

TOWN OF MIAMI LAKES, FLORIDA

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AGENDA
Regular Council Meeting
March 6, 2018
6:30 PM
Government Center
6601 Main Street
Miami Lakes, Florida 33014

1. **CALL TO ORDER:**
2. **ROLL CALL:**
3. **MOMENT OF SILENCE**
4. **PLEDGE OF ALLEGIANCE:**
5. **SPECIAL PRESENTATIONS:**
6. **PUBLIC COMMENTS:**

All comments or questions from the attending public to the Council shall be directed to the Mayor, in a courteous tone. No person other than the Council and the person recognized by the Mayor as having the floor, shall be permitted to enter into discussion without the permission of the Mayor. To ensure the orderly conduct and efficiency of the meeting, public comments shall be limited to three (3) minutes maximum per person; however, the Mayor may authorize the extension of the aforesaid time frame, and any extension shall apply to other individuals speaking on the same subject.

No clapping, applauding, heckling, verbal outburst in support of, or in opposition to a speaker or his/her remarks shall be permitted. Should a member of the audience become unruly, or behave in any manner that disrupts the orderly and efficient conduct of the meeting, the Mayor is given the right and the authority to require such person to leave the Council Chambers.

As a courtesy to others, all electronic devices must be set to silent mode to avoid disruption of the proceedings.

Remote Public Comments: Please register with the Town Clerk from the date the agenda is released (Wednesday before the meeting) to the date before the meeting. For additional information, please contact Clerk@miamilakes-fl.gov

7. **ORDER OF BUSINESS(DEFERRALS/ADDITIONS/DELETIONS):**
8. **APPOINTMENTS:**
9. **COMMITTEE REPORTS:**

10. CONSENT CALENDAR:

A. Approval of Minutes

- February 6, 2018 Regular Council Meeting
- February 13, 2018 Town Manager Selection Committee Workshop

11. ORDINANCES-FIRST READING:

- A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING SECTION 2.55(c)(4) OF THE TOWN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Gastesi)**

12. ORDINANCES-SECOND READING (PUBLIC HEARING):

- A. AN ORDINANCE GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, PROVIDING FOR MONTHLY PAYMENTS TO THE TOWN OF MIAMI LAKES, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)**

- B. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO CONDITIONAL USES; AMENDING SECTION 13-303, ENTITLED "CONDITIONAL USES", ESTABLISHING PROVISIONS REGARDING THE CESSATION OF OPERATIONS OF USES CLASSIFIED AS CONDITIONAL USES AND ANNUAL CERTIFICATE OF USE RENEWAL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Cid)**

- C. QUASI-JUDICIAL PUBLIC HEARINGS – Please be advised that the following item on the Board's agenda is quasi-judicial in nature. An opportunity for persons to speak on this item will be made available after the applicant and staff have made their presentations on the item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you do not wish to be either cross-examined or sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Board to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Any person presenting documents to the Board should provide the Town Clerk with a minimum of 10 copies. Further details of the quasi-judicial procedure may be obtained from the Clerk.**

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING THE OFFICIAL ZONING MAP TO REZONE A 2.07 +/- ACRE PROPERTY LOCATED AT 14575 NW 77 AVENUE (FRONTAGE ROAD), AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT "A", FROM THE GU, INTERIM DISTRICT, TO RO-13, LOW DENSITY RESIDENTIAL/OFFICE DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR DIRECTION

TO THE ADMINISTRATIVE OFFICIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

13. QUASI-JUDICIAL ITEMS/APPEALS (PUBLIC HEARING):

Please be advised that the following item on the agenda is quasi-judicial in nature. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you do not wish to be either cross-examined or sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Board to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Any person presenting documents to the Board should provide the Town Clerk with a minimum of 10 copies. Further details of the quasi-judicial procedure may be obtained from the Clerk.

A. QUASI-JUDICIAL PUBLIC HEARINGS – Please be advised that the following item on the Board’s agenda is quasi-judicial in nature. An opportunity for persons to speak on this item will be made available after the applicant and staff have made their presentations on the item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you do not wish to be either cross-examined or sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Board to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Any person presenting documents to the Board should provide the Town Clerk with a minimum of 10 copies. Further details of the quasi-judicial procedure may be obtained from the Clerk.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SUBSECTION 13-305(f)(1) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; PERTAINING TO A VARIANCE FROM SECTION 13-545(d) TO PERMIT A THREE (3) STORY BUILDING, AND A VARIANCE FROM SECTION 13-545(c) REDUCING REQUIRED FRONT SETBACK FROM 25 FEET TO 20 FEET; PERTAINING TO A REQUEST IN ACCORDANCE WITH SECTION 13-304(h) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR SITE PLAN APPROVAL; ALL BEING SUBMITTED FOR THE PROPERTY LOCATED AT 14575 NW 77TH AVENUE, AS PROVIDED AT EXHIBIT “A”, MIAMI LAKES, FLORIDA, FOLIO NOS. 32-2023-001-0541, 32-2023-001-0550, AND 32-2023-001-0560, AS DESCRIBED AT EXHIBIT “B”; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

14. RESOLUTIONS:

- A. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, REPEALING AND REPLACING RESOLUTION 11-888; RENAMING THE SPECIAL NEEDS COMMITTEE TO THE SPECIAL NEEDS ADVISORY BOARD; PROVIDING FOR BOARD MEMBERSHIP; ADOPTING A MISSION STATEMENT; ADOPTING A WORK PLAN; CREATION OF A TOWN INCLUSION POLICY; PROVIDING FOR MEETING REQUIREMENTS AND PROVIDING WITH AN EFFECTIVE DATE. (Ruano)**
- B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, CREATING REVIEW QUALIFICATIONS AND SEARCH METHOD FOR THE APPOINTMENT OF A TOWN MANAGER IN ACCORDANCE WITH SECTION 2.55 (c) OF THE TOWN CODE, PROVIDING WITH AUTHORIZATION TO THE TOWN OFFICIALS; PROVIDING WITH EXPENDITURE OF BUDGETED FUNDS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Gastesi)**

15. NEW BUSINESS:

- A. Amendment to Town Council term limits (Mestre)**
- B. Government Center- 2010 Special Obligation Bond- BAB (Cid)**
- C. Royal Oaks Neighborhood (Cid)**
- D. March For Lives (Rodriguez)**

*** This item requires the waiver of the Section 7.3 of the Special Rules of Order of the Town of Miami Lakes.**

16. MANAGER'S REPORT:

- A. Town Manager Monthly Police Activity Report**
- B. Commercial and Industrial Parking Canopies**
- C. Request by Youth Activity Task Force for Reallocation of Funds**
- D. Annual Calendar for Workshops**

17. ATTORNEY'S REPORT:

- A. Attorney's Report**

ADJOURNMENT:

This meeting is open to the public. A copy of this Agenda and the backup therefore, has been posted on the Town of Miami Lakes Website at miamilakes-fl.gov and is available at Town Hall, 6601 Main Street, Miami Lakes 33014. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact Town Hall at 305-364-6100 two days prior to the meeting.

Anyone wishing to appeal any decision made by the Miami Lakes Town Council with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the

proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

Any member of the public wishing to speak on a public hearing matter on this Agenda or under public comments for items not on this Agenda, should fill out a speaker card and provide it to the Town Clerk, prior to commencement of the meeting. Any person presenting documents to the Town Council should provide the Town Clerk with a minimum of 15 copies.



Town of Miami Lakes Memorandum

To: Honorable Mayor and Councilmembers
From: Gina M. Inganzo, Town Clerk
Subject: Approval of Minutes
Date: 3/6/2018

Recommendation:

Approval of Minutes

- February 6, 2018 Regular Council Meeting
- February 13, 2018 Town Manager Selection Committee Workshop

ATTACHMENTS:

Description

February 6 2018 Regular Council Meeting

February 13 2018 Town Manager Selection Committee

MINUTES
Regular Council Meeting
February 6, 2018
6:30 p.m.
Government Center
6601 Main Street
Miami Lakes, Florida 33014

1. CALL TO ORDER:

Mayor Manny Cid called the meeting to order at 6:45 p.m.

2. ROLL CALL:

The Town Clerk, Gina M. Inguanzo, called the roll with the following Councilmembers being present: Luis Collazo, Ceasar Mestre, Nelson Rodriguez, Marilyn Ruano, Vice Mayor Frank Mingo and Mayor Manny Cid. Councilmember Nelson Rodriguez was absent.

3. MOMENT OF SILENCE:

Pastor Louis Egipciano from Elevate Church led the invocation.

4. PLEDGE OF ALLEGIANCE:

Hialeah-Miami Lakes JROTC Honor Guard led the Pledge of Allegiance and Mario Ortiz of the Mario Ortiz All Star Band performed the Star Banged Banner.

5. SPECIAL PRESENTATIONS:

Chief, Jorge Colina, and Sergio Diaz were recognized for their achievements as the new Chief of Police for the City of Miami. Sergio Diaz will also help oversee the team along with Chief Colina.

Joel Rodriguez was recognized for his achievements while playing football for the University of Miami.

6. PUBLIC COMMENTS:

Grace Loeb came before the Town Council to invite the Mayor and Councilmembers to the 5th Annual Walk Against Rare Diseases.

Roberto Alonso came before the Town Council to congratulate the Mayor, Councilmembers, and Town Manager on the win of the Special Taxing Districts. He also invited the Town Council on the 4th Annual Cars for a Cure event.

Lynn Matos came before the Town Council to extend an invitation to the entire Council to the Food and Wine Festival event.

Julianne Mooney, Ellie Acosta, Miranda Cabargas, and Alicia Diaz from Bob Graham Education Civic Engagement Academy came before the Town Council to speak on affordable housing.

Mirtha Mendez came before the Town Council to speak on item 14A, under the New Business Items.

Felicia Salazar came before the Town Council on her written public comment regarding her support of item 14B. She also extended an invitation to the entire Town Council to the Black History Concert.

7. ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):

Mayor Cid motioned to move up item 14C to after Committee Reports. The Town Manager pulled item 10B from the Consent Agenda and deferred item 12B to the March 6th Regular Council Meeting. Councilmember Mestre motioned to approve the new Order of Business. Councilmember Daubert seconded the motion and all were in favor.

8. APPOINTMENTS:

Nancy Rogers was appointed to the Public Safety Committee, appointed by Vice Mayor Frank Mingo.

Councilmember Daubert motioned to approve the appointment. Councilmember Collazo seconded the motion, and all were in favor.

9. COMMITTEE REPORTS:

There were no Committee Reports.

10. CONSENT CALENDAR:

Councilmember Mestre motioned to approve the items under the Consent Calendar. Councilmember Collazo seconded the motion and the motion passed, 6-0, with Councilmember Rodriguez being absent.

A. Approval of Minutes

- January 16, 2018 Regular Council Meeting
- January 17, 2018 Sunshine Meeting
- January 26, 2018 Sunshine Meeting

Approved on Consent.

- B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AWARDING WORK ORDER, UNDER CONTRACT NO. 2017-32CGA FOR MISCELLANEOUS CIVIL ENGINEERING AND RELATED SERVICES, FOR LAKE QUALITY ASSESSMENT, WITH CALVIN GIORDANO AND ASSOCIATES, IN AN AMOUNT NOT TO EXCEED \$36,269.89; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT TERMS AND CONDITIONS OF CONTRACT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE WORK ORDER; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

The Town Manager, Alex Rey, explained item 10B to the Town Council. He stated the contract with Calvin Giordano will be modified to create an allowance to spend up to the budgeted funds of \$50,000 for the water quality sample and reporting process.

Councilmember Mestre motioned to approved item 10B under the Town Manager's recommendation of the additional \$50,000. Councilmember Daubert seconded the motion and all present were in favor. Councilmember Rodriguez was absent.

- C. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AUTHORIZING THE TOWN MANAGER TO AWARD A CONTRACT 2018-09 TO R.J. BEHAR & COMPANY, INC. FOR MISCELLANEOUS CONSTRUCTION ENGINEERING & INSPECTION SERVICES; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Approved on Consent.

- D. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, SCHEDULING A SPECIAL ELECTION ON AUGUST 28, 2018, IN ACCORDANCE WITH SECTION 2.5 OF THE TOWN CHARTER; SETTING QUALIFYING DATES; AUTHORIZING THE TOWN CLERK, TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL NECESSARY ACTIONS; PROVIDING FOR INCORPORATION OF RECITALS AND PROVIDING FOR AN EFFECTIVE DATE. (Gastesi)

Approved on Consent.

- E. A. A RESOLUTION OF THE TOWN COUNCIL THE TOWN OF MIAMI LAKES EXPRESSING ITS INTENT TO UTILIZE THE UNIFORM METHOD OF LEVYING, COLLECTING AND ENFORCING NON AD VALOREM

ASSESSMENTS FOR THE LAKE HILDA MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE TOWN WHICH HEREINAFTER MAY BE LEVIED BY THE TOWN IN ACCORDANCE WITH SECTION 197.3632, FLORIDA STATUTE PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE NECESSARY MEASURES TO IMPLEMENT THE RESOLUTION; AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY PROPERTY APPRAISER AND THE TAX COLLECTOR; PROVIDING FOR INSTRUCTIONS TO THE TOWN CLERK; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Approved on Consent.

E. B. A RESOLUTION OF THE TOWN COUNCIL THE TOWN OF MIAMI LAKES EXPRESSING ITS INTENT TO UTILIZE THE UNIFORM METHOD OF LEVYING, COLLECTING AND ENFORCING NON AD VALOREM ASSESSMENTS FOR THE MIAMI LAKES SECTION ONE SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE TOWN WHICH HEREINAFTER MAY BE LEVIED BY THE TOWN IN ACCORDANCE WITH SECTION 197.3632, FLORIDA STATUTE PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE NECESSARY MEASURES TO IMPLEMENT THE RESOLUTION; AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY PROPERTY APPRAISER AND THE TAX COLLECTOR; PROVIDING FOR INSTRUCTIONS TO THE TOWN CLERK; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Approved on Consent.

E. C. A RESOLUTION OF THE TOWN COUNCIL THE TOWN OF MIAMI LAKES EXPRESSING ITS INTENT TO UTILIZE THE UNIFORM METHOD OF LEVYING, COLLECTING AND ENFORCING NON AD VALOREM ASSESSMENTS FOR THE ROYAL OAKS EAST SECURITY GUARD SPECIAL TAXING DISTRICT LOCATED ENTIRELY WITHIN THE TOWN WHICH HEREINAFTER MAY BE LEVIED BY THE TOWN IN ACCORDANCE WITH SECTION 197.3632, FLORIDA STATUTE PROVIDING FOR INCORPORATION OF RECITALS; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE NECESSARY MEASURES TO IMPLEMENT THE RESOLUTION; AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY PROPERTY APPRAISER AND THE TAX COLLECTOR; PROVIDING FOR INSTRUCTIONS TO THE TOWN CLERK; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

Approved on Consent.

11. ORDINANCES- FIRST READING:

- A. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO CONDITIONAL USES; AMENDING SECTION 13-303, ENTITLED "CONDITIONAL USES", ESTABLISHING PROVISIONS REGARDING THE CESSATION OF OPERATIONS OF USES CLASSIFIED AS CONDITIONAL USES AND ANNUAL CERTIFICATE OF USE RENEWAL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Cid)

The Town Attorney, Raul Gastesi, read the title of the ordinance in first reading into the record.

Mayor Cid motioned to approve item 11A, ordinance in first reading, and Councilmember Mestre seconded the motion. The Town Clerk called the roll and the motion passed, 6-0, with Councilmember Rodriguez being absent.

- B. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING THE OFFICIAL ZONING MAP TO REZONE A 2.07 +/- ACRE PROPERTY LOCATED AT 14575 NW 77 AVENUE (FRONTAGE ROAD), AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT "A", FROM THE GU, INTERIM DISTRICT, TO RO-13, LOW DENSITY RESIDENTIAL/OFFICE DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR DIRECTION TO THE ADMINISTRATIVE OFFICIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

The Town Attorney, Raul Gastesi, read the title of the ordinance in first reading into the record.

Councilmember Mestre motioned to approve item 11B, ordinance in first reading, and Councilmember Daubert seconded the motion. The Town Clerk called the roll and the motion passed, 5-1. Councilmember Collazo voted in opposition and Councilmember Rodriguez was absent.

12. ORDINANCES -SECOND READING:

- A. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO GOVERNMENTAL FACILITIES; AMENDING DIVISION 24, ENTITLED "GP GOVERNMENTAL PROPERTY DISTRICT," OF ARTICLE IV, ZONING DISTRICT REGULATIONS, OF CHAPTER 13, LAND DEVELOPMENT CODE; ESTABLISHING PROVISIONS FOR THE REVIEW AND APPROVAL OF GOVERNMENTAL FACILITIES; PROVIDING FOR COMPLIANCE WITH STATE STATUES; PROVIDING FOR ADOPTION OF RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING

FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Rodriguez)

The Town Attorney, Raul Gastesi, read the title of the ordinance in second reading into the record.

Planning Director, Darby Delsalle, presented item 12A and answered questions posed by the Town Council.

Mayor Cid opened the public hearing.

There being no one wishing to speak, Mayor Cid closed the public hearing.

Councilmember Daubert motioned to approve the ordinance in second reading and Councilmember Mestre seconded the motion. The Town Clerk called the roll and the motion passed, 6-0, with Councilmember Rodriguez being absent.

- B. AN ORDINANCE GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, PROVIDING FOR MONTHLY PAYMENTS TO THE TOWN OF MIAMI LAKES, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

This item was deferred to the March 6, 2018 Regular Council Meeting, as stated under the new Order of Business.

- C. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, AMENDING THE TOWN'S CODE OF ORDINANCES AT CHAPTER 35, ARTICLE II, COMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY; RELATING TO THE PLACEMENT OF UTILITIES OTHER THAN COMMUNICATION FACILITIES LOCATED WITHIN THE RIGHTS-OF-WAY, BOTH ABOVE AND BELOW GROUND; CREATING ARTICLE III, PROVIDING FOR REGULATIONS RELATING TO THE PLACEMENT OF COMMUNICATION FACILITIES, WIRELESS FACILITIES, PASS-THROUGH FACILITIES, AND OTHER SIMILAR FACILITIES, WITHIN THE TOWNS RIGHTS-OF-WAY, BOTH ABOVE AND BELOW GROUND; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Rey)

The Town Attorney, Raul Gastesi, read the title of the ordinance in second reading into the record.

