



Planning Division  
6601 Main Street • Miami Lakes, Florida 33014  
Office: (305) 364-6100 • Website: [www.miamilakes-fl.gov](http://www.miamilakes-fl.gov)

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## Staff Analysis and Recommendation

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

**From:** Ed Pidermann, Town Manager

**Subject:**

**HEARING NUMBER:** PHSP2019-0671  
**APPLICANT:** JIK HQ BUILDING LLLP  
**FOLIO:** 32-2022-009-0010  
32-2022-062-0010  
**LOCATION:** 7900 NW 154 ST,  
Miami Lakes, FL 33016  
**ZONING DISTRICT:** IU-C  
**FUTURE LAND USE:** Industrial  
**Date:** JULY 14, 2020

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### A. REQUEST(S)

In accordance with Section 13-304(h) of the Town of Miami Lakes Land Development Code (LDC), JIK HQ BUILDING LLLP (the "Applicant") is requesting Site Plan Approval to construct Site plan approval for new construction of a five-story building with 67,917 sf of office space over three floors of accessory parking. In addition, a conditional use for accessory parking for the rear lot with folio number 32-2022-062-0010.

### B. SUMMARY

The site in question is a 6.46-acre two-lot site located south east of the intersection between 154<sup>th</sup> Street and 79<sup>th</sup> Avenue that is commonly known as the "Kislak Building" property. It contains an existing 76,874 square foot office building, situated at the eastern portion of the property, with the remainder and the lot immediately south of it, dedicated to parking. The Applicant's site plan proposes two stories of office space over two stories of parking and one story of mixed parking and office use. Due to existing deed restrictions on the property, the applicant is providing parking at a rate of one space per 250 square feet of office instead of one space per 300 square feet as required by the LDC, resulting in 569 parking spaces. Of these, 225 are to be provided within the garage and 344 are proposed as surface parking, of which 146 are to be provided in the lot immediately to the south. As part of this application, a conditional use for the accessory parking is requested; the applicant is providing a covenant in Lieu of unity of title to ensure the continuity of the accessory parking.

Sec. 35-3. of the Town Code of Ordinances requires that all new construction on unimproved land shall provide sidewalks along all street frontages, the current proposed configuration does not include any new sidewalks.

The property is currently zoned IU-C, Industrial Use Conditional, and the Future Land Use designation is Industrial and Office.

### **C. STAFF RECOMMENDATION**

It is recommended that the Town Council approve the application for Site Plan, subject to the following conditions:

1. The project shall be developed in substantial compliance with the approved Site Plan.
2. Prior to the issuance of a building permit authorizing any construction, all required impact fees, including Mobility Fees, must be paid in full.
3. Prior to permitting, all civil plans must be finalized and in substantial compliance with the Site Plan.
4. Prior to permitting, the project shall secure all approvals for water and sewer and shall receive approval from the Miami-Dade Fire Rescue Department.
5. All signage shown on the renderings and elevations is for illustrative purposes and has not been evaluated for compliance with the code. No signage is approved as part of this application.
6. Prior to permitting, the applicant shall either provide six-foot minimum sidewalks along 79<sup>th</sup> avenue, frontage or provide adequate reimbursement to the Town for future construction of the facilities, at a rate set by the Public Works Director, consistent with Section 35-3 of the Town Code.
7. A covenant running with the land shall be recorded with the County Clerk, including terms that will require notification to the Planning Department of the Town prior to the independent sale of either lot, so that parking and landscaping requirements may be reevaluated.
8. The Applicant shall obtain a Certificate of Use (CU), upon compliance with all the terms and conditions of this approval, the same subject to cancellation by the Town upon violation of any of the conditions. Business tax receipt shall be obtained if applicable.
9. The Applicant shall obtain all required building permits, within one (1) year of the date of this approval. If all required building permits are not obtained or an extension granted not within the prescribed time limit, this approval shall become null and void.
10. Compliance with all other applicable laws not specifically identified herein.
11. All fees associated with this request that are owed to the Town be paid in full prior to issuance of development order.

