

RESOLUTION NO. 19-1650

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PERTAINING TO A REQUEST IN ACCORDANCE WITH SECTION 13-304 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR AN AMENDMENT TO A SITE PLAN APPROVAL AS PROVIDED AT EXHIBIT “A”; FOR THE PROPERTY LCOATED ON THE WEST SIDE OF COMMERCE WAY AND N.W. 146TH STREET, AS MORE PARTICULARLY DESCRIBED AT EXHIBIT “B”, BEARING FOLIO NO. 32-2022-008-0010; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR VIOLATION OF CONDITIONS, PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, On June 6th, 2017 the Town Council via resolution RES 17-1455 issued a development order for a site plan entitled “The Residences at Governor’s Square”, dated stamped received May 9, 2017, consisting of 64 sheets, as prepared by Roger Fry and Associates; and

WHEREAS, at the time of site plan approval the Applicant proffered a Declaration of Restrictions as part of the application request, that among other items, addresses residency age restrictions, date of occupancy, and term of agreement; and has provided a Letter of Mutual Understanding regarding coordination for use of on-site amenities for senior recreational programing, all of which are incorporated into Staff’s analysis and recommendation; and

WHEREAS, said Development Order included references to Miami Jewish Health Systems Assisted Living Facility to be developed on a nearby parcel simultaneously; and,

WHEREAS, Miami Jewish Health Systems has since withdrawn from the project, and the Residences at Governor Square is actively searching and negotiating with alternative developers and operators for the Assisted Living Facility; and

WHEREAS, in accordance with Section 13-309 of the Town LDC, proper notice was mailed to the appropriate property owners of record, notice was posted at the property, and the duly advertised in the newspaper; for a quasi-judicial public hearing on the amendment to

the Site Plan as noticed for Tuesday, December 10, 2019, at 6:30 P.M. at Town Hall, 6601 Main Street, Miami Lakes, Florida; and all interested parties had the opportunity to address their comments to the Town Council; and

WHEREAS, during the December 10, 2019 Town Council Meeting the Town Council conditionally approved the Applicant's Site Plan Amendment request provided that the Applicant provide the Town with a covenant ensuring that the area previously approved for Miami Jewish Health Systems would be developed specifically for an Assisted Living Care type facility ("ALF"); and

WHEREAS, in addition to a covenant, the Applicant agreed to provide construction personnel and supervision at cost for the buildout of the senior center's interior; and

WHEREAS, if, after completion of construction, the Applicant is unable to attract and secure a business partner to build the ALF portion of the development, the Applicant shall allow the ALF dedicated portion of the development to be used as a passive park and shall add improvements which will include, but will not be limited to walkable paths, trees and benches; and

WHEREAS, the Town Council now desires to conditionally approve the Applicant's Site Plan amendment request.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Findings. In consideration of all the submitted evidenced, both verbal and written, as provided at the June 6, 2017 quasi-judicial hearing, the Town Council finds, in accordance with Section 13-304(h), that the Application conditionally meets the criteria for Site Plan Approval which are as follows:

- (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.
- (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.
- (3) In what respects the plan is or is not in conformance with the Town requirements including the design and construction of streets, utility facilities and other essential services.
- (4) In what respects the plan is or is not consistent with good design standards in respect to all external relationships including but not limited to:
 - a. Relationship to adjoining properties, including the arrangement of buildings and landscape to produce spatial relationships that are compatible with, and complementary to, the development and zoning in adjoining areas.
 - b. Internal and external circulation, including vehicular, bicycle and pedestrian. Circulation systems shall serve the needs of the development and be compatible with, and functionally integrate with, circulation systems outside the development. Vehicular traffic from non-residential development shall be routed so as to minimize impact on residential development. Disposition of open space, use of screening or buffering where appropriate to provide a logical transition to existing, permitted or planned uses on adjoining properties.
 - d. Landscaping that enhances architectural features, strengthens vista and important axes, provides shade, blocks noise generated by major roadways and intense-use areas and, to the maximum extent practicable, preserves existing trees on-site.
 - e. Appropriate scale of proposed structures to be compatible with and complementary to existing, permitted or planned uses on adjoining properties and in the immediate area.
 - f. All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape.
 - g. Service areas which may be provided shall be screened and so located as not to be visible from the public right-of-way and other properties.
 - h. Design of the site shall ensure adequate access for emergency vehicles and personnel.
 - i. Design of the site shall utilize strategies to provide for the conservation of energy and natural resources, including water.
- (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.

Section 3. Approval of Site Plan Amendment. Pursuant to Section 13-304, the

proposed Site Plan entitled “The Residences at Governor’s Square”, dated stamped received May 9, 2017, consisting of 64 sheets, as prepared by Roger Fry and Associates, for property located on the west of side Commerce Way and NW 146th Street, bearing Miami-Dade Tax Folio No. 32-2022-068-0010, is hereby amended as per Exhibit A:

Section 4. Violation of Conditions. Failure to adhere to the terms and conditions of this Resolution shall be considered a violation of the Town LDC and persons found violating the conditions shall be subject to the penalties prescribed by the Town LDC, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town LDC before it may commence operation, and that the foregoing approval in this Resolution may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town LDC.

