

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

First Reading Date: February 5, 2020

Second Reading Date: March 4, 2020

Presenter's Name and Title: Nixon Lebrun, Senior Planner, on behalf of the Community Development Department

Prepared By: Nixon Lebrun, Senior Planner, Community Development

Temp. Ord. Number: 1736

Item Description: **SECOND READING** of Temp. Ord. No. 1736, PROVIDING FOR A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY OF MIRAMAR COMPREHENSIVE PLAN BY CHANGING FROM OFFICE PARK TO COMMERCIAL THE FUTURE LAND USE DESIGNATION OF FOUR (4) PARCELS OF REAL PROPERTY CONTAINING APPROXIMATELY FOUR (4) ACRES, LOCATED ADJACENT TO THE SOUTHWEST CORNER OF MIRAMAR PARKWAY AND DOUGLAS ROAD, AND MORE SPECIFICALLY IDENTIFIED WITH BROWARD COUNTY PARCEL ID NUMBERS 5141-2901-0080, 5141-2901-0067, 5141-2901-0065 AND 5141-2901-0061 TO ALLOW FOR THE REDEVELOPMENT OF THESE PARCELS IN A MANNER CONSISTENT WITH THE LONG TERM VISION OF BOTH THE CITY OF MIRAMAR COMPREHENSIVE PLAN AND THE BROWARDNEXT-BROWARD COUNTY LAND USE PLAN, IN ACCORDANCE WITH SECTIONS 163.3174(1), 163.3177, 163.3184(11) AND 163.3187, FLORIDA STATUTES (2019), AND SECTION 303 OF THE CITY OF MIRAMAR LAND DEVELOPMENT CODE; MAKING FINDINGS; PROVIDING FOR ADOPTION; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR RECERTIFICATION; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *(Passed 1st Reading on 02/05/20) (Senior Planner Nixon Lebrun)*

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

Instructions for the Office of the City Clerk: None

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 1/19/2020 in a _____ a legal ____ ad in the _Sun Sentinel_____; by the posting the property on _____ on 11/27/2019_____ and/or by sending mailed notice to property owners within __1,000__ feet of the property on _____ 11/27/2019_____ (fill in all that apply)

Special Voting Requirement – As required by Sec. 303____, of the City Code and/or Sec163.3184(11){(a)}.____, Florida Statutes, approval of this item requires a _____ simple majority_____ (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 1736**
 - **Exhibit A: Proposed Designation for the Four (4) Parcels**
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- **Attachment(s)**
 - **Attachment 1: Staff Report**
 - **Attachment 2: Current and Proposed Land Use Map**



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM: *ve* Vernon E. Hargray, City Manager *VM*

BY: Eric Silva, Director, Community Development Department

DATE: February 27, 2020

RE: SECOND READING of Temp. Ord. No. 1736, enacting a Small-Scale Amendment to change the designation of four (4) parcels located adjacent to the southwest corner of Miramar Parkway and Douglas Road from Office Park to Commercial

RECOMMENDATION: That, pursuant to ss. 163.3187, 163.3184(11), Florida Statutes ("F.S.") and ss. 303.5 and 303.7 of the City of Miramar Land Development Code ("LDC"), the City Commission holds a duly noticed adoption hearing on Temp. Ordinance No. 1736 to enact the proposed small-scale development amendment changing the future land use designation of four (4) parcels of real property, containing approximately four (4) net acres, located adjacent to the southwest corner of Miramar Parkway and Douglas Road, and more specifically identified with Broward County Parcel ID Numbers 5141-2901-0080, 5154-2901-0067, 5141-2901-0065 and 5141-2901-0061 from Office Park to Commercial on the Future Land Use Map ("FLUM") of the Future Land Use Element ("FLUE") of the City of Miramar Comprehensive Plan. In adopting the proposed amendment, the City Commission shall consider: (1) the recommendation of the Planning and Zoning Board; (2) the staff report summarizing the facts of the request; (3) the record developed at the hearing; and (4) the extent to which the amendment complies with the criteria for small-scale development amendment set forth s. 163.3187, F.S. and preserves the internal consistency of the City of Miramar Comprehensive Plan, as per s. 163.3177, F.S.; (5) the extent to which public facilities and services are available, as per s. 163.3187(6)(a)(8), F.S.; and (6) the extent to which the amendment conforms with the pertinent standards of s. 303 of the City LDC.

ISSUE: As prescribed in s. 163.3187, F.S., and s. 303 of the City LDC, a public hearing before the City Commission, which shall be an adoption hearing following the procedures set forth s. 163.3184(11), F.S., is required for the review and enactment of any small scale development amendment to the City Comprehensive Plan. In compliance therewith, the

proposed small-scale amendment for the herein described properties is being placed on this meeting agenda so the City Commission can hold the required adoption hearing.

BACKGROUND: Pacific Stewart Holdings, LLC, (the "Applicant"), is the record owner of two adjacent parcels located at the southwest corner of Miramar Parkway and Douglas Road, and identified with Broward County Property Appraiser Parcel ID numbers 5141-2901-0080 and 5141-2901-0067. The parcel with frontage on Miramar Parkway covers 1.6 acres and features a three-story professional office building ("Office Parcel"), while the parcel with frontage on Douglas Road contains 1.3 acres and is currently undeveloped ("Vacant Parcel"). Official records from the Broward County Clerk of Courts indicate that the two parcels were acquired between 2015 and 2016, from Palm Lakes II Associates, Inc., and ARR Investments, Inc., respectively. The Applicant is seeking to merge both parcels and create a unified commercial development that benefits from the expanded range of highest and best uses stemming from the parcel assembly.