Planning Director, Darby Delsalle, presented item 12A and answered questions posed by the Town Council.

Mayor Cid opened the public hearing.

There being no one wishing to speak, Mayor Cid closed the public hearing.

Councilmember Daubert motioned to approve the ordinance in second reading and Councilmember Collazo seconded the motion. The Town Clerk called the roll and the motion passed, 6-0, with Councilmember Rodriguez being absent.

- D. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ORDINANCE NO. 17-213; AMENDING THE TOWN'S FISCAL YEAR 2017-2018 BUDGET; PROVIDING FOR EXPENDITURE OF FUNDS; PROVIDING FOR AMENDMENTS; PROVIDING FOR CONFLICTS; AUTHORIZING THE TOWN MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

The Town Attorney, Raul Gastesi, read the title of the ordinance in second reading into the record.

Mayor Cid opened the public hearing.

There being no one wishing to speak, Mayor Cid closed the public hearing.

Deputy Town Manager, Andrea Agha, presented item 12D and answered questions posed by the Town Council.

Mayor Cid motioned to move forward with the budget amendment but to exclude the portion regarding the restorations of approaches in the Lake Sarah Drainage Project area. Councilmember Collazo seconded the motion. The Town Clerk called the roll and the motion passed, 6-0, with Councilmember Rodriguez absent.

13. RESOLUTIONS:

- A. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, WAIVING COMPETITIVE PROCUREMENT PROCEDURE UNDER SECTION 5(D) OF ORDINANCE 17-203; APPROVING THE SIX-MONTH EXTENSION AMENDMENT TO CONTRACT 2012-29 FOR LITTER/DEBRIS PICK-UP & DISPOSAL; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AMENDMENT TO CONTRACT 2012-29; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. (Rey)

The Town Attorney, Raul Gastesi, read the title of the resolution into the record.

Councilmember Daubert motioned to approve the resolution and Councilmember Mestre seconded the motion.

The Town Manager, Alex Rey, explained the reason for amending contract 2012-29 which prompts to properly re-bid the item and accept new bids. The Manager asked for a six (6) month extension to continue services on an on-going basis.

The Town Clerk called the roll and the motion passed, 6-0, with Councilmember Rodriguez absent.

- B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL OF A PROPOSED CHARTER AMENDMENT; PROVIDING THE REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED AMENDMENTS TO THE TOWN CHARTER TO BE HELD ON AUGUST 28, 2018; PROVIDING FOR NOTICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Attorney, Raul Gastesi, read the title of the resolution into the record.

Mirtha Mendez came before the Town Council to speak on the item and to oppose the potential motion as a Town Charter amendment.

Mayor Cid motioned to approve the resolution and Councilmember Daubert seconded the motion. After some discussion, the Town Clerk called the roll and the motion failed, 1-5, with Councilmembers: Luis Collazo, Tim Daubert, Ceasar Mestre, Marilyn Ruano and Vice Mayor Frank Mingo voting in opposition. Councilmember Rodriguez was absent.

14. NEW BUSINESS:

- A. Town Election Date-Charter Change (Daubert)

Councilmember Daubert motioned to place a question on the next ballot, to move the Town of Miami Lakes elections to be held in October and Councilmember Ruano seconded the motion for discussion. The Town Clerk called the roll and the motion failed, 1-5, with Councilmembers: Luis Collazo, Ceasar Mestre, Marilyn Ruano, Vice Mayor Frank Mingo and Mayor Cid voting in opposition. Councilmember Rodriguez was absent.

- B. Ordinance on color pallet restriction (Ruano)

Councilmember Ruano motioned have Town staff research the cost of implementing a color pallet to commercial buildings in Miami Lakes. Councilmember Mestre seconded the motion and the motion passed, 6-0, with Councilmember Rodriguez absent.

- C. Bob Graham Education Center Civic Engagement Academy (Cid)

Under the New Order of Business, this item was moved up for discussion to take place after Appointments.

Olivia Torre, Alexa Llovet, Susanna Inguanzo, Sophia Inguanzo, Anthony Vaquer and Mario Pineda, 7th grade students from the Bob Graham Education Center Civic Engagement Academy, addressed and presented their ideas to refurbish the parking meters in the Town of Miami Lakes with art from Romero Britto, a program implemented by Miami Dade County's Homeless Trust, Feed the Meters. Mayor Cid motioned to move forward with the installation of the program and requested that the Town Attorney and Town Manager execute any documents related to the installation of the program with the Homeless Trust. Councilmember Collazo seconded the motion, and all were in favor. Councilmember Rodriguez was absent.

D. Town Manager Monthly Police Activity Report (Cid)

Mayor Cid motioned requesting that the Town Manager place a monthly Police Activity Report on the Regular Council Meeting, under the Town Manager Section of the Agenda. Councilmember Collazo seconded the motion and the motion passed, 6-0, with Councilmember Rodriguez being absent.

15. ATTORNEY'S REPORT:

A. Attorney's Report on Pending Litigation

Town Attorney, Raul Gastesi, reported to the Town Council regarding the pending former Mayor Pizzi's litigation hearing on January 30th. He reported the pending outstanding motions.

ADJOURNMENT:

There being no further business to come before the Town Council, the meeting adjourned at 9:50 p.m.

Approved on this 6th day of March 2018.

Attest:

Manny Cid, Mayor

Gina M. Inguanzo, Town Clerk

MINUTES
Town Manager Selection Committee
Workshop
February 13, 2018
6:00 P.M.
Government Center
6601 Main Street
Miami Lakes, FL 33014

1. CALL TO ORDER:

The Mayor meeting began at 6:11 p.m.

Present at the workshop were: Mayor Manny Cid, Vice Mayor Frank Mingo, Councilmembers: Luis Collazo, Tim Daubert and Marilyn Ruano. Councilmember Ceasar Mestre arrived at 6:20 p.m. and Councilmember Nelson Rodriguez arrived at 8:14 p.m.

2. MOMENT OF SILENCE:

Councilmember Luiz Collazo led the invocation.

3. PLEDGE OF ALLEGIANCE:

Councilmember Tim Daubert the Pledge of Allegiance.

4. PUBLIC COMMENTS:

There were no public comments.

5. ITEMS FOR DISCUSSION:

A. Town Manager Selection Committee Workshop

The Town Attorney, Raul Gastesi, provided a Power Point presentation which dealt with the following items: ICMA-FCCMA, Qualifications, Search Area, Screening of Resumes, Compensation, Transition Period, Budget, among other pending items.

During discussion, the Town Council brainstormed through the following items for qualifications: that ICMA membership is preferred, ability to speak English and Spanish, government experience preferred, Miami Lakes residency preferred, and a master's degree as preferred. Budget was also discussed, the Town Council agreed to a compensation of \$150,000 to \$200,000 annually with negotiable benefits. A transition period of 3-6 months with a starting window between October 1st and December 31st of 2018.

The Town Attorney re-read the main points discussed by the Town Council which went as follows: ICMA membership preferred, 5 years of executive experience (private sector), 5

years of administrative experience (public sector) with preferred Government experience. Education: bachelor's degree required with a preference in Business, Finance or Public Administration. Master's degree preferred. Language: conversational Spanish is preferred, residency in the Town of Miami Lakes preferred.

The Town Attorney stated that he would work on a resolution to present to the Town Council and that he would amend the Ordinance 17-204, for it to state that the Town's Human Resources Department and Town Attorney will review the applications and provide to the Town Manager Selection Committee, all the applications that meet the minimum requirements. The Town Manager Selection Committee will then be responsible to provide a list of five to seven candidates to the Town Council. Preferred candidate with administration experience handling an organization with a budgetary minimum of \$15,000,000. and a \$30,000,000+ preferred. The potential new Town Manager's salary will be discussed based on experience and qualifications met. There will be a state wide search for candidates.

B. Committee Members Comments

Committee Member, Michael Huffaker, recommended increasing the minimum of compensation and stated that as a committee member, he would like to review the resumes and the employment contracts.

Committee Member Maria Kramer recommended the potential candidate to have experience in both government and private industry. She also suggested a law degree as part of a qualification.

Committee Member Robert Meador suggested alternatives for the interviewing process such as group setting interviews. Mr. Meador also suggested that all emails received from residents be forwarded to the Town Attorney in order to have consistent responses and to consider what level of ICMA membership is required.

Committee Member Richard Pulido stated that there should be a clarification on the candidate selection process and the Committee's role in the vetting process. He also suggested that additional education is an important component as part of qualifications.

The Town Attorney commented on behalf of Committee Member Bob Ruiz stating that his concerns were regarding budget and salary.

Committee Member Tony Sanchez suggested equating salary to experience and education. He also stated that ICMA membership should be considered an important qualification of a potential candidate, in-person interviews should be a requirement, and social media background investigations.

6. ADJOURNMENT:

There being no further business to come before the Council, the workshop adjourned at 8:53 p.m.

Approved on this 6th day of March 2018.

Manny Cid, Mayor

Attest:

Gina Inguanzo, Town Clerk



Town of Miami Lakes Memorandum

To: Honorable Mayor and Councilmembers
From: Raul Gastesi, Jr., Town Attorney
Subject: Amendment to Section 2.55(c)(4)
Date: 3/6/2018

Recommendation:

On February 13, 2018, during a duly noticed Town Council Workshop regarding the Manager Selection process it was discussed that the Manager Selection Advisory Board should review all qualified applications and present a short list of 5 to 7 applications to the Town Council for consideration. In order to achieve this, it is necessary to amend our current code.

ATTACHMENTS:

Description
Ordinance

ORDINANCE NO. 18 - ____

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES,
FLORIDA, AMENDING SECTION 2.55(c)(4) OF THE
TOWN CODE; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION IN CODE; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town of Miami Lakes (“Town”) Charter (“Charter”) was amended on May 17, 2016; and

WHEREAS, Section 3.2 of the Town’s Charter now provides that “The Town Manager shall be appointed by a majority vote of the Council solely on the basis of executive and administrative qualifications, with special reference to actual experience or knowledge of the duties of the office of Town Manager. The Town Manager shall be removed by a majority vote of the Council. The Council shall receive feedback from the community as to nominees for Town Manager. The Town shall enact an ordinance to implement this Section.”; and

WHEREAS, on May 2, 2017, the Town Council adopted Ordinance 17-204 which created Section 2.55 of the Town Code and set forth procedures for selection and appointment of a Town Manager; and

WHEREAS, Section 2.55 provides for the creation of a Town Resident Selection Committee; and

WHEREAS, on Tuesday, February 13, 2018, pursuant to Section 2.55 of the Town Code, a duly noticed Town Council Workshop was held; and

WHEREAS, during the February 13, 2018 Town Council Workshop, the public and members of the Town Resident Selection Committee discussed the selection process and the role of the Selection Committee; and

WHEREAS, the Town Council deliberated and provided instruction to the Town Attorney to prepare an Ordinance amending Section 2.55 in order to allow the Town Resident Selection Committee a greater role in the selection process; and

WHEREAS, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

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

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Approval. The Town Council hereby adopts the amendment to the Town Code as provided at Exhibit "A" and as incorporated herein.

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall be included in the Town Code.

Section 6. Effective date. This Ordinance shall become effective immediately upon adoption on second reading.

FIRST READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Frank Mingo	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this _____ day of _____, 2018.

Additions to the text are shown in underlined; deletions from the text are shown in ~~strikethrough~~.
Omitted portions of this ordinance are shown as “* * *”.

SECOND READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on second reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Frank Mingo	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this _____ day of _____, 2018.

Manny Cid
Mayor

Attest:

Gina M. Inguanzo
Town Clerk

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
Town Attorney

Additions to the text are shown in underlined; deletions from the text are shown in ~~striketrough~~.
Omitted portions of this ordinance are shown as “* * *”.

THIS SPACE INTENTIONALLY LEFT BLANK

Additions to the text are shown in underlined; deletions from the text are shown in ~~striketrough~~.
Omitted portions of this ordinance are shown as “* * *”.

EXHIBIT “A”

Article III. OFFICERS AND EMPLOYEES

[...]

Section 2.55. - Town Manager.

[...]

(c) *Selection.* Should a vacancy occur, the Town Council shall, by resolution, initiate a Town Manager selection process which shall be carried out in the following manner:

[...]

(4) *Selection.* The Town Attorney and the search firm, if any, otherwise, the Town HR liaison will ~~narrow the applicant list to ten to 15 applicants to be interviewed by the selection committee.~~ review all applications to ensure the applicants conformity to the minimum qualifications for the position of Town Manager and forward all conforming applications to the Selection Committee. The Selection Committee shall be responsible to interview each candidate and present a short list of five to seven candidates to the Town Council. Town Council shall take into consideration the Selection Committee’s suggestion; however the Town Council may consider other candidates that may or may not have been interviewed or considered by the selection committee.

Additions to the text are shown in underlined; deletions from the text are shown in ~~strikethrough~~.
Omitted portions of this ordinance are shown as “* * *”.



Town of Miami Lakes Memorandum

To: Honorable Mayor and Councilmembers
From: Alex Rey, Town Manager
Subject: FPL Franchise Agreement
Date: 3/6/2018

Recommendation:

It is recommended that the Town adopts its own franchise agreement with Florida Power and Light (FPL) for a period of 30 years. Pursuant to our Charter, this agreement needs to be approved through an Ordinance. The effective date of this ordinance shall be when the Current Agreement between Miami Dade County and FPL terminates by the expiration of time, May 25, 2020 or on the effective date of a new franchise agreement between Miami-Dade County and FPL. The Town is expected to receive approximately \$1.2 million per year during the duration of this agreement.

Background:

Miami-Dade County entered into a 30 year agreement with FPL for an electrical franchise agreement on May 25, 1990. Any municipalities that incorporated after the effective date of that agreement were prohibited from entering into their own franchise agreement until the expiration or renewal of that agreement. The Town of Miami Lakes was incorporated on December 5, 2000, and it is therefore one of those municipalities currently covered under this agreement. The County, thru an interlocal, has shared the revenues derived from within the Town of Miami Lakes boundaries with the Town. The County's agreement allows FPL to off-set property taxes paid from the 6% franchise fee charged, as a result, over the last ten years we have seen our revenues reduced from \$2,079,921 to \$1,200,000; while most of the agreements that FPL has with the various municipalities do not have this off-setting cost.

Over the last few months, staff initiated negotiations to have our own separate agreement with FPL, in expectation that the County will be renegotiating and executing a new agreement prior to the end of the term of their existing agreement.

Under this agreement the Town grants FPL the nonexclusive right, privilege and franchise (hereinafter called "franchise") to construct, operate and maintain in, under, upon, along, over and across the present and future roads, streets, alleys, bridges, easements, rights-of-way and other public places (hereinafter called "public rights-of-way") within the Town. Furthermore, the Town agrees not to engage in the distribution and/or sale, in competition with FPL, of electric capacity and/or electric energy to any retail customer or to any electrical distribution system established solely to serve any retail customer presently served by FPL within the Town's

limits; and (b) not to participate in any proceeding or contractual arrangement which would be to obligate FPL to transmit and/or distribute, electric capacity and/or electric energy from any third party(ies) to any other retail customer's facility. Nothing in this agreement prohibits the Town to generate electric capacity and/or energy at any facility owned or leased by the Town for storage or utilization at that facility or other Town-owned or leased facilities or use renewable energy sources to generate electric capacity or sell electrical capacity to FPL.

This agreement provides for a reduced rate of 3.6% from the County's current rate of 6% of FPL's billed revenues (less actual write-offs) from the sale of electrical energy to residential, commercial and industrial customers within the Town. Additionally, the agreement provides for a monthly payment rather than an annual payment, which will make it easier to track our revenues and the Town's ability to periodically request a list of FPL customers within Town boundaries to ensure the Town is collecting the full franchise fee.

Also, important to note. A change was made between first and second reading removing an audit fee provision and providing notice requirements in the event that a rate change is effectuated via Town resolution.

ATTACHMENTS:

Description

ML Franchise Agreement Ordinance

ORDINANCE NO. 2018-_____

AN ORDINANCE GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, PROVIDING FOR MONTHLY PAYMENTS TO THE TOWN OF MIAMI LAKES, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Miami Lakes (the “Town”) recognizes that the Town and its citizens need and desire the continued benefits of electric service; and

WHEREAS, the provision of such service requires substantial investments of capital and other resources in order to construct, maintain and operate facilities essential to the provision of such service in addition to costly administrative functions, and the Town does not desire to undertake to provide such services at this time; and

WHEREAS, Florida Power & Light Company is a public utility that has the demonstrated ability to supply such services; and

WHEREAS, there is currently in effect a franchise agreement between Miami-Dade County and Florida Power & Light Company, the terms of which are set forth in Miami-Dade County Ordinance 89-81, passed and adopted, which grants a thirty (30) year non-exclusive electric franchise to Florida Power & Light Company to utilize public rights of way throughout the unincorporated and incorporated areas of Miami-Dade County, Florida, in return for Florida Power & Light Company paying the County certain franchise fees, among other things as expressly provided herein (“Current Franchise Agreement”); and

WHEREAS, on July 10, 2007, the Town entered into an interlocal agreement with Miami-Dade County for payment to the Town of that portion of the franchise fees remitted by Florida Power & Light Company to the County for rights to utilize public rights of way located within the Town; and

WHEREAS, Florida Power & Light Company and the Town desire to enter into a new franchise agreement (“New Franchise Agreement”) providing for the payment of fees to the Town in exchange for the nonexclusive right and privilege of supplying electricity and other services within the Town free of competition from the Town, pursuant to certain terms and conditions; and

WHEREAS, the Town Council deems it to be in the public interest to enter into this agreement addressing certain rights and responsibilities of the Parties as they relate to the use of the public rights-of-way within the Town's jurisdiction.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA:

Section 1. Incorporation of Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Grant of Electric Utility Franchise; Term of Franchise. There is hereby granted to Florida Power & Light Company, its successors and assigns (hereinafter called "FPL"), for the period of thirty (30) years from the effective date hereof, the nonexclusive right, privilege and franchise (hereinafter called "franchise") to construct, operate and maintain in, under, upon, along, over and across the present and future roads, streets, alleys, bridges, easements, rights-of-way and other public places (hereinafter called "public rights-of-way") throughout all of the incorporated areas, as such incorporated areas may be constituted from time to time, of the Town of Miami Lakes, Florida, and its governmental successors by operation of law, if any, (hereinafter called the "Town"), in accordance with FPL's customary practices, and practices prescribed herein, with respect to construction and maintenance, electric light and power facilities, including, without limitation, conduits, poles, wires, transmission and distribution lines, and all other facilities installed in conjunction with or ancillary to all of FPL's operations (herein called "facilities"), for the purpose of supplying electricity and other services to the Town and its successors, the inhabitants thereof, and persons beyond the limits thereof.

