



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

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**To:** Honorable Mayor and Members of the Town Council

**From:** Alex Rey, Town Manager

**Subject:** **HEARING NUMBER:** PHSP2017-0005  
VARH2017-0004  
**APPLICANT:** Recondite, LLC  
**FOLIO:** 32-2015-044-0010  
**LEGAL DESCRIPTION:** MARRIOTT SPRINGHILL SUITES  
PB 161-32 T-20815  
TRACT A  
LOT SIZE 112319 SQ FT  
FAU 32 2015 001 0630 & 0640  
OR 19668-2143 0501 1  
COC 24450-2249 04 2006 6  
**LOCATION:** 15800 NW 77th Ct  
Miami Lakes, FL 33016  
**ZONING DISTRICT:** RO-50 High Density Residential/Office District

**Date:** June 6<sup>th</sup> 2017

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### A. REQUEST(S)

In accordance with Section 13-304(h) of the LDC, Recondite, LLC (the "Applicant") is requesting a Site Plan Approval to construct eight (8), three (3) story multifamily buildings with 108 residential units plus associated parking and site improvements. The request also includes variances to be considered pursuant to section 13-305(f)(1). The variances requested are as follows:

1. Section 13-565(h) reducing the required amount of open space from 30% (35,459.3 square feet) to 21.77% (24,442 square feet).
2. Section 13-565(c) reducing the required setbacks as follows:
  - a. Front setback from twenty-five (25) feet to ten (10) feet;
  - b. Rear setback from twenty (20) feet to five (5) feet;
  - c. Side setbacks from twenty-five (25) feet to seven (7) feet; and
  - d. Between building setbacks from twenty (20) feet to fourteen (14) feet, to fifteen (15) feet, eighteen (18) feet, and eighteen (18) feet as further depicted on the site plan.

## B. SUMMARY

The proposed project is a 108-unit multifamily residential development sited on an approximately 2.5-acre parcel on NW 77th Court. The project is located between the Bob Graham K-8 Education Center to the north and west sides and the Courtyard Miami Lakes Hotel to the South. The Palmetto Expressway (SR 826) and NW 77<sup>th</sup> Court are east of the property. The application proposes the construction of eight (8), three (3) story buildings, sited around the perimeter of the property, with a centralized surface parking area bifurcated by a landscaping/retention strip which is proposed to be landscaped with hardwood trees. The proposed buildings feature contemporary architectural style including articulated façades and projecting balconies with contrasting wood panels. The proposed site plan provides for a single entrance driveway leading to two (2) double loaded parking areas with ninety (90) degree parking spaces that circulate around the landscaped retention strip in the middle. The proposed three (3) story buildings are consistent with the heights of adjacent developments.

In January of this year, the Town Council considered a 120 unit, six (6) story apartment building with understory and surface level parking at the subject property. That application was denied with prejudice as the Council found that it was not compatible with the surrounding area with regard to the height. The objection was predicated principally upon the building's height relative to other area developments, none of which exceeds three (3) stories. The applicant has since filed suit with the 11<sup>th</sup> Judicial Circuit Court regarding that decision, however, that case is on hold at the request of the applicant as they seek this alternative site plan which is the subject of this report. Because the proposed plan being considered with this report/application is materially different from the prior plan as described in this Summary Section and further depicted in the attached plans, it is eligible to proceed to hearing<sup>1</sup>.

By reducing the overall height of this project relative to the previous request (from six (6) stories to three (3)), the total number of units sought dropped from 120 to 108. The result is an overall plan that may be considered more compatible in height with the surrounding area. To accomplish this level of compatibility while continuing to provide the required 176 parking spaces, inclusive of driveway configuration and turning radii as required by the Miami-Dade Fire and Rescue Department, the application includes variances for relief from the open space and setbacks requirements of the Town's LDC. Staff is supportive of these requests as they have the net effect of lowering the height of the building to three (3) stories.

## 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. Grade A#1 planting materials shall be proposed through-out.
2. Air conditioner units shall either be located on roof tops or be clustered at ground level to keep those setback areas clear of mechanical equipment to the greatest extent possible.

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

1. Prior to the issuance of a building permit authorizing any construction, all required impact fees must be paid in full.

