

RESOLUTION NO. 03- 150 Z

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES FLORIDA APPROVING A WAIVER OF PLAT (COUNTY WAIVER OF PLAT NUMBER 21506) FOR PROPERTY LOCATED AT 16910 NW 77TH COURT, MIAMI LAKES, FLORIDA, AS LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the applicant, Marcos M. Gutierrez (the "Applicant") has submitted to the Miami-Dade County Plat Review Committee a complete application ( County Waiver of Plat No. 21506) for waiver of plat review for property located at 16910 NW 77th Court, Miami Lakes Florida, as more fully described in Exhibit "A" attached hereto and incorporated by reference, and as provided for in Section 28-4.1 of the Miami-Dade County Code; and

**WHEREAS**, pursuant to Section 28-4.1 of the Miami-Dade County Code, the Miami-Dade County Plat Committee has reviewed the application and recommends approval subject to conditions as set forth in its Notice of Action dated received April 22, 2003 and in the report submitted by the Miami-Dade County Department of Environmental Resources Management ("DERM report"), dated reviewed May 21, 2003, both attached hereto as composite Exhibit "B" and incorporated by reference herein; and

**WHEREAS**, Town Staff has reviewed the application and recommends approval subject to the conditions set forth in the Notice of Action and DERM report; and

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF MIAMI LAKES, FLORIDA AS FOLLOWS:**

**Section 1:**     **Recitals:** The above recitals are true and correct and incorporated by reference.

**Section 2:**     **Findings:** The Town Council finds that the plat waiver application is in

compliance with the Code.

**Section 3: Approval:** The Town Council hereby approves the Application subject to the conditions set forth in the Notice of Action and DERM Report.

**Section 4: Recordation:** That this Resolution shall be recorded in the public records of Miami-Dade County upon adoption and at the Applicant's sole cost and expense.

**Section 5: Effective date:** That this Resolution shall take effect upon adoption.

**PASSED AND ADOPTED** this <sup>4</sup> 7 day of June, 2003.

*Wayne Slaton*  
WAYNE SLATON, MAYOR

ATTEST:

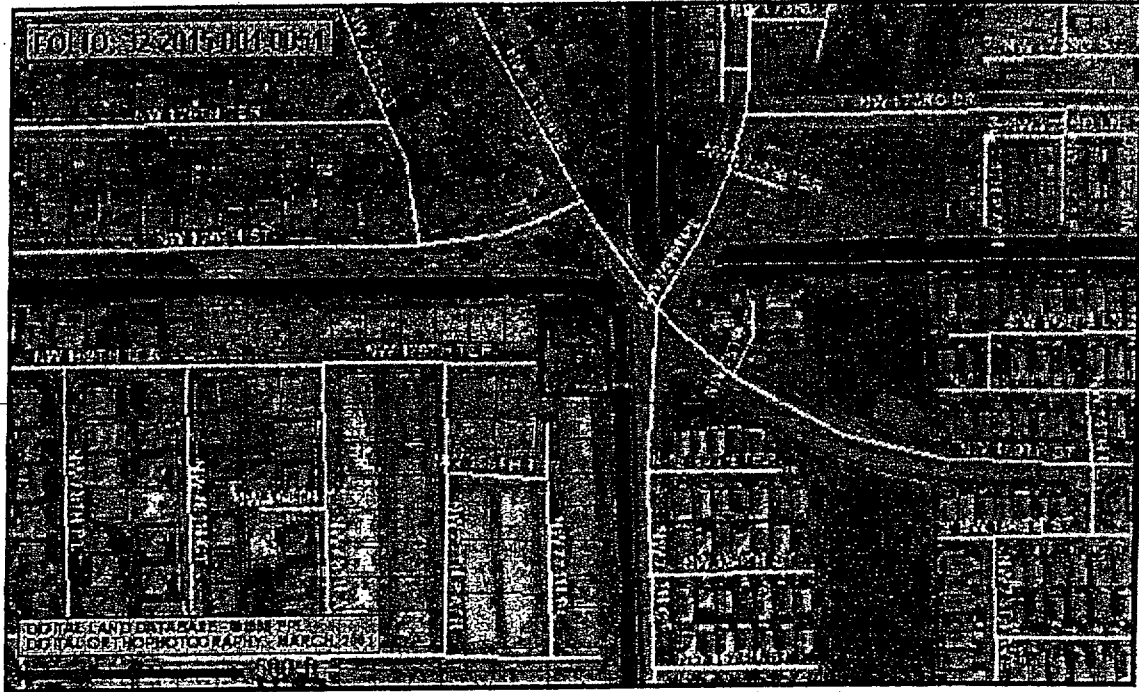
*Beatriz M. Arguelles*  
BEATRIS M. ARGUELLES, CMC  
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

