

RESOLUTION NO. 23-1917

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PERTAINING TO A REQUEST IN ACCORDANCE WITH SECTION 13-304(h) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A SITE PLAN APPROVAL AS PROVIDED AT EXHIBIT "A"; FOR THE PROPERTY LOCATED AT 6699 WINDMILL GATE RD, AS MORE PARTICULARLY DESCRIBED AT EXHIBIT "B", BEARING FOLIO NO. 32-2013-004-2420; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR VIOLATION OF CONDITIONS, PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Subsection 13-304 of the Town of Miami Lakes ("Town") Land Development Code ("LDC"), The Miami-Dade County Library Department (the "Applicant") applied to the Town for approval of a Site Plan, entitled "Miami Lakes Branch Library" as prepared by ELM Arch, consisting of 34 pages, dated stamped received April 20, 2023, a copy of the Site Plan (the "Site Plan") being attached hereto as Exhibit "A"; for property located at 6699 Windmill Gate Rd, bearing Miami-Dade Tax Folio No. 32-2013-004-2420, as more particularly described on the survey at Exhibit "B" ("Property"), and containing approximately 2.06 +/- acres of land; and

**WHEREAS**, the Applicant has proffered a Declaration of Restrictions as part of the application request, that among other items, addresses restricting future use of the property to library uses, and which is incorporated into Staff's analysis and recommendation; 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 duly advertised in the newspaper; for a quasi-judicial public hearing on the Site Plan as noticed for Tuesday, June 6, 2023, 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 June 6th, 2023, 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 verbal and written, as incorporated herein by reference, the Town Council determined that the submitted site plan conditionally meets the criteria of section 13-304(h) for approval; and

WHEREAS, the Town Council now desires to conditionally approve the Applicant's Site Plan request.

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 June 6, 2023 quasi-judicial hearing, the Town Council finds, in accordance with Section 13-304(h), that the Application conditionally 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 Site Plan. Pursuant to Section 13-304(h), the proposed Site Plan entitled “Miami Lakes Branch Library” as prepared by ELM Arch, consisting of 34 pages, dated stamped received April 20, 2023, a copy of the Site Plan (the “Site Plan”) being attached hereto as Exhibit "A"; for property located at 6699 Windmill Gate Rd, bearing Miami-Dade Tax Folio No. 32-2013-004-2420, as more particularly described on the survey at Exhibit "B" (“Property”), and containing approximately 2.06 +/- acres of land, is hereby Approved with the following conditions:

1. That the rezoning of the property described at Exhibit “B” of the Resolution from RU-TH, Residential Town House to BU-2 Business Use be approved; and
2. Issuance of permits within one (1) year of this approval. One (1) extension may be granted administratively for a period not to exceed 180 days. All other extensions may be granted by the Town Council upon showing good cause, at an advertised quasi-judicial public hearing.
3. That they proffer a voluntary covenant (“Declaration of Restrictions”) regarding the continued use of the property as a library, and that such covenant be approved by

Miami Dade County Board of Commissioners or the applicable governing body or agency within 180 days of the effective day of this order.

4. A construction staging plan shall be submitted at the 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.
5. Compliance with all other applicable laws not specifically identified herein.
6. All cost recovery fees associated with this request that are owed to the Town be paid in full.

Section 4. 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 5. 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 6. Final Order.

**This is a Final Order.**


Section 7. Effective Date. This Resolution shall become effective immediately upon adoption hereof.

PASSED AND ADOPTED this 6<sup>th</sup> day of June 2023.

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

FINAL VOTE AT ADOPTION

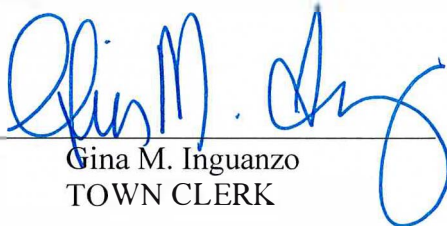
Mayor Manny Cid	Absent
Vice Mayor Carlos O. Alvarez	Absent
Councilmember Luis E. Collazo	Yes
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Ray Garcia	Yes
Councilmember Marilyn Ruano	Yes



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Manny Cid  
MAYOR

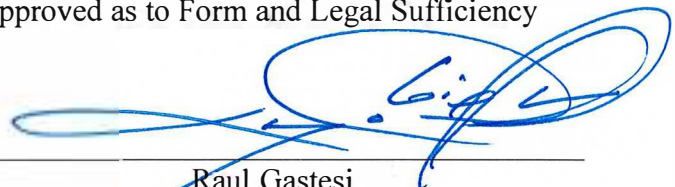
Attest:



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Gina M. Inguanzo  
TOWN CLERK

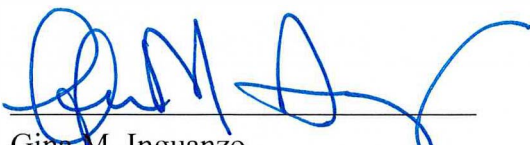
Approved as to Form and Legal Sufficiency



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Raul Gastesi  
TOWN ATTORNEY

This Resolution was filed in the Office of the Town Clerk on this 6<sup>th</sup> day of June 2023.



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Gina M. Inguanzo  
Town Clerk

EXHIBIT A  
SITE PLAN

EXHIBIT B

SURVEY

EXHIBIT C  
PARK PROPERTY