



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:** PHSP2017-0001
APPLICANT: The Graham Companies
FOLIO: 32-2022-008-0013;
32-2022-001-0220;
32-2022-001-0230
LOCATION: West of Commerce Way and the intersection of
NW 146 St
FUTURE LAND USE: Industrial Office

Date: June 6, 2017

A. REQUEST

In accordance with Section 13-304(h) of the Town of Miami Lakes Land Development Code (LDC), The Graham Companies, Inc., (the "Applicant") is requesting a site plan approval to develop a "housing for older persons" apartment development consisting of 220 units on approximately 9.5 acres.

B. SUMMARY

The Applicant, The Graham Companies, Inc., is seeking site plan approval to develop a senior living community. The project is part of a larger development plan pursued in partnership with Miami Jewish Health Systems, which seeks to include an assisted living facility and skilled nursing care (ALF) component. The applicant proposes as part of the larger development also to construct and donate to the Town of Miami Lakes (Town) a senior-oriented community center. The site plan subject to this report encompasses approximately 9.5 acres of the 19.5+/- acre site.

The proposed development is reflective of the newest approach in senior care living, commonly known as "aging in community", a concept that is becoming widely accepted as the desired approach in the care of maturing populations. This approach allows seniors to remain in the communities where they and their families reside, maintaining social and community linkages, even after they are no longer able to care for themselves. Additionally, by grouping together the residential component with the skilled nursing facility and the community center, the senior residents can enjoy a substantial quality of life with minimal reliance on the automobile for their daily activities.

The proposed development of the site is to include 220 apartment units, most of which are offered as one-bedrooms. The project is being fashioned as “housing for older persons” (Senior Community) as prescribed by State Statute¹. The applicant is offering a self-imposed Declaration of Restrictions that shall further limit occupancy of the units as follows:

1. Each occupied unit shall have at least one individual aged 62 years or older; and
2. Except as may be required by Federal and State Law, no units shall be occupied by anyone under the age of 19; and
3. Occupancy of the development shall not occur sooner than January 1, 2020; and
4. If three (3) years after January 1st, 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 of other similar residential rental 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
5. The term of the Declaration of Restrictions shall expire in 30 years with three (3), ten (10) year automatic renewals thereafter.

As part of the project, the applicant is donating a 6,000 square foot recreation building that is to be sited on 1.3 acres of the 19.5 acre site. Site-plans for the entire senior village will be considered together with this item at second reading, and shall be submitted under separate covers. Finally, the Applicant submitted a Letter of Mutual Understanding, dated May 18, 2017, which provides for coordination with the Town the use of certain amenities (pool and fitness room at Senior Apartments and Kitchen at the Jewish Health Facility) for Town-wide senior recreational programming.

C. STAFF RECOMMENDATION

Therefore, based on the analysis provided below and other factors contained in this report, Staff recommends that the Town Council approve the Site Plan entitled “The Residences at Governor’s Square” as prepared by Roger Fry and Associates, consisting of 64 pages, dated stamped received May 9, 2017, as attached at Exhibit “A” of the resolution, subject to the following conditions:

1. That the following Zoning Hearing companion items be approved:
 - a. FLUM amendment of the property described at Exhibit “B” of the Resolution from Industrial Office to Medium-High Residential; and
 - b. Rezoning of the property described at Exhibit “B” of the Resolution from IU-C, Industrial Office – Conditional to RM-36 Residential Multi-family 36 units to the acre; and
 - c. Plat for entire 19.5 acre site; and
 - d. Miami Jewish Health Systems conditional use and site plan with variance.
2. Issuance of permits for the 220-unit Senior Housing Village adult community and the Miami Jewish Health Systems facility within two (2) years of this approval. Completion of construction of both projects to final certificate of occupancy within five (5) years of this approval. Failure to achieve permits or certificate of occupancy as prescribed herein shall subject the property to rezoning to its prior district and re-designation to its prior FLUM designation 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.