Section 3. Facilities Requirements.

- (a) FPL's facilities shall be installed, constructed, erected, located or relocated so as to not unreasonably interfere with the convenient, safe, continuous use or the maintenance, improvement, extension or expansion of any public "road" as defined under the Florida Transportation Code, nor unreasonably interfere with traffic over the public rights-of-way, nor unreasonably interfere with reasonable egress from and ingress to abutting property.
- (b) To minimize conflicts with the standards set forth in subsection (a) above, the location, relocation, installation, construction, or erection of all facilities shall be made as representatives of the Town may prescribe in accordance with the Town's reasonable

rules and regulations with reference to the placing and maintaining in, under, upon, along, over and across said public rights-of-way; provided, however, that such rules or regulations (i) shall be for a valid municipal purpose; (ii) shall not prohibit the exercise of FPL's right to use said public rights-of-way for reasons other than unreasonable interference with traffic; (iii) shall not unreasonably interfere with FPL's ability to furnish reasonably sufficient, adequate and efficient electric service to all of its customers; and (iv) shall not require the relocation of any of FPL's facilities installed before or after the effective date hereof in public rights-of-way unless or until widening or otherwise changing the configuration of the paved portion of any public right-of-way used by motor vehicles causes such installed facilities to unreasonably interfere with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion of any such public "road," or unless such relocation is required by state or federal law.

- (c) Such rules and regulations shall recognize that FPL's above-grade facilities installed after the effective date hereof should be installed near the outer boundaries of the public rights-of-way to the extent possible.
- (d) When any portion of a public right-of-way is excavated, damaged, or impaired by FPL (or any of FPL's agents, contractors, or subcontractors) because of the installation, inspection, or repair of any of FPL's facilities, the portion of the public right-of-way so excavated, damaged, or impaired shall, within a reasonable time after such excavation, damage, or impairment, be restored by FPL at its expense to a condition at least equal to its original condition before such damage.
- (e) The Town shall not be liable to FPL for any cost or expense in connection with any relocation of FPL's facilities required under this New Franchise Agreement, except, however, FPL shall be entitled to reimbursement of its costs from others.
- (f) FPL shall comply with the Town's valid code and permit requirements and regulations, including those relating to rights-of-way. Except as expressly provided, nothing herein shall limit or alter the Town's existing rights with respect to the use or management of its rights-of-way. Any changes in law on utility easements shall not affect this New Franchise Agreement.

Section 4. Indemnification of the Town. The acceptance of this New Franchise Agreement shall be deemed an agreement on the part of FPL to the following: (a) that FPL will indemnify and save the Town harmless from any and all damages, claims, liability, losses and causes of action of any kind or nature arising out of an error, omission, or negligent act of FPL, its contractors or any of their agents, representatives, employees, or assigns, or anyone else acting by or through them, and arising out of or concerning the construction, operation or maintenance of its facilities hereunder; and (b) that FPL will pay all damages, claims, liabilities and losses of any kind or nature whatsoever, in connection therewith, including the Town's attorney's fees and costs in the defense of any action in law or equity brought against the Town, including appellate fees and costs and fees and costs incurred to recover attorney's fees and costs from FPL, arising from the error, omission, or negligent act of FPL, its contractors or any of their agents, representatives, employees, or assigns, or anyone else acting by or through them, and arising out of or concerning the construction, operation or maintenance of its facilities hereunder.

Section 5. Rates, Rules and Regulations of FPL. All rates and rules and regulations established by FPL from time to time shall be subject to such regulation as may be provided by law.

Section 6(a). Franchise Fee; Calculation; Payment. Notwithstanding any other provision in this New Franchise Agreement, as a consideration for this franchise, FPL shall pay to the Town, commencing ninety (90) days after the effective date hereof, and each month thereafter for the remainder of the term of this franchise, an amount which added to the amount of all licenses, excises, fees, charges and other impositions of any kind whatsoever (except ad valorem property taxes and non-ad valorem tax assessments on property) levied or imposed by the Town against FPL's property, business or operations and those of its subsidiaries during FPL's monthly billing period ending sixty (60) days prior to each such payment will equal three and 6/10 (3.6%) percent of FPL's billed revenues (less actual write-offs) from the sale of electrical energy to residential, commercial and industrial customers (as such customers are defined by FPL's tariff) within the Town's boundaries for the monthly billing period ending sixty (60) days prior to each such payment, and in no event shall payments for the rights and privileges granted herein exceed 3.6 % of such revenues for any monthly billing period of FPL (except as expressly provided in this New Franchise Agreement). For purposes of this section, the term "write-offs" refers to uncollectable billed revenues from the sale of electrical energy to residential, commercial, and industrial customers within the Town's boundaries.

The Town understands and agrees that such revenues as described in the preceding paragraph are limited to the precise revenues described therein, and that such revenues do not include by way of example and not limitation: (a) revenues from the sale of electrical energy for Public Street and Highway Lighting (service for lighting public ways and areas); (b) revenues from Other Sales to Public Authorities (service with eligibility restricted to governmental entities); (c) revenues from Sales to Railroads and Railways (service supplied for propulsion of electric transit vehicles); (d) revenues from Sales for Resale (service to other utilities for resale purposes); (e) Late Payment Charges; (f) Field Collection Charges; (g) other service charges.

Section 6(b). Rate Adjustment Clause. The Grantor shall, as provided herein, have the right to change the percentage remitted by the Grantor to any rate between 0.5 percent and 6.0 percent via resolution adopted by the Town Council. The Grantor may not exercise such right more than once in any calendar year. If the Grantor changes the rate, Grantor shall give Grantee at least 60 days advance written notice prior to the effective date of the new rate, which date shall always be on the first day of a "billing cycle" of the Grantee, and the Grantee shall have 60 days after such new effective date to begin remitting the fee provided for herein to the Grantor.

Section 6(c). Increased Benefits Clause. If during the term of this New Franchise Agreement, FPL enters into a franchise agreement with any other municipality located in Miami-Dade County or Broward, County Florida, or with Miami-Dade County itself or with Broward County itself, each such municipality or county referred to herein as an "Other Governmental Entity," the terms of which provide for the payment of franchise fees by FPL at a rate greater than six (6%) percent of FPL's residential, commercial and industrial revenues (as such customers are defined by FPL's tariff), under the same terms and conditions as specified in Section 6(a) hereof, FPL, upon written request of the Town, shall negotiate and enter into a new franchise agreement with the Town in which the percentage to be used in calculating monthly payments under Section 6(a) hereof shall be no greater than that percentage which FPL has agreed to use as a basis for the calculation of payments to any such Other Governmental Entity, provided, however, that if the franchise with such Other Governmental Entity contains additional benefits given to FPL in exchange for the increased franchise rate, which such additional benefits are not contained in this New Franchise Agreement, such new franchise agreement shall include those additional or reasonably equivalent benefits to FPL.

Subject to all limitations, terms and conditions specified in the preceding sentence, the Town shall have the sole discretion to determine the percentage to be used in calculating monthly payments, and FPL shall have the sole discretion to determine those benefits to which it would be entitled, under any such new franchise agreement.

Section 7. Non-Competition by Town. As a further consideration, during the term of this franchise or any extension thereof, the Town agrees: (a) not to engage in the distribution and/or sale, in competition with FPL, of electric capacity and/or electric energy to any ultimate consumer of electric utility service (herein called a "retail customer") or to any electrical distribution system established solely to serve any retail customer presently served by FPL within the Town's limits; and (b) not to participate in any proceeding or contractual arrangement, the purpose or terms of which would be to obligate FPL to transmit and/or distribute, electric capacity and/or electric energy from any third party(ies) to any other retail customer's facility(ies). Nothing specified herein shall prohibit the Town from engaging with other utilities or persons in wholesale transactions which are subject to the provisions of the Federal Power Act, as may be amended from time to time.

The Town may, if permitted by law, (i) generate electric capacity and/or energy at any facility owned or leased by the Town for storage or utilization at that facility or other Town-owned or leased facilities as chosen by the Town, and (ii) use renewable energy sources to generate electric capacity and/or energy for use in demonstration projects or at Town facilities, including but not limited to, Government Center (a/k/a Town Hall), and (iii) sell electric capacity and/or energy to FPL or other wholesale purchasers in compliance with applicable tariffs, and/or federal or state laws, rules and regulations controlling such transactions. The term "retail customer," for purposes of this section shall not include the Town itself.

Nothing herein shall prohibit the Town, if permitted by law, (i) from purchasing electric capacity and/or electric energy from any other person, or (ii) from seeking to have FPL transmit and/or distribute to any facility(ies) of the Town electric capacity and/or electric energy purchased by the Town from any other person; provided, however, that before the Town elects to purchase electric capacity and/or electric energy from any other person, the Town shall notify FPL. Such notice shall include a summary of the specific rates, terms and conditions which have been offered by the other person and identify the Town's facilities to be served under the offer. FPL shall thereafter have 90 days to evaluate the offer and, if FPL offers rates, terms and conditions which are equal to or better than those offered by the other person, the Town shall be obligated to continue to

purchase from FPL electric capacity and/or electric energy to serve the previously identified facilities of the Town for a term no shorter than that offered by the other person. If FPL does not agree to rates, terms and conditions which equal or better the other person's offer, all of the remaining terms and conditions of this franchise shall remain in effect.

Section 8. Competitive Disadvantage; FPL's Rights. If the Town grants a right, privilege or franchise to any other person to construct, operate or maintain electric light and power facilities within any part of the Town's boundaries in which FPL may lawfully serve or compete on terms and conditions which FPL reasonably determines are more favorable than the terms and conditions contained herein, FPL may at any time thereafter terminate this franchise if such terms and conditions are not remedied within the time period provided hereafter. FPL shall give the Town at least one hundred eighty (180) days advance written notice of its intent to terminate. Such notice shall, without prejudice to any of the rights reserved for FPL herein, advise the Town of such terms and conditions that it considers more favorable and the objective basis or bases of the claimed competitive disadvantage. The Town shall then have ninety (90) days in which to correct or otherwise remedy the terms and conditions complained of by FPL, and the Town and FPL agree to negotiate in good faith toward a mutually acceptable resolution of FPL's claims during this 90-day period. If FPL reasonably determines that such terms or conditions are not remedied by the Town within said time period, and if no mutually acceptable resolution is reached by FPL and the Town through negotiation, FPL may terminate this franchise agreement by delivering written notice to the Town's Clerk, Town's Manager, and Town's Attorney, and termination shall be effective on the date of delivery of such notice. Nothing contained herein shall be construed as constraining the Town's rights to legally challenge at any time FPL's determination leading to termination under this Section.

Section 9. Legislative or Regulatory Action. If as a consequence of any legislative, regulatory or other action by the United States of America or the State of Florida (or any department, agency, authority, instrumentality or political subdivision of either of them) any person is permitted to provide electric service within the Town's boundaries to a customer then being served by FPL, or to any new applicant for electric service within any part of the Town's boundaries in which FPL may lawfully serve, and FPL reasonably determines that its obligations hereunder, or otherwise resulting from this franchise in respect to rates and service, place it at a material competitive disadvantage with respect to such other person, FPL may, at any time after the taking of such action, terminate this franchise if such competitive disadvantage is not remedied as provided hereafter. Such competitive

disadvantage can be remedied by either of the following methods: (i) if the Town either cannot legally, or does not, charge a franchise fee to other electricity supplier(s), then the Town can remedy the disadvantage by reducing FPL's franchise fee rate to zero; or (ii) if the Town is able to charge, and does charge, such other electricity supplier(s) a franchise fee at a rate less than the 3.6% rate calculated as provided in Section 6 of this Agreement, or such other rate selected by the Town pursuant to Section 6(b) of this Agreement, then the Town can remedy the disadvantage by reducing FPL's franchise fee rate to the same rate, with the same applicability and calculation methodology, as applies to such other electricity supplier(s). If the Town does not implement either of the foregoing solutions, FPL may terminate the Agreement, in accordance with the following process: FPL shall give the Town at least one hundred eighty (180) days advance written notice of its intent to terminate. Such notice shall, without prejudice to any of the rights reserved for FPL herein, advise the Town of the consequences of such action which resulted in the competitive disadvantage and the objective basis or bases of the claimed competitive disadvantage, and the Town and FPL agree to negotiate in good faith toward a mutually acceptable resolution of FPL's claimed disadvantage during this 180-day period. If such competitive disadvantage is, in the reasonable determination of FPL, not remedied by the Town within said time period, and if no mutually acceptable resolution of the matter is reached through negotiation, FPL may terminate this franchise agreement by delivering written notice to the Town's Clerk and termination shall take effect on the date of delivery of such notice. Nothing contained herein shall be construed as constraining the Town's rights to legally challenge at any time FPL's determination of competitive disadvantage leading to termination under this section.

Section 10. FPL's Failure to Comply. Failure on the part of FPL to comply in any material respect with any of the provisions of this franchise shall be grounds for forfeiture, but no such forfeiture shall take effect if the reasonableness or propriety thereof is protested by FPL until there is final determination (after the expiration or exhaustion of all rights of appeal) by a court of competent jurisdiction within Miami-Dade County, Florida that FPL has failed to comply in a material respect with any of the provisions of this franchise, and FPL shall have six (6) months after such final determination to make good the default before a forfeiture shall result with the right of the Town at its discretion to grant such additional time to FPL for compliance as necessities in the case require.

Section 11. Town's Failure to Comply. Failure on the part of the Town to comply in material respect with any of the provisions of this ordinance, including, but not limited to: (a) denying FPL use of public rights-of-way for reasons other than as set forth in Section 3 of this New Franchise

Agreement; (b) imposing conditions for use of public rights-of-way contrary to Federal or Florida law or the express terms and conditions of this franchise; (c) unreasonable delay in issuing FPL a use permit, if any, to construct its facilities in public rights-of-way, shall constitute breach of this franchise. FPL shall notify the Town of any such breach in writing sent by United States Certified Mail, return receipt requested, or via a nationally recognized overnight courier service, and the Town shall then remedy such breach within ninety (90) days and if it is not a breach that can be remedied within ninety (90) days, then as soon as practicable. Should the breach not be timely remedied, FPL shall be entitled to seek a remedy available under law or equity from a court of competent jurisdiction, including the remedy of obtaining judicial relief that permits the withholding of franchise fees. The Parties recognize and agree that nothing in this franchise agreement constitutes or shall be deemed to constitute a waiver of either party's delegated sovereign right of condemnation and that either party, in its sole discretion, may exercise such right.

Section 12. Audit and Inspection. The Town may, upon reasonable notice and within ninety (90) days after each anniversary date of this franchise, at the Town's expense, examine FPL's records relating to the calculation of the franchise payment for the year preceding such anniversary date. Such examination shall be during normal business hours at FPL's office where such records are maintained. Records not prepared by FPL in the ordinary course of business or as required herein may be provided at the Town's expense and as the Town and FPL may agree in writing. Information identifying FPL's customers by name or their electric consumption shall not be taken from FPL's premises. Such audit shall be impartial and all audit findings, whether they decrease or increase payment to the Town, shall be reported to FPL. The Town's examination of the records of FPL in accordance with this Section shall not be conducted by any third party employed or retained by the Town whose fee, in whole or part, for conducting such audit is contingent on findings of the audit. At the Town's request no more than once annually, FPL will provide to the Town an electronic version of a billing list of all FPL customer addresses within the incorporated areas of the Town.

The Town will respect FPL's confidential documents. The Town will be given access to confidential documents while on FPL premises, but shall not remove those confidential documents from FPL premises unless expressly authorized to do so by FPL. Information relative to this audit and likely to be deemed confidential by FPL includes, but is not limited to, nonpublic customer or

customer account information, nonpublic policies and procedures, and any other nonpublic information that gives FPL an opportunity to gain an advantage over its competitors.

Section 13. Severability. The provisions of this ordinance are interdependent upon one another, and if any of the provisions of this ordinance are found or adjudged to be invalid, illegal, void or of no effect by a court of competent jurisdiction (after the expiration of all rights of appeal), such finding or adjudication shall not affect the validity of the remaining provisions for a period of ninety (90) days, during which, the Parties will negotiate in good faith to amend this New Franchise Agreement so as to restore to the maximum extent permissible, the original economic bargain embodied in this ordinance. If an agreement to amend the ordinance is not reached at the end of such ninety (90) day period, this entire ordinance shall become null and void and of no further force or effect.

Section 14. Town acknowledges it is fully informed concerning the existing franchise granted by Miami-Dade County, Florida, to the FPL herein, and accepted by the FPL as set out in Ordinance No. 60-16 adopted on May 3, 1960, and subsequently renewed and accepted by the FPL as set out in Ordinance No. 89-81 adopted on September 5, 1989 by the Board of County Commissioners of Miami-Dade County, Florida, and as adopted by the Town on July 10, 2007 in an interlocal agreement with Miami-Dade County ("Existing Agreement"). The Town agrees to indemnify and hold FPL harmless against any and all liability, loss, cost, damage and expense incurred by FPL in respect to any claim asserted by Miami-Dade County against FPL arising out of the franchise set out in the above referenced ordinances for the recovery of any sums of money paid by FPL to Town under the terms of this New Franchise Agreement. FPL acknowledges and the Town hereby relies on then Dade County Resolution No. R-709-78 adopted on June 20, 1978 in the granting of this franchise.

