

RESOLUTION NO. 16-1404

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, DENYING A REQUEST IN ACCORDANCE WITH SUBSECTION 13-308(F)(3) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A FINAL PLAT ENTITLED “LOCHNESS GARDENS”; DENYING A REQUEST IN ACCORDANCE WITH SECTION 13-304 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A SITE PLAN APPROVAL; SUBMITTED FOR PROPERTY LOCATED 7242 LOCH NESS DRIVE, MIAMI LAKES, FLORIDA, FOLIO NUMBER 32-2014-010-1470, IN THE RU-1 ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR DENIAL; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Subsection 13-308(f)(3) and Section 13-304 of the Town of Miami Lakes’ (the “Town”) Land Development Code (the “LDC”), Comar Ventures Corporation (the “Applicant”) has applied to the Town for approval of a final plat, a copy of the Plat being attached hereto as Exhibit “A” and incorporated herein by reference (the “Final Plat”), for property located at 7242 Loch Ness Drive, Miami-Dade Tax Folio No. 32-2014-010-1470 (“Property”), legally described Tract A, Miami Lakes Loch Ness Section, Plat Book 93, Page 45, and containing approximately 1.7 acres of land,; and

WHEREAS, Subsection 13-308(f)(3) of the Town LDC sets forth the authority of the Town Council to consider and act upon an application for a final plat; and

WHEREAS, Subsection 13-304 of the Town LDC and Town Council and Resolution 15-1338 sets forth the authority of the Town Council to consider and act upon an application for site plan approval on the Property; 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 Final Plat was noticed for Tuesday, September 6, 2016, 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 Council Resolution 15-1338 approving the preliminary plat included a condition that prior to approval of the final plat the property owner submit, and have approved by the Town Council after a public hearing, a site plan application, and the Town Council determined after public hearing that the submitted site plan does not meet the criteria of Subsection 13-304(h) for approval of a site plan and denied said site plan, and therefore the proposed final plat does not meet the conditions of Resolution 15-1338; and

WHEREAS, the Town Council has considered the written recommendations of staff, any other reviewing agencies, and presentations by the public, and finds that the proposed site plan does not meet the criteria of Subsection 13-304(h) of the LDC for approval of the site plan, and that the request for Final Plat approval does not meet the conditions of Resolution 15-1338.

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 accordance with Subsection 13-304(h), the Town Council finds that the Application does not meet 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 impacts on residential development.
- c. 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.
- i. 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.

The Town Council further finds that the Application does not meet the requirements of the conditions of the approval of the preliminary plat in Resolution 15-1338.

Section 3. Denial of Site Plan. The Site Plan is hereby denied with prejudice.

Section 4. Denial of Final Plat. The proposed Final Plat for “LOCHNESS GARDENS,” as attached hereto as Exhibit “A”, is hereby denied with prejudice.

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.

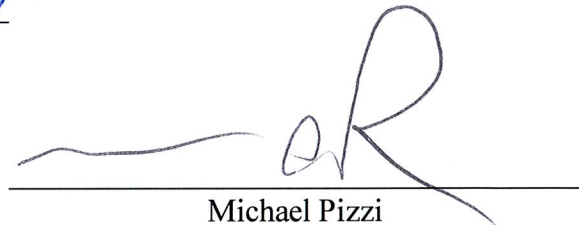
Section 6. Effective date. This Resolution shall become effective immediately upon adoption hereof.

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Passed and adopted this 6TH day of September, 2016.

