

**ORDINANCE NO.17-\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING THE OFFICIAL ZONING MAP TO REZONE A 9.445 +/--ACRE PROPERTY LOCATED ON THE WEST SIDE OF COMMERCE WAY AND N.W. 146<sup>TH</sup> STREET, AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT “A”, FROM THE IU - C, INDUSTRIAL DISTRICT, CONDITIONAL, TO THE RM-36, MEDIUM DENSITY RESIDENTIAL DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR DIRECTION TO THE ADMINISTRATIVE OFFICIAL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 13-306 of the Code of the Town of Miami Lakes ("Town Code"), The Graham Companies (the "Applicant") applied for an amendment to the Official Zoning Map from the IU - C , Industrial District, Conditional, to the RM-36, Medium Density Residential District on a 9.445 +/- acre property located on the west side of Commerce Way and N.W. 146<sup>th</sup> Street, Miami Lakes, Florida (the "Property") as described at Exhibit "A", attached hereto and incorporated herein by reference; and

**WHEREAS**, a map depicting the Property to be rezoned is attached as Exhibit “B”, attached hereto and incorporated herein by reference; and

**WHEREAS**, Subsection 13-306(b) provides that proposed amendments to the Official Zoning Map be evaluated by the Administrative Official, the Local Planning Agency and the Town Council; and

**WHEREAS**, the Administrative Official reviewed the proposed amendment to the Official Zoning Map and recommends approval, as set forth in the Staff Analysis and

Recommendation dated April 18, 2017, and incorporated into this Ordinance by reference; and

**WHEREAS**, the Town Council appointed the Planning and Zoning Board as the Local Planning Agency (LPA) for the Town pursuant to Section 163.3174, Florida Statutes; and

**WHEREAS**, on March 21, 2017, after conducting a properly noticed quasi-judicial public hearing, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, acted in accordance with state law, and in specific compliance with Section 163.3174, Florida Statutes and has reviewed and recommends approval with conditions of the rezoning; and

**WHEREAS**, the conditions in the Staff Recommendation and Analysis report address all of the conditions identified by Planning and Zoning Board; and

**WHEREAS**, concurrently with the review of the rezoning application, the Town is reviewing a comprehensive plan amendment to the Property to amend the Future Land Use Map from Industrial and Office to Medium-High Density Residential, which adoption is necessary for the proposed rezoning to take effect; and

**WHEREAS**, The Town Council finds that the proposed amendment to the Official Zoning Map is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Official Zoning Map found in Subsection 13-306(b) of the Town Code; and

**WHEREAS**, on June \_\_\_\_, 2017, after conducting a properly noticed quasi-judicial public hearing and considering the recommendations of the public, the Local Planning Agency, and the Administrative Official, the Town Council finds it in the public interest to adopt the proposed amendment to the Official Zoning Map.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2. Findings.** After considering Staff's report, both submitted in writing and presented orally, which is accepted as substantial competent evidence, testimony of the applicant, the public and all other experts that testified, the Town Council finds, pursuant to Subsection 13-306(b) of the Town Code, that the proposed amendment to the Official Zoning Map is conditionally consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Official Zoning Map found in Subsection 13-306(b) of the Town Code as provided for in the Staff Recommendation and Analysis report.

**Section 3. Approval of Rezoning.** The Town Council hereby adopts the amendment to the Official Zoning Map for the Property described at Exhibit "A" and depicted in Exhibit "B", from the IU-C, Industrial District, Conditional District, to the RM-36, Medium Density Residential District with the following conditions:

1. That The rezoning shall not be effective unless and until, the following Zoning Hearing companion items are approved:
  - a. The FLUM amendment Application of the property described at Attachment "A" herein; and
  - b. Plat for entire 19.5 acre site; and
  - c. 220 Unit Senior Housing Village adult community site plan; and
  - d. Miami Jewish Health Systems conditional use and site plan.
2. Issuance of permits for the 220 unit Senior Housing Village adult community and the Miami Jewish Health Systems facility must be obtained within two (2) years of this approval. Completion of construction of both projects to final certificate of occupancy must occur within five (5) years of this approval. Failure to achieve permits or certificate of occupancy as prescribed herein shall require the Town to consider a rezoning of the Property to the prior Industrial Office designation. One (1) extension may be granted administratively for a period not to exceed 180 days. All other extensions may be granted by the Town Council upon showing of good cause, at an advertised quasi-judicial public hearing.

