



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:** VARH2017-0005 PHSP2017-0006 COND2017-0002
APPLICANT: Miami Jewish Health Systems, Inc.
The Graham Companies, Inc.
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

Miami Jewish Health Systems, Inc., and The Graham Company's, Inc. (the "Applicant") is requesting, pursuant to Section 13-305(f)(1) of the Town of Miami Lakes (Town) Land Development Code (LDC), a variance from Section 13-1801(f)(7) of the LDC, to reduce the required number of parking spaces from 109 to 97, and pursuant to Section 13-303(b)(3) of the LDC, a Conditional Use; and pursuant to Section 13-304(h) of the LDC a Site Plan; to develop a one hundred (100) bed Assisted Living Facility (ALF) and an eighty (80) bed Skilled Nursing Facility (SNF) on approximately 4.16 acres.

B. SUMMARY

The Applicant, is seeking a variance, conditional use, and site plan approval to develop an ALF and SNF. The project is part of a larger development plan pursued in partnership with The Graham Companies, Inc., (Graham's) which seeks to include a 220-unit Senior Living Community. The Owner of the parcel subject to this request is the Graham's; Miami Jewish Health Systems, Inc. (MJH) holds a sixty (60) year lease to that portion of the property subject to this request. As part of the overall project, the Graham's proposes to construct and donate to the Town a community center for senior programming. The site plan subject to this report encompasses approximately 4.16+/- acres of the entire 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 ALF/SNF with the residential component and the community center, what is created is a comprehensive senior village with synergistic possibilities.

The proposed development of the site is to include a one hundred (100) bed ALF and an eighty (80) bed SNF. The Applicant intends to operate under the "Basic License" which is often characterized as a "Level 1" facility¹. Such State licensure provides for a basic level of care intended to include assisting individuals that may need twenty-four (24) hour attention and/or help with routine life activities. The base level license does not provide for the care of mental health patients or those who require a higher level of medical care and monitoring.

The applicant is requesting a variance to reduce the number of parking spaces required. The number of parking spaces proposed by the Applicant is consistent with the demand they commonly experience for the types of facilities they operate. The Applicant's position is that ALF's/SNF's generally do not demand parking the same way traditional residential and medical office uses do. Residents of assisted living rarely if ever drive, and patients utilizing skilled nursing services are most often driven to the facility by others, whether family members or private medical transport, due to the nature of the care they seek. The number of parking spaces required by the Town's LDC's may not be reflective of this model as it represents a generalized pattern of similar uses, namely "*Sanitariums, convalescent homes, homes for the aged and similar institutions*". Thus, the LDC possibly over counts parking requirements for a use such as an ALF/SNF. Furthermore, the applicant offers both private medical transport and van service to its patients and residents, which should further reduce the need for onsite parking.

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 Variance, Conditional Use, and Site Plan entitled "Village at the Lakes" consisting of 42 pages, as prepared by C.C. Hodgson Architectural Group, Schwebke-Shiskin & Associates, and Architectural Alliance; Signed and sealed on 4/18/2017 and stamped received on 5/24/2017, 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 associated with the companion application for a 220-Unit Senior Living Community from Industrial Office to Medium-High Residential; and
 - b. Rezoning of the property associated with the companion application for a 220-Unit Senior Living Community, from IU-C, Industrial Office - Conditional; and
 - c. Plat for entire 19.5 acre site; and
 - d. The companion application for a 220-unit Senior Living Community site plan.
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

¹ Florida Statutes Chapter 429, Assisted Care Communities, Part I, Assisted Living Facilities, provides for the licensure of facilities that provide housing and care in excess of twenty-four (24) hours for individuals in need of such services. Licensure comes in many forms (or levels) with the base license being that of a standard care ALF. Such basic services include those that provide for assistance with "Personal Services" (FS section 429.02(17)) such as the supervision of daily living activities, physical assistance, and self-administration of medication. Expanded services providing for the care of individuals with greater needs, such as mental health (FS section 429.075), or extended congregate care (FS section 429.02(11)), includes care beyond those services for basic personal services described above, and requires additional licensure.

