

RESOLUTION NO. 15-1334

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING REQUESTED SITE PLAN APPROVAL FILED IN ACCORDANCE WITH THE TOWN DEVELOPMENT CODE FOR AN ALTERNATE SITE PLAN FOR THE DEVELOPMENT OF THE PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF NW 87 AVENUE AND NORTHWEST 154 STREET AND IDENTIFIED BY MIAMI DADE COUNTY TAX FOLIO NO. 32-2016-000-0020 (“DUNNWOODY LAKE”); APPROVING RELATED VARIANCES FILED IN ACCORDANCE WITH THE TOWN DEVELOPMENT CODE; APPROVING A MODIFICATION TO A PREVIOUSLY APPROVED AND RECORDED DECLARATION OF RESTRICTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, F71-1, LLC (the “**Owner**”) owns the Property generally located at the northwest corner of NW 87 Avenue and NW 154 Street within the boundaries of the Town of Miami Lakes (the “**Town**”), which is covered by Miami-Dade Tax Folio No. 32-2016-000-0020 (“**Dunnwoody Lake**” or “**Property**”), the legal description is attached hereto as Exhibit “A” ;

WHEREAS, on October 9, 2002, the Town adopted Ordinance 02-26 which approved a rezoning and site plan to facilitate the future development of the Property, and accepted a Declaration of Restrictions proffered by Lowell S. and Betty L. Dunn, the predecessor owners, which was subsequently recorded in Official Records Book 20812, Page 4767 of the Public Records of Miami-Dade County, Florida (the “**Original Declaration**”);

WHEREAS, on March 28, 2011, the Town adopted Resolution 11-883 which approved a Chapter 163 Development Agreement (the “**Development Agreement**”) concerning the development of the Property and certain other parcels;

**WHEREAS**, on May 11, 2011, the Town approved a Modification to the Original Declaration (the “**Modification**”), which was thereafter duly executed and recorded by the Owner, in Official Records Book 27929, Page 1276 of the Public Records of Miami-Dade County, Florida;

**WHEREAS**, the Original Declaration provides that it may be amended only if such amendment or modification is approved by the Town Council after public hearing;

**WHEREAS**, the Owner has applied to the Town for a Second Modification of the Original Declaration (the “**Second Modification**”), a copy of which is attached as Exhibit “B” and incorporated into this Resolution by reference;

**WHEREAS**, the Second Modification must be approved to allow the development of the Property pursuant to a new proposed alternate site plan for the development of the Property (the “**New Site Plan**”), which was submitted for review and approval by the Town;

**WHEREAS**, the Town Planner has determined that the Applicant has met the conditions set forth in the Town’s Land Development Code;

**WHEREAS**, the Town’s Land Development Code sets forth the authority of the Town Council to consider and act upon an application for a site plan approval;

**WHEREAS**, in connection with the New Site Plan, the Owner has applied to the Town for approval of the following variances:

- (i) a variance of certain of the requirements of Subsection 13-444(9) of the Town Land Development Code to permit rear setbacks of 10 feet in the RM-13 zoning district, where 15 feet would be required;

(ii) a variance of certain of the requirements of Subsection 13-444(18) of the Town Land Development Code to permit 200 square feet of private patio space in the RM-13 zoning district, where 400 feet would be required;

(iii) a variance of certain of the requirements of Subsection 13-444(2) of the Town Land Development Code to permit 25% common open space in the RM-13 zoning district, where 30% would be required;

(iv) a variance of certain of the requirements of Subsection 13-1615 of the Town Land Development Code to permit right-of-way widths of 45 feet in the RM-13 zoning district, where 50 feet would be required;

(v) a variance of certain of the requirements of Subsection 13-1426 of the Town Land Development Code related to front and rear setbacks for RU-1 type lots, providing for front and rear setbacks of 15 feet for 50% of the lineal frontage of the width of the house and 25 feet for the balance, except 20 feet for attached garages, where a setback of 25 feet is required from front and rear property lines; and

(vi) a variance of certain of the requirements of Subsection 13-1426 of the Town Land Development Code related to front and rear setbacks for RU-1A type lots, providing for front and rear setbacks of 15 feet for 50% of the lineal frontage of the width of the house and 25 feet for the balance, except 20 feet for attached garages, where a setback of 25 feet is required from front and rear property lines (each of the preceding a “**Variance**” and collectively the “**Variances**”);

