



Growing Beautifully
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:** ZONE2017-0001
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: April 18, 2017

A. REQUEST

In accordance with the Town of Miami Lakes Land Development Code (the "Code"), The Graham Companies (the "Applicant") is requesting an amendment to the Official Zoning Map (a "rezoning") from the IU-C, Industrial Conditional Use, to RM-36, Residential Multifamily Medium Density for the property described at Exhibit "A" of the proposed ordinance.

B. SUMMARY

The Applicant, The Graham Companies, Inc., is requesting a change to the existing zoning map, from IU-C designation to the RM-36 designation, to allow for the development of 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 component. In addition, the applicant proposes to construct and donate to the Town a senior-oriented community center. The rezoning itself 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.

Future development of the site is to include a 220 unit apartment, most of which are offered as one-bedrooms. The project is being fashioned as “housing for older persons” as so 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 be 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 the 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.

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.

On March 21, 2017, The Planning and Zoning Board, acting in the capacity as the Local Planning Agency approved the request with the following conditions:

1. The completion and finding of acceptability of the traffic study;
2. The completion and finding of acceptability by the Miami-Dade Public School Board of the application for school concurrency for this project; and
3. The companion applications are approved at second reading of this item;
4. Must provide Park mitigation plan for project’s proportionate share;
5. Must provide updated survey of property subject to the FLUM amendment, and
6. Voluntary submission by applicant of a covenant restricting the minimum age to 62 years.
7. An effective date 31 days after approval on second reading and the earlier of the State of Florida’s Department of Economic Opportunity approving the underlying FLUM amendment or a challenge to the FLUM is resolved with a final order of compliance from the state.

Each of the above conditions is addressed in the Analysis below.

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. STAFF RECOMMENDATION

Therefore, based on the analysis provided below and other factors contained in this report, Staff recommends that the Town Council approval the proposed ordinance rezoning of the property as described at Exhibit "A" of said ordinance, from IU-C Industrial Office – Conditional Use, to RM-36, Medium Residential with following conditions:

1. That the following Zoning Hearing companion items be approved:
 - a. FLUM amendment Application of the property described at Exhibit "A" of the staff report; and
 - b. Plat for entire 19.5 acre site; and
 - c. 220 Unit Senior Housing Village adult community site plan; and
 - d. Miami Jewish Health Systems conditional use and site plan.
2. Issuance of permits for the 220 unit Senior Housing Village adult community and the Miami Jewish Health Systems facility 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.
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 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 the residential properties within the Town owned by The Graham Companies and/or its affiliates, then the each occupied unit shall have at least one person 55 years of age or older; and
 - e. The term of the covenant shall expire in 30 years with three (3), ten (10) year automatic renewals thereafter.

5. As 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 Attachment "A" of the staff report.
6. The Applicant shall pay a 'large park' concurrency impact fee, to be calculated at the time of permitting, pursuant to Chapter 33H of the Miami-Dade County Code of ordinances, or donate a minimum of 1.51 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 Attachment "A" of the staff report.
7. 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 Attachment "A" of the staff report.
8. Notwithstanding Condition 2 above, the ordinance shall not become effective earlier than 31 days after approval on second reading by the Town Council, or if challenged, when the state Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance..
9. Compliance with all other applicable laws not specifically identified herein.
10. Prior to second reading, Applicant shall provide the following documents as already proffered in their Letter of Interest which shall provide for the transfer of title any real property associated with this approval, as acceptable to Town Staff and in a form acceptable to the Town Attorney.