- construction of both projects to final certificate of occupancy within five (5) years of this approval. 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 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. The underlying property owners, the Graham's as proffered in their Letter of Intent associated the companion application for a 220-unit Senior Living Community, shall donate 1.3 acres of land, to include the completion of an approximate 6,000 square foot building with completed exterior finishes, prior to the issuance of any certificate of occupancy issued to the property described at exhibit "C" of the Resolution.
 5. Any change from the basic ALF licensed as requested by the Applicant in the Letter of Intent, to include but not be limited to number of beds, or any expansion or request for additional licensure to include but not limited to "Extended Congregate Care" (FS section 429.02(11)) or to "Limited Mental Health License" (FS section 429.075), as so regulated by the State of Florida, shall require reconsideration before the Town Council as a new Conditional Use application.
 6. 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.
 7. As provided in the Applicant's Letter of Mutual Understanding dated May 22nd, 2017, that the Town and the Applicant work together in coordination of use of the available amenities available at the development.
 8. 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 0.325 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.
 9. Notwithstanding Condition 2 above, the ordinance shall not become effective upon the effective date of the companion FLUM amendment.
 10. All parking operations shall be contained on site and be conducted in a manner that is safe and orderly. Repeat violations or any ongoing uncorrected violation, as provided at Section 8-4 of the Town's LDC, of these conditions herein, shall require remedy else the variance and site plan approval associated with this request may be voided.
 11. Staffing shifts shall be timed to not coincide with peak traffic demand for adjacent roads, with beginning and end times at 7:00 am, 3:00 pm and 11:00 pm.
 12. The facility shall be operated in substantial compliance with the Applicant's Operation Plan as attached as an addendum to their Letter of Intent, particularly as it pertains to transportation of patients and residents.
 13. 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.
 14. Compliance with all other applicable laws not specifically identified herein.

15. All cost recovery fees associated with this request that are owed to the Town shall be paid in full.

D. BACKGROUND

Existing Zoning District: IU-C, Industrial Use-Conditional

Existing Land Use Designation: Industrial Office

Subject Site:

Parcel in question is part of a larger property comprising 19.45 acres of vacant land with 1.23 Acres of submerged land, is irregularly shaped, located on the west side of Commerce Way and south side of Governor's Boulevard, and is currently vacant and used as agricultural. The portion of the property subject to this request is 4.16 acre and is more particularly described at Exhibit "B" of the resolution. 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:

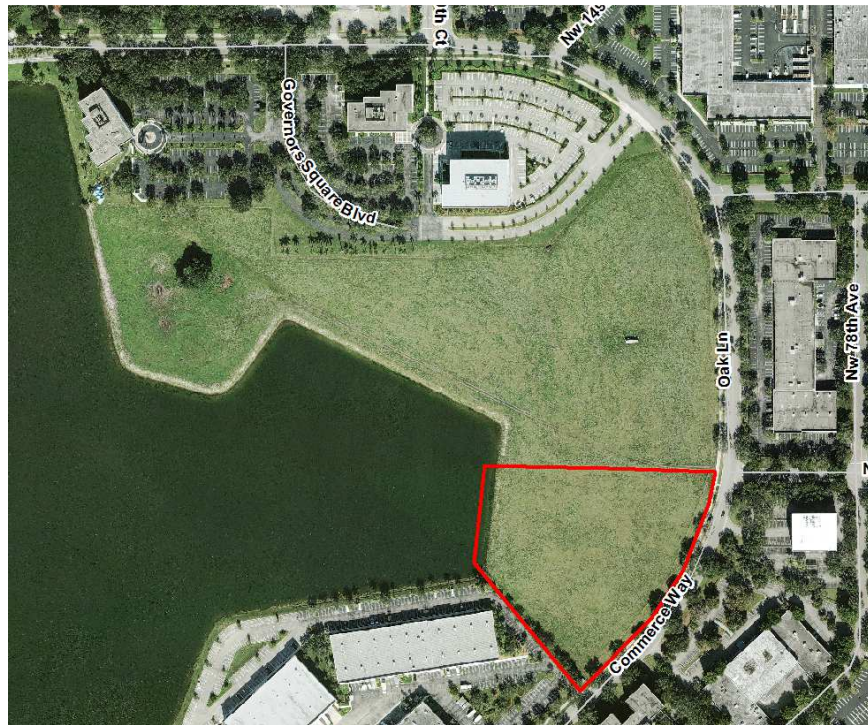


Figure 1: Location aerial

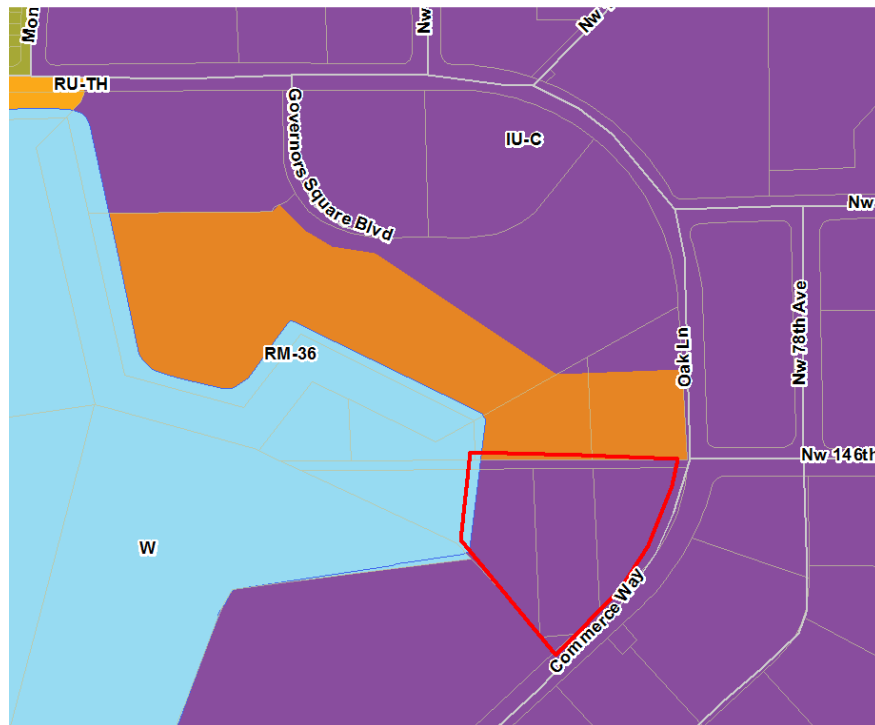


Figure 2. Existing zoning map

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:

- a. Widening of NW 154th Street from NW 79th Avenue to the SR 826/Palmetto Expressway;
- b. 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. PERTINENT LAND DEVELOPMENT CODE(S)

Section 8-4. - Civil penalties and related terms construed.

- (a) *Penalties for violations of the ordinances to be enforced by this chapter shall be in the amount prescribed in the schedule of civil penalties as established by the Town.*
- (b) *An "uncorrectable violation" is a violation which cannot be remedied after the violation has been committed because the violation constitutes a single prohibited act rather than an ongoing condition or circumstance. Each reoccurrence of an uncorrectable violation shall constitute a separation violation and shall subject the violator to an additional penalty in the same amount as that prescribed for the original violation. If, however, a violator has been once found guilty of an uncorrectable violation, and causes the same uncorrectable violation to occur a second time, each reoccurrence of the uncorrectable violation by such violator shall constitute a "repeat violation" as provided in Subsection (d) of this section.*
- (c) *A "continuing violation" is a violation which remains uncorrected beyond the reasonable time period for correction contained in either the civil violation notice or the final order of the Hearing Officer, whichever is applicable. For each day of continued violation after the time for correction has run, an additional penalty in the same amount as that prescribed for the original violation shall be added. The maximum total penalty for any one continuing violation shall be fixed at 20 times the original penalty amount.*
- (d) *A "repeat violation" is a recurring violation of an ordinance by a violator who has previously been guilty of the same violation within the last five years. In the case of correctable violations, a repeat violation can occur only after correction of the previous violation has been made. For the first repeat violation, the amount of the civil penalty shall be \$500.00.*
- (e) *A repeat violation which remains uncorrected beyond the time prescribed for correction in the civil violation notice shall be treated as a continuing violation, and the additional penalty for each day of continued violation shall be equal to the doubled amount due for the first day of the repeat violation.*

Section 13-1801 (f) (7)

Sanitariums, convalescent homes, homes for the aged and similar institutions. At least one parking space for each two beds for patients contained in such buildings, plus one parking space for each two employees.