The Applicant's properties are two of a handful of parcels forming a rectangle about four acres in size, lying at the southwest corner of Miramar Parkway and Douglas Road. Together, these parcels represent one of two relatively small areas on the City FLUM with the Office Park future land use designation, the other area being the southern half of the Christway Baptist Church property located less than one quarter mile south on Douglas Road. In accordance with Policy 1.6 of the FLUE of the City Comprehensive Plan, the Office Park land use designation includes office, hotels, and educational institutions as primary uses, and retail and personal services as accessory uses only.

In light of the foregoing, the Applicant filed a small-scale development amendment petition, dated August 9, 2019, (Application No. 1906377) to redesignate both the Office and Vacant Parcels to Commercial on the City FLUM. However, upon an initial review of the petition package, the City recommended that the owners of the neighboring parcels with the same Office Park land use designation be contacted to request their inclusion in the application, since it would be at no cost to them. The reason is two-fold. First, it would allow for greater land use compatibility, especially in light of the changing conditions and market realities in the neighborhood. Second, the inclusion of the neighboring parcels will provide for greater conformity with the BrowardNext-Broward County Land Use Plan ("BCLUP"), especially in light of the recent amendments thereof, which consolidated the Employment Center, Industrial and Office Park categories under the Commerce category. It shall be noted that the City will soon initiate an update to the City Comprehensive Plan, which will affect similar map changes on a citywide basis, among other amendments.

As suggested by Staff, the Applicant started to contact the neighboring property owners and soon thereafter was able to get the consent of Rufus and Marcina Joseph, the record owners of the 0.5-acre corner parcel legally identified with Parcel ID 5141-2901-0061 to join as party to the application. Following several failed attempts by both the Applicant and Staff to contact Arista Academy, Inc., the record owner of the adjacent 0.6-acre daycare property, legally identified with Parcel ID 5141-2901-0065, Staff decided to resume the processing of the application, as amended to include the Josephs' property.

December 10, 2019 & January 14, 2020 Planning and Zoning Board Meetings: In compliance with Section 163.3174, F.S., and Section 303.6 of the City LDC, the Planning and Zoning Board first reviewed the proposed amendment at its December 10, 2019 public meeting. Following a lengthy and passionate discussion, the Planning and Zoning Board unanimously voted to defer the application until such time the Applicant reached out via certified mail to the daycare property owner to also join the application. Soon thereafter, the Applicant sent a certified letter along with a blank property owner information page from the City LUPA application packet to Mr. Alejandrino Rodriguez, the principal of Arista Academy, Inc., at the Orlando listed address on the website of the Division of Corporations of the Florida Department of State to determine whether he had any interest in joining the application. On or around January 3, 2020, that page was returned to the Applicant with the notarized signature of Mr. Rodriguez, granting thereby authorization to the Applicant to include the daycare property in the application. As such, the petition was once again revised to include the daycare property and reschedule for the January 14, 2020 Planning and Zoning Board meeting, at which meeting the Planning and Zoning Board unanimously recommended the proposed small-scale amendment for adoption by the City Commission.

In conclusion, all the parcels involved in this petition comprise less than 10 acres, which, among other factors, qualifies the proposed amendment as a small-scale development amendment. Furthermore, these parcels are all designated Commerce on the Future Broward County Land Use Plan Map (Series). No further state and county review will be required. The proposed small-scale amendment is therefore recommended for adoption, as it will preserve the internal consistency of the City Comprehensive Plan, and complies with all applicable criteria of the Community Planning Act as codified in Part II of Chapter 163, F.S., and of s. 303 of the City LDC.

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**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA; PROVIDING FOR A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY OF MIRAMAR COMPREHENSIVE PLAN BY CHANGING FROM OFFICE PARK TO COMMERCIAL THE FUTURE LAND USE DESIGNATION OF FOUR (4) PARCELS OF REAL PROPERTY CONTAINING APPROXIMATELY FOUR (4) ACRES, LOCATED ADJACENT TO THE SOUTHWEST CORNER OF MIRAMAR PARKWAY AND DOUGLAS ROAD, AND MORE SPECIFICALLY IDENTIFIED WITH BROWARD COUNTY PARCEL ID NUMBERS 5141-2901-0080, 5141-2901-0067, 5141-2901-0065 AND 5141-2901-0061 TO ALLOW FOR THE REDEVELOPMENT OF THESE PARCELS IN A MANNER CONSISTENT WITH THE LONG TERM VISION OF BOTH THE CITY OF MIRAMAR COMPREHENSIVE PLAN AND THE BROWARDNEXT-BROWARD COUNTY LAND USE PLAN, IN ACCORDANCE WITH SECTIONS 163.3174(1), 163.3177, 163.3184(11) AND 163.3187, FLORIDA STATUTES (2019), AND SECTION 303 OF THE CITY OF MIRAMAR LAND DEVELOPMENT CODE; MAKING FINDINGS; PROVIDING FOR ADOPTION; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; 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 (“City”) adopted its first Comprehensive Plan in 1989 along with a Future Land Use Map (“FLUM”), 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 (the “CPA”); and

WHEREAS, the CPA provides that a local government may adopt small-scale 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 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 by the local government does not exceed 120 acres in a calendar year; (4) where the property involved is not located in an Area of Critical State Concern; and (5) that preserves the internal consistency of the adopted comprehensive

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plan, pursuant to Section 163.3177, F.S.; and