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<sup>1</sup> Pursuant to section 13-301(a)(j)(2), "[w]henver any application for development approval is denied with prejudice, an application for development approval for all or part of the same land shall not be accepted for a period of 365 days after date of denial, unless the subsequent application involves a development proposal that is materially different from the prior application, changed conditions exist, or the prior denial based on the material mistake of fact."

2. Developer will construct or make payment for construction their portion of the greenway along NW 77<sup>th</sup> Court that fronts their property.
3. Prior to the issuance of a building permit authorizing any construction, the Applicant shall incorporate into their plans, pedestrian and bicycle improvements on the Right of Way consistent with the Town of Miami Lakes Greenway Plan, in a manner to be approved by Staff.
4. Payment of the required Large Park impact fee pursuant to Chapter 33H of Miami-Dade County's Code of Ordinances or a donation of 0.741 acres.
5. 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.
6. The Applicant shall obtain all required building permits, within five (5) years 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.
7. Issuance of a Certificate of Occupancy of the development shall not occur sooner than January 1, 2020.
8. A construction staging plan shall be submitted at time of permitting to Town's Building Department for its review. No building permit shall be issued until the construction staging plan is deemed acceptable by the Town's Building Official. The plan shall provide for the construction of perimeter fencing in advance of the issuance of any other permits associated with the site. Those structures adjacent to the school property along the north and west property lines shall be constructed first as part of the phasing plan. The plan shall at a minimum address staging of equipment, deliveries, site access, temporary construction trailers, mitigation of dust, phasing of development, and any other requirement deemed appropriate by the Building Official to mitigate any unintended impacts to adjacent properties that may be caused by the associated construction activity.
9. Compliance with all other applicable laws not specifically identified herein.
10. 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:**

**RO-50 High Density Residential/Office District**

**Future Land Use Designation:**

**Office Residential**

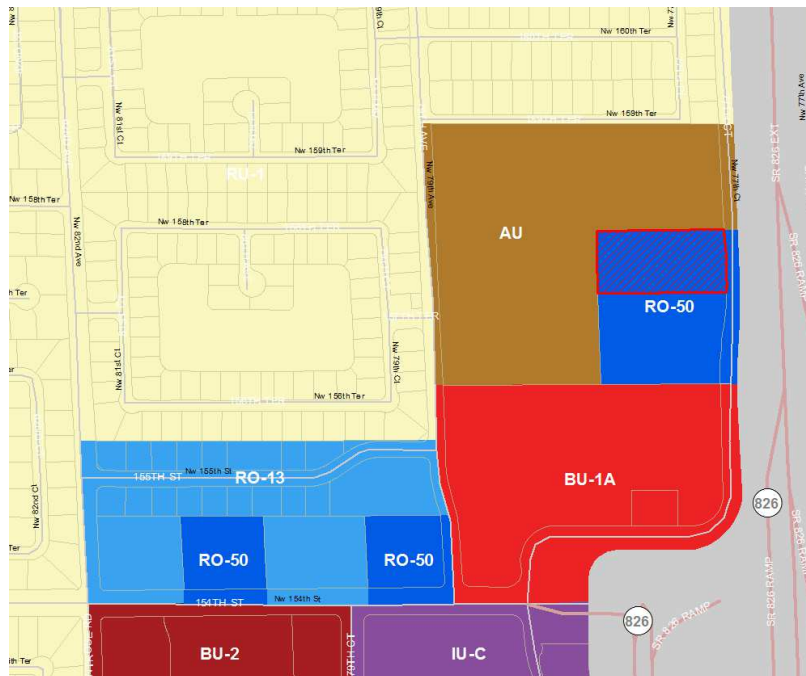
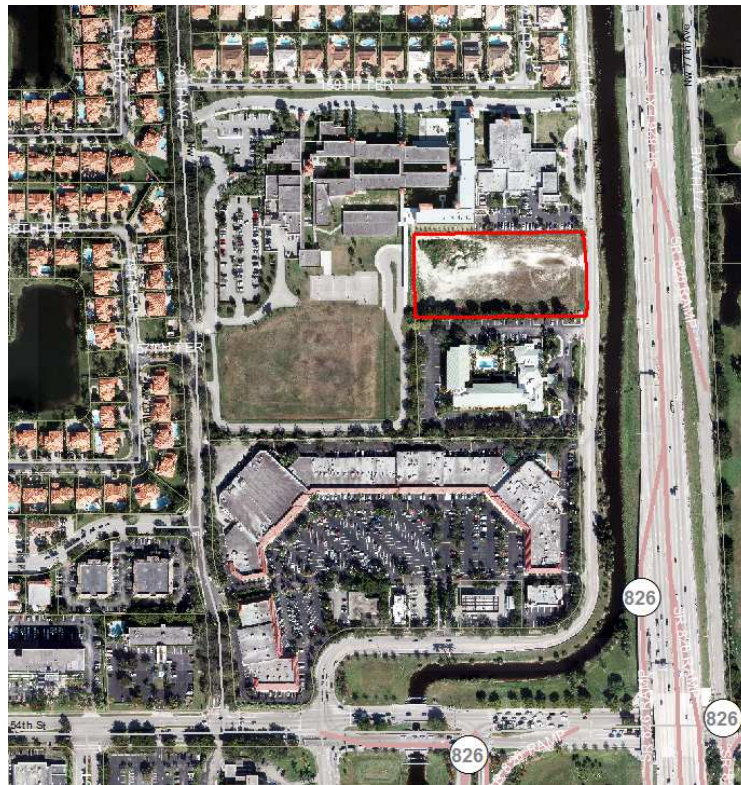
#### **Subject Property:**

