



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: March 7, 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-High Density for the property described as Track “A” in Attachment “A” of the proposed ordinance.

B. 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 |

Subject Property Location Map:

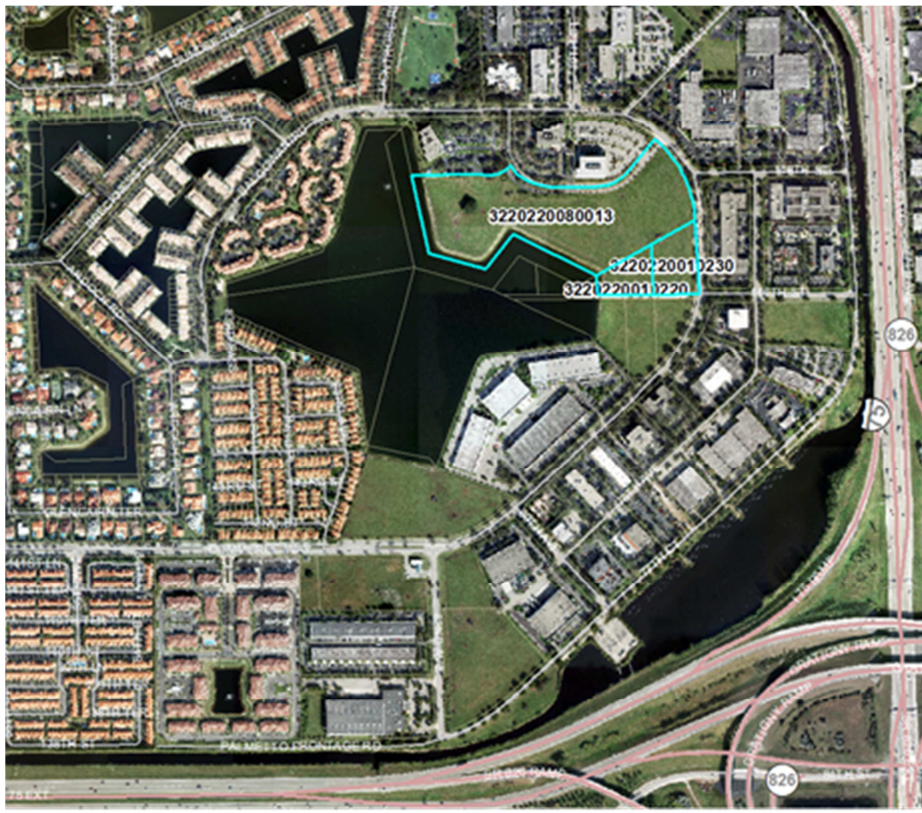


Figure 1: Location aerial and folio numbers

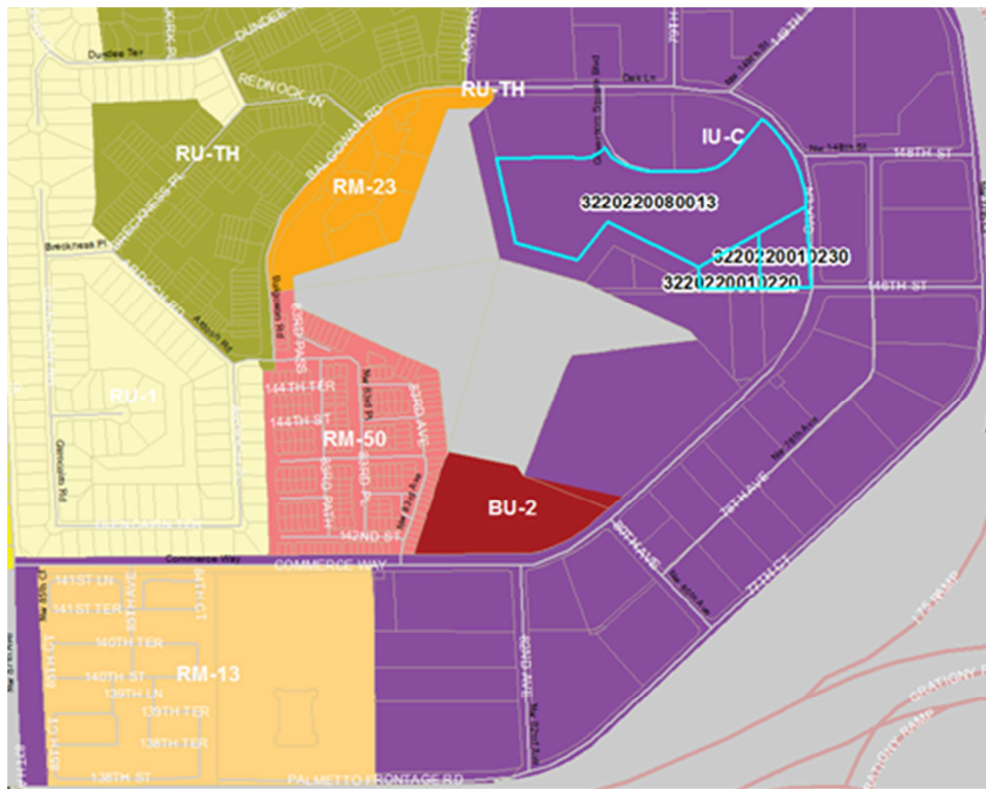


Figure 2: Existing zoning map

SUMMARY OF PROPOSAL AND STAFF ANALYSIS

C. 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 place”, 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 apartment residential units, most of the which are offered as one-bedrooms, as well as an 8,000 square foot private recreation building; the site-plan will be considered together with this item at second reading, and shall be submitted under separate cover. The applicant is offering a self-imposed Declaration of Restrictions limiting the parcel to senior housing for adults 62 years of age or older¹, the term of which shall expire in 30 years without automatic renewal.

D. 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 82nd 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

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.

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.

E. PROCEDURALLY

This application is initiated by the owner of the land involved, and it is part and parcel with a larger comprehensive development. 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 a specified development plan. Although this application applies only to the rezoning of 9.5 acres of the total 19.5 acre site, the overall project is accompanied by a future land use map (FLUM) amendment, plat, and two separate site plans: one for the age-restricted housing and the other for the assisted living and skilled nursing facility, as well as a Conditional Use for the assisted living and skilled nursing facility. The hearing reflective of this report speaks solely to the rezoning process. As a matter of procedure, a vote on this item shall only occur after consideration and approval of the proposed FLUM amendment. 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 is acting in its capacity as the Local Planning Agency as it considers this item and its companion rezoning; afterward, both will be scheduled for first reading by the Town Council. Subsequent thereto, both items will return, with aforementioned plat and two site plans, for second reading. Each item will be voted on separately, starting with the FLUM amendment, followed by this rezoning item, then the plat, two site plans and conditional use. 