

RESOLUTION NO. 16-1417

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 “TGC LAKESIDE II” SUBMITTED FOR PROPERTY LOCATED NORTH OF COMMERCE WAY ON THE EAST AND WEST SIDES OF THEORETICAL NW 82ND AVENUE, MIAMI LAKES, FLORIDA, IN THE BU-2 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”), TGC BPW, LLC (the “Applicant”) has applied to the Town for approval of a preliminary plat, a copy of the Plat being attached here to as **Exhibit “A”** and incorporated herein by reference (“Preliminary Plat”), for property generally located north of Commerce Way on the east and west side of NW 82nd Avenue, which all or portions of Miami-Dade Tax Folio Nos. 32-2022-001-0520 (“Property”), as legally described in **Exhibit “B”**, and containing approximately 7.834 acres of land; 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, December 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 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.

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.

Additionally, as the proposed preliminary plat includes the proposed vacation of a 20 feet wide right-of-way reservation, in accordance with Subsection 13-1609(c), the Town Council finds that the application meets the criteria for right-of-way vacation, which are as follows:

1. Whether the public benefits from the use of the subject right-of-way or easement as part of the Town's roadway system;
2. Whether the subject right-of-way or easement is necessary for future needs of the Town;
3. Whether the proposed action is consistent with the Town's Comprehensive Plan;
4. The impacts of the proposed action on traffic circulation including the results of any applicable traffic study;
5. The effect of the proposed action upon the safety of pedestrians and vehicular traffic;
6. The effect of the proposed action upon the provision of municipal services, including, but not limited to police, fire-rescue, and solid waste services;
7. The estimated immediate and future cost to the Town, if any, as a result of the vacation and any mitigation plan proposed by the applicant to offset any potential impacts; and
8. The reason identified by the applicant for the proposed vacation.

Section 3. Approval. The Preliminary Plat, including the vacation of the 20 feet wide right-of-way reservation established in Plat Book 2 at Page 68 and indicated on the Preliminary Plat as to be vacated, is hereby approved, subject to conditions as set out in Section 4.

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

1. The approval of the preliminary plat shall be in accordance with the copy of the “Tentative Plat of “TGC Lakeside II” as submitted for approval to the Town Council and prepared by Schwebke-Shiskin and Associates, Inc. consisting of two (2) sheets and stamped as received by the Town on 11-22-2016.
2. The applicant shall either amend the proposed warehouse use to comply with uses approved by BU-2 zoning, or submit an application for rezoning to either IU-1 or IU-C, to be heard and evaluated by Town Council.
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. The final plat shall include a drainage easement in favor of the Town of Miami Lakes, of a width and in a location acceptable to the Administrative Official.
5. All design and engineering documents, including any required studies, required for public improvements, or Private Street, utility and infrastructure improvements required to meet the standards for public facilities per the LDC, shall be submitted concurrently with the final plat application. All required improvements shall be completed and approved by the Town, per the procedures of the LDC, prior to recording of the final plat.
6. No building permit which is dependent upon this plat shall be issued until the final plat is recorded, except as may be allowed by the LDC.
7. 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.

PASSED AND ADOPTED this 6th day of December, 2016.

Motion to adopt by Vice Mayor Lama, second by Councilmember Mestre.

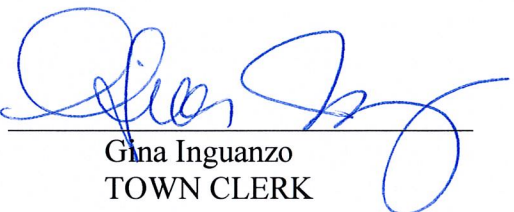
FINAL VOTE AT ADOPTION

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



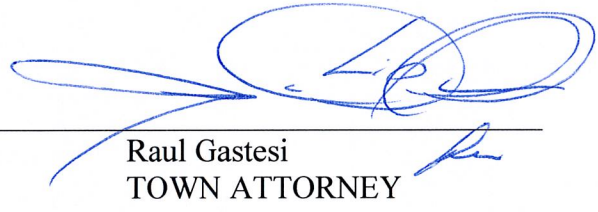
Manny Cid
MAYOR

Attest:



Gina Inguanzo
TOWN CLERK

Approved as to Form and Legal Sufficiency



Raul Gastesi
TOWN ATTORNEY

Exhibit A
Preliminary Plat

Exhibit B

Legal Description

A PORTION OF TRACTS 3, 4 AND 5 IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 52 SOUTH, RANGE 40 EAST AND A PORTION OF TRACTS 15, 16 AND 17 IN THE SOUTHEAST 1/4 OF SAID SECTION 22 AND THE 20 FOOT ROAD RIGHT-OF-WAY ADJACENT THERETO, AS SHOWN ON THE PLAT OF "CHAMBERS LAND COMPANY SUBDIVISION" AS RECORDED IN PLAT BOOK 2 AT PAGE 68 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST SOUTHERLY CORNER OF TRACT "B", "MIAMI LAKES LAKESIDE CORPORATE CENTER", AS RECORDED IN PLAT BOOK 150 AT PAGE 96 IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 68 DEGREES 45 MINUTES 07 SECONDS WEST ALONG THE SOUTHWESTERLY BOUNDARY OF SAID TRACT "B", FOR 470.90 FEET; THENCE NORTH 33 DEGREES 39 MINUTES 39 SECONDS WEST FOR 61.11 FEET; THENCE NORTH 78 DEGREES 23 MINUTES 28 SECONDS WEST FOR 357.57 FEET; (SAID LAST TWO COURSES BEING ALONG THE SOUTHERLY BOUNDARY OF TRACT "C" AS SHOWN ON THE SAID PLAT OF "MIAMI LAKES LAKESIDE CORPORATE CENTER"); THENCE SOUTH 25 DEGREES 48 MINUTES 43 SECONDS WEST FOR 51.84 FEET; THENCE SOUTH 17 DEGREES 42 MINUTES 34 SECONDS WEST FOR 506.79 FEET; (SAID LAST TWO COURSES BEING ALONG THE EASTERLY BOUNDARY OF THE PLAT OF "ANCHORAGE AT MIAMI LAKES", AS RECORDED IN PLAT BOOK 150 AT PAGE 98 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA); THENCE SOUTH 89 DEGREES 54 MINUTES 23 SECONDS EAST FOR 556.25 FEET TO A POINT OF CURVATURE; THENCE EASTERLY AND NORTHEASTERLY ALONG A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 374.59 FEET AND A CENTRAL ANGLE OF 22 DEGREES 35 MINUTES 21 SECONDS FOR AN ARC DISTANCE OF 147.69 FEET TO THE POINT OF TANGENCY; THENCE NORTH 67 DEGREES 30 MINUTES 16 SECONDS EAST FOR 30.00 FEET; (SAID LAST THREE COURSES BEING ALONG THE NORTH RIGHT-OF-WAY LINE OF COMMERCE WAY AS SHOWN ON THE PLAT OF "MIAMI LAKES BUSINESS PARK 22-2", AS RECORDED IN PLAT BOOK 149 AT PAGE 15 IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA); THENCE NORTHEASTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 629.07 FEET AND A CENTRAL ANGLE OF 19 DEGREES 59 MINUTES 33 SECONDS FOR AN ARC DISTANCE OF 219.50 FEET TO THE POINT OF TANGENCY; (SAID LAST COURSE BEING ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE FOR COMMERCE WAY

AS SHOWN ON THE PLAT OF "MIAMI LAKES BUSINESS PARK SOUTH" AS RECORDED IN PLAT BOOK 144 AT PAGE 26 IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA); THENCE NORTH 47 DEGREES 30 MINUTES 43 SECONDS EAST ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE FOR COMMERCE WAY AS SHOWN ON THE PLAT OF "MIAMI LAKES INDUSTRIAL PARK SECTION TEN" AS RECORDED IN PLAT BOOK 118 AT PAGE 33 IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR 117.77 FEET TO THE POINT OF BEGINNING, ALL LYING AND BEING IN THE TOWN OF MIAMI LAKES, MIAMI-DADE COUNTY, FLORIDA.