WHEREAS, Pacific Stewart Holdings, LLC, (the “Applicant”), is the record owner of two adjacent parcels located at the southwest corner of Miramar Parkway and Douglas Road, which were acquired by warranty deed between 2015 and 2016 from Palm Lakes II Associates, Inc., and ARR Investments, Inc., respectively; and

WHEREAS, the 1.6-acre parcel identified with Parcel ID number 5141-2901-0080 and fronting on Miramar Parkway features a three-story, 30,000-square foot professional office building (“Office Parcel”), while the 1.3-acre parcel identified with Parcel ID number 5141-2901-0067 and fronting on Douglas Road is undeveloped (“Vacant Parcel”); and

WHEREAS, the Applicant is proposing to merge the Office and Vacant Parcels in order to create a unified and contextual commercial development that benefits from the expanded range of highest and best uses stemming from the parcel assembly; and

WHEREAS, the Office and Vacant Parcel constitute two of five contiguous parcels forming a rectangle about 5.8 acres in size, lying and situate at the corner of Miramar Parkway and Douglas Road and designated Office Park on the City FLUM; and

WHEREAS, consistent with Policy 1.6 of the Future Land Use Element (“FLUE”) of the City Comprehensive Plan, the Office Park future land use designation is intended mainly for office uses, libraries, educational institutions, financial institutions, public safety facilities and hotels, but permits the types of retail and personal services envisioned by the Applicant for the assembled parcels only as accessory uses; and

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WHEREAS, on August 9, 2019, the Applicant filed Application No. 1906377 with the City's Community Development Department (the "Department") seeking to change the designation of both parcels from Office Park to Commercial (the "Amendment"); and

WHEREAS, upon an initial review of the application and the context of the 2.9-acre Amendment site, the City recommended that the owners of the neighboring parcels with the same Office Park land use designation along Douglas Road be contacted to request their inclusion in the application, in order to provide for greater land use compatibility, and for greater conformity with the BrowardNext-Broward County Land Use Plan; and

WHEREAS, after several attempts, the Applicant was initially able to get the consent of only Rufus and Marcina Joseph, who are the record owners of the 0.5-acre one-story office building legally identified with Parcel ID 5141-2901-0061 ("Corner Parcel") to join as party to the application; and

WHEREAS, in order to avoid any further delay in Staff's review or place an undue burden on the Applicant, the original application was then amended to include the Josephs' property and subsequently placed on the agenda of the December 10, 2019 Planning and Zoning Board meeting; and

WHEREAS, with the inclusion of the Corner Parcel, the parcels ("Subject Property") involved in the application featured a combined acreage of 3.4 net acres; and

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WHEREAS, the proposed Amendment complies with the procedural requirements of Section 163.3187, F.S., for review as a small-scale development amendment, as it involves a use of less than 10 acres, and does not propose any text changes to the goals, objectives and policies of the City Comprehensive Plan, among other changes; and

WHEREAS, pursuant to Section 163.317, F.S., and Section 303 of the City LDC, the City Commission is required to hold an adoption public hearing on all small-scale amendments, pursuant to the notice requirements of Section 163.3184(11), F.S.; and

WHEREAS, upon a review of the availability of water supplies, public facilities and services, and the cumulative total acreage for adopted small-scale amendments for the calendar year, the Department finds the Amendment to maintain the internal consistency of the Comprehensive Plan; to be in substantial conformity with the BrowardNext-Broward County Land Use Plan, and to comply with the applicable provisions of the LDC; and

WHEREAS, the City Manager concurs with City Staff's written findings of fact and recommends adoption of the Amendment; and

WHEREAS, Section 107 of the City LDC designates and establishes the Planning and Zoning Board as the Local Planning Agency ("LPA") vested with 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

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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 upon giving due consideration of all matters, forward a recommendation to the City Commission; and

WHEREAS, the Planning and Zoning Board, sitting as the LPA, held a duly noticed public hearing on December 10, 2019 to review and discuss the Amendment package and consider any testimony from the public, and

WHEREAS, following a lengthy discussion, the Planning and Zoning Board unanimously voted to defer the application until such time the Applicant reached out via certified mail to Arista Academy, Inc., the record owner of the adjacent 0.6-acre daycare property ("Daycare Parcel") legally identified with parcel ID 5141-2901-0065 to be a party to the application; and

WHEREAS, in response to a certified letter dated December 12, 2019 from the Applicant, Mr. Alejandrino Rodriguez, the principal of Arista Academy, Inc., returned a properly filled out, signed and notarized blank property owner information page from the City LUPA application packet, which was included in that correspondence, granting thereby authorization to the Applicant to include the Daycare Parcel in the application; and

WHEREAS, as a result the original application was once again revised to include the Daycare Parcel, causing the Subject Property to now feature a combined acreage of approximately four (4) net acres; and

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WHEREAS, the application, as amended, was discussed and reviewed by the Planning and Zoning Board at its regularly scheduled January 14, 2020 meeting; and

WHEREAS, after due consideration of all matters, the Planning and Zoning Board found the Amendment to preserve the internal consistency of the City Comprehensive Plan, to be in substantial compliance with the BrowardNext-Broward County Land Use Plan and to comply with all applicable criteria of the Community Planning Act and the City LDC, and therefore, recommended that the City Commission adopts the Amendment; and

WHEREAS, notwithstanding the one-adoption hearing requirement established in Section 163.3187, F.S, Section 303.7 of the City LDC provides that the City Commission shall hold at least two advertised public hearings on any proposed comprehensive plan amendment, pursuant to the notice requirements of Section 163.3184(11), F.S.; and