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 this request and all companion applications, shall be 31 days after adoption by the Town Council.

F. 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.**

Analysis:

The following is a broad review of the relevant Goals Objectives and Policies (GOP's) of the Comprehensive Plan of the Town of Miami Lakes. Those GOP's that address Level of Service (LOS) standards for the various elements also appear in Element 8, Capital Improvement Element, as found more specifically at Policy 8.3.5. In the interest of avoiding redundancy, that section is not re-cited for analysis purposes. The review provided below includes that policy by reference.

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 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

The proposal to add senior housing to this site would advance the following goals and objectives of the Town of Miami Lakes Comprehensive Plan:

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: The development contemplated by the companion site plan, as provided under separate cover, has been vested through the improvements already provided by the Applicant to the Town. A letter indicating the acknowledgment of such vested rights is provided as Exhibit A.

Objective 2.2: MULTIMODAL LEVELS-OF-SERVICE

Achieve the adopted levels-of-service for vehicular, bicycle, pedestrian and transit modes.

Analysis: See Policy 2.1.8. Mobility Study analysis is pending.

Finding: Pending

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 and Section D, Adjacent Mobility Projects. A fuller mobility analysis is pending, however the proposed project will benefit from several nearby mobility transportation improvements projects as provided below and further described in Section D, Adjacent Mobility Projects, above:

1. Reconfiguration of the SR 826/Palmetto Expressway and NW 154th Street, which includes the following:
 - a. Widening of NW 154th Street from NW 82nd 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.
2. Adaptive Signalization on NW 154th Street from NW 87th Avenue to NW 77th Avenue.
3. Greenway Trail along NW 77th Court from NW 170th Street to its terminus at the proposed dog park.

