

**CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM**

TO: Genaro “Chip” Iglesias, City Manager

FROM: Suramy Cabrera, P.E.

DATE: September 9, 2025

SUBJECT: A recommendation of the City of South Miami Development Services Director to approve Minor Modification to the “Skilled Nursing Facility” (the “Waterstone Project”) approved by Resolution No. 092-24- 16197 (the “Zoning Approval”) at 7040 SW 61st Avenue and 7109 SW 61st Court (the “Property”)

7040 Sunset Asset, LLC (the “Applicant”), the owner of the Property, has submitted a request for Administrative Minor Modification review and approval per City Code Section 20-8.7.1 of the approved Zoning Approval plan for the Waterstone Project on the Property.

The skilled nursing facility was approved pursuant to the Zoning Approval on July 18, 2024, for a development exceeding 40,000 square feet in the former TODD MU-5 District. As such, the project constitutes an "Approved Development" as defined in Section 20-8.7.1 of the Land Development Code and is eligible for administrative review and approval of site plan modifications that are defined as minor. The subject property is now in the Transit-Supportive Downtown Development (TSDD) zoning district, TSDA subdistrict.

The approved project consists of a 6-story building on 0.80 acres of land comprising 32,700 total square feet of floor area, 180 patient/client beds, 1,310 square feet of retail at the ground floor on the SW 61st Street Court side, 114 parking spaces, and 18 bicycle spaces.

The use was originally approved by Resolution No. 075-21-15695 on July 6, 2021 (the “Use Approval Resolution”), approving the “skilled nursing facility” as a convalescent home, and established it as a permitted use as an institution for medical care of convalescing patients, whom are those that are recovering to health and strength gradually under a period of rest and recovery after sickness or weakness (such as a stroke), but are not sick enough to be in a hospital. The skilled nursing facility provides 24-hour full-time care to patients who are admitted upon obtaining a physician's order, but it is not a residential facility.

The Use Approval Resolution accepted the use as a non-residential, permitted use in all subdistricts of the contiguous TODD zoning district, as well as LO, MO, and SR zoning districts, and defined the required parking standard as one (1) space per five hundred (500) square feet of gross floor area. The Use Approval Resolution did not include any other conditions, covenants, or other development encumbrances.

As a result of subsequent design refinements and improvements, the Applicant and its design team have made four minor modifications to the project.

1. The direction of traffic at the ground floor has been modified to enter on the east and exit on the west to accommodate the ambulance parking space.
2. Building height has been reduced from 86'0" at the main roof level to 83'4" at the main roof.
3. Parking spaces have been reduced from 144 to 108.

4. The ground floor uses have been modified to include additional retail uses at street level on both SW 61st Street and SW 61st Court.

The City of South Miami Development Services Director and planning staff reviewed the request, as provided by Site Plan modifications comprised of 24 architectural sheets noting modifications by red clouds, with replacement of Sheet A-1.1 provided on September 2, 2025, signed and sealed by Javier Font, AR #12547, of Behar Font Partners PA on May 28, 2025; 7 civil engineering, water and sewer sheets, signed and sealed by Jorge R. Avino, PE #22207 of Behar Font Partners PA on May 28, 2025, and 4 landscape sheets signed and sealed by Andy Witkin, LA #0000889, of Behar Font Partners PA on May 28, 2025; and compared to the approved site plan, comprised of: 23 architectural sheets, signed and sealed by Javier Font, AR #12547, of Behar Font Partners PA on April 23, 2024.

Section 20-8.71 provides that an *"applicant shall have the right to make a modification or a series of modifications to an approved Final Site Plan prior to the issuance of a building permit, provided the proposed modifications, either individually or cumulatively, conform with the following criteria:*

- 1) *Building Footprint. The ground floor building footprint shall not exceed the dimensions provided for in the approved Final Site Plan by more than three percent (3%) or five (5) feet in any horizontal direction, whichever is lesser.*
- 2) *Vehicular Circulation. The vehicular circulation shall not be materially altered from that vehicular circulation approved in the Final Site Plan. Notwithstanding the forgoing, minimal adjustments to the location of driveways of less than three (3) feet shall be deemed a Minor Modification.*
- 3) *Vehicular Parking. The number of on-site vehicular parking spaces provided may be modified so long as the total number of on-site vehicular parking spaces provided is consistent with all code requirements and is within five percent (5%) of the number provided in the approved Final Site Plan.*
- 4) *Exterior Architectural Features and Material Selections. Exterior architectural features and material selections may be modified so long as they are generally consistent with the architectural character, materials, and color palette in the approved Final Site Plan.*
- 5) *Building Height. The overall building height may be increased by up to five percent (5%) of the previously approved building height so long as the building height does not exceed the permitted maximum building height. The overall building height may be reduced.*
- 6) *Residential Units. The number of residential units may be increased so long as the total number of residential units provided is within five percent (5%) of the number provided in the approved Final Site Plan. The number of residential units may be reduced."*

The changes between the approved site plan and the modified site plan have been reviewed, and any notable changes are summarized in the table on the following page. Changes have been categorized, evaluated, and a determination for each made pursuant to the criteria of Section 20.8.7-1. Where a modification, even if numerically smaller, exceeds the zoning requirement at the time of approval, it is noted as non-complying, and would be deemed substantial and recommended for further review.

Other modifications are noted, and where a modification diminishes an important criterion of the zoning code that is essential to the character of the zoning district, or modifications individually or cumulatively reduce compatibility to an extent that can plausibly cause adverse impacts, these modifications are noted and deemed for consideration of further review.