The subject property is a vacant lot located on the west side of 77<sup>th</sup> Court and to the north of Miami Lakes Drive. The existing property is 2.578 Acres of vacant land zoned RO-50, and the future land use is Office Residential. The adjacent property to the north is Bob Graham Education Center and to the south the Marriot Hotel.

#### **Surrounding Property:**

|               | <b>Land Use Designation</b>       | <b>Zoning District</b>                         |
|---------------|-----------------------------------|--|
| <b>North:</b> | Institutional and Public Facility | AU Agricultural Use district                   |
| <b>South:</b> | Office Residential                | RO-50 High Density Residential/Office District |
| <b>East:</b>  | Palmetto Expressway               | Palmetto Expressway                            |
| <b>West:</b>  | Institutional and Public Facility | AU Agricultural Use district                   |

**Subject Property Location Map:**



## **E. ADJACENT MOBILITY PROJECTS**

The projects identified below have been adopted by the Town Council 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 154<sup>th</sup> Street, which includes the following:

- a. Widening of NW 154<sup>th</sup> Street from NW 79<sup>th</sup> Avenue to the SR 826/Palmetto Expressway;
- b. East-West underpass across the Palmetto Expressway at NW 146<sup>th</sup> Street and

**Initiative:** Adaptive Signalization on NW 154<sup>th</sup> Street from NW 87<sup>th</sup> Avenue to NW 77<sup>th</sup> Avenue.

**Initiative:** Greenway Trail along NW 77<sup>th</sup> Court from NW 170<sup>th</sup> Street to its terminus at the proposed dog park.

**Initiative:** Extend Northbound Right Turn Lane on NW 77<sup>th</sup> Court by 150 ft.

## **F. OPEN BUILDING PERMITS/CODE COMPLIANCE CASES**

There are currently no open code violations for his property.

## **G. ZONING HISTORY**

On **January 17, 2017**, the Town Council denied with prejudice, a site plan application for a six (6) story, 120 unit, residential building with understory and surface level parking.

## **H. PERTINENT LAND DEVELOPMENT CODE(S)**

*Section 13-565(c) – Setback Requirements.*

- (1) Front setback. For structures not exceeding 35 feet in height, the minimum setback shall be 25 feet; for structures over 35 feet in height the setbacks shall be increased by 40 percent of the additional height above 35 feet.*
- (2) Rear setback. For structures not exceeding 35 feet in height, the minimum setback shall be 25 feet; for structures over 35 feet in height the setbacks shall be increased by 40 percent of the additional height above 35 feet.*
- (3) Interior side setbacks and side street setbacks. Minimum setbacks for all structures shall be 25 feet to the interior side property line(s) or side street property line(s).*
- (4) Minimum setback between buildings shall be 20 feet, except where doors, windows or other openings in the building wall of a living unit face a wall of the same building and/or a wall of another building with living units on the same site. In that case there shall be provided a minimum clear distance of not less than 30 feet, said distance to be measured on a line projected at right angles from the opening to the opposite wall.*