Finding: Pending

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 Policy 2.1.8. Mobility analysis is pending.

Finding: Pending

Goal 3: Provide a multi-faceted housing program that will advance decent, safe and affordable housing options and opportunities in Miami Lakes.

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 center 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 all the preceding policies because it is located within the existing infrastructure of the Town, in an area with easy access to county and municipal services, including water and 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 standard²:

- 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 |

² 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.

| | |
|--|-------|
| 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.

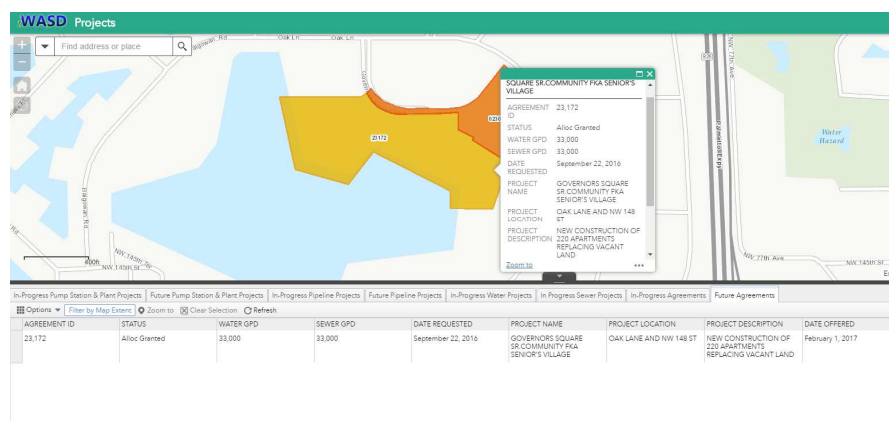


Fig 3. MDWSD allocation for the project. (<http://www.miamidade.gov/water/water-supply-facilities-work-plan.asp>)

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: The Town is currently underserved with regard to level of service for “Total Park Area” and “Large Park Area” (3.85 and 1.98 respectively). The town has existing capacity with regard to “Small Park Area” (1.87). The applicant will be required to mitigate their proportionate share of required park land prior to final approval of their request.

Finding: Conditionally complies provided the applicant provides a mitigation plan for their proportionate share of Total and Large park area.

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: An application to Miami-Dade County School Board for school concurrency determination has been submitted but, it is still waiting processing by school board administrators at the time of this review for first reading. Complete review of this criterion will be provided prior to second reading.

Finding: Pending final review of Miami-Dade School Board

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 (Exhibit B). 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 Comprehensive Plan, this project offers the opportunity for the Town to provide housing options for older adults to age in place, 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 existing residential zoning that are both large enough and meet other location requirements to allow accomplishing 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 55-and-over living community in the broader context of a senior village.

Finding: Complies

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: 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 to these additional components of the project makes the rezoning advisable.

Finding: Complies

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. The traffic study was not complete at the time of this review for first reading. Complete review of this criterion will be provided prior to second reading.

Finding: Pending final review of traffic study

- 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: Complies

- 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 8. As previously stated, the creation of an “aging-in-place” development in the form of a senior village advances several goals and objectives identified in the Town of Miami Lakes Comprehensive Plan.

Finding: Complies

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

Analysis: The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed RM-36 rezoning is appropriate and consistent with the public interest.

Finding: As determined by the Town Council.

G. RECOMMENDATION:

Therefore, based on the above analysis and other factors contained in this report, Staff recommends that the Planning and Zoning Board vote to recommend to the Town Council approval of the ordinance rezoning the property as identified as Tract “A” at Attachment “A” of said ordinance, from the IU-C to the RM-36 District so that many following conditions, where applicable, may be addressed:

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 projects proportionate share;
5. Must provide updated survey for property subject to rezoning; and
6. An effective date 31 days after approval on second reading upon approval of the State of Florida’s Department of Economic Opportunity approving the underlying FLUM amendment.