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D. BACKGROUND

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

Proposed Zoning District: RM-36 Residential Multifamily Medium-High Density

Future Land Use Designation: (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. 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

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Subject Property Location Map:



Figure 1: Location aerial and folio numbers

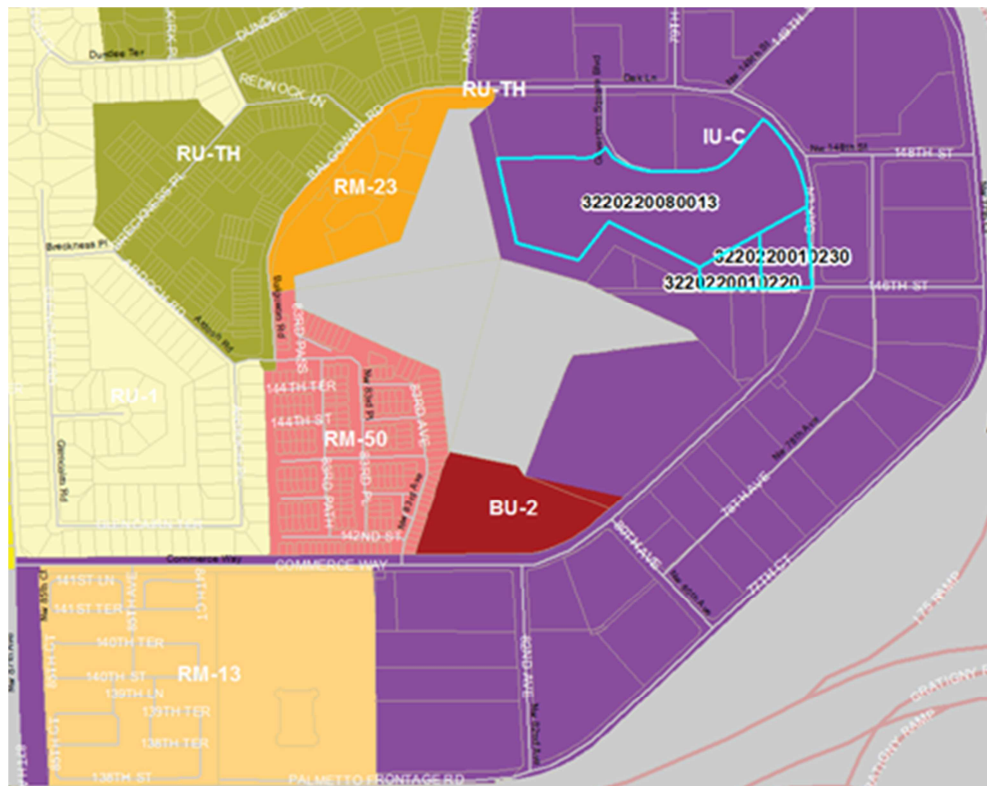


Figure 2: Existing zoning map

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 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. Although this application applies to only the rezoning 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, plat, and two 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 Comprehensive Plan Amendment process. As a matter of procedure, a vote on this item shall occur before all of the companion applications. This condition persists pursuant to Florida Statute that requires zoning 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 Planning and Zoning Board, acting in its capacity as the Local Planning Agency, heard this item and its companion rezoning on March 21, 2017, and recommended conditional approval as presented in the summary above and further analyzed in the analysis below. Both are now before the Town Council for consideration at 1st reading. Subsequent thereafter, both items will return, with aforementioned plat, two site plans, and conditional use, to be heard concurrent with the second reading of the FLUM amendment and rezoning. Each item will be voted on separately, starting with this FLUM amendment, followed by the rezoning item, then the plat, conditional use, and two site plans. 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 Council² 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. ANALYSIS

The Land Development Code (LDC) provides that all proposed amendments to the Official Zoning Map and to the text of the LDC shall be evaluated by the Administrative Official, the Local Planning Agency and the Town Council, and that, in evaluating the proposed amendment, the criteria in Subsection 13-306(b) shall be considered. All portions of this report are hereby incorporated into all portions of this analysis. The following is a staff analysis of the criteria as applied to this application:

1. Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

The following is a broad review of the relevant Goals Objectives and Policies (GOP's) of the Comprehensive Plan. Portions of Element 8, Capital Improvement Element, that address Level of Service (LOS) standards, as found more specifically at Policy 8.3.5, are not specifically enumerated here as they merely are a redundancy of the GOP's analyzed below. The review provided below includes that policy by reference³.

The area proposed for rezoning is under the Industrial Office Use future land use designation of the Comprehensive Plan. An application to amend such designation to Medium-High Density Residential is underway as well and being heard by the Council

² Effective date of this amendment is further conditional as provided in the Recommendation Section of this report.

