

RESOLUTION NO. 08- 666Z

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PERTAINING TO A REQUEST TO AMEND RESOLUTION NO. 07-527Z, APPROVING A SITE PLAN SUBJECT TO CONDITIONS, BY MODIFYING CONDITION (d) OF RESOLUTION 07-527Z, WHICH RESTRICTED USES ON THE ABOVE DESCRIBED PROPERTY, TO EXPAND THE PERMITTED USES ON THE SUBJECT PROPERTY, FOR PROPERTY LOCATED AT 16400 NW 59TH AVENUE, MIAMI LAKES, FLORIDA IN THE IU-C ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR APPROVING THE REQUEST REFERRED TO AS THE “MODIFICATION”; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Division 3.4 of the Town of Miami Lakes Land Development Code (the “Town LDC”), Miami Lakes Commercial Group, LLC (the “Applicant”) has applied to the Town of Miami Lakes (the “Town”) for modification of the conditions of site plan approval provided in Resolution No. 07-527Z, adopted on April 24, 2007, for property generally located at 16400 NW 59th Avenue, Miami Lakes, Florida, in the IU-C zoning district, specifically Folio # 32-2013-057-0010; 32-2013-057-0070; 32-2013-057-0090; 32-2013-057-0110; and 32-2013-057-0120, legally described as Lots 1, 7, 9, 11 and 12 according to MIAMI LAKES PROFESSIONAL CENTER CONDOMINIUM, recorded June 6, 2007 in Official Records Book 25678, Page 2249-2346, f/k/a portions of Tract A of MIAMI LAKES EAST SECTION 5, according to the Plat thereof recorded in Plat Book 153, Page 49, all recorded in the Public Records of Miami-Dade County, Florida; and

WHEREAS, condition (d) of Resolution No. 07-527Z, restricted the use of the property to “office and showroom display uses”; and

WHEREAS, the Applicant has requested modification to condition (d) to expand the list of permitted uses in the IU-C zoning district as applied to the subject property to include: banks, contractor's offices, day nursery and after school care licensed by the State of Florida, laboratories, material testing, locksmiths, office building, printing shops - limited to copy centers and excluding any print shop use which emits odors, dust, noise, toxic gases, smoke or other hazards to the public health, safety and welfare, restaurant, salesrooms and storage showrooms-wholesale, salesrooms and showrooms as per section 33-259.62, technical trade schools as per section 33-259.63 and veterinarians; and

WHEREAS, Division 3.4 of the Town LDC sets forth the authority of the Town Council to consider and act upon an application to modify an approval by written resolution; and

WHEREAS, in accordance with Division 3.9 of the Town LDC, proper notice was mailed to the appropriate property owners of record; the public hearing on the Modification was noticed for Tuesday, May 20, 2008, at 6:00 P.M. at Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, Florida 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, subject to conditions, of the Requested Modification, 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.

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) The Modification is consistent with the Comprehensive Plan and the purpose and intent of the zoning district in which it is located.
- (b) The Modification is in conformance with all applicable regulations of the zoning district in which it is located.
- (c) The Modification is in conformance with the Town requirements including the design and construction of streets, utility facilities and other essential services.
- (d) The Modification is 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) The Modification 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.

Section 3. Approval. The Modification to Condition (d) of resolution 07-527Z is hereby approved to read as follows:

- (d) That the Applicant has proffered a Declaration of Restrictions which would restrict the use of the subject property to office and showroom display banks, contractor's offices, day nursery and after school care licensed by the State of Florida, laboratories, material testing, locksmiths, office building, printing shops - limited to copy centers and excluding any print shop use which emits odors, dust, noise, toxic gases, smoke or other hazards to the public health, safety and welfare, restaurant, salesrooms and

storage showrooms-wholesale, salesrooms and showrooms as per section 33-259.62, technical trade schools as per section 33-259.63 and veterinarians for purposes of preserving the intended use in perpetuity. ~~The Declaration of Restrictions shall be submitted to meet with the approval of the Town Attorney. The proffered Declaration of Restrictions shall be executed and recorded at the Applicant's expense within 30 days of this approval.~~

Section 4. Conditions.

