

RESOLUTION NO. 06-368Z

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PROVIDING FOR SITE PLAN APPROVAL FOR A FIVE STORY OFFICE BUILDING OF +/-70,000 SQUARE FEET; MODIFYING CONDITIONS OF MIAMI-DADE COUNTY RESOLUTION NO. CZAB6-14-00 TO PERMIT THE OFFICE BUILDING IN LIEU OF A PREVIOUSLY APPROVED HOTEL; AND TO PROVIDE FOR DEVELOPMENT IN ACCORDANCE WITH THE NEWLY APPROVED SITE PLAN, ALL FOR PROPERTY LOCATED AT APPROXIMATELY THE WEST SIDE OF N.W. 77TH COURT AND NORTH OF N.W. 158TH STREET (AND MORE SPECIFICALLY DESCRIBED ON EXHIBIT A ATTACHED HERETO); PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR APPEAL

WHEREAS, Springhill SMC Corporation (the “Applicant”) owns a 2.58 acre parcel of property located approximately on the West side of N.W. 77th Court and North of N.W. 158th Street, Miami Lakes, Florida (the “Property”) as legally described in Exhibit “A” hereto and attached by this reference; and

WHEREAS, the Applicant has submitted an application for site plan approval to permit a five (5) story office building (the “Office Building”) on the Property; and

WHEREAS, the Property is subject to a prior approval for a hotel as set forth in Miami-Dade County Resolution No. 2-ZAB6-14-00 (the “CZAB Resolution”), a copy of which is attached as Exhibit “B” hereto and attached by reference; and

WHEREAS, the Applicant has requested a modification to the CZAB Resolution to permit the Office Building in lieu of a hotel and to provide for development in accordance with the newly approved Site Plan; and

WHEREAS, the Property is designated Office Residential (OR) in the Town’s Comprehensive Plan and is zoned RO-50 (High Density Residential/Office); and

WHEREAS, The Town's Comprehensive Plan, Policy 1.1.2 Office Residential (OR) and Division 4.9 of the Town Code permit the Office Building subject to a public hearing by the Town Council for any building over two (2) stories; and

WHEREAS, Division 3.4 of the LDC sets forth the authority of the Town Council to consider and act upon an application for a site plan; and

WHEREAS, in accordance with Division 3.9 of the LDC proper notice has been mailed to the appropriate property owners of record; the public hearing on the Site Plan has been noticed for Tuesday, January 24, 2006 at 7:00 p.m. at Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, FL 33014; 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 Site Plan, as set forth in the Staff Analysis and Recommendation dated January 24, 2006 (the "Staff Analysis"), and incorporated into this Resolution by this reference; and

WHEREAS, the Town Council has determined that the Application satisfies the Code's requirements for Site Plan approval as set forth in Division 3.4 of the Town's LDC; and

WHEREAS, the Town Council finds that the Application is consistent with the Town's Comprehensive Plan.

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 into this resolution by this reference.

Section 2. Findings.

(a) **Site Plan.** In accordance with Division 3.4 of the LDC, the Town Council finds that the Applicant meets the criteria in Division 3.4(i), which are as follows:

1. The Site Plan is consistent with the Comprehensive Plan and the purpose of the zoning district in which it is located.
2. The Site Plan is in conformance with all applicable regulations of the zoning district in which it is located.
3. The Site Plan is in conformance with the Town requirements including the design and construction of streets utility facilities and other essential services.
4. The Site Plan is consistent with good design standards in respect to all external relationships, including, but not limited to:
 - a. Relationship to adjoining properties.
 - b. Internal circulation, both vehicular and pedestrian.
 - c. Disposition of open space, use of screening or buffering and preservation of existing natural features, including trees.
 - d. Building arrangements both between buildings in the proposed development and those adjoining the site.
5. The Site Plan is 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.

(b) **Building Height.** In accordance with Comprehensive Plan Policy 1.1.2, Office Residential (OR), the Town Council finds that a five (5) story Office Building is consistent with the Comprehensive Plan.

Section 3. Approval. The Town Council subject to the conditions set forth in Section 4 below, approves the Application consisting of:

- (1) a Site Plan for a +/-70,000 square foot five (5) story Office Building; and
- (2) MODIFICATION of Condition #2 of Resolution CZAB6-14-00, passed and adopted by the Miami-Dade County Community Zoning Appeals Board 6 on the 29th day of November, 2000, which last modified Condition #1 of a Declaration of Restrictions recorded in Official Record Book 13776, Pages 1774 through 1777 on the 8th day of August, 1988, and reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Marriott Spring Hill Suites Site Plan," as prepared by Bowyer, Singleton & Associates, Inc. consisting of 3 sheets and dated received 10/26/00, and plans entitled, "SpringHill Suites", as prepared by Law/Kingdon, Inc. dated sealed 8/29/00 on sheet A1.1 and A2.2."

TO: "2. That said property shall be developed in accordance with the Site Plan previously submitted entitled, "Proposed Office Building for Marriott Parcel", as prepared by A. O. G. Architects, P.A., consisting of 3 sheets and dated received 1/6/06, dated 12/22/05 on Sheets A-1 to A-2 and dated 1/3/05 on Sheet A-3. (collectively the "Site Plan").

- (3) MODIFICATION of Condition #1 of a Declaration of Restrictions recorded in Official Record Book 13776, Pages 1774 through 1777 on the 8th day of August, 1988, last modified by Resolution CZAB6-14-00, passed and adopted by the Miami-Dade County Community Zoning Appeals Board 6 on the 29th day of November, 2000, and reading as follows:

FROM: "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Marriott Spring Hill Suites Site Plan," as prepared by Bowyer, Singleton & Associates, Inc. consisting of 3 sheets and dated received 10/26/00, and plans entitled, "SpringHill Suites", as prepared by Law/Kingdon, Inc. dated sealed 8/29/00 on sheet A1.1 and A2.2."

TO: "1. That said property shall be developed in accordance with the previously submitted entitled revised "Site Plan, Landscape Plan and Floor Plans ", as prepared by Post, Buckley, Schuh & Jernigan, Inc., and dated received 4-27-88 and consisting of 5 sheets"

- (3) DELETION of a Declaration of Restrictions recorded in Official Record Book 13776, Pages 1774 through 1777 on the 8th day of August, 1988, and only as applied to the subject property.

- (4) MODIFICATION of Condition #3 of Resolution CZAB6-14-00, passed and adopted by the Miami-Dade County Community Zoning Appeals Board 6 on the 29th day of November, 2000, and reading as follows:

FROM: "3. That the use be established and maintained in accordance with the approved plan."