The foregoing resolution was moved for adoption by Mayor Pizzi. The motion was seconded by Councilmember LAMA and upon being put to a vote, the vote was as follows:

Mayor Michael Pizzi	<u>Y</u>
Vice Mayor Tim Daubert	<u>Y</u>
Councilmember Manny Cid	<u>Y</u>
Councilmember Tony Lama	<u>Y</u>
Councilmember Ceasar Mestre	<u>Y</u>
Councilmember Frank Mingo	<u>Y</u>
Councilmember Nelson Rodriguez	<u>Y</u>


Michael Pizzi
MAYOR

Attest:


Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:


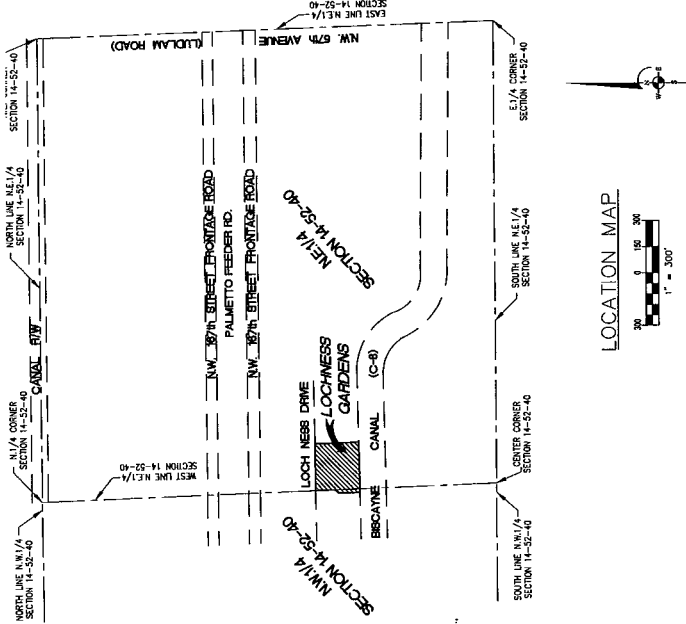

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

Exhibit A

LOCHNESS GARDENS

A REPLAT OF TRACT "A" OF MIAMI LAKES LOCH NESS SECTION, AS RECORDED IN PLAT BOOK 93, PAGE 45 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN SECTION 14, TOWNSHIP 92 SOUTH, RANGE 40 EAST, IN THE TOWN OF MIAMI LAKES, MIAMI-DADE COUNTY, FLORIDA

MANUEL G. VERA & ASSOCIATES, INC.
ENGINEERS - LAND SURVEYORS - PLANNERS
13980 SW 47th STREET MIAMI, FLORIDA 33175
PHONE: (305) 221-18210 FAX: (305) 221-1295
JANUARY 2018



KNOW ALL MEN BY THESE PRESENTS:
THAT COMAR VENTURES CORP., A FLORIDA CORPORATION, HAS CAUSED TO BE MADE THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

TRACT "A" OF "MIAMI LAKES LOCH NESS SECTION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 93, AT PAGE 45, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

IN WITNESS WHEREOF:

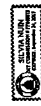
THE SAID COMAR VENTURES CORP., A FLORIDA CORPORATION, HAS CAUSED THESE PRESENTS TO BE SIGNED FOR AND ON ITS BEHALF BY RODOLFO TORRES VICE PRESIDENT OF COMAR VENTURES CORP., A FLORIDA CORPORATION AND ITS CORPORATE SEAL TO BE HERETO IN THE PRESENCE OF THESE TWO WITNESSES THIS 30th DAY OF MAY, 2018, A.D.

WITNESS: Rodolfo Torres BY: Rodolfo Torres
PRINT: Rodolfo Torres TITLE: Vice President
WITNESS: Janice Alonso
PRINT: Janice Alonso

ACKNOWLEDGEMENT:

STATE OF FLORIDA SS:
COUNTY OF MIAMI-DADE
I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME AN OFFICER DULY QUALIFIED TO ADMINISTER OATHS AND I HAVE ADMINISTERED THE OATH TO THE SAID RODOLFO TORRES VICE PRESIDENT OF COMAR VENTURES CORP., A FLORIDA CORPORATION WHO IS PERSONALLY KNOWN TO ME AND WHO EXECUTED THE FOREGOING INSTRUMENT FREELY AND VOLUNTARILY AS SUCH OFFICER FOR THE PURPOSES HEREIN EXPRESSED AND WHO DID NOT TAKE AN OATH.
WITNESS MY HAND AND OFFICIAL SEAL THIS 30 DAY OF MAY, 2018, A.D.