Section 15. Definitions. As used herein "person" means an individual, a partnership, a corporation, a business trust, a joint stock company, a trust, an incorporated association, a joint venture, a governmental authority or any other entity of whatever nature.

Section 16. Repeal. All ordinances and parts of ordinances and all resolutions and parts of resolutions in conflict herewith are hereby repealed.

Section 17. Effective Date. As a condition precedent to the taking effect of this ordinance, FPL shall file its acceptance hereof with the Town's Clerk within thirty (30) days of adoption of this ordinance. The effective date of this ordinance shall be when the Current Agreement terminates by

the expiration of time or on the effective date of a new franchise agreement between Miami-Dade County and FPL.

Section 18. Pre-Suit Dispute Resolution. The Parties to this franchise agree that it is in each of their respective best interests to avoid costly litigation as a means of resolving disputes which may arise hereunder. Accordingly, the Parties agree that they will meet at the senior management level in an attempt to resolve any disputes within thirty (30) days of notification of the dispute.

Section 19. Governing Laws. This New Franchise Agreement shall be governed and construed by the applicable laws of the Federal Government, State of Florida, Miami-Dade County, and the Codes and Ordinances of the Town of Miami Lakes.

Section 20. Venue. In the event that any legal proceeding is brought to enforce the terms of this franchise, it shall be brought by either party hereto in Miami-Dade County, Florida, or, if a federal claim, in the U.S. District Court in and for the Southern District of Florida, Miami Division.

Section 21. Entire Agreement. This New Franchise Agreement is intended to constitute the sole and entire agreement between the Town and FPL with respect to the subject matter hereof and correctly sets forth the rights, duties, and obligations of each of the other as of its date. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force or effect, and this agreement supersedes all prior drafts and verbal or written agreements, commitments, or understandings, which shall not be used to vary or contradict the expressed terms herein. Both parties have been represented by counsel of their choosing with regard to this agreement.

Section 22. Modification. It is further understood that no modification, amendment or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

Section 23. Notice. Except in exigent circumstances, and except as may otherwise be specifically provided for in this franchise, all notices by either party shall be made by United States Certified Mail, return receipt requested, or via a nationally recognized overnight courier service. Any notice given by facsimile or email is deemed to be supplementary, and does not alone constitute notice hereunder. All notices shall be addressed as follows:

To the Town:

Town Manager
Town Hall
6601 Main Street
Miami Lakes, FL 33014

To FPL:

Vice President, External Affairs
700 Universe Boulevard
Juno Beach, FL 33408

Copy to:

Town Attorney
8105 NW 155 Street
Miami Lakes, FL 33016

Copy to:

General Counsel
700 Universe Boulevard
Juno Beach, FL 33408

Any changes to the above shall be in writing and provided to the other party as soon as practicable.

Section 24. Compliance with Federal, State and Local Laws. The Town and FPL agree to comply with and observe all applicable Federal, State and valid and non-preempted local laws, rules, regulations, codes and ordinances, as they may be amended from time to time.

Section 25. Nondiscrimination. FPL represents and warrants to the Town that FPL does not and will not engage in discriminatory practices and that there shall be no discrimination in connection with FPL's performance under this Franchise on account of race, color, sex, religion, age, handicap, marital status or national origin. FPL further covenants that no otherwise qualified individual shall, solely by reason of his/her race, color, sex, religion, age, handicap, marital status or national origin, be excluded from participation in, be denied services, or be subject to discrimination under any provision of this franchise.

Section 26. Approval of Agreement. Execution of this agreement by the Town Manager, the Town Attorney, and the Town Clerk, shall constitute evidence of its approval after public hearing by the Town Council.

Section 27. Attorney's Fees and Costs. In the event either the Town or FPL must initiate litigation to enforce this New Franchise Agreement, the prevailing party shall be entitled to an award of reasonable attorney's fees and costs, at all levels of litigation, including trials and appeals, including fees for litigating entitlement to and amount of attorney's fees.

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FIRST READING

The foregoing ordinance was moved for adoption on first reading by Councilmember _____ . The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid.	_____
Vice Mayor Frank Mingo	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on first reading this _____ day of _____, 2018.

THIS SPACE INTENTIONALLY LEFT BLANK

SECOND READING

The foregoing ordinance was moved for adoption on second reading by Councilmember _____ . The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid.	_____
Vice Mayor Frank Mingo	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this __ day of _____, 2018.

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY



Town of Miami Lakes Memorandum

To: The Honorable Mayor and Councilmembers
From: Alex Rey, Town Manager
Subject: Conditional Uses
Date: 3/6/2018

Recommendation:

Staff recommends approval of the ordinance amending the Conditional Use provisions to provide for the sunseting of such approvals when the uses cease operations.

Background:

On May 2, 2017, the Town Council of the Town of Miami Lakes directed the Town Manager to explore provisions addressing the disposition of conditional uses that have ceased operations, and to return, if possible, with an amendment to the Land Development Code (LDC) that allows such conditional use approvals to expire once they cease to operate for a specified period of time. The principal concern was whether the reactivation of a conditional use that ceased operation for an extended period of time would result in unanticipated impacts.

The proposed amendment codifies the circumstances under which such approvals would expire. The amendment also provides for the sunseting of nonconforming conditional uses that have ceased operation for a year or more. It also clarifies that any addition, expansion, or intensification of a nonconforming Conditional Use requires a new Conditional Use review. The amendment also provides for administrative adjustments to Conditional Uses where it is deemed that such changes comply with Code and that any impact is minor.

To date, staff confirmed the operational status of the existing conditional uses authorized within the Town. If adopted, implementation of the ordinance will commence with notifying those uses about the ordinance and making them aware of the annual certificate of use renewal requirement. Any business that is not in operation pursuant the Conditional Use approval within 12 months of the affective date of the ordinance would be deemed to have abandoned the use.

Thereafter, notice will be sent in June of each year in concert with the annual Business Tax Receipt program. Enforcement of the ordinance will be channeled through established procedures of Code as provided at Chapter 8.

On January 23, 2018, the Planning and Zoning Board, acting in their capacity as the Local Planning Agency,

voted in favor of the ordinance, recommending its approval to the Town Council. The item was move at First Reading by the Town Council on February 6, 2018.

ATTACHMENTS:

Description

Ordinance

First Reading Submittal

ORDINANCE NO. 18-_____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO CONDITIONAL USES; AMENDING SECTION 13-303, ENTITLED “CONDITIONAL USES”, ESTABLISHING PROVISIONS REGARDING THE CESSATION OF OPERATIONS OF USES CLASSIFIED AS CONDITIONAL USES AND ANNUAL CERTIFICATE OF USE RENEWAL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Cid)

WHEREAS, section 13-303 of the Town’s Land Development Code provides for review of conditional uses, which are uses that would not be appropriate within a particular zoning district unless otherwise controlled as to number, area, location, hours of operation, and relation to the neighborhood or impacted vicinity, so as to promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood; and

WHEREAS, section 13-303 does not address the status of such uses when they cease to operate; and

WHEREAS, on May 2, 2017, the Town Council of the Town of Miami Lakes directed the Town Manager to explore provisions that address disposition of conditional uses that have ceased operations; and

WHEREAS, on January 23, 2018, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, heard the item at a duly noticed public hearing and forwarded a recommendation of approval to the Miami Lakes Town Council; and

WHEREAS, on February 6, 2018, the Town Council at a duly noticed public hearing, moved the item on First Reading; and

WHEREAS, on March 6, 2018, the Town Council considered the ordinance at a duly advertised public hearing; and

WHEREAS, to that end, the Town Council of the Town of Miami Lakes hereby finds and declares that adoption of this Ordinance is appropriate and advances the public interest.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals is true and correct and is incorporated herein by this reference.

Section 2. Amendment. Section 13-303, Conditional Uses, of the Town's Land Development Code is hereby amended as provided at Exhibit A:

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered

to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember _____, who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

FIRST READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid _____

Vice Mayor Frank Mingo _____

Councilmember Tim Daubert _____

Councilmember Luis Collazo _____

Councilmember Ceasar Mestre _____

Councilmember Nelson Rodriguez _____

Councilmember Marilyn Ruano _____

Passed on first reading this 6th day of February, 2018.

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SECOND READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on second reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid _____

Vice Mayor Frank Mingo _____

Councilmember Luis Collazo _____

Councilmember Tim Daubert _____

Councilmember Ceasar Mestre _____

Councilmember Nelson Rodriguez _____

Councilmember Marilyn Ruano _____

Passed and adopted on second reading this _____ day of _____, 2018.

Manny Cid
MAYOR

Attest:

Approved as to form and legal sufficiency:

Gina Inguanzo
TOWN CLERK

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A
ORDINANCE

Sec. 13-303. - Conditional use approval.

- (a) *Generally.* ~~The purpose of this section is to ensure that a~~ A conditional use, is a use that would not be appropriate without restriction throughout the land use district, but which, if controlled as to number, area, location, hours of operation, and relation to the neighborhood or impacted vicinity, would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood. A conditional use ; shall only be permitted on specific sites as provided in a particular zoning district or as provided in this chapter, where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. This section sets forth the procedures and criteria for approval of conditional uses on specific sites. A conditional use shall be permitted only upon a finding that the proposed use satisfies the specific review criteria of this section and other requirements of this chapter. An approval of a conditional use does not eliminate the need for other approvals, which may be required under this chapter, including but not limited to site plan review. Site plan approvals shall be processed concurrently with the conditional use application (and, if required, the site plan public hearing shall be held jointly with the conditional use public hearing) and the requirements of Sections 13-301 through 13-304, as applicable, shall be met. Any uses specified in this chapter as an "unusual use" shall be treated and processed as a conditional use under this section.

* * *

(c) Change or cessation of operation of a conditional use.

- (1) A change of conditional use to another conditional use shall require a review of a new application pursuant to this section.
- (2) A change of a conditional use to a permitted use shall operate as a cessation of the conditional use.
- (3) An expansion or intensification of a conditional use shall require a review of a conditional use application pursuant to this section. This shall also apply to an existing use that was legally established prior to March 6, 2018 and is classified as a conditional use pursuant to this chapter as of March 6, 2018. However, if the Administrative Official determines that the requested expansion or intensification is minor, the Administrative Official shall have the authority to review and approve, or approve with modifications or conditions the minor change, providing the change complies with the following:
 - a. Is compliant with the minimum requirements of Chapter 13;
 - b. Does not violate any conditions of the original approval;
 - c. Is compliant with concurrency requirements; and
 - d. Satisfactorily addresses land use compatibility, buffering, screening, and landscaping.

(4) Unless otherwise specifically authorized by Town Council issued conditional use development order, should a conditional use cease operation for more than twelve (12) continuous months, any use of the same property or portion thereof shall only be one that is permitted under this chapter and any reinstitution of the conditional use shall require a review of a new application pursuant to this section. For purposes of an existing use that was legally established prior to March 6, 2018 and is classified as a conditional use pursuant to this chapter as of March 6, 2018, the twelve (12) continuous month period shall be counted from March 6, 2018. The issuance or existence of a required license, permit or other governmental authorization to conduct such conditional use shall not mean that the use has not ceased, but the lack of any such required license, permit or authority shall create a rebuttable presumption that the use has ceased. Actions or activities of the property owner or agent of the property owner attempting to lease or rent the premises shall not be considered a use of the property in determining whether a conditional use has ceased.

(d) *Certificate of Use Renewal.* Beginning March 6, 2018, all property with a conditional use permit must annually renew its certificate of use on a time schedule consistent with the renewal of business tax receipts.



Town of Miami Lakes Memorandum

To: The Honorable Mayor and Councilmembers
From: Alex Rey, Town Manager
Subject: Government Facilities Zoning
Date: 2/6/2018

Recommendation:

Based on the analysis provided in the Staff Analysis and Recommendation report, Staff recommends approval of the ordinance amending the Government Property Zoning, GP section of the Land Development Code, to remedy the specified deficiencies and to provide for communication facilities.

Background:

On October 6, 2015, the Town Council directed the Town Manager to explore amendments to the Town Code that would provide for a procedure to authorize the location of communication facilities on Town owned property. Site planning on governmentally controlled properties is provided by the GP, Government Property District, regulations which provide for the required review procedures. However, a close examination of the Code found three deficiencies that needed to be addressed. The first relates to an automatic rezoning provision which automatically changes the zoning of land upon the purchase or sale of a governmental entity. The second deficiency that the provisions do not provide for is a minor administrative site plan adjustment procedure as would be afforded to a privately held piece of land. Third, the permitted uses needs to be expanded to include communication facilities and other necessary uses that serve the Town's residents. The attached ordinance remedies those deficiencies.

On November 14, 2017, the Planning and Zoning Board, acting in their capacity as the Local Planning Agency, voted to recommend approval of the ordinance to the Town Council. The item was moved on first reading at the Town Council's regular meeting of January 16, 2018.

ATTACHMENTS:

Description

Ordinance

First Reading Submittal

ORDINANCE NO. 18-_____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO GOVERNMENTAL FACILITIES; AMENDING DIVISION 24, ENTITLED "GP GOVERNMENTAL PROPERTY DISTRICT," OF ARTICLE IV, ZONING DISTRICT REGULATIONS, OF CHAPTER 13, LAND DEVELOPMENT CODE; ESTABLISHING PROVISIONS FOR THE REVIEW AND APPROVAL OF GOVERNMENTAL FACILITIES; PROVIDING FOR COMPLIANCE WITH STATE STATUTES; PROVIDING FOR ADOPTION OF RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.
(Nelson Rodriguez)

WHEREAS, on March 12, 2013, the Town adopted Ordinance No. 13-155, which among other provisions, provided for the siting, construction and review of governmental facilities on publicly owned land, and whereby through either purchase or sale of such land, said land is automatically rezoned as result of such transaction; and

WHEREAS, the adopted provisions, which were largely copied from the prior Miami-Dade County Code, do not provide for the standard zoning procedures when changing the permitted use of land; and

WHEREAS, it is generally accepted that government facilities are required to deliver the necessary services to ensure the general health, safety and welfare, of its citizens; and that such facilities are commonly located in a variety of zoning districts where such lands are available, or most practicable to ensure the delivery of such services; and

WHEREAS, to that end, and consistent with other governments in the practice of their service delivery, and as provided in large part by Chapter 13 of the Town's Code, an exclusive site

plan review procedure is provided for to ensure the availability of needed facilities to deliver the services desired and demanded by Town residents; and

WHEREAS, the proposed ordinance clarifies the exclusive site plan procedure afforded to the Town, and deletes other outdated provisions; and

WHEREAS, on October 6, 2015, the Town Council directed the Town Manager to explore amendments to the Town Code that would provide for a procedure to authorize the location of telecommunication equipment and facilities on Town owned property;

WHEREAS, the proposed ordinance makes such equipment and facilities possible, subject to notice and public hearing requirements before the Town Council; and

WHEREAS, the Administrative Official reviewed the proposed amendment and recommends approval, as set forth in the Staff Analysis and Recommendation dated November 14, 2017, and incorporated into this Ordinance by reference; and

WHEREAS, the Town Council appointed the Planning and Zoning Board as the Local Planning Agency (LPA) for the Town pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, on November 14, 2017, after conducting a properly noticed public hearing, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, acted in accordance with state law, and in specific compliance with Section 163.3174, Florida Statutes and reviewed and recommended approval to the Miami Lakes Town Council; and

WHEREAS, on January 16, 2017, the Town Council after conducting a properly noticed public hearing adopted the item for First Reading; and

WHEREAS, on <DATE> ___, 2017, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the Administrative Official; the Town Council finds that the proposed amendment is consistent with

the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Land Development Code at section 13-306(b) of the Town Code; and

WHEREAS, to that end, the Town Council of the Town of Miami Lakes hereby finds and declares that adoption of this Ordinance is appropriate and advances the public interest.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Amendment. Division 24, of Article IV of Chapter 13, entitled “GP Governmental Property District,” of the Town’s Land Development Code is hereby amended as provided at Exhibit A:

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember _____,
who moved its adoption on first reading. The motion was seconded by Councilmember
_____ and upon being put to a vote, the vote was as follows:

FIRST READING

The foregoing ordinance was offered by Councilmember _____ who moved
its adoption on first reading. The motion was seconded by Councilmember _____
and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Tim Daubert	_____
Councilmember Luis Collazo	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this _____ day of _____, 2018.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SECOND READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on second reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this _____ day of _____, 2018.

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A
ORDINANCE

CHAPTER 13 LAND DEVELOPMENT CODE

* * *

ARTICLE IV ZONING DISTRICT REGULATIONS

* * *

DIVISION 24 ~~GP-GF~~-GOVERNMENTAL FACILITIES ~~PROPERTY~~ DISTRICT

13-842. Uses permitted.

The Town Council may establish the uses listed in this Division without regard to the zoning or use classification of any particular site or location of any governmental facility on any lands leased or owned by a governmental entity within the Town's jurisdiction. The procedure to establish such facilities as provided in this Division shall be exclusive to the Town. ~~No land, body of water and/or structure shall be maintained, used or permitted to be used, and no structure shall be hereafter maintained, erected, constructed, moved, reconstructed or structurally altered or permitted to be erected, constructed, moved, reconstructed or structurally altered for any purpose in a GP District which is designed, arranged, or intended to be used or occupied for any purpose other than the following:~~

- (a) Public parks, playgrounds and buildings, and structures supplementary and incidental to such uses;
- (b) Fire stations;
- (c) Police stations;
- (d) Public auto inspection stations;
- (e) Public water and sewer treatment and distribution facilities;
- (f) Public libraries;
- (g) Public buildings and centers;
- (h) Public hospitals, nursing homes and health facilities;
- (i) Public auditoriums, arenas, museums, art galleries;
- (j) Maximum and minimum detention facilities;
- (k) Solid waste collection and disposal facilities;
- (l) Public maintenance and equipment yards;
- (m) Public bus stations and rapid transit stations and facilities;
- (n) Public airports and heliports;
- (o) Utilities, including telecommunication facilities;
- (p) Equipment yards, plant nurseries;
- (q) And other similar governmental uses or other facilities which serve the general health and welfare of the public.