TO: "3. That the use be established and maintained in accordance with the approved Site Plan in accordance with the Town of Miami Lakes Adopted Comprehensive Plan Policy 1.1.2 Office/Residential (OR), subject to all

RO-50 Development Regulations , and that any Hotel Use be subject to the previously approved conditions as per Resolution CZAB6-14-00 Conditions 8 thru 14.”

Section 4. Conditions of Approval.

The Application is approved subject to the following conditions, which shall be binding up the Applicant, its successors, assigns and/or grantees:

- (1) That all conditions and requirements of CZAB6-14-00 and Declarations of Restrictions shall remain in full force and effect, except for those conditions or restrictions specifically modified in this Resolution.
- (2) That a revised Declaration of Restrictions incorporating the modifications specified in this Resolution be submitted by the Applicant no later than 90 days from the date of this approval, in a form approved by the Town Attorney and subject to the approval of the Administrative Official.
- (3) That the applicant submit to the Town Administrative Official, for review and approval, any signage for the site prior to the issuance of a Building Permit or Certificate of Use and Occupancy.
- (4) That the applicant submit to the Town Administrative Official, for review and approval, a detailed erosion management plan prior to the issuance of a Building Permit or Certificate of Use and Occupancy.
- (5) That the applicant submits obtain and submit to the Town Administrative Official, for review and approval, a certification of capacity from the water, sewer, solid waste, fire protection, and parks providers prior to the issuance of a Building Permit or Certificate of Use and Occupancy.
- (6) That the applicant submit to the Town Administrative Official, for review and approval, a detailed drawing that indicates the location of all HVAC air intakes and exhaust grates on the site plan, roof plans, and all elevations prior to the issuance of a Building Permit or Certificate of Use and Occupancy.
- (7) That the applicant submit to the Town Administrative Official, for review and approval, a modified landscape plan showing the specific spacing for all proposed shrubs along with site lines depicting any items that will interfere with a clear line of sight.
- (8) The Applicant shall record the Resolution and the Declaration of Restrictions in the public records of the Clerk of the Circuit and County Court and shall return the original order to the Town Clerk before a building permit is issued for the sign.

- (9) The Applicant shall obtain a building permit within one (1) year of the date of this approval. If a building permit is not obtained or an extension granted within the prescribed time limit then this approval shall be deemed null and void.
- (10) That subject to the review and approval of the Public Works Department and by FDOT (if applicable), the applicant shall pay for or construct, prior to the issuance of Certificate of Use and Occupancy, roadway improvements within the Town of Miami Lakes, provided that such improvements are approved by the Public Works Director as a contribution in-lieu-of-fee under Section 333E-10, Code of Miami Dade County.

Section 5. Appeal.

In accordance with Division 3.10 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.

Section 6. Violation of Conditions.

Failure to adhere to the terms and conditions of this Resolution shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of the approval granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town before they may commence construction or operation, and that the foregoing approvals in this Resolution may be revoked by the Town Council at any time upon a determination that the Applicant is in non-compliance with the Town Code.

Section 7. Effective Date.

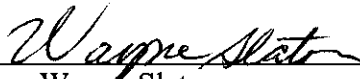
This Resolution shall take effect thirty (30) days following the date it is filed with the Town Clerk. If during that time frame, the decision of the Town Council is appealed as provided in the Land Development Code and the Florida Rules of Appellate Procedure, the appeal shall stay the effectiveness of this Resolution until said appeal is resolved by a court of competent jurisdiction.

The foregoing Resolution was moved by Mary Collins and Seconded by Peter Thomson, and upon being put to a vote the motion carried with each Council Member voting as follows:

Mayor Wayne Slaton	yes
Vice Mayor Robert Meador	yes
Councilmember Roberto Alonso	absent
Councilmember Mary Collins	yes

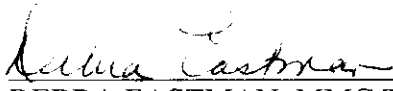
Councilmember Michael Pizzi yes
Councilmember Nancy Simon yes
Councilmember Peter Thomson yes

PASSED AND ADOPTED this **24th** day of January, 2006.



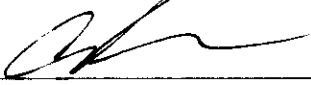
Wayne Slaton
MAYOR

ATTEST:



DEBRA EASTMAN, MMC TOWN CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR USE ONLY BY THE
TOWN OF MIAMI LAKES:



WEISS, SEROTA, HELFMAN, PASTORIZA,
COLE & BONISKE
TOWN ATTORNEY

EXHIBIT "A"

PROPERTY DESCRIPTION

All that certain lot or parcel of land situated, lying and being in Dade County, Florida and being more particularly described as follows:

Tract "A" on that certain plat entitled "MARRIOTT SPRINGHILL SUITES, A Replat Of Portions Of Tract 52 And 53, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 (PB. 2, Page 17), Section 15, Township 52 South, Range 40 East, Town of Miami Lakes, Miami – Dade County, Florida" prepared by Bowyer-Singleton & Associates, Incorporated and filed for record on January 16, 2004 in Plat Book 161, at Page 32 of the Public Records of Miami-Dade County Florida.

MIAMI-DADE COUNTY, FLORIDA



STEPHEN P. CLARK CENTER

DIRECT DIAL: (305) 375-3075
DIRECT FAX: (305) 375-1239

DEPARTMENT OF PLANNING AND ZONING
111 NW FIRST STREET
SUITE 1110
MIAMI FLORIDA 33128-1974
(305) 375-2800
FAX (305) 375-2795

December 7, 2000

Sidney Fox Revocable Trust & HPTCY Properties Trust
c/o Jeffrey Bercow, Esq.
Bercow & Radell
200 South Biscayne Boulevard #850
Miami, FL 33131

Re: Hearing No. 00-11-CZ6-1
Location: Lying on the Northwest corner of NW 77 Court and theoretical NW 158 Street

Dear Applicant:

Enclosed herewith is Resolution No. CZAB6-14-00, adopted by the Miami-Dade County Community Zoning Appeals Board 6, which approved your district boundary change to RU-4A and approved the balance of your application on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required.

Once the use has been established, failure to maintain compliance with any of the required conditions will result in the immediate issuance of a civil violation notice for each condition violated. Each ticket issued will require payment of a daily monetary fine in the amount of \$500.00.

