

RESOLUTION NO. 21- 1799

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 “ETERNAL SUBDIVISION” FOR THE PROPERTY LOCATED AT 16401 NW 58th 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”), Hialeah Church of Christ (the “Applicant”) has applied to the Town for approval of Preliminary Plat, a copy of the Plat being attached hereto as **Exhibit “A”** and incorporated herein by reference (“Preliminary Plat”), , for property generally located at 16401 NW 58th Avenue, which includes a portion of Miami-Dade Tax Folio Nos. 32-2013-001-0061 and 32-2013-001-0062 (“Property”), as legally described in **Exhibit “B,”** and containing approximately 3.96 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 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 November 29, 2021, 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, 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 Principal Town Planner, 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 waiver of 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.

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

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

1. An easement shall be recorded to govern the encroaching structures, including the restrooms, the vault and those portions of the catwalk within the required eight (8) foot greenbelt on the remainder lot Tract B prior to final plat.
2. The Applicant shall comply, prior to recordation of the Final Plat, with all platting requirements of the Town LDC and Chapter 28 of the Miami-Dade County Code.
3. Upon recordation of the final plat, the Applicant shall provide the Town with one signed and sealed original and one digital copy.

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 29th day of November 2021.

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

FINAL VOTE AT ADOPTION

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




Manny Cid
MAYOR

Attest:



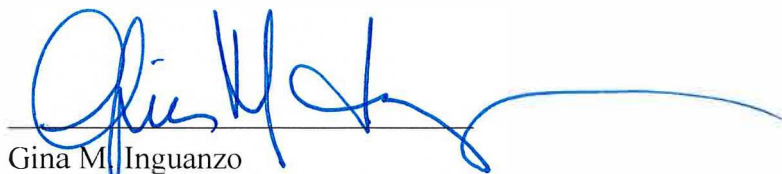
Gina M. Inguanzo
TOWN CLERK

Approved as to Form and Legal Sufficiency



Lorenzo Cobiella, Esq.
DEPUTY TOWN ATTORNEY
Gastesi, Lopez & Messtre, PLLC

This Resolution was filed in the Office of the Town Clerk on this 29th day of November, 2021.



Gina M. Inguanzo
Town Clerk

Exhibit A
Preliminary Plat