

**ORDINANCE NO. 18- 224**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING THE OFFICIAL ZONING MAP TO REZONE A 2.07 +/- ACRE PROPERTY LOCATED AT 14575 NW 77 AVENUE (FRONTAGE ROAD), AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT "A", FROM THE G U, INTERIM DISTRICT, TO RO-13, LOW DENSITY RESIDENTIAL/OFFICE DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR DIRECTION TO THE ADMINISTRATIVE OFFICIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 13-306 of the Code of the Town of Miami Lakes ("Town Code"), Alari Holding 1, LLC., (the "Applicant") applied for an amendment to the Official Zoning Map from the G U, Interim District, to the RO-13, Low Density Residential/Office District on a 2.07 +/- acre property located 14575 NW 77<sup>th</sup> Avenue, Miami Lakes, Florida (the "Property") as described at Exhibit "A", attached hereto and incorporated herein by reference; and

**WHEREAS**, a map depicting the Property to be rezoned is attached as Exhibit "B", attached hereto and incorporated herein by reference; and

**WHEREAS**, Subsection 13-306(b) provides that proposed amendments to the Official Zoning Map be evaluated by the Administrative Official, the Local Planning Agency and the Town Council; and

**WHEREAS**, the Administrative Official reviewed the proposed amendment to the Official Zoning Map and recommends approval, as set forth in the Staff Analysis and Recommendation dated January 23, 2018; and

**WHEREAS**, the Town Council appointed the Planning and Zoning Board as the Local Planning Agency (LPA) for the Town pursuant to Section 163.3174, Florida Statutes; and

**WHEREAS**, on January 23, 2018, after conducting a properly noticed quasi-judicial public hearing, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, acted in accordance with state law, and in specific compliance with Section 163.3174, Florida Statutes and has reviewed and recommends approval of the rezoning; and

**WHEREAS**, on February 6, 2018, after conducting a properly noticed quasi-judicial public hearing and considering the comments of the public, and the recommendations of Local Planning Agency and the Administrative Official, the Town Council moved the proposed amendment on first reading; and

**WHEREAS**, on March 6, 2018, the Town Council conducted a properly advertised quasi-judicial public hearing on the proposed amendment; and

**WHEREAS**, the Town Council finds it in the public interest to adopt the proposed amendment to the Official Zoning Map.

**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.** After considering Staff's Recommendation and Analysis, both submitted in writing and presented orally and which is accepted as substantial competent evidence, testimony of the Applicant, and the public, the Town Council finds, pursuant to Subsection 13-306(b) of the Town Code, that the proposed amendment to the Official Zoning Map is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Official Zoning Map found in Subsection 13-306(b) of the Town Code.

**Section 3. Approval of Rezoning.** The Town Council hereby adopts the amendment to the Official Zoning Map for the Property described at Exhibit "A" and depicted in Exhibit "B", from the GU, Interim District, to the RO-13, Low Density Residential/Office District.

**Section 4. Direction to the Administrative Official.** Pursuant to Subsection 13-306(d), the Town Council hereby directs the Administrative Official to make the appropriate changes to the Official Zoning Map to implement the terms of this Ordinance.

**Section 5. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6. Effective date.** This Ordinance shall become effective after second reading and upon the Applicant's payment in full of all fees associated with the Applicant's request.

**FIRST READING**

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

Mayor Manny Cid	yes
Vice Mayor Frank Mingo	yes
Councilmember Luis Collazo	no
Councilmember Tim Daubert	yes
Councilmember Ceasar Mestre	yes
Councilmember Nelson Rodriguez	absent
Councilmember Marilyn Ruano	yes

Passed on first reading this 6th day of February, 2018.

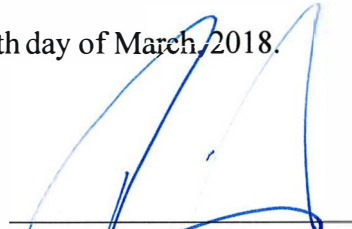
**THIS SPACE INTENTIONALLY LEFT BLANK**

**SECOND READING**

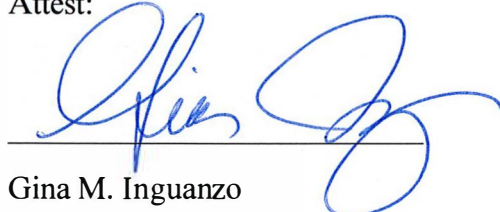
The foregoing ordinance was offered by Councilmember Daubert who moved its adoption on second reading. The motion was seconded by Councilmember Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	yes
Vice Mayor Frank Mingo	yes
Councilmember Luis Collazo	yes
Councilmember Tim Daubert	yes
Councilmember Ceasar Mestre	yes
Councilmember Nelson Rodriguez	yes
Councilmember Marilyn Ruano	yes