Section 13-1801 (q)

(q) Parking waiver. The Administrative Official shall be authorized to review and act upon applications for administrative waivers of off-street parking requirements for properties with multiple uses where an applicant can demonstrate that differing hours of operations of existing businesses, or other conditions, justify such a waiver.

No waiver shall be granted greater than 15 percent of off-street parking requirements for a single use, or that would result in a cumulative total greater than 20 percent of off-street parking requirements for an entire property.

The Administrative Official, in consultation with the Town Engineer, shall review and evaluate such applications as indicated in the following sections. In the event a waiver exceeding 15 percent for an individual use is requested or more than 20 percent for an entire site the request shall be reviewed by the Town Council as a conditional use pursuant to the requirements of the Town's Code.

I. 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 only to the ALF and SNF, the overall project is accompanied by a FLUM amendment from Industrial Office to Medium High Residential, a rezoning from IU-C to RM-36, plat, and a site plan for a 220-unit Senior Living Community. This report speaks solely to the ALF and SNF requests. 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 with all applicable codes of the overall development plan for the entire 19.5 Acre site.

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, the Senior Living Community site plan, then this ALF and SNF variance, conditional use, and 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 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.

J. ANALYSIS

The Town's Land Development Code provides that all proposed Conditional Uses larger than 4,000 square feet be considered at a public hearing before the Town Council and be accompanied by a companion site plan application. The order of this analysis shall commence with the variance request pursuant Section 13-305(f)(1), followed by the Conditional Use request pursuant to Section 13-303(b)(3), and concluded by the Site Plan request pursuant to Section 13-304(h). All portions of this report are incorporated into all portions of this analysis.

PART 1. Variance

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."

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.

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 “I” 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. 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” of this Analysis subsection below. A reduction of twelve (12) parking spaces results in approximately eleven percent (11%) fewer spaces than is required. Reduction request of fifteen percent (15%) or fewer are normally processed as administrative waivers pursuant to Section 13-1801(q). In this context, and notwithstanding the Conditional Use and Site Plan requests, an administrative waiver of the parking requirement would typically be approved pursuant to Sec 13-1801(q) as it may have been deemed an administrative minor request. However, this item is before Town Council because it is associated with a conditional use and site plan requests which seeks to ensure that unintended impacts of the project are properly mitigated.

Because of the associated Conditional Use request, the code by default requires a higher level of consideration to ensure unintended impacts are mitigated. This request is driven by the number of beds requested for the ALF/SNF. The Applicant is relying upon their plan and 75 years of operating experience in claiming their approach is appropriate to their operational model. The data appears to support the claim.

The complex itself is designed with two separate structures, one housing the ALF and the other the SNF; the parking areas are in the center. This configuration allows full sharing of parking between the two uses as they have peak parking demands at different times (the SNF demand occurs principally during daytime hours, whereas ALF demand is principally evening and weekends). This demand expectation is consistent with The Institute of Transportation Engineers (ITE) recommendations for this type of use⁴ and is consistent with the Applicant’s experience. The design of the facility provides for pick-up and drop off areas. MJH operates a fleet of buses for its various locations in Miami-Dade and Broward. Buses range in size and uses from small passenger vans to large non-emergent transport buses which can accommodate up to ten (10) wheel chair patients and

⁴ See Institute of Transportation Engineers, *Parking Generation*, 4th Edition, Page 193 which shows average peak period parking demand for nursing home use from 9:00 AM to 4:00 PM to be about 0.35 vehicles per bed.

seated passengers. Anticipated schedule at the facility will include two scheduled round trips a day to Main Street and Publix. Depending on volume, trips may increase and include additional stops as scheduled by the site administrator. Each resident can request assistance with transportation to and from medical apportionments and recreational activities with the ALF staff. Additionally, many patients enjoy and utilize private medical transport that is covered under their insurance policies to access insurance covered services. Therefore, general functionality of the site as an ALF/SNF does not lend itself to higher parking demands as may be associated with traditional medical uses or residences. Thus, it is not anticipated that full operation of the facility would result in overflow parking onto the rights-of way.

Nevertheless, to ensure the use is properly mitigated in the context of this parking reduction request, all parking operations shall be contained on site and be conducted in a manner that is safe and orderly. Repeat violations or any ongoing uncorrected violation, as provided at Section 8-4 of the Town's LDC, of these conditions herein, shall require remedy else the variance and site plan approval associated with this request may be voided.