*Section 13-565(h) – Landscaped open space.*

*On each lot there shall be provided landscaped open space equal to a minimum of 30 percent of the total lot area. Said open space shall be unencumbered with [by] any structure or off-street parking or drive aisles, and shall be landscaped and well-maintained with grass, trees and shrubbery, excepting only areas used as pedestrian walks and water bodies provided said water bodies do not count for more than 20 percent of the open space requirement.*

## **I. PROCEDURE**

This site plan request is accompanied by requests for variances that seek to reduce required open space and setbacks at the property lines as well as in between buildings. 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 request in its entirety.

## **J. 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 Marriot Hotels, the other by the Miami-Dade County School Board. 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 and Criteria “e” below. The RO-50 zoning district permits buildings with maximum heights of six (6) stories, however the prevailing heights of the adjacent developments range from one (1) to three (3) stories. To arrive at building heights compatible with adjacent development, that being three (3) stories, building location must be more evenly spread around the site and situated toward the perimeter with a centralized parking area and green area. Turning radii are designed to accommodate rescue vehicles, onsite water retention is provided, and parking requirements are met. Achievement of this design in a manner considered

compatible with adjacent properties, and the neighborhood in general, necessitates reductions to open space and setbacks requirements. The trade-off is a plan that is more reflective of the existing development pattern. Staff believes that locating the AC units on the roof tops of the buildings or clustering them at ground level will mitigate some of the reduction setbacks by keeping those areas clear of mechanical equipment to the greatest extent possible.

*Finding:* Conditionally complies provided the AC units shall either be located on roof tops or be clustered at the ground level 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 a large school campus, a hotel, and a highway. Other nearby neighbors include Royal Oaks commercial center, and the NW 77<sup>th</sup> Place single family neighborhood, which has its only entrance on NW 79<sup>th</sup> Ave. As such, the existing character of the neighborhood is mostly low-rise commercial, featuring two and three story buildings. The requested variances are needed to keep the proposal consistent with the low-rise development patterns of the surrounding neighborhood.

*Finding:* Complies

**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 Bob Graham K-8 Education Center to its north and west sides, and the Courtyard Miami Lakes hotel to its south. Neither of these properties has any existing edifications close to the property lines shared with the subject property. The school’s secondary drop-off driveway and covered walkway is located about ten (10) feet from the west property line, and beyond the driveway, the open fields and basketball courts used for Physical Education classes. The proposed site plan with variance for the rear setback would locate buildings 5 and 6 a total of 15’ from the covered walkway. To the north, the schools nearest building is setback about 25’ and the parking area is setback about 7’ from the property line. The total resulting distance to proposed buildings 3 and 4 from the existing three-story school building is 33’, to building 5 is 35’ and to building 1 from the school parking area is 17’. To the South, the Hotel’s closest structure is about 85’ from the property line, while the parking is about 10’ away. Consequently, the reduced setbacks 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. The property is zoned RO-50 which allows for heights up to six (6) stories and up to 50 residential units per acre. On a 2.578-acre site, up to 128 units would be permitted. Pre-application

discussions with FDOT officials required the site to be developed using a single curb cut on 77<sup>th</sup> Court to be used for both ingress and egress. Subsequent conversations with Miami-Dade Fire officials revealed the need to allow a full-size fire truck to reach the rear of the property, and therefore, sufficient driveway width and turning radii had to be allocated throughout the site, making the provision of required parking and green areas a challenge.

On January 17<sup>th</sup>, 2017, the Town Council denied with prejudice, a site plan application for a six (6) story, 120 unit, residential building with understory and surface level parking. The applicant redesigned the project by reducing the number of units to 108, lowering the proposed structures to 3 stories, and breaking up the massing of the single mid-rise building into eight individual low-rise structures. The project, as proposed with the requested variances for setbacks and open space, allows for the vehicular circulation to remain in the center of the project, while requiring that the structures to be pushed out closer to the property lines, thus allowing for the appropriate turning radii needed for emergency vehicles.