13-843. ~~Designation of property.~~

~~All governmental property in the Town of Miami Lakes heretofore and hereafter purchased and/or designated for a governmental use shall be so noted in the public records and maps of the Department. If a specific governmental use or uses has or have been designated pursuant to Section 13-844 of the Code for a particular property, the public records and maps of the Department shall~~

so reflect said designation(s). All land subject to the permitted uses enumerated in Section 13-842 and owned in fee simple by a governmental entity shall be designated as governmental property. The designation GP shall be deemed an overlay zoning district and shall be in addition to any other zoning district by which the property is designated. If applicable, a GP District shall automatically revert to its other district classification if the property is no longer utilized as provided in Section 13-842 of the Code.

~~13-844. Exclusive procedure.~~

~~(a) The procedure provided herein shall be exclusive in the Town; provided, however, that unless a governmental facility is authorized as a designated permitted use in a zoning district, the Town Council shall not be bound by the procedures herein contained in constructing, erecting or operating any governmental facility listed below in the Town, and the Town Council may establish any governmental facility listed as follows where the Town Council may direct without regard to the zoning or use classification of any particular site or location: Public parks, playgrounds and buildings, and structures supplementary and incidental to such uses; domestic violence centers; fire stations; police stations; public auto inspection stations; public water and sewer treatment and distribution facilities; public libraries; public buildings and centers; public hospitals, nursing homes and health facilities; public auditoriums, arenas, museums, art galleries and convention halls; maximum and minimum detention facilities; solid waste collection and disposal facilities; public maintenance and equipment yards; public bus stations and Rapid Transit stations and facilities; and uses determined by the Town Council to be similar to those listed above.~~

~~(b) Exclusive site plan review procedure.~~

The site plan procedures in this Division shall be exclusive to the Town as further provided below:

~~(a)~~ Public hearing and notice required. The Town Council may only authorize the erection, construction and operation of the governmental facilities enumerated in this Division Subsection (a) above by resolution following public hearing. The said public hearing shall be held upon at least 15 days' notice of the time and place of such hearing published in a newspaper of general circulation in the Town, which publication shall include the time and place of hearing before the Town Council. A courtesy notice containing general information as to the date, time, and place of the hearing, the property location and general nature of the application may be mailed to the property owners of record, within a radius of 300 feet of the property described in the application, or such greater distance as the Director may prescribe; provided, however, that failure to mail or receive such courtesy notice shall not affect any action or proceeding taken hereunder. To provide additional notice to the public, the property shall be posted by a sign or signs indicating the action desired and the time and place of the public hearing thereon. Failure to post such property shall not affect any action taken hereunder. At the public hearing the Town Council shall consider, among other factors, the type of function involved, the public need therefor, the existing land use pattern in the area, alternative locations for the facility and the nature of the impact of the facility on the surrounding property. After considering these said factors, the Town Council shall take such action as is necessary to provide for and protect the public health, safety and welfare of the citizens and residents of the Town of Miami Lakes.

~~(b)(4)~~ In the event the Town Council authorizes the construction, erection, use or operation of a governmental facility in accordance with the procedures delineated above, or in the event

- the Council otherwise determines that ~~Town-owned~~ property should be utilized by the Town for a particular public purpose, the property shall be posted by a sign or signs conspicuously located thereon indicating the governmental facility or use authorized for the property. Such sign or signs may be removed upon the commencement of construction. The Town Manager or designee shall periodically check the property to ensure that the signs provided for in this subsection remain in existence and accurately depict the proposed use of the subject property. This subsection shall be construed as directory only and failure to comply with the provisions hereof shall not affect the validity of the Town Council's action authorizing the use of the property for the designated purposes.
- (c) Notice exemption. Any facility which is designated as or intended to be operated as a domestic violence center at the time of consideration, planning, erection, construction or acquisition, shall be exempt from the notice and public hearing provisions set forth in Subsection (b) above.
- (d) Minor site plan amendments. The Administrative Official, upon a determination that a requested site plan change of a previously approved governmental facility is minor, shall have the authority to review and approve, approve with modifications and/or conditions or deny the minor change or amendment, providing the amended site plan complies with the following:
- (1) Is compliant with the minimum requirements of this code;
 - (2) Does not increase the intensity of the project;
 - (3) Does not violate any conditions of the original approval;
 - (4) Does not increase the floor area of the project;
 - (5) Is compliant with concurrency requirements; and
 - (6) Satisfactorily addresses land use compatibility, buffering, screening, and landscaping.
- (e) Deferral. A council member may request a deferral of consideration of any item relating to the construction, erection, use or operation of a governmental facility for up to 30 days the first time the item appears on a council agenda or the first time the item is raised at a Town Council meeting if the proposed construction, erection, use or operation of the governmental facility affects that council member's district exclusively or primarily. Upon the council member's invoking this right, discussion upon that item shall cease and the council shall move to another item of business.
- (f) Issuance of permits upon appeal. Notwithstanding any contrary provisions of this Division, during an appeal of a development order for a government facility approved pursuant to this section, zoning approvals relating to that development order being appealed shall be issued upon the request of the applying government, providing that:
- (1) The applying government indicates in writing that it will conform as necessary to any subsequent changes mandated as a result of the appellate process by the court or by the Town Council; and
 - (2) That other applicable requirements of law are met.
- ~~(d) The procedure established by this chapter shall be the exclusive procedure when applicable to any airport zoning regulations, and no application for a district boundary change, change in zoning regulations, appeals of administrative decisions, special exceptions or unusual and new uses or variances shall be considered or granted by any Town Board unless the same is~~

~~provided for by this chapter and only by the procedure and method so provided; provided, however, the Town Council may change the zoning regulations without following the procedure provided therefore in this article; provided, however, that no such change will be made unless the written recommendation of the Director are first considered by the Town Council. No special permit shall be considered or granted by any Town Board.~~



Town of Miami Lakes Memorandum

To: The Honorable Mayor and Councilmembers
From: Alex Rey, Town Manager
Subject: Government Facilities Zoning
Date: 1/16/2018

Recommendation:

Based on the analysis provided in the Staff Analysis and Recommendation report, Staff recommends approval of the ordinance amending the Government Property Zoning, GP section of the Land Development Code, to remedy the specified deficiencies and to provide for communication facilities.

Background:

On October 6, 2015, the Town Council directed the Town Manager to explore amendments to the Town Code that would provide for a procedure to authorize the location of communication facilities on Town owned property. Site planning on governmentally controlled properties is provided by the GP, Government Property District, regulations which provide for the required review procedures. However, a close examination of the Code found three deficiencies that needed to be addressed. The first relates to an automatic rezoning provision which automatically changes the zoning of land upon the purchase or sale of a governmental entity. The second deficiency that the provisions do not provide for is a minor administrative site plan adjustment procedure as would be afforded to a privately held piece of land. Third, the permitted uses needs to be expanded to include communication facilities and other necessary uses that serve the Town's residents.

The attached ordinance remedies those deficiencies.

On November 14, 2017, the Planning and Zoning Board, acting in their capacity as the Local Planning Agency, voted to recommend approval of the ordinance to the Town Council.

ATTACHMENTS:

Description

Ordinance

LPA Submittal

ORDINANCE NO. 18- _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO GOVERNMENTAL FACILITIES; AMENDING DIVISION 24, ENTITLED “GP GOVERNMENTAL PROPERTY DISTRICT,” OF ARTICLE IV, ZONING DISTRICT REGULATIONS, OF CHAPTER 13, LAND DEVELOPMENT CODE; ESTABLISHING PROVISIONS FOR THE REVIEW AND APPROVAL OF GOVERNMENTAL FACILITIES; PROVIDING FOR COMPLIANCE WITH STATE STATUTES; PROVIDING FOR ADOPTION OF RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.
(Rodriguez)

WHEREAS, on March 12, 2013, the Town adopted Ordinance No. 13-155, which among other provisions, provided for the siting, construction and review of governmental facilities on publicly owned land, and whereby through either purchase or sale of such land, said land is automatically rezoned as result of such transaction; and

WHEREAS, the adopted provisions, which were largely copied from the prior Miami-Dade County Code, do not provide for the standard zoning procedures when changing the permitted use of land; and

WHEREAS, it is generally accepted that government facilities are required to deliver the necessary services to ensure the general health, safety and welfare, of its citizens; and that such facilities are commonly located in a variety of zoning districts where such lands are available, or most practicable to ensure the delivery of such services; and

WHEREAS, to that end, and consistent with other governments in the practice of their service delivery, and as provided in large part by Chapter 13 of the Town’s Code, an exclusive site plan review procedure is provided for to ensure the availability of needed facilities to deliver the services desired and demanded by Town residents; and

WHEREAS, the proposed ordinance clarifies the exclusive site plan procedure afforded to the Town, and deletes other outdated provisions; and

WHEREAS, on October 6, 2015, the Town Council directed the Town Manager to explore amendments to the Town Code that would provide for a procedure to authorize the location of telecommunication equipment and facilities on Town owned property;

WHEREAS, the proposed ordinance makes such equipment and facilities possible, subject to notice and public hearing requirements before the Town Council; and

WHEREAS, the Administrative Official reviewed the proposed amendment and recommends approval, as set forth in the Staff Analysis and Recommendation dated November 14, 2017, and incorporated into this Ordinance by reference; and

WHEREAS, the Town Council appointed the Planning and Zoning Board as the Local Planning Agency (LPA) for the Town pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, on November 14, 2017, after conducting a properly noticed public hearing, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, acted in accordance with state law, and in specific compliance with Section 163.3174, Florida Statutes and reviewed and recommended approval to the Miami Lakes Town Council; and

WHEREAS, on January 16, 2017, the Town Council after conducting a properly noticed public hearing adopted the item for First Reading; and

WHEREAS, on <DATE> ___, 2017, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the Administrative Official; the Town Council finds that the proposed amendment is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Land Development Code at section 13-306(b) of the Town Code; and

WHEREAS, to that end, the Town Council of the Town of Miami Lakes hereby finds and declares that adoption of this Ordinance is appropriate and advances the public interest.

**THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
MIAMI LAKES AS FOLLOWS:**

Section 1. Recitals. Each of the above stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Amendment. Division 24, of Article IV of Chapter 13, entitled “GP Governmental Property District,” of the Town’s Land Development Code is hereby amended as provided at Exhibit A:

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember _____,
who moved its adoption on first reading. The motion was seconded by Councilmember
_____ and upon being put to a vote, the vote was as follows:

FIRST READING

The foregoing ordinance was offered by Councilmember _____ who moved
its adoption on first reading. The motion was seconded by Councilmember _____
and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Frank Mingo	_____
Councilmember Tim Daubert	_____
Councilmember Luis Collazo	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this _____ day of _____, 2018.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SECOND READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on second reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid _____

Vice Mayor Frank Mingo _____

Councilmember Luis Collazo _____

Councilmember Tim Daubert _____

Councilmember Ceasar Mestre _____

Councilmember Nelson Rodriguez _____

Councilmember Marilyn Ruano _____

Passed and adopted on second reading this _____ day of _____, 2018.

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A
ORDINANCE

CHAPTER 13 LAND DEVELOPMENT CODE

* * *

ARTICLE IV ZONING DISTRICT REGULATIONS

* * *

DIVISION 24 ~~GP-GF-GOVERNMENTAL FACILITIES~~ PROPERTY DISTRICT

13-842. Uses permitted.

The Town Council may establish the uses listed in this Division without regard to the zoning or use classification of any particular site or location of any governmental facility on any lands leased or owned by a governmental entity within the Town's jurisdiction. The procedure to establish such facilities as provided in this Division shall be exclusive to the Town. ~~No land, body of water and/or structure shall be maintained, used or permitted to be used, and no structure shall be hereafter maintained, erected, constructed, moved, reconstructed or structurally altered or permitted to be erected, constructed, moved, reconstructed or structurally altered for any purpose in a GP District which is designed, arranged, or intended to be used or occupied for any purpose other than the following:~~

- (a) Public parks, playgrounds and buildings, and structures supplementary and incidental to such uses;
- (b) Fire stations;
- (c) Police stations;
- (d) Public auto inspection stations;
- (e) Public water and sewer treatment and distribution facilities;
- (f) Public libraries;
- (g) Public buildings and centers;
- (h) Public hospitals, nursing homes and health facilities;
- (i) Public auditoriums, arenas, museums, art galleries;
- (j) Maximum and minimum detention facilities;
- (k) Solid waste collection and disposal facilities;
- (l) Public maintenance and equipment yards;
- (m) Public bus stations and rapid transit stations and facilities;
- (n) Public airports and heliports;
- (o) Utilities, including telecommunication facilities;
- (p) Equipment yards, plant nurseries;
- (q) And other similar governmental uses or other facilities which serve the general health and welfare of the public.

~~13-843. Designation of property.~~

~~All governmental property in the Town of Miami Lakes heretofore and hereafter purchased and/or designated for a governmental use shall be so noted in the public records and maps of the Department. If a specific governmental use or uses has or have been designated pursuant to Section 13-844 of the Code for a particular property, the public records and maps of the Department shall so reflect said designation(s). All land subject to the permitted uses enumerated in Section 13-842 and owned in fee simple by a governmental entity shall be designated as governmental property. The designation GP shall be deemed an overlay zoning district and shall be in addition to any other zoning district by which the property is designated. If applicable, a GP District shall automatically revert to its other district classification if the property is no longer utilized as provided in Section 13-842 of the Code.~~

~~13-844. Exclusive procedure.~~

~~(a) The procedure provided herein shall be exclusive in the Town; provided, however, that unless a governmental facility is authorized as a designated permitted use in a zoning district, the Town Council shall not be bound by the procedures herein contained in constructing, erecting or operating any governmental facility listed below in the Town, and the Town Council may establish any governmental facility listed as follows where the Town Council may direct without regard to the zoning or use classification of any particular site or location: Public parks, playgrounds and buildings, and structures supplementary and incidental to such uses; domestic violence centers; fire stations; police stations; public auto inspection stations; public water and sewer treatment and distribution facilities; public libraries; public buildings and centers; public hospitals, nursing homes and health facilities; public auditoriums, arenas, museums, art galleries and convention halls; maximum and minimum detention facilities; solid waste collection and disposal facilities; public maintenance and equipment yards; public bus stations and Rapid Transit stations and facilities; and uses determined by the Town Council to be similar to those listed above.~~

~~(b) Exclusive site plan review procedure.~~

The site plan procedures in this Division shall be exclusive to the Town as further provided below:

(a) Public hearing and notice required. The Town Council may only authorize the erection, construction and operation of the governmental facilities enumerated in this Division Subsection (a) above by resolution following public hearing. The said public hearing shall be held upon at least 15 days' notice of the time and place of such hearing published in a newspaper of general circulation in the Town, which publication shall include the time and place of hearing before the Town Council. A courtesy notice containing general information as to the date, time, and place of the hearing, the property location and general nature of the application may be mailed to the property owners of record, within a radius of 300 feet of the property described in the application, or such greater distance as the Director may prescribe; provided, however, that failure to mail or receive such courtesy notice shall not affect any action or proceeding taken hereunder. To provide additional notice to the public, the property shall be posted by a sign or signs indicating the action desired and the time and place of the public hearing thereon. Failure to post such property shall not affect any action taken hereunder. At the public hearing the Town Council shall consider, among other factors, the type of function involved, the public need therefor, the existing land use pattern in the area, alternative locations for the facility and the nature of

the impact of the facility on the surrounding property. After considering these said factors, the Town Council shall take such action as is necessary to provide for and protect the public health, safety and welfare of the citizens and residents of the Town of Miami Lakes.

- (b)(4) In the event the Town Council authorizes the construction, erection, use or operation of a governmental facility in accordance with the procedures delineated above, or in the event the Council otherwise determines that ~~Town-owned~~ property should be utilized by the Town for a particular public purpose, the property shall be posted by a sign or signs conspicuously located thereon indicating the governmental facility or use authorized for the property. Such sign or signs may be removed upon the commencement of construction. The Town Manager or designee shall periodically check the property to ensure that the signs provided for in this subsection remain in existence and accurately depict the proposed use of the subject property. This subsection shall be construed as directory only and failure to comply with the provisions hereof shall not affect the validity of the Town Council's action authorizing the use of the property for the designated purposes.
- (c) Notice exemption. Any facility which is designated as or intended to be operated as a domestic violence center at the time of consideration, planning, erection, construction or acquisition, shall be exempt from the notice and public hearing provisions set forth in Subsection (b) above.
- (d) Minor site plan amendments. The Administrative Official, upon a determination that a requested site plan change of a previously approved governmental facility is minor, shall have the authority to review and approve, approve with modifications and/or conditions or deny the minor change or amendment, providing the amended site plan complies with the following:
- (1) Is compliant with the minimum requirements of this code;
 - (2) Does not increase the intensity of the project;
 - (3) Does not violate any conditions of the original approval;
 - (4) Does not increase the floor area of the project;
 - (5) Is compliant with concurrency requirements; and
 - (6) Satisfactorily addresses land use compatibility, buffering, screening, and landscaping.
- (e) Deferral. A council member may request a deferral of consideration of any item relating to the construction, erection, use or operation of a governmental facility for up to 30 days the first time the item appears on a council agenda or the first time the item is raised at a Town Council meeting if the proposed construction, erection, use or operation of the governmental facility affects that council member's district exclusively or primarily. Upon the council member's invoking this right, discussion upon that item shall cease and the council shall move to another item of business.
- (f) Issuance of permits upon appeal. Notwithstanding any contrary provisions of this Division, during an appeal of a development order for a government facility approved pursuant to this section, zoning approvals relating to that development order being appealed shall be issued upon the request of the applying government, providing that:
- (1) The applying government indicates in writing that it will conform as necessary to any subsequent changes mandated as a result of the appellate process by the court or by the Town Council; and

(2) That other applicable requirements of law are met.