**WHEREAS**, the Town’s Land Development Code sets forth the authority of the Town Council to consider and act upon an application for a Variance;

**WHEREAS**, in accordance with the notice provisions of the Town’s Land Development Code proper notice has been published and the public hearing on the New Site Plan, Variances and the Second Modification has been set for Tuesday, November 3, 2015, at 6:30 PM at the Town Hall Chambers, 6601 Main Street, Miami Lakes, Florida 33014; and all interested parties have had the opportunity to address their comments to the Town Council;

**WHEREAS**, Town Staff has reviewed the application and issued a Staff Analysis and Recommendation dated November 3, 2015 (the “**Staff Analysis**”), attached as Exhibit “C”, and incorporated into this Resolution by this reference; and

**WHEREAS**, the Town Council has determined that the Application satisfies the Code’s requirements for Site Plan approval as set forth in Section 13-304(h) of the Town’s Land Development Code, approval of Variances as set forth in Section 13-305(f) of the Town’s Land Development Code and approval of the Second Modification, as required by the Original Declaration.

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

**Section 1.**     **Recitals.** The above recitals are true and correct and incorporated into this resolution by this reference.

**Section 2.**     **Site Plan Findings.** The Town Council finds that the Applicant meets the criteria set forth in Section 13-304(h).

**Section 3.**     **Site Plan Approval.** The Town Council approves the Owner’s request for approval of a New Site Plan for the development of the Property, consisting of a proposed 482 unit residential development in the RM-13 (Low Density Residential District RU-3M) zoning district, in accordance with Subsection 13-304 of the Town Land Development Code.

**Section 4.**     **Variances Findings.** The Town Council finds that the Applicant meets the criteria set forth in Section 13-305(f).

**Section 5. Variances Approval.** The Town Council approves the Owner's request for approval of the Variances required for the development of the Property pursuant to the New Site Plan.

**Section 6. Second Modification Approval.** The Town Council approves the Second Modification, as required by the Original Declaration after a public hearing.

**Section 7. Conditions of Approval.**

1. The Application's approval is for development indicated on submitted plans entitled "Parcel A – Dunnwoody Lake – Alternate Plan," as prepared by Pasqual Perez and Kiliddjian, Inc., consisting of 4 sheets, SP-1 and SP-2, dated October 19, 2015 and signed/sealed on October 20, 2015 and SP-3 and SP-4, dated October 19, 2015 and submitted on October 28, 2015 (the "Alternate Plan"), consisting of 482 units, except as modified by the Town Council in accordance with Condition No. 4 below. This plan is an alternate to that site plan approved by Ordinance 02-26, and the option of which plan to utilize for the development is at the sole discretion of the property owner.
2. An administrative site plan review (ASPR) application shall be submitted to the Town and shall be approved prior to the issuance of a building permit. Said site plan shall be in substantial compliance with the plan referenced in Condition #1, above, and shall include detailed plans for parks and open spaces within the development, architectural elevations for townhouse buildings, paving, grading and drainage plans, landscaping, signage and street lighting and other details that may reasonably be required by the Administrative Official.
3. Any development of the subject property shall comply with all requirements and obtain any necessary permits or other approvals from the Miami-Dade County Department of Environmental Resources Management (DERM) and the Miami-Dade County Water and Sewer Department (MDWASD), including but not be limited to, approval for drainage and water and sewer service.
4. A ten feet wide landscape buffer shall be introduced along NW 87<sup>th</sup> Avenue and shall be utilized for the planting of trees to function as street trees. Proposed trees shall be of species approved by the Town arborist, and maintenance of this area, including trees, shall be the responsibility of the property owner, successor homeowners association, community development district or similar entity. This arrangement shall be formalized as part of the platting process in a manner acceptable to the Town.
5. All streets shall include street trees, with species, spacing and planting as approved the Town Arborist and consistent with the Town's adopted Beautification Master Plan.
6. The property owner shall convey the green area around the lake shown on the Alternate Plan to a homeowners' association or community development district to allow for access along this area by all residents of the development, subject to the rules and regulations established by such homeowners' association or community development district.
7. The property owner shall provide access to the BU-1A parcel, as indicated on the Alternate Plan by the note "FUTURE CONTROLLED ACCESS TO BU-1A PARCEL". Said access may specify that only residents of the development (or at the option of the property owner, visitors of residents of the development) may utilize this cross-access point, and may specify that access can be controlled. Upon development of the BU-1A parcel, the property owner or successor(s) shall execute and record any agreement(s), easement(s) or other documents necessary to establish and maintain this controlled access.
8. Prior to the issuance of building permit or approval of a preliminary or final plat, the property owner shall resolve the expired building permit number B2006-1448, by finalizing the permit and paying any outstanding amounts related to said permit.