## D. BACKGROUND

**Zoning District of Property:** IU-C – Industrial Use Conditional

**Future Land Use Designation:** Industrial Office

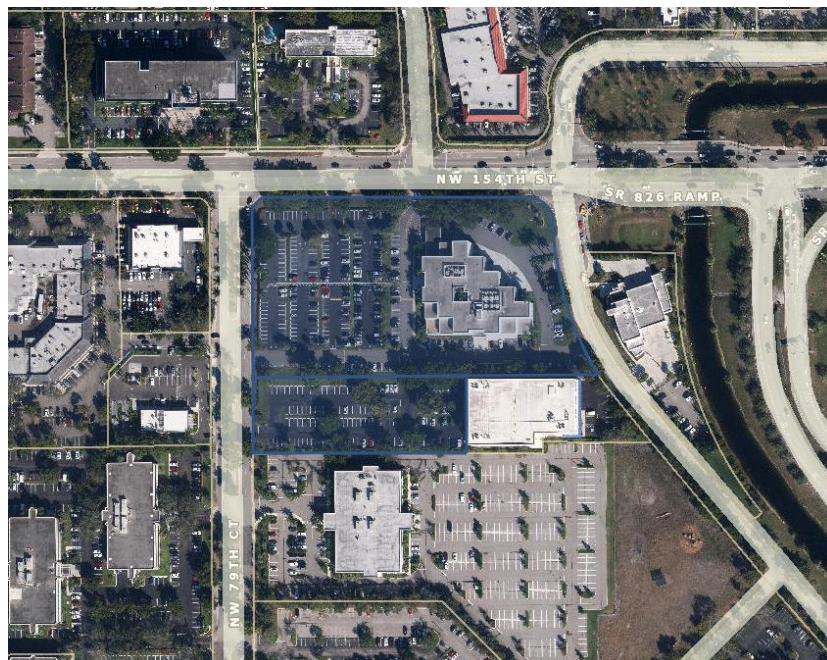
**Subject Property:**

The site comprises two lots within the IU-C district: the northernmost lot is five acres, is located south east of the intersection between 154th Street and 79th Avenue and is commonly known as the “Kislak Building” property. It contains an existing 76,874 square foot office building, situated at the eastern portion of the property, with the remainder and the lot immediately south of it, currently dedicated to parking. The adjacent lot to the South is a lot currently used for overflow parking for which no work is currently proposed, but that is proposed as additional required parking for the office complex.

**Surrounding Property:**

	Land Use Designation	Zoning District
North:	Office Residential	RO-50 High Density Residential/Office District
South:	Industrial Office	IU-C – Industrial Use Conditional
East:	Industrial Office	IU-C – Industrial Use Conditional
West:	Business Office	BU-2 – Special Business District

**Subject Property Location Map:**



## **E. ADJACENT MOBILITY PROJECTS**

On April, 25, 2016, the Town Council of the Town of Miami Lakes adopted Ordinance No. 16-192, establishing the Town's Mobility Fee Program. The program is a replacement for traditional transportation concurrency review as provided for by Florida Statutes, and seeks to enhance internal Town mobility through the use of several modalities. The comprehensive approach identifies specific projects throughout the Town, all aimed at improving traffic and mobility improvements. The projects identified below have been adopted by the Town Council as part of that initiative and are described herein due to their adjacency to the proposal that is the subject of this report.

**Initiative:** Reconfiguration of the SR 826/Palmetto Expressway and NW 154<sup>th</sup> Street, which includes the following:

- a. Widening of NW 154<sup>th</sup> Street from NW 82<sup>nd</sup> Avenue to NW 77<sup>th</sup> Avenue;
- b. Direct ramp to I-75 from NW 154<sup>th</sup> Street;
- c. East-West underpass across the Palmetto Expressway at NW 146<sup>th</sup> Street.

