



Department of Planning, Zoning and Code Compliance  
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## Staff Analysis and Recommendation

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**To:** Honorable Mayor and Members of the Town Council

**From:** Alex Rey, Town Manager

**Subject:** **HEARING NUMBER:** PLAT2016-0006  
**APPLICANT:** TGC Senior, LLC  
**FOLIO:** 32-2022-008-0013; 32-2022-001-0220; 32-2022-001-0230  
**LOCATION:** West of Commerce Way and the intersection of NW 146 St  
**ZONING DISTRICT:** IU-C Industrial District Conditional  
**FUTURE LAND USE:** Industrial and Office (IO)

**Date:** December 6, 2016

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### REQUEST

In accordance with Subsection 13-308(f)(2) of the Town of Miami Lakes Land Development Code (the "LDC"), TGC Senior, LLC (the "Applicant") is requesting preliminary plat approval for the subject property located on the West side of Commerce Way at the intersection with NW 146<sup>th</sup> street in order to replat portions of existing tracts and create a new subdivision with various tracts of land as follows:

- Tract A: 9.445 Acres – Proposed:  
A) 220 units multifamily apartments (Senior age-restricted living facility)  
B) 8,000 sf private recreation building
- Tract B: 1.297 Acres - Community Center 8000 sf
- Tract C: 4.164 Acres - Health services/ Assisted Living Facility  
A) Assisted Living Facility 100 Beds  
B) Skilled Nursing Facility 80 Beds
- Tract D: 4.308 Acres - Lake area – No proposed development.

### **RECOMMENDATION**

It is recommended that the Town Council approve the application for Preliminary Plat approval, subject to the following conditions:

1. The approval of the preliminary plat shall be in accordance with the copy of the "Tentative Plat" of "Governors Square Senior Community" as submitted for approval to the Town Council and prepared by Schwebke-Shiskin and Associates, Inc. consisting of six (6) sheets and stamped as received by the Town on 11-1-2016.
2. The application for the rezoning of Tract A from IU-C to RM-36 must be heard and approved by the Town Council prior to final plat approval.
3. The Applicant shall comply, prior to final plat approval, with all platting requirements of the Town LDC and Chapter 28 of the Miami-Dade County Code.
4. All design and engineering documents, including any required studies, required for public improvements, or private street, utility and infrastructure improvements required to meet the standards for public facilities per the LDC, shall be submitted concurrently with the final plat application. All required improvements shall be completed and approved by the Town, per the procedures of the LDC, prior to recording of the final plat.
5. No building permit which is dependent upon this plat shall be issued until the final plat is recorded, except as may be allowed by the LDC.
6. The Applicant shall obtain approval of a final plat in accordance with the Town LDC for the requested preliminary plat, as approved herein, within one year of the date of this approval, unless an extension is granted by the Town Council in accordance with the provisions of Subsection 13-308(f)(5). If a final plat is not obtained within the prescribed time limit, then this approval shall become null and void.