*Marye Serota*  
WEISS, SEROTA, HELFMAN, PASTORIZA  
& GUEDES, COLE, BONISKE, COLE, P.A.  
TOWN ATTORNEY

Council voted	6-0-1	Absent as follows:
Mayor Wayne Slaton		Abs.
Vice Mayor Roberto Alonso		Yes
Councilmember Mary Collins		Yes
Councilmember Robert Weador		Yes
Councilmember Michael Pizzi		Yes
Councilmember Nancy Simon		Yes
Councilmember Peter Thomson		Yes

Miami - Dade County



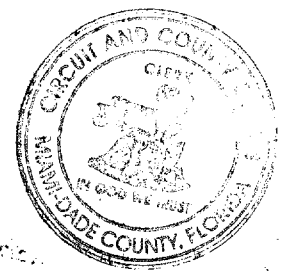
FOLIO NUMBER: 32-2015-001-0051  
 ADDRESS: 16910 NW 77 CT  
 MAILING ADDRESS: ROBT B MC COY & ALBERT J SQUIRE , 16910 NW 77 CT , HIALEAH FL , 33018-3437  
 CLUC: 0002 MULTIFAMILY- DUPLEX  
 PRIMARY ZONE: 9000 AGRICULTURE  
 BEDROOMS: 5 BATHS: 2  
 FLOORS: 1 LIVING UNITS: 2  
 ADJ SQUARE FOOTAGE: 1,683 LOT SIZE: 1 ACRES  
 YEAR BUILT: 1927

LEGAL DESCRIPTION: 15 52 40 .69 AC M/L SUB OF PB 2-17 E195FT OF N270FT OF TR 1 LESS N70FT & E45FT LOT SIZE IRREGULAR OR 9900-652

SALE O/R: 099000652 SALE MONTH: 12 SALE YEAR: 1977 SALE AMOUNT: \$ 40,000

ASSESSMENT YEAR:	2002	ASSESSED VALUE:	\$ 123,610
LAND VALUE:	\$ 82,800	HOMESTEAD EXEMPTION:	\$ 0
BUILDING VALUE:	\$ 40,810	WIDOW EXEMPTION:	\$ 0
MARKET VALUE:	\$ 123,610	TOTAL EXEMPTIONS:	\$ 0
		TAXABLE VALUE:	\$ 123,610

ASSESSMENT YEAR:	2001	ASSESSED VALUE:	\$ 99,349
LAND VALUE:	\$ 62,100	HOMESTEAD EXEMPTION:	\$ 0
BUILDING VALUE:	\$ 37,249	WIDOW EXEMPTION:	\$ 0
MARKET VALUE:	\$ 99,349	TOTAL EXEMPTIONS:	\$ 0
		TAXABLE VALUE:	\$ 99,349



Handwritten signature or initials.