¹ Florida Statutes 760.29(4)b provides for two types of “Housing for Older Persons.” Subparagraph “a” provides that such housing shall be exclusively for those individuals 62 years of age or older, whereas subparagraph “b” provides for a minimum occupancy of at least 80% of the units having at least one individual aged 55 or older. The 55 and up form of housing also restricts individuals under 18 years of age from residency.

3. All permits be 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, they proffer a voluntary covenant ("Declaration of Restrictions") 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 1st, 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 of other similar residential rental 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 Declaration of Restrictions shall expire in 30 years with three (3), ten (10) year automatic renewals thereafter.
5. As provided in the Applicant's Letter of Interest attached to their application, they proffer and 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 exhibit "C" of the Resolution.
6. The Applicant and Town work together to fulfill the intent of the Applicant's Letter of Mutual Understanding, dated May 22, 2017.
7. The Applicant shall pay to the Town 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 1.51 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 Exhibit "B" of the Resolution.
8. As provided 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 Exhibit "B" of the Resolution.
9. As provided in the Applicant's letter dated May 18th, 2017, that the Town and the Applicant work together in coordination of use of the available amenities available at the development.
10. Notwithstanding Condition 2 above, the ordinance shall not become effective upon the effective date of the companion FLUM amendment.
11. 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. 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.
12. Compliance with all other applicable laws not specifically identified herein.
13. All cost recovery fees associated with this request that are owed to the Town be paid in full.

D. BACKGROUND

Existing Zoning District:

Proposed Zoning District:

Existing Land Use Designation:

Future Land Use Designation:

IU-C, Industrial Use-Conditional

RM-36 Residential Multifamily Medium Density

Industrial Office

(Requested) Medium-High Density Residential

Subject Site:

The subject property is an irregularly shaped parcel located on the West side of Commerce Way and South side of Governor's Blvd, which is currently vacant and used as agricultural. The existing property is 19.45 Acres of vacant land with 1.23 Acres of submerged land. It is currently zoned IU-C, and the future land use is Industrial and Office.

Surrounding Property:

	Land Use Designation	Zoning District
North:	INDUSTRIAL AND OFFICE (IO)	IU-C industrial district conditional
South:	INDUSTRIAL AND OFFICE (IO)	IU-C industrial district conditional
East:	INDUSTRIAL AND OFFICE (IO)	IU-C industrial district conditional
Southeast:	INDUSTRIAL AND OFFICE (IO)	IU-C industrial district conditional
West:	LOW MEDIUM DENSITY RESIDENTIAL	RM-23 low medium residential district

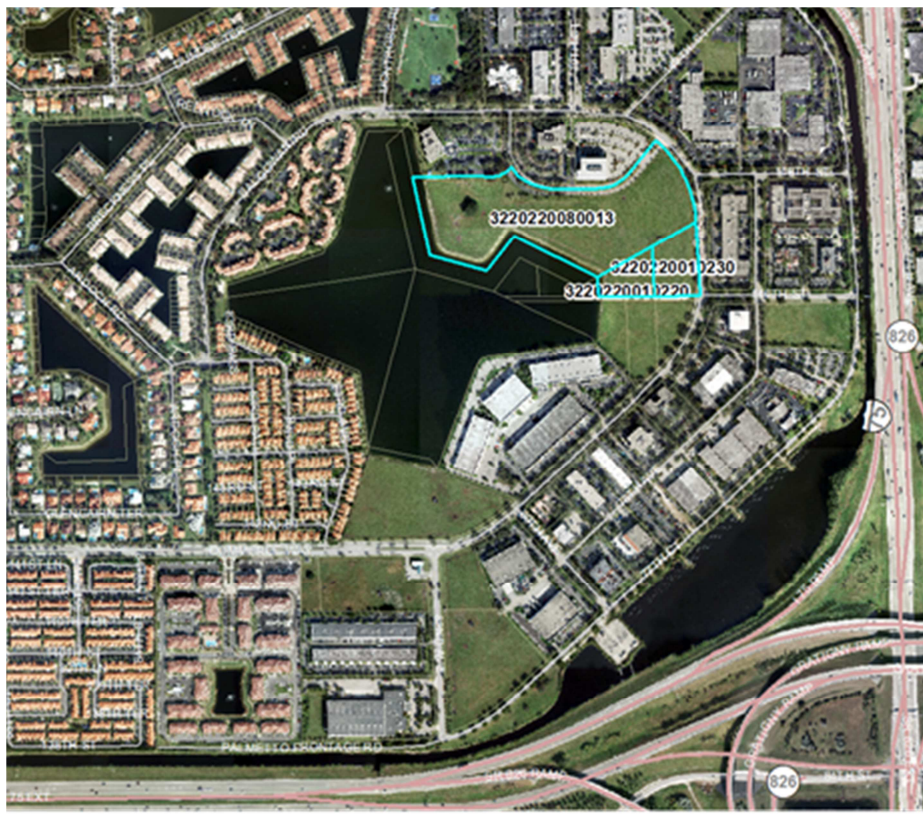
Subject Property Location Map:

Figure 1: Location aerial and folio numbers

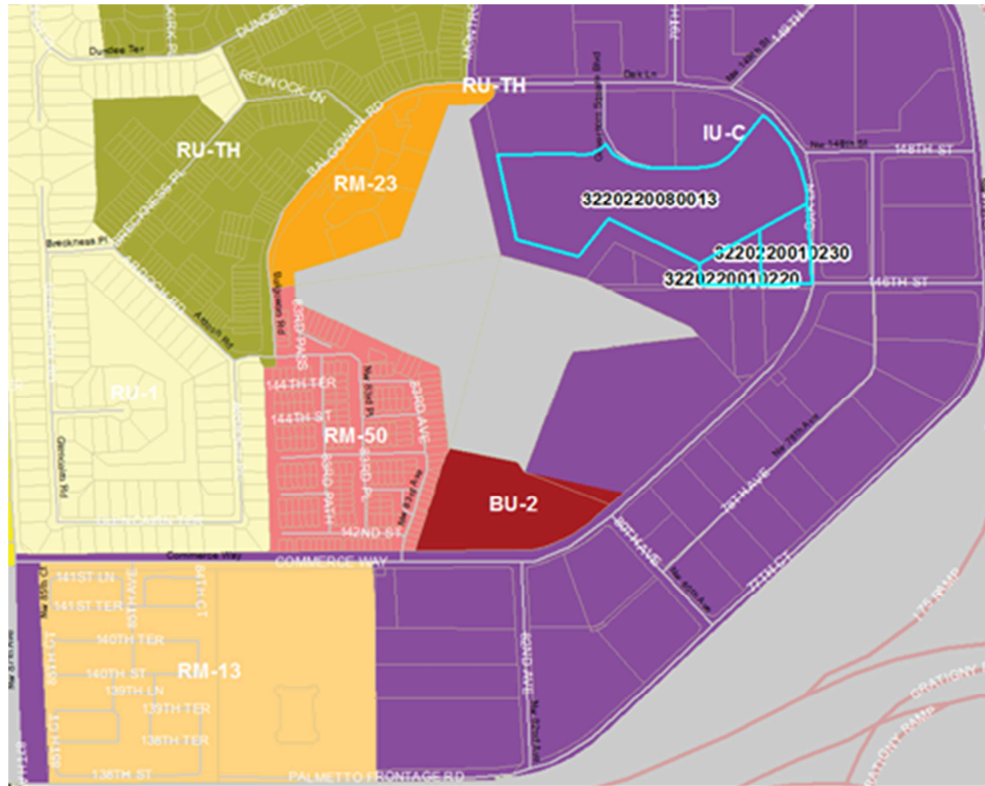


Figure 2. Existing zoning map

E. ADJACENT MOBILITY PROJECTS

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:

- Widening of NW 154th Street from NW 79th Avenue to the SR 826/Palmetto Expressway;
- East-West underpass across the Palmetto Expressway at NW 146th Street

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

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

Initiative: Extend Northbound Right Turn Lane on NW 77th Court by 150 ft.