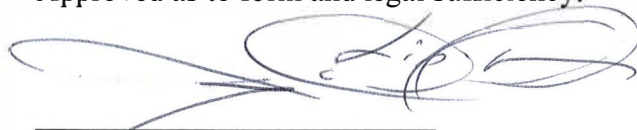
Passed and adopted on second reading this 6th day of March, 2018.

  
\_\_\_\_\_  
Manny Cid  
Mayor

Attest:

  
\_\_\_\_\_  
Gina M. Inguanzo  
Town Clerk

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Raul Gastesi, Jr.  
Gastesi & Associates, P.A.  
Town Attorney

**EXHIBIT A**  
**LEGAL DESCRIPTION**

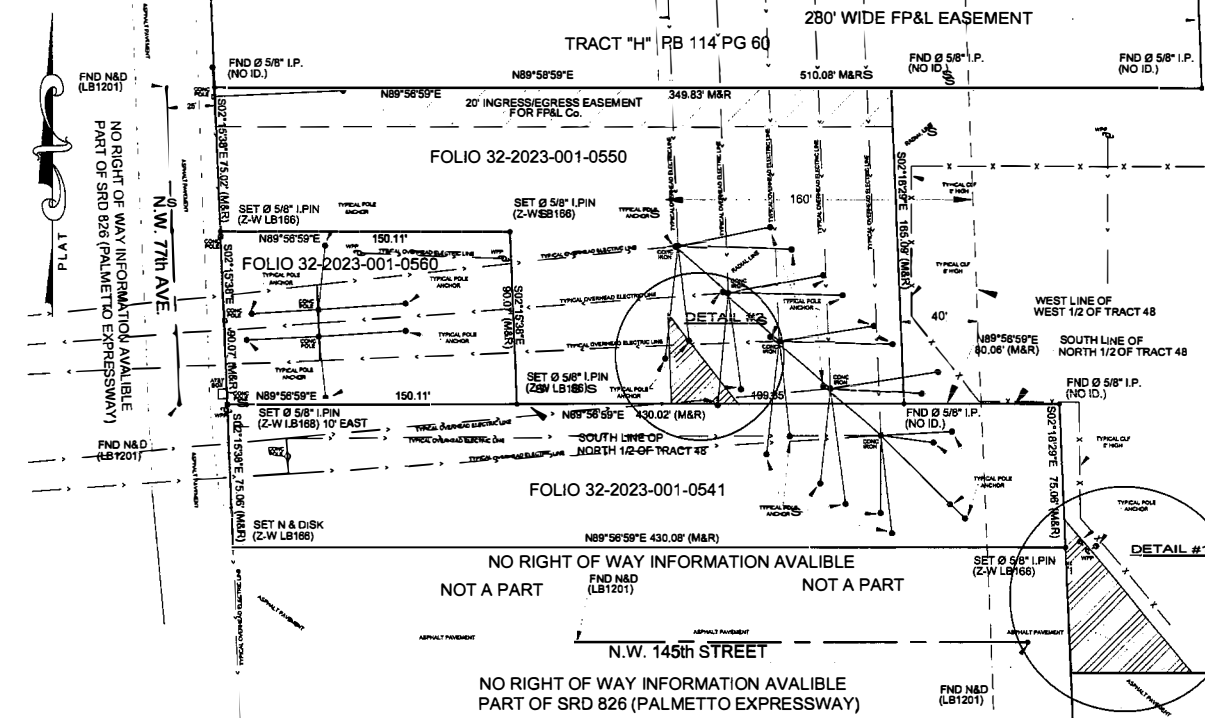
SYMBOL LEGEND:

- LIGHT POLE
TYPICAL STATION
UTILITY POLE
MAIL BOX
ELECTRIC BOX
TRAFFIC SIGNAL BOX
FIRE HYDRANT
STORM SEWER/CATCH BASIN
WATER METER
SIGN
TELEPHONE BOX
WATER VALVE
ELEVATIONS
TRAFFIC LANE FLOW CENTER LINE
MONUMENT LINE DIAMETER

ABBREVIATIONS:

- ADJACENT PARTY
APPROXIMATE
BENCH MARK
CONCRETE
CULTIVATED AREA
CURB
DRAINAGE CANAL
DRAINAGE DITCH
DRAINAGE DRAINAGE
DRAINAGE EASEMENT
DRAINAGE ELEVATION
DRAINAGE FLOW
DRAINAGE GULLY
DRAINAGE HATCH
DRAINAGE PIPE
DRAINAGE PIT
DRAINAGE POLE
DRAINAGE SIGN
DRAINAGE VALVE
DRAINAGE WELL
DRAINAGE WORK

BOUNDARY SURVEY



SURVEYOR'S NOTES:
1. EXAMINATION OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORD INSTRUMENTS IF ANY, AFFECTING THE PROPERTY.
2. LOCATION AND IDENTIFICATION OF UNDERGROUND ENCUMBRANCES OR UTILITIES ON AND/OR ADJACENT TO THE PROPERTY WERE NOT SECURED AS SUCH INFORMATION WAS NOT REQUESTED.

RELATIVE DISTANCE ACCURACY FOR THIS SURVEY IS AS FOLLOWS:
2. CONCRETE/PAVED ROAD LINEAR: 1 FOOT IN 8,000 FEET
CURB/PAVEMENT LINEAR: 1 FOOT IN 3,000 FEET
ADJACENT PARTY

COMMUNITY NUMBER: 120888
PANEL NUMBER: 12088C0114L
DATE OF FIRM: 09-11-2009
FIRM ZONE: AE

Table with columns for REVISIONS, DRAWN, JOB NO., REVISED, FIELD BOOK, SHEET NO., and SCALE.

CERTIFIED TO: Alari Holdings, LLC

MACO GROUP, LLC

JUAN C. CAREAGA
PROFESSIONAL SURVEYOR AND MAPPER NO. L88961
STATE OF FLORIDA

ZURWELLE-WHITTAKER, INC. CONSULTING ENGINEERS AND SURVEYORS. 900 WEST 49th STREET, SUITE 504, HIALEAH, FL 33012. PH: (305) 534-4668 FAX (305) 531-4589

LEGAL DESCRIPTION: AS PER ORB 17359 PG'S 1892-1893 FROM FP&L COMPANY TO MIAMI-DADE COUNTY (POLITICAL SUBDIVISION)

A portion of the South 1/4 of Tract 48 of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, according to the plat thereof recorded in Plat Book 2 at Page 17 of the Public Records of Dade County, Florida, lying in the SW 1/4 of Section 23, Township 32 South, Range 40 East, Dade County, Florida, being more particularly described as follows:
SEE DETAIL #1
Begin at the point of intersection of the East line of the West 580.00 feet of said Tract 48, 365.38' along the North line of the South 250.00 feet of said Tract 48; thence 58.26' N 27° 37' 50" W along the East line of the West 580.00 feet of said Tract 48 for a distance of 80.23 feet to a point; thence run S 39° 28' 56" E for a distance of 103.22 feet to the point of intersection with the North line of the South 25.00 feet of said Tract 48; thence run S 89° 33' 35" W along the North line of the South 25.00 feet of said Tract 48 for a distance of 61.96 feet to the Point of Beginning;

LEGAL DESCRIPTION: NOTE: THIS LEGAL WILL COMPRISE THE TOTALITY OF THE LANDS SURVEYED. THERE APPEARS TO BE SEVERAL INCONSISTENCIES WITH THE LEGAL DESCRIPTIONS PROVIDED. THEY ALSO CONFLICT WITH RIGHT OF WAY GRANTS (WITHIN THE "RED" HATCH) THAT WAS DEEDED TO MIAMI-DADE COUNTY FROM FP&L.
THIS FIRM HIGHLY RECOMMENDS THAT A TITLE SEARCH BE PERFORMED. THERE IS A HIGH PROBABILITY OF FURTHER EASEMENTS AND DEDICATIONS NOT PROVIDED TO THIS OFFICE NOR SURVEYOR.
THE NORTH 1/2 OF TRACT 48, LESS THE EAST 700' AND LESS THE PALMETTO EXPRESS WAY RIGHT OF WAY ON THE WEST SIDE OF TRACT 48.
AND
THE NORTH 75' OF THE SOUTH 1/2 OF TRACT 48, LESS THE EAST 620' AND LESS THE PALMETTO EXPRESS WAY RIGHT OF WAY ON THE WEST SIDE OF TRACT 48.

