



Department of Planning, Zoning and Code Compliance
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Staff Analysis and Recommendation

To: Honorable Mayor and Members of the Town Council

From: Alex Rey, Town Manager

Subject: **HEARING NUMBER:** PHSP2017-0592
VARH2018-0068
APPLICANT: Alari Holdings I, LLC
Global Lakeside Development, LLC
FOLIO: 32-2023-001-0541
32-2023-001-0560
32-2023-001-0550
LEGAL DESCRIPTION: Florida Fruit Land Company Sub In 30 2023
LOCATION: 14575 NW 77th Avenue
Miami Lakes, FL 33014
ZONING DISTRICT: GU – Interim (RO-13 – Low Density
Residential/Office)

Date: March 6th, 2018

A. REQUEST(S)

In accordance with Section 13-304(h) of the Town of Miami Lakes Land Development Code (LDC), Alari Holdings I, LLC and Global Lakeside Development, LLC (the “Applicant”) are requesting Site Plan Approval to construct a three (3) story, 28,240 square foot office building. The request also includes variances to be considered pursuant to section 13-305(f)(1) of the LDC. The variances requested are as follows¹:

1. Section 13-545(d) – To permit a three (3) story building where a maximum of two (2) is permitted.
2. Section 13-545(c) – A reduction of the required 25-foot front setback to 20 feet.

¹ Notwithstanding the proposed rezoning of the property to the RO-13 designation, the provision being varied is by reference through Section 13-857(a) of the GU district code which states that “...the Director shall be governed by regulations for that class of usage in determining the standard zoning regulations to be applied, including setbacks, yard areas, type of structures, height, limitations, use, etc.” The property is part of an office neighborhood that enjoys and is developed in accordance with the RO-13 zoning designation. Section 13-545(d) is the subsection within the RO-13 zoning district that regulates maximum permitted height, and Section 13-545(c) relates to setbacks. Therefore, the affective variance request is to Sections 13-545(d) and (c) regardless of the outcome of the rezoning request.

B. SUMMARY

The property in question is located at the south end of NW 77th Avenue and is 2.07 acres in size. The Applicant's site plan proposes locating a three (3) story office building on a 12,000 square foot portion of the property that is not within the Florida Power and Light (FP&L) easement area. The required parking is proposed to be surface level and is located within the easement. FP&L has granted access to the applicant for the construction of parking areas within the easement. The applicant is also requesting a variance to permit a three (3) story building where the maximum permitted height is two (2) stories, and a variance to reduce the front setback from twenty-five (25) to twenty (20) feet. These requests are being driven primarily by the limited area available to receive a building. The result is a practical difficulty that renders development of the land difficult. The easement encumbered areas are occupied primarily by the electrical poles and wires that cover nearly 87% of the Property, which includes an additional access easement of twenty (20) feet along the northern property line where no utility structures and equipment exist. Normally the setback from this interior property line would be fifteen (15) feet, however the access easement increases it to twenty (20) feet, thus further reducing the buildable surface area of the site. Even with the addition of the proposed third floor and the reduced front setback, the floor to area ratio (FAR) remains under the maximum permitted for the RO-13 district for a two-story building. The requested 28,240 square feet is nearly half the maximum permitted of 54,101 square feet ($0.6 \text{ FAR}^2 \times 2.07 \text{ acres}$); which results in 0.31 FAR. The site plan shall include a bicycle path that will partially link Commerce Way, 146th Street and 77th Avenue bikeway project to the future park at the Par 3 site, and it shall include 8-foot sidewalks all around the frontage of the property.

The majority of the property (approximately 87%) is encumbered with a FP&L easement upon which electricity transmission lines are located. The property is currently zoned GU, Interim District, which is a unique designation rarely found outside of Miami-Dade County. Although it constitutes an official zoning designation, it works more as a place holder until a more specific designation is applied. Application of GU zoning rules rely upon the concept of "trending of development" from contiguous properties. In this case, the contiguous properties would be an FP&L substation to the east and an office development to the north. State Road 826 is west of the property and NW 140 Street is south. As such, review of this requested site plan shall follow the regulations provided at Section 13-545, RO-13, Low Density Residential/Office District as well as other applicable provisions such as parking and landscaping. The Applicant is voluntarily proffering a restrictive covenant to the favor of the Town prohibiting residential use of the property.