9. The 50 feet wide single family lots, as indicated on the plans specified in Condition #1, shall only be permitted one vehicular access point (i.e. no circular driveways shall be allowed).
10. All outside air conditioning units for townhouse units shall be placed on the ground, and shall substantially screened from any street by fencing, landscaping or similar. Rooftop air conditioning units on townhouses are specifically prohibited.
11. Prior to the issuance of a building permit, the Applicant shall submit the executed Second Modification to the Declaration of Restrictions to meet with the approval of the Town Attorney and, upon approval by the Town Attorney and necessary signatures of Town officials, shall have said Second Modification to the Declaration of Restrictions executed and recorded at the Applicant's expense.
12. The Applicant shall obtain a building permit for construction of improvements as approved herein within one (1) year of the date of issuance of a final development order, unless an extension is properly granted by the Building Department. If a building permit is not obtained, or an extension granted with the prescribed time limit, this approval shall become null and void.
13. The hours of construction and associated noise shall comply with the Town of Miami Lakes Noise Ordinance No. 04-50.

**Section 8. Appeal.** In accordance with the Town Code, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Council by filing of a notice of appeal in accordance with the Florida Rules of Appellate Procedure.

**Section 9. Violation of Conditions.** Failure to adhere to the terms and conditions of this Resolution shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of the approval granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town before they may commence construction or operation, and that the foregoing approvals in this Resolution may be revoked by the Town Council at any time upon a determination that the Applicant is in non-compliance with the Town Code.

**Section 10. Effective Date.** This Resolution shall take become effective immediately upon its passage and adoption by the Town Council.

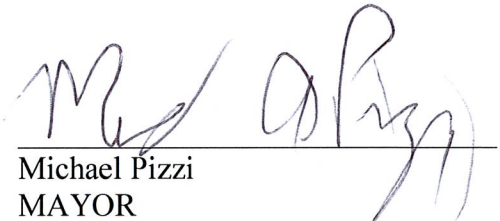
WHEREAS, a motion to approve the Resolution was offered by Frank Mingo who moved its adoption. The motion was seconded by Cesar Mestre and upon being put to a vote, the vote was as follows:

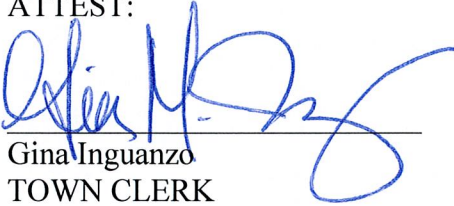


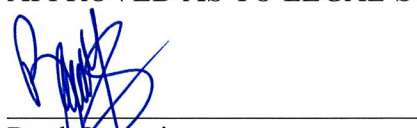
Mayor Michael Pizzi	<u>Yes</u>
Vice Mayor Tim Daubert	<u>Yes</u>
Councilmember Manny Cid	<u>No</u>
Councilmember Tony Lama	<u>Yes</u>
Councilmember Ceasar Mestre	<u>Yes</u>
Councilmember Frank Mingo	<u>Yes</u>
Councilmember Nelson Rodriguez	<u>Yes</u>

PASSED AND ADOPTED this 3<sup>rd</sup> day of November, 2015.

This Resolution was filed in the Office of the Town Clerk on this 14<sup>th</sup> day of November, 2015.