WHEREAS, Section 163.3184(11), F.S., provides that a proposed land use plan 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, with the first and second public hearings being held at least seven and five days, respectively, after the advertisement is published; and

WHEREAS, the City Commission held two duly advertised hearings on February 5, 2020 and March 4, 2020 to review and discuss the Amendment package, at which meetings testimony from the public was considered; and

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WHEREAS, after due consideration of all matters, the City Commission found the Amendment to preserve the internal consistency of the City Comprehensive Plan, to be in substantial compliance with the BrowardNext-Broward County Land Use Plan and to comply with all applicable criteria of the Community Planning Act and the City LDC; and

WHEREAS, the City Commission also found that the Amendment would foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development of the City, and further authorized its transmittal to the Department of Economic Opportunity, the designated State Land Planning Agency, so that this Agency can maintain a complete and up-to-date copy of the City Comprehensive Plan; and

WHEREAS, the proposed small-scale development amendment may not become effective until 31 days after adoption, if no challenge is filed, or, until the State Land Planning Agency or the Administration Commission enters a final order determining that the adopted small scale development amendment is in compliance, if challenged within 30 days after adoption.

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NOW, THEREFORE, BE IT RESOLVED 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 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

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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, and more particularly described in Exhibit “B” attached hereto.

Section 2: **Findings:** The City Commission of the City of Miramar, Florida, hereby finds the proposed Amendment to preserve the internal consistency of the City Comprehensive Plan, to comply with all applicable provisions of the Community Planning Act and the City LDC, and to be in substantial conformity with the BrowardNext – Broward County Land Use Plan.

Section 3: **Adoption:** The City Commission of the City of Miramar, Florida, hereby passes and adopts the proposed amendment to the City of Miramar Comprehensive Plan, attached hereto as composite Exhibit “A”, which changes the future land use designation of the Subject Property, as legally described in Exhibit “B”, according to the Public Records of Broward County, Florida, from Office Park to Commercial on the Future Land Use Map of the Future Land Use Element of the City Comprehensive Plan.

Section 4: **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 State of Florida Department of Economic Opportunity, the designated State Land Planning Agency, so that this Agency can maintain a complete and up-to-date copy of the City Comprehensive Plan. The City Manager is further authorized to do all things necessary to effectuate the

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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 City Community Development Department.

Section 5: 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 6: Scrivener's Error: The City Attorney is hereby authorized to correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk.

Section 7: Recertification: The City Commission requests recertification of the City of Miramar Comprehensive Plan by the Broward County Planning Council.

Section 8: Effective Date: Sections 3 and 7 of this Ordinance shall become effective 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, 2, 4, 5, 6, and 8 of this Ordinance shall become effective upon adoption.

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PASSED FIRST READING: _____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Alexandra P. Davis

ATTEST:

City Clerk, Denise A. Gibbs

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

City Attorney,
Austin Pamies Norris Weeks Powell, PLLC

Requested by Administration

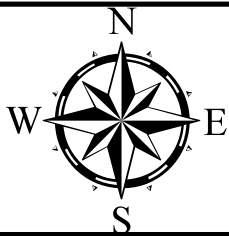
Commissioner Winston F. Barnes
Commissioner Maxwell B. Chambers
Commissioner Yvette Colbourne
Vice Mayor Alexandra P. Davis
Mayor Wayne M. Messam

Voted

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Amended Future Land Use Land Use Map

Exhibit "A"



Map Updated: 07/17/2019
Ord: 19-18

Legend

- | | | | |
|--|---|---|--|
|  COMMERCIAL |  REGIONAL ACTIVITY CENTER |  LOW 5 |  Known Archeological Sites |
|  EMPLOYMENT CENTER |  INSTITUTIONAL & PUBLIC FACILITY |  LOW MEDIUM 10 |  Proposed Land Use |
|  OFFICE PARK |  RECREATION & OPEN SPACE |  MEDIUM HIGH 25 |  Maximum Density |
|  COMMERCIAL RECREATION |  RESERVE WATER SUPPLY AREA | |  Waterbodies |
| |  MEDIUM 16 | |  Transportation |

Exhibit “B”

LEGAL DESCRIPTION

PARCEL ID: 5141 29 01 0080

(As per Instrument No. 113177434)

A portion of the Southeast 1/4 of the Northeast 1/4 of Section 29, Township 51 South, Range 41 East, Broward County, Florida, being more particularly described as:

Commencing at the Northeast corner of said Section 29; thence South 01°49'49" East along the Easterly line of the said Section 29 for 2203.92 feet; thence along a course South 88°10'11" West at right angles to the last described course for 55 feet; thence South 88°09'09" West in a Westerly direction for 97 feet; thence South at right angles to the last described course along a course South 01°49'49" East for a distance of 120 feet to the Point of Beginning; thence East along a course North 88°09'09" East a distance of 97 feet; thence South 01°49'49" East for a distance of 24 feet; thence South 88°10'11" West for a distance of 97 feet; thence North 01°49'49" West for a distance of 24 feet to the Point of Beginning.

TOGETHER WITH:

PARCEL ID: 5141 29 01 0067

(As per Instrument No. 113768543)

A parcel of land in Section 29, Township 51 South, Range 41 East, Broward County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Section 29; thence South 01°49'49" East along the Easterly line of the said Section 29 for 2680.95 feet; thence along a course South 88°08'58" West at right angles to the last described course for 55.00 feet to the Point of Beginning; thence South 88°08'58" West in a Westerly direction for 54.30 feet; thence North 01°45'50" West for a distance of 49.54 feet; thence South 88°14'06" West for a distance of 119.57 feet; thence North 02°47'14" West for a distance of 77.20 feet; thence South 88°09'17" West for a distance 119.90 feet; thence South 01°49'49" East for a distance of 250.00 feet; thence North 88°09'09" East for a distance 295.00 feet; thence North 01°49'49" West for a distance of 123.10 feet to the Point of Beginning.