1. Except as herein modified all the conditions of Resolution 07-527Z with respect to the previously approved site plan for the subject property shall remain in full force and effect.
2. The Applicant shall submit any proposed uses other than office and showroom as outlined below for administrative site plan review and shall be required to provide compliance with all concurrency requirements in effect at that time: banks, contractor's offices, day nursery and after school care licensed by the State of Florida, laboratories, material testing, locksmiths, office building, printing shops - limited to copy centers and excluding any print shop use which emits odors, dust, noise, toxic gases, smoke or other hazards to the public health, safety, and welfare, restaurant, salesrooms and storage showrooms-wholesale, salesrooms and showrooms as per Section 33-259.62, technical trade schools as per Section 33-259.63, and veterinarians.
3. The Applicant shall record the Resolution in the Official Records of Miami-Dade County, Florida and shall return a copy of the recorded Resolution to the Town Clerk before a permit is issued.
4. The Applicant shall submit the Amended Declaration of Restrictions to meet with the approval of the Town Attorney. The proffered Declaration of Restrictions shall be executed and recorded at the Applicant's expense within 30 days of this approval.

Section 5. Appeal.

In accordance with Division 3.10 of the Town LDC, the Applicant, or any aggrieved property owner, may appeal the decision of the Town Council by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

Section 6. Violation of Conditions.

Failure to adhere to the terms and conditions contained in this Resolution in Section 4, if any, 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 construction or operation, and that the foregoing approval(s), if any, 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 7. Effective Date.

This Resolution shall take effect 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 Town LDC 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 REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

The foregoing Resolution was adopted by motion as provided herein by Councilmember Nancy Simon and seconded by Councilmember Richard Pulido, by a vote of 6-0 with each Town Councilmember voting as follows:

Mayor Wayne Slaton	Yes
Vice-Mayor Nancy Simon	Yes
Councilmember Roberto Alonso	Yes
Councilmember Mary Collins	Absent
Councilmember Robert Meador II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Richard Pulido	Yes

PASSED AND ADOPTED this 20th day of May, 2008.


This Resolution was filed in the Office of the Town Clerk on this 6 day of

June, 2008.




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, P.L.
TOWN ATTORNEY



CFN 2009R0145092
DR Bk 26768 Pgs 1881 - 1890 (10pgs)
RECORDED 02/27/2009 09:30:17
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:
Name: Mr. Luciano Isla, Esq.
Address: 1790 West 49 Street, Suite 300
Hialeah, FL 33012

(Space reserved for Clerk)

FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS

KNOW ALL BY THESE PRESENTS that the undersigned are the owners ("Owners") of the following described property (the "Property"), lying, being and situated in the Town of Miami Lakes, Miami-Dade County, Florida (the "Town"), to-wit:

UNITS/LOTS: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of MIAMI LAKES PROFESSIONAL CENTER CONDOMINIUM, according to the Declaration of Condominium thereof, as recorded in Official Records Book 25678 at Page 2249 of the Public Records of Miami-Dade County, Florida, together with an undivided interest in the common elements appurtenant

WHEREAS, the Property is covered by that certain Declaration of Restrictions, recorded on the Property on **May 13, 2008** in Official Records Book **26376** at Page **1116**, ("Declaration") Miami-Dade County, Florida; and re-recorded on **October 16, 2008**, in Official Records Book **26612** at Page **1436** of the Public Records of Miami-Dade County, Florida.

WHEREAS, paragraph 2 of the Declaration provided that the use of the Property will be restricted to office and showroom display for purposes of preserving the intended use in perpetuity; and

WHEREAS, by Resolution No: 08-666Z, the Owner and the Town decided to amend the uses described in the Declaration as to certain Units/Lots on the Property.