Initiative: Allow Left Turn at NW 82nd Avenue and Oak Lane

F. Open Building Permit(s) / Open Code Compliance Violation(s)

There are no open building permits or open code compliance violations associated with this property.

G. ZONING HISTORY

The site is currently undeveloped and used for pastoral lands.

H. PROCEDURALLY

This application is initiated by the owner of the land involved, and it is part and parcel with a larger comprehensive development plan. As such, this particular request, and all companion applications as provided under separate cover, shall proceed under quasi-judicial rules as the benefit inures to that specified development plan². Although this application applies to only the Site Plan for the 220-unit Senior Community of 9.5 acres of the total 19.5-acre site, the overall project is accompanied by a FLUM amendment from Industrial Office to Medium-High Residential, a rezoning from IU-C to RM-36, a plat for the entire site, and a site plan and conditional use for an assisted living and skilled nursing facility. This report speaks solely to the Senior Community Site Plan request. As a matter of procedure, a vote on this item shall occur after the FLUM amendment, rezoning, and plat. This condition persists as those applications are necessary to ensure full compliance of the Site Plan with all applicable codes.

Each item associated with the overall development plan shall be voted on separately, starting with the FLUM amendment, followed by the rezoning item, then the plat, this site plan, the ALF conditional use, which will then be followed by the associated site plan request thereto. Because the FLUM amendment (and rezoning) is less than ten (10) acres, it must be transmitted to the State of Florida's Department of Economic Opportunity as part of their Small Scale Expedited Review procedure (FS Section 163.3187). As such, the effective date of the FLUM amendment, and in-turn the rezoning request and all companion applications cannot be earlier than the later of 31 days subsequent to the FLUM adoption by the Town Council³ or the date at which any challenge to the FLUM amendment is resolved with a final order determining the amendment to be in compliance with state statute.

I. ANAYLYSIS

The Land Development Code (LDC) provides that all proposed site plans subject to public hearing shall be reviewed pursuant to the criteria found at Subsection 13-304(h). All portions of this report are hereby incorporated into all portions of this Analysis.

- (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 follow by a review of the Land Development Code provisions.

Policy 1.1.2: The area proposed for FLUM amendment is under the Industrial Office Use future land use designation of the Comprehensive Plan. An application to rezone to RM-36, Medium-High Density Residential, is underway as well and being heard by the Council along with this request. The requested change to the Future Land Use Map (FLUM), if approved by council, would result in a designation of Medium-High Density Residential, which is defined as follows:

² The FLUM amendment itself is not a quasi-judicial decision, but for expediency will be heard with the other companion items which are quasi-judicial decisions.

³ Effective date of this amendment is further conditional as provided in the Recommendation Section of this report.

**Medium High Density (MHD) - This category authorizes apartment buildings ranging from 25 to 60 dwelling units per acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with, and impact of, the existing adjacent and nearby development.*

Analysis: The applicant is requesting a FLUM amendment which would potentially allow a maximum of 340 new residential units in the 9.45 Acre site. The site plan to this parcel is proposed for 220-units.

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: Transportation concurrency of the property is vested through the improvements already provided by the Applicant to the Town. A letter indicating the acknowledgment of such vested rights is attached to this report. The development contemplated by property owner, a 220-Unit Senior Housing Village Adult Community site plan and the Miami Jewish Health Systems conditional use and site plan, as provided under separate cover, and as reflected in the attached traffic study as confirmed by the Town's engineering consultant, provides for fewer trips than those already vested.