# **Town of Miami Lakes**

## **Staff Memorandum**

**Date: June 6, 2003**

**To: Alex Rey, Town Manager**

**From: Henry Iler, AICP, Town Planner**

**Re: Gutierrez Waiver of Plat**

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**The subject waiver of plat applies to the 0.69 acre Gutierrez property located at 16910 NW 177th Court. This site was granted front setback variances for 2 single-family lots on 4-10-03 by the Town Council.**

**Since that time, the applicant has filed a Waiver of Plat application with Miami-Dade County and the waiver is now ready for Council consideration. Attached is the proposed Waiver of Plat Resolution and the background staff report from County staff.**

**The waiver of plat is recommended for approval.**

**METROPOLITAN DADE COUNTY PLAT COMMITTEE  
NOTICE OF ACTION**

Plat No.: D-21506 --- 2-R.A.  
Sec. 15    Twn. 52    Rng. 40  
Municipality: MIAMI LAKES  
Zoning: RU-1

(305) 970-8751

Name: MARCOS M. GUTIERREZ JR.

Location by Streets: NW 174 STREET & 77 COURT

District: 13

Owner: MARCOS M. GUTIERREZ  
16319 NW 84 AVE  
MIAMI LAKES, FL 33016

PHONE: (305)970-8751

Surveyor: JOSE SENAS  
7830 NW 174 TERRACE  
MIAMI, FL 33015

PHONE: (305)362-2742

This is to advise you that on May 23, 2003 the Dade County Plat Committee reviewed the above plat and that the same was:

- Recommended approval as a Tentative Plat, the requirement for platting has not been waived subject to the conditions indicated on the attached action copy.
- Recommended approval subject to conditions indicated on action copy
- Approved as an extension of time.
- Deferred for reasons indicated below...
- Not approved for the reasons indicated below...

**NOTE:**

- 1-TOWN OF MIAMI LAKES REQUIREMENTS.
- 2-AREAS ADJACENT TO CANAL TO BE GRADED SO AS TO PREVENT OVERLAND DISCHARGE OF STORM WATERS INTO CANAL
- 3-REMOVAL OF NON-CONFORMING STRUCTURES.
- 4-ACCESS EASEMENT TO BE RECORDED PRIOR TO FIRST BUILDING PERMIT.



# MEMORANDUM

**TO:** Subdivision and Platting Section  
Public Works Department

**AGENDA DATE:** 5/23/03

**FROM:** Office of Plan Review Services  
Department of Environmental Resources Management

**WAIVER OF PLAT NO.:** D21506-200

**This office has reviewed the referenced waiver of plat and recommends the following:**

<input type="radio"/>	A public water supply must be utilized to serve this entire subdivision. Plans for the extension of the existing water mains to serve this property must be approved by The Health Department prior to the approval of this waiver of plat.
<input type="radio"/>	A public sewerage system must be utilized to serve this entire subdivision. Plans for the extension of the existing sanitary sewer system to serve this property must be approved by this department prior to the approval of this waiver of plat.
<input type="radio"/>	A public water supply must be utilized to serve this entire subdivision. The Health Department has approved plans for extension of existing water mains. Therefore, we have no objection to the approval of this waiver of plat. <p style="text-align: right;"><i>APPROVAL #</i> _____</p>
<input type="radio"/>	A public sewerage system must be utilized to serve this entire subdivision. This department has approved plans for the extension of the existing sanitary sewer system. Therefore, we have no objection to the approval of this waiver of plat. <p style="text-align: right;"><i>APPROVAL #</i> _____</p>
<input checked="" type="radio"/>	Existing public water lines must be utilized to serve this subdivision. This office has no objection to the approval of this waiver of plat.
<input checked="" type="radio"/>	Existing public sewer lines must be utilized to serve this subdivision. This office has no objection to the approval of this waiver of plat.
<input type="radio"/>	The use of septic tanks is acceptable for this subdivision.
<input type="radio"/>	Individual wells for potable use are acceptable for this subdivision.
<input type="radio"/>	A restrictive land use covenant must be executed with this office prior to the approval of this waiver of plat. Forms for this covenant may be obtained at this office at 11805 SW 26 <sup>th</sup> Street, Suite 124, Miami, Florida.
<input type="radio"/>	Development information not furnished.
<input checked="" type="radio"/>	This Department has performed a concurrency review for water and sewer on the above subject Development Order. Based on currently available information, the following determinations have been made: <ol style="list-style-type: none"> <li>Public Water-Existing facilities and services meet the Level of Service (LOS) standards set forth in the CDMP. Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions stipulated by DERM for this proposed development order, if any.</li> <li>Public Sanitary Sewer-Existing facilities and services meet the Level of Service (LOS) standards set forth in the CDMP. Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions stipulated by DERM for this proposed development order, if any.</li> </ol> <p>Please note that this concurrency determination does not constitute a final concurrency statement on the proposed development order as provided for in the adopted methodology for concurrency review. One or more additional concurrency determinations will be required.</p>
<input type="radio"/>	Concurrency Issued by the Municipality
<input checked="" type="radio"/>	Please note that the regional sewer system is operating under a capacity allocation program in accordance with the First Partial Consent Decree between Miami-Dade County and the United States of America (Case NO. 93-1109 CIV Moreno). Under the terms of this Consent Decree, this approval does not constitute an allocation or certification of adequate treatment and transmission system capacity, which will be evaluated and determined at the time of agency review of the building permit plans for the referenced project.

