,263,228 square feet), located at the northeast corner of Miramar Parkway and Flamingo Road. Accordingly, the developer is processing this site plan application in conjunction with the other development applications related to this project.

Related Application(s): Site Plan – 1901455
Plat Amendment – 1901454
CAB – 1901457
Escrow – 1901458

Agent: Dennis Mele
Greenspoon Marder
200 East Broward Boulevard, Suite 1800
Fort Lauderdale, Florida 33301
Phone: (954) 527-2409
E-mail: dennis.mele@gmlaw.com

Applicant: Alejandro Arellano
FCI Residential Corp
2199 Ponce de Leon Boulevard Suite 201
Coral Gables, FL 33134
Phone: (561) 707-2617
E-mail: Alejandro.arellano@fcresidential.com

Owner: Andrew Ansin
Trustee of 2009 Ansin Family Trust (exempt)
1401 79TH Street Causeway
Miami, Florida 33141
Phone: (305) 795-2617
E-mail: jgoggins@wsvn.com

II. Planning Information

Site Location: NORTHEAST CORNER OF MIRAMAR PARKWAY AND FLAMINGO ROAD FL 33025
(Folio No. 514025100010)

Land Use Plan Designation: REGIONAL ACTIVITY CENTER RAC

Existing Zoning: COMMUNITY BUSINESS (B2)

Existing Use: Vacant

Proposed Zoning: Mixed-Used Low (ML)

Adjacent properties:

	EXISTING USE	ZONING	LAND USE PLAN
North	The Grove	Community Business (B2)	Regional Activity Center (RAC)
East	Multifamily Residential	Multi-family Residential District (RM2)	Regional Activity Center (RAC)
South	Miramar Square	Community Business (B2)	Regional Activity Center (RAC)
West	CVS Pharmacy	Community Business (B2)	Regional Activity Center (RAC)



III. Background

The subject unimproved 33-34-acre property is located at the northeast corner of Miramar Parkway and Flamingo Road, and has a land use designation of Regional Activity Center (“RAC”) on the City’s Adopted Future Land Use Map (“FLUM”). The RAC is associated with the East Miramar Area-wide Development of Regional Impact (“EMADRI”) and is currently approved for 1,836,000 square feet of commercial uses, among other uses. The Applicant/Owner is requesting to rezone the subject property to ML, Mixed-Use Low to accommodate a mixed-use development consisting of 648 mid-rise units and 25,349 square feet of commercial uses.

In 2015 Miramar Central Plaza 210,000 of retail space was approved but never built.

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.*

Applicant’s Response:

The proposed rezoning is consistent with the land use element of the City’s Comprehensive Plan. Specifically, the current land use designation of the Property is Regional Activity Center (“RAC”) which

allows a mix of residential, retail, office, industrial and municipal uses over approximately twenty-two hundred (2,200) acres. The proposed rezoning allowing for a mixed-use development is consistent with the current land use designation of the Property, and will contribute to the increased quality of life desired by the residents of Miramar.

The B-2 zoning district is no longer appropriate given the RAC land use designation and the urban development pattern that has been established by the City in its Comprehensive Plan. The proposed rezoning would promote the development of a community focused mixed-use development rather than big box retailers in strip shopping centers along this prominent corridor of the City. The subject property is an ideal location for residential and commercial development because it is located at the intersection of two major arterials near the central core of the City, within walking distance to the City's Town Center, nearby extensive employment centers, and is less than one mile from the Florida Turnpike. A comparison of the current and proposed zoning designation indicates that the rezoning is necessary to ensure that the City's future growth is sustained in a manner that is consistent with the directives of the Comprehensive Plan as stated below.

- Policy 1.13 indicates the RAC land use permits and encourages a mix of land uses.
- Policy 1.14 indicates the RAC land use designation encourages a mix of housing opportunities.
- Policy 2.6 indicates a desire to limit urban sprawl through compact, efficient urban development within the approved water and wastewater service area.
- Policy 2.10 indicates the City will encourage projects that use compact building design principles that preserve open space, contain mixed use, support multi-modal and public transportation options, and reduce infrastructure costs.
- Policy 3.1 indicates the City desires concentrated, mixed use development on transit corridors that promote pedestrian activity and support multi-modal transportation options.
- Policy 6.6 indicates the City intends to continue to protect environmentally sensitive lands as is accomplished on this site through wetland mitigation permits.
- Policy 10.6 indicates the City will promote new housing projects which contain compact building design principles, mixed use, medium to high densities, promote pedestrian activity, and support multi-modal transportation options.

As such, the proposed rezoning is consistent with the City's Comprehensive Plan.