3. All permits are issued for the projects described in Condition 1 prior to the expiration of any existing vested transportation concurrency rights. Should existing transportation concurrency vesting expire, any permitting for this property shall be subject to mobility fees.
4. As provided in the Applicant's Letter of Interest and as attached to their application, Applicant proffers a voluntary covenant regarding the occupancy of the 220 unit Senior Housing Village adult community as follows:
  - a. Each occupied unit shall have at least one individual aged 62 years or older; and
  - b. Except as may be required by Federal and State Law, no units shall be occupied by anyone under the age of 19; and
  - c. Occupancy of the development shall not occur sooner than January 1, 2020; and
  - d. If three (3) years after January 1<sup>st</sup>, 2020 or three years after issuance of a certificate of occupancy, whichever comes last, the vacancy rate of the apartment falls 5 percent below the average vacancy rate the residential properties within the Town owned by The Graham Companies and/or its affiliates, then each occupied unit shall have at least one person 55 years of age or older; and
  - e. The term of the covenant shall expire in 30 years with three (3), ten (10) year automatic renewals thereafter.
5. As proffered in the Applicant's Letter of Interest attached to their application, they shall donate 1.3 acres of land, to include the completion of an approximate 6,000 square foot building with completed exterior finishes, in fulfillment of the 'small park' concurrency requirement, prior to the issuance of any certificate of occupancy issued to the property described at Attachment "A" herein.
6. The applicant shall pay a 'large park' concurrency impact fee, to be calculated at the time of permitting, pursuant to Chapter 33H of the Miami-Dade County Code of ordinances, or donate a minimum of 1.3 acres of land to contribute to a large park, with said impact fee/donation to be tendered prior to the issuance of any building permit issued to the property described at Attachment "A" herein.
7. As proffered in the Applicant's Letter of Interest attached to their application, they shall coordinate with the Town regarding programming/scheduling of the swimming pool/gym amenity to be constructed on the property identified at Attachment "A" herein.
8. Except as provided in Section 8 below, compliance with all other applicable laws not specifically identified herein.

**Section 4. Direction to the Administrative Official.** Pursuant to Subsection 13-306(d), the Town Council hereby directs the Administrative Official to make the appropriate changes to the Official Zoning Map to implement the terms of this Ordinance.

**Section 5. Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

**Section 6. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 7. Exclusion from the Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall be excluded from the Town Code.

**Section 8. Effective date.** This Ordinance shall become effective after second reading and immediately upon the effective date of Ordinance 2017-\_\_\_\_\_, amending the Future Land Use Map from Industrial/Office to Medium Density Residential.

**FIRST READING**

The foregoing ordinance was offered by Councilmember \_\_\_\_\_ who moved its adoption on first reading. The motion was seconded by Councilmember \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

- Mayor Manny Cid
- Vice Mayor Tony Lama
- Councilmember Tim Daubert
- Councilmember Frank Mingo
- Councilmember Luis Collazo
- Councilmember Caesar Mestre
- Councilmember Nelson Rodriguez

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**THIS SPACE INTENTIONALLY LEFT BLANK**

**SECOND READING**

The foregoing ordinance was offered by Councilmember \_\_\_\_\_ who moved its adoption on second reading. The motion was seconded by Councilmember \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid  
Vice Mayor Tony Lama  
Councilmember Tim Daubert  
Councilmember Frank Mingo  
Councilmember Luis Collazo  
Councilmember Caesar Mestre  
Councilmember Nelson Rodriguez

Passed and adopted on second reading this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Manny Cid  
Mayor

Attest:

\_\_\_\_\_  
Gina M. Inguanzo  
Town Clerk

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Raul Gastesi, Jr.  
Gastesi & Associates, P.A.  
Town Attorney

This Ordinance was filed in the Office of the Town Clerk on this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Gina Inguanzo  
Town Clerk

**EXHIBIT A**  
**LEGAL DESCRIPTION**



**EXHIBIT B**

**MAP**