

TOWN OF MIAMI LAKES, FLORIDA

Town Council

Mayor Wayne Slaton

Vice Mayor Roberto Alonso

Councilmember Mary Collins

Councilmember Robert B. Meador II

Councilmember Michael Pizzi

Councilmember Nancy Simon

Councilmember Peter Thomson

AGENDA

LOCAL PLANNING AGENCY MEETING

April 22, 2003

8:40 a.m.

Town of Miami Lakes – Town Hall

6853 Main Street

Miami Lakes, Florida 33014

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC HEARING ON THE PROPOSED REFORMATION OF THE REZONING ORDINANCE FOR DUNNWOODY LAKES:

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA PROVIDING RECITALS; PROVIDING FINDINGS; PROVIDING FOR THE REFORMATION OF ORDINANCE NO. 02-26 RELATING TO THE MIXED USE DEVELOPMENT KNOWN AS DUNNWOODY LAKES TO CORRECT THE LEGAL DESCRIPTION OF THE REZONED PROPERTY AND SITE PLAN FROM: DESCRIPTION OF A PORTION OF LAND BEING AND LYING IN SECTION 16 TOWNSHIP 52 SOUTH, RANGE 40 EAST IN DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST; LESS BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE MENTIONED SECTION 16; THENCE N89°34'49"E ALONG THE SOUTH LINE OF SECTION 16 FOR A DISTANCE OF 1441.84 FEET; THENCE N00°25'14"W FOR 140 FEET; THENCE S89° 34'48"W FOR A DISTANCE OF 1197.72 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, THENCE S02°37'29"E FOR A DISTANCE OF 140.05 FEET TO THE POINT OF BEGINNING. CONTAINING 156.20 ACRES MORE OR LESS TO DESCRIPTION OF A PORTION OF LAND BEING AND LYING IN SECTION 16 TOWNSHIP 52 SOUTH, RANGE 40 EAST IN DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST; LESS COMMENCE AT THE SOUTHEAST CORNER OF THE ABOVE MENTIONED SECTION 16, THENCE S89° 34'49"W ALONG THE SOUTH LINE OF SECTION 16 FOR A DISTANCE OF 1441.84 FEET TO THE POINT OF BEGINNING; THENCE N00° 25'11"W FOR 140 FEET; THENCE S89 34'49"W FOR 1203.11 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 16; THENCE ALONG SAID LINE S02° 37'29"E A DISTANCE OF 140.10 FEET; THENCE N89°34'49"E FOR 1197.72 FEET TO THE POINT OF BEGINNING. CONTAINING 156.20 ACRES MORE OR LESS PROVIDING FOR RECORDING; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE.

4. ADJOURNMENT

This meeting is open to the public. A copy of this Agenda and the backup therefore, has been posted on the Town of Miami Lakes Website at townofmiamilakes.com and is available at Town Hall, 6853 Main Street. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact Town Hall at (305) 364-6100.

Anyone wishing to appeal any decision made by the Miami Lakes Town Council with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

Any member of the public wishing to speak on a public hearing matter on this Agenda or under public comments for items not on this Agenda, should fill out a speaker card and provide it to the Town Clerk, prior to commencement of the meeting. Any person presenting documents to the Town Council should provide the Town Clerk with a minimum of 12 copies.

MIAMI LAKES TOWN COUNCIL Staff Report

Date Prepared: April 17, 2003
Meeting Date: April 22, 2003

Local Planning Agency/ First Reading Application for Reformation of Ordinance 02-26 Dunnwoody Lakes

EXECUTIVE SUMMARY

Applicants' Request:

To change the overall legal description on Exhibit C of Ordinance 02-26 to correct a technical error pursuant to Section 33-315.1 of the Town Code.

Petition Facts:

➤ Ordinance 02-26, adopted October 9, 2002, granted a request for rezoning and site plan approvals of property known as Dunnwoody Lakes for residential and commercial development. Attached to the original ordinance is Exhibit C containing an overall legal description with a technical error.

➤ Applicants Lowell S. Dunn and Betty L. Dunn, through their attorney Stanley B. Price, applied on November 7, 2002 to correct the legal description. Application materials are attached as Composite Exhibit A.