Staff's Evaluation:

The purpose of the ML, Mixed-Use Low district is to provide for compact, first-rate mixed-use projects that seamlessly integrate residential, retail, and workplace uses, and that are based upon Smart Growth design principles. As noted above, the subject is designated RAC on the City's Adopted FLUM, a land use designation that encourage a mix of housing opportunities and planned concentrations of diverse activities with regional significance, including, but, not limited to, retail, industrial, educational and municipal. As such, the proposed rezoning is consistent with the City's Comprehensive Plan, and more specifically, Policy 1.13 of the Future Land Use Element ("FLUE").

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

Applicant's Response:

The subject property is located within an area that is ideal for the proposed multi-family residential and commercial uses. The Property is directly adjacent to the following:

	USE	ZONING	LAND USE
NORTH	Vacant Land, Groves at Miramar Shopping Center (Under Construction), & Martinique Multi-family Residential	RL, B-2, RM-2	RAC
SOUTH	Miramar Square Shopping Center	B-2	RAC
EAST	Conservation Area, Bell Miramar Multi-family Residential, & Martinique Multi-family Residential	RL& RM-2	RAC
WEST	Vacant Land, General Commercial (CVS and Gas Station), & Harbour Lake Multi-family Residential	B-2 & RM-1	Commercial & Med. Density Residential

The subject property is located on the western boundary of the City's RAC in the central Core of the City. The proposed development will increase the housing types available in this area in a manner compatible with the medium to high density residential uses nearby. Existing residential structures are similar in nature and scale to the structures permitted in the ML zoning district. Similarly, the proposed commercial structures will complement the existing shopping center to the south and encourage further development of largely vacant commercial land to the west. The Property is positioned at a prime location to provide housing options for thousands of employees working in the surrounding commercial and industrial employment centers or attending nearby educational institutions. In addition, the proposed commercial space will attract high-quality businesses, offer employment opportunities, and increase community retail options for residents and guests of the City.

The proposed mixed-use development is consistent and compatible with the existing and proposed uses in the area. To further protect the adjacent uses, the site plan includes proper buffers on the east and north sides of the Property. All residential amenities, lighting, and commercial activity will be oriented so as not to impact the use of adjacent properties and contribute towards a cohesive community atmosphere. In addition, the development will include architectural features that are aesthetically pleasing in line with the development patterns and character of the existing environment. The proposed development will integrate well into the current fabric of City core as it increases housing options, employment opportunities, and commercial destinations in a contextual manner. As such, the proposed rezoning will be compatible with the surrounding zoning district and uses.

Staff's Evaluation:

The subject property is adjacent to multifamily residential development to the east which is similar to the type of residential structures that are permitted in the Mixed-Use Low zoning districts. The proposed rezoning will also provide for commercial development that will be compatible and also will work in

synergy with the Miramar Square Shopping Center to the south, as well as the recently approved The Grove commercial development to the north, which is under construction.

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

Applicant's Response:

The subject property contains approximately 33.84 acres which is relatively flat and without any major environmental features that would prevent development. The subject property offers suitable land area for a variety of housing options and commercial uses. In addition, the subject property is located at the intersection of two major arterials within the City: Miramar Parkway and Flamingo Road, which provide suitable access for residential and commercial development. The engineering plans and site plan have been designed to accommodate the demands of the proposed development. Based on these aspects of the subject property, it is physically suitable for the ML zoning and the proposed mixed-use development.

Staff's Evaluation:

The property covers a little less than 34 acres and is therefore adequate in size and topography to accommodate the proposed development, as well as all other uses allowed in the Mixed-Use Low zoning district.

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

Applicant's Response:

There is significant residential development located in the northern portion of the City's RAC and substantial employment centers located in the southern portion of the RAC that are generally divided by Miramar Parkway. The subject property is centrally located within the western portion of the RAC along Miramar Parkway. There are few other parcels with sufficient size located on Miramar Parkway to provide an effective mixed-use development that will offer additional residential development in addition to convenient commercial uses. Commercial uses associated with mixed-use developments will more efficiently serve the proposed and existing residential communities in the area.

Aside from one nearby property which was recently approved for mixed-use development under the ML zoning district, there are no additional site within this area of the City appropriately zoned to accomplish mixed-use development. Considering the lack of available land designated for mixed-use development, the City would benefit from such a rezoning to allow concentrated, mixed-use development centrally located within the RAC. The introduction of the ML zoning district on this Property will contribute to lower infrastructure costs, increased tax revenues, and social benefits throughout the area as accomplished through the development of attractive communities that promote a sense of place and promote cohesive community atmospheres. As such, the subject property is perfectly suitable for the proposed mixed-use development, more so than the other few remaining vacant sites in other areas of the City.