TOGETHER WITH:

(As per Instrument No. 114535754)

PARCEL ID: 5141 29 01 0061

A parcel of land in Section 29, Township 51 South, Range 41 East, Of Broward County, Florida, Being More Particularly described As Follows:

Commencing at the Northeast corner of said Section 29; thence South 01°49'49" East along the Easterly line of the said Section 29 for 2203.90 feet; thence along a course South 88°09'09" West

Exhibit “B”

at right angles to the last described course for 55.00 feet to the Point of Beginning; thence South 88°09'09" West for a distance of 97.00 feet; thence South 01°49'49" East for a distance of 220.45 feet; thence North 88°26'59" East for a distance of 16.06 feet; thence South 01°27'13" West for a distance of 9.49 feet; thence North 88°03'17" East for a distance of 81.48 feet; thence North 01°49'49" West for a distance of, 229.87 feet to the Point of Beginning.

TOGETHER WITH:

PARCEL ID: 5141 29 01 0065

(As per Instrument No. 98188943 and 101344397)

Building No. 2, of PARKWAY PROFESSIONAL CENTER CONDOMINIUM, A Condominium; according to the Declaration of Condominium thereof, as recorded in Official Records Book 18519, at Page 26, of the Public Records of Broward County, Florida, together with an undivided share in the common elements apartment thereto.



November 18, 2019

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

I. Project Summary

Project Name: Pacific Stewart Offices Land Use Plan Amendment

Application Number: 1906377

Property Location: In Section 29, Township 51 South, Range 41 East; located on the Southwest corner of Miramar Parkway and Douglas Road.

Folio Number: 5141-2901-0080, 5141-2901-0067, 5141-2901-0065 and 5141-2901-0061

Property Size: **173,976** sq. ft./±4 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 Office Park to Commercial.

Property Owner(s)/Applicant(s):

Pacific Stewart Holdings, LLC
8910 Miramar Parkway, Suite 312
Miramar, Florida 33025
Tel: (786) 565-9540
Email: florida@pacificstewart.com

Rufus and Marcina Joseph
3220 S. Douglas Road
Miramar, Florida 33025
Tel: (954) 240-0700

Insert address for Arista Academy

II. Recommended City Commission Action

That, pursuant to ss. 163.3187, 163.3184(11), Florida Statutes (“F.S.”) and ss. 303.5 and 303.7 of the City of Miramar Land Development Code (“LDC”), the City Commission adopts, by passage of the ordinance to which this report is appended, to enact the proposed small-scale development amendment changing the future land use designation of the four (4) parcels of real property, containing approximately 4 net acres, located adjacent to the southwest corner of Miramar Parkway and Douglas Road, and more specifically identified with Broward County Parcel ID Numbers 5141-2901-0080, 5154-2901-0067, 5141-2901-0065 and 5141-2901-0061 from Office Park to Commercial on the Future Land Use Map (“FLUM”) of the Future Land Use Element (“FLUE”) of the City of Miramar Comprehensive Plan.

III. Background

Location Map



Pacific Stewart Holdings, LLC, (the “Applicant”), is the record owner of two adjacent parcels located at the southwest corner of Miramar Parkway and Douglas Road, and identified with Broward County Property Appraiser Parcel ID numbers 5141-2901-0080 and 5141-2901-0067. The parcel with frontage on Miramar Parkway covers 1.6 acres and features a three-story professional office building (“Office Parcel”), while the parcel with frontage on Douglas Road contains 1.3 acres and is currently undeveloped (“Vacant Parcel”). Official records from the County Clerk of Courts show that the two parcels were acquired between 2015 and 2016, from Palm Lakes II Associates, Inc., and ARR Investments, Inc., respectively. The Applicant is seeking to combine the two parcels to create a unified commercial development that takes full advantage of the expanded range of highest and best uses stemming from the parcel assembly.

The Applicant's properties are two of a handful of parcels forming a rectangle about four acres in size, lying at the southwest corner of Miramar Parkway and Douglas Road. Together, these parcels represent one of two relatively small areas on the City FLUM with the Office Park future land use designation, the other area being the southern half of the Christway Baptist Church property located less than one quarter mile south on Douglas Road. In accordance with Policy 1.6 of the FLUE of the City Comprehensive Plan, the Office Park land use category is intended primarily for office uses, hotels, financial institutions, medical offices, libraries, public safety facilities, and educational institutions. Commercial uses in the form of retail and personal services, however, are permitted only as accessory uses.

In light of the foregoing, the Applicant filed a small-scale development amendment petition, dated August 9, 2019, (Application No. 1906377) to redesignate both the Office and Vacant Parcels to Commercial on the City FLUM. However, upon an initial review of the petition package, the City recommended that the owners of the two neighboring parcels along Douglas Road be contacted to request their inclusion in the application, in order to provide for greater land use compatibility, and for greater conformity with the BrowardNext-Broward County Land Use Plan ("BCLUP"). In fact, recent changes in the BCLUP provide that municipal land use designations that are the under the umbrella of Commerce shall include Employment Center, Industrial and Office Park.