If there are any anticipated changes from the plan submitted for the hearing, a plot use plan should be submitted to this department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

Application for necessary permits and/or Certificate of Use and Occupancy permits should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution. Additionally, please be advised that pursuant to Section 307 of the South Florida Building Code, construction permits must be obtained and final inspection approvals received for all construction work done or required prior to issuance of the Certificate of Use and Occupancy. This is required pursuant to Section 33-8 of the Zoning Code and may also appear as a condition of the Resolution. Payment of the Certificate of Use and Occupancy may also be subject to annual renewal by this Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Marcy Gordon".

Marcy Gordon
Legal Counsel

MG:rb
Enclosures

cc: Team Metro

RESOLUTION NO. CZAB6-14-00

WHEREAS, SIDNEY FOX REVOCABLE TRUST & HPTCY PROPERTIES TRUST

applied for the following:

- (1) AU to RU-4A
- (2) SPECIAL EXCEPTION to permit site plan approval for a residential development; to wit: a hotel.

REQUESTS #1 AND #2 ON EXHIBIT "A"

- (3) • MODIFICATION of Condition #1 of a Declaration of Restrictions recorded in Official Record Book 13776, Pages 1774 through 1777 on the 8th day of August, 1988, and reading as follows:

FROM: "1. That said property shall be developed substantially in accordance with the spirit and intent of the plans previously submitted entitled revised 'Site Plan, Landscape Plan and Floor Plans,' as prepared by Post, Buckley, Schuh & Jernigan, Inc., and dated received 4-27-88 and consisting of 5 sheets."

TO: "1. That said property shall be developed substantially in accordance with the spirit and intent of the plans previously submitted entitled 'Marriott Sprint Hill Suites Site Plan,' as prepared by Bowyer, Singleton & Associates, Inc. consisting of 3 sheets and dated received 10/26/00. A plan entitled 'Springhill Suites,' as prepared by Law/Kingdon, Inc., dated and sealed 8/29/00 on Sheet A1.1 and dated revised 10/18/00 on Sheets A2.1 & A2.2.'"

The purpose of the request is to permit the applicant to submit revised plans to redesign a portion of the parking area to create a circular drive for shared access with the proposed hotel to the north.

REQUEST #3 ON EXHIBIT "B"

- (4) NON-USE VARIANCE OF SIGN REGULATIONS to permit a combination of 5 wall and detached signs ranging in size from 30 sq. ft. to 78 sq. ft. (2 permitted) (2 existing).
- (5) NON-USE VARIANCE OF SIGN REGULATIONS to permit one of the proposed aforementioned detached signs with an area of 30 sq. ft. (24 sq. ft. maximum permitted).
- (6) NON-USE VARIANCE OF ZONING REGULATIONS prohibiting parking areas including driveways within 25' of an official right-of-way; to waive same to permit parking within 25' of N.W. 77 Court.
- (7) UNUSUAL USE to permit an entrance feature; to wit: a guardhouse and gates, exercising control of ingress or egress.

REQUESTS #4 THROUGH #7 ON EXHIBITS "A" & "B"

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: EXHIBIT "A": A portion of Tracts 52 and 53 of FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, Section 15, Township 52 South, Range 40 East, Plat book 2, Page 17, being more particularly described as follows:

Commencing at the Northeast corner of said Tract 52; thence S2°39'30"E on the east line of said Tract 52, a distance of 238.77'; thence S89°50'59"W, a distance of 200.25' to a point on the west right-of-way line of N.W. 77th Court, and to the Point of beginning; thence continuing S89°50'59"W, a distance of 473.82'; thence S0°9'1"E, a distance of 235' to the Northwest corner of Tract "A" of MARRIOTT AT MIAMI NORTH PLAT, Plat book 138, Page 76; thence N89°50'59"E on the north line of said Tract "A", a distance of 479.33' to a point on the said west right-of-way line of N.W. 77th Court, and to a point on a curve, a radial line from said point bears N88°38'35"W; thence NE/ly on a curve to the left with a radius of 1,884.86' a central angle of 4°0'55", an arc distance of 132.09' to a Point of tangency; thence N2°39'30"W, on said west right-of-way line, a distance of 103.04' to the Point of beginning. & EXHIBIT "B": Tract "A" of MARRIOTT @ MIAMI NORTH, Plat book 138, Page 76.

LOCATION: Lying on the Northwest corner of N.W. 77 Court and theoretical N.W. 158 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 6 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered Conditions No. 10 & 11 to state the following:

10. That subject to the review and approval by the Public Works Department and by FDOT (if applicable), the applicant shall pay for or construct, prior to the issuance of Certificate of Use and Occupancy, a separate westbound right turn lane on the north side of Miami Lakes Drive, from the west side of the canal to NW 77th Court, provided that such improvement is approved by the Public Works Director as a contribution in-lieu-of-fee under Section 33E-10, Code of Miami-Dade County.
11. That subject to review and approval by the Public Works Department and by FDOT (if applicable), the applicant shall pay for the design of the following described improvements: (a) Develop and extend dual eastbound left turn lanes on NW 154th Street on the approach to the Palmetto Expressway northbound entrance ramp, and modify signal display and phasing; and (b) Develop and extend storage lengths for dual westbound left turn lanes on NW 154th Street, dual acceptance lanes on southbound entrance ramp, and modify signal display and phasing; provided that such design work is approved by the Public Works Director as a contribution in-lieu-of-fee under Section 33E-10, Code of Miami-Dade County.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to RU-4A (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and the requested special exception (Item # 2), modification (Item #3), non-use variances of sign regulations (Items #4 & 5), non-use variance of zoning regulations (Item #6), and unusual use (Item #7) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested special exception (Item #2) and unusual use (Item #7) would not have an adverse impact upon the public interest and should be approved, and

WHEREAS, a motion to approve the district boundary change to RU-4A (Item #1), and approve Items # 2-7 was offered by Peter Thomson, seconded by Gil Mojica, and upon a poll of the members present the vote was as follows:

Gil Mojica	aye	Wayne Slaton	absent
Carl Mosher	nay	Peter Thomson	aye
Michael A. Pizzi, Jr.	aye		
	Manny Figueroa	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 6, that the requested district boundary change to RU-4A (Item #1) be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that the special exception (Item # 2), modification (Item #3), non-use variances of sign regulations (Items #4 & 5), non-use variance of zoning regulations (Item #6), and unusual use (Item #7) be and the same are hereby approved, subject to the following conditions:

1. That the site plan be submitted to and meet with the approval of the Director 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 not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, wall, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Marriott Spring Hill Suites Site Plan," as prepared by Bowyer, Singleton & Associates, Inc. consisting of 3 sheets and dated received 10/26/00, and plans entitled "SpringHill Suites", as prepared by Law/Kingdon, Inc. dated sealed 8/29/00 on sheet A1.1 and A2.2.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit to be installed prior to the issuance of a Certificate of Use and Occupancy.
5. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM) as contained in their memorandum pertaining to this application.
6. That the applicant comply with all applicable conditions and requirements of the Public Works Department as contained in their memorandum pertaining to this application.
7. That the applicants obtain a Certificate of Use and Occupancy from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
8. That a Covenant in Lieu of Unity of Title covering the entire subject property be submitted to the Department prior to any type of platting or building permit, whichever occurs first.
9. That a revised Declaration of Restrictions be submitted to the Department within 90 days after final public hearing approval of this application, unless a time extension is granted by the Director of the Department of Planning and Zoning, for good cause shown.
10. That subject to the review and approval by the Public Works Department and by FDOT (if applicable), the applicant shall pay for or construct, prior to the issuance of Certificate of Use and Occupancy, a separate westbound right turn lane on the north side of Miami Lakes Drive, from the west side of the canal to NW 77th Court, provided that such improvement is approved by the Public Works Director as a contribution in-lieu-of-fee under Section 33E-10, Code of Miami-Dade County.

11. That subject to review and approval by the Public Works Department and by FDOT (if applicable), the applicant shall pay for the design of the following described improvements: (a) Develop and extend dual eastbound left turn lanes on NW 154th Street on the approach to the Palmetto Expressway northbound entrance ramp, and modify signal display and phasing; and (b) Develop and extend storage lengths for dual westbound left turn lanes on NW 154th Street, dual acceptance lanes on southbound entrance ramp, and modify signal display and phasing; provided that such design work is approved by the Public Works Director as a contribution in-lieu-of-fee under Section 33E-10, Code of Miami-Dade County.
12. That seven (7) parking spaces adjacent to the west side of the building be eliminated to move the building eighteen (18) feet to the west in order to obtain eighteen (18) additional feet of landscaping along the east property line (NW 77 Court).
13. That the applicant fulfill all commitments and conditions as outlined in the letters addressed to the Westlake Civic Association dated November 22, 2000 and November 28, 2000 as incorporated into the record by the applicant.
14. That feasibility studies to build bridges connecting NW 154 Street to NW 77 Court be completed within ninety (90) days of the expiration of the appeal period for this resolution. If deemed feasible, the applicant will contribute \$30,000 towards said design.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 29th day of November, 2000.

Hearing No. 00-11-CZ6-1
rb

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

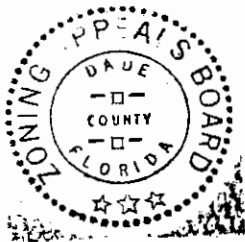
I, Marcy Gordon, as Deputy Clerk and Legal Counsel for the Miami-Dade County Department of Planning and Zoning as designated by Guillermo E. Olmedillo, Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 6, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB6-14-00 adopted by said Community Zoning Appeals Board at its meeting held on the 29th day of November, 2000.

IN WITNESS WHEREOF, I have hereunto set my hand on this 7th day of December, 2000.



Marcy Gordon, Deputy Clerk and Legal Counsel
Miami-Dade County Department of Planning and Zoning

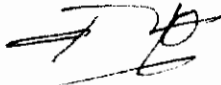
SEAL





**TOWN OF MIAMI LAKES
MEMORANDUM**

To: Honorable Mayor and Town Council

From: Alex Rey, Town Manager 

Subject: SP05-24 Public Hearing Request
Springhill SMC Corporation
For Property located on West side of N.W. 77th Court
and North of N.W. 158th Street
Miami Lakes, FL 33016

Date: January 24, 2006

Request:

The applicant, Springhill SMC Corporation requests the following Modification or Elimination of Conditions or Covenants of previously approved Miami-Dade County Resolution No. CZAB6-14-00 to permit the applicant to submit and obtain approval for a revised site plan in accordance with the Town of Miami Lakes Adopted Comprehensive Plan Policy 1.1.2 Office Residential (OR).

1. Site Plan Approval In Accordance with the Town of Miami Lakes Adopted Comprehensive Plan Policy 1.1.2 Office/Residential (OR); all structures higher than 35'-0", 2 stories shall require site plan approval at public hearing, maximum permitted height shall be 75'-0', 6 stories. To permit site plan approval of a proposed Office Building with a height of 73'-0", 5 Stories.
2. MODIFICATION of Condition #2 of Resolution CZAB6-14-00, passed and adopted by the Miami-Dade County Community Zoning Appeals Board 6 on the 29th day of November, 2000, which last modified Condition #1 of a Declaration of Restrictions recorded in Official Record Book 13776, Pages 1774 through 1777 on the 8th day of August, 1988, and reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Marriott Spring Hill Suites Site Plan," as prepared by Bowyer, Singleton & Associates, Inc. consisting of 3 sheets and dated received 10/26/00, and plans entitled, "SpringHill Suites", as prepared by Law/Kingdon, Inc. dated sealed 8/29/00 on sheet A1.1 and A2.2."

TO: "2. That said property shall be developed in accordance with the plans previously submitted entitled, "Proposed Office Building for Marriott Parcel", as prepared by A. O. G. Architects, P.A., consisting of 3 sheets and dated received 1/6/06, dated 12/22/05 on Sheets A-1 to A-2 and dated 1/3/05 on Sheet A-3."

3. **MODIFICATION** of Condition #1 of a Declaration of Restrictions recorded in Official Record Book 13776, Pages 1774 through 1777 on the 8th day of August, 1988, last modified by Resolution CZAB6-14-00, passed and adopted by the Miami-Dade County Community Zoning Appeals Board 6 on the 29th day of November, 2000, and reading as follows:

FROM: "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Marriott Spring Hill Suites Site Plan," as prepared by Bowyer, Singleton & Associates, Inc. consisting of 3 sheets and dated received 10/26/00, and plans entitled, "SpringHill Suites", as prepared by Law/Kingdon, Inc. dated sealed 8/29/00 on sheet A1.1 and A2.2."

TO: "1. That said property shall be developed in accordance with the previously submitted entitled revised "Site Plan, Landscape Plan and Floor Plans ", as prepared by Post, Buckley, Schuh & Jernigan, Inc., and dated received 4-27-88 and consisting of 5 sheets"

4. **DELETION** of a Declaration of Restrictions recorded in Official Record Book 13776, Pages 1774 through 1777 on the 8th day of August, 1988, and only as applied to the subject property. (The purpose of request #3 is to remove a requirement that the property be developed to create a circular drive for shared access with the previously approved hotel to the north.)