Date Reviewed: 5/21/03

By:

RECEIVED

APR 22 2003

DEPT. SUBDIVISION / PLATTING

WAIVER OF PLAT NO. **21506-1**

Sec. **15** Twp. **52** Rge. **40**

Municipality: **MIAMI LAKES**

Zoned: **RU-1**

APPROVED \_\_\_\_\_  
Date \_\_\_\_\_ Miami-Dade County Dept. of Planning and Zoning

APPROVED \_\_\_\_\_  
Date \_\_\_\_\_ Miami-Dade County Public Works Dept.

Items Required	Yes	No
Street Grading Plan		
Drainage Plan		

Approved as a tentative plat, the requirements to platting have not been waived, and subject to the requirements check in action copy attached.

Approved as \_\_\_\_\_ sites, subject to the following requirements:

- Property owner must provide the needed road within the rights of way.
- No roads, sidewalks or drainage facilities to be constructed or installed without prior knowledge, approval and complete progressive inspection by the Public Works Department.
- Approval of Plans Review Section of Water and Sewer Division of DERM and the Department of Public Health regarding sewage disposal facilities and water supply.
- Site to be filled to County Flood Criteria Elevation of \_\_\_\_\_ N.C.V.D. or to an elevation no less than the approved crown elevation of the road fronting the property.
- For removal of any tree a permit is required.
- All electrical and communication service must be installed underground.
- Fire Department requirements.

*D - Marcos M. Cuheres Jr.*

*15-52-40*

*Miami Lakes RU-1*

*DIST-13*



CFN 2003R0292708  
 DR Bk 21218 Pgs 3056 - 3073 (18pgs)  
 RECORDED 05/05/2003 13:08:53  
 HARVEY RUVIN, CLERK OF COURT  
 MIAMI-DADE COUNTY, FLORIDA

**RESOLUTION NO. 03- 132 Z**



**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; APPROVING A NON-USE VARIANCE FILED IN ACCORDANCE WITH SECTION 33-311 OF THE TOWN CODE FOR PROPERTY ZONED RU-1 LOCATED AT 16910 NW 77TH COURT, MIAMI LAKES, FLORIDA (AS LEGALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO); TO PERMIT A LOT FRONTAGE OF 25 FEET (75 FEET REQUIRED); PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR RECORDATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR APPEAL.**

STATE OF FLORIDA, COUNTY OF DADE  
 I HEREBY CERTIFY that this is a true copy of the original filed this office on \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_  
 WITNESS my hand and Official Seal, \_\_\_\_\_  
 HARVEY RUVIN, CLERK of Circuit and County Courts D.C.