- ~~(d) The procedure established by this chapter shall be the exclusive procedure when applicable to any airport zoning regulations, and no application for a district boundary change, change in zoning regulations, appeals of administrative decisions, special exceptions or unusual and new uses or variances shall be considered or granted by any Town Board unless the same is provided for by this chapter and only by the procedure and method so provided; provided, however, the Town Council may change the zoning regulations without following the procedure provided therefore in this article; provided, however, that no such change will be made unless the written recommendation of the Director are first considered by the Town Council. No special permit shall be considered or granted by any Town Board.~~



Town of Miami Lakes Memorandum

To: Honorable Chairman Rodriguez and Members of the Planning Board
From: Darby Delsalle, AICP, Planning Director
Subject: Governmental Facilities
Date: 12/12/2017

Recommendation:

Based on the analysis provided in the Staff Analysis and Recommendation report, Staff recommends approval of the ordinance amending the Government Property Zoning, GP section of the Land Development Code, to remedy the specified deficiencies and to provide for communication facilities.

Background:

On October 6, 2015, the Town Council directed the Town Manager to explore amendments to the Town Code that would provide for a procedure to authorize the location of communication facilities on Town owned property. Site planning on governmentally controlled properties is provided by the GP, Government Property District, regulations which provide for the required review procedures. However, a close examination of the Code found three deficiencies that needed to be addressed. The first relates to an automatic rezoning provision which automatically changes the zoning of land upon the purchase or sale of a governmental entity. The second deficiency that the provisions do not provide for is a minor administrative site plan adjustment procedure as would be afforded to a privately held piece of land. Third, the permitted uses needs to be expanded to include communication facilities and other necessary uses that serve the Town's residents.

The attached ordinance remedies those deficiencies.

ATTACHMENTS:

Description

Staff Report

Ordinance



Department of Planning, Zoning and Code Compliance
6601 Main Street • Miami Lakes, Florida 33014
Office: (305) 364-6100 • Fax: (305) 558-8511
Website: www.miamilakes-fl.gov

Staff Analysis and Recommendation

To: Honorable Chair and Members of the Local Planning Agency
From: Darby P. Delsalle, AICP, Planning Director
Subject: Government Property Zoning Update
Date: November 14, 2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO GOVERNMENTAL FACILITIES; AMENDING DIVISION 24, ENTITLED "GP GOVERNMENTAL PROPERTY DISTRICT," OF ARTICLE IV, ZONING DISTRICT REGULATIONS, OF CHAPTER 13, LAND DEVELOPMENT CODE; ESTABLISHING PROVISIONS FOR THE REVIEW AND APPROVAL OF GOVERNMENTAL FACILITIES; PROVIDING FOR COMPLIANCE WITH STATE STATUTES; PROVIDING FOR ADOPTION OF RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Nelson Rodriguez)

A. BACKGROUND

On October 6, 2015, the Town Council directed the Town Manager to explore amendments to the Town Code that would provide for a procedure to authorize the location of communication facilities on Town owned property. Site planning on governmentally controlled properties is provided by the GP, Government Property District, regulations which provide for the required review procedures. However, a close examination of the Code found three deficiencies that needed to be addressed. The first relates to an automatic rezoning provision which automatically changes the zoning of land upon the purchase or sale of a governmental entity. The second deficiency that the provisions do not provide for is a minor administrative site plan adjustment procedure as would be afforded to a privately held piece of land. Third, the permitted uses needs to be expanded to include communication facilities and other necessary uses that serve the Town's residents.

B. PROPOSED CHANGES

The following described elements are presented in the same order that they appear in the proposed ordinance.

Automatic Rezoning Provision Eliminated. The first deficiency of the Town's Code violates Florida Statute 166.041, which provides for specific procedures for municipalities adopting ordinances and resolutions, including unique notice procedures when a city is changing the zoning designation of land. The current code creates an automatic rezoning by virtue of a real estate transaction. Not only does that violate FS 166.041, the action is not necessary. The Town's existing land use categories within its Comprehensive Development Master Plan already provides for a broad range of governmental uses without the need for rezoning. The proposed amendment converts the action to a public hearing site plan. This amendment properly aligns the GP district with State Statute and the Town's Comprehensive Development Master Plan (CDMP).

Minor Administrative Site Plan Adjustment. The second adjustment to the GP district includes the provision of a minor administrative site plan adjustment procedure. Government properties will continue to require public hearing to ensure participation of the public in the siting of such facilities. However, if the Code is left unadjusted, every minor modification would require rehearing of that site plan by the council.

Permitted Uses. The third adjustment to the Code eliminates redundancy of permitted uses stated within the Code, and ensures the list of permitted uses is inclusive enough to provide the services demanded by the Town's residents. It also includes provisions for the siting of communication facilities.

C. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance amending the Government Property Zoning, GP section of the LDC to remedy the outlined deficiencies.

D. ANALYSIS

The Land Development Code provides that all proposed amendments to the LDC shall be evaluated by the Administrative Official, the Local Planning Agency and the Town Council, and that, in evaluating the proposed amendment, the criteria in Subsection 13-306(b) shall be considered. All portions of this report are hereby incorporated into all portions of this analysis. The following is a staff analysis of the criteria as applied to this ordinance.

1. Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

Analysis: See Section "A", Background and Section "B", Proposed Changes of this report. As presented in Sections "A" and "B", the proposed ordinance provides a site plan review procedure consistent with State Law that allows for site planning of government facilities that serve the public. The amendment also provides a provision to accommodate communication facilities as demand for such service continues to grow. The program, as proposed conforms to the following policy of CDMP below:

Policy 1.1.14: Discourage land use patterns indicative of urban sprawl in the Future Land Use Map and any amendment applications by encouraging

compact development, mixed use where appropriate and efficient use of public facility capacity and resources.

Policy 1.4.2: Work with county and regional utility service providers, as needed, to help locate suitable land for expansion or replacement of their operations and services.

Finding: Complies

2. Whether the proposal is in conformance with all applicable requirements of this Code of Ordinances, including this chapter.

Analysis: See Section “A”, Background and Section “B”, Proposed Changes of this report. The proposed ordinance conforms with the Town’s LDC’s. A review of the LDC’s found no conflicts. The amendment brings the Town’s code into alignment with State Statute and the Town’s CDMP.

Finding: Complies.

3. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed change in land use policy.

Analysis: See Section “A”, Background and Section “B”, Proposed Changes of this report. The current GP district was largely reflected of a dated code copied over from Miami-Dade County when the Town established its own LDC. This update properly aligns the GP district to the Town’s CDMP and State law.

Finding: Complies.

4. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land use.

Analysis: See Section “A”, Background and Section “B”, Proposed Changes of this report, and Criteria 1 and 3. The proposed ordinance properly aligns the GP code with the Town’s LDC.

Finding: Complies.

5. Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including schools, transportation, water and wastewater services, solid waste disposal, drainage, water supply, recreation, education, emergency services, and similar necessary facilities and services.

Analysis: The proposed ordinance does not impact the above systems.

Finding: Complies.

6. **Whether, and the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of any groundwater aquifers, wildlife habitats, and vegetative communities.**

Analysis: The proposed ordinance does not impact the above systems.

Finding: Complies.

7. **Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.**

Analysis: See Section “A”, Background and Section “B”, Proposed Changes of this report. The proposed ordinance properly aligns the GP provisions with the Town’s code and State law, while also ensuring the Town has at its capacity to site facilities need to serve its residents. This includes the ability to site communication facilities on Town property thus easing the burden from privately owned lands. The result is improved service delivery which contributes to increased property values.

Finding: Complies.

8. **Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.**

Analysis: See Section “A”, Background, Section “B”, Proposed Changes, and Criterion 7 of this report.

Finding: Complies.

9. **Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of this chapter.**

Analysis: See Section “A”, Background, Section “B”, Proposed Changes, and Criteria 1, 3, and 7 of this report. No portion of the proposed amendment is in conflict with the existing regulations of the LDC. The proposed ordinance provides an opportunity for to ensure the Town has the capacity to provide services demanded by its residents.

Finding: Complies.

10. **Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.**

Analysis: See Summary Section and all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed FLUM amendment is appropriate and consistent with the public interest. The Analysis Section addressed the conditions suggested by the Planning and Zoning Board.

Finding: As determined by the Town Council.

ORDINANCE NO. 17-_____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO GOVERNMENTAL FACILITIES; AMENDING DIVISION 24, ENTITLED "GP GOVERNMENTAL PROPERTY DISTRICT," OF ARTICLE IV, ZONING DISTRICT REGULATIONS, OF CHAPTER 13, LAND DEVELOPMENT CODE; ESTABLISHING PROVISIONS FOR THE REVIEW AND APPROVAL OF GOVERNMENTAL FACILITIES; PROVIDING FOR COMPLIANCE WITH STATE STATUTES; PROVIDING FOR ADOPTION OF RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.
(Nelson Rodriguez)

WHEREAS, on March 12, 2013, the Town adopted Ordinance No. 13-155, which among other provisions, provided for the siting, construction and review of governmental facilities on publicly owned land, and whereby through either purchase or sale of such land, said land is automatically rezoned as result of such transaction; and

WHEREAS, the adopted provisions, which were largely copied from the prior Miami-Dade County Code, do not provide for the standard zoning procedures when changing the permitted use of land; and

WHEREAS, it is generally accepted that government facilities are required to deliver the necessary services to ensure the general health, safety and welfare, of its citizens; and that such facilities are commonly located in a variety of zoning districts where such lands are available, or most practicable to ensure the delivery of such services; and

WHEREAS, to that end, and consistent with other governments in the practice of their service delivery, and as provided in large part by Chapter 13 of the Town's Code, an exclusive site plan review procedure is provided for to ensure the availability of needed facilities to deliver the services desired and demanded by Town residents; and

WHEREAS, the proposed ordinance clarifies the exclusive site plan procedure afforded to the Town, and deletes other outdated provisions; and

WHEREAS, on October 6, 2015, the Town Council directed the Town Manager to explore amendments to the Town Code that would provide for a procedure to authorize the location of telecommunication equipment and facilities on Town owned property; and

WHEREAS, the proposed ordinance makes such equipment and facilities possible, subject to notice and public hearing requirements before the Town Council; and

WHEREAS, the Administrative Official reviewed the proposed amendment and recommends approval, as set forth in the Staff Analysis and Recommendation dated November 14, 2017, and incorporated into this Ordinance by reference; and

WHEREAS, the Town Council appointed the Planning and Zoning Board as the Local Planning Agency (LPA) for the Town pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, on November 14, 2017, after conducting a properly noticed public hearing, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, acted in accordance with state law, and in specific compliance with Section 163.3174, Florida Statutes and reviewed and recommended approval to the Miami Lakes Town Council; and

WHEREAS, on <DATE> ____, 2017, the Town Council after conducting a properly noticed public hearing adopted the item for First Reading; and

WHEREAS, on <DATE> ___, 2017, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the Administrative Official; the Town Council finds that the proposed amendment is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Land Development Code at section 13-306(b) of the Town Code; and

WHEREAS, to that end, the Town Council of the Town of Miami Lakes hereby finds and declares that adoption of this Ordinance is appropriate and advances the public interest.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Amendment. Division 24, of Article IV of Chapter 13, entitled “GP Governmental Property District,” of the Town’s Land Development Code is hereby amended as provided at Exhibit A:

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the

Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember _____, who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

FIRST READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Frank Mingo	_____
Councilmember Tim Daubert	_____
Councilmember Luis Collazo	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this _____ day of _____, 2017.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SECOND READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on second reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Frank Mingo	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this _____ day of _____, 2017.

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A
ORDINANCE

CHAPTER 13 LAND DEVELOPMENT CODE

* * *

ARTICLE IV ZONING DISTRICT REGULATIONS

* * *

DIVISION 24 ~~GP-GF-GOVERNMENTAL FACILITIES~~ PROPERTY DISTRICT

13-842. Uses permitted.

The Town Council may establish the uses listed in this Division without regard to the zoning or use classification of any particular site or location of any governmental facility on any lands leased or owned by a governmental entity within the Town's jurisdiction. The procedure to establish such facilities as provided in this Division shall be exclusive to the Town. ~~No land, body of water and/or structure shall be maintained, used or permitted to be used, and no structure shall be hereafter maintained, erected, constructed, moved, reconstructed or structurally altered or permitted to be erected, constructed, moved, reconstructed or structurally altered for any purpose in a GP District which is designed, arranged, or intended to be used or occupied for any purpose other than the following:~~

- (a) Public parks, playgrounds and buildings, and structures supplementary and incidental to such uses;
- (b) Fire stations;
- (c) Police stations;
- (d) Public auto inspection stations;
- (e) Public water and sewer treatment and distribution facilities;
- (f) Public libraries;
- (g) Public buildings and centers;
- (h) Public hospitals, nursing homes and health facilities;
- (i) Public auditoriums, arenas, museums, art galleries;
- (j) Maximum and minimum detention facilities;
- (k) Solid waste collection and disposal facilities;
- (l) Public maintenance and equipment yards;
- (m) Public bus stations and rapid transit stations and facilities;
- (n) Public airports and heliports;
- (o) Utilities, including telecommunication facilities;
- (p) Equipment yards, plant nurseries;
- (q) And other similar governmental uses or other facilities which serve the general health and welfare of the public.

13-843. ~~Designation of property.~~

~~All governmental property in the Town of Miami Lakes heretofore and hereafter purchased and/or designated for a governmental use shall be so noted in the public records and maps of the Department. If a specific governmental use or uses has or have been designated pursuant to Section 13-844 of the Code for a particular property, the public records and maps of the Department shall~~

so reflect said designation(s). All land subject to the permitted uses enumerated in Section 13-842 and owned in fee simple by a governmental entity shall be designated as governmental property. The designation GP shall be deemed an overlay zoning district and shall be in addition to any other zoning district by which the property is designated. If applicable, a GP District shall automatically revert to its other district classification if the property is no longer utilized as provided in Section 13-842 of the Code.

~~13-844. Exclusive procedure.~~

~~(a) The procedure provided herein shall be exclusive in the Town; provided, however, that unless a governmental facility is authorized as a designated permitted use in a zoning district, the Town Council shall not be bound by the procedures herein contained in constructing, erecting or operating any governmental facility listed below in the Town, and the Town Council may establish any governmental facility listed as follows where the Town Council may direct without regard to the zoning or use classification of any particular site or location: Public parks, playgrounds and buildings, and structures supplementary and incidental to such uses; domestic violence centers; fire stations; police stations; public auto inspection stations; public water and sewer treatment and distribution facilities; public libraries; public buildings and centers; public hospitals, nursing homes and health facilities; public auditoriums, arenas, museums, art galleries and convention halls; maximum and minimum detention facilities; solid waste collection and disposal facilities; public maintenance and equipment yards; public bus stations and Rapid Transit stations and facilities; and uses determined by the Town Council to be similar to those listed above.~~

~~(b) Exclusive site plan review procedure.~~

The site plan procedures in this Division shall be exclusive to the Town as further provided below:

~~(a)~~ Public hearing and notice required. The Town Council may only authorize the erection, construction and operation of the governmental facilities enumerated in this Division Subsection (a) above by resolution following public hearing. The said public hearing shall be held upon at least 15 days' notice of the time and place of such hearing published in a newspaper of general circulation in the Town, which publication shall include the time and place of hearing before the Town Council. A courtesy notice containing general information as to the date, time, and place of the hearing, the property location and general nature of the application may be mailed to the property owners of record, within a radius of 300 feet of the property described in the application, or such greater distance as the Director may prescribe; provided, however, that failure to mail or receive such courtesy notice shall not affect any action or proceeding taken hereunder. To provide additional notice to the public, the property shall be posted by a sign or signs indicating the action desired and the time and place of the public hearing thereon. Failure to post such property shall not affect any action taken hereunder. At the public hearing the Town Council shall consider, among other factors, the type of function involved, the public need therefor, the existing land use pattern in the area, alternative locations for the facility and the nature of the impact of the facility on the surrounding property. After considering these said factors, the Town Council shall take such action as is necessary to provide for and protect the public health, safety and welfare of the citizens and residents of the Town of Miami Lakes.

~~(b)(4)~~ In the event the Town Council authorizes the construction, erection, use or operation of a governmental facility in accordance with the procedures delineated above, or in the event

- the Council otherwise determines that ~~Town-owned~~ property should be utilized by the Town for a particular public purpose, the property shall be posted by a sign or signs conspicuously located thereon indicating the governmental facility or use authorized for the property. Such sign or signs may be removed upon the commencement of construction. The Town Manager or designee shall periodically check the property to ensure that the signs provided for in this subsection remain in existence and accurately depict the proposed use of the subject property. This subsection shall be construed as directory only and failure to comply with the provisions hereof shall not affect the validity of the Town Council's action authorizing the use of the property for the designated purposes.
- (c) Notice exemption. Any facility which is designated as or intended to be operated as a domestic violence center at the time of consideration, planning, erection, construction or acquisition, shall be exempt from the notice and public hearing provisions set forth in Subsection (b) above.
- (d) Minor site plan amendments. The Administrative Official, upon a determination that a requested site plan change of a previously approved governmental facility is minor, shall have the authority to review and approve, approve with modifications and/or conditions or deny the minor change or amendment, providing the amended site plan complies with the following:
- (1) Is compliant with the minimum requirements of this code;
 - (2) Does not increase the intensity of the project;
 - (3) Does not violate any conditions of the original approval;
 - (4) Does not increase the floor area of the project;
 - (5) Is compliant with concurrency requirements; and
 - (6) Satisfactorily addresses land use compatibility, buffering, screening, and landscaping.
- (e) Deferral. A council member may request a deferral of consideration of any item relating to the construction, erection, use or operation of a governmental facility for up to 30 days the first time the item appears on a council agenda or the first time the item is raised at a Town Council meeting if the proposed construction, erection, use or operation of the governmental facility affects that council member's district exclusively or primarily. Upon the council member's invoking this right, discussion upon that item shall cease and the council shall move to another item of business.
- (f) Issuance of permits upon appeal. Notwithstanding any contrary provisions of this Division, during an appeal of a development order for a government facility approved pursuant to this section, zoning approvals relating to that development order being appealed shall be issued upon the request of the applying government, providing that:
- (1) The applying government indicates in writing that it will conform as necessary to any subsequent changes mandated as a result of the appellate process by the court or by the Town Council; and
 - (2) That other applicable requirements of law are met.
- ~~(d) The procedure established by this chapter shall be the exclusive procedure when applicable to any airport zoning regulations, and no application for a district boundary change, change in zoning regulations, appeals of administrative decisions, special exceptions or unusual and new uses or variances shall be considered or granted by any Town Board unless the same is~~

~~provided for by this chapter and only by the procedure and method so provided; provided, however, the Town Council may change the zoning regulations without following the procedure provided therefore in this article; provided, however, that no such change will be made unless the written recommendation of the Director are first considered by the Town Council. No special permit shall be considered or granted by any Town Board.~~



Town of Miami Lakes Memorandum

To: Honorable Mayor and Councilmembers
From: Alex Rey, Town Manager
Subject: NW 77th Ave Rezoning
Date: 3/6/2018

Recommendation:

Staff recommends approval of the proposed ordinance rezoning the property as described in Exhibit "A" of said ordinance, from GU, Interim District, to RO-13, Low Density Residential/Office.