MY COMMISSION NUMBER: 17048072
MY COMMISSION EXPIRES: September 24, 2017
BY: Janice Alonso
PRINTED NAME OF ACKNOWLEDGER: Janice Alonso
TITLE: Notary Public
STATE OF FLORIDA AT LARGE



SURVEYORS CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED PLAT ENTITLED, LOCHNESS GARDENS, IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS AS RECENTLY SURVEYED AND PLATTED UNDER MY DIRECTION; THAT THE SURVEY DATA AS SHOWN ON THIS PLAT COMPLIES WITH THE APPLICABLE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, AND THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN SET.

MANUEL G. VERA & ASSOCIATES, INC.
CERTIFICATE OF AUTHORIZATION No. LB24-33
Manuel G. Vera
MANUEL G. VERA, SECRETARY
NO. 2282, STATE OF FLORIDA.

NOTICE:
THIS PLAT AS RECORDED IN ITS GRAPHIC FORM IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT WHERE IT BEING RECORDED IN THE PUBLIC RECORDS OF THIS COUNTY.
IF THE PLAT IS NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

TOWN OF MIAMI LAKES PLAT RESTRICTIONS:

THAT LOCH NESS DRIVE AND LOCH DOON ROAD AS SHOWN ON THE ATTACHED PLAT, TOGETHER WITH ALL EXISTING AND FUTURE PLANTING, TREES, SHRUBBERY, AND FIRE ALARMS, SHALL BE MAINTAINED AND PRESERVED FOR THE USE OF THE PUBLIC FOR PROPER PURPOSES, RESERVING TO THE DESIGNATORS, THEIR SUCCESSORS OR REVERSION OR REVERSIONS THEREOF, WHENEVER DISCONTINUED BY LAW.

MIAMI-DADE COUNTY PLAT RESTRICTIONS:

THAT INDIVIDUAL WELLS SHALL NOT BE PERMITTED WITHIN THIS SUBDIVISION, EXCEPT FOR SWIMMING POOLS, SPRINKLER SYSTEMS AND/OR AIR CONDITIONERS.
THAT THE USE OF SEPTIC TANKS WILL NOT BE PERMITTED WITHIN THIS SUBDIVISION, UNLESS APPROVED FOR TEMPORARY USE, IN ACCORDANCE WITH COUNTY AND STATE REGULATIONS.
THAT ALL NEW ELECTRIC AND COMMUNICATION LINES, EXCEPT TRANSMISSION LINES, WITHIN THIS SUBDIVISION, SHALL BE INSTALLED UNDERGROUND.

OWNER'S PLAT RESTRICTION:

THAT THE UTILITY EASEMENTS AT THE SIDES AND/OR FRONT OF CERTAIN LOTS AS SHOWN BY THIS PLAT ARE HEREBY RESERVED FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES.

TOWN OF MIAMI LAKES APPROVAL:

THIS PLAT WILL NOT RESULT IN A REDUCTION IN THE LEVEL OF SERVICES FOR THE AFFECTED PUBLIC FACILITIES BELOW THE LEVEL OF SERVICES PROVIDED IN THE TOWN'S COMPREHENSIVE PLAN AND THE TOWN OF MIAMI LAKES HAS APPROVED AND THE FOREGOING INSTRUMENT HAS BEEN PASSED AND ADOPTED BY RESOLUTION NO. 177-08(1), A RESOLUTION OF THE TOWN OF MIAMI LAKES, FLORIDA, THIS _____ DAY OF _____, A.D., 2016.

SIGNED: _____ PRINT NAME: _____ TOWN MANAGER
ATTEST: _____ PRINT NAME: _____ TOWN CLERK

THIS PLAT HAS BEEN REVIEWED BY A PROFESSIONAL SURVEYOR AND NUMBER UNDER CONTRACT TO THE TOWN OF MIAMI LAKES, ACCORDANCE WITH SECTION 177.08(1), FLORIDA STATUTES, AND AGREES THAT THE LOTS AND OTHER FEATURES AS SHOWN ON THIS PLAT CONFORMS TO CHAPTER 177.08(1), FLORIDA STATUTES.