➤ The requested reformation ordinance is consistent with the Comprehensive Development Master Plan for the Town.

➤ The Town Code, Section 33-315.1(c), contains the following standards for a reformation to correct technical errors, each one of which has been met:

- (1) The current applicant either did not know of the technical error or knew of the error and made it known to the adopting board;
- (2) The reformation of the previous resolution is essential to insure that the resolution expresses the intent of the adopting board;
- (3) The intent of the board was evident at the time of the adoption of the previous resolution, and there was no intent to deceive the public of the board on the part of the current applicant at any time;
- (4) Failure to approve the technical correction would lead to an unjust result; and

- (5) The error in the prior process or resolution did not mislead anyone in a way that would cause them to be prejudiced by reformation of the resolution.

Staff Recommendation:

Approval of the application for reformation of Ordinance 02-26 by the attached ordinance.

Nancy E. Stroud

Weiss Serota Helfman Pastoriza & Guedes, P.A.,

Town Attorney

ORDINANCE NO. 03-

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA PROVIDING RECITALS; PROVIDING FINDINGS; PROVIDING FOR THE REFORMATION OF ORDINANCE NO. 02-26 RELATING TO THE MIXED USE DEVELOPMENT KNOWN AS DUNNWOODY LAKES TO CORRECT THE LEGAL DESCRIPTION OF THE REZONED PROPERTY AND SITE PLAN **FROM:** DESCRIPTION OF A PORTION OF LAND BEING AND LYING IN SECTION 16 TOWNSHIP 52 SOUTH, RANGE 40 EAST IN DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST; LESS BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE MENTIONED SECTION 16; THENCE N89°34'49"E ALONG THE SOUTH LINE OF SECTION 16 FOR A DISTANCE OF 1441.84 FEET; THENCE N00°25'14"W FOR 140 FEET; THENCE S89°34'48"W FOR A DISTANCE OF 1197.72 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, THENCE S02°37'29"E FOR A DISTANCE OF 140.05 FEET TO THE POINT OF BEGINNING. C ONTAINING 156.20 ACRES MORE OR LESS **TO** DESCRIPTION OF A PORTION OF LAND BEING AND LYING IN SECTION 16 TOWNSHIP 52 SOUTH, RANGE 40 EAST IN DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST; LESS COMMENCE AT THE SOUTHEAST CORNER OF THE ABOVE MENTIONED SECTION 16, THENCE S89°34'49"W ALONG THE SOUTH LINE OF SECTION 16 FOR A DISTANCE OF 1441.84 FEET TO THE POINT OF BEGINNING; THENCE N00°25'11"W FOR 140 FEET; THENCE S89°34'49"W FOR 1203.11 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 16; THENCE ALONG SAID LINE S02°37'29"E A DISTANCE OF 140.10 FEET; THENCE N89°34'49"E FOR 1197.72 FEET TO THE POINT OF BEGINNING. CONTAINING 156.20 ACRES MORE OR LESS; PROVIDING FOR RECORDING; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE.

WHEREAS, on October 9, 2002, The Town Council of the Town of Miami Lakes adopted Ordinance No. 02-26, granting a request for a rezoning of property located between N.W. 154th Street and 162nd Street, west of 87th Avenue from AU to RU-3M, and property located at the northwest corner of N.W. 87th Avenue and N.W. 154th Street from AU to BU-1A,

and also approving site plans for a residential development and a commercial development, respectively, for the properties; and

WHEREAS, the Applicants Lowell S. Dunn and Betty L. Dunn, through their attorney Stanley B. Price, applied on November 7, 2002 to reform Ordinance 02-26 (the "Reformation Application") pursuant to Section 33-315.1 of the Town Code in order to correct the overall legal description for the property as contained on Exhibit C of Ordinance 02-26; and

WHEREAS, the Town Council has been designated as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, the Town Council acting in its capacity as the Local Planning Agency has reviewed the Reformation Application and has determined that this Ordinance is consistent with the Town of Miami Lakes Comprehensive Development Master Plan; and

WHEREAS, the Town Council held a duly noticed first reading of this Ordinance on April 22, 2003, and held second reading of this Ordinance at a duly noticed public hearing on May 6, 2003; and

WHEREAS, all interested persons have had the opportunity to be heard on the Applicants' request.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, that:

Section 1. Recitals. The foregoing whereas clauses are hereby ratified and incorporated within this ordinance.