Background:

The subject property is an irregularly shaped and undeveloped lot consisting of three (3) parcels, much of which is encumbered by easements owned by Florida Power and Light (FPL). FPL has transmission lines that traverse over 80% of the land. The property is located at the south end of NW 77 Avenue east of the Palmetto Expressway (SR 826). The Applicant is requesting a rezoning for this undeveloped property as part of a larger development plan to construct an office building at the site. The applicant's development application could proceed without the rezoning given the nature of the GU, Interim zoning district, which is a place holder of sorts for lands not previously assigned a more specific designation. Development of a GU parcel follows the trending of development of other contiguous properties, in this case RO-13. For purposes of greater clarity, it is preferred that the land be rezoned consistent with the adjacent office/residential district and the underlying Office/Residential land use designation. By squarely aligning the property with the zoning regulations that would otherwise apply, future development of the land may follow a more predictable path.

This request shall be presented in tandem with the Applicant's site plan request for the same property. Each item is to be voted upon separately. Nevertheless, this rezoning request should stand on its own merits as a RO-13 zoning is most appropriate for the property regardless of any current or future site plan request.

On January 23, 2018, the Planning and Zoning Board, acting in their capacity as the Local Planning Agency voted in favor of the ordinance recommending its approval to the Town Council. The Town Council moved the item on first reading at their Regular Council meeting of February 6, 2018.

ATTACHMENTS:

Description

Ordinance

Exhibit A - Survey

Exhibit B - Proposed Zoning Map

First Reading Submittal

ORDINANCE NO. 18-__

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING THE OFFICIAL ZONING MAP TO REZONE A 2.07 +/- ACRE PROPERTY LOCATED AT 14575 NW 77 AVENUE (FRONTAGE ROAD), AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT "A", FROM THE G U, INTERIM DISTRICT, TO RO-13, LOW DENSITY RESIDENTIAL/OFFICE DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR DIRECTION TO THE ADMINISTRATIVE OFFICIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 13-306 of the Code of the Town of Miami Lakes ("Town Code"), Alari Holding 1, LLC., (the "Applicant") applied for an amendment to the Official Zoning Map from the G U, Interim District, to the RO-13, Low Density Residential/Office District on a 2.07 +/- acre property located 14575 NW 77th Avenue, Miami Lakes, Florida (the "Property") as described at Exhibit "A", attached hereto and incorporated herein by reference; and

WHEREAS, a map depicting the Property to be rezoned is attached as Exhibit "B", attached hereto and incorporated herein by reference; and

WHEREAS, Subsection 13-306(b) provides that proposed amendments to the Official Zoning Map be evaluated by the Administrative Official, the Local Planning Agency and the Town Council; and

WHEREAS, the Administrative Official reviewed the proposed amendment to the Official Zoning Map and recommends approval, as set forth in the Staff Analysis and Recommendation dated January 23, 2018; and

WHEREAS, the Town Council appointed the Planning and Zoning Board as the Local Planning Agency (LPA) for the Town pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, on January 23, 2018, after conducting a properly noticed quasi-judicial

public hearing, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, acted in accordance with state law, and in specific compliance with Section 163.3174, Florida Statutes and has reviewed and recommends approval of the rezoning; and

WHEREAS, on February 6, 2018, after conducting a properly noticed quasi-judicial public hearing and considering the comments of the public, and the recommendations of Local Planning Agency and the Administrative Official, the Town Council moved the proposed amendment on first reading; and

WHEREAS, on March 6, 2018, the Town Council conducted a properly advertised quasi-judicial public hearing on the proposed amendment; and

WHEREAS, the Town Council finds it in the public interest to adopt the proposed amendment to the Official Zoning Map.

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

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Findings. After considering Staff's Recommendation and Analysis, both submitted in writing and presented orally and which is accepted as substantial competent evidence, testimony of the Applicant, and the public, the Town Council finds, pursuant to Subsection 13-306(b) of the Town Code, that the proposed amendment to the Official Zoning Map is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Official Zoning Map found in Subsection 13-306(b) of the Town Code.

Section 3. Approval of Rezoning. The Town Council hereby adopts the amendment to the Official Zoning Map for the Property described at Exhibit "A" and depicted in Exhibit "B", from

the GU, Interim District, to the RO-13, Low Density Residential/Office District.

Section 4. Direction to the Administrative Official. Pursuant to Subsection 13-306(d), the Town Council hereby directs the Administrative Official to make the appropriate changes to the Official Zoning Map to implement the terms of this Ordinance.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Effective date. This Ordinance shall become effective after second reading and upon the Applicant's payment in full of all fees associated with the Applicant's request .

FIRST READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

- Mayor Manny Cid _____
- Vice Mayor Frank Mingo _____
- Councilmember Luis Collazo _____
- Councilmember Tim Daubert _____
- Councilmember Ceasar Mestre _____
- Councilmember Nelson Rodriguez _____
- Councilmember Marilyn Ruano _____

Passed on first reading this _____ day of February, 2018.

SECOND READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on second reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Frank Mingo	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this _____ day of March, 2018.

Manny Cid
Mayor

Attest:

Gina M. Inguanzo
Town Clerk

Approved as to form and legal sufficiency:

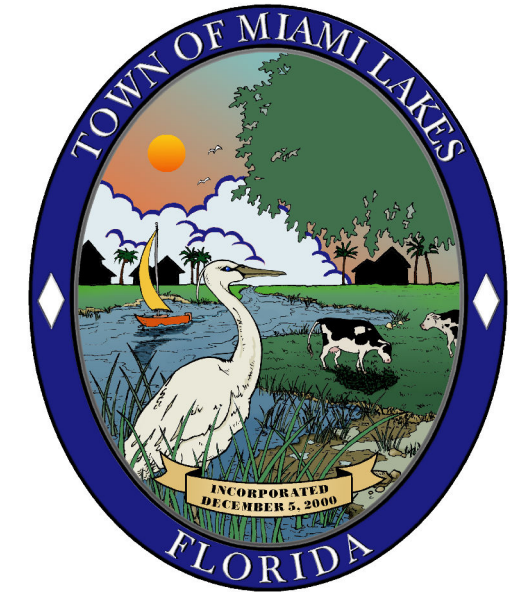
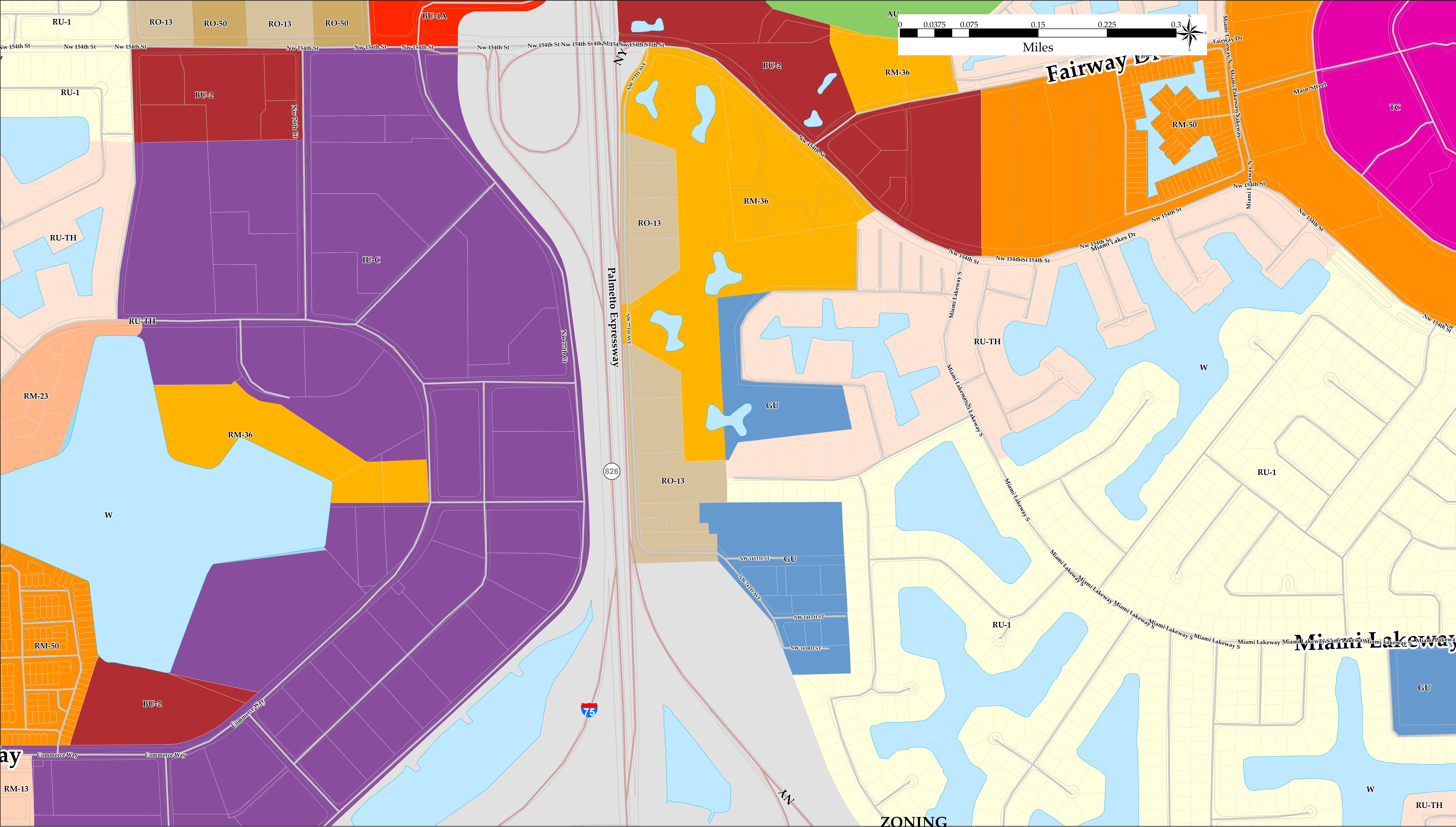
Raul Gastesi, Jr.
Gastesi & Associates, P.A.
Town Attorney

EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT B

MAP



Town of Miami Lakes Proposed Zoning Map

Attachment B: ZONE2017-0614

ZONING

	RU-1		RU-TH		RO-13		IU-1		Water
	RU-1A		RM-13		RO-50		IU-C		Right-of- Way
	RU-1Z		RM-23		TC		GU		
	RU-2		RM-36		BU-1A		AU		
			RM-50		BU-2				



Town of Miami Lakes Memorandum

To: The Honorable Mayor and Councilmembers
From: Alex Rey, Town Manager
Subject: 14575 NW 77th Avenue Rezoning
Date: 2/6/2018

Recommendation:

Staff recommends approval of the proposed ordinance rezoning the property as described in Exhibit "A" of said ordinance, from GU, Interim District, to RO-13, Low Density Residential/Office.

Background:

The subject property is an irregularly shaped and undeveloped lot consisting of three (3) parcels, much of which is encumbered by easements owned by Florida Power and Light (FPL). FPL has transmission lines that traverse 80% of the land. The property is located at the south end of NW 77 Avenue east of the Palmetto Expressway (SR 826). The Applicant is requesting a rezoning for this undeveloped property as part of a development plan to construct an office building at the site. The applicant's development application could proceed without the rezoning given the nature of the GU, Interim zoning district, which is a place holder of sorts for lands not previously assigned a more specific designation. Development of a GU parcel follows the trending of development of other contiguous properties, in this case RO-13. For purposes of greater clarity, it is preferred that the land be rezoned consistent with the adjacent office/residential district and the underlying Office/Residential land use designation. By squarely aligning the property with the zoning regulations that would otherwise apply, future development of the land may follow a more predictable path.

It is the Applicant's intent to bring to the Town Council a site plan application for an office building on the property when this rezoning request returns for second reading. Nevertheless, this rezoning request should stand on its own merits as a RO-13 zoning is most appropriate for the property regardless of any current or future site plan request.

On January 23, 2018, the Planning and Zoning Board, acting in their capacity as the Local Planning Agency voted in favor of the ordinance recommending its approval to the Town Council.

ATTACHMENTS:

Description

Ordinance - First Reading - NW 77
LPA Submittal

ORDINANCE NO.18-_____

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING THE OFFICIAL ZONING MAP TO REZONE A 2.07 +/- ACRE PROPERTY LOCATED AT 14575 NW 77 AVENUE (FRONTAGE ROAD), AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT "A", FROM THE G U , INTERIM DISTRICT, TO RO-13, LOW DENSITY RESIDENTIAL/OFFICE DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR DIRECTION TO THE ADMINISTRATIVE OFFICIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 13-306 of the Code of the Town of Miami Lakes ("Town Code"), Alari Holding 1, LLC., (the "Applicant") applied for an amendment to the Official Zoning Map from the G U , Interim District, to the RO-13, Low Density Residential/Office District on a 2.07 +/- acre property located 14575 NW 77th Avenue, Miami Lakes, Florida (the "Property") as described at Exhibit "A", attached hereto and incorporated herein by reference; and

WHEREAS, a map depicting the Property to be rezoned is attached as Exhibit "B", attached hereto and incorporated herein by reference; and

WHEREAS, Subsection 13-306(b) provides that proposed amendments to the Official Zoning Map be evaluated by the Administrative Official, the Local Planning Agency and the Town Council; and

WHEREAS, the Administrative Official reviewed the proposed amendment to the Official Zoning Map and recommends approval, as set forth in the Staff Analysis and Recommendation dated January 23, 2018; and

WHEREAS, the Town Council appointed the Planning and Zoning Board as the Local Planning Agency (LPA) for the Town pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, on January 23, 2018, after conducting a properly noticed quasi-judicial public hearing, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, acted in accordance with state law, and in specific compliance with Section 163.3174, Florida Statutes and has reviewed and recommends approval of the rezoning; and

WHEREAS, on February 5, 2018, after conducting a properly noticed quasi-judicial public hearing and considering the comments of the public, and the recommendations of Local Planning Agency and the Administrative Official, the Town Council moved the proposed amendment on first reading; and

WHEREAS, on _____ 2018, the Town Council conducted a properly advertised quasi-judicial public hearing on the proposed amendment; and

WHEREAS, the Town Council finds it in the public interest to adopt the proposed amendment to the Official Zoning Map.

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

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Findings. After considering Staff's Recommendation and Analysis, both submitted in writing and presented orally and which is accepted as substantial competent evidence, testimony of the Applicant, and the public, the Town Council finds, pursuant to Subsection 13-306(b) of the Town Code, that the proposed amendment to the Official Zoning Map is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Official Zoning Map found in Subsection 13-306(b) of the Town Code.

Section 3. Approval of Rezoning. The Town Council hereby adopts the amendment to the

Official Zoning Map for the Property described at Exhibit "A" and depicted in Exhibit "B", from the G U , Interim District, to the RO-13, Low Density Residential/Office District.

Section 4. Direction to the Administrative Official. Pursuant to Subsection 13-306(d), the Town Council hereby directs the Administrative Official to make the appropriate changes to the Official Zoning Map to implement the terms of this Ordinance.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Effective date. This Ordinance shall become effective after second reading and upon the Applicant's payment in full of all fees associated with the Applicant's request.

FIRST READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Frank Mingo	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this _____ day of February, 2018.

SECOND READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on second reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this _____ day of March, 2018.

Manny Cid
Mayor

Attest:

Gina M. Inguanzo
Town Clerk

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
Town Attorney

EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT B

MAP



Town of Miami Lakes Memorandum

To: Honorable Chairman and Members of the Local Planning Agency
From: Darby Delsalle, AICP, Director
Subject: NW 77th Ave Rezoning
Date: 1/23/2018

Recommendation:

Staff recommends approval of the proposed ordinance rezoning the property as described in Exhibit "A" of said ordinance, from GU, Interim District, to RO-13, Low Density Residential/Office.

Background:

The subject property is an irregularly shaped and undeveloped lot consisting of three (3) parcels, much of which is encumbered by easements owned by Florida Power and Light (FPL). FPL has transmission lines that traverse approximately two-thirds (2/3) of the land. The property is located at the south end of NW 77 Avenue east of the Palmetto Expressway (SR 826). The Applicant is requesting a rezoning for this undeveloped property as part of a larger development plan to construct an office building at the site. The applicant's development application could proceed without the rezoning given the nature of the GU, Interim zoning district, which is a place holder of sorts for lands not previously assigned a more specific designation. Development of a GU parcel follows the trending of development of other contiguous properties, in this case RO-13. For purposes of greater clarity, it is preferred that the land be rezoned consistent with the adjacent office/residential district and the underlying Office/Residential land use designation. By squarely aligning the property with the zoning regulations that would otherwise apply, future development of the land may follow a more predictable path. It is the Applicant's intent to bring to the Town Council a site plan application for an office building on the property when this rezoning request returns for second reading. Nevertheless, this request should stand on its own merits as a RO-13 rezoning is most appropriate for the property regardless of any current or future site plan request.