  
 Michael Pizzi  
 MAYOR

ATTEST:  
  
 Gina Inguanzo  
 TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY  
  
 Raul Gastesi  
 TOWN ATTORNEY



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Folio No. 32-2016-000-0020

The Southeast 1/4 of Section 16, Township 52 South, Range 40 East, lying and being in Miami-Dade County, Florida, LESS AND EXCEPT that portion thereof lying within the lands designated as part of Parcel No. 102 and conveyed to the State of Florida Department of Transportation, pursuant to that Deed recorded in Official Records Book 9942, Page 1740, of the Public Records of Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT that portion thereof acquired by Miami-Dade County, Florida pursuant to that Final Judgment recorded in Official Records Book 27731, Page 2513, of the Public Records of Miami-Dade County, Florida, as to the following described lands:

Parcel No. 1: The East 40.00 feet of the South 1275.00 feet of the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, Miami-Dade County, Florida;

and,

Parcel No. 1A; The East 40 feet of the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, Miami-Dade County, Florida, LESS the South 1275.00 feet thereof.

FURTHER LESS AND EXCEPT that portion thereof conveyed to the Town of Miami Lakes pursuant to that Right-of-Way Deed recorded in Official Records Book 28429, Page 801, of the Public Records of Miami-Dade County, Florida, as to the following described lands:

Parcel II: The South 50 feet of the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, lying East of Interstate 75 (State Road Number 93) Ramp Limited Access Right-of-Way line as shown on Florida Department of Transportation Right-of-Way Map for Section 87075-2401, Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT that portion thereof conveyed to Miami-Dade County, Florida pursuant to that Quit-Claim Deed recorded in Official Records Book 28634, Page 307, of the Public Records of Miami-Dade County, Florida, as to the following described lands:

The external area formed by a 25-foot radius arc concave to the Northwest and tangent to the West line of the East 40 feet of said Section 16 and tangent to the North line of the South 50 feet of said Section 16, Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT that portion thereof described as follows:

A portion of land lying and being in the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, in Miami-Dade County, Florida; being more particularly described as follows:

Commencing at the Southeast corner of said Section 16; thence S 89° 34' 49" W along the South line of the Southeast 1/4 of said Section 16, for a distance of 67.90 feet to a point; thence N 00° 25' 11" E for 50.00 feet to the Point of Beginning; thence S 89° 34' 49" W along a line 50 feet North of and parallel with the South line of the Southeast 1/4 of said Section 16 a distance of 485.40 feet to a point ; thence N 00° 25' 11" W for 564.21 feet to a point; thence N 29° 56' 58" E for 375.94 feet to a point; thence N 87° 24' 00" E for 87.27 feet to a point; thence N 02° 36' 00" W for 20.00 feet to a point; thence N 87° 24' 00" E for 200.00 feet; thence S 02° 36' 00" E along a line 40 feet West of and parallel with the East line of the Southeast 1/4 of Section 16 a distance of 894.18 feet to a point of curvature of a circular curve concave to the Northwest and having for its elements a central angle of 92° 10' 49", a radius of 25.00 feet, an arc distance of 40.22 feet and a chord distance of 36.02 feet to the Point of Beginning.

ALL OF SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

**EXHIBIT "B"**

**EXHIBIT “C”**

This instrument was prepared by:

Name: Hugo Arza, Esq.  
Address: Holland & Knight LLP  
701 Brickell Avenue  
Suite 3000  
Miami, Florida 33131

(Space reserved for Clerk of Court)

## SECOND MODIFICATION OF DECLARATION OF RESTRICTIONS

THIS SECOND MODIFICATION OF DECLARATION OF RESTRICTIONS (the “**Second Modification**”) entered into this 6<sup>th</sup> day of NOVEMBER, 2015, by F71-1, LLC, a Florida limited liability company (collectively, the “**Owners**”).

### RECITALS:

WHEREAS, On October 9, 2002 the Town of Miami Lakes, Florida (the “**Town**”) adopted Ordinance 02-26 which approved a Declaration of Restrictions (the “**Declaration**”), proffered by the Owner’s predecessor-in-interest, for property generally located at the Northwest corner of proposed Northwest 87 Avenue and Northwest 154 Street within the boundaries of the Town and identified by Miami-Dade County Tax Folio No. 32-2016-000-0020 (“**Dunnwoody Lake**” or “**Property**”), the legal description is attached hereto as Exhibit A; and

WHEREAS, the Declaration was thereafter duly executed and recorded by the property owners, Lowell S. and Betty L. Dunn, in Official Records Book 20812 at Page 4767 of the Public Records of Miami-Dade County, Florida; and

WHEREAS, on May 11, 2011, the Town approved a Modification of the Declaration of Restrictions (the “**Modification**”), which was thereafter duly executed and recorded by the Owner, in Official Record Book 27929, Page 1276 of the Public Records of Miami-Dade County, Florida; and

WHEREAS, the Declaration may be amended subject to approval by the Town Council after public hearing; and

IN ORDER TO ASSURE the Town that the representations made to them by the Owners during consideration of the Resolution 15-1334, will be abided by the Owners, their successors or assigns freely, voluntarily and without duress, the Owner makes the following amendments to the Declaration:

1. Recitals. The parties agree that the foregoing recitals are true and correct and incorporated herein by this reference.

