

RESOLUTION NO. 06-491Z

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING VARIANCE(S) FILED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN LAND DEVELOPMENT CODE TO PERMIT (1) A 40 SQUARE FOOT WALL SIGN; (2) A 7.5 SQUARE FOOT WALL SIGN; AND (3) A 39.42 SQUARE FOOT DETACHED MONUMENT SIGN, FOR PROPERTY LOCATED AT 14701 N.W. 77th AVENUE, MIAMI LAKES, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING CONDITIONS OF APPROVAL; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Division 3.5 of the Town of Miami Lakes (the “Town”) Land Development Code (“LDC”), Baptist Health South Florida (the “Applicant”) has applied to the Town for approval of the following variances to waive Section 33.104 of the Town Code to permit: (1) a 55.0 square foot wall sign with copy reading “Baptist Medical Plaza” on the west side of the building facing N.W. 77th Avenue (“Variance 1”), (2) an additional 7.5 square foot wall sign with copy reading “Baptist Medical Plaza” on the south side of the building (“Variance 2”), and (3) a detached 39.42 square foot monument sign on the west side of the building (“Variance 3”) (collectively, the “Variances”), for property located at 14701 N.W. 77th Avenue, Miami Lakes, Florida (legal description: Folio # 32-2023-023-0060; Tracts F & G of Miami Lakes Golf Course Offices, Plat Book 114, Page 60 of the Public Records of Miami-Dade County, Florida); and

WHEREAS, Division 3.5 of the LDC sets forth the authority of the Town Council to consider and act upon an application for a variance; 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 Variances have been noticed for Tuesday, November 21, 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 Variances, with conditions, as set forth in the Staff Analysis and Recommendation dated November 21, 2006, (the "Staff Analysis"), attached as Exhibit "A," 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:

Section 1. Recitals.

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

Section 2. Findings.

- (a) In accordance with Division 3.5(f) of the Town Code, the Town Council, having considered the testimony and evidence in the record presented by all parties, finds that the Applicant does not meet all of the requirements of Division 3.5(f)(1)(a) thru (g) of the Town Code, which are as follows:
1. Variance Consistent with Authorized Powers. That the variance is in fact a variance as set forth in the Land Development Code and within the province of the Town Council; and
 2. Existence of Special Conditions or Circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district; and

3. Conditions Not Created by Applicant. That the special conditions and circumstances do not result from the actions of the Applicant; and
 4. Special Privileges Not Conferred. That granting the variance requested will not confer on the Applicant any special privilege that is denied by this Land Development Code to other similarly situated lands, buildings, or structures in the same zoning district; and
 5. Hardship Conditions Exist. That literal interpretation of the provisions of this Land Development Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would work unnecessary and undue hardship on the applicant. The purchase of property which is an illegal nonconformity with this Land Development Code shall not be considered a hardship for granting of a variance, nor shall conditions peculiar to the property owner be considered; and
 6. Only the Minimum Variance Granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
 7. Not Injurious to Public Welfare or Intent of the Land Development Code. That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Plan and this Land Development Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- (b) The Applicant does not meet all of the criteria in Division 3.5(f)(1)(a) thru (g) of the Town Code, but the Town Council determines that:
1. No objections have been filed by adjoining or directly affected property owners; and
 2. Variance No. 1, No. 2 and No. 3 are justified by practical difficulty on the part of the Applicant.

Section 3. Approval.

- (a) The Town Council approves the variance request for the 40.0 square foot wall sign on the west side of the building facing N.W. 77th Avenue.
- (b) The Town Council approves the variance request for the 7.5 square foot wall sign on the south side of the building.
- (c) The Town Council approves the variance request for the detached 39.42 square foot monument sign on the west side of the building facing N.W. 77th Avenue.

Section 4. Conditions of Approval.

(a) For all the Variances, the signs shall be subject to the following conditions:

1. The Applicant shall record the Resolution 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.
2. The Applicant shall obtain a building permit within one year of the date of this approval. If a building permit is not obtained within the prescribed time limit then this approval shall be deemed withdrawn and invalid.
3. The approved signs shall be substantially in accordance with the plan submitted for the hearing entitled Baptist Medical Plaza at Miami Lakes as prepared by Tom Graboski Associates, Inc., dated revised November 2, 2006, for pin mounted and reverse channel illuminated letters; except as herein modified to reflect a 40 sq. ft. wall sign including the proposed logo.
4. That the use be established and maintained in accordance with the approved plan.

(b) Additionally, the Variance for the detached 39.42 square foot monument sign is granted subject to the following conditions:

1. The detached sign shall be setback a minimum of 5.5 feet from the property line and located as shown on the submitted site plan prepared by Tom Graboski Associates, Inc., dated November 2, 2006.
2. The detached monument sign shall be no higher than 5'- 6" feet to the top of the monument and no more than 8' feet long with reverse channel individually mounted letters. If the Applicant wishes to illuminate the sign, the letters may be backlit or the sign may be illuminated by ground mounted up lighting that is obscured from view by landscaping.

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.

Variance 1, 2 and 3 of the foregoing Resolution was moved upon the practical difficulty standard in Division 3.5(f)(2) of the Town Code by Michael Pizzi and Seconded by Robert Meador, and upon being put to a vote the motion carried with each Council Member voting as follows:


Mayor Wayne Slaton	Yes
Vice Mayor Mary Collins	Yes
Councilmember Roberto Alonso	Yes
Councilmember Robert Meador	Yes
Councilmember Michael Pizzi	Yes
Councilmember Richard Pulido	No
Councilmember Nancy Simon	Yes

PASSED AND ADOPTED this 21st day of November, 2006.



Wayne Slaton
MAYOR

ATTEST:



Debra Eastman, MMC
TOWN CLERK

Approved as to form and legality for the use
and benefit of the Town of Miami Lakes only:



Weiss Serota Helfman
Pastoriza Cole & Boniske, P.A.
TOWN ATTORNEY