WHEREAS, pursuant to Section 33-311 of the Town Code, <sup>1</sup> Marcos Gutierrez (the Applicant") has applied to the Town for approval of a non-use variance (the "Variance") as part of an application to re-zone property (Application No. Z-02-03) legally described in exhibit "A" attached hereto; and

WHEREAS, Section 33-311 of the Town Code sets forth the authority of the Town Council to consider and act upon an application for a non-use variance; and

WHEREAS, in accordance with Section 33-310 of the Town Code, notice was provided and a hearing was held on the Variance, 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 of the Variance with conditions, as set forth in the Memorandum dated April 1, 2003 (the "Memorandum"), attached as part of composite exhibit "B," and incorporated into this Resolution by this reference.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

<sup>1</sup> Pursuant to Section 8.3 of the Town Charter and Ordinance 2001-01, the applicable provisions of Chapter 33 of the Miami-Dade County Code of Ordinances serve as the Town's Zoning Code.

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 RA



**Section 1. Recitals.**

The above recitals are true and correct and incorporated into this resolution by this reference.

**Section 2. Findings.**

In accordance with Section 33-311 (A) (4) (b) of the Town Code, the Town Council finds:

- (1) That the Variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations to protect the general welfare of the public, particularly as it affects the stability and appearance of the Town.
- (2) That the Variance is compatible with the surrounding land uses.
- (3) That the Variance is not detrimental to the Town.

**Section 3. Approval.**

The Town Council approves the requested Variance to the Applicant from Section 33-49 of the Town Code for the property located at 16910 NW 77th Ct., Miami Lakes, Florida to permit a lot frontage of 25 feet (75 feet required) subject to the conditions stated in Section 4 below.

**Section 4. Conditions of Approval.**

The Variance is granted and the Applicant shall comply with the following conditions:

1. That a site plan be submitted to and meet the approval from the Town of Miami Lakes upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things, but limited to the location of: structure or structures; exits and entrances; drainage; walls; fences; landscaping; etc.
2. Said approval and construction shall be consistent with plans filed with the Town of Miami Lakes as follows (dates represent the date the plans were signed and sealed):
  - a. Site/Landscape Plan by Armando Davila, dated February 10, 2010, A-1 (1 sheet total), dated February 10, 2010.



*Handwritten initials or mark.*

- b. Ground Floor Plan by Armando Davila Architect, sheet A-2 (1 sheet total), dated February 10, 2003.
  - c. Building Elevations by Armando Davila Architect, sheet A-3 (1 sheet total), dated February 10, 2003.
  - d. That the Use be established and maintained in accordance with the approved plan.
3. That the applicant submits to Staff for its review and approval a landscaping plan which indicates the type and size of plant material to be utilized.
4. All conditions of approval as set forth in Town Ordinance No. 03-33.

**Section 5. Recordation.**

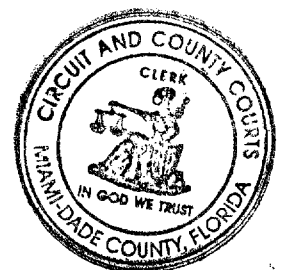
The decision of the Town Council to approve the Variance shall be recorded on the official zoning maps of the Town.

**Section 6. Effective Date.**

This resolution shall become effective immediately upon its adoption.

**Section 7. Appeal.**

In accordance with Section 33-312 and 33-316 of the Town Code, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Council by filing of a notice of appeal in accordance with the Florida Rules of Appellate Procedure.



BJ

PASSED AND ADOPTED this 10<sup>th</sup> day of April 2003.

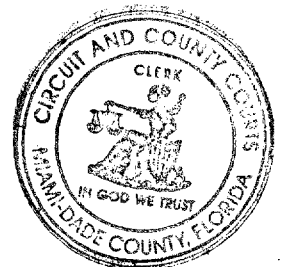
Wayne Slaton  
WAYNE SLATON, MAYOR

ATTEST:

Beatriz M. Arguelles  
BEATRIS M. ARGUELLES, CMC  
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

W B Q  
WEISS, SEROTA, HELFMAN, PASTORIZA & GUEDES, P.A.  
TOWN ATTORNEY



*Handwritten initials*