Finding: Conditionally complies provided all required permits are issued for the 220-Unit Senior Housing Village adult community site plan and the Miami Jewish Health Systems conditional use and site plan, as provided under separate cover, prior to the expiration of the existing transportation concurrency vested rights. Should existing transportation concurrency vesting expire, any permitting for this property shall be subject to the mobility fee schedule.

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: Applicant is currently vested for traffic concurrency as attached herein to this report. If permits are issued prior to the expiration of those rights, the applicant will be subject to mobility fees.

Finding: Conditionally complies provided permits are issued prior to expiration of vested rights, otherwise mobility fees shall apply.

Objective 3.4: Group Homes, Elderly Housing, Assisted Living, and Foster Care

Continue to provide opportunities for group homes, housing for the elderly, assisted living and foster care homes in residential zoning districts.

Analysis: This objective of the Comprehensive plan includes proposed policies geared toward providing safe and decent housing for seniors including rental and assisted living facilities, in areas currently served by potable water and wastewater systems, accessible to employment and shopping centers which accommodate stores offering household goods and services needed on a frequent and recurring basis, located on a paved street, accessible to parks and located in areas that have adequate surface water management and solid waste collection and disposal.

The subject application advances this policy because it is located within the existing infrastructure of the Town, in an area with easy access to county and municipal services, including water, sewer and waste collection, and is within easy pedestrian access to two commercial centers, one of which features a full-service supermarket, banking, personal services and restaurants, and another one featuring a full-service drugstore and pharmacy, restaurants and personal services. The site is also within easy pedestrian access of Picnic Park West, as well as several employment centers in the existing light-industrial, and office parks that surround it.

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 lots of 7,500 sf min	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: As seen in Fig 3, the Applicant requested from Miami-Dade County Water and Sewer Department (WASD) allocation for water usage appropriate to accommodate 220 residential units replacing vacant land. The request was approved and 33,000 GPD were allocated for the project, for which no new infrastructure has been requested as of the time of this application. Additionally, a new pump-station is projected on Commerce Way and 83rd Ave. With the WASD approval, the applicant has satisfied Policies 4A.1.1, 4A.2.1, 4B.1.1, and 4B.2.1.

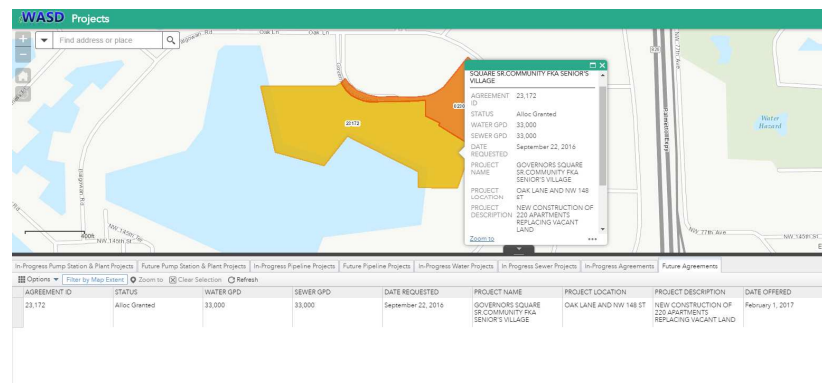


Fig 3. MDWSD allocation for the project. (<http://www.miamidade.gov/water/water-supply-facilities-work-plan.asp>)

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:⁴ The table below reflects the Town's current LOS standard for park facilities and that which would be required should this item be approved in tandem with the plat and site plan application requests for 220 residential units.

⁴ 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 replace. 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

	Required LOS*	Required Acres	Actual LOS	Actual Acres	Surplus (Deficit) LOS	Surplus (Deficit) Acres	Senior Housing Contribution LOS (1)	Senior Housing Contribution Acres		Senior Housing Donation LOS	Senior Housing Donation Acres
Large Parks	3.25	95.42	2.10	61.75	(1.15)	(35.68)	0.051	1.510		0.000	0.000
Small Parks	1.75	51.50	1.89	55.62	0.14	4.12	0.028	0.810	**	0.036	1.070
Total	5.00	146.92	3.99	117.37	(1.01)	(31.56)	0.079	2.320		0.036	1.070
*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.											
Actual acreage will be recalculated prior to issuance of permit.											