³ Element 8, Capital Improvement Element, of the Comp Plan, provides for Level of Service infrastructure standards within the Town. Policies 2.1.8, 2.2.1, 2.2.2, 4A.1.1, 4B.1, 5.1.1, 8.3.1 are a restatement of Policy 8.3.5 of that element. In the interest of avoiding redundancy, portions of that Policy are not restated here in this report. The analysis provided herein shall equally apply to that policy.

along with this request for rezoning. 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:

**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 rezoning to RM-36 (i.e. 36 units to the acre) which would potentially allow a maximum of 340 new residential units in the 9.45 Acre site. The companion 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: See Policy 2.1.8. The proposed project will benefit from several proposed transportation improvements in the neighboring areas:

2. Reconfiguration of the Intersection between the Palmetto and 154th Ave, which includes the following:
 - a. Widening of 154th Street from 79th Ave to the Palmetto
 - b. Direct ramp to I-75
 - c. East-west underpass across the Palmetto Expressway at 146th Street
 - d. East-west underpass across the Palmetto Expressway at 160th Street
3. Adaptive Signalization in 154th St
4. Greenway Trail along 77th Ct.

Finding: Conditionally complies as provided for at Policy 2.1.8.

Policy 2.2.2: All applicants for Future Land Use Map (FLUM) amendments or other comprehensive plan amendments that would change development rights for specific properties are required to provide a mobility analysis study, utilizing professionally acceptable methodologies to demonstrate how the amendment will impact the Town's goal, objectives and policies of this element. Additionally, the mobility analysis study shall include a traffic analysis sufficient to determine if the proposed amendment would significantly affect one or more SIS facilities, including interchanges where applicable. Where it is determined that there would be significant impact to one or more SIS facilities, a more detailed traffic analysis shall be required, as well as coordination with any affected agency for mitigation of those impacts.

Analysis: See Policies 2.1.8 and 2.2.1. As demonstrated in the Applicant's traffic analysis, and confirmed by the Town's engineering consultant, the proposed project in its entirety, 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, provides a lesser impact than those trips already vested by the existing development potential. Through the adoption of the Town's Mobility Fee initiative, as further identified at Policy 2.2.1 above, project plans are under development to improve Town traffic flows.

Finding: Conditionally complies as provided for at Policy 2.1.8.

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 the 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 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.

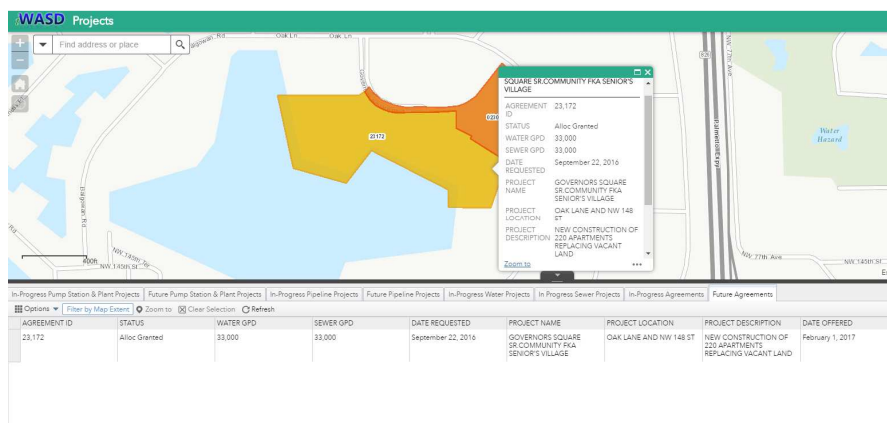


Fig 3. MDWSD allocation for the project. (<http://www.miamidade.gov/water/water-supply-facilities-work-plan.asp>)

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.

	Required	Existing		Senior Housing		
	LOS	Acreage	LOS	Required	Donation	Adj. LOS
Large Parks	3.25	64.15	2.18	1.51	0	2.15
Small Parks	1.75	55.62	1.89	0.81	1.3	1.91
Total	5	119.77	4.08	2.321	1.3	4.06

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 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.