Section 2. Findings. The Town Council finds that the Reformation Application meets each of the standards for correction of a technical error pursuant to Section 33-315.1(c) of the Town Code.

Section 3. Reformation of Ordinance 02-26. The overall legal description for the property as contained on Exhibit C of Ordinance 02-26 is hereby changed **from** the following description:

DESCRIPTION OF A PORTION OF LAND BEING AND LYING IN SECTION 16 TOWNSHIP 52 SOUTH, RANGE 40 EAST IN DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST; LESS BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE MENTIONED SECTION 16; THENCE N89°34'49"E ALONG THE SOUTH LINE OF SECTION 16 FOR A DISTANCE OF 1441.84 FEET; THENCE N00°25'14"W FOR 140 FEET; THENCE S89° 34'48"W FOR A DISTANCE OF 1197.72 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, THENCE S02°37'29"E FOR A DISTANCE OF 140.05 FEET TO THE POINT OF BEGINNING. CONTAINING 156.20 ACRES MORE OR LESS.

Ordinance No. _____

To the following description:

DESCRIPTION OF A PORTION OF LAND BEING AND LYING IN SECTION 16 TOWNSHIP 52 SOUTH, RANGE 40 EAST IN DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST; LESS COMMENCE AT THE SOUTHEAST CORNER OF THE ABOVE MENTIONED SECTION 16, THENCE S89° 34'49"W ALONG THE SOUTH LINE OF SECTION 16 FOR A DISTANCE OF 1441.84 FEET TO THE POINT OF BEGINNING; THENCE N00° 25'11"W FOR 140 FEET; THENCE S89 34'49"W FOR 1203.11 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 16; THENCE ALONG SAID LINE S02° 37'29"E A DISTANCE OF 140.10 FEET; THENCE N89°34'49"E FOR 1197.72 FEET TO THE POINT OF BEGINNING. CONTAINING 156.20 ACRES MORE OR LESS.

Section 4. **Recording.** The Applicants shall be responsible for recording this reformation ordinance in the Public Records of Miami-Dade County, Florida at their sole cost.

Section 5. **Severability.** If any section, subsection, sentence, clause or provision of this reformation ordinance is held invalid, the remainder of this reformation ordinance shall not be affected thereby.

Section 6. **Exclusion.** This reformation ordinance shall be excluded from the Town of Miami Lakes Code.

Section 7. **Effective Date.** This reformation ordinance shall become effective upon adoption at second reading, provided further that pursuant to Section 33-315.1 of the Town Code, the reformation ordinance shall relate back to the original Ordinance 02-26 and the effective date of the corrected language shall be deemed to be the same as the effective date of Ordinance 02-26.

The foregoing Ordinance was offered by Councilmember _____, who moved its adoption on first reading. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	_____
Councilmember Robert B. Meador II	_____
Councilmember Michael Pizzi	_____
Councilmember Nancy Simon	_____
Councilmember Peter Thomson	_____
Vice Mayor Roberto Alonso	_____
Mayor Wayne Slaton	_____

PASSED AND ADOPTED on first reading this _____ day of _____, 2003.

Ordinance No. _____

The foregoing Ordinance was offered by Councilmember _____, who moved its adoption on second reading. The motion was seconded by Councilmember _____, and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	_____
Councilmember Robert B. Meador II	_____
Councilmember Michael Pizzi	_____
Councilmember Nancy Simon	_____
Councilmember Peter Thomson	_____
Vice Mayor Roberto Alonso	_____
Mayor Wayne Slaton	_____

PASSED AND ADOPTED on second reading this _____ day of _____, 2003.