5. **MODIFICATION** of Condition #3 of Resolution CZAB6-14-00, passed and adopted by the Miami-Dade County Community Zoning Appeals Board 6 on the 29th day of November, 2000, and reading as follows:

FROM: "3. That the use be established and maintained in accordance with the approved plan."

TO: "3. That the use be established and maintained in accordance with the approved plan in accordance with the Town of Miami Lakes Adopted Comprehensive Plan Policy 1.1.2 Office/Residential (OR), subject to all RO-50 Development Regulations , and that any Hotel Use be subject to the previously approved conditions as per Resolution CZAB6-14-00 Conditions 8 thru 14."

Note: The Site Plan Approval process through Public Hearing is part of the Town of Miami Lakes Land Development Regulations which established that a Site Plan Review process would replace the County's Special Exception for Site Plan Approvals.

Therefore the Town of Miami Lakes Site Plan Review Standards as per Section 3.4 of the Land Development Regulations should be applied to determine if the proposed office building can be approved by the Council.

(Attachment A: 3.4 Site Plan Approvals)

Applicable Code Section:

Town of Miami Lakes Adopted Comprehensive Plan:

Office/Residential (OR) - Uses allowed in this category include both professional and clerical offices, hotels, motels, public facilities and residential uses. Office developments may range from small-scale professional office to large-scale office parks. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing or future adjacent residential uses. The maximum scale and intensity of office, hotel and motel development in OR areas shall be based on such factors as site size, availability of services, accessibility, and proximity and scale of Town of Miami Lakes 1-5 2003 Comprehensive Plan Adopted Plan: 12/19/03 Goals, Objectives and Policies Future Land Use Element adjacent residential uses. Residential uses are also allowed in the OR category. Residential development may be authorized at a density up to one (1) density category higher than the average of adjacent residential land uses. When residential uses are mixed with office uses, the overall scale and intensity shall be no greater than that which would be approved if the parcel was in either office only or residential use only, whichever is higher. However, residential use shall not be developed on over 50% of the area of any individual site. Within the OR category, business uses ancillary and to serve the on-site uses may be integrated in an amount not to exceed 15 percent of the total floor area. However, the Office/Residential designation does not authorize any other business or commercial uses. The maximum floor area ratio (FAR) permitted is 0.4 for a one-story building, plus 0.2 for each additional story, not to exceed a total FAR of 2.0. The maximum height permitted in this category is 2 stories, not to exceed 35 feet; however, the maximum height can be exceeded with approval through a public hearing.

Background:

Folio No. 32-2015-044-0010

Legal Description:

A Portion of Tracts 52 and 53 of Florida Fruit Lands Company Subdivision Number 1, Section 15, Township 52 South, Range 40 East, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida.

Zoning of Property: RO-50 – High Density Residential / Office

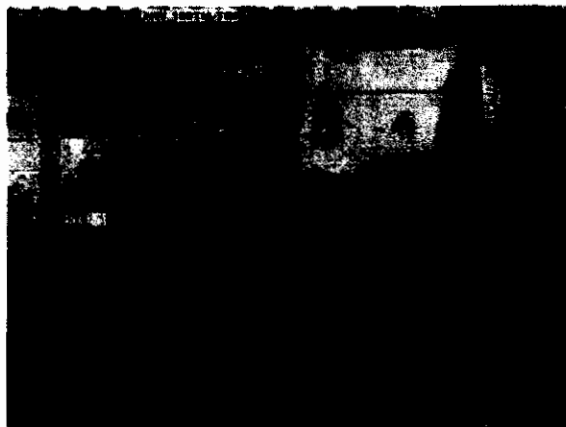
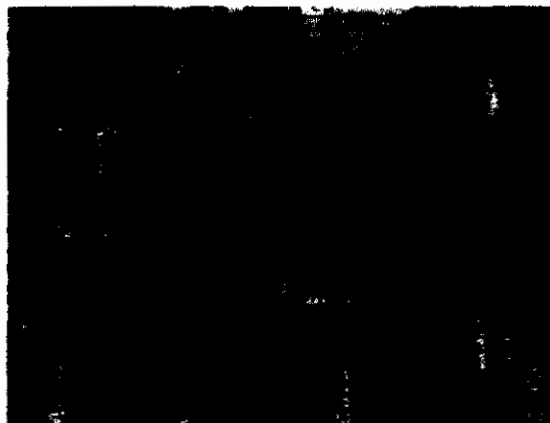
Future Land Use Designation: OR – Office / Residential

Office/Residential (OR) - Uses allowed in this category include both professional and clerical offices, hotels, motels, public facilities and residential uses. Office developments may range from small-scale professional office to large-scale office parks.

Subject Property:

The subject property is a vacant parcel located within the West Miami Lakes Community, immediately west of the Palmetto Expressway. There is an existing Marriott Courtyard Hotel located immediately to the south of the subject site. The 2.58 acre site was purchased in May of 2001 as per the Miami Dade County Property Appraiser records.

Subject Property Location Map:



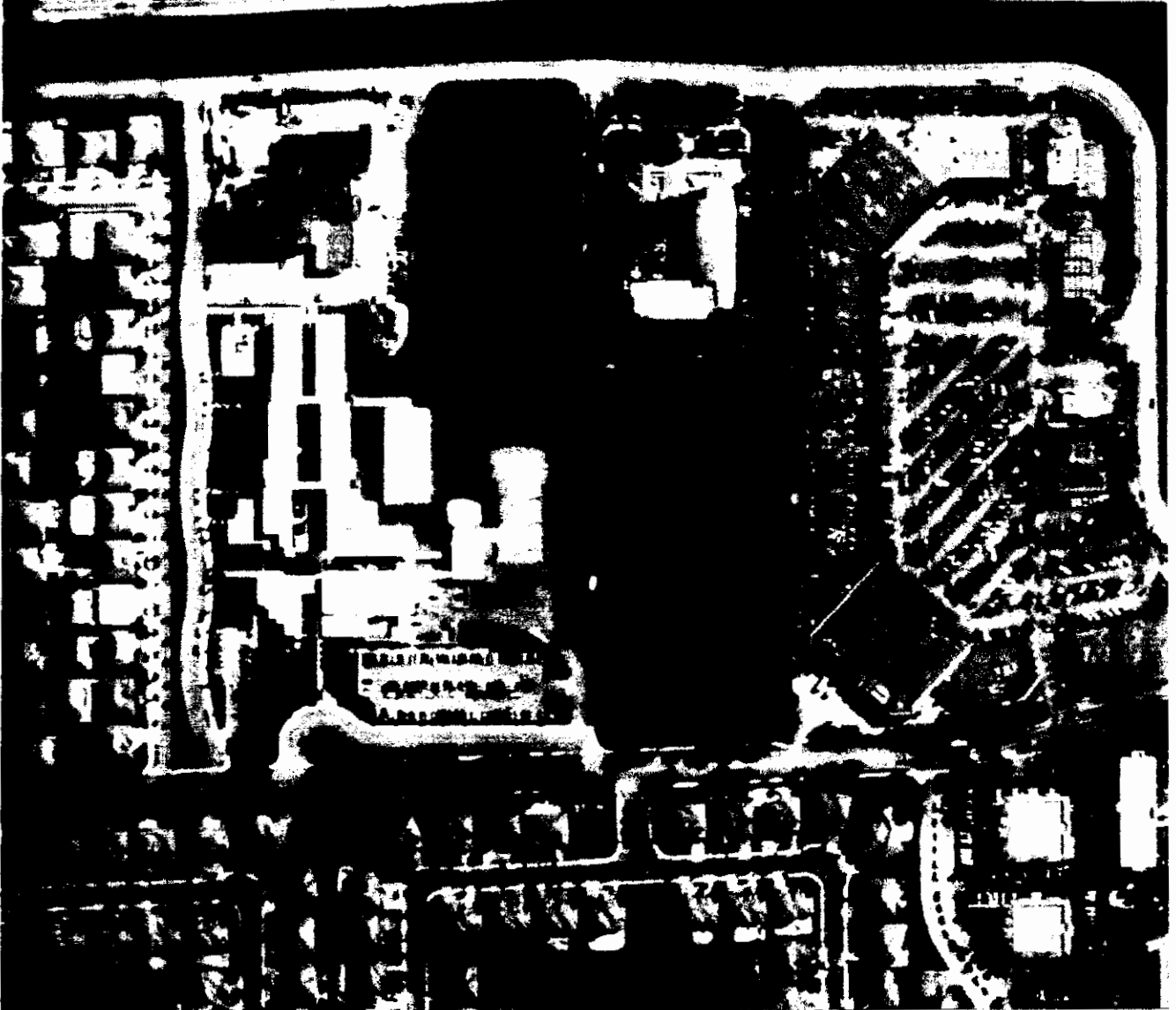
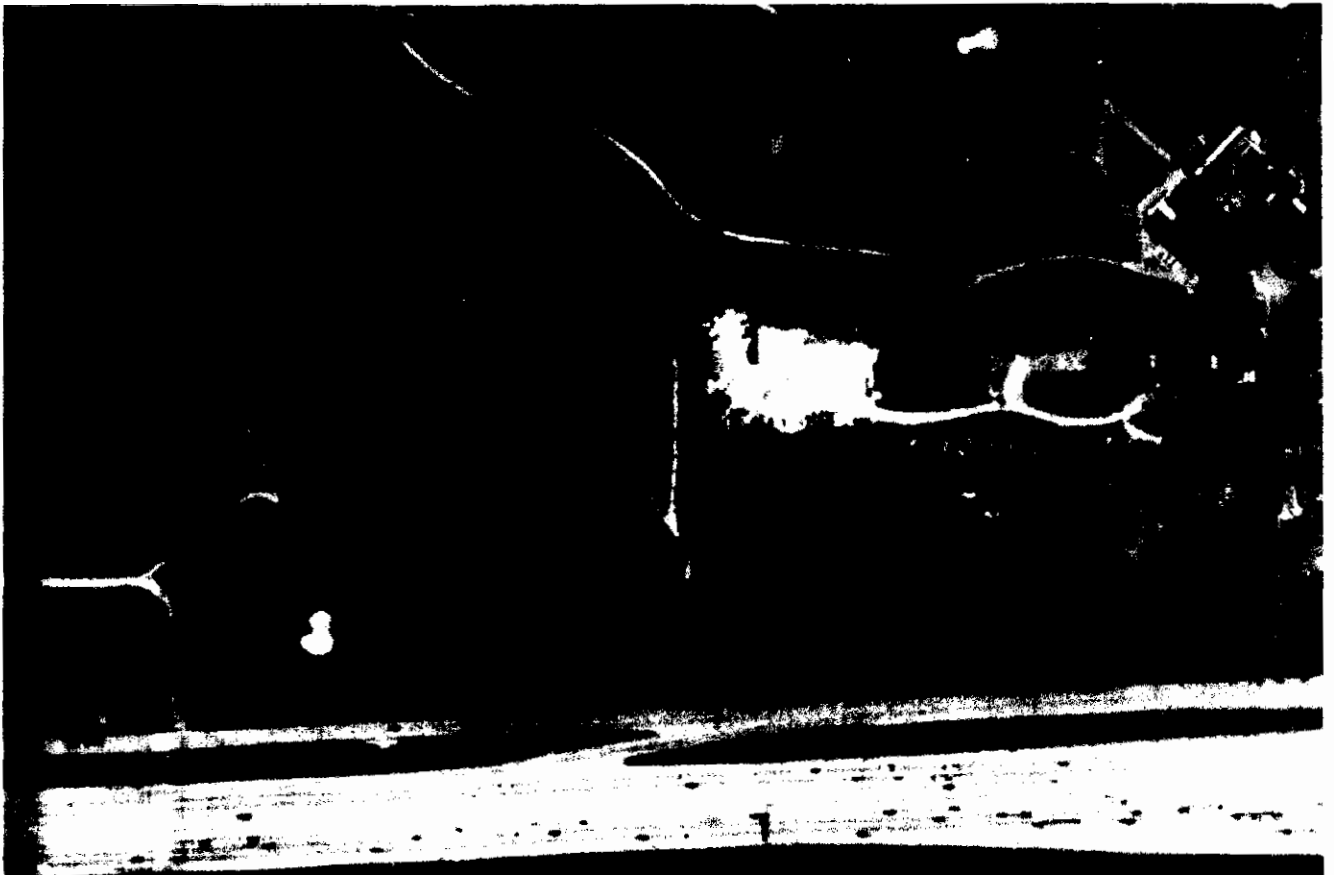
Open Permits / Violations:

There are no open permits or violations on the subject property.

Public Hearing Criteria:

Town of Miami Lakes Site Plan Review Standards as per Section 3.4 of the Land Development Regulations should be applied to determine if the proposed office building can be approved by the Council.

