

RESOLUTION NO. 15-1338

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 LOCH NESS GARDENS SUBMITTED FOR PROPERTY LOCATED AT 7242 LOCH NESS DRIVE, MIAMI LAKES, FLORIDA, FOLIO NUMBER 32-2014-010-1470, IN THE RU-1, SINGLE FAMILY RESIDENTIAL 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) of the Town of Miami Lakes (“Town”) Land Development Code (“LDC”), Comar Ventures Corp. (the “Applicant”) has applied to the Town for approval of a preliminary plat, a copy of the Plat being attached hereto as Exhibit “A” and incorporated herein by reference (the “Preliminary Plat”), for property legally described as Tract “A” of Miami Lakes Loch Ness Section, according to the plat thereof as recorded in Plat Book 93, Page 45 of the Public Records of Miami-Dade County, Florida, and containing approximately 1.7 acres of land, with a physical address of 7242 Loch Ness Drive, and assigned folio number 32-2014-010-1470; 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, November 3, 2015, 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; and

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), 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 of Preliminary Plat. Subject to the conditions set forth in Section 4 of this Resolution, the Preliminary Plat attached hereto as Exhibit "A" is approved.

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

1. The approval of the preliminary plat shall be in accordance with the copy of the “Tentative Plat and Boundary Survey of LOCHNESS GARDENS” as submitted for approval to the Town Council and prepared by Manuel G. Vera & Associates, Inc., Manuel G. Vera, Registered Land Surveyor, State of Florida, License No. 2262, consisting of one (1) sheet and stamped as received on 10.29.2015.
2. Prior to the approval of the final plat, the property owner shall submit, and have approved by the Town Council after public hearing, a site plan application. Said site plan shall be consistent with the preliminary plat and shall include maximum footprints of proposed principal structures, elevations identifying the number of stories and maximum height of principal structures on each lot and specifying proposed architectural types, delineation of a circular planting area within the cul-de-sac, the location and size of proposed sidewalks and swale areas, location and types of street trees and other similar details as may be reasonably required by the Town. Proposed trees and landscaping within the proposed public right-of-way shall be detailed, and shall be consistent with the Town’s adopted Beautification Master Plan.
3. 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.
4. All design and engineering documents, including any required studies, required for public improvements per the LDC shall be submitted concurrently with the final plat application. All required improvements shall be completed and accepted by the Town, per the procedures of the LDC, prior to recording of the final plat.
5. No building permit shall be issued until the final plat is recorded.
6. 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.

(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED AND ADOPTED this 3rd day of November, 2015.

The foregoing resolution was moved for adoption by Councilman Mestre. The motion was seconded by Councilman Mingo and upon being put to a vote, the vote was as follows:

Mayor Michael A. Pizzi, Jr.	<u>no</u>
Vice Mayor Manny Cid	<u>no</u>
Councilmember Tim Daubert	<u>yes</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>




Michael A. Pizzi, Jr.
MAYOR

Attest:



Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



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

EXHIBIT “A”

GASTESI & ASSOCIATES P.A.

8105 N.W. 155 Street, Miami Lakes, Florida 33016

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Email: rgastesi@gastesi.com
Website: www.gastesi.com

September 29, 2016

**Furnished via email to
InguanzoG@miamilakes-fl.gov**


Gina Inguanzo
Town Clerk
Town of Miami Lakes
6601 Main Street, Suite 206
Miami Lakes, Florida 33014

**RE: Loch Ness
Resolution No.: 15-1338**

Dear Ms. Inguanzo:

I write with regard to our prior conversations. As we discussed with Brandon Schaad, the November 15, 2016 Resolution No. 15-1338 that was placed on the website contained a scrivener's error. We noticed this after the fact and have in fact requested that it be corrected. The corrected language has been approved by Mr. Schaad, the undersigned, and by the Town Clerk as to what should have been the correct version of the Resolution. Please be sure that it has been posted and filed correctly.

Very truly yours,



RAUL GASTESI, JR.

RG/mi
cc: Alex Rey (via email only)