### **Background**

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

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

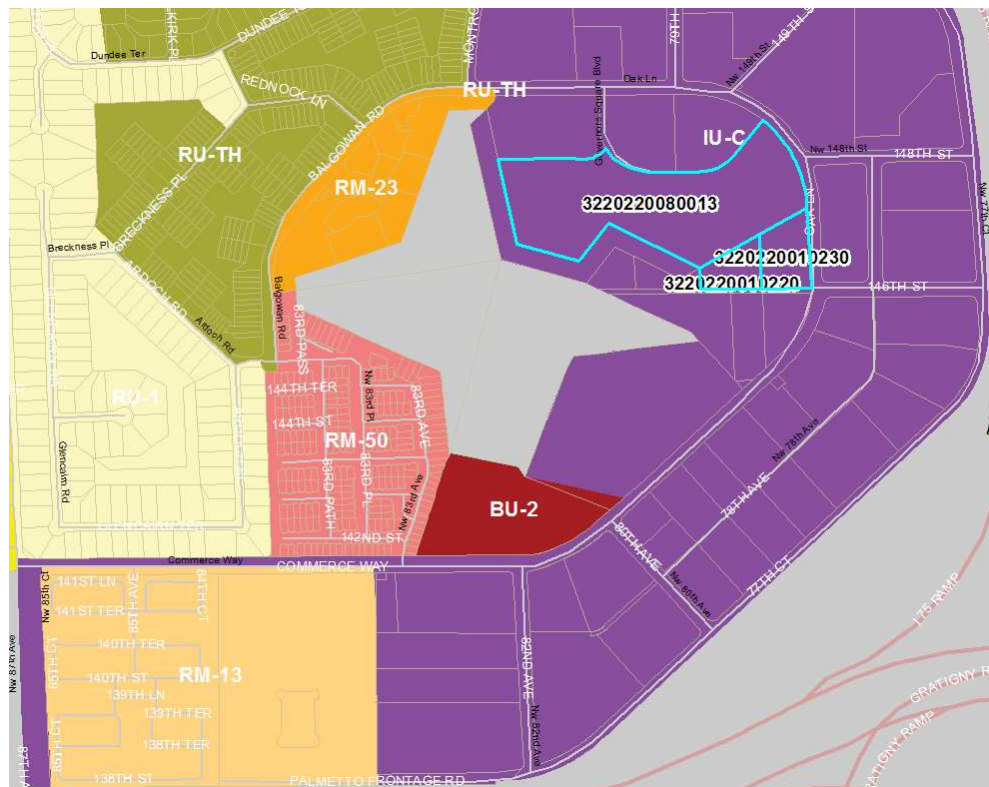
### **Subject Property:**

The subject property is a portion of a larger parcel located on the West side of Commerce Way and South side of Governor's Blvd, which is currently vacant and used as agricultural. The existing property is 14.62 Acres of vacant land with 1.23 Acres of submerged land. It is currently zoned IU-C, and the future land use is Industrial and Office.

### **Surrounding Property:**

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

# Subject Property Location Map:



## **SUMMARY OF PROPOSAL AND STAFF ANALYSIS**

### **Summary**

The Applicant is requesting preliminary plat approval in order create a plat with four tracts of land as follows:

**Tract A:** is proposed as an irregular-shaped 9.445 Acre plat with a 104.76' frontage onto Commerce Way. The property, as platted, is intended to be rezoned from existing IU-C zoning to RM-23, in order to accommodate a senior age-restricted multifamily residential community. The rezoning application has not been received by staff as of the date of this hearing. The senior living community is intended to contain:

- C) 220 units multifamily apartments (Senior age-restricted living facility)
- D) 8,000 sf private recreation building

**Tract B:** is proposed as a 1.297 Acre plat with a 161.48' frontage onto Commerce Ave, a depth of 265' on the North Property Line and of 351.56 on the South Property Line. This tract, as platted, is intended to be improved with a Community Center to be operated by the Town.

**Tract C:** is proposed as a 4.164 Acre plat with a 461.10' frontage onto Commerce Way and depth of 748.47'. This tract, as platted, is intended to be improved with an assisted living facility of 100 beds and a skilled nursing facility of 80 Beds.

**Tract D:** 4.308 Acres - Lake area – No proposed development.

In addition, a 20' Right of Way easement recorded on P.B. 2, pg 68 is proposed to be vacated.

An additional plat application, PLAT2016-0005, to plat the remainder of the property, is also scheduled to be heard by the Town Council at the same meeting as this plat application.

### **Preliminary Plat Approval Criteria**

Subsection 13-308(f)(2)c.2 provides that

The Town Council may consider **[1]** the physical characteristics of the property, **[2]** the availability of community services, **[3]** traffic impact, **[4]** economic impacts, **[5]** appropriateness of the type and intensity of the proposed development, **[6]** existing and future development, **[7]** existing and future development patterns, **[8]** land development regulations, **[9]** relationship of the project to the capital improvements program, or **[10]** other such factors as may relate to the Comprehensive Plan or elements thereof.

#### **1. Physical characteristics of the property.**

The subject property is not appropriate for the development that would be facilitated by this preliminary plat application, as it does not meet all requirements of the LDC at the time of this

hearing, and does not have the appropriate Comprehensive Plan designation and is not zoned appropriately for the proposed use.

The Applicant has indicated an intention to rezone Tract A from the existing IU-C to RM-36. In order for the plat and the proposed uses to comply with the Town LDC, this application must be heard and approved by Town Council.

## **2. The availability of community services.**

The Applicant has satisfied all concurrency and public facility availability requirements for preliminary plat stage of development review. Sufficient controls are in place to ensure that development may not proceed without demonstrating availability of all services or guaranteeing such availability.

## **3. Traffic impact.**

The subject property has existing concurrency vesting, which reflects the infrastructure investments previously made by the applicant, sufficient to allow for the proposed development program. These vested rights include consideration of traffic impact.