**Status:** After discussions with FDOT, these projects have been identified as "on hold" at this time.

**Initiative:** Adaptive Signalization on NW 154<sup>th</sup> Street from NW 87<sup>th</sup> Avenue to NW 77<sup>th</sup> Avenue.

**Status:** The Town Council approved the procurement of the Adaptive Signalization equipment and has entered 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 77<sup>th</sup> Court from NW 170<sup>th</sup> Street to its terminus at the proposed dog park near NW 82<sup>nd</sup> Avenue.

**Status:** Project has been delayed until FY 2026 by FDOT.

**Initiative:** Construction of a new Park-and-Ride Facility at Par 3 near NW 77<sup>th</sup> Avenue.

**Status:** Town is working with the Graham Companies on the land transfer for the Park-N-Ride Facility and is coordinating with Miami-Dade County Public Works and Transportation to secure funding through Miami-Dade County road impact fees.

**Initiative:** Freebee Extension Services to Regional Transit.

**Status:** Town secured funding from FDOT for FY 2020. The Town is extending the Freebee transportation services for commuters within the Town of Miami Lakes or adjacent municipalities. The program is intended to connect passengers from two Park-and-Ride locations: (1) Town Hall, and (2) Picnic Park West, to the Palmetto Metrorail Station during peak hours from 6:00 AM to 9:00 AM, and 4:00 PM to 7:00 PM.

## F. FISCAL IMPACT

The project, if constructed will be subject to impact fees for Police, Fire, Road and Mobility. The following is an estimate based on current fees and supplied data. Final fee calculation shall be completed at time of permitting.

Land use	Square Feet	Police Impact Fee	Fire Impact Fee	Road Impact Fee	Mobility Fee	TOTAL
Office Building	67,917	\$ 27,085.30	\$ 23,764.16	\$ 871,612.82	\$ 116,316.68	\$ 1,038,778.95
Estimated Property Value	\$ 9,000,000.00					
Millage Rate	2.3127					
Ad Valorem	\$ 20,814.30					

Estimated value of the property at certificate of occupancy is 9 million dollars which could potentially result in annual ad-valorem tax revenue of \$20,814.30.

## G. OPEN BUILDING PERMITS/CODE COMPLIANCE CASES

There are currently no open code violations for his property.

## H. ANALYSIS

The following analysis shall be performed in two (2) parts. The first portion shall analyze the site plan portion of the request pursuant to the criteria provided at Subsection 13-304(h); the second section will analyze the Conditional use portion of the request pursuant to the criteria at Subsection 13-303(b).

### Site Plan Criteria

Subsection 13-304(h) provides specific criteria for review of a site plan. All portions of this report are incorporated into this Site Plan Criteria analysis. These criteria are listed below, with Staff Comments for each:

- (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.

The following is a review of the relevant Goals, Objectives and Policies of the Town's Comprehensive Master Development Plan (Comp Plan). It is follow by a review of the Land Development Code provisions.

**Policy 1.1.2:** The following future land use categories are contained in the Town's Future Land Use Map:

**\*Industrial and Office (IO)** - Industries, manufacturing operations, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, merchandise

marts and similar uses are allowable within the Industrial and Office designation. Also included are construction and utility equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. Limited commercial uses to serve the firms and workers in IO areas are encouraged, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses which are 10 acres and less in size should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses and others with unusual siting requirements may also be considered on a conditional basis at appropriate locations. The specific range and intensity of uses appropriate in IO areas vary by location as a function of such factors as availability of public services, roadway access and neighborhood compatibility. Special limitations may be imposed on uses in IO where necessary to protect environmental resources, including wellfield protection areas. Through the assignment of zoning districts and special conditions, the specific range and intensity of uses appropriate for a particular site will be determined. This category requires a minimum of 10% landscaped open space (15% when abutting a residential site), and a minimum lot area of 5,000 square feet. The maximum height permitted in this category is seven (7) stories.