NOW, THEREFORE, in consideration of the foregoing premises and in compliance with the aforementioned Declaration, the Declaration is hereby modified as follows:

Paragraph (2) of the Declaration shall be amended to read as follows:

(2) That the uses permitted on the subject property in Units/Lots 2, 3, 4, 5, 6, 8, and 10 will be restricted to office and showroom display only. That the uses permitted on Units/Lots 1, 7, 9, 11 and 12 of the property will be restricted to: banks, contractor's offices, day nursery, and after school care licensed by the State of Florida, laboratories, material testing, locksmiths, office building, printing shops -limited to copy centers and excluding any print shop use which emits odors, dust, noise, toxic gases, smoke or other hazards to the public health, safety and welfare-, restaurant, salesrooms and storage showrooms-wholesale, salesrooms and showrooms as per section 33-259.62, technical trade schools as per section 33-259.63 and veterinarians for purposes of preserving the intended use in perpetuity.

[Execution Pages Follow]

(Public Hearing)

Section-Township-Range: Folio number

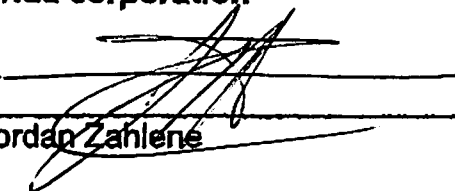


All other provisions of the Declaration not hereby amended shall remain in full force and effect.

IN WITNESS WHEREOF, the Owners, joined by and with the consent of their Mortgagee of record, have executed this Dedication.

As to Units/Lots 1

Owner:
ZAHLENE INVESTMENT INCORPORATED
a Florida corporation

By: 
Jordan Zahlene

Witnesses:


Print Name: ALBERT GUZMAN


Print Name: JUAN VALIENTE

As to Unit/Lot 1

Mortgagee: NONE

As to Unit/Lot 2

Owner:

Witnesses:


Print Name: JAVIER ESTRADA


Print Name: JOSE A. GUZMAN

By: 
Javier Estrada

By: 
Jose A. Guzman

By: 
Jose M. Guzman

As to Unit/Lot 2

Mortgagee:

Premier American Bank


Print Name: ALBERT GUZMAN


Print Name: JUAN VALIENTE

By: 
Print Name: PREMIER AMERICAN BANK

Its: 
SXP

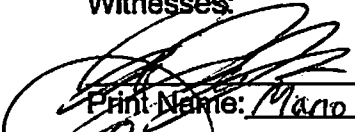
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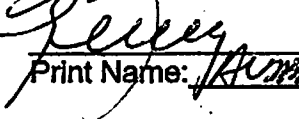
As to Units/Lots 3 and 4

Owner:

JACAR, LLC., a Florida limited liability company

Witnesses:


Print Name: Mario Lopez


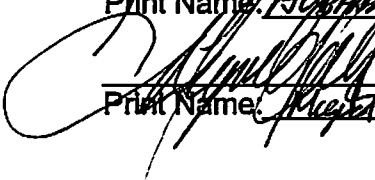

Print Name: AURORA GUZMAN

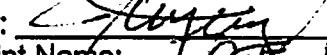
By: 
Carlos Pajon, Manager

By: 
Javier Cruz, Manager

Mortgagee:

Wachovia Bank,

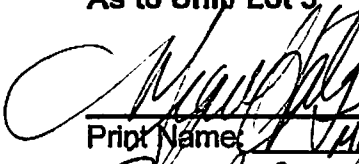

Print Name: Hector Gonzalez

Print Name: Miguel Solor

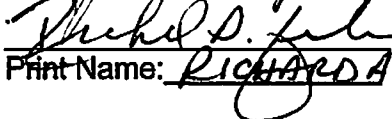
By: 
Print Name: JOSE MIGOYA
Its: FINANCIAL SPECIALIST

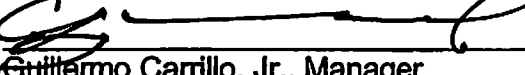
As to Unit/ Lot 5

Owner:

Pride Rock Investment, LLC, a Florida limited liability company


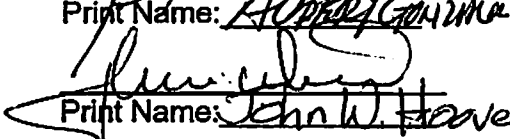

Print Name: Miguel Solor

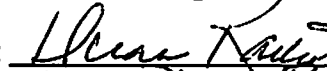

Print Name: RICHARDA Hector

By: 
Guillermo Carrillo, Jr., Manager

Mortgagee:

1st E. Side Savings Bank


Print Name: AURORA GUZMAN

Print Name: John W. Hoover, Jr.

By: 
Print Name: Diana Padgett
Its: President

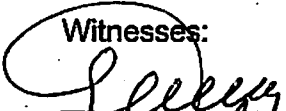
(Public Hearing)

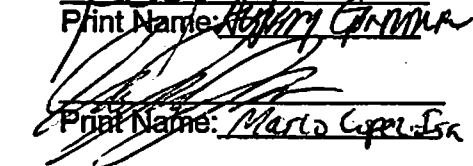
As to Unit/Lot 6

Owner:


Lakeshore Offices, LLC., a Florida limited liability company

Witnesses:



 Print Name: Reynaldo Diaz

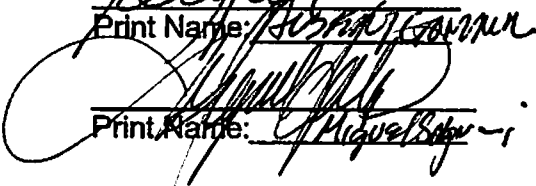

 Print Name: Mario Lopez

By:


 Reynaldo Diaz, Manager

Mortgagee:


 Print Name: Reynaldo Diaz


 Print Name: Miguel Lopez

By:



 Print Name: Exilda Machado, Individually


As to Units/Lots 7, 8, 9, and 12

Owner:

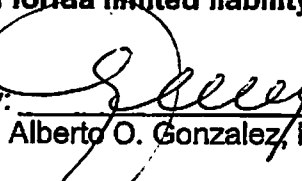
Miami Lakes Commercial Group, LLC, a Florida limited liability company

Witnesses:


 Print Name: Mario Lopez


 Print Name: Juan Delacruz

By:


 Alberto O. Gonzalez, Manager

Units/Lots 7, 8, 9, and 12

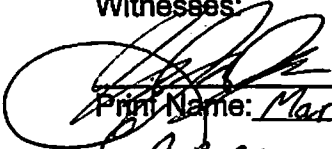
Mortgagee: NONE


(Public Hearing)

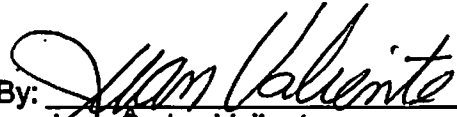
As to Unit/Lot 10

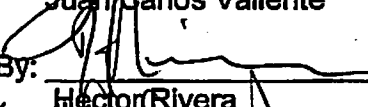
Owner:

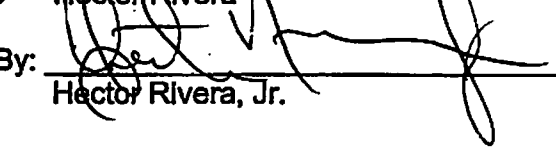
Witnesses:


 Print Name: Marcela Lopez Esc.


 Print Name: Hector Rivera

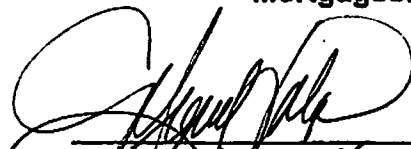
By: 
 Juan Carlos Valiente


By: 
 Hector Rivera

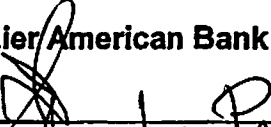
By: 
 Hector Rivera, Jr.