For the purpose of greater clarity in the application of the appropriate development regulations, staff recommended the applicant include with this site plan request a separate application to rezone the property to the RO-13 designation. Staff's preference to have the land rezoned consistent with the adjacent office/residential district and the underlying Office/Residential land use designation serves to ensure the property is squarely aligned with the zoning regulations that would otherwise apply. In so doing, the future regulation of the land will follow a more predictable path. Please note however, this site plan application can proceed without the rezoning given the nature of the GU, Interim zoning district.

On January 23, 2018 the Planning and Zoning Board, acting in their capacity as the Local Planning Agency, voted to recommend passage of the rezoning request. On February 6, 2018, the Town Council moved on first reading the Applicant's rezoning request. The property is now in a zoning in progress. As stated above, failure to rezone the property to RO-13 does not jeopardize this site plan and variance requests, as the application may proceed under the current GU zoning. Adoption

² FAR starts at .4 and increase by .2 for every floor above the first. For the purpose of this review, FAR is calculated based on a two (2) story structure given that it is what would be permitted by Code and because there is no request given nor needed to consider increasing FAR above said requirement.

of the rezoning request simply provides for greater clarity and consistency to the future regulation of the property.

C. STAFF RECOMMENDATION

Part 1 Variance Request: It is recommended that the Town Council approve the requested variances, subject to the following mitigating conditions:

1. The front setback area shall be further developed to better address the sidewalk as well as serve as an open urban space of entry into the future Par3 park.
2. Fencing is not permitted along the NW 77th Avenue
3. The northside setback shall be developed as a bicycle path, open to the public, granting entrance and passage into the future Par3 park.
4. All mechanical equipment shall be located on the roof.
5. The Applicant shall obtain all required building permits, within one (1) year of the date of this approval. If all required building permits are not obtained or an extension granted not within the prescribed time limit, this approval shall become null and void.

Part 2 Site Plan Request: It is recommended that the Town Council approve the application for Site Plan, subject to the following conditions:

1. The project shall be developed in substantial compliance with the approved Site Plan.
2. Approval of the Variance requests for a third floor and for a reduced front setback and any conditions related thereto.
3. Prior to the issuance of a building permit authorizing any construction, all required impact fees, including Mobility Fees, must be paid in full.
4. Prior to permitting, all civil plans must be finalized and in substantial compliance with the Site Plan.
5. Prior to permitting, the project shall secure all approvals for water and sewer and shall receive approval from the Miami-Dade Fire Rescue Department.
6. The Applicant shall obtain a Certificate of Use (CU), upon compliance with all the terms and conditions of this approval, the same subject to cancellation by the Town upon violation of any of the conditions. Business tax receipt shall be obtained if applicable.
7. The Applicant shall obtain all required building permits, within one (1) year of the date of this approval. If all required building permits are not obtained or an extension granted not within the prescribed time limit, this approval shall become null and void.
8. Compliance with all other applicable laws not specifically identified herein.
9. All fees associated with this request that are owed to the Town be paid in full prior to issuance of development order.

D. BACKGROUND

Zoning District of Property: GU – Interim District
RO-13 Low Density Residential/Office District (Zoning in Progress)