(Attachment A: 3.4 Site Plan Approvals)



Compliance with Town Development Regulations

Section 3.4 Site Plan Approvals / Public Hearing Criteria:

(h) **Public Hearing.** Prior to taking action on any site plan submitted, the Town Council shall hold a quasi-judicial public hearing at which time all interested parties shall be heard. Notice of the public hearing shall be given as provided in Division 3.9.

(i) **Findings.**

(1) The granting or granting with conditions or changes of approval by written resolution shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without changes or special conditions. The resolution shall set forth with particularity in what respects the plan would or would not be in the public interest including, but not limited to findings of fact and conclusions on the following:

(a) **In what respects the plan is or is not consistent with the Comprehensive Plan and the purpose and intent of the zoning district in which it is located.**

The future land use designation in the Town's Comprehensive Plan for the property is OR – Office / Residential and the property is zoned RO-50 High Density Office Residential.

Subject property: OR – Office/Residential and the property is zoned (RO-50 – High Density Residential Office)

Surrounding Property:

North: Institutional / Public Facility; (AU)

East: Transportation; (Palmetto Expressway)

South: Business and Office; (BU-1A)

West: Institutional / Public Facility; (AU)

The Office / Residential land use designation accommodates both professional and clerical offices, hotels, motels, public facilities and residential uses. Office developments may range from small-scale professional office to large-scale office parks. The RO-50 zoning district includes the following; those uses permitted in the RU-1, RU-1A, RU-1B, RU-2 and RU-TH Districts subject only to the requirements, limitations and restrictions applicable therefore in said districts, including but not limited to, lot width, accessory uses, area, yard areas, height, density and lot coverage; Multiple family apartment buildings; Hotels, motels, and apartment hotels; Offices; where such offices are accessed from a common entrance to the building and from interior hallways. Office buildings shall not have individual storefronts facing the exterior of the building; Mixed Use Buildings; Buildings may contain apartment units, hotel units and offices. However, residential units shall not be located on any floor that contains office uses.

A development for an Office Complex is permitted in the OR – Office / Residential land use category and the RO-50 zoning district.

- (b) **In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.**

DIVISION 4.9, RO-50 HIGH DENSITY RESIDENTIAL / OFFICE

DISTRICT (RU-4A): The subject Site Plan is in conformance with RO-50 as per permitted uses and site plan review.

A. Permitted Uses

No land, body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an RO-50 District which is designed, arranged, or intended to be used or occupied for any purpose, except for the following uses. All other uses, including retail uses are hereby prohibited.

1. Those uses permitted in the RU-1, RU-1A, RU-1B, RU-2 and RU-TH Districts subject only to the requirements, limitations and restrictions applicable therefore in said districts, including but not limited to, lot width, accessory uses, area, yard areas, height, density and lot coverage.
2. Multiple family apartment buildings
3. Hotels, motels, and apartment hotels.
4. Offices; where such offices are accessed from a common entrance to the building and from interior hallways. Office buildings shall not have individual storefronts facing the exterior of the building.
5. Mixed Use Buildings; Buildings may contain apartment units, hotel units and offices. However, residential units shall not be located on any floor that contains office uses.

- (c) **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.**

The subject Site Plan is in conformance subject to conditions with Town requirements including the design and construction of streets, utilities, and other essential services as per site plan review including but not limited to review of the of Public Right-of-Way Dedications, Utility Easements, and Parking Standards, etc.

(d) 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:

- 1. Relationship to adjoining properties.**
- 2. Internal circulation, both vehicular and pedestrian.**
- 3. Disposition of open space, use of screening or buffering and preservation of existing natural features including trees.**
- 4. Building arrangements both between buildings in the proposed development and those adjoining the site.**

The proposed Office Building Development is situated within a 2.58 acre site and is buffered from nearby residential development by complementary uses. To the north of the subject site is a school, to the south is a hotel & shopping center, to the east is the Palmetto Expressway, and to the west is a continuation of the school use for the Bob Graham Learning Center.

The proposed office development will be facing away from the school property. All of the necessary buffers, parking spaces, drives and ingress and egress for this office development will be provided as per the currently designated RO-50 high density office residential zoning requirements.

The propose office building use including its proposed scale and intensity, traffic generating characteristics, and off-site impacts will be compatible and harmonious with adjacent land uses and will not adversely impact land use activities in the immediate vicinity.

(e) 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.

The propose office building has complied with Opinion of Title requirements and Concurrency Review as per staff Site Plan Review and Concurrency Memorandum.

Proposal:

The applicant seeks site plan approval for a proposed Office Building and to modify the previously approved conditions as per Resolution CZAB6-14-00 which was passed on November 29, 2000, prior to the Town's incorporation. The previously approved resolution from Community Council 6 approved the rezoning of the subject property from AU to RU-4A and the construction of a Springhill Suites Hotel, a Marriot hotel product on the subject site. As a condition of approval, the Applicant recorded a Declaration of Restrictions which tied the property to a site plan in combination with the existing hotel to the south, and restricted the use on the subject site to a hotel.

The proposed Office Building site plan submitted for approval satisfies the requirement in accordance with the Town of Miami Lakes Adopted Comprehensive Plan Policy 1.1.2 Office/Residential (OR) that all structures higher than 35'-0", 2 stories shall require site plan approval at public hearing. The maximum permitted height shall be 75'-0", 6 stories, and the proposed site plan would permit the proposed Office Building with a height of 73'-0", 5 Stories.

Analysis:

The subject property consists of a vacant parcel of land located on the west side of NW 77 Court and North of theoretical NW 158 Street in the Town of Miami Lakes. The property abuts the Palmetto Expressway Frontage Road, N.W. 77th Court immediately west of the Palmetto Expressway.

The site plan approval through Public Hearing of the proposed Office Building and modifications to the previously approved Resolution No. CZAB6-14-00 if approved are consistent with the Comprehensive Development Plan and has been reviewed for any impact on the levels of service (LOS) standards.

The subject application will allow the applicant to obtain site plan approval for a proposed Office Building instead of the previously approved hotel development for the subject site. The requested public hearing will satisfy the requirement in accordance with the Town of Miami Lakes Comprehensive Land Use Plan Policy 1.1.2 Office/Residential (OR) that all structures higher than 35'-0", 2 stories shall require site plan approval at public hearing. Staff notes that the submitted plans depict the proposed building within the maximum permitted height threshold of 75'-0", 6 stories. The proposed Office Building fronts a landscaped plaza and is situated facing the Palmetto Frontage Road with parking placed towards the rear of the subject site. The proposed office building site plan provides a well defined and landscaped entry plaza which sets back the proposed 5-story (73'-0" high) building and allows for the pedestrian and vehicular circulation to be properly separated. The building placement thus defines the street and provides a better urban setting than the previously submitted hotel site plan which had the proposed building surrounded by parking fields.