As demonstrated above, the Town currently complies/exceeds LOS requirements for small parks. The Applicant's donation of 1.3 acres (together with a 6,000 square foot building, sans interior finishes) of land exceeds their required proportionate share for small parks. The resulting donation actually improves the Town's concurrency rating above the minimum requirement. The Town is, however, currently underserved for large parks. The applicant's proportionate share for large parks is 1.51 acres. Compliance can be achieved by paying a park concurrency fee to the Town pursuant to Chapter 33H of the Miami-Dade County Code of ordinances or through some in-kind donation of land. The Applicant is currently intending to donate 33 acres of park land east of the Palmetto Expressway commonly referred to as "The Par 3." Donation of The Par 3 property will more than satisfy the Applicant's large park concurrency requirement and work to increase the overall LOS for large parks Town wide. 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.

The Applicant submitted a Letter of Mutual Understanding, dated May 22, 2017, that provides for coordination with the Town the use of certain amenities (pool and fitness room at Senior Apartments and Kitchen at the Jewish Health Facility) for Town-wide senior recreational programming.

Finding: Conditionally complies as follows:

1. As provided in the Applicant's Letter of Interest attached to their application, they have proffered and 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 Exhibit "C" of the Resolution.
2. 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 1.51 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 Exhibit "B" of the Resolution.
3. The Applicant and Town work together to fulfill the intent of the Applicant's Letter of Mutual Understanding, dated May 22, 2017.

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.

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:

* * *

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 applicant's letter of interest and proffered declaration of restrictions precludes residency of school age children. Regardless, the School Board's review of this request (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: See Summary Section and Criteria 1 of this Analysis. The application was properly noticed pursuant to Section 13-309 of the Town's Land Development Code. The application is part of a broader development plan/application which includes a Future Land Use Map (FLUM) amendment and Rezoning, being heard concurrently with this request, on the lands to which this site plan is subject. The proposed site plan request complies with those applicable land use and zoning provisions. However, the FLUM amendment and rezoning must be adopted before this request can be approved.

Finding: Conditionally complies provided the companion FLUM amendment and rezoning are adopted as further conditioned in Criteria 1 above.

- (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: See Section B, Summary, Section E, Adjacent Mobility Projects, and Criteria 1 and 2 of this Analysis. Much of the infrastructure within the rights-of-way needed to support this project are existing. Further, Criteria 1 of this Analysis Section provides a detailed review of required level of service components as provided by the Town's Comprehensive Master Development Plan. The property is currently exempted from Traffic/Mobility concurrency as provided by an attached letter issued by the Town confirming same. Expiration of vested rights may be subject to

change as provide by State Statue or by order of the Town Council⁵. Section E provides a status of Mobility projects in and around the area of the land subject to this request. Should vested Traffic/Mobility rights of this property expire, the proposed development will be subject to all required mobility fees.

Finding: Conditionally complies as maybe provided at Criterion 1 of this analysis. Should the vesting of traffic/mobility concurrency expire, then the development shall come into full compliance with required mobility fees at the time of permitting.

- (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 also the analysis provided at Criterion 2 and 3 above. The proposed site design conforms to the development standards of RM-36 zoning district.

The project complies with landscape and open space requirements.

Finding: Complies.

- (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.

⁵ Florida Statutes provides for the extension of vested rights development orders, upon request and application, when declarations of emergency are declared by the state. Notwithstanding the most recent declaration, the current traffic/mobility vested right related to the subject property expires on September 15, 2018. The Town, by Resolution, may also extend the vested rights.

Analysis: The application conforms with the Town's requirements concerning sufficiency of ownership. 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.