Future Land Use Designation: Office Residential

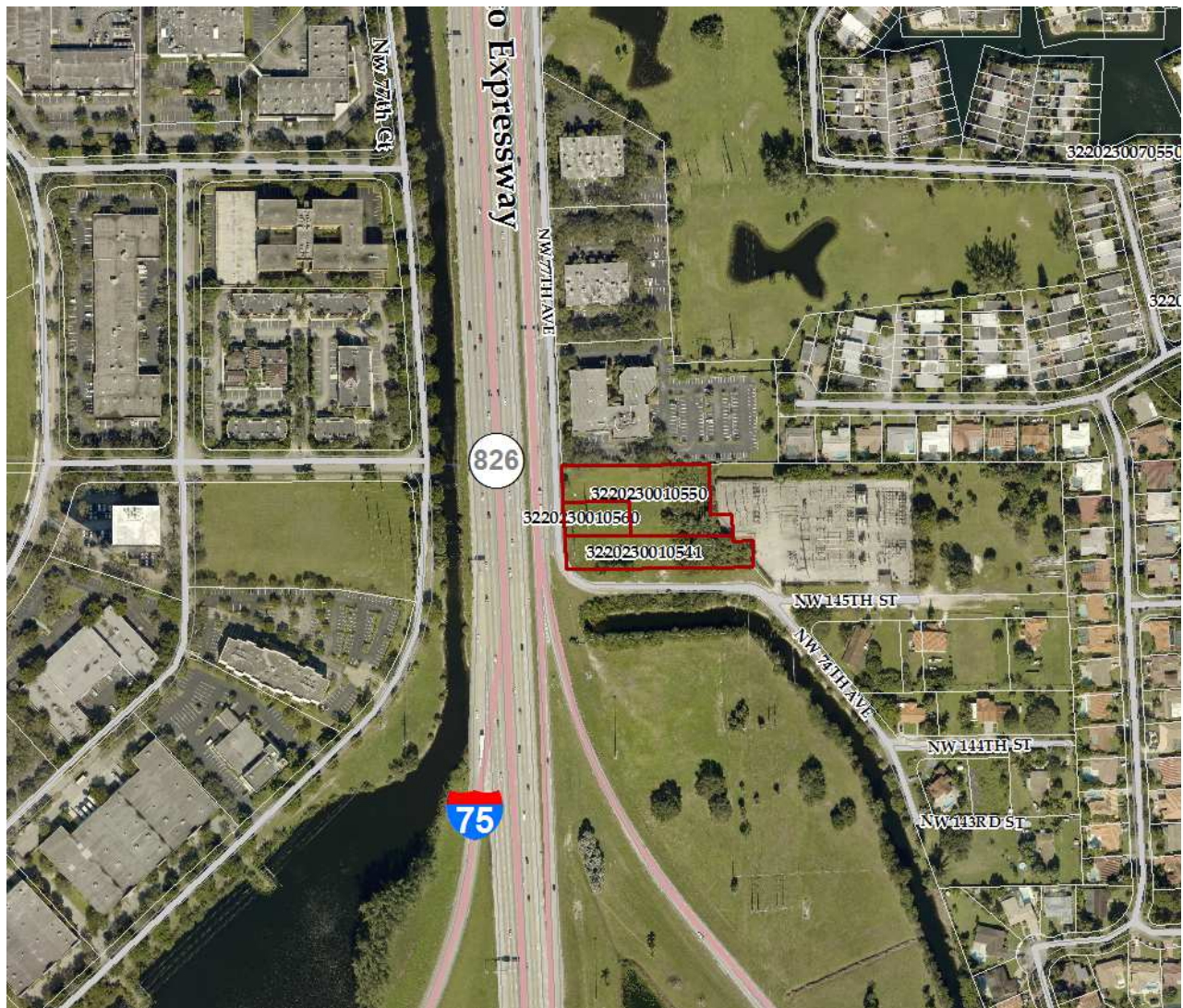
Subject Property:

The subject property is a vacant lot located at the southern end of NW 77th Avenue. The property is 2.07 Acres of vacant land zoned RO-13, and the future land use is Office Residential. The adjacent property to the north is an office building and to the east is an FP&L substation.

Surrounding Property:

	Land Use Designation	Zoning District
North:	Office Residential	RO-13 Low Density Residential/Office District
South:	Low Density Residential	Right-of-Way (SR 826)
East:	Low Density Residential	GU – Interim District
West:	Transportation	Right-of-Way (SR 826)

Subject Property Location Map:



E. ADJACENT MOBILITY PROJECTS

On April, 25, 2016, the Town Council of the Town of Miami Lakes adopted Ordinance No. 16-192, establishing the Town's Mobility Fee Program. The program is a replacement for traditional transportation concurrency review as provided for by Florida Statutes, and seeks to enhance internal Town mobility through the use of several modalities. The comprehensive approach identifies specific projects throughout the Town, all aimed at improving traffic and mobility improvements. The projects identified below have been adopted by the Town Council as part of that initiative and are described herein due to their adjacency to the proposal that is the subject of this report.

Initiative: Reconfiguration of the SR 826/Palmetto Expressway and NW 154th Street, which includes the following:

- a. Widening of NW 154th Street from NW 82nd Avenue to NW 77th Avenue;
- b. Direct ramp to I-75 from NW 154th Street;
- c. East-West underpass across the Palmetto Expressway at NW 146th Street.

Status: Project is in the design phase with an expected completion by 2nd Quarter 2018. Construction is to commence FY 2021. Project will alleviate congestion on NW 154th Street, by providing an enhanced access point onto I-75 and creating an additional east/west connectivity point within the Town.

Initiative: Adaptive Signalization on NW 154th Street from NW 87th Avenue to NW 77th Avenue.