Mixing of residential use with light industrial, commercial, office and hotels is also allowable on a conditional use basis with residential being limited to the density of the adjacent residential future land use category, and other uses being limited in size, impact and by standards contained in the BO category and the LDC for mixed-use projects. If no residential areas exist adjacent to a subject site, then the Medium Density land use category is allowed. However, residential use shall not be developed on over 15% of the area of any individual site.

*Analysis:* Office uses are permitted within the IO designation. Scale and intensity are based on site size, availability of services, accessibility, proximity and scale of adjacent residential uses. The property is a large accessible site, with utilities in close proximity. The property is not adjacent to residential uses. Maximum intensity of office use on this site would therefore comply with this policy.

*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:* See Section E, Adjacent Mobility Projects. The applicant is choosing to participate in the Town's Mobility Fee program. The project is proposed at 68,982.00 square feet of general office space. The resulting number of trips is 671.88 daily trips and 726.98 individual trips. The ensuing mobility fee will be assessed at the rate prior to the rate change approved by the Council on December 10, 2019, and amended on April 21, 2020, as the application was already under process at the time of approval. The resulting mobility fee at the rate of \$160 per individual trip is \$116,316.68. The applicant has opted not to provide required pedestrian facilities, such as sidewalks, and therefore no credits have been applied. No building permit shall be issued related to the requested site plan until the mobility fee is paid in full.

As provided at Section E, the town has included in its Comprehensive Master Development plan a number of mobility projects in and around the proposed development. The fee paid by the applicant may be used to fund those projects.

*Finding:* Conditionally complies pursuant to payment of mobility fee. No building permit related to the site plan shall be issued until said fee is paid in full.

**Policy 2.2.4:** For purposes of capital improvements planning, the Town hereby adopts the following pedestrian level of service standards:

*Detached sidewalks:* By 2030, 90 percent of all lineal street footage in Miami Lakes (excluding limited access expressways and ramps thereto) shall include sidewalks separated from the vehicle lanes by a swale/street tree planting area with appropriate street trees.

*Analysis:* The applicant is declining to provide sidewalks around the perimeter of the site, where no sidewalks exist today. Staff has requested six-foot sidewalks along 79<sup>th</sup> Ave. Although eight to ten-foot sidewalks would be preferable, particularly within the context of complete streets and considering the prominence of the corner in question, the existing right-of-way does not allow for anything wider than a six-foot sidewalk. The Town has obtained a \$XXX TAP grant from the state of Florida to institute complete streets on 79<sup>th</sup> Ave for the year 20XX, for which a 50% Town match is required.

*Finding:* Does not Comply. Providing sidewalks is both a requirement of the LDC and of the Comprehensive Plan.

**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:* Development of the project cannot proceed until the Applicant Satisfies the Miami-Dade County requirement for Policies 4A.1.1, 4A.2.1, 4B.1.1, and 4B.2.1 above. Applicant shall be required to demonstrate compliance prior to permitting

*Finding:* Conditionally complies provided the Applicant receives its water allocation letter from Miami-Dade County prior to permitting.

**(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 Section B, Summary; Section E, Mobility Projects and Subsection H (1). Section B provides a full explanation as to the applicable regulations applied to the subject property and Section E describes the nearby mobility projects. With the exception of the required provision of sidewalks along 79<sup>th</sup> avenue, the proposed project complies with requirements of the Town Code of Ordinances. Sec. 35-3, which contains the requirement to provide sidewalks for new construction, is part of the Code of Ordinances at Chapter 35, but is not part of the LDC (Land Development Code) which is contained within Chapter 13 of the Code of Ordinances; for this reason, a variance request is not available for this requirement.

*Finding:* Partially complies.

**(3)** In what respects the plan is or is not in conformance with Town code requirements including:

- a. The design and construction of streets, utility facilities and other essential services as may be required by the Town or other governmental agencies.
- 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.