BY: _____ PRINT NAME: _____ PROFESSIONAL SURVEYOR AND MAPPER NO. _____ STATE OF FLORIDA

MIAMI-DADE COUNTY APPROVAL:

THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES CERTIFIES THAT THIS PLAT APPEARS TO CONFORM TO ALL THE REQUIREMENTS OF CHAPTER 28 OF THE MIAMI-DADE COUNTY CODE.
CERTIFIED THIS _____ DAY OF _____, A.D., 2016

BY: _____ DIRECTOR

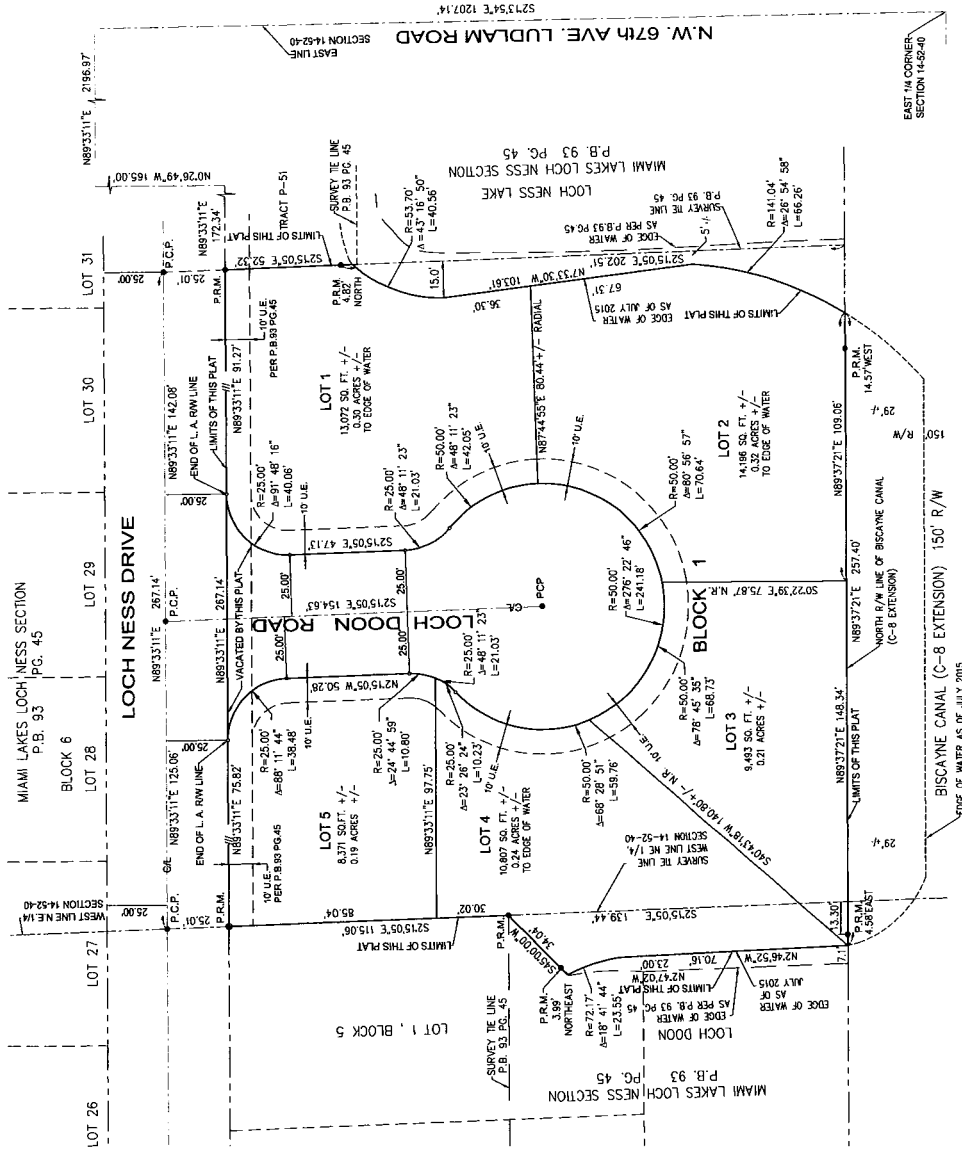
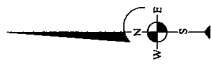
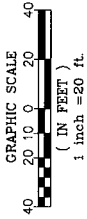
RECORDING STATEMENT:

FILED FOR RECORD THIS _____ DAY OF _____, A.D., 2016
AT _____ IN BOOK _____ OF PLATS, AT PAGE _____ OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
THIS PLAT COMPLES WITH THE LAWS OF THE STATE OF FLORIDA AND MIAMI-DADE COUNTY, FLORIDA.
HARLEY BUNN
CLERK OF CIRCUIT COURT
BY: _____ DEPUTY CLERK

LOCHNESS GARDENS

A REPEAT OF TRACT 5 OF MIAMI LAKES LOCH NESS SECTION, AS RECORDED IN PLAT BOOK 93, PAGE 45 OF THE PUBLIC RECORDS OF THE COUNTY OF MIAMI, FLORIDA, BEARING 21° 19' 52" SOUTH, RANGE 40 EAST, IN THE TOWN OF MIAMI LAKES, MIAMI-DADE COUNTY, FLORIDA.

MANUEL G. VERA & ASSOCIATES, INC.
ENGINEERS - LAND SURVEYORS - PLANNERS
13980 SW 47th STREET MIAMI, FLORIDA 33175
PHONE: (305) 221-8210 FAX: (305) 221-1285
JANUARY 2016



- ABBREVIATIONS.**
- C/L : DENOTES CENTERLINE
 - R/W : DENOTES RIGHT-OF-WAY
 - BOOK : DENOTES BOOK
 - P.C.P. : DENOTES PERMANENT CONTROL POINT
 - PCP : DENOTES PERMANENT CONTROL POINT
 - SO. FT. : DENOTES SQUARE FEET
 - L. : DENOTES LENGTH
 - L.A. : DENOTES LIMITED ACCESS
 - L.U. : DENOTES LIMITED UTILITY
 - N.R. : DENOTES NON RADIAL
 - P.R.M. : DENOTES PERMANENT REFERENCE MONUMENT (4" x 4" CONCRETE MONUMENT)

SURVEYOR'S REPORT:
BEARINGS SHOWN HEREON ARE RELATIVE TO AN ASSUMED MERIDIAN ALONG THE CENTERLINE OF LOCH NESS DRIVE, WHICH BEARS N 89°33'11" E.

RECORDING STATEMENT.

FILED FOR RECORD THIS _____ DAY OF _____ A.D. 2016 AT _____ COUNTY, FLORIDA.
THIS PLAT COMPLES WITH THE LAWS OF THE STATE OF FLORIDA AND MIAMI-DADE COUNTY, FLORIDA.
MANUEL G. VERA & ASSOCIATES, INC.
BY: _____ DEPUTY CLERK

NOTICE:
THIS PLAT AS RECORDED IN ITS GRAPHIC FORM IS THE OFFICIAL DEPICTION OF THE SURVEYED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER RECORDS OR INSTRUMENTS. ANY INSTRUMENTS OR RECORDS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

Exhibit B

DATE	
NO.	