As suggested by Staff, the Applicant started to contact the neighboring property owners and soon thereafter was able to get the consent of Rufus and Marcina Joseph, the record owners of the 0.5-acre corner parcel legally identified with Parcel ID 5141-2901-0061 to join as party to the application. However, after several attempts, the Applicant was not successful at contacting the principal of Arista Academy, Inc., which is listed as the record owner of the adjacent 0.6-acre daycare property. By mid-November, following several failed attempts to contact the daycare's owner, and in order to avoid any further delay and, ipso facto, place an undue burden on the Applicant, Staff resumed the processing of the application, as amended to include the Josephs' property, and ultimately scheduled it for consideration by the Planning and Zoning Board at its December 10, 2019 meeting.

However, at that meeting, after due consideration of all matters, the Board decided to table the item until such time the Applicant contact the daycare owner at the Orlando listed address via a certified mail to request the inclusion of the 0.6-acre daycare property legally identified with Parcel ID 5141-2901-0065. Subsequently, the Applicant sent a certified letter, dated December 12, 2019, along with a blank property owner information page from the LUPA application packet to Mr. Alejandrino Rodriguez, the principal of Arista Academy, Inc., at the Orlando listed address on the website of the Division of Corporations of the Florida Department of State to determine whether he had any interest in joining the application. On or around January 3, 2020, that page was returned to the Applicant with the notarized signature of Mr. Rodriguez, granting thereby authorization to the Applicant to include the daycare property in the application. As such, the original application has been once again revised to now include all four properties located at the southwest corner of Miramar Parkway and Douglas Road.

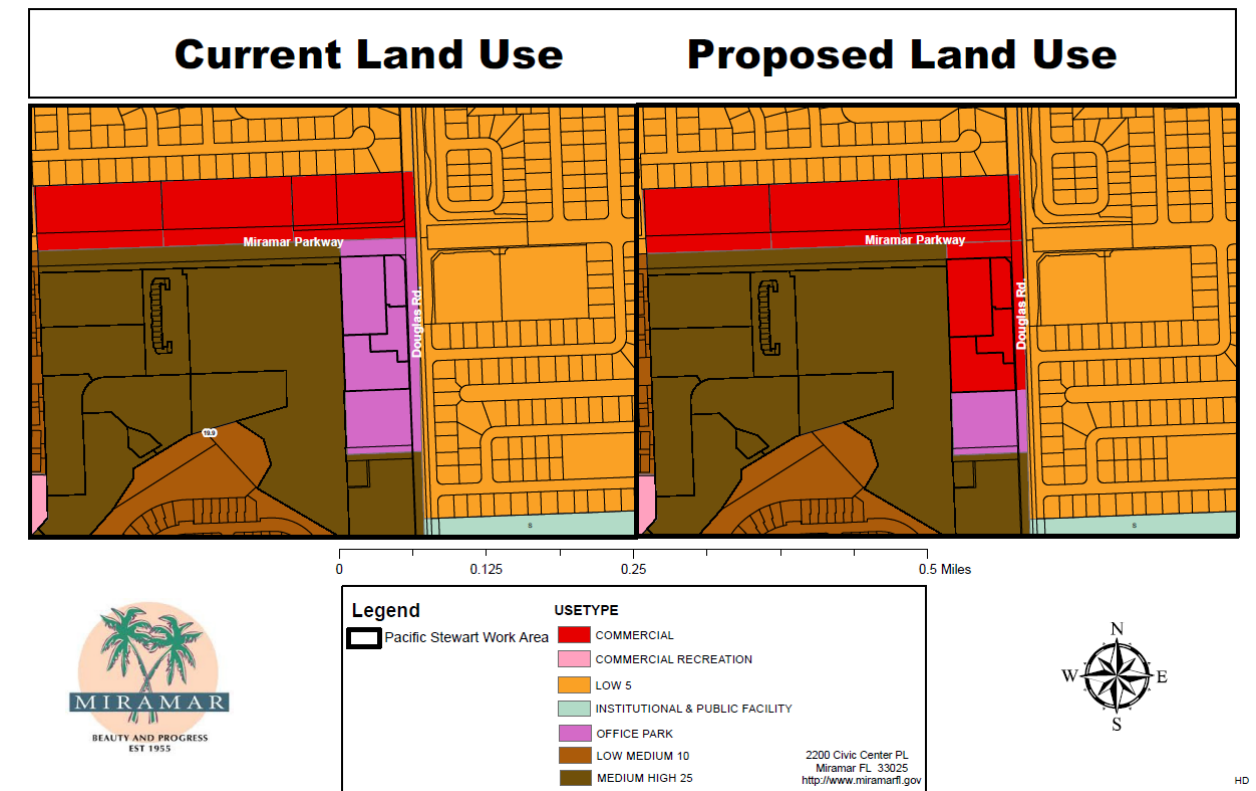
IV. Neighborhood Land Use Characteristics

As depicted in the matrix below, development around the site includes commercial uses to the north, multifamily uses to the south and the west, and commercial and single-family residential uses to the east.