*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 geometry of the property, creates an accessibility challenge for the developer. Although the property is rectangular and regular in nature, the proportions of 2:1 length versus width create a condition where a large site has a narrow frontage. This results in the limitation to a single curb cut for both egress and ingress. Were the site wider, FDOT may have allowed two curb cuts, which would have made emergency vehicle movement though the project less cumbersome. On the other hand, were the site shallower, then emergency vehicles access requirements would have shifted thus not necessitating through access to accommodate a full-size fire rescue truck within the project.

*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 “h” above. the shape and frontage of the property are not the result of direct action of the applicant as they existed since the time of platting of the property on December 11, 2003.

*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:** See also the Summary Section of this report and Criterion 2 and 3 below. The proposal is consistent with Comprehensive Plan Future Land Use Element Policy 1.1.2, as residential is permitted within the OR, Office Residential Land Use designation.

*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.

*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 108 units. The resulting number of trips resulted in 712 daily trips. The resulting mobility fee is, \$123,261.44. 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:

***West of Palmetto Expressway (outside urban infill area):*** LOS D (90% of capacity at peak hour) or better, except State Urban Minor arterial roads which may operate at LOS "E" (100% of capacity at peak hour) or above.

*Analysis:* See Section E, Adjacent Mobility Projects and Policy 2.1.8.

*Finding:* Conditionally complies as provided for at Policy 2.1.8.

**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<br>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:* the applicant has submitted a letter from Miami-Dade County Water and Sewer Department, dated April 17, 2017 indicating allocation 16,200 GPD from receiving pump station 30-0477 With the WASD approval, the applicant has satisfied Policies 4A.1.1, 4A.2.1, 4B.1.1, and 4B.2.1.

*Finding:* Complies

**Policy 5.1.1:** Utilize the following minimum LOS standards for parks and open space in Miami Lakes:

- 5.00 acres of TOTAL park area per 1,000 residents
- 3.25 acres of large (>5 acres) park per 1,000 residents
- 1.75 acres of small (<5 acre) per park per 1,000 residents

**Analysis:**<sup>2</sup> The table below reflects the Town's current LOS standard for park facilities and that which would be required should this item be approved. Values are arrived pursuant to Chapter 33H of Miami-Dade County's Code of Ordinances which provides for 2.11 residents per unit. At 108 units, the project is projected to result in 228 residents which would result in a Level of Service demand of .741 acres (32,278 square feet) for Large Parks and .399 acres (17,381 square feet) for Small Parks.

|   | Required<br>LOS* | Required<br>Acres | Actual<br>LOS | Actual<br>Acres | Surplus<br>(Deficit)<br>LOS | Surplus<br>(Deficit)<br>Acres | Lucida<br>Contribution<br>LOS (1) | Lucida<br>Contribution<br>Acres |
|---|------------------|-------------------|---------------|-----------------|-----------------------------|-------------------------------|-----------------------------------|---------------------------------|
| Large<br>Parks  | 3.25             | 95.42             | 2.10          | 61.75           | (1.15)                      | (35.68)                       | 0.024                             | 0.741                           |
| Small<br>Parks  | 1.75             | 51.50             | 1.89          | 55.62           | 0.14                        | 4.12                          | 0**                               | 0**                             |
| Total   | 5.00             | 146.92            | 3.99          | 117.37          | (1.01)                      | (31.56)                       | 0.024                             | 0.741                           |
| *LOS = Acres per 1,000 residents  |                  |                   |               |                 |                             |                               |                                   |                                 |
| **Concurrency LOS met, no contribution required   |                  |                   |               |                 |                             |                               |                                   |                                 |
| (1) Pursuant to Ordinance, Applicant may make a contribution in lieu of donation prior to permitting.<br>Actual acreage will be recalculated prior to issuance of permit. |                  |                   |               |                 |                             |                               |                                   |                                 |

As demonstrated above, the Town currently complies/exceeds LOS requirements for small parks. The Town is, however, currently underserved for large parks. The applicant's proportionate share for large parks is 0.741 acres. Compliance can be achieved by paying a park concurrency fee pursuant to Chapter 33H of the Miami-Dade County Code of ordinances or through some in-kind donation of land. It is important to note, development of the property cannot occur until final concurrency compliance is achieved, as described herein, by the Applicant at the time of permitting.