## **4. Economic impacts.**

The proposed plat will have substantial economic impacts, such as economic activity generated by construction of a new senior age-restricted living facility, community center, and assisted living facility with medical center, as well as increased value of the subject sites, and thus greater tax revenue and economic activity generated by additional residents and medical office workers and visitors. Additionally, the new community center would attract participants from other areas of the Town, increasing economic activity west of the Palmetto Expressway.

## **5. Appropriateness of the type and intensity of the proposed development.**

Of the proposed tracts of land, tracts B, C, and D are appropriate for the use, the existing IU-C zoning, and the proposed uses, and are consistent with similar buildings and properties in the immediately surrounding neighborhood. However, in order for Tract A to be appropriate for a senior age restricted living facility, an application to rezone the tract from the existing IU-C to RM-36 must be heard and approved by Town Council.

The adjacent properties to the North and East have uses and improvements as follows:

- |                                |   |
|--------------------------------|---|
| • 8100 Oak Lane, -             | 4-story office building with surface parking. |
| • 8000 Governors Square Blvd - | 4-story office building with surface parking. |
| • 7900 Oak Lane -              | 4-story office building with surface parking. |
| • 14817 Oak Lane -             | 1-story office building with surface parking. |
| • 7801 NW 78 <sup>th</sup> Ave | 1-story office building with surface parking. |
| • 14304 Commerce Way           | 1-story office building with surface parking  |
| • 14837 Balgowan Rd            | 2- story multifamily residential.             |

## **6. Existing and future development.**

Impacts of the proposed development in the area will be considered as part of the site plan review process, and staff will determine that all requirements would be met. The proposed development will be consistent with and similar to the existing surrounding neighborhood, with the exception of Tract A, which will require that an application to rezone the tract from the existing IU-C to RM-23 be heard and approved by Town Council.

## **7. Existing and future development patterns.**

The proposed subdivision of land will allow consistency with the land's future land use and zoning designations as far as Tracts B, C, and D. As previously stated, Tract A will require that an application to rezone the tract from the existing IU-C to RM-36 be heard and approved by Town Council. The adjacent commercially designated land is the most likely to be impacted by the development pattern established via this plat, which is itself driven for approval by the site plan review. No negative impact to existing or future development patterns are anticipated as a result of the proposed replatting, or the vacation of the 20 foot wide right-of-way (ROW) dedication for NW 146<sup>th</sup> Street. Immediately to the west of the subject property is Graham Dairy Lake, which blocks connection with any roadways further west, an area which in any case is fully developed and does not offer any readily available connection opportunities, such that there is no public benefit or purpose to retaining this 20 foot ROW. Additional analysis of the proposed ROW vacation is below.

## **8. Land development regulations.**

The proposed preliminary plat meets all of the platting regulations in the LDC, and all requirements of its IU-C Zoning District, with the exception of Tract A which will require an application to rezone the tract from the existing IU-C to RM-36 to be heard and approved by Town Council. Aspects of the proposed preliminary plat that do not comply with the existing IU-C zoning include that the intended uses indicated on the preliminary plat for Tract A (multifamily residential) are not permitted in the IU-C district, and that proposed Tract A does not meet the minimum lot frontage requirement (125 feet) of the district on a street. Assuming a rezoning of Tract A to RM-23 is achieved, these aspects of the preliminary plat would be in compliance with the LDC. Staff has addressed the need for the intended rezoning via recommended conditions, which essentially ensure that the final plat will not be approved unless this rezoning occurs.

Though at first glance it appears that the application does not meet the requirements of Section 13-726, which states that "No application for zoning of a tract of land for IU-C or for the platting thereof shall be permitted unless such tract consist of at least ten acres of land ..." and provides a minimum frontage and depth for a "Tract" at 330 feet for each, Staff has determined that this is not the applicable requirement, for the following reasons: at Section 13-738 (which, like Section 13-726, is part of the IU-C zoning district) the Code states that "Multiple industrial uses, and platting into lots in the form of industrial park development, or waiver of plat to subdivide into lots where such tract has been platted, shall be permitted on the minimum tract described herein, subject to compliance with all applicable requirements of this chapter, and except that such lots shall have a minimum frontage of 125 feet, and a minimum depth of 150 feet." This suggests that the 10 acre minimum size and 330 feet minimum dimensions applies only to applications for new IU-C zoning or for the original platting of land for IU-C uses, and that the 125 foot minimum frontage and 150 foot minimum depth applies where a new lot configuration is requested within a larger IU-C area, particularly in the case of a replat as opposed to an original plat, both of which are the case with this application. Further support for this position is given by the approval of several plats creating smaller lot sizes than the subject application since the Town's incorporation and where IU-C zoning was in place at the time (and the same requirements were in effect), including instances where Miami-Dade County staff was serving as Town zoning staff in the years immediately after incorporation. One such plat is the Storsafe at Miami Lakes plat (PB 162, PG 14), where tract sizes of 1.46 acres and 1.00 acres were created, and where the 125 foot minimum frontage and 150 foot minimum depth per Section 13-738 were met, but the larger dimensional requirements of Section 13-726 were not.