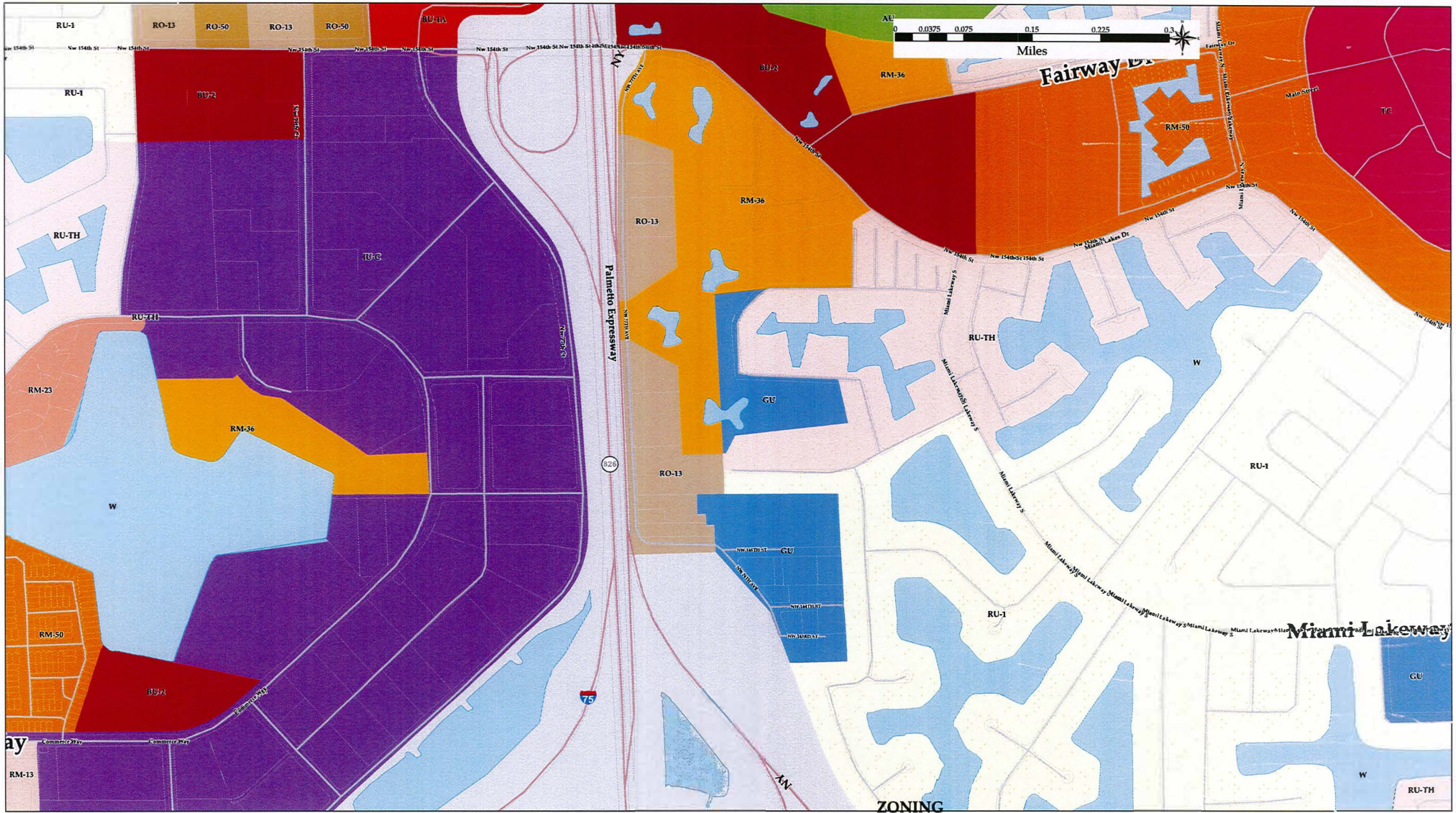


LOCATION MAP (N.T.S.)

ZURWELLE-WHITTAKER logo and text: SURVEYORS & ENGINEERS SINCE 1926.

**EXHIBIT B**

**MAP**



# Town of Miami Lakes Proposed Zoning Map

Attachment B: ZONE2017-0614

	RU-1		RU-TH		RO-13		IU-1		Water
	RU-1A		RM-13		RO-50		IU-C		Right-of-Way
	RU-1Z		RM-23		TC		GU		
	RU-2		RM-36		BU-1A		AU		
	RM-50		BU-2						