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 "A" of the staff report.

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 Chapter 33H of the 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.

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 "A" of the staff report.
3. Prior to second reading, Applicant shall provide those documents as already proffered in their Letter of Interest which shall provide for the transfer of title any real property associated with this approval, as acceptable to Town Staff and in a form acceptable to the Town Attorney.

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. The Miami-Dade County School Board (School Board) concurrency determination review does not reserve or allocate seats at the time of FLUM amendment or rezoning. Such reservation/allocation occurs at that time of plat and site plan. The School Board's review of this portion of the request (attached herein) found it to be in compliance. Reservation/allocation and/or mitigation of class room seats shall be performed at plat and site plan.

Finding: Complies

2. **Whether the proposal is in conformance with all applicable requirements of this Code of Ordinances, including this chapter.**

Analysis: The application was properly noticed pursuant to Section 13-309 of the Town's Land Development Code. A review of the Land Development Code found no provisions in conflict with the request.

Finding: Complies.

3. **Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed change in land use policy.**

Analysis: See Criterion 1. As contemplated at Objective 3.4 of the Comp Plan, this project offers the opportunity for the Town to provide housing options for older adults to age in community, and in a setting that serves their unique needs, while allowing them to remain in the community where supporting family members may live nearby. At present, there are limited existing properties with residential zoning able to accomplish the overall development plan of a comprehensive senior village. This application represents one piece towards that objective by providing a zoning designation that can accommodate a 62-and-over living community in the broader context of a senior village.

Finding: Conditionally complies as provided for in Criteria 1.

4. **Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land use.**

Analysis: See Criteria 1. When viewed through the context of a senior village, the proposed rezoning in combination with other components of the project, as provided under separate cover, may be considered compatible with the surrounding existing uses. The additional components of the project: The assisted-living and skilled-nursing facility and the senior community center are in and of themselves, otherwise permitted without the need for a change in zoning and land use designations. The need for proximity with these additional components of the project makes the rezoning advisable.

Finding: Conditionally complies as provided for in Criteria 1.

5. **Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including schools, transportation, water and wastewater services, solid waste disposal, drainage, water supply, recreation, education, emergency services, and similar necessary facilities and services.**

Analysis: See Criterion 1 and all portions of this report. As demonstrated in the analysis of Criteria 1, concurrency is vested, complied, or provided with remedy necessary bring the proposal into compliance as further provided for in the associated conditions. Further, the mobility projects contemplated in the area further enable concurrency within the area.

Finding: Conditionally complies as provided for in Criteria 1.

6. **Whether, and the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of any groundwater aquifers, wildlife habitats, and vegetative communities.**

Analysis: No natural features have been identified in the area proposed for rezoning that would potentially be vulnerable to negative impacts of the proposed development permitted by the RM-36 regulations. A fuller review will be required by the Miami-Dade County prior to construction activities.

Finding: Complies.

7. **Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.**

Analysis: The proposed FLUM amendment and rezoning is not expected to affect adversely property values in the area, or the general welfare. On the contrary, Staff finds that the changes are expected to be a boom to economic development and enhance property values in the Town by leading to the creation of a senior village.

Finding: Complies

8. **Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.**

Analysis: See Criteria 1, 2, 3, and 4. As described at Criteria 3, and when viewed through the concept of a Senior Village, the proposed rezoning may be considered compatible. Further, the uses proposed would generally produce fewer vehicular trips than may be calculated for office use which is permitted under the current designation.

Finding: Conditionally complies as provided for in Criteria 1.

9. **Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of this chapter.**

Analysis: See Criteria 1, 2, 3, 4, and 5 and Summary Section. As previously stated, the creation of an “aging in community” development in the form of a senior village advances several goals and objectives identified in the Town of Miami Lakes Comprehensive Plan.

Finding: Conditionally complies as provided for in Criteria 1.

10. **Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.**

Analysis: See Summary Section and all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine

whether the proposed FLUM amendment is appropriate and consistent with the public interest. The Analysis Section addressed the conditions suggested by the Planning and Zoning Board.

Finding: As determined by the Town Council.