

RESOLUTION NO. 21-1732

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PERTAINING TO A REQUEST IN ACCORDANCE WITH SECTION 13-304 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR AN AMENDMENT TO A SITE PLAN APPROVAL AS PROVIDED AT EXHIBIT “A”, IN ORDER TO CORRECT A SCRIVENERS ERROR; FOR THE PROPERTY LCOATED ON THE WEST SIDE OF COMMERCE WAY AND N.W. 146TH STREET, AS MORE PARTICULARLY DESCRIBED AT EXHIBIT “B”, BEARING FOLIO NO. 32-2022-008-0010; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR VIOLATION OF CONDITIONS, PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 6th, 2017 the Town of Miami Lakes (the “Town”) Council via Resolution 17-1455 issued a development order for a site plan entitled “The Residences at Governor’s Square”, dated stamped received May 9, 2017, consisting of 64 sheets, as prepared by Roger Fry and Associates; and

WHEREAS, on December 10, 2019 the Town Council via Resolution 19-1650 conditionally approved the Applicant’s Site Plan Amendment which provided the Town with a covenant ensuring that the area previously approved for Miami Jewish Health Systems would be developed specifically for an Assisted Living Care type facility (“ALF”); and

WHEREAS, in addition, the Applicant donated 1.3 acres of land to the Town which included the completion of an approximate 6,000 square foot building with completed exterior finishes, including the provision of design services at cost, in fulfillment of the ‘small park’ concurrency requirement; and

WHEREAS, the executed Resolution 19-1650 failed to memorialize the “provision of design services at cost” by the applicant; and

WHEREAS, the Town is desirous of a Resolution that will cure the scrivener’s error and memorialize the parties complete agreement.

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 of Fact. The Town restates by reference the Findings of Fact as detailed in Resolution 17-1455 and Resolution 19-1650.

Section 3. Approval of Site Plan Amendment. Pursuant to Section 13-304, the proposed Site Plan entitled “The Residences at Governor’s Square”, dated stamped received May 9, 2017, consisting of 64 sheets, as prepared by Roger Fry and Associates, for property located on the west of side Commerce Way and NW 146th Street, bearing Miami-Dade Tax Folio No. 32-2022-068-0010, as amended by Resolution 19-1650, is hereby amended as per Exhibit A, in order to cure scrivener’s error in paragraph “5”.

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.

*****THIS SECTION HAS BEEN LEFT PURPOSEFULLY BLANK *****

PASSED AND ADOPTED this 9th day of March 2021.

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

FINAL VOTE AT ADOPTION

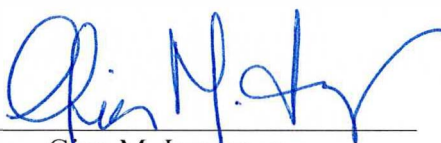
Mayor Manny Cid	yes
Vice Mayor Luis E. Collazo	yes
Councilmember Carlos O. Alvarez	yes
Councilmember Josh Dieguez	yes
Councilmember Tony Fernandez	yes
Councilmember Jeffrey Rodriguez	yes
Councilmember Marilyn Ruano	yes



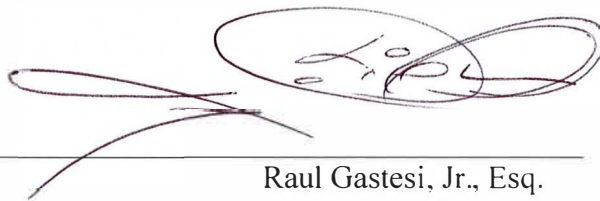
Manny Cid
MAYOR

Attest:

Approved as to Form and Legal Sufficiency



Gina M. Inguanzo
TOWN CLERK



Raul Gastesi, Jr., Esq.
Gastesi, Lopez and Mestre, PLLC
TOWN ATTORNEY

This Resolution was filed in the Office of the Town Clerk on this 9th day of March, 2021.



Gina M. Inguanzo
Town Clerk

EXHIBIT A

RES 17-1455

* * * *

Section 3. Approval of Site Plan. Pursuant to Section 13-304(h), the proposed Site Plan entitled “The Residences at Governor’s Square”, dated stamped received May 9, 2017, consisting of 64 sheets, as prepared by Roger Fry and Associates, a copy of the Site Plan (the “Site Plan”) being attached hereto as Exhibit "A"; for property located on the west of side Commerce Way and NW 146th Street, bearing Miami-Dade Tax Folio Nos. 32-2022-008-0013, 32-2022-001-0220, and 32-2022-001-0230, as more particularly described on the survey at Exhibit "B" (“Property”), and containing approximately 9.445 +/- acres of land, is hereby Approved with the following conditions:

* * * *

5. As provided in the Applicant’s Letter of Intent attached to their application, they proffer and shall donate 1.3 acres of land, to include the completion of an approximate 6,000 square foot building with completed exterior finishes, including design services in fulfillment of the ‘small park’ concurrency requirement, prior to the issuance of any certificate of occupancy issued to the property described at Exhibit “C” of the Resolution.