2. Modification of Declaration. The Declaration is hereby modified as follows:

FROM:

- (1) That the Property shall be developed in substantial compliance with the plans entitled “Dunnwoody Lake” as prepared by Robayna and Associates, Inc., consisting of 8 sheets labeled S-1, S-4 and S-5 dated last revised October 2, 2002, sheets S-3, L-1 and dated L-3 dated last revised September 18, 2002, sheet S-2 dated last revised July 17, 2002, and sheets L-2 dated August 8, 2002.

TO:

\* \* \*

(1)

- (a) That the Property shall be developed in substantial compliance with the plans entitled “Dunnwoody Lake” as prepared by Robayna and Associates, Inc., consisting of 8 sheets labeled S-1, S-4 and S-5 dated last revised October 2, 2002, sheets S-3, L-1 and dated L-3 dated last revised September 18, 2002, sheet S-2 dated last revised July 17, 2002, and sheets L-2 dated August 8, 2002.
- (b) However, in the alternative, and in the Owner’s absolute discretion, those portions of the Property that are zoned RM-13 (the “RM-13 Parcel”), as legally described in Exhibit A to this Second Modification, shall instead be developed in substantial compliance with the plans entitled “Parcel A – Dunnwoody Lake – Alternate Plan,” as prepared by Pasqual Perez and Kiliddjian, Inc., consisting of 4 sheets, SP-1 and SP-2, dated October 19, 2015 and signed/sealed on October 20, 2015 and SP-3 and SP-4, dated October 19, 2015 and submitted on October 28, 2015 (the “Alternate Plan”), consisting of 482 units; except as modified by the Town Council to provide a ten (10) foot wide landscape buffer along NW 87<sup>th</sup> Avenue, which buffer shall be utilized for the planting of trees to function as street trees.

\* \* \*

3. Miscellaneous. This Modification may be signed in more than one counterpart and/or by facsimile, in which case each counterpart shall constitute an original of this Modification. Paragraph headings are for convenience only and are not intended to expand or restrict the scope or substance of the provisions of the Modification. Wherever used herein, the singular shall include the plural, the plural shall include the singular, and pronouns shall be read as masculine, feminine or neuter as the context requires.

4. Preservation of the Declaration. Except as modified herein, the Declaration remains in full force and effect.

**[Signature Pages Follow]**



IN WITNESS WHEREOF, F71-1, LLC, has caused these present to be signed in its name  
on this \_\_\_\_ day of \_\_\_\_\_, 2015.

**WITNESSES:**

**F71-1, LLC.**  
a Florida limited liability Company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Printed Name

STATE OF FLORIDA                    )  
  ) SS:  
COUNTY OF MIAMI-DADE         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_, as \_\_\_\_\_ of F71-1, LLC., a Florida limited liability company, on behalf of said company, who is personally known to me or has produced \_\_\_\_\_ as identification.

My Commission Expires:

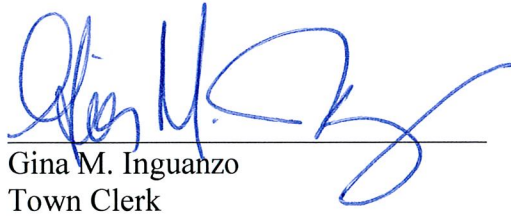
\_\_\_\_\_  
Notary Public – State of Florida

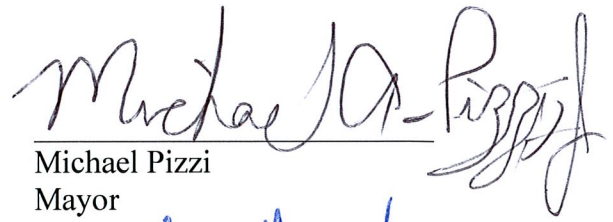
\_\_\_\_\_  
Printed Name

ACKNOWLEDGED BY:

ATTEST:

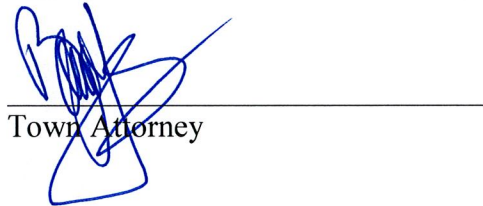
**TOWN OF MIAMI LAKES,  
FLORIDA**

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

  
\_\_\_\_\_  
Michael Pizzi  
Mayor

Dated 10 day of November, 2015

Approved for form and legal sufficiency:

  
\_\_\_\_\_  
Town Attorney

## EXHIBIT A

Folio No. 32-2016-000-0020

The Southeast 1/4 of Section 16, Township 52 South, Range 40 East, lying and being in Miami-Dade County, Florida, LESS AND EXCEPT that portion thereof lying within the lands designated as part of Parcel No. 102 and conveyed to the State of Florida Department of Transportation, pursuant to that Deed recorded in Official Records Book 9942, Page 1740, of the Public Records of Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT that portion thereof acquired by Miami-Dade County, Florida pursuant to that Final Judgment recorded in Official Records Book 27731, Page 2513, of the Public Records of Miami-Dade County, Florida, as to the following described lands:

Parcel No. 1: The East 40.00 feet of the South 1275.00 feet of the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, Miami-Dade County, Florida;

and,

Parcel No. 1A; The East 40 feet of the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, Miami-Dade County, Florida, LESS the South 1275.00 feet thereof.

FURTHER LESS AND EXCEPT that portion thereof conveyed to the Town of Miami Lakes pursuant to that Right-of-Way Deed recorded in Official Records Book 28429, Page 801, of the Public Records of Miami-Dade County, Florida, as to the following described lands:

Parcel II: The South 50 feet of the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, lying East of Interstate 75 (State Road Number 93) Ramp Limited Access Right-of-Way line as shown on Florida Department of Transportation Right-of-Way Map for Section 87075-2401, Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT that portion thereof conveyed to Miami-Dade County, Florida pursuant to that Quit-Claim Deed recorded in Official Records Book 28634, Page 307, of the Public Records of Miami-Dade County, Florida, as to the following described lands:

The external area formed by a 25-foot radius arc concave to the Northwest and tangent to the West line of the East 40 feet of said Section 16 and tangent to the North line of the South 50 feet of said Section 16, Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT that portion thereof described as follows:

A portion of land lying and being in the Southeast 1/4 of Section 16, Township 52 South, Range 40 East, in Miami-Dade County, Florida; being more particularly described as follows:

Commencing at the Southeast corner of said Section 16; thence S 89° 34' 49" W along the South line of the Southeast 1/4 of said Section 16, for a distance of 67.90 feet to a point; thence N 00°

25° 11' E for 50.00 feet to the Point of Beginning; thence S 89° 34' 49" W along a line 50 feet North of and parallel with the South line of the Southeast 1/4 of said Section 16 a distance of 485.40 feet to a point ; thence N 00° 25' 11" W for 564.21 feet to a point; thence N 29° 56' 58" E for 375.94 feet to a point; thence N 87° 24' 00" E for 87.27 feet to a point; thence N 02° 36' 00" W for 20.00 feet to a point; thence N 87° 24' 00" E for 200.00 feet; thence S 02° 36' 00" E along a line 40 feet West of and parallel with the East line of the Southeast 1/4 of Section 16 a distance of 894.18 feet to a point of curvature of a circular curve concave to the Northwest and having for its elements a central angle of 92° 10' 49", a radius of 25.00 feet, an arc distance of 40.22 feet and a chord distance of 36.02 feet to the Point of Beginning.

ALL OF SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.