*Analysis:* See Section E, Mobility projects and Criteria 1 and 2 of this analysis. The project does not require the dedication of additional rights-of-way or internal streets. Sidewalk infrastructure is not being provided as discussed above. The applicant has been offered an option to contribute its share of the cost to the Town in lieu of constructing the sidewalk. The cost would be calculated at the time of permitting by the Public Works Director and should contain all Town's costs including design and installation. These funds would be allocated towards the Town's required \$894,000 match for the 2023 TAP grant. Additionally, The project is contributing \$116,316.68 towards Town's Mobility Program. The site plan provides for proper on-site vehicular movements with full surface level parking and garage parking facilities.

*Finding:* Conditionally complies upon payment of applicable mobility fees and contribution towards sidewalk facilities.

- (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. Design and architectural standards as provided at section 13-311.
  - b. 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.
  - c. 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.
  - d. 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.
  - e. Service areas shall be screened and so located as to minimize or eliminate visibility, to the greatest extent possible, from the public right-of-way and other properties.
  - f. Design of the site shall ensure adequate access for emergency vehicles and personnel.
  - g. Design of the site shall utilize strategies to provide for the conservation of energy and natural resources, including water.

*Analysis:* See analysis provided at Criterion 2 and 3 above. The project proposes a single building, five (5) stories in height of contemporary design, loosely based on Modern Architectural styles. As proposed, the scale is compatible with adjacent developments, as many existing buildings fronting 154<sup>th</sup> Street are four to five stories in height. The proportions of the main façade, as perceived from 77<sup>th</sup> avenue, are approximately 1:4 height to width ratio, with the resulting rectangular shape broken up by the use of central element emphasizing the main entrance, a varying roofline featuring a landscaped terrace, and changes in material and color, as well as vertical and diagonal concrete elements lining the outside of the parking floors. The side facades are similarly articulated, using both vertical and horizontal elements, shifting planes, and an emphasized main entrance.

The project complies with landscape requirement, and it includes 7 street trees.

No signage or advertising is approved at this time; any future proposals will be evaluated to ensure compliance with this section. The proposed lighting is both adequate and harmonious with both the building and the landscape.

All service areas are located in the rear of the building and are not visible from any right-of-way. The dumpster is proposed to be enclosed and located away from all property lines, within the footprint of the building.

The applicant shall has obtained preliminary approval from Miami-Dade County Fire Rescue Department and appropriate measures for energy and water conservation are proposed.

*Finding:* Complies

- (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. The entirety of the property will be retained under one ownership and a covenant in lieu of unity of title shall be provided and recorded at the County Clerks office; 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

### **Conditional Use Criteria**

This section applies only to the existing parking area, proposed as additional and required parking for the proposed development.

#### **1. Land Use Compatibility.**

*Analysis:* The proposed use of an accessory parking area is allowed and compatible with adjacent uses.

*Finding:* Complies

#### **2. Sufficient Site Size, Site Specifications, and Infrastructure to Accommodate the Proposed Use.**

*Analysis:* The accessory parking area has been in use as overflow parking for a number of years and is adequate to the use.

*Finding:* Complies

#### **3. Compliance with the Comprehensive Plan and Land Development Code.**

*Analysis:* Per Policy 1.1.2 of the Comprehensive Plan, Industrial and Office (IO) Land Use Designation accommodates a full range of industrial and office uses and accessory uses, and accessory parking is included in this.

*Finding:* Complies

**4. Proper Use of Mitigative Techniques.**

*Analysis:* In order to ensure the continued availability of the subject lot as required accessory parking for the Kislak office complex, a covenant in lieu of unity of title will be required to be recorded with Miami Dade County Clerk.

*Finding:* Complies

**5. Hazardous Waste.**

*Analysis:* there are no hazardous materials nor hazardous wastes associated with this use.

*Finding:* Complies.