

RESOLUTION NO. 17-1425

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A REQUEST IN ACCORDANCE WITH SUBSECTION 13-308(F)(2) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A PRELIMINARY PLAT ENTITLED “MIAMI LAKES TOWN CENTER FOUR-EAST” SUBMITTED FOR PROPERTY LOCATED EAST OF NW 67TH AVENUE AND WEST OF EAGLE NEST LANE, MIAMI LAKES, FLORIDA, IN THE TC ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Subsection 13-308(f)(2)C.3 of the Town of Miami Lakes (“Town”) Land Development Code (“LDC”), The Graham Companies (the “Applicant”) has applied to the Town for approval of a preliminary plat, a copy of the Plat being attached here to as **Exhibit “A”** and incorporated herein by reference (“Preliminary Plat”), for property generally located east of NW 67th Avenue and west of Eagle Nest Lane, which all or portions of Miami-Dade Tax Folio Nos. 32-2024-001-0120, 32-2024-001-0140, 32-2024-001-0150, 32-2024-001-0430, 32-2024-033-0010, 32-2024-033-0015 and 32-2024-055-0010 (“Property”), as legally described in **Exhibit “B”**, and containing approximately 18.647 acres of land; and

WHEREAS, Subsection 13-308(f)(2) of the Town LDC sets forth the authority of the Town Council to consider and act upon an application for a preliminary plat; and

WHEREAS, in accordance with Section 13-309 of the Town LDC, proper notice was mailed to the appropriate property owners of record, the property was posted as required and the hearing was duly advertised in the newspaper; the public hearing on the Preliminary Plat was noticed for Tuesday, January 17, 2017, at 6:30 P.M. at Town Hall, 6601 Main Street, Miami

Lakes, Florida; and all interested parties have had the opportunity to address their comments to the Town Council; and

WHEREAS, Town staff has reviewed the application and recommends approval subject to conditions, of the request for a Preliminary Plat, as set forth in the Town of Miami Lakes Staff Analysis and Recommendation, a copy of which is on file in the Town of Miami Lakes Clerk's Office and incorporated into this Resolution by reference.

WHEREAS, the Director of Planning, acting as the Administrative Official, has determined that the Applicant has met the conditions and prerequisites imposed in Section 13-308 of the LDC; and

WHEREAS, the Town Council, in accordance with Section 13-308(f)(2)C.3 has considered the physical characteristics of the property, the availability of community services, traffic impact, economic impacts, appropriateness of the type and intensity of the proposed development, existing and future development, existing and future development patterns, compliance with land development regulations, relationship of the project to the capital improvements program; and other such factors as may relate to the Comprehensive Plan or elements thereof; and

WHEREAS, the Town Council, in accordance with Section 13-308(f)(2)(c)(4) of the LDC, has considered the written recommendations of staff, any other reviewing agencies, and presentations by the public.

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

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

Section 2. Findings.

In accordance with Section 13-308(f)(2)C.3, the Town Council finds that the application meets the criteria for a preliminary plat approval which are as follows:

1. Physical characteristics of the property; and
2. The availability of community services; and
3. Traffic impact; and
4. Economic impacts; and
5. Appropriateness of the type and intensity of the proposed development; and
6. Existing and future development; and
7. Existing and future development patterns; and
8. Compliance with land development regulations; and
9. Relationship of the project to the capital improvements program; and
10. Other such factors as may relate to the Comprehensive Plan or elements thereof.

Section 3. Approval. The Preliminary Plat is hereby approved, subject to conditions as set out in Section 4.

Section 4. Conditions. The Town Council approved the Preliminary Plat in Section 3, subject to the following conditions:

1. The approval of the preliminary plat shall be in accordance with the copy of the “Tentative Plat TGC Main Street East” as submitted for approval to the Town Council and prepared by Schwebke-Shiskin & Associates, Inc., consisting of four (4) sheets and stamped as received by the Town on 11-2-2016.
2. The Applicant shall comply, prior to final plat approval, with all platting requirements of the Town LDC and Chapter 28 of the Miami-Dade County Code.
3. All design and engineering documents, including any required studies, required for public improvements, or private street, utility and infrastructure improvements required to meet

the standards for public facilities per the LDC, shall be submitted concurrently with the final plat application. All required improvements shall be completed and approved by the Town, per the procedures of the LDC, prior to recording of the final plat.

4. No building permit which is dependent upon this plat shall be issued until the final plat is recorded, except as may be allowed by the LDC.
5. The Applicant shall obtain approval of a final plat in accordance with the Town LDC for the requested preliminary plat, as approved herein, within one year of the date of this approval, unless an extension is granted by the Town Council in accordance with the provisions of Subsection 13-308(f)(5). If a final plat is not obtained within the prescribed time limit, then this approval shall become null and void.

Section 5. 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 6. Appeal. In accordance with Section 13-310 of the Town LDC, the Applicant of any affected party may appeal this decision by filing of a notice of appeal in accordance with the Florida Rules of Appellate Procedure.

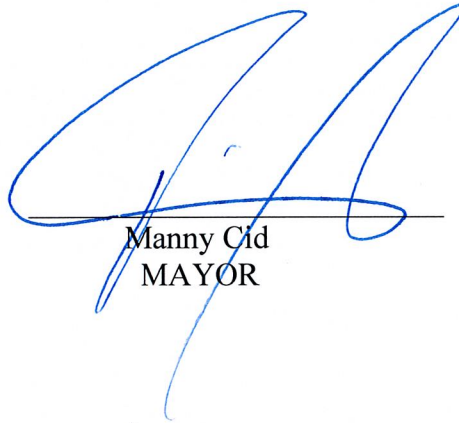
Section 7. Effective Date. This Resolution shall take effect immediately.

PASSED AND ADOPTED this 17th day of January, 2017.

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

FINAL VOTE AT ADOPTION

Mayor Manny Cid	<u>yes</u>
Vice Mayor Tony Lama	<u>yes</u>
Councilmember Luis Collazo	<u>no</u>
Councilmember Tim Daubert	<u>yes</u>
Councilmember Ceasar Mestre	<u>yes</u>
Councilmember Frank Mingo	<u>yes</u>
Councilmember Nelson Rodriguez	<u>yes</u>



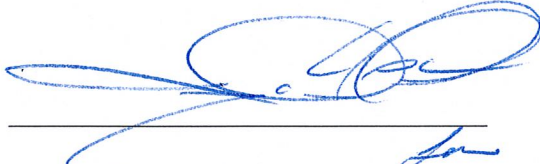
Manny Cid
MAYOR

Attest:



Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

Exhibit A
Preliminary Plat

Exhibit B

Legal Description

A portion of Sections 13, 14, 23 and 24 in Township 52 South, Range 40 East, Miami-Dade County, Florida, Including Tract "C", "Miami Lakes Town Center Two-East" as recorded in Plat Book 159 at Page 67