Compliance with additional LDC requirements will be ensured through the site plan review, final plat and permitting processes, as applicable.

**9. Relationship of the project to the capital improvements program.**

All capital improvements necessary to serve the proposed development are already available, or will be constructed/provided by the property owner/developer.

**10. Other such factors as may relate to the Comprehensive Plan or elements thereof.**

The development that will be facilitated by the requested plat approval is consistent with the industrial and office (IO) future land use designation assigned this site by the Town's Comprehensive Plan. The application is not contrary to any goal, objective or policy in any element of the Town's Comprehensive Plan.

**Criteria for Right-of-Way Vacation**

The proposed preliminary plat proposes that a 20-foot wide ROW reservation recorded on P.B. 2, PG. 68 be vacated as part of the plat. Subsection 13-1609(c) of the Town LDC includes criteria to be considered by the Town Council for the vacation of right-of-way. Following are those criteria and staff's evaluation of each.

**1. Whether the public benefits from the use of the subject right-of-way or easement as part of the Town's roadway system;**

The public derives no benefit from the subject right-of-way reservation for NW 146<sup>th</sup> Street, due to the fact that a large artificial lake (Graham Dairy Lake) has been created in its path, and any theoretical street or other public way through the right-of-way proposed to be vacated would only travel a short distance into the Applicant's property and does not provide further access.

**2. Whether the subject right-of-way or easement is necessary for future needs of the Town;**

There are no identified future needs of the Town that would be served by the existing right-of-way reservation, and the theoretical street does not appear on the Town's transportation maps in the Comprehensive Plan.

**3. Whether the proposed action is consistent with the Town's Comprehensive Plan;**

The theoretical street in the location of the right-of-way reservation does not appear on the Town's transportation maps in the Comprehensive Plan, nor does the Comprehensive Plan provide any other indication of the need for right-of-way in this location.

**4. The impacts of the proposed action on traffic circulation including the results of any applicable traffic study;**

For the reasons stated above, the vacation of the right-of-way reservation as proposed would not impact traffic circulation in the Town.

**5. The effect of the proposed action upon the safety of pedestrians and vehicular traffic;**

The proposed vacation of right-of-way will not impact the safety of pedestrians and vehicular traffic.

**6. The effect of the proposed action upon the provision of municipal services, including, but not limited to police, fire-rescue, and solid waste services;**

The proposed vacation of the right-of-way reservation will not impact the provision of municipal services.

**7. The estimated immediate and future cost to the Town, if any, as a result of the vacation and any mitigation plan proposed by the applicant to offset any potential impacts; and**

There is no anticipated cost to the Town of the proposed right-of-way vacation.

**8. The reason identified by the applicant for the proposed vacation.**

The reason identified by the Applicant for the proposed vacation is to remove the encumbrance of the right-of-way reservation in order to allow for the unified development of the property. Given the lack of public need for the right-of-way as demonstrated herein, this is a reasonable and justified request.

### **RECOMMENDATION**

Therefore, based on the above analysis and other factors contained in this report, Staff recommends ***approval, subject to conditions.***

### **CONDITIONS**

1. The approval of the preliminary plat shall be in accordance with the copy of the "Tentative Plat of "Governors Square Senior Community" as submitted for approval to the Town Council and prepared by Schwebke-Shiskin and Associates, Inc. consisting of six (6) sheets and stamped as received by the Town on 11-1-2016.
2. The application for the rezoning of Tract A from IU-C to RM-36 must be heard and approved by the Town Council prior to final plat approval.
3. The Applicant shall comply, prior to final plat approval, with all platting requirements of the Town LDC and Chapter 28 of the Miami-Dade County Code.
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