LOCH NESS GARDENS
 7342 LOCH NESS GARDENS
 MIAMI, FLORIDA

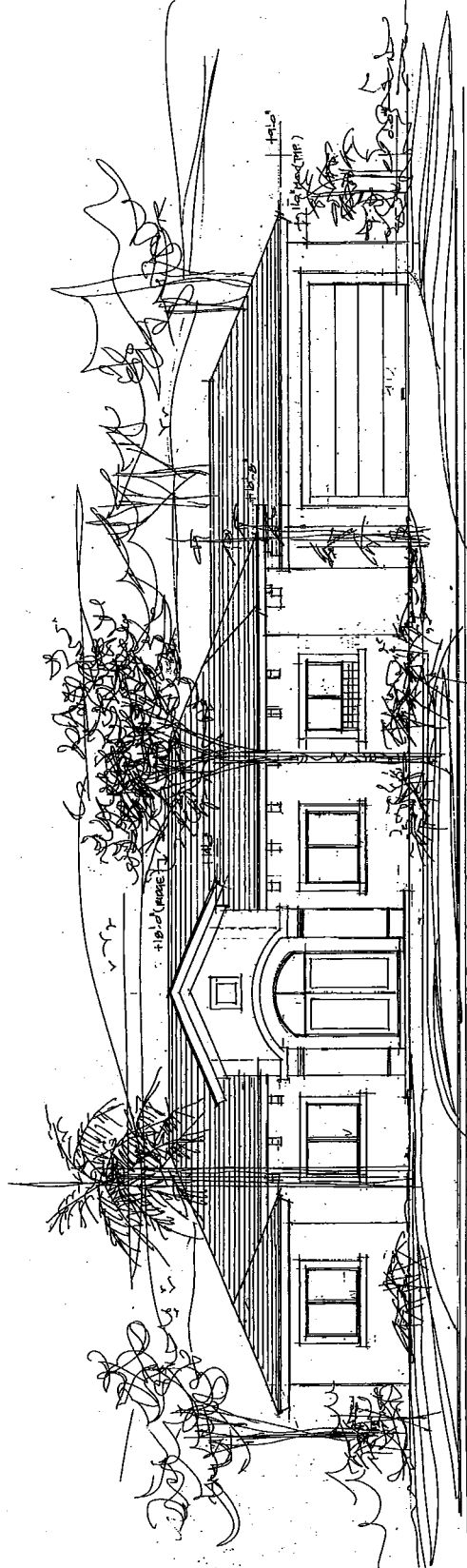
CARLOS A. MARTI-ARCHITECT

18 002574
 1500 SW 32ND STREET
 MIAMI, FLORIDA 33135
 TELEPHONE: (305) 228-8460

REVISION

scale:
 drawn: CMT
 date: 5/30/06
 job: 0210.33
 sheet:

A-2



FRONT ELEVATION.
 SCALE: 1/4" = 1'-0"