Staff's Evaluation:

There are no properties in this area with this zoning district designation. The designation was recently added to the LDC. As the Applicant has stated, there has been a recently approved project that was granted this zoning designation on July 3, 2018. The RAC land use designation encourages a mixture

of uses so allowing more zoning district options that provide for these types of developments are keen to creating desirable communities.

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

Applicant's Response:

The subject property is not subject to an approved redevelopment plan; therefore, this provision does not apply to the proposed rezoning request. However, the proposed rezoning would permit development in accordance with the City's development guidelines for the central core of the City.

Staff's Evaluation:

The City does not have a redevelopment plan for the area.

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

Applicant's Response:

The proposed rezoning and associated development of the vacant site with mixed-use is expected to impact traffic volume and affect traffic patterns in the area. These impacts must be considered against the potential commercial development that could be achieved based on current zoning. A traffic analysis is being conducted and the City is working to assess consistency with the East Miramar Area Development of Regional Impact (EMADRI) through the platting and site planning processes.

Direct access to the Property will be provided on Miramar Parkway and Flamingo Road and there will be no direct access to the Property from adjacent residential areas. Proper ingress and egress has been identified on the proposed site plan to accommodate the traffic associated with the proposed development in a safe and efficient manner. The future traffic impacts of site development were accounted for in the consideration of the RAC land use designation on the Property. For these reasons, the proposed rezoning is not expected to adversely affect traffic in the area; however, any adversely affected traffic conditions found will be addressed through a Transportation Demand Management program or mitigated through other means deemed appropriate.

Staff's Evaluation:

The conversion of a 33-acre vacant lot to a mixed-use development will add vehicle trips to the surrounding roadways. Any adversely affected traffic conditions found during the traffic analysis must be addressed through Transportation Demand Management programs and /or mitigated through other means, including payment in to the East Miramar Areawide Transportation Impact ("EMATI").

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

Applicant's Response:

The proposed rezoning is necessary for any level of mixed-use development of the Property in accordance with the goals and objectives of the RAC land use. Mixed-use development is known to

promote revitalization and redevelopment through an integration of physical and functional aspects of development. The civil engineering plans included with the proposed site plan application demonstrate that the onsite improvements provided by the Applicant and the City's facilities are able to meet the demands of the proposed development. There is sufficient capacity in the public utilities to accommodate the proposed development without adversely impacting the level of service.

Staff's Evaluation:

The proposed change should not adversely impact population density as the change would encourage the Applicant to offer a mix of housing and commercial products, consistent with the goals, objectives and policies of the RAC, and with the Development Order regulating the EMADRI.

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

Applicant's Response:

This rezoning will facilitate development of a mix of residential and commercial uses in close proximity to a large number of existing residential developments and employment centers resulting in reduced travel distance for shopping and other commercial trips in the area. There are no threatened or endangered species and there is no wetland mitigation area located on the Property. A wetland mitigation area designated as a conservation easement of approximately 4.51 acres is located to the east of the Property. The proposed rezoning and development of the site plan would have no adverse environmental impact on this conservation easement area or any other environmental factors in the vicinity. The appropriate government agencies have been engaged and a wetland mitigation permit has been approved. For these reasons, the proposed rezoning will not have an adverse environmental impact on the surrounding area.

Staff's Evaluation:

Staff concurs with this statement.

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

Applicant's Response:

The proposed rezoning will facilitate the mixed-use development of the currently underutilized Property that will serve to provide an increased mix of housing options located in close proximity to a variety of employment centers and commercial uses. The proposed commercial uses will serve the needs of the surrounding neighborhoods, nearby employees, and visitors to the City. The proposed development will increase tax revenues that will accrue to the City; thereby allowing the City to provide for the high level of public facilities enjoyed by its residents. Considering the mix of residential and commercial uses proposed for the Property, the commercial development will not generate excessive noise, light, or pollution that would harm the community. Proper buffers will be maintained or will be provided during the site plan approval processes and any development of the Property will be constructed in accordance with the City Land Development Code. For these reasons, the proposed rezoning will not adversely affect the health, safety, aesthetics, or welfare of the neighborhood or 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, any proposed development would be constructed in accordance with the City of Miramar Land Development Code.

V. Staff Recommendation

Staff recommends approval.

VI. Planning & Zoning Board

A Community Meeting was held on May 8 with two residents in attendance that expressed concerns about the project. The Planning & zoning Board recommended denial of this application at their June 11, 2019 public hearing.



DISCLOSURE OF EX-PARTE COMMUNICATIONS

Commissioner Name: _____

Agenda Item # (Project): _____

Meeting Date: _____

Date of contact	Person/Party	Medium	Topic (Summary)