Status: The Town Council approved the procurement of the Adaptive Signalization equipment and has entered an Inter-local for its installation, maintenance and operation. Miami-Dade County Traffic Engineering is completing assessment of existing infrastructure for compatibility.

Initiative: Greenway Trail along NW 77th Court from NW 170th Street to its terminus at the proposed dog park near NW 82nd Avenue.

Status: Project is in the design phase and provides for a ten (10) foot shared use pathway. Construction to be aligned with FDOT's SR 826 project with provides improvement in and around NW 154th Street with a projected start of FY 2021.

Initiative: Construction of a new Park-and-Ride Facility at Par 3 near NW 77th Avenue.

Status: Town is working with the Graham Companies on the land transfer for the Park-N-Ride Facility and is coordinating with Miami-Dade County Public Works and Transportation to secure funding through Miami-Dade County road impact fees.

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F. FISCAL IMPACT

The project, if constructed will be subject to impact fees for Police, Road and Mobility. The estimate provided is just an estimate and is based on 28,240 square feet and whether the end use is assumed as generic office use. Final fee calculation shall be completed at time of permitting.

NW 77th Avenue Development					
Future Land Use	Square Feet	Police Impact Fee	Road Impact Fee	Mobility Fee	TOTAL
Office Building	28,240	\$10,782	\$398,709	\$77,038	\$486,529
Medical Office Building	28,240	\$10,782	\$920,666	\$156,370	\$1,087,818
Estimated Property Value	\$7,000,000				
Millage Rate	2.3353				
Ad Valorem @ 95% of value	\$15,530				

Estimated value of the property at certificate of occupancy is 7 million dollars which could potentially result in annual ad-valorem tax revenue of \$15,530.

G. OPEN BUILDING PERMITS/CODE COMPLIANCE CASES

There are currently no open code violations for his property.

H. ZONING HISTORY

On **October 22, 1957**, the Dade County Board of County Commissioners adopted the GU – Interim District which provisions were to apply to lands that were not previously assigned another more specific zoning designation. Although it is not clear exactly when the County zoned the property in question to GU, it is evident that it carried that designation at the time of the Town’s incorporation. Through the adoption of the Town Charter (more specifically Section 8.2), all ordinances and resolutions previously adopted by the County where thereby adopted by the Town until otherwise replaced or repealed. When the Town adopted its own Land Development Code, it kept the GU regulations the same and left the property in question with the GU zoning designation.

I. PERTINENT LAND DEVELOPMENT CODE(S)

Section 13-545(d) – Height (RO-13 District)

The maximum height of any structure shall be two stories but not to exceed 35 feet above grade.

Section 13-545(c) (Setbacks)

Minimum setback from front property line shall be 25 feet.

J. PROCEDURE

This site plan request is accompanied by a request to rezone the property from GU to RO-13, and variances that seek to increase the height of the building and reduce the front setback. Although the rezoning is not required to consider the site plan and variance requests, a vote on it shall occur first followed by the variance requests then the final site plan. In determining compliance with the applicable criteria, separate votes must be held for the variances in advance of the site plan request. Once each item is voted upon, a final vote shall be taken to determine the final disposition of the resolution that will serve as the final development order for the site plan request in its entirety.

K. ANALYSIS

The following analysis shall be performed in two (2) parts. The first portion shall analyze the variance portion of the request pursuant to the criteria provided at subsection 13-305(f)(1); the second section will analyze the site plan portion of the request pursuant to the criteria at Subsection 13-304(h).

Part 1 – Variance Criteria

Subsection 13-305(f)1 of the Town Land Development Code provides criteria for the consideration of non-use variance request(s) predicated upon a standard of “Practical Difficulty.” The decision of the Town Council shall balance the rights of property owners in the Town as a whole against the need of the individual property owner to deviate from the requirements of the Land Development Code based on an evaluation of the factors below. All of the factors should be considered and given their due weight, however no single factor is dispositive. This analysis combines the reviews all LDC provisions identified at Sections “A” and “H” as each is the result of a building design tailored for compatibility to the surrounding neighborhood. All portions of this report are incorporated into this Variance Criteria analysis.

a. Whether the Town has received written support of the specifically identified variance requests from adjoining property owners;

Analysis: At the time of this writing the project did not receive letters of support or objection. Regardless, the property is adjacent to only two (2) distinct properties, one owned by The Graham Companies, the other by the Florida Power and Light. Should the Town receive letters of support/objection subsequent to the issuance of this report, they shall be objectively evaluated against the criteria provided in the Town’s LDC, and if appropriate, shall be addressed at the scheduled public hearing.