ATTACHMENTS:

Description

Ordinance

Exhibit A - Survey

Exhibit B - Proposed zoning map

Staff Report

ORDINANCE NO.18- ____

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING THE OFFICIAL ZONING MAP TO REZONE A 2.07 +/- ACRE PROPERTY LOCATED AT 14575 NW 77 AVENUE (FRONTAGE ROAD), AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT “A”, FROM THE G U , INTERIM DISTRICT, TO RO-13, LOW DENSITY RESIDENTIAL/OFFICE DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR DIRECTION TO THE ADMINISTRATIVE OFFICIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 13-306 of the Code of the Town of Miami Lakes ("Town Code"), Alari Holding 1, LLC., (the "Applicant") applied for an amendment to the Official Zoning Map from the G U , Interim District, to the RO-13, Low Density Residential/Office District on a 2.07 +/- acre property located 14575 NW 77th Avenue, Miami Lakes, Florida (the "Property") as described at Exhibit "A", attached hereto and incorporated herein by reference; and

WHEREAS, a map depicting the Property to be rezoned is attached as Exhibit “B”, attached hereto and incorporated herein by reference; and

WHEREAS, Subsection 13-306(b) provides that proposed amendments to the Official Zoning Map be evaluated by the Administrative Official, the Local Planning Agency and the Town Council; and

WHEREAS, the Administrative Official reviewed the proposed amendment to the Official Zoning Map and recommends approval, as set forth in the Staff Analysis and Recommendation dated <DATE>, 2018; and

WHEREAS, the Town Council appointed the Planning and Zoning Board as the Local Planning Agency (LPA) for the Town pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, on January 23, 2018, after conducting a properly noticed quasi-judicial public hearing, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, acted in accordance with state law, and in specific compliance with Section 163.3174, Florida Statutes and has reviewed and recommends approval of the rezoning; and

WHEREAS, on February _____, 2018, after conducting a properly noticed quasi-judicial public hearing and considering the comments of the public, and the recommendations of Local Planning Agency and the Administrative Official, the Town Council moved the proposed amendment on first reading; and

WHEREAS, on March _____, 2018, the Town Council conducted a properly advertised quasi-judicial public hearing on the proposed amendment; and

WHEREAS, the Town Council finds it in the public interest to adopt the proposed amendment to the Official Zoning Map.

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

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Findings. After considering Staff's Recommendation and Analysis, both submitted in writing and presented orally and which is accepted as substantial competent evidence, testimony of the Applicant, and the public, the Town Council finds, pursuant to Subsection 13-306(b) of the Town Code, that the proposed amendment to the Official Zoning Map is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Official Zoning Map found in Subsection 13-306(b) of the

Town Code.

Section 3. Approval of Rezoning. The Town Council hereby adopts the amendment to the Official Zoning Map for the Property described at Exhibit "A" and depicted in Exhibit "B", from the GU, Interim District, to the RO-13, Low Density Residential/Office District.

Section 4. Direction to the Administrative Official. Pursuant to Subsection 13-306(d), the Town Council hereby directs the Administrative Official to make the appropriate changes to the Official Zoning Map to implement the terms of this Ordinance.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Effective date. This Ordinance shall become effective after second reading and upon the Applicant's payment in full of all fees associated with the Applicant's request .

FIRST READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this _____ day of February, 2018.

SECOND READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on second reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this _____ day of March, 2018.

Manny Cid
Mayor

Attest:

Gina M. Inguanzo
Town Clerk

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
Town Attorney

EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT B

MAP

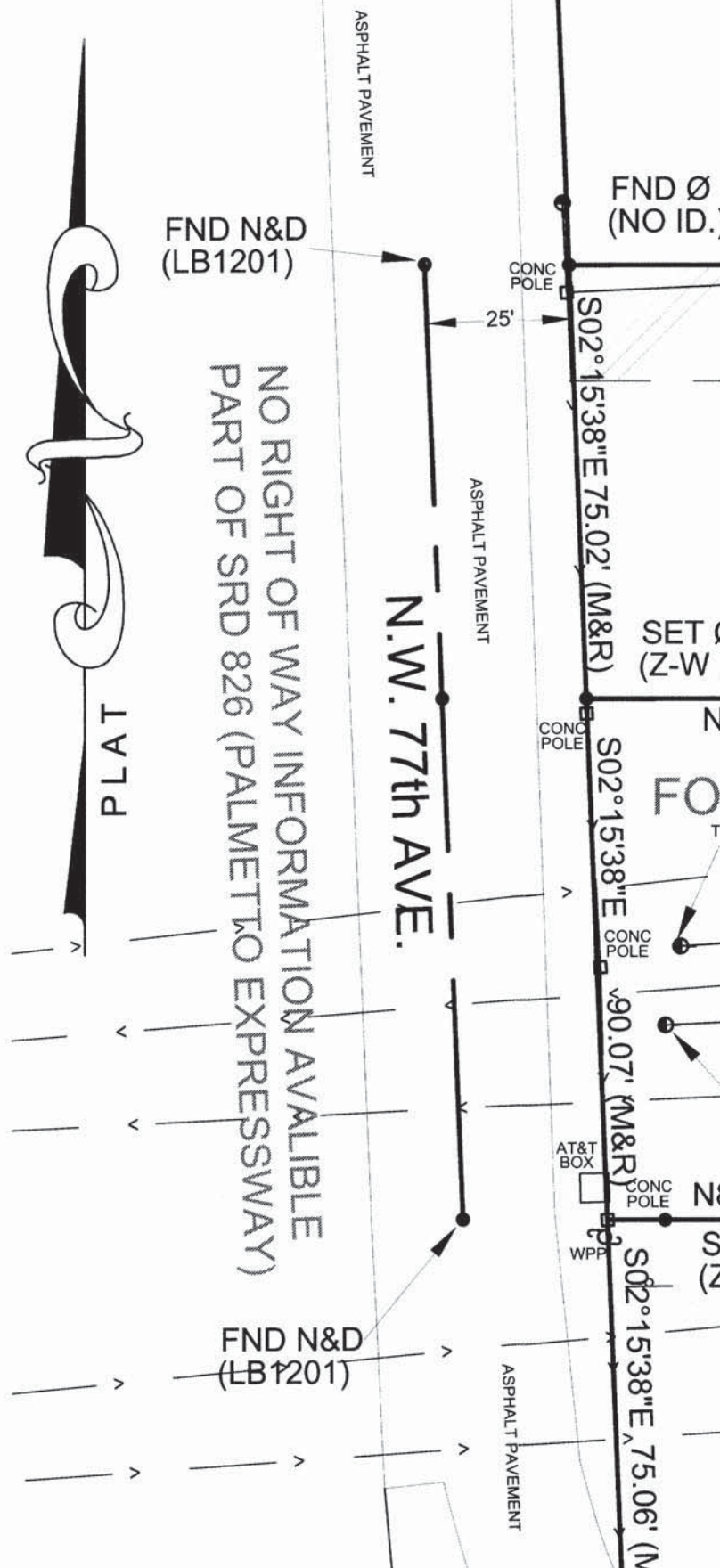
SYMBOL LEGEND:

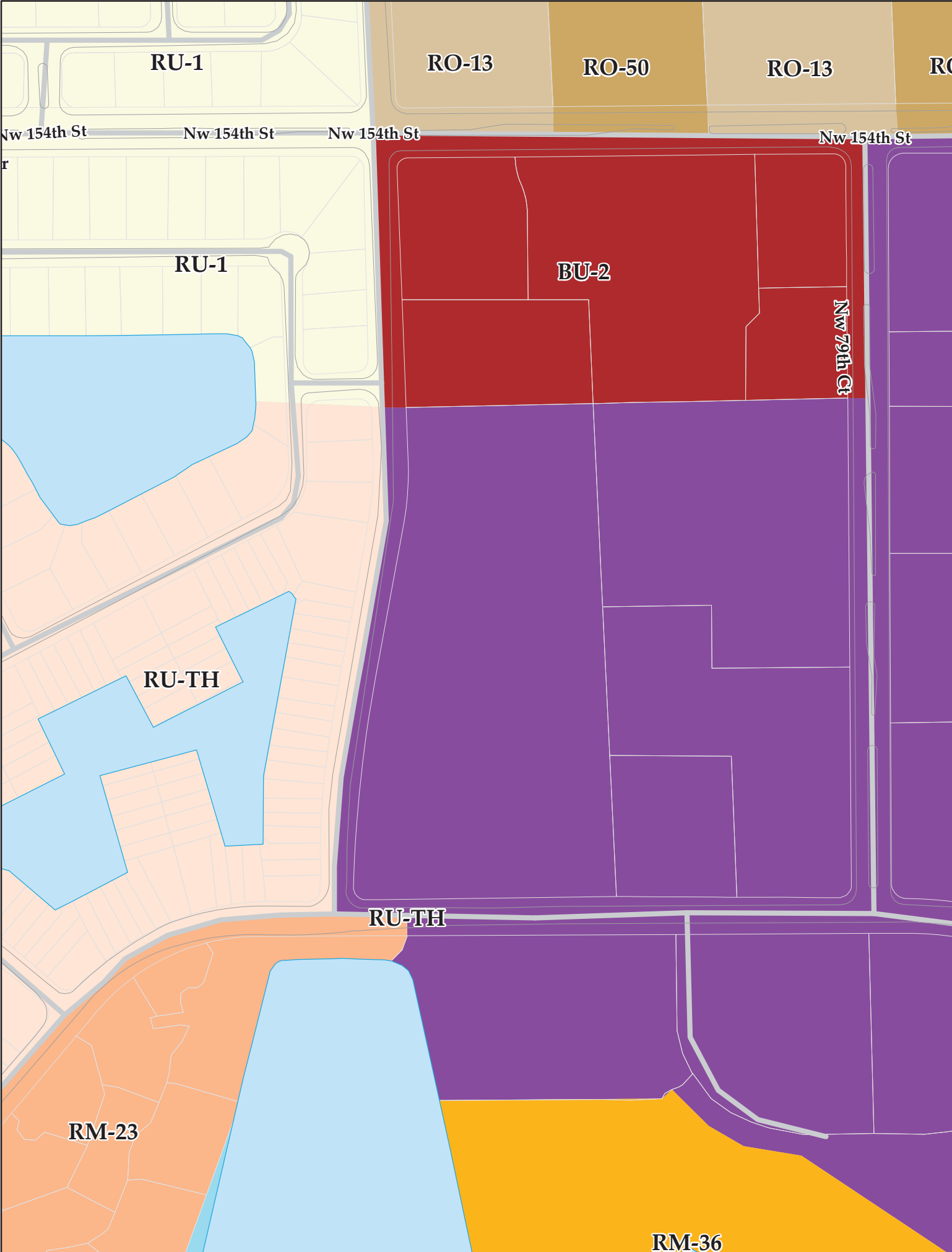
BOUNDARY

-  LIGHT POLE
-  TYPICAL STATION
-  UTILITY POLE
-  MAIL BOX
-  ELECTRIC BOX
-  TRAFFIC SIGNAL BOX
-  FIRE HYDRANT
-  STORM SEWER/CATCH BASIN
-  WATER METER
-  SIGN
-  TELEPHONE BOX
-  WATER VALVE
-  ELEVATIONS
-  TRAFFIC LANE FLOW
-  CENTER LINE
-  MONUMENT LINE
-  DIAMETER.

ABBREVIATIONS:

A	=	ARC
A/C	=	AIR CONDITIONER
BLDG	=	BUILDING
CH	=	CHORD LENGTH
C & G	=	CURB AND GUTTER
CH BR	=	CHORD BEARING
CB	=	CATCH BASIN
CBS	=	CONCRETE BLOCK STUCCO
CLR	=	CLEAR
CLF	=	CHAIN LINK FENCE
CONC	=	CONCRETE
D	=	DELTA
E	=	EAST
EB	=	ENGINEERING BUSINESS LICENSE NUMBER
EL	=	ELEVATION
ELEC	=	ELECTRIC
ELEV	=	ELEVATION
ENC	=	ENCROACHMENT
EP	=	EDGE OF PAVEMENT
FEMA	=	FEDERAL EMERGENCY MANAGEMENT AGENCY
FIP	=	FOUND IRON PIPE
FIR	=	FOUND IRON ROD
FIRM	=	FLOOD INSURANCE RATE MAP
FND	=	FOUND
FPL	=	FLORIDA POWER AND LIGHT CO.
GNSS	=	GLOBAL NAVIGATION SATELLITE SYSTEM
GPS	=	GLOBAL POSITIONING SYSTEM
IP	=	IRON PIPE
L	=	LENGTH
LB	=	SURVEYING & MAPPING BUSINESS LICENSE NUMBER
LS	=	LAND SURVEYOR
M & R	=	MEASURED AND RECORD
MEAS	=	MEASURED
MH	=	MAN HOLE
N	=	NORTH
N/A	=	NOT APPLICABLE
N & DISC	=	NAIL & DISC
NAD27	=	NORTH AMERICAN DATUM OF 1927
NAD83	=	NORTH AMERICAN DATUM OF 1983
NAD83/90	=	NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT
NFIP	=	NATIONAL FLOOD INSURANCE PROGRAM
NGS	=	NATIONAL GEODETIC SURVEY
No	=	NUMBER







Planning Department
6601 Main Street • Miami Lakes, Florida 33014
Office: (305) 364-6100 • Fax: (305) 558-8511
Website: www.miamilakes-fl.gov

Staff Analysis and Recommendation

To: Honorable Chairman and Members of the Local Planning Agency

From: Darby Delsalle, AICP, Planning Director

Subject: **HEARING NUMBER:** ZONE2017-0614
APPLICANT: Alari Holdings I, LLC
FOLIO: 32-2023-001-0550;
32-2023-001-0560;
32-2023-001-0541
LOCATION: 14575 NW 77 Avenue
ZONING GU – Interim District
FUTURE LAND USE: Office/Residential

Date: January 23, 2017

A. REQUEST

In accordance with the Town of Miami Lakes Land Development Code (the “Code”), Alari Holdings I, LLC (the “Applicant”) is requesting an amendment to the Official Zoning Map (a “rezoning”) from the GU, Interim District, to RO-13, Low Density Residential/Office District for the property described at Exhibit “A” of the proposed ordinance.

B. SUMMARY

The Applicant is requesting a rezoning for this undeveloped property as part of a larger development plan to construct an office building at the site. The applicant’s development application could proceed without the rezoning given the nature of the GU, Interim zoning district. The GU district is a place holder of sorts for lands not previously assigned a more specific designation. Development of a GU parcel is supposed to follow the trending of development of other contiguous properties, in this case RO-13. It is preferred, however, to simply have land rezoned consistent with the adjacent office/residential district and the underlying Office/Residential land use designation. By squarely aligning the property with the zoning regulations that would otherwise apply, future development of the land may follow a more predictable path.

It is the Applicant’s intent to bring to the Town Council a site plan application for an office building on the property when this rezoning request returns for second reading. Nevertheless, this request

should stand on its own merits, as a RO-13 rezoning is most appropriate for the property regardless of any current or future site plan request.

C. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends that the Town Council approve the proposed ordinance rezoning of the property as described in Exhibit "A" of said ordinance, from GU, Interim District, to RO-13, Low Density Residential/Office.

D. BACKGROUND

Existing Zoning District: GU, Interim District

Proposed Zoning District: RO-13 Low Density Residential/ Office

Future Land Use Designation: OR Office/Residential

Subject Site:

The subject property is an irregularly shaped and undeveloped lot consisting of three (3) parcels, much of which is encumbered by easements owned by Florida Power and Light (FPL). FPL has transmission lines that traverse approximately two-thirds (2/3) of the land. The property is located at the south end of NW 77 Avenue east of the Palmetto Expressway (SR 826). East of the property is an area zoned GU that is developed as an FPL transfer station. The land north of the property is zoned RO-13 and developed with a two (2) story office building; the lands to immediate south are zoned GU and part of FDOT's rights-of-way for SR 826.

Surrounding Property:

	Land Use Designation	Zoning District
North:	OFFICE RESIDENTIAL (OR)	RO-13 Low Density Residential/Office
South:	LOW DENSITY RESIDENTIAL (LD)	Interim District (GU)
East:	LOW DENSITY RESIDENTIAL (LD)	Interim District (GU)
West:	LOW DENSITY RESIDENTIAL (LD)	Interim District (GU)

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Subject Property Location Map:

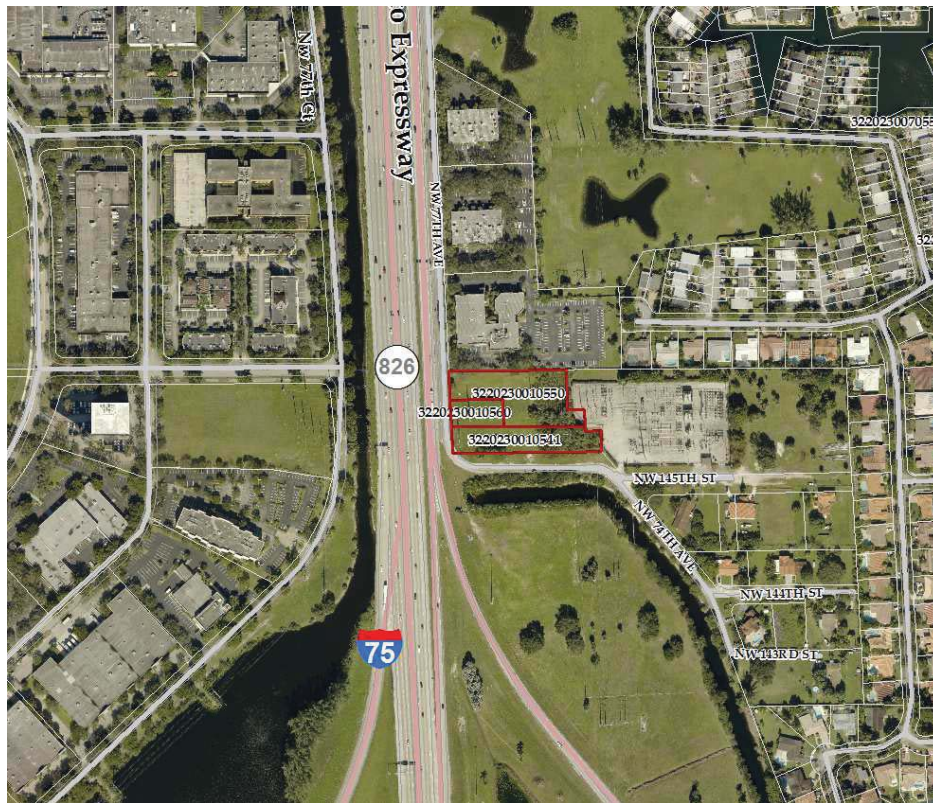


Figure 1: Location aerial and folio numbers