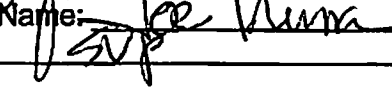
Mortgagee:

Premier American Bank


 Print Name: Miguel Sego


 Print Name: Gustavo Gonzalez

By: 
 Print Name: Joe Puma

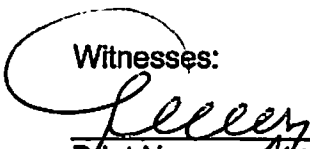
Its: 

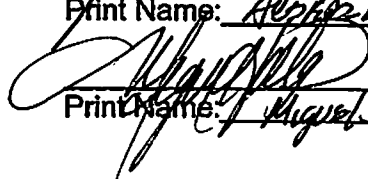
As to Unit/Lot 11

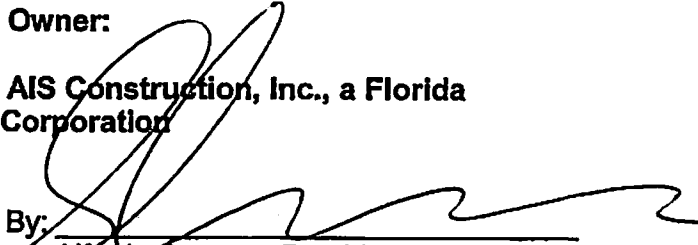
Owner:

AIS Construction, Inc., a Florida Corporation

Witnesses:


 Print Name: Hector Rivera


 Print Name: Miguel Sego

By: 
 Alfredo Socorro, President

As to Unit/Lot 11

Mortgagee:

[Signature]
 Print Name: Robert [unclear]

[Signature]
 Print Name: [unclear]

Ocean Bank

By: *[Signature]*
 Print Name: Rene Acosta
 Its: _____

STATE OF: FL
 COUNTY OF: DADE

The foregoing instrument was acknowledged before me this 23 day of Jun, 2009 by Rene Acosta

who are personally known to me or produced FDL A223 720 P3268-U as identification.

NOTARY PUBLIC-STATE OF FLORIDA
 Carmen Irene Alonso
 Commission #DD758661
 Expires: MAR. 31, 2012
 BONDED THRU ATLANTIC BONDING CO., INC

[Signature]
 Notary Public
 Sign Name: Carmen Irene Alonso
 Print Name: _____
 My Commission Expires: 3-31-2012
 Serial No. (None if blank): _____
 [NOTARY SEAL]

As to Unit/Lot 7, 9 and 12

Mortgagee:

[Handwritten signature]

Print Name: ~~AUSTIN GONZALES~~

By: *[Handwritten signature: Robert B. Meador]*

Print Name: Robert B. Meador, II

[Handwritten signature]
Print Name: ~~REYNOLDO D. HERNANDEZ~~

STATE OF:
COUNTY OF:

16 The foregoing instrument was acknowledged before me this 19 day of _____, 2009 by ROBERT B. MEADOR II, who is personally known to me or who has produced _____ as identification.

[Handwritten signature: Carmen Irene Alonso]

Notary Public

Sign Name:

Print Name: *[Handwritten: Carmen Irene Alonso]*

My Commission Expires:


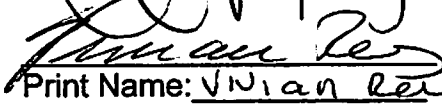
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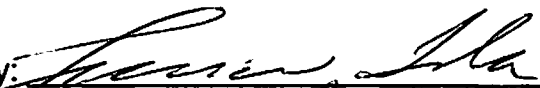
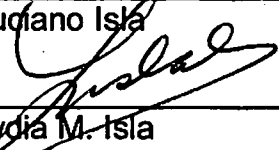
NOTARY PUBLIC-STATE OF FLORIDA
Carmen Irene Alonso
Commission # DD758661
Expires: MAR. 31, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

[NOTARY SEAL]