Finding: Complies.

b. Whether the Variance would be compatible with development patterns in the Town.

Analysis: See Section B, Summary. The RO-13 zoning district permits buildings with maximum heights of two (2) stories, however the prevailing heights of the adjacent developments range from two (2) to four (4) stories. Notwithstanding the 2-story limitation imposed by LDC within the RO-13 district, a building height of three (3) stories would be appropriate within this context considering the location adjacent to an expressway frontage road, as well as similarly massed buildings of similar uses

to the north of the Property. The request is also consistent with Section 13-311 which seeks to achieve similar scale and massing of buildings.

The surrounding buildings provide for the minimum 25-foot setback as required by the LDC, however the perception from the right-of-way varies. Some have narrow five-foot sidewalks and fences up against the property line making the pedestrian space between the road and the private property feel crowded and tight. Other properties lack sidewalk altogether, which contributes to the perception of a setback from the right-of-way that is larger than the 25 feet. The applicant is proposing a generous 8' sidewalk within the right-of-way and no fencing, which helps mitigate the reduced setback. Further mitigation of the reduced setback can be accomplished through the design of the front setback area as an open urban space

Staff believes locating the AC units on the roof tops of the buildings or clustering them at ground level will mitigate some of the reduction in setbacks by keeping those areas clear of mechanical equipment to the greatest extent possible.

Finding: Conditionally complies provided:

1. The front setback is redesigned as an open urban space acting as entry point for pedestrians and bicycles into the future Par 3 park;
2. Fencing is not permitted along the NW 77th Avenue; and
3. The AC units shall be located on roof tops to keep those setback areas clear of mechanical equipment to the greatest extent possible.

c. The essential character of the neighborhood *would* be preserved.

Analysis: See Section B, Summary and Criteria “b” above. The proposed site is located between an FP&L transfer station, an office building, and an expressway. As such, the existing character of the neighborhood is mostly office buildings featuring two (2) and four (4) story buildings.

Finding: Conditionally complies as provided at Criteria “b” above.

d. The Variance can be approved without causing substantial detriment to adjoining properties

Analysis: See Section B, Summary, and Criteria “b” and “c” above. As previously mentioned, the subject property is surrounded by an FP&L transfer station to the east, an office building to the north, and expressway rights-of-way to the west and south. The office building to the north is set back from the adjoining property line approximately 50'. The applicant's proposed building is setback twenty (20) feet from the same property line as the result of a F&PL easement. The result is a separation of 70± feet between the existing office building the proposed building (see below, figure 1.). The difference in height of the additional story is mitigated do to the spanning width of 70 feet separating the two buildings. There is also a four-story office building that is constructed along this particular office district.



Figure 1 Contextual building heights along 77th Avenue, as prepared by the Applicant.

Similarly, the five (5) foot front setback reduction represents a deviation of the setback line of 7.14% over the 70 feet separating the two building. Given that the adjoining office building lacks a sidewalk as well as curb and gutter facilities, the deviation could be accounted for at the time of design of the new sidewalk. Consequently, the additional story and the reduced setback resulting from the requested variances do not negatively impact the functions or property values of adjoining properties.

Finding: Complies

- e. The Variance will do substantial justice to the property owner as well as to other property owners justifying a relaxation of this Land Development Code to provide substantial relief.**

Analysis: See Section B, Summary, and Criteria “b” and “c” above. As mentioned before, the 2.07 Acre property is heavily encumbered by access and utility easements, as well as electrical poles and cables that span the property both East to West and North to South. This leaves a developable area of 13.26% of the total available land. The practical feasibility of developing this property, including the extension of water and sewer to serve the property, the addition of more than 650 linear feet of sidewalk all around the frontage, 11 street trees, bicycle and pedestrian path into Par 3, mobility and impact fees and landscaping of the 2.07-acre site, is substantially diminished. Approval of the requested variances would provide some relief.

Finding: Complies

- f. The plight of the applicant is due to unique circumstances of the property and/or applicant which would render conformity with the strict requirements of the Land Development Code unnecessarily burdensome.**

Analysis: The existing encumbrances on the property constitute a unique circumstance that is not shared by the surrounding existing developments.

