

STAFF REPORT 19-1535
Miramar Central Plaza Plat
002-MP-14

A request to amend the note on the plat has been filed with the Planning and Development Management Division. This plat was approved by the Board on April 28, 2015 for 210,000 square feet of commercial and 3,500 square feet of bank uses on Lot 1; and 43,000 square feet of commercial use on Lot 2. The property is located on 29 acres on the northeast corner of Miramar Parkway and Flamingo Road, in the City of Miramar. The plat was recorded on March 8, 2016 (Plat Book 182, Page 80). The plat is also located within Increment II of the East Miramar Areawide Development of Regional Impact (DRI).

On May 7, 2019, a development order extension for the County's finding of adequacy was granted pursuant to Governor Executive Orders 17-146 through 19-36 (Opioid Epidemic) extending the expiration of the County's finding of adequacy to September 27, 2023. Subsequently, an extension was granted pursuant to Governor Executive Order 19-189 (Hurricane Dorian) extending the expiration of the County's finding of adequacy to May 25, 2024. Should the Board grant approval to this request, the expiration date of the County's finding of adequacy will be May 25, 2029.

Two additional requests are being submitted concurrently for consideration by the Board to modify the non-vehicular access line and to modify conditions of plat approval.

The current note restricts the plat as follows:

This plat is restricted to 210,000 square feet of commercial and 3,500 square feet of bank use on Lot 1, and 43,000 square feet of commercial use. No freestanding office and no commercial/retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. Industrial buildings are further restricted to no more than 30 percent ancillary office per bay or single tenant building.

The applicant is requesting to develop the property with 648 midrise dwelling units and 32,000 square feet of commercial use including a 5,000 square foot drive-thru facility, leaving 27,000 square feet of commercial use remaining as commercial development rights. The proposed note language reads as follows:

This plat is restricted to 648 midrise units and 32,000 square feet of commercial use including a 5,000 square foot drive-thru restaurant facility.

This request was evaluated by the Reviewing Agencies.

Land Use

The attached memorandum from the Broward County Planning Council indicates that the effective Land Use Plan designates the area covered by this plat for the uses permitted in the for the uses permitted in the "Miramar Regional Activity Center" land use category. Regarding the proposed residential and commercial uses, this plat is subject to the executed "Interlocal Agreement for the Monitoring of Development Activity and Enforcement of Permitted Land Uses in Regional Activity Center," as recorded in Official Record Book 34016, Pages 635-640.

Planning Council staff notes that this plat is located within an area that was the subject of Broward County Land Use Plan (BCLUP) amendments PCT 05-4 and PCT 15-4, which were approved by the Broward County Commission on June 28, 2005, and April 26, 2016, respectively, recognizing the following voluntary commitments:

- Payment of cost per student station fees for middle school and high school students generated by PCT 05-4; and
- Amend existing Educational Mitigation Agreement for the additional students generated by PCT 15-4.

Further, Planning Council staff notes that BCLUP Policy 2.16.2 (formerly Policy 1.07.07) was originally adopted by the Broward County Commission on June 27, 2006, and became effective on September 11, 2006; therefore, the proposed dwelling units included in PCT 05-4 were not subject to the Policy. However, the 1,250 additional dwelling units resulting from PCT 15-4 were subject to the Policy, and found to satisfy the same, based on the City's affordable housing methods and programs.

Concurrency Review

This plat with the amended note satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Land Development Code. This request represents a decrease of 861 PM peak hour trips generated by development within the plat. The plat is located within the South Central Transportation Concurrency Management Area and meets the regional transportation concurrency standards specified in Section 5-182(a)(5)a) of the Broward County Land Development Code.

Impact Fees

The property is currently vacant. Transportation concurrency, school impact and regional park impact fees for any unbuilt development will be assessed in accordance with the fee schedule specified in the Land Development Code during the review of construction plans submitted for County environmental review approval and paid on the date of building permit issuance. Unless documentation is received from the City of Miramar confirming that the proposed uses on this plat are consistent with the DRI Development Order, transportation fees will be assessed and paid during the review of construction plans submitted for County Development and Environmental Review and in accordance with the fee schedule specified in the Land Development Code.

The plat is also subject to the recorded Interlocal Agreement for the Monitoring of Development Activity and Enforcement of Permitted Land Uses in Regional Activity Center (RAC) as recorded in ORB. 34016, PG. 635.

Reviewing Agency Comments

The attached letter dated September 5, 2019 from the City of Miramar indicates no objection to the requested amendment.

Staff from the Highway Construction and Engineering Division and the Transit Division have reviewed this request and recommend **APPROVAL** subject to the conditions

contained in the attached memorandum and shall meet the standards of the Broward County Development Code at the time of permit.

The Environmental Planning and Community Resilience Division has reviewed this request, and, at this time, this site is not included in the Protected Natural Lands Inventory. An Environmental Resource License, No. DF03-1261, was issued on April 19, 2005. The Environmental Review Report coordinated by the Planning and Development Management Division is attached.

The Aviation Department has advised that any proposed construction on this property with a height exceeding 200 feet or use of cranes or other high-lift equipment must be reviewed to determine if Federal Aviation Regulation Part 77, Florida Statutes, Chapter 333 or the Broward County Airport Zoning Ordinance apply. Based on the location of the proposed project, the FAA may need to review to determine whether the project is a potential hazard to aviation. To initiate the Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov/oeaaa/external/portal.jsp>. For additional information, contact the Broward County Aviation Department at 954-359-6170.

The Broward County School Board indicates that the project falls within the boundary of Land Use Plan Amendment PCT 05-4, for a Regional Activity Center land use designation and is subject to the mitigation stated in the Recorded Tri-Party Agreement (Instrument #115347076), which requires payment based on the student station cost factor or impact fees, whichever is higher. Though the proposed unit mix differs from the mix referenced in the Tri-Party Agreement, the City of Miramar's Director of Community and Economic Development verified in writing that the students generated by the proposed residential unit mix are still within the maximum addressed in the Tri-Party Agreement. As such, this project is vested for public school concurrency requirements per Section 8.11(b)(1) of the Third Amended and Restated Interlocal Agreement for Public School Facility Planning. The School Board states that this application satisfies public school concurrency on the basis that there is adequate school capacity anticipated to be available to support the project as proposed.

Broward County's consulting archaeologist has reviewed this request and, based on available information including archival documents, maps, the Broward County Land Use Plan and the Florida Master Site File (FMSF), has determined that the proposed project will not have an adverse effect on any known historical or archaeological resources or areas of archeological or paleontological sensitivity. The consulting archaeologist also notes that this property is located in the City of Miramar, outside the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. If any archaeological materials are discovered during the course of development, the property owner must notify Nixon Lebrun, Senior Planner, Community and Economic Development Department for the City of Miramar at 954-602-3281 o seek project review for compliance with municipal historic preservation regulations.

In the event any unmarked human burial remains are discovered, pursuant to Florida Statute Chapter 872.05, all activity that may disturb the unmarked burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or State

Archaeologist. The Broward County medical examiner can be notified at either 954-357-5200 or med_exam_trauma@broward.org.

Staff recommends **APPROVAL** of this request, provided the applicant:

- 1) Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **March 31, 2021**.

The amended note must also include language stating the following:

- A) If a building permit for a principal building (excluding dry models, sales and construction offices) first inspection approval are not issued by **May 25, 2029**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame; and/or
- B) If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by **May 25, 2029**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame.

In addition, staff recommends that the Board authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments and recommendations.

The applicant is advised that, in accordance with Section 125.022, Florida Statutes, the issuance of a development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

KDL