Finding: Conditionally complies. All parking operations shall be contained on site and be conducted in a manner that is safe and orderly. Repeat violations or any ongoing uncorrected violation, as provided at Section 8-4 of the Town's LDC, of these conditions herein, shall require remedy else the variance and site plan approval associated with this request may be voided. The facility shall be operated in substantial compliance with the Applicant's Operation Pan as attached as an addendum to their Letter of Intent, particularly as it pertains to transportation of patients and residents.

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

Analysis: See Section B, Summary and Criteria "b" above. The proposed site is part of a larger development plan geared towards the creation of a senior community. The Applicant has operated such facilities for over 75 years and brings with them a thorough understanding of parking demands associated with such operations. It appears the Town's LDC may over count the actual amount of parking demanded by such uses.

Finding: Conditionally complies as provided at criteria "b" above.

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

Analysis: See Section B, Summary and Criteria "b" above. The site plan is arranged to contain all nature of operations of the facility onsite, including parking, ambulance service areas, and patient drop off areas, while maintaining well landscaped surrounding areas.

Finding: Conditionally complies as provided at criteria "b" above.

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 Criterion “b” above and Part 2, Conditional Use analysis provided below at Criterion “c” regarding the proposed use. The plan addresses how parking demands are anticipated by the facility. Pursuant to Sec 13-1801(f)(7) the required parking for a “*Sanitariums, convalescent homes, homes for the aged and similar institutions*” results in 0.5 spaces per bed. As indicated in the Letter of Intent, it is their experience, as operators of a Skilled Nursing Facilities, that such uses demand less parking than other types of convalescent homes. They assert that experience reveals a ratio closer to 0.35 parking spaces per bed. This is generally because the population served is beyond driving age and the types of rehabilitation treatments offered necessitate that patients be delivered to the facility by family or private transport. Using 0.35 per bed requirement and applying it only to the SNF portion of the application, the parking requirements would be as follows:

96 ALF beds x 0.5 = 48 parking spaces
84 SNF Beds x 0.35 = 29.4 parking spaces
38 staff x 0.5 = 19 parking spaces
48 + 29.4 + 19 = 96.4 parking spaces

The applicant further states that since 14 out of the 96 ALF beds are reserved for hospice or end of life care, the parking demand for those spaces would be further reduced.

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

- 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: See Section B, Summary, and criteria “b” and “e” above.

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

- 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.

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

PART 2. Conditional Use

The following is an analysis of the conditional use request based on the criteria pursuant to Section 13-303(b)(3) of the Code.

- a. Land Use Compatibility.** The conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities in the immediate vicinity. For purposes of a conditional use review, compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility of land uses is dependent on numerous development characteristics which may impact adjacent or surrounding uses. They include: type of use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances. Compatibility shall be measured based on the following

characteristics of the proposed use or development in relationship to surrounding development in the immediate area:

1. Permitted uses, structures and activities allowed within the land use category.
2. Building location, dimensions, height, and floor area ratio.
3. Location and extent of parking, access drives and service areas.
4. Traffic generation, hours of operation, noise levels and outdoor lighting.
5. Alteration of light and air.
6. Setbacks and buffers such as fences, walls, landscaping and open space treatment.

Analysis: See Sections B, Summary, D, Background, and Part 1, Variance. Both the ALF and SNF are allowed as conditional uses in the IU-C district. The conditional uses are proposed within an existing IU-C Industrial District, on a lot surrounded by office and warehouse uses. The buildings are sited to either comply with or exceed required setbacks, as well as height and massing requirements, including lot coverage and open space. The project proposes two structures, one housing the ALF and one housing the SNF, with a central open courtyard featuring an ovoid roof structure and central garden. The result is a framed view of the lake just beyond to the west. The buildings are positioned parallel and L-shape in a manner to allow the penetration of light and breezes, as well as provide visibility of the lake from the main central courtyard entrance. The project includes direct access to the lakeside walkway that links it to the proposed neighboring senior residential area and community center.

The parking areas provide for suitable circulation and configuration, including a patient drop-off area, a delivery driveway, and a loading and parking area for hearses and emergency vehicles. The parking is located between both ALF and SNF buildings closest to Commerce way, and within appropriate setbacks. This configuration allows for parking to be fully shared by both conditional uses. The configuration lends itself to maximize capture of parking operational demands given each use has peak hours at different times of the day and week (See Part 1, Variance Analysis at Criterion “b”). As such the proposed amount of parking appears to be appropriate as further condition at Criterion “b” of the Variance Analysis, Part 1 above, and provided herein as part of the Findings.