The subject property is zoned RO-50 High Density Residential / Office. The RO-50 zoning district allows residential development at a density of 50 units per acre, and hotel uses at 75 hotel units per acre. The previously approved plans were for a 6-story rectangular building with a total of 175 hotel units, this development represented a density of 68.47 units per acre. The previously approved hotel was designed to front on the Expressway Feeder Road and the Palmetto Expressway, with parking surrounding the entire structure. The previously approved hotel was approved to be accessed jointly with the existing 150-room Marriot Courtyard Hotel to the south, and the applicant was required to proffer a Covenant in Lieu of Unity of Title in order to combine both sites, integrating both hotels in order to share a circular drive entrance.

Staff supports request #1 for site plan approval of the proposed office development depicting the aforementioned less intensive proposed 5-story, 73 feet in height building, noting that said request is within the acceptable range which would permit a building with a maximum height of 6-stories, 75 feet in height. Staff also supports the remaining requests in that request #2 through request #5 will allow each building (the proposed office building and the existing hotel building to the south) to stand on its own. Specifically, staff supports Request #2 to modify condition #2 of Resolution CZAB6-14-00, passed and adopted by the Miami-Dade County Community Zoning Appeals Board 6 on the 29th day of November, 2000. The modification to Condition #2 would provide for approval of the proposed office development site plan instead of the previously approved hotel.

Subsequently, Request #3 and Request #4 are also supported in that both modify the Declaration of Restrictions recorded in Official Record Book 13776, Pages 1774 through 1777 on the 8th day of August, 1988, the requested modifications would allow the existing hotel to the south to stand on its own with the approved site plan specifically for the existing Courtyard Hotel, and deletes the combination of the two sites with a shared circular drive.

Accordingly, staff recommends approval with conditions of the subject application and notes that Request #5 provides for the proposed office development use to be established and maintained in accordance with the approved plan and in accordance with the Town of Miami Lakes Adopted Comprehensive Plan Policy 1.1.2 Office/Residential (OR), subject to all RO-50 Development Regulations. The remaining previously approved conditions as per Resolution CZAB6-14-00 Conditions 8 thru 14 would remain in effect for any hotel use on the subject site.

Recommendation: Staff recommends approval with conditions of the subject application.

Conditions:

1. That all conditions and requirements of the previous Resolution CZAB6-14-00 and Declaration of Restrictions shall remain in full force and effect, except as herein modified.
2. That a revised Declaration of Restrictions which incorporates the modifications reflected in requests #3 and #4 be submitted to meet with the approval of the Town Administrative Official subject to review and approval for legal sufficiency by the Town Attorney, prior to permitting or platting, whichever occurs first.
3. That the applicant submit to the Town Administrative Official, for review and approval, any signage for the site prior to the issuance of a Building Permit or Certificate of Use and Occupancy.
4. That the applicant submit to the Town Administrative Official, for review and approval, a detailed erosion management plan prior to the issuance of a Building Permit or Certificate of Use and Occupancy.
5. That the applicant obtains and submit to the Town Administrative Official, for review and approval, a certification of capacity from the water, sewer, solid waste, fire protection, and parks providers prior to the issuance of a Building Permit or Certificate of Use and Occupancy.
6. That the applicant submit to the Town Administrative Official, for review and approval, a detailed drawing that indicates the location of all HVAC air intakes and exhaust grates on the site plan, roof plans, and all elevations prior to the issuance of a Building Permit or Certificate of Use and Occupancy.
7. That the applicant submit to the Town Administrative Official, for review and approval, a modified landscape plan showing the specific spacing for all proposed shrubs along with site lines depicting any items that will interfere with a clear line of sight.

ATTACHMENT A: 3.4 SITE PLAN APPROVALS

(g) Submission and Review Procedures.

- (1) An application for a site plan review shall be made to the Town prior to an application for a building or development approval and will only be accepted if the application complies with all other provisions of the Town Code.
- (2) Except as may otherwise be required by law or administrative procedures, all required county, regional, state or federal agency approvals shall be obtained prior to the submission of an application for site plan review. In cases where intergovernmental coordination efforts are incomplete, the Applicant shall provide evidence of good faith efforts towards resolving intergovernmental coordination issues.
- (3) Upon receipt of a site plan application, the Town shall have ten (10) working days for residential applications and fourteen (14) days for non-residential applications to determine its appropriateness and completeness and accept or reject the application. As soon as practical after the acceptance of the application, the Administrative Official shall either approve the site plan or refer the application, together with all supporting documentation and staff recommendations, to the Town Council for its review and action.
- (4) Upon receipt of the application, the Town Council shall review said site plan and by written resolution take one (1) of the following actions together with its findings in respect to the proposed development as set forth in this division.
 - (a) Approval as submitted.
 - (b) Approval with changes and/or special conditions.
 - (c) Denial.

(h) Public Hearing. Prior to taking action on any site plan submitted, the Town Council shall hold a quasi-judicial public hearing at which time all interested parties shall be heard. Notice of the public hearing shall be given as provided in Division 3.9.

(i) Findings.

- (1) The granting or granting with conditions or changes of approval by written resolution shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without changes or special conditions. The resolution shall set forth with particularity in what respects the plan would or would not be in the public interest including, but not limited to findings of fact and conclusions on the following:

- (a) In what respects the plan is or is not consistent with the Comprehensive Plan and the purpose and intent of the zoning district in which it is located.
- (b) In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.
- (c) 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.
- (d) 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:
 - 1. Relationship to adjoining properties.
 - 2. Internal circulation, both vehicular and pedestrian.
 - 3. Disposition of open space, use of screening or buffering and preservation of existing natural features including trees.
 - 4. Building arrangements both between buildings in the proposed development and those adjoining the site.
- (e) 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.
- (j) Upon the Town Council granting of approval, either as submitted or with changes and/or special conditions, the Administrative Official shall upon application, issue a building permit for a portion or all of the proposed development after it is found that the application is in compliance with the approved site plan, Florida Building Code, and all other Town, county, state and federal requirements.
- (k) Any changes or amendments to an approved site plan shall require a resubmission in accordance with the provisions of this Division and Division 3.2.
- (l) **Appeals.** Within thirty (30) days of action taken by the Town Council, the applicant may appeal the decision under Division 3.10 of this Land Development Code.
- (m) **Transferability.** In the event the property receiving site plan approval shall be sold, transferred, leased, or the ownership thereof changes in any way whatsoever, the site plan approval, unless stated otherwise, shall be transferable.