	Existing Land Uses	Zoning Map Classification	FLUM Designation
Site(s)	2 Office Buildings (North), Daycare (East) and a Vacant Site (South)	Office Park (OP)	Office Park
North	CVS Pharmacy	Community Business (B2)	Commercial
East	Retail Strip (North) and Single-Family Residences (South)	Neighborhood Business (B1) & RS5, Single-Family Residential	Low 5
South	Multifamily Apartments	Planned Unit Development (PUD)	Office Park
West	Foxcroft Condominium	Planned Unit Development (PUD)	Irregular (19.9) Residential

V. Purpose of the Amendment

The Applicant is proposing to merge the Office and Vacant Parcels in order to create a unified and contextual commercial development that takes full advantage of the expanded range of highest and best uses stemming from the parcel assembly. Pursuant to Table 403-3 “Commercial and Industrial Principal Uses Table”, the Office Park zoning district permits a limited number of commercial uses and does not permit the variety of retail and personal service uses desired by the Applicant. As such, the Applicant is proposing to amend the land use of the Subject Property from Office Park to Commercial. The Applicant intends to submit a subsequent application to rezone the Subject Property from Office Park to the Community Business (B2) zoning district along with a site plan application proposing unified development of the Subject Property.



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

In reviewing the requested 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., as well as ss. 303.6 through 303.9 of the City's LDC. It shall be mentioned that all of the parcels involved in this land use amendment request are currently designated as Commerce on the Future BCLUP Map (Series), which therefore eliminate the need for any further County review.

Compliance with Section 163.3187 of 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. Specifically, such amendment may be adopted under the following conditions:

- (a) The proposed amendment involves a use of 10 acres or fewer;

The real property subject to this amendment request comprises about 3.4 acres.

- (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;

With the proposed amendment and other adopted small scale development amendments, the City would not exceed the 120-acre threshold established in the statutes in this 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;

The requested amendment only proposes a site-specific land use map amendment for the subject real property and does not involve any text change to the goals, objectives and policies of the City Comprehensive Plan.

- (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

The subject real property is not located within an Area of Critical State Concern.

- (e) The proposed amendment, must, pursuant to s. 163.3177, F.S., preserve the internal consistency of the local government comprehensive plan.

The requested amendment will be in keeping with the long-term developmental goals of both the City Comprehensive Plan. It will preserve the internal consistency of the City Comprehensive Plan and will provide for greater conformity with the BCLUP.

In light of the foregoing, the Applicant's request meets the statutory definition of a small-scale (development) or comprehensive plan amendment and will not therefore require any further review by the State Land Planning Agency.

Compliance with Section 303 of the City LDC

The requested small-scale amendment to the City FLUM was also evaluated under the criteria of ss. 303.6 through 303.9 of the City LDC. These criteria mandate that the City 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, to either adopt, adopt with changes or deny said amendment, pursuant to the notice requirements of s. 163.3184(11), F.S. The City LPA considered the request at its regularly scheduled December 10, 2019 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 hearing(s) to enact the requested small-scale development amendment.

VII. 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 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 Comprehensive Plan.

Using the Planning Council standard of 10,000 square feet of buildable floor area per one (1) acre of land, the OP land use category would permit by right a 34,000 square-foot office building and the proposed Commercial land use category a 34,000-square foot retail building on the subject 3.4-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.

The demand estimates summarized in the table below, were calculated 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 (sq. ft.) and 50 gpd per 1,000 sq. ft. for shopping center "dry uses." The demands for sanitary sewer are based on 34 gpd per 1,000 sq. ft. for office uses and 5 gpd per 100 sq. ft. for shopping center "dry uses."

INFRASTRUCTURE ANALYSIS SUMMARY			
Facility Demand	Current Land Use (34,000 SF of Office)	Proposed Land Use (34,000 SF of Retail)	Net Change
Water (gpd)	1,428 gpd	1,700 gpd	+ 272 gpd
Sewer (gpd)	1,156 gpd	1,700 gpd	+ 544 gpd
Solid Waste (lbs./day)	340 lbs/day	3,060 lbs/day	+ 3,030 lbs/day
Parks (acres)	-	-	-
Daily Trips*	436 trips	2,128 trips	+ 1,692 trips

PM Peak Trips*	109 trips	193 trips	+ 84 trips
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* *Source: Institute of Transportation Engineers (“ITE”) traffic generation equations from “Trip Generation-10th Edition,” the professionally accepted methodology for estimating the number of vehicle trips likely to be generated by a particular land use.*

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 East and West Water Treatment Plants, which service the amendment site. 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) per Equivalent Residential Connection (ERC).

Sanitary Sewer

The amendment site is served by the City 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

The subject property is located within the C-9 East Drainage basin and under the jurisdiction of Broward County Environmental Protection and Growth Management Department (“EPGMD”). A surface water management license from EPGMD will be required prior to any redevelopment on the site. Furthermore, and consistent with the City Comprehensive Plan, development on the subject property shall maintain or exceed the LOS standards for drainage and stormwater management set forth therein. Specifically, drainage shall be provided for the 5-year storm event with full on-site retention of the 25-year/3-day storm.

Parks

The proposed amendment is not anticipated to accommodate any residential uses and, as such, will have no impact on the City’s parks and open space inventory.

Traffic

The proposed amendment is projected to increase the net number of PM peak hour vehicle trips on the regional transportation network by 1,692 net new daily trips and 84 net new PM peak hour trips, as depicted in the Trip Generation Analysis chart below. This traffic analysis is for four parcels, however, this application only includes three of the four parcels. The Broward Metropolitan Planning Organization (“MPO”) Year 2040 Transportation model analysis distribution of the projected additional PM peak hour trips indicates that the proposed amendment is not projected to significantly or adversely impact the operating conditions of the regional transportation network. According to the Broward County Transit Division (“BCT”), current and future fixed-route county bus service, as well as community bus service, is provided to the subject property. Redevelopment of the subject property shall be designed to provide safe movement for pedestrians and bicycles, including transit connectivity to the existing sidewalk/bicycle network and bus stops, as well pedestrian-scale lighting, shade trees, bicycle racks/lockers, and bicycle repair stations within and around the development, among other enhancements.