WAYNE SLATON
Mayor

ATTEST:

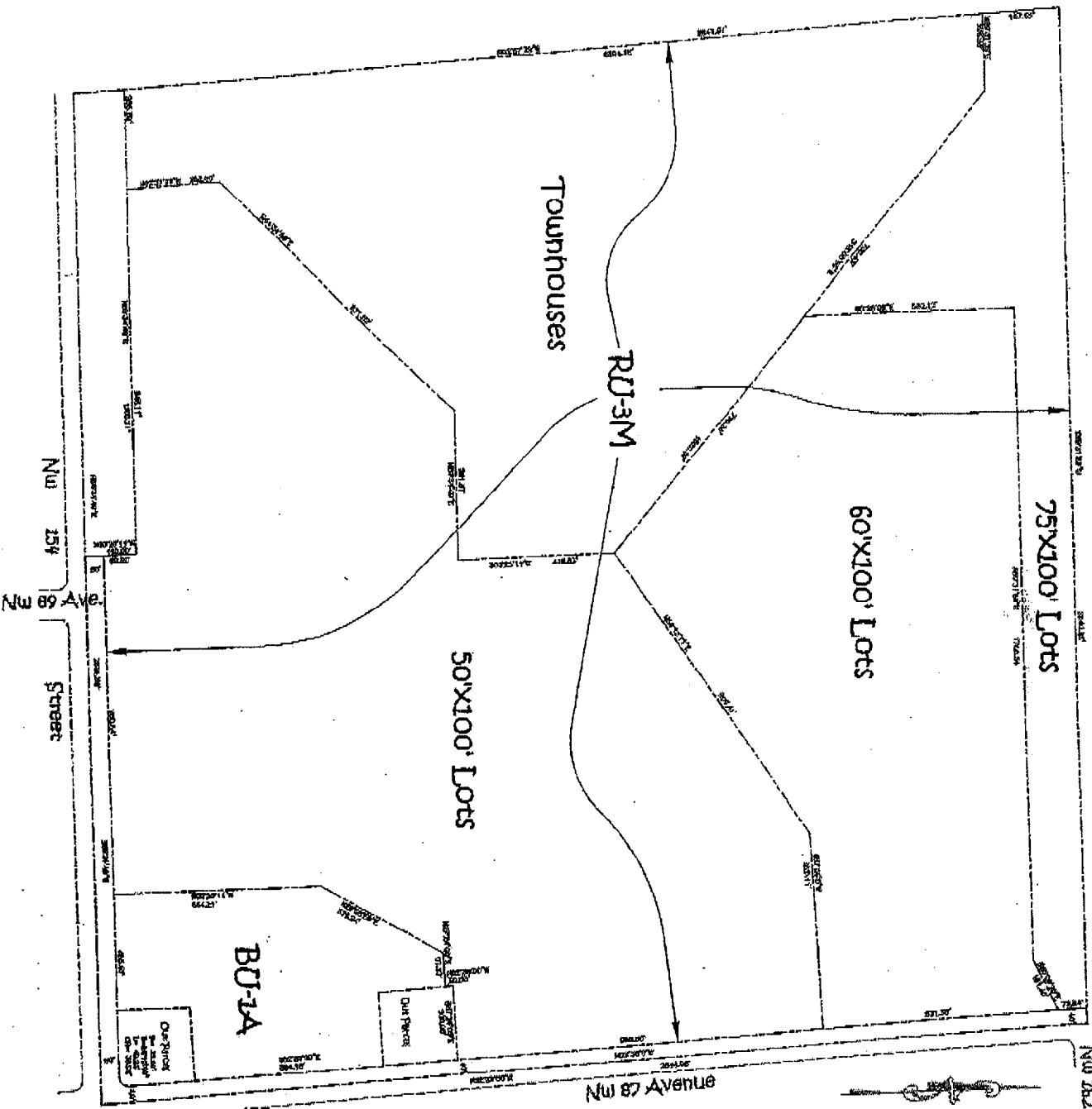
BEATRIS M. ARGUELLES, CMC
Town Clerk

APPROVED AS TO FORM:

