

RESOLUTION NO. 21-1797

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SUBSECTION 13-305(f)(1) OF THE TOWN OF MIAMI LAKES (TOWN) LAND DEVELOPMENT CODE (LDC); PURSUANT TO 13-303 OF THE TOWN'S LDC, TO ESTABLISH AN ASSISTED LIVING FACILITY (ALF) AND SKILLED NURSING FACILITY (SNF), AND PURSUANT TO SECTION 13-304(h) OF THE TOWN'S LDC FOR A SITE PLAN APPROVAL, ALL OF WHICH ARE PROVIDED AT EXHIBIT "A", SITE PLAN; FOR THE PROPERTY LOCATED ON THE WEST SIDE OF COMMERCE WAY AND N.W. 146TH STREET, AS MORE PARTICULARLY DESCRIBED AT EXHIBIT "B", BEARING FOLIO NO. 32-2022-001-0230; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR VIOLATION OF CONDITIONS, PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Sections 13-305(f)(1), 13-303, and 13-304 of the Town of Miami Lakes ("Town") Land Development Code ("LDC"), The Graham Companies ("TGC") and DOS of Hialeah (DOS) (TGC and DOS collectively as the "Applicant") applied to the Town for approval of a Conditional Use and Site Plan, for a development entitled "Shores of Miami Lakes," consisting of 59 pages, as prepared by Architectural Concepts, Schwebke-Shiskin & Associates, and Architectural Alliance; signed and sealed on 8/27/2021, 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 No. 32-2022-001-0230, as more particularly described on the survey at Exhibit "B" ("Property"), and containing approximately 4.16 +/- acres of land; 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 notice was duly advertised in the newspaper; for a quasi-judicial public hearing on the Variance Requests, Conditional Use, and Site Plan as noticed for November 29, 2021, 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, on November 29, 2021, at the properly noticed quasi-judicial hearing held by the Town Council of the Town of Miami Lakes, after hearing testimony from staff, the applicant, the public, and other testimony, both verbals, and written, as incorporated herein by reference, the Town Council determined that the submitted site plan and conditional use, conditionally meet the criteria of the LDC for approval; and

WHEREAS, the Town Council now desires to conditionally approve the Applicant's Conditional Use, and Site Plan requests.

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 November 29, 2021 hearing, the Town Council finds, in accordance with Section 13-305(f)(1) of the Town's LDC, that the variance request to reduce the required amount of parking, subject to the conditions in Section 3 below, meets the following criteria:

In consideration of all the submitted evidenced, both verbal and written, as provided at the November 29, 2021 quasi-judicial hearing, the Town Council finds, in accordance with Section 13-303, that the application, subject to the conditions in Section 5 below, meets the criteria for a conditional use approval which are as follows:

1. Land Use Compatibility; and
2. Sufficient Site Size, Site Specifications, and Infrastructure to Accommodate the Proposed Use; and
3. Compliance with the Comprehensive Plan and Land Development Code; and
4. Proper Use of Techniques; and
5. Hazardous Waste;

In consideration of all the submitted evidenced, both verbal and written, as provided at the November 29, 2021 quasi-judicial hearing, the Town Council finds, in accordance with Section 13-304(h), that the application, subject to the conditions in Section 4 below, 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.

1. 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 Conditional Use. Pursuant to Section 13-303 of the Town's LDC, the conditional use request for the plan entitled "Shores of Miami Lakes," consisting of 59 pages, as prepared by Architectural Concepts, Schwebke-Shiskin & Associates, and Architectural Alliance; signed and sealed on 8/27/2021, 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 No. 32-2022-001-0230, as more particularly described on the survey at Exhibit "B" ("Property"), and containing approximately 4.16 +/- acres of land, is hereby conditionally approved as follows:

1. All previously issued Development Orders for this site are rescinded upon approval of this application.
2. All permits to be issued 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.
3. Any change from the project as requested by the Applicant in the Letter of Intent, to include but not be limited to operator, number of beds, or any expansion shall require reconsideration before the Town Council as a new Conditional Use application.
4. This conditional use is to be reviewed and renewed yearly for continued compliance.
5. Staffing shifts shall be timed to not coincide with peak traffic demand for adjacent roads, with beginning and end times at 7:00 am, 3:00 pm and 11:00 pm for nursing staff.
6. All parking operations shall be contained on site and be conducted in a manner that is safe and orderly. Violations of the parking requirements as detailed in Section 8-4 of the Town's LDC and provide for in the list of conditions incorporated herein shall result on the imposition of fines and penalties which may include but not limited to a reduction of beds in the facility.
7. Operator shall coordinate with Town staff a letter of mutual understanding to address overflow parking needs for both the ALF and the community center, in a manner that is deemed acceptable by the Town Manager.
8. The operator shall coordinate with the Town for the use of Freebee service, or otherwise shall provide shuttle to and from the Palmetto Metrorail Station for employees at the appropriate shift changes.

9. 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 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.

10. Compliance with all other applicable laws not specifically identified herein.

11. All cost recovery fees associated with this request that are owed to the Town shall be paid in full.

Section 5. Approval of Site Plan. Pursuant to Section 13-304(h), of the Town's LDC, the Site Plan entitled "Shores of Miami Lakes," consisting of 59 pages, as prepared by Architectural Concepts, Schwebke-Shiskin & Associates, and Architectural Alliance; signed and sealed on 8/27/2021, 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 No. 32-2022-001-0230, as more particularly described on the survey at Exhibit "B" ("Property"), and containing approximately 4.46 +/- acres of land, is hereby conditionally approved as provided as Section 4 above.

Section 6. 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 7. 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 8. Final Order.

This is a Final Order.

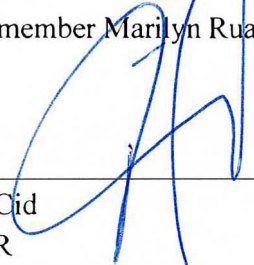
Section 9. Effective Date. This Resolution shall take effect immediately.

[THIS SPACE INTENTIONALLY LEFT BLANK]

Passed and adopted this 29th day of November 2021. The foregoing resolution was offered by Councilmember Dieguez who moved its adoption. The motion was seconded by Councilmember Collazo and upon being put to a vote, the was as follows:

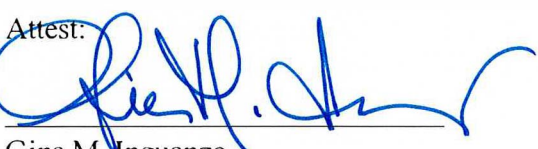
FINAL VOTE AT ADOPTION

Mayor Manny Cid	<u>Absent</u>
Vice Mayor Jeffrey Rodriguez	<u>Yes</u>
Councilmember Carlos O. Alvarez	<u>Absent</u>
Councilmember Luis E. Collazo	<u>Yes</u>
Councilmember Josh Dieguez	<u>Yes</u>
Councilmember Tony Fernandez	<u>Yes</u>
Councilmember Marilyn Ruano	<u>Yes</u>



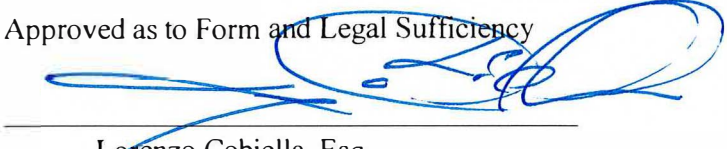
Manny Cid
MAYOR

Attest:



Gina M. Inguanzo
TOWN CLERK

Approved as to Form and Legal Sufficiency



Lorenzo Cobiella, Esq.
DEPUTY TOWN ATTORNEY
Gastesi, Lopez and Mestre, PLLC

This Resolution was filed in the Office of the Town Clerk on this 29th day of November, 2021.



Gina M. Inguanzo
Town Clerk

EXHIBIT A
SITE PLAN

EXHIBIT B

SURVEY