**Finding:** Conditionally complies upon payment of the required Large Park impact fee pursuant to Chapter 33H of Miami-Dade County's Code of Ordinances or a donation of 0.741 acres.

### Policy 8.3.1

\* \* \*

**Public School Facilities:** Prior to the issuance of any development order for new residential development or redevelopment, public school facilities needed to support the development at adopted school LOS standards must meet the following timing requirement:

\* \* \*

<sup>2</sup> Section 8.3 of the Town Charter, provided for the adoption of all codes and ordinances, at the time of its incorporation, of Miami-Dade County, unless otherwise appealed or replaced. Although the Town of Miami Lakes adopted its own LOS for required park land within in its Comprehensive Master Development Plan, it never repealed or replaced those provisions which addressed park concurrency calculations. Therefore, any calculation pertaining to unit occupancy or park concurrency fees are based on Miami-Dade County of Code of Ordinances. That Code projects an occupancy ratio of 2.11 residents per unit in a multifamily development. Should Applicant pursue a fee option in lieu of a land donation, impact fees will rely upon the schedule at Chapter 33H at the time of permitting. Base LOS calculations are based on Census Data from 2010 which reflects the Town population 29,361, as such Existing and Adjusted LOS may vary as resident population shifts. Current population figures do not impact calculation of Applicant's proportionate share.

The adopted LOS standard for all Miami Lakes public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) Capacity (with relocatable classrooms). This LOS standard shall be applicable in each public school concurrency service (CSA) area, defined as the public school attendance boundary established by the Miami-Dade County Public Schools.

*Analysis:* The Miami-Dade County School Board (School Board) concurrency determination review (attached herein) found it to be in compliance.

*Finding:* Complies

(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:* Although the proposed plan is accompanied by variance requests, it is through those requests that the development comes into greater compatibility with the surrounding developments. No building in the area exceeds three (3) stories as is proposed by this request. The project continues to comply with the total amount of landscaping material required for the site.

*Finding:* Conditionally complies provided the variances are granted.

(3) In what respects the plan is or is not in conformance with the Town requirements including the design and construction of streets, utility facilities and other essential services.

*Analysis:* The project does not require the dedication of additional rights-of-way or internal streets. The project is contributing \$123,261.44 towards Town's Mobility Program.

*Finding:* Conditionally complies upon compliance with 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. Relationship to adjoining properties, including the arrangement of buildings and landscape to produce spatial relationships that are compatible with, and complementary to, the development and zoning in adjoining areas.
- 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.
- c. 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.
- d. 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.
- e. Appropriate scale of proposed structures to be compatible with and complementary to existing, permitted or planned uses on adjoining properties and in the immediate area.
- f. 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.
- g. Service areas which may be provided shall be screened and so located as not to be visible from the public right-of-way and other properties.
- h. Design of the site shall ensure adequate access for emergency vehicles and personnel.

- i. 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. Although the proposed plan is accompanied by variance requests, it is through those requests that the development comes into greater compatibility with the surrounding developments. The adjacent properties consist of a K-8 three story public educational facility to north and west, and a hotel to the south. Further south there is a retail shopping plaza. The intensity of the building is in line with its adjacent commercial and public assembly (public school) uses. The façades of the buildings undulate along their northern and southern facings, thus breaking up the massing of the structures. Additional visual interest is provided by balcony amenities that cantilever from the three-story units and contrasting wood details. The submitted plans conform with all zoning requirements with the exception of required setbacks and open space for which the applicant is seeking variances.

The property is granted a single curb-cut access point to the adjoining roadway, NW 77 Court, which is an FDOT right-of-way. The proposed site plan provides for adequate internal circulation and includes a pedestrian walk connecting to NW 77 Court. The Applicant is committed to completing their share of the proposed greenway along the project's roadway frontage.

The project complies with landscape and requires a variance for open space requirements. Limited landscaping exists on the site and the adjacent right-of-way. The proposed site plan reflects an upgrade to the overall landscape of the property.

*Finding:* Conditionally complies provided 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