Finding: Complies

- g. The special conditions and circumstances which exist are the result of actions beyond the control of the applicant.**

Analysis: See Section “B”, Summary, and Criteria “b”, “c”, “e”, and “f” above. the existing encumbrances on the property are not the direct action of the applicant.

Finding: Complies

Part 2 – Site Plan Criteria

Subsection 13-304(h) provides specific criteria for review of a site plan. All portions of this report are incorporated into this Site Plan Criteria analysis. These criteria are listed below, with Staff Comments for each:

- (1) In what respects the plan is or is not consistent with the Comprehensive Plan, the purpose and intent of the zoning district in which it is located and any design or planning studies adopted by**

the Town Council that include recommendations applicable to the design of the site under review.

The following is a review of the relevant Goals, Objectives and Policies of the Town's Comprehensive Master Development Plan (Comp Plan). It is followed by a review of the Land Development Code provisions.

Policy 1.1.2: The following future land use categories are contained in the Town's Future Land Use Map:

Office/Residential (OR) - Uses allowed in this category include both professional and clerical offices, hotels, motels, public facilities and residential uses. Office developments may range from small-scale professional office to large-scale office parks. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing or future adjacent residential uses. The maximum scale and intensity of office, hotel and motel development in OR areas shall be based on such factors as site size, availability of services, accessibility, and proximity and scale of adjacent residential uses. Residential uses are also allowed in the OR category. Residential development may be authorized at a density up to one (1) density category higher than the average of adjacent residential land uses. When residential uses are mixed with office uses, the overall scale and intensity shall be no greater than that which would be approved if the parcel was in either office only or residential use only, whichever is higher. However, residential use shall not be developed on over 50% of the area of any individual site. Within the OR category, business uses ancillary and to serve the on-site uses may be integrated in an amount not to exceed 15 percent of the total floor area. However, the Office/Residential designation does not authorize any other business or commercial uses. The maximum floor area ratio (FAR) permitted is 0.4 for a one-story building, plus 0.2 for each additional story, not to exceed a total FAR of 2.0. The maximum height permitted in this category is 2 stories, not to exceed 35 feet; however, the maximum height can be exceeded with approval through a public hearing.

Analysis: Office uses are permitted within the OR designation. Scale and intensity are based on site size, availability of services, accessibility, proximity and scale of adjacent residential uses. The property is a large accessible site, with utilities in close proximity. The property is not adjacent to residential uses. Maximum intensity of office use on this site would therefore comply with this policy. The maximum permitted amount of office floor area for the site ($0.6 \text{ FAR}^3 \times 2.07 \text{ acres}$) is 54,101 square feet; the applicant is proposing 28,240 square feet, even with a request that includes a variance for a third floor. Approval of the request is conformance with this policy. The Applicant is voluntarily proffering a restrictive covenant to the favor of the Town prohibiting residential use of the property.

Finding: Complies.

Policy 2.1.8: In-lieu of traditional transportation concurrency, the Town shall mitigate the mobility impacts of development and redevelopment and provide a portion of funding needed to implement the improvements identified in the Element, through a mobility fee.

³ FAR starts at .4 and increase by .2 for every floor above the first. For the purpose of this review, FAR is calculated based on a two (2) story structure given that is what would be permitted by Code and because there is no request given nor need to consider increasing FAR above said requirement.

Analysis: See Section E, Adjacent Mobility Projects. The applicant is choosing to participate in the Town's Mobility Fee program. The project is proposed at 28,240 square feet of general office space. The resulting number of trips is 498 daily trips. The ensuing mobility fee will ultimately vary depending on the final determination of the end user, however the fee could range between \$77,000 and \$156,000. No building permit shall be issued related to the requested site plan until the mobility fee is paid in full.

As provided at Section E, the town has included in its Comprehensive Master Development plan a number of mobility projects in and around the proposed development. The fee paid by the applicant may be used to fund those projects.

Finding: Conditionally complies pursuant to payment of mobility fee. No building permit related to the site plan shall be issued until said fee is paid in full.

Objective 2.2: MULTIMODAL LEVELS-OF-SERVICE

Achieve the adopted levels-of-service for vehicular, bicycle, pedestrian and transit modes.

Analysis: See Policies 2.1.8 and 2.2.2.

Finding: Conditionally complies as provided for at Policies 2.1.8 and 2.2.2.