As to Unit/Lot 7, 8, 9 and 12

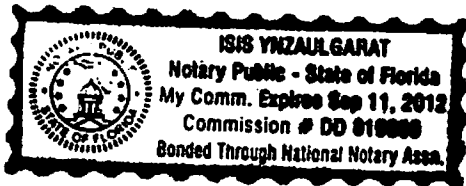
UCC-1 and UCC-3:

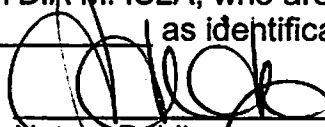

 Print Name: ISIS Ynzalgarat

 Print Name: Julian Rey

By: 
 Print Name: Luciano Isla
 By: 
 Print Name: Lydia M. Isla

STATE OF:
COUNTY OF:

The foregoing instrument was acknowledged before me this 17 day of February, 2009 by LUCIANO ISLA and LYDIA M. ISLA, who are personally known to me or produced _____ as identification.




 Notary Public
 Sign Name: ISIS Ynzalgarat
 Print Name: _____
 My Commission Expires: 09/11/2012
 Serial No. (None if blank): _____

[NOTARY SEAL]

As to Unit/Lot 8

Mortgagee:

Premier American Bank

By: [Signature]
Print Name: Joe L. Brown
Its: _____

[Signature]
Print Name: Alberto Garcia
[Signature]
Print Name: Jim Ouellet

STATE OF:
COUNTY OF:

The foregoing instrument was acknowledged before me this 26 day of Feb, 2009 by be Pruna as S.V.P. of Premier American Bank, who is personally known to me or produced _____ as identification.

[Signature]
Notary Public
Print Name: Carmen Irene Alonso
My Commission Expires: 3-31-2012
Serial No. (None if blank): DD758661

[Signature]
PAY TO THE ORDER OF
REGIONS BANK
FOR DEPOSIT ONLY
REO ASSET PRESERVATION INC
~~XXXXXXXXXX~~

[NOTARY SEAL]

NOTARY PUBLIC-STATE OF FLORIDA
Carmen Irene Alonso
Commission # DD758661
Expires: MAR. 31, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

Declaration of Restrictlons Page 10:

(Space reserved for Clerk)

STATE OF:
COUNTY OF:

The foregoing instrument was acknowledged before me this 19 day of Feb, 2009 by Jordan Zahlene, as President of ZAHLENE INVESTMENT INCORPORATED, a Florida corporation, Javier Estrada, Jose A. Guzman, Jose M. Guzman, Jose Pruna, as Senior Vice-President of PREMIER AMERICAN BANK, Carlos Pajon, Javier Cruz, both as Managers of JACAR, LLC, a Florida limited liability company, Jose Migoya, as Financial Specialist of WACHOVIA BANK, Guillermo Carrillo, Jr., as Manager of PRIDE ROCK INVESTMENT, LLC, LLC, a Florida limited liability company, Diane Raddatz as President of 1st E. SIDE SAVINGS BANK, Reynaldo Diaz, as Manager of LAKESHORE OFFICES, LLC, a Florida limited liability company, Exilda Machado, Alberto O. Gonzalez, as Manager of Miami Lakes Commercial Group, LLC, a Florida limited liability company, Juan Carlos Valiente, Hector Rivera, Hector Rivera, Jr, and Alfredo Socorro, as President of AIS CONSTRUCTION, INC, a Florida corporation, who are personally known to me or who have produced as identification.

Carmen Irene Alonso
Notary Public
Print Name: Carmen Irene Alonso
My Commission Expires: 3-31-2012
Serial No. (None if blank): DD758661

NOTARY PUBLIC-STATE OF FLORIDA
Carmen Irene Alonso
Commission # DD758661
Expires: MAR. 31, 2012
BONDED THRU ATLANTIC BONDING CO., INC

[NOTARY SEAL]

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the
original filed in this office on Feb 27 day of
Feb, A D 2009
WITNESS my hand and Official Seal.
HARVEY RUVIN, CLERK, of Circuit and County Courts
By [Signature] D.C.



(Public Hearing)