

RESOLUTION NO. 16-1418

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 LAND DEVELOPMENT CODE FOR A PRELIMINARY PLAT ENTITLED “TGC BUILDING 64 AND 65”, APPROVING A SITE PLAN IN ACCORDANCE WITH SECTION 13-304 OF THE LAND DEVELOPMENT CODE, SUBMITTED FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF COMMERCE WAY AND NW 82ND AVENUE, MIAMI LAKES, FLORIDA, IN THE IU-C 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) and Section 13-304 of the Town of Miami Lakes (“Town”) Land Development Code (“LDC”), TGC BPW South, LLC (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 (“Preliminary Plat”), and for approval of a Site Plan, a copy of the Site Plan being attached hereto as **Exhibit “B”**, for property generally located at the southwest corner of Commerce Way and NW 82nd Avenue, Miami-Dade Tax Folio No. 32-2022-001-0530 (“Property”), as legally described in **Exhibit “C”**, and containing approximately 5.308 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, Section 13-304 of the Town LDC sets forth the authority of the Town Council to consider and act upon the subject application for a site plan approval; 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 Preliminary Plat Approval, and approval subject to conditions of the request for Site Plan Approval, 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 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.

In accordance with Subsection 13-304(h), the Town Council finds that the Application does 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 nonresidential 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.

Section 3. Approval. The Preliminary Plat is hereby approved, subject to conditions as set out in Section 4. The Site Plan is hereby approved, subject to conditions as set out in Section 5.

Section 4. Conditions of Preliminary Plat Approval. 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 Building 64 and 65” 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 11-1-2016.

2. 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.
3. 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.
4. 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.
5. 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.

Section 5. Conditions of Site Plan Approval. The Town Council approved the Site Plan in Section 3, subject to the following conditions:

1. The Applicant shall obtain a Certificate of Use (CU), and Business Tax Receipt (BTR), and promptly renew the BTR annually, upon compliance with all the terms and conditions of this approval, the same subject to cancellation upon violation of any of the conditions.
2. Site Plan approval herein is for those plans shown in Exhibit B.
3. Prior to the issuance of any and all CUs for businesses within the proposed office building, a transportation demand management (TDM) plan particular to said business

shall be submitted to and approved by the Administrative Official. In evaluating said TDM plans, the Administrative Official shall be guided by the findings and recommendations of the Commute Trip Reduction Plan (CTRP) and any subsequent updates to the CTRP undertaken by the Town.

4. Prior to the issuance of a building permit authorizing construction of the parking lot, the Applicant shall show on building plans the proposed location of preferred carpool parking in appropriate locations and of an appropriate number considering the size of the building. The Administrative Official may deny issuance of the building permit until these plans are deemed acceptable. No final zoning inspection shall be approved until the designation of these areas on the site is verified.
5. Vested rights previously granted for "Parcel 18" by Miami-Dade County Developmental Impact Committee (DIC) Order No. MVR-2-00 are hereby reduced by 75,420 square feet, upon the issuance of building permit(s) for construction of the office building as authorized by this site plan approval.
6. No trees shall be removed except in conformance with a tree removal permit issued by the Town.
7. All signs require a separate sign permit.
8. The Applicant shall obtain all required building permits, within one (1) year of the date of this approval. If all required building permits are not obtained or an extension granted within the prescribed time limit, this approval shall become null and void.

Section 6. 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 7. 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 8. Effective Date. This Resolution shall take effect immediately.

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

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

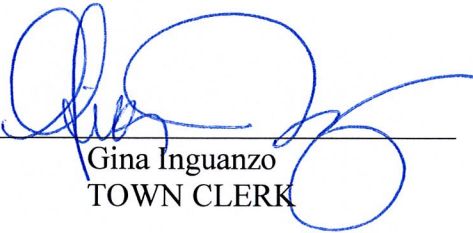
FINAL VOTE AT ADOPTION

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



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

Site Plan

Exhibit C

Legal Description

A PORTION OF TRACTS 5, 6 AND 24 IN THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 52 SOUTH, RANGE 40 EAST 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 NORTHEAST CORNER OF TRACT "F", "MIAMI LAKES BUSINESS PARK SECTION TWO", AS RECORDED IN PLAT BOOK 156 AT PAGE 68, IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 02 DEGREES 13 MINUTES 40 SECONDS WEST FOR 295.60 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY AND NORTHWESTERLY ALONG A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 87 DEGREES 40 MINUTES 43 SECONDS FOR AN ARC DISTANCE OF 38.26 FEET TO A POINT OF TANGENCY; THENCE NORTH 89 DEGREES 54 MINUTES 23 SECONDS WEST FOR 645.09 FEET; (SAID LAST THREE COURSES BEING ALONG THE WEST RIGHT-OF-WAY LINE FOR N. W. 82ND AVENUE AND THE SOUTH 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, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA); THENCE SOUTH 0 DEGREES 05 MINUTES 37 SECONDS WEST FOR 36.00 FEET; THENCE NORTH 89 DEGREES 54 MINUTES 23 SECONDS WEST FOR 55.00 FEET; (SAID LAST TWO COURSES BEING ALONG THE EASTERLY AND SOUTHERLY LINES OF TRACT "D" OF THE SAID PLAT OF "MIAMI LAKES BUSINESS PARK 22-2"); THENCE SOUTH 0 DEGREES 05 MINUTES 37 SECONDS WEST ALONG THE EAST LINE OF THE PLAT OF "LAKE HOUSE APARTMENTS", AS RECORDED IN PLAT BOOK 168 AT PAGE 27 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA FOR 283.34 FEET; THENCE SOUTH 89 DEGREES 54 MINUTES 23 SECONDS EAST ALONG THE NORTH LINE OF THE AFORESAID TRACT "F", "MIAMI LAKES BUSINESS PARK SECTION TWO" FOR 737.04 FEET TO THE POINT OF BEGINNING, ALL LYING AND BEING IN THE TOWN OF MIAMI LAKES, MIAMI-DADE COUNTY, FLORIDA.

MIAMI-DADE COUNTY, FLORIDA, TAX FOLIO NO.'S 32-2022-001-0530 AND 32-2022-001-0650