LAND USE	ITE CODE	INTENSITY	TRIP GENERATION RATE ⁽¹⁾	IN	OUT	TOTAL TRIPS			PASS-BY ⁽¹⁾	NEW TRIPS			
						IN	OUT	TOTAL		IN	OUT	TOTAL	
DAILY													
EXISTING USE													
General Office	710	40,000 SF	Ln(T)= 0.97 Ln(X) + 2.5	50%	50%	218	218	436	0	0.00%	218	218	436
PROPOSED USE													
Shopping Center	820	40,000 SF	Ln(T)= 0.68 Ln(X) + 5.57	50%	50%	1,612	1,612	3,224	1,096	34.00%	1,064	1,064	2,128
NET DIFFERENCE						1,394	1,394	2,788			846	846	1,692
PM PEAK HOUR													
EXISTING USE													
General Office	710	40,000 SF	T= 1.1 (X) + 65.39	18%	82%	20	89	109	0	0.00%	20	89	109
PROPOSED USE													
Shopping Center	820	40,000 SF	Ln(T)= 0.72 Ln(X) + 3.02	50%	50%	146	146	292	99	34.00%	96	97	193
NET DIFFERENCE						126	57	183			76	8	84

(1) Source: Institute of Transportation Engineers' Trip Generation Manual, 10th Edition.

Schools

The amendment site is not anticipated to accommodate any residential uses and, therefore, will have no impact on any of the schools within the affected School District Planning Area.

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 is not anticipated to 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.

VIII. 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.

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 as the properties located North and East of the subject properties.

IX. Public Meeting

To be updated. Public meeting 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.

X. Staff Recommendation

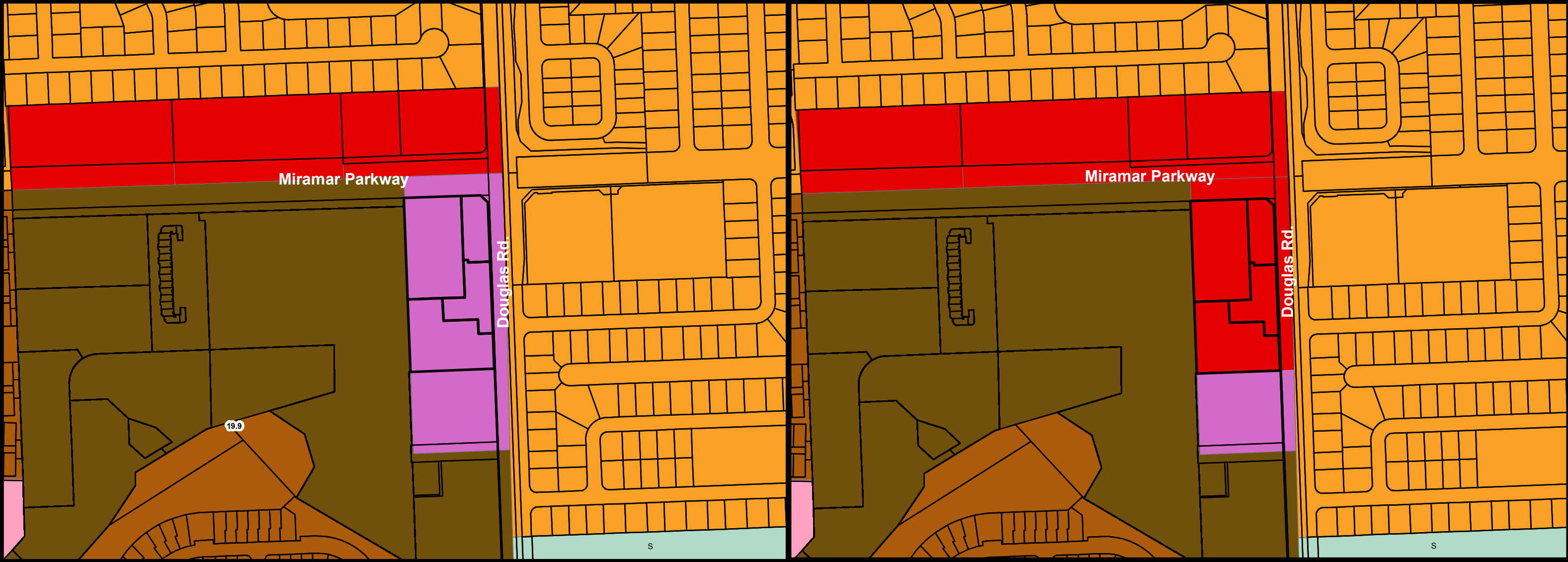
Based on the preceding analysis, Staff finds the proposed small scale development amendment for the herein described subject property to preserve the internal consistency with the goals,

objectives and policies of the City 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 LDC, pertaining to land use plan amendments. Staff therefore recommends that the City Commission reviews the request, consider the recommendation by both the City Manager and the Planning and Zoning Board for adoption, as well as any testimony at the public hearing, and subsequently adopt the attached ordinance to change the future land use designation of the amendment site, as described herein, from Office park to Commercial on the City FLUM.

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.

Current Land Use

Proposed Land Use










0 0.125 0.25 0.5 Miles



Legend

 Pacific Stewart Work Area

USETYPE

-  COMMERCIAL
-  COMMERCIAL RECREATION
-  LOW 5
-  INSTITUTIONAL & PUBLIC FACILITY
-  OFFICE PARK
-  LOW MEDIUM 10
-  MEDIUM HIGH 25

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