## Town of Miami Lakes Memorandum

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**To:** Honorable Mayor and Town Council

**From:** Alex Rey, Town Manager

**Subject:** Dunnwoody Lakes - PHSP2015-0001 / VARH2015-0015

**Date:** November 3, 2015

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### **Recommendation:**

It is recommended that the Town Council approve the applications for approval of an alternate site plan, six variances and modification of the declaration of restrictions, for the Dunnwoody Lake residential development, subject to the following conditions:

1. The Application's approval is for development indicated on submitted plans entitled "Parcel A – Dunnwoody Lake – Alternate Plan," as prepared by Pasqual Perez and Kiliddjian, Inc., consisting of 4 sheets, SP-1 through SP-4, dated October 19, 2015 and signed/sealed on October 28, 2015 (the "Alternate Plan"). This plan is an alternate to that site plan approved by Ordinance 02-26, and the option of which plan to utilize for the development is at the sole discretion of the property owner.
2. An administrative site plan review (ASPR) application shall be submitted to the Town and shall be approved prior to the issuance of a building permit. Said site plan shall be in substantial compliance with the plan referenced in Condition #1, above, and shall include detailed plans for parks and open spaces within the development, architectural elevations for townhouse buildings, paving, grading and drainage plans, landscaping, signage and street lighting and other details that may reasonably be required by the Administrative Official.
3. Any development of the subject property shall comply with all requirements and obtain any necessary permits or other approvals from the Miami-Dade County Department of Environmental Resources Management (DERM) and the Miami-Dade County Water and Sewer Department (MDWASD), including but not be limited to, approval for drainage and water and sewer service.
4. The ten feet wide landscape buffer indicated on the Alternate Plan shall be utilized for the planting of trees to function as street trees. Proposed trees shall be of species approved by the Town arborist, and maintenance of this area, including trees, shall be the responsibility of the property owner, successor homeowners association, community development district or similar entity. This arrangement shall be formalized as part of the platting process in a manner acceptable to the Town.
5. All streets shall include street trees. with species, spacing and planting as approved the

- Town Arborist and consistent with the Town's adopted Beautification Master Plan.
6. Prior to the issuance of a building permit, the property owner shall establish, by plat and in a form acceptable to the Town Attorney, an easement approximating the green area around the lake shown on the Alternate Plan allowing for access along this area by all residents of the development.
  7. Prior to the issuance of a building permit, the property owner shall establish, by plat and in a form acceptable to the Town Attorney, a cross-access easement to the BU-1A parcel, as indicated on the Alternate Plan by the note "FUTURE CONTROLLED ACCESS TO BU-1A PARCEL". Said cross-access easement may specify that only residents of the development (or at the option of the property owner, visitors of residents of the development) may utilize this cross-access point, and may specify that access can be controlled.
  8. Prior to the issuance of building permit or approval of a preliminary or final plat, the property owner shall resolve the expired building permit number B2006-1448, by finalizing the permit and paying any outstanding amounts related to said permit.
  9. The 50 feet wide single family lots, as indicated on the plans specified in Condition #1, shall only be permitted one vehicular access point (i.e. no circular driveways shall be allowed).
  10. All outside air conditioning units for townhouse units shall be placed on the ground, and shall substantially screened from any street by fencing, landscaping or similar. Rooftop air conditioning units on townhouses are specifically prohibited.
  11. Prior to the issuance of a building permit, the Applicant shall submit the executed Second Modification to the Declaration of Restrictions to meet with the approval of the Town Attorney and, upon approval by the Town Attorney and necessary signatures of Town officials, shall have said Second Modification to the Declaration of Restrictions executed and recorded at the Applicant's expense.
  12. The Applicant shall obtain a building permit for construction of improvements as approved herein within one (1) year of the date of issuance of a final development order, unless an extension is properly granted by the Building Department. If a building permit is not obtained, or an extension granted with the prescribed time limit, this approval shall become null and void.
  13. The hours of construction and associated noise shall comply with the Town of Miami Lakes Noise Ordinance No. 04-50.

## **Background:**

See attached Staff Analysis

## **Attachments:**

**Exhibit 1 - Survey**

**Exhibit 3 - Original Declaration of Restrictions**

**Exhibit 4 - First Amendment to the Declaration of Restrictions**

**Exhibit 5 - Modification of the Declaration of Restrictions**

**Exhibit 6 - Ordinance 02-26**

**Exhibit 7 - 2011 Development Agreement**

**Resolution Exhibit A - Proposed Site Plan**

**Staff Analysis and Recommendation**

**Exhibit 8 - Backup Materials**

**Resolution**

**Resolution Exhibit B - Proposed Second Modification to Declaration of Restrictions**