Characteristic	Approval Requirement	Approved Site Plan	Modified Site Plan	Determination of Substantial or Minor Modification
LOT				
Lot size	not applicable	32,230 sq. ft. 0.80 acre	32,230 sq. ft. 0.80 acre	no change
Lot Coverage (footprint)	100%	32,700 sq. ft. 92.8%	32,700 sq. ft. 92.8%	no change
Open Space	--	2,530 sq. ft. 7.9%	2,530 sq. ft. 7.9%	no change
INTENSITY & DENSITY				
Floor Area	no maximum	177,432 sq. ft.	163,910 sq. ft.	reduced - MINOR
FAR	no maximum	5.50	5.09	reduced - MINOR
Residential Units	no maximum	0	0	not applicable
Residential Density	no maximum	0	0	not applicable
Other Intensity Measure	not applicable	180 beds	170 beds	reduced - MINOR
HEIGHT				
Building Height	100 ft. max.	86'-0"	83'-4"	reduced - MINOR
Number of Floors	2 minimum 4 maximum 8 w bonuses	6 floors + mezzanine	6 floors + mezzanine	no change
SETBACKS				
Front Setback (61 Court) Floors 1 through 4 Floors 5 through 8	0'-0" 20'-0"	0'-2" 20'-2"	0'-6" 20'-0"	increased- MINOR reduced - MINOR
Front Setback (61 Avenue) Floors 1 through 4 Floors 5 through 8	0'-0" 20'-0"	0'-0" 20'-0"	0'-6" 20'-0"	increased- MINOR -no change
Interior Side (north)	0'-0"	0'-0"	0'-5"	increased- MINOR
Interior Side (south)	0'-0"	2'-0"	1'-8"	reduced - MINOR
Street Side	not applicable	not applicable	not applicable	not applicable
Rear	not applicable	not applicable	not applicable	not applicable
USE				
Primary Use	skilled nursing	skilled nursing	skilled nursing	no change
Ancillary Uses	frontage retail	retail	retail	no change
ACCESS				
Number of Access Drives	not applicable	2	2	no change
Location of Access Drives	not applicable	SW 61sr Av. & SW 61 st Ct.	SW 61sr Av. & SW 61 st Ct.	no change
Width of Access Drives	15'-0"	15'-0"	15'-0"	no change
Direction of Access Drives	not applicable	one-way, eastbound	one-way, westbound	no impact on external traffic conditions - MINOR

Characteristic	Approval Requirement	Approved Site Plan	Modified Site Plan	Determination of Substantial or Minor Modification
PARKING				
Number of Spaces	Retail, (1/300) 5 SNE, (1/2 /bed) 90 Total 95	114	108 (required parking reduced to 90)	reduced 5% MINOR
Typical Parking Stall	18' log x 9' wide	18' x 9'	18' x 9'	no change
Typical Parking Aisle	23'0"	23'-0"	23'-0"	no change
LOADING				
Loading Bays	2 bays, each 35'x12'x14'h	2 bays, each 35'x12'x14'h SW 61 st Ct	2 bays, each 35'x12'x14'h SW 61 st Ct	no change
Solid Waste	1 compactor	1 compactor SW 61 st Ct	1 compactor SW 61 st Ct	no change
ARCHITECTURAL FEATURES				
Arcade: SW 61 st Avenue SW 61 st Court		9'-11" x 14'-4" 10'-2" x 14'-4"	9'-11" x 14'-4" 10'-2" x 14'-4"	no change
Ground Floor Vertical Variation: SW 61 st Av (maximum continuous wall) SW 61 st Ct.		72 ft. (meas.) 65 ft. (meas.)	14 ft. (meas.) 42 ft. (meas.)	improved, MINOR
Horizontal Variation: SW 61 st Avenue SW 61 st Court		3 rd floor step-back 3 rd floor step-back	3 rd floor step-back 3 rd floor step-back	no change
Surface Materials		gray, blue, and white stucco w horizontal primary, vertical secondary variation	gray, blue, and white stucco w horizontal primary, vertical secondary variation	no change
Windows & Doors		bronze finish frames and bronze tinted impact glass	bronze finish frames and bronze tinted impact glass	no change
BONUS ALLOCATION				
Bonus Floor 1. pedestrian development along frontage (SW 61 st Avenue)		1,310 sq. ft. on 61 st Avenue	780 sq. ft. on SW 61 st Avenue 718 sq. ft. on SW 61 st Court 1,498 sq. ft. total	increased 14%, per request by City planning staff for improved TSDD, by providing active retail frontage on both streets. MINOR
Bonus Floor 2. Cross-through from street to public space		18'-2" wide landscaped paseo, south side of lot	15'-0" wide paseo, with increased landscape	17% reduced paseo width mitigated by increased usable landscape pocket open space on the west side. MINOR

Based on the review herein, the Planning Director has determined that the proposed modifications to the approved development at 7040 SW 61st Avenue and 7109 SW 61st Court are minor modifications, pursuant to the criteria of Section 20-8.7.1, are consistent with the zoning requirements of the zoning code at the time of approval, and do not cause adverse impacts or incompatibilities with the current zoning requirements.

The Development Services Department has reviewed the modified site plan of the approved Final Site Plan for compliance with Section 20-8.7.1. Following this review, the Development Services Department submits this recommendation to the City Manager. Final approval is issued by the City Manager, who may affix conditions deemed expedient to further the intent of Section 20-8.7.1 or to mitigate any additional impacts of the Minor Modification. If approved, the City Manager shall place a copy of the approved Site Plan with Minor Modification in the TSDD file. Notice of the administrative decision regarding the Minor Modification shall be posted on the City's website within 10 days of the transmission of the recommendation of approval to the City Manager.