



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:** PLAT 2016-0006
APPLICANT: TGC Senior, LLC
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
ZONING DISTRICT: IU-C Industrial District Conditional
RM-36 Medium Residential
FUTURE LAND USE: Industrial and Office (IO)
Medium High Residential

Date: June 6, 2017

A. REQUEST

In accordance with Subsection 13-308(f)(3) of the Land Development Code (LDC), TGC Senior, LLC (the "Applicant") is requesting final plat approval for the subject property located on the West side of Commerce Way at the intersection with NW 146th Street in order to replat portions of existing tracts and create a new subdivision with various tracts of land as follows:

- Tract A: 9.445 Acres – Proposed:
A) 220 units multifamily apartments (Senior age-restricted living facility)
B) 8,000 sf private recreation building
- Tract B: 1.297 Acres - Community Center 6000 sf
- Tract C: 4.164 Acres - Health services/ Assisted Living Facility
A) Assisted Living Facility 100 Beds
B) Skilled Nursing Facility 80 Beds
- Tract D: 4.308 Acres - Lake area – No proposed development.

B. SUMMARY

The Applicant, The Graham Companies, Inc., is requesting final plat approval in order create a new plat consisting of four (4) tracts. As proposed, the resulting plat is 19.45 Acres, with a frontage along Commerce Way, and includes a dedicated fifty-eight (58) feet wide ingress-egress easement, of which twenty-nine (29) feet are proposed on the subject property and twenty-nine (29) are on the adjacent property to the North. In addition, a twenty (20) foot right-of-way easement recorded on P.B. 2, pg 68 is proposed to be vacated.

The Applicant's application to replat the subject property is aimed at creating a senior village. This application is part of a larger development plan pursued in partnership with Miami Jewish Health Systems, which includes a 220 unit senior living community, an assisted living facility and skilled nursing care component, and a senior-oriented community center. The applicant proposes to construct and donate to the Town the senior-oriented community center. To accomplish comprehensive nature of this development plan, the applicant, in tandem with this plat request is also pursuing a Future Land Use Map (FLUM) amendment, rezoning, and two (2) site plans, one (1) of which is accompanied with a conditional use request (the Assisted Living Facility and Skilled Nursing Center).

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 220 unit apartment complex, most of which are offered as one-bedrooms, is being fashioned as "housing for older persons" as so prescribed by State Statute¹. As part of that application, the applicant is offering a self-imposed Declaration of Restrictions that limits 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 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
5. The term of the covenant shall expire in 30 years with three (3), ten (10) year automatic renewals thereafter.

The FLUM amendment, rezoning, site-plans and conditional use are submitted under separate covers. The Town Council previously approved the Preliminary Plat on December 6, 2016 (Resolution No. 16-1416).

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.

C. RECOMMENDATION

It is recommended that the Town Council approve the application for Final Plat entitled "Governors Square Senior Community" as prepared by Schwebke-Shiskin and Associates, Inc. consisting of five (5) sheets and signed by Mark Steven Johnson, State of Florida Professional Surveyor and Mapper No. 4775 May 23rd, 2017, subject to the following conditions:

1. The Applicant shall comply, prior to recordation of the Final Plat , with all platting requirements of the Town LDC and Chapter 28 of the Miami-Dade County Code.
2. Upon recordation of the final plat, the Applicant shall provide the Town with one signed and sealed original and one digital copy.

D. BACKGROUND

Zoning District of Property: **IU-C industrial district conditional**

Future Land Use Designation: **INDUSTRIAL AND OFFICE (IO)**

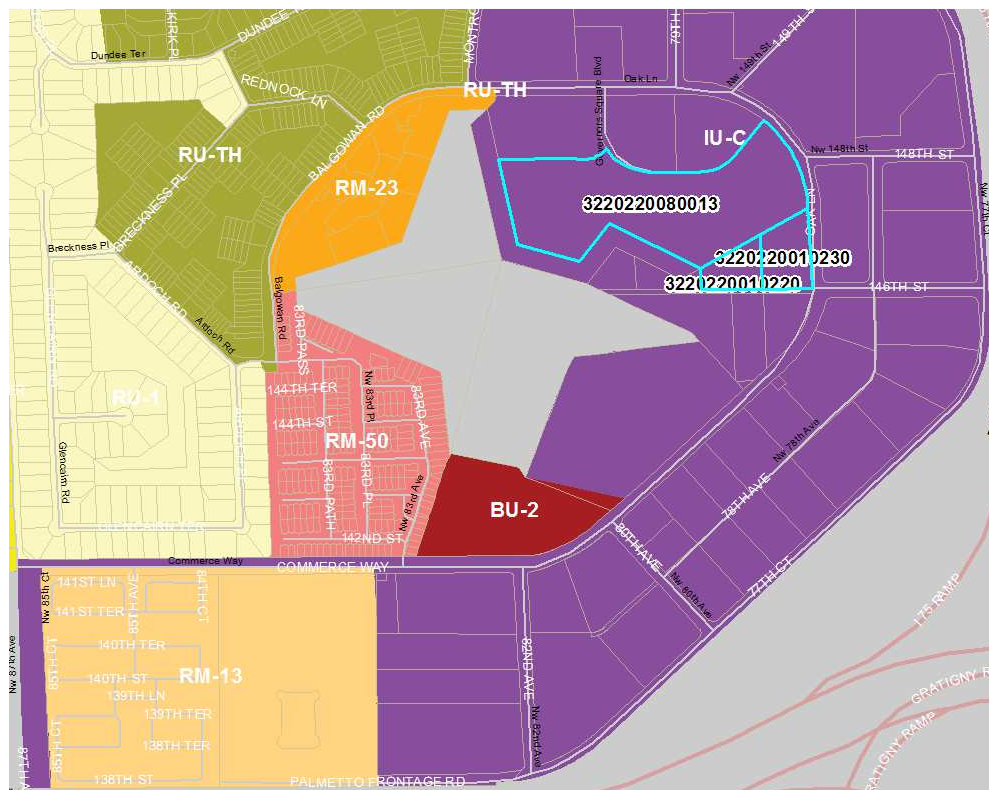
Subject Property:

The subject property is a portion of a larger 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 19.5 Acres of vacant land with 4.308 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:



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 79th Avenue to the SR 826/Palmetto Expressway;
- 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 end of 2017. 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 have entered into 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.

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.

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 plan.² Although this application applies to entire 19.5 acre site, the overall project is accompanied by a FLUM amendment, a rezoning from IU-C to RM-36, and two (2) separate site plans: one for the age-restricted housing and the other for the assisted living and skilled nursing facility, that latter of which includes a conditional use. The hearing reflective of this report speaks solely to the final plat process. As a matter of procedure, a vote on this item shall occur after FLUM and rezoning items and before the two (2) plan applications. This condition persists pursuant to Florida Statute that requires the plat to be consistent with the underlying land use designation as identified and the Future Land Use Element of the Town's Comprehensive Master Development Plan (Comp Plan).

The actual order of proceedings starts with the FLUM amendment, followed by the rezoning item, then this plat, the conditional use, and then the two site plans. Because the associated 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 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 associated preliminary plat for this property was approved by the Town Council at December 6, 2016 meeting, where the Council found that the approval criteria of Subsection 13-308(f)(2)c.2 were satisfied. The proposed final plat is consistent with the preliminary plat and its conditions of approval. Staff has reviewed the final plat, and found that it meets all criteria for approval.

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 conditioned as provided in the Recommendation Section of this report.