WEISS, SEROTA, HELFMAN, PASTORIZA & GUEDES, P.A.
Town Attorney

Ordinance No. _____

EXHIBIT C



OVERALL LEGAL DESCRIPTION

SECTION 24 OF A GENERAL PLAN OF THE CITY OF LOS ANGELES, CALIFORNIA, IS HEREBY AMENDED TO REPEAL THE EXISTING ZONING DISTRICT BOUNDARIES AND TO ESTABLISH THE FOLLOWING ZONING DISTRICT BOUNDARIES AS SHOWN ON THE ATTACHED MAP. THE CITY ENGINEER HAS REVIEWED THE MAP AND HAS DETERMINED THAT THE MAP IS CORRECT AND ACCURATE AND THAT THE BOUNDARIES SHOWN THEREON ARE IN ACCORDANCE WITH THE CITY ENGINEER'S RECORDING ACT. THE CITY ENGINEER'S RECORDING ACT IS A PUBLIC ACT OF THE CITY OF LOS ANGELES, CALIFORNIA, AND IS SUBJECT TO THE CITY ENGINEER'S RECORDING ACT.

LEGAL DESCRIPTION OF RU-3M PARCEL

SECTION 24 OF A GENERAL PLAN OF THE CITY OF LOS ANGELES, CALIFORNIA, IS HEREBY AMENDED TO REPEAL THE EXISTING ZONING DISTRICT BOUNDARIES AND TO ESTABLISH THE FOLLOWING ZONING DISTRICT BOUNDARIES AS SHOWN ON THE ATTACHED MAP. THE CITY ENGINEER HAS REVIEWED THE MAP AND HAS DETERMINED THAT THE MAP IS CORRECT AND ACCURATE AND THAT THE BOUNDARIES SHOWN THEREON ARE IN ACCORDANCE WITH THE CITY ENGINEER'S RECORDING ACT. THE CITY ENGINEER'S RECORDING ACT IS A PUBLIC ACT OF THE CITY OF LOS ANGELES, CALIFORNIA, AND IS SUBJECT TO THE CITY ENGINEER'S RECORDING ACT.

LEGAL DESCRIPTION OF BU-1A PARCEL

SECTION 24 OF A GENERAL PLAN OF THE CITY OF LOS ANGELES, CALIFORNIA, IS HEREBY AMENDED TO REPEAL THE EXISTING ZONING DISTRICT BOUNDARIES AND TO ESTABLISH THE FOLLOWING ZONING DISTRICT BOUNDARIES AS SHOWN ON THE ATTACHED MAP. THE CITY ENGINEER HAS REVIEWED THE MAP AND HAS DETERMINED THAT THE MAP IS CORRECT AND ACCURATE AND THAT THE BOUNDARIES SHOWN THEREON ARE IN ACCORDANCE WITH THE CITY ENGINEER'S RECORDING ACT. THE CITY ENGINEER'S RECORDING ACT IS A PUBLIC ACT OF THE CITY OF LOS ANGELES, CALIFORNIA, AND IS SUBJECT TO THE CITY ENGINEER'S RECORDING ACT.

OWNER OR TENANT AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised.

Sworn to and subscribed before me
this _____ day of June, 2002.

Notary Public
Commission Expires: _____

OWNER OR TENANT AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised.

Sworn to and subscribed before me
this _____ day of June, 2002.

Notary Public
Commission Expires: _____

PARTNERSHIP AFFIDAVIT

We, the undersigned, being first duly sworn depose and say that we are partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; that all answers to the questions in said application and all sketches, data, and other supplementary matter attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said partnership is the owner/tenant of the property described herein which is the subject matter of the proposed hearing. We understand this application must be complete and accurate before a hearing can be advertised.

(Name of Partnership)

By _____ %

By _____ %

By _____ %

By _____ %

Sworn to and subscribed before me
this _____ day of _____, 2002.

Notary Public
Commission Expires: _____

ATTORNEY AFFIDAVIT

I, Stanley B. Price, Esq., of Bilzin Sumberg Dunn Baena Price & Axelrod, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in the November 7, 2002 Reformation letter of intent/ application, and all sketch data and other supplementary matter attached and made a part of this application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before a hearing can be advertised.

Stanley B. Price

Stanley B. Price

Sworn to and subscribed before me
this 1 day of April, 2003.

Mercedes Padron

Notary Public
Commission Expires: _____