Section 5. Appeal. In accordance with Section 13-310 of the Town LDC, the Applicant, or any affected party may seek review of development orders of the Town Council by the filing of an appeal or writ of certiorari in the appropriate court as prescribed in the Florida Rules of Appellate Procedure.

Section 6. Final Order. This is a Final Order.

Section 7. Effective Date. This Resolution shall become effective immediately upon adoption hereof.

PASSED AND ADOPTED this 10th day of December, 2019.

The foregoing resolution was offered by Councilmember J. Rodriguez who moved its adoption. The motion was seconded by Vice Mayor Rodriguez and upon being put to a vote, the vote was as follows:

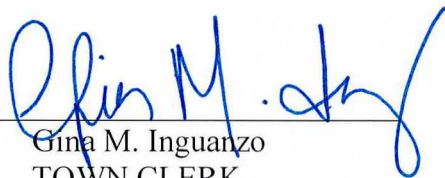
FINAL VOTE AT ADOPTION

Mayor Manny Cid	Yes
Vice Mayor Nelson Rodriguez	Yes
Councilmember Carlos O. Alvarez	Yes
Councilmember Luis Collazo	No
Councilmember Joshua Dieguez	Yes
Councilmember Jeffrey Rodriguez	Yes
Councilmember Marilyn Ruano	No




Manny Cid
MAYOR

Attest:



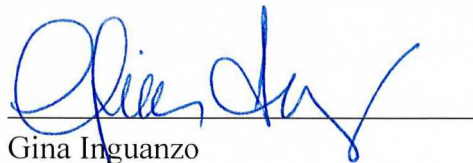
Gina M. Inguanzo
TOWN CLERK

Approved as to Form and Legal Sufficiency:



Raul Gastesi, Jr., Esq.
Gastesi, Lopez and Mestre, PLLC
TOWN ATTORNEY

This Resolution was filed in the Office of the Town Clerk on this 19 day of March, 2019. 20



Gina Inguanzo
Town Clerk

EXHIBIT A

RES 17-1455

* * * *

Section 3. Approval of Site Plan. Pursuant to Section 13-304(h), the proposed Site Plan entitled “The Residences at Governor’s Square”, dated stamped received May 9, 2017, consisting of 64 sheets, as prepared by Roger Fry and Associates, a copy of the Site Plan (the “Site Plan”) being attached hereto as Exhibit "A"; for property located on the west of side Commerce Way and NW 146th Street, bearing Miami-Dade Tax Folio Nos. 32-2022-008-0013, 32-2022-001-0220, and 32-2022-001-0230, as more particularly described on the survey at Exhibit "B" (“Property”), and containing approximately 9.445 +/- acres of land, is hereby Approved with the following conditions:

1. That the following Zoning Hearing companion items be approved:
 - a. FLUM amendment of the property described at Exhibit “B” of the Resolution from Industrial Office to Medium High Residential; and
 - b. Rezoning of the property described at Exhibit “B” of the Resolution from IU-C, Industrial Office – Conditional to RM-36; and
 - c. Plat for entire 19.5 acre site; 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 Intent 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, or as recommended by Fair Housing guidelines, 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 of other similar residential rental properties within the Town owned by The Graham Companies and/or its affiliates, then each occupied unit shall have at least one person 55 years of age or older; and
 - e. The term of the Declaration of Restrictions shall expire in 30 years with three (3), ten (10) year automatic renewals thereafter; and
 - f. 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 Intent attached to their application, they proffer and shall donate 1.3 acres of land, to include the completion of an approximate 6,000 square foot building with completed exterior finishes, in fulfillment of the 'small park' concurrency requirement, prior to the issuance of any certificate of occupancy issued to the property described at Exhibit "C" of the Resolution.
6. The Applicant shall pay a 'large park' concurrency impact fee to the Town, 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 "B" of the Resolution.
7. As provided in the Applicant's Letter of Intent 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 Exhibit "B" of the Resolution.

8. As provided in the Applicant's Letter of Mutual Understanding dated May 22nd, 2017, that the Town and the Applicant work together in coordination of use of the available amenities available at the development.
9. 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.
10. A construction staging plan shall be submitted at time of permitting to Town's Building Department for its review. No building permit shall be issued until the construction staging plan is deemed acceptable by the Town's Building Official. The plan shall provide for the construction of perimeter fencing in advance of the issuance of any other structural permits associated with the site. The plan shall at a minimum address staging of equipment, deliveries, site access, temporary construction trailers, mitigation of dust, phasing of development, and any other requirement deemed appropriate by the Building Official to mitigate any unintended impacts to adjacent properties that may be caused by the associated construction activity.
11. Compliance with all other applicable laws not specifically identified herein.
12. All cost recovery fees associated with this request that are owed to the Town be paid in full.

EXHIBIT B

SURVEY

EXHIBIT C
PARK PROPERTY