As indicated in the attached traffic analysis prepared, signed and sealed by Cathy Sweetapple and Associates and peer reviewed by Marlin Engineering on behalf of the Town, the ALF portion of the application will contribute 293 daily trips while the SNF portion will contribute 261 trips, for a total of 554 trips combined. The facilities will operate 24 hours a day and seven days a week. Staffing is proposed to consist of three (3) shifts of 38 employees each. The shifts are timed to not coincide with peak traffic demand for adjacent roads, with beginning and end times at 7:00 am, 3:00 pm and 11:00 pm. Service, deliveries and trash for both facilities are proposed to take place on the service corridor located on the northern part of the lot. The operation of ALF and SNF is not anticipated to generate any noise beyond the normal levels of building mechanical service equipment such as generators, chillers, transformers and air conditioners, all of which are proposed to be located on the roof of the structures. The proposal is not anticipated to alter access to light and air of any of the surrounding properties. The lot is proposed to be adequately landscape in accordance with LDC requirements. The central courtyard featuring the ovoid roof structure is proposed as a public gathering space, as well as a pick-up and drop-off area and a connection to the lakeside walkway proposed to border the lake, interconnecting the three parts of this complex: the ALF/SNF, the Senior Residences and the Community Center.

Finding: Conditionally complies. Staffing shifts shall be timed to not coincide with peak traffic demand for adjacent roads, with beginning and end times at 7:00 am, 3:00 pm and 11:00 pm.

- b. Sufficient Site Size, Site Specifications, and Infrastructure to Accommodate the Proposed Use.** The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

Analysis: See Sections B, Summary, D, Background, and Part 1, Variance of the Analysis Section. The subject site is of sufficient size and appropriate configuration to accommodate all proposed improvements (building, parking area, landscaping, etc.), and complies with the Land Development Code without the need for setback or open space variances. A variance is requested to reduce parking requirements by 11% and staff is recommending approval based on the different peak demand times for the two conditional uses, the availability of provided transport services, and the recommendations of the ITE of similar uses.

Finding: Conditionally complies as provided at Part 1, Criterion “b” of this Analysis Section above.

- c. Compliance with the Comprehensive Plan and Land Development Code.** The conditional use shall comply with environmental, zoning, concurrency and other applicable regulations of this chapter, and shall be consistent with the Comprehensive Plan.

The following is a review and analysis of the relevant Goals, Objectives and Policies of the Town’s Comprehensive Master Development Plan (Comp Plan). Each policy is analyzed individually and accompanied by a finding unique thereto.

Analysis: See Section “B” and all portions of Part 1 of Section “I” Analysis. The Town’s Comp Plan at **Policy 1.1.2**, provides for generalized permittable uses within each land use category. The Industrial Office designation permits hospital type uses and others that may have particular-conditional siting concerns such as that requested by the Applicant. The IU-C, Industrial Office - Condition, zoning district permits such uses upon a finding compliance with the Conditional Use criteria at Section 13-303(b)(3). All portions of this report are incorporated into this specific analysis.

Finding: Conditionally complies as provided within Part 1 of this Analysis.

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 the Applicant and those as contemplated by the companion applications, provides for fewer trips than those already vested. However, should the Applicant fail to secure the proper permits to prior to the expiration of those vested rights, Applicant shall be required to come into compliance with the Mobility Fee program.

Finding: Conditionally complies provided all required permits are issued for the companion 220-Unit Senior Housing Village adult community site plan, as provided under separate cover, and the Miami Jewish Health Systems conditional use and site plan, 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.

Finding: Complies.