Policy 2.2.1: For purposes of capital improvements planning, the Town hereby adopts the following vehicular level of service (LOS) standards:

East of Palmetto Expressway (inside urban infill area): LOS "E" (100% of capacity at peak hour) or better, on an areawide basis. *Analysis:*

Analysis: See Section E, Adjacent Mobility Projects and Policy 2.1.8. Additionally, MDX and FDOT are currently making improvements to SR-826 to upgrade LOS.

Finding: Conditionally complies as provided for at Policy 2.1.8.

Policy 2.2.2: All applicants are required to provide a mobility analysis study, utilizing professionally acceptable methodologies to demonstrate how the amendment will impact the Town's goal, objectives and policies of this element.

Analysis: The trip generation study was provided by the Applicant. Approximate Mobility Fee is calculated to range between \$77,000 and \$156,000 depending on end use. Final fee shall be due at time of permitting.

Finding: Conditionally complies provided all required mobility fees are paid at time of permitting.

Policy 2.2.4: For purposes of capital improvements planning, the Town hereby adopts the following pedestrian level of service standards:

Detached sidewalks: By 2030, 90 percent of all lineal street footage in Miami Lakes (excluding limited access expressways and ramps thereto) shall include sidewalks separated from the vehicle lanes by a swale/street tree planting area with appropriate street trees.

Analysis: The applicant is providing sidewalks along all street frontages with widths of eight (8) feet.

Finding: Complies

Policy 2.4.4: Whenever possible, street designs should include a swale/street tree planting area, planted with appropriate street trees, between the vehicle lanes and the sidewalk, and where there are more than two total through lanes, a grass and landscaped median should be included.

Analysis: The proposed site plan provides for Oak trees within the swale wherever possible and provides for additional on-site landscaping where it is not.

Finding: Complies.

Policy 2.4.7: New developments or redevelopment in which internal streets are proposed (whether public or private) shall implement the Town's complete street design standards.

Analysis: The proposed site plan provides for eight (8) foot sidewalks consistent with the Complete Streets Plan.

Finding: Complies

Policy 2.6.7: Implement the greenway and trails, bicycle, pedestrian and other improvements as indicated on Maps TE-7 And TE-8.

Analysis: The propose plan includes an on-site bicycle pathway to connect the Town's on-going projects, to the future park at the Par 3 property.

Finding: Complies.

Policy 4A.1.1: To assure adequate level of service for potable water, the Town hereby adopts the following LOS standard:

- a. Regional Treatment. The regional treatment system shall operate with a rated maximum daily capacity of no less than 2% above the maximum daily flow for the preceding year, and an average daily capacity of 2% above the average daily system demand for the preceding 5 years.
- b. Delivery. Water shall be delivered to users at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi. Unless otherwise approved by the Miami-Dade Fire Department, minimum fire flows based on the land use served shall be maintained as follows:

<u>Land Use</u>	<u>Min. Fire Flow (gpm)</u>
Single Family Residential Estate	500
Single Family and Duplex; Residential on minimum lots of 7,500 sf	750
Multi-Family Residential;	1,500
Semi-professional Offices Hospitals; Schools	2,000
Business and Industry	3,000

- c. Water Quality. Water quality shall meet all federal, state and county primary standards for potable water.
- d. Countywide Storage. Storage capacity available throughout the County for finished water shall equal no less than 15% of the countywide average daily demand.
- e. Maintain the potable water standard of 91 gallons/capita/day.

Policy 4A.2.1: Encourage future development into areas that are already served, or programmed to be served, by MDWASD potable water facilities.

Policy 4B.1.1: To assure adequate level of service for sanitary sewer service, the Town hereby adopts the following LOS standard:

Regional Plants. Regional wastewater treatment plants shall operate with a physical capacity of no less than the annual average daily sewage flow.

Effluent. Effluent discharged from wastewater treatment plants shall meet all federal, state, and county standards.

System. The system shall maintain capacity to collect and dispose of 102 percent of average daily sewage demand for the preceding five years.

Maintain the sanitary sewer standard of 81.9 gallons/capita/day.

Policy 4B.2.1: Encourage future development into areas that are already served, or programmed to be served, by MDWASD sanitary sewer facilities.

Analysis: Development of the project cannot proceed until the Applicant Satisfies the Miami-Dade County requirement for Policies 4A.1.1, 4A.2.1, 4B.1.1, and 4B.2.1 above. Applicant shall be required to demonstrate compliance prior to permitting

Finding: Conditionally complies provided the Applicant receives its water allocation letter from Miami-Dade County prior to permitting.