MODEL: LOT. 1

REV	BY

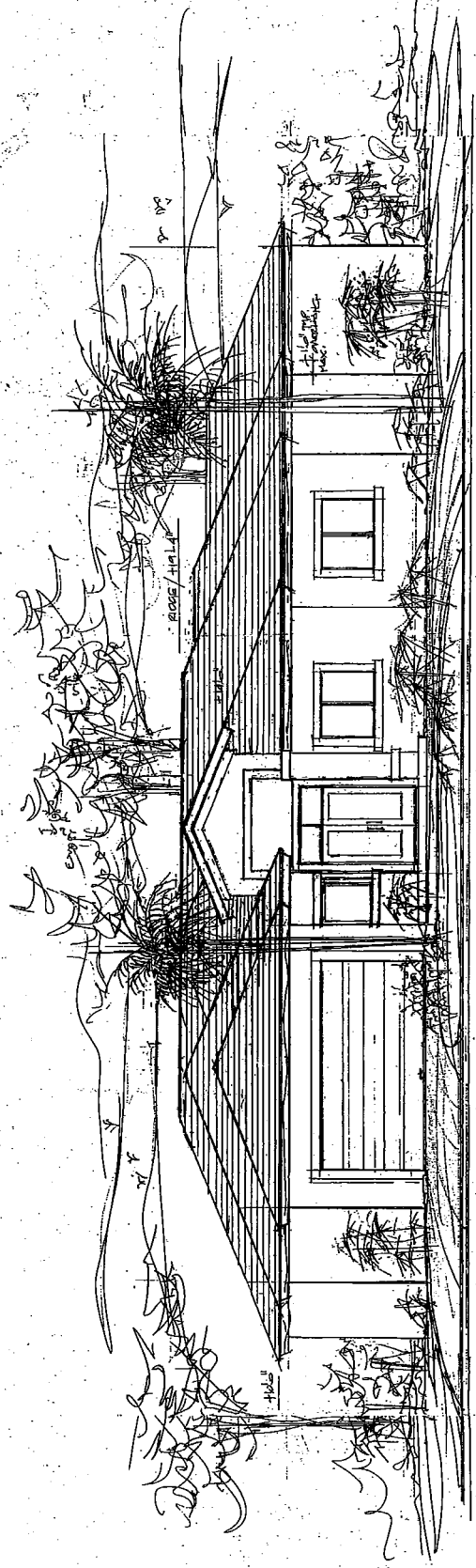
LOCH NESS GARDENS
7242 LOCH NESS GARDENS
MIAMI, FLORIDA

CARLOS A. MARTI-ARCHITECT
AR 0002784
1600 SW 32ND STREET
MIAMI, FLORIDA 33135
TELEPHONE (305) 239-0460

RECEIVED
02.25.2010

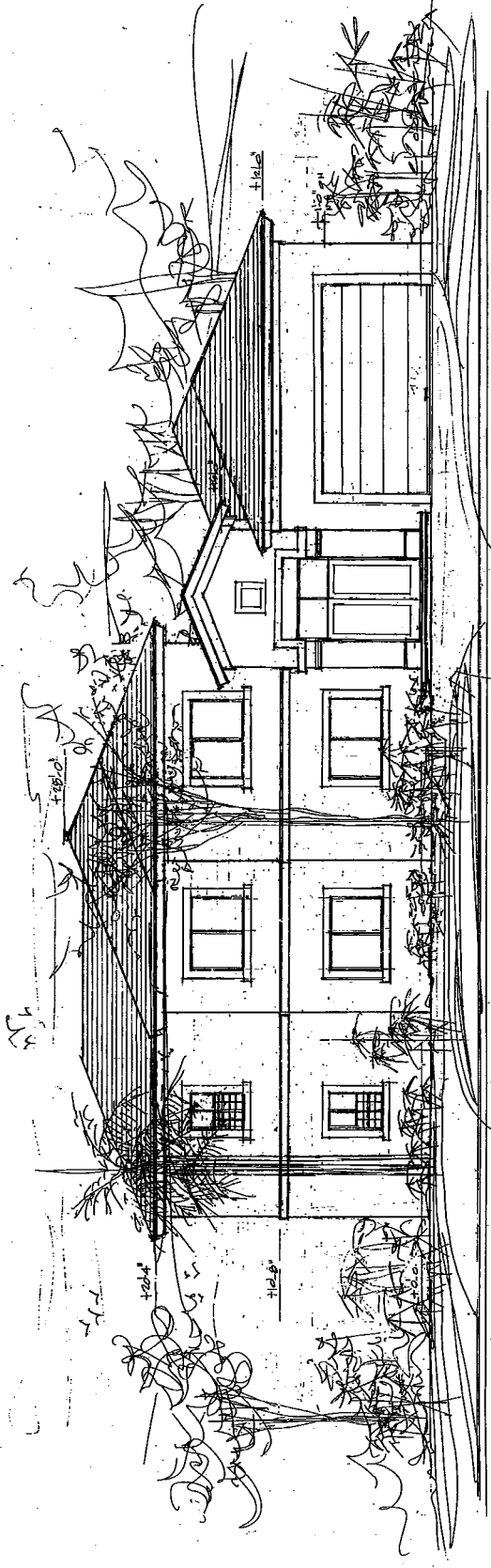
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job:	16.10.244
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A-2



FRONT ELEVATION.
SCALE: 1/4" = 1'-0"

MODEL: LOT. 2 OPTION B



FRONT ELEVATION.
 SCALE: 1/4" = 1'-0"

MODEL: LOT. 3