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

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

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

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

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

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

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

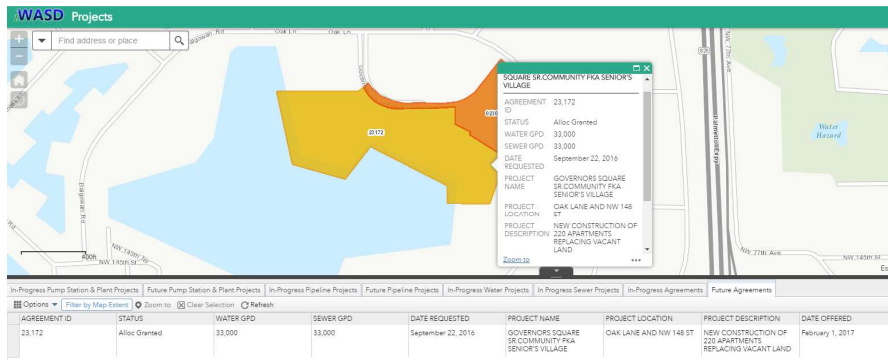
Effluent. Effluent discharged from wastewater treatment plants shall meet all federal, state, and county standards.

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

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

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

Analysis: 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.



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:⁵ 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 100 bed ALF.

	Required LOS*	Required Acres	Actual LOS	Actual Acres	Surplus (Deficit) LOS	Surplus (Deficit) Acres	MJH Required Contribution LOS (1)	MJH Required Contribution Acres	MJH Donation LOS	MJH Donation Acres
Large Parks	3.25	95.42	2.10	61.75	(1.15)	(33.67)	0.011	0.325	0.000	0.000
Small Parks	1.75	51.50	1.89	55.62	0.14	4.12	0.006	0.175	0.008	0.230
Total	5.00	147	3.99	117.37	(1.01)	(29.55)	0.017	0.500	0.008	0.230
*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 0.325 acres. Compliance can be achieved by paying a

⁵ 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 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.

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 0.325 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.
- d. Proper Use of Mitigative Techniques.** The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

Analysis: See Sections B, Summary, D, Background, Criterion "a" of this Analysis and Part 1, Variance of the Analysis. Subsection 13-303(b)(3)d further clarifies the meaning of "proper use of mitigative techniques" as follows:

"The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare."

As noted in other portions of this Analysis, the proposed project is designed to provide appropriate landscaping and aesthetic improvements to appropriately fit into its setting. Parking operations shall be governed as provided at Part 1, Variance, Criterion "b".

Finding: Conditionally complies as provided at Criteria "a" of this Analysis and Part 1, Criterion 'b' of the Analysis above.

- e. Hazardous Waste.** No conditional use which generates hazardous waste or uses hazardous materials shall be located in the Town unless the specific location is consistent with the Comprehensive Plan and Land Development Code, and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources, as may be applicable now or in the future. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation unless the Town Council, designated Town Board or Administrative Official, as applicable, approves conditions requiring mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The mitigation plan and conditions imposed by the Town Council, designated Town Board or Administrative Official, as applicable, shall provide for appropriate identification of hazardous waste and hazardous material, and regulate its use, storage and transfer consistent with best management principles and practices as required by the appropriate permitting agencies.

Analysis: The project does is not anticipated to produce any hazardous materials or waste. Regular waste and medical waste is proposed to be removed on a regular basis via service corridors, utilizing properly licensed private vendors as mandated by regulating agencies.

Finding: Complies.

PART 3. Site Plan

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.

Analysis: See Sections “B”, Summary, and “J” Analysis, Part 2, Conditional Use at Criterion “C”.

Finding: Conditionally complies provided in Part 2 of the Analysis above.

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

Analysis: See Sections “B” Summary, and “J” Part 1, Variance, and Part 2 Conditional Use. The application was properly noticed pursuant to Section 13-309 of the Town’s Land Development Code. The proposed site plan request complies with those applicable land use and zoning provisions as conditionally provided for at Part 1 and 2 of Section “J”, Analysis.

Finding: Conditionally complies as provided in all portions of Section “J” Analysis.

- (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 Part 2 of the Analysis section. Much of the infrastructure within the rights-of-way needed to support this project are existing. Further, Part 2 of the 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 Council⁶. 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 provided in Part 2 of the Analysis above. 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 Section "B" through "I", including Part 1, Part 2, and Part 3 of the Analysis Section. The proposed site design conforms to the development standards of IU-C, Industrial Use – Conditional, zoning district as further analyzed and conditioned at Parts 1 and 2 of the Analysis Section. The project complies with landscape and open space requirements.

Finding: Conditionally complies as provided in all portions of the Analysis Section and its findings.

⁶ 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.

- (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. 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.