Overall Finding of Condition #1: Conditionally applies as provided above.

(2) In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.

Analysis: See Section B, Summary; Section E, Mobility Projects, and Section K, Part 1, Variance Criteria. Section B provides a full explanation as to the applicable regulations applied to the subject property and Section E describes the nearby mobility projects. The proposed plan is accompanied by variance requests which are analyzed in greater detail in Section K, Part 1 of this report. Should the variances be granted, the project would fully comply with the Land Development Regulations.

Finding: Conditionally complies provided the variances are granted.

(3) In what respects the plan is or is not in conformance with Town code requirements including:

- a. The design and construction of streets, utility facilities and other essential services as may be required by the Town or other governmental agencies.
- b. Internal and external circulation, including vehicular, bicycle and pedestrian. Circulation systems shall serve the needs of the development and be compatible with, and functionally integrate with, circulation systems outside the development. Vehicular traffic from non-

residential development shall be routed so as to minimize impacts on residential development.

Analysis: See Section E, Mobility projects and Criteria 1 of this analysis at Policies 2.1.8, 2.2.4, 2.4.4, 2.4.7, and 2.6.7. The project does not require the dedication of additional rights-of-way or internal streets. Sidewalk infrastructure is being provided, links to the bike path system are being provided, and the project is contributing between \$77,000 and \$156,000 towards Town's Mobility Program. The site plan provides for proper on-site vehicular movements with full surface level parking facilities.

Finding: Conditionally complies upon payment of applicable mobility fees.

(4) In what respects the plan is or is not consistent with good design standards in respect to all external relationships including but not limited to:

- a. Design and architectural standards as provided at section 13-311.
- b. Disposition of open space, use of screening or buffering where appropriate to provide a logical transition to existing, permitted or planned uses on adjoining properties.
- c. Landscaping that enhances architectural features, strengthens vista and important axes, provides shade, blocks noise generated by major roadways and intense-use areas and, to the maximum extent practicable, preserves existing trees on-site.
- d. All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape.
- e. Service areas shall be screened and so located as to minimize or eliminate visibility, to the greatest extent possible, from the public right-of-way and other properties.
- f. Design of the site shall ensure adequate access for emergency vehicles and personnel.
- g. Design of the site shall utilize strategies to provide for the conservation of energy and natural resources, including water.

Analysis: See analysis provided at Criterion 2 and 3 above and the Variance Analysis. The project proposes a single building, three (3) stories in height of contemporary design, loosely based on Modern Architectural style. As proposed, the scale is compatible with adjacent developments, as all existing buildings along 77th avenue range between two and four stories in height. The proportions of the main façade, as perceived from 77th avenue, are approximately 1:1 height to width ratio, with the resulting square shape broken up by the use of ample recessed and flush fenestration (54%), protruding volumes, a varying roofline, and changes in material and color, as well as a differentiated base. The side facades are similarly articulated, using both vertical and horizontal elements, shifting planes, and an emphasized main entrance.

The property is granted two curb-cut access points to the adjoining roadway, NW 145th Street. The proposed site plan provides for adequate internal circulation and includes a pedestrian walk connecting to NW 77th Avenue, a bicycle path connecting to the Par 3 future park. as well as 8-foot sidewalks all around the property.

The project complies with landscape requirement, and it includes 11 oak street trees along NW 145th Street.

No signage or advertising is proposed at this time; any future proposals will be evaluated to ensure compliance with this section. The proposed lighting is both adequate and harmonious with both the building and the landscape.

All service areas are located in the rear of the building and are not visible from any right-of-way. The dumpster is proposed to be enclosed and located away from all property lines, within the footprint of the building.

The applicant shall have to provide all approvals from Miami-Dade County Fire Rescue Department prior to permitting. And appropriate measures for energy and water conservation are proposed.

Finding: Conditionally complies provided the applicant receives approval from the Miami-Dade County Fire Rescue Department and that the variances are granted.

(5) In what respects the plan is or is not in conformance with the Town policy in respect to sufficiency of ownership, guarantee for completion of all required improvements and the guarantee for continued maintenance.

Analysis: The application conforms with the Town's requirements concerning sufficiency of ownership. The entirety of the property will be retained under one ownership and maintenance of the property will be the responsibility of the property owner, and may be enforced through the provisions of the Town Code.

Finding: Complies