

RESOLUTION NO. 18- 1548

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SECTION 13-304(h) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; APPROVING THE SITE PLAN AS DESCRIBED AT EXHIBIT "A", FOR THE PROPERTY LOCATED AT COMMERCE WAY AND NW 82 AVENUE, MIAMI LAKES, FLORIDA, BEARING FOLIO NUMBER 32-2022-001-0520, AS MORE PARTICULARLY DESCRIBED AT EXHIBIT "B"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 13-304 of the Town of Miami Lakes ("Town") Land Development Code ("LDC"), The Graham Companies (the "Applicant") applied to the Town for approval of a Site Plan, entitled "South Pointe" as prepared by Wolfberg Alvarez, consisting of 38 pages, dated stamped received April 19th, 2018, (the "Site Plan") being attached hereto as Exhibit "A", for property located on Commerce Way and 82nd Avenue, Miami Lakes, bearing Miami-Dade Tax Folio Number 32-2022-001-0520, and legally described on the survey as provided in Exhibit "B" ("Property"), and containing approximately 7.84 acres of land; and

WHEREAS, in accordance with Section 13-309 of the Town LDC, proper notice was mailed to the appropriate property owners of record, notice was posted at the property, and duly advertised in the newspaper, for a quasi-judicial public hearing on the Site Plan as noticed for Tuesday, June 5, 2018, at 6:30 P.M. at Town Hall, 6601 Main Street, Miami Lakes, Florida; and all interested parties had the opportunity to address their comments to the Town Council; and

WHEREAS, on June 5, 2018, at the properly noticed quasi-judicial hearing held by the Town Council of the Town of Miami Lakes, after hearing testimony from staff, the applicant, the public, and other testimony, both verbal, and written, as incorporated

herein by reference, the Town Council determined that the submitted site plan meets the criteria of Section 13-304(h) for approval; and

WHEREAS, the Town Council now desires to approve the Applicant's Site Plan request.

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 consideration of all the submitted evidenced, both verbal and written, as provided at the June 5, 2018 hearing, the Town Council finds, in accordance with Section 13-308(h), that as conditioned in Section 3, the Application meets 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 Town code requirements including:
 - a. The design and construction of streets, utility facilities and other essential services as may be required by the Town or other governmental agencies.
 - 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.
- (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. Design and architectural standards as provided at section 13-311.
 - b. 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.
 - c. Landscaping that enhances architectural features, strengthens vistas 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.
- d. 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.
 - e. Service areas shall be screened and so located as to minimize or eliminate visibility, to the greatest extent possible, from the public right-of-way and other properties.
 - f. Design of the site shall ensure adequate access for emergency vehicles and personnel.
 - g. 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 of Site Plan. Pursuant to Section 13-304(h), the proposed Site Plan entitled "South Pointe" as prepared by Wolfberg Alvarez, consisting of 38 pages, dated stamped received April 19th, 2018 (Site Plan), being attached hereto as Exhibit "A", is hereby Approved with the following conditions:

1. The project shall be developed in substantial compliance with the approved Site Plan.
2. Issuance of permits for the project shall be issued within two (2) years of this approval. Completion of construction of the project to final certificate of occupancy shall occur within seven (7) years of this approval. One (1) extension may be granted administratively for a period not to exceed 180 days. All other extensions may be granted by the Town Council upon showing of good cause, at an advertised quasi-judicial public hearing.
3. No certificate of occupancy shall be issued sooner than January of 2022.
4. All permits issued to the project prior to the expiration of any existing vested transportation concurrency rights shall not be required to pay mobility fees. However, should the existing transportation concurrency vesting expire, any permitting for this property shall be subject to mobility fees.
5. Should the existing parks vested rights lapse, the project shall come into compliance with its proportionate share of Large Park LOS through either a conveyance of land or payment of a fee in lieu thereof, as approved by the Administrative Official.
6. Compliance with all other applicable laws not specifically identified herein.
7. Prior to the issuance of a building permit authorizing any construction, all required impact fees, must be paid in full.
8. All cost recovery fees associated with this request that are owed to the Town, including those associated with implementing the conditions of the Development Order, shall be paid in full.

Section 4. 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 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. Final Order.

This is a Final Order.

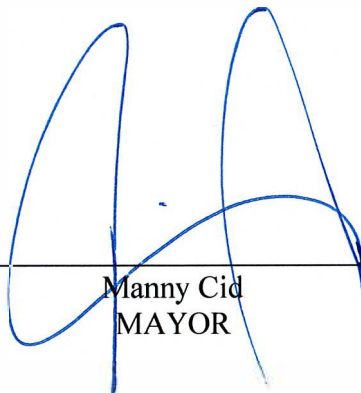
Section 7. Effective Date. This Resolution shall become effective immediately upon adoption hereof.

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Passed and adopted this 5th day of June 2018.

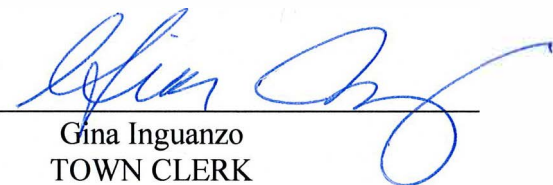
The foregoing resolution was offered by Councilmember Daubert who moved its adoption. The motion was seconded by Councilmember Mestre and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	<u>NO</u>
Vice Mayor Frank Mingo	<u>YES</u>
Councilmember Luis Collazo	<u>YES</u>
Councilmember Timothy Daubert	<u>YES</u>
Councilmember Ceasar Mestre	<u>YES</u>
Councilmember Nelson Rodriguez	<u>Absent</u>
Councilmember Marilyn Ruano	<u>YES</u>



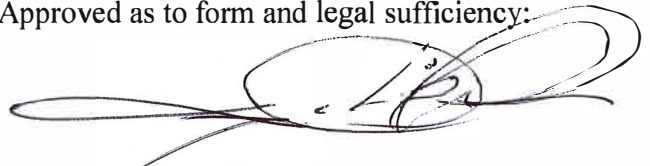
Manny Cid
MAYOR

Attest:



Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



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

EXHIBIT A

SITE PLAN

EXHIBIT B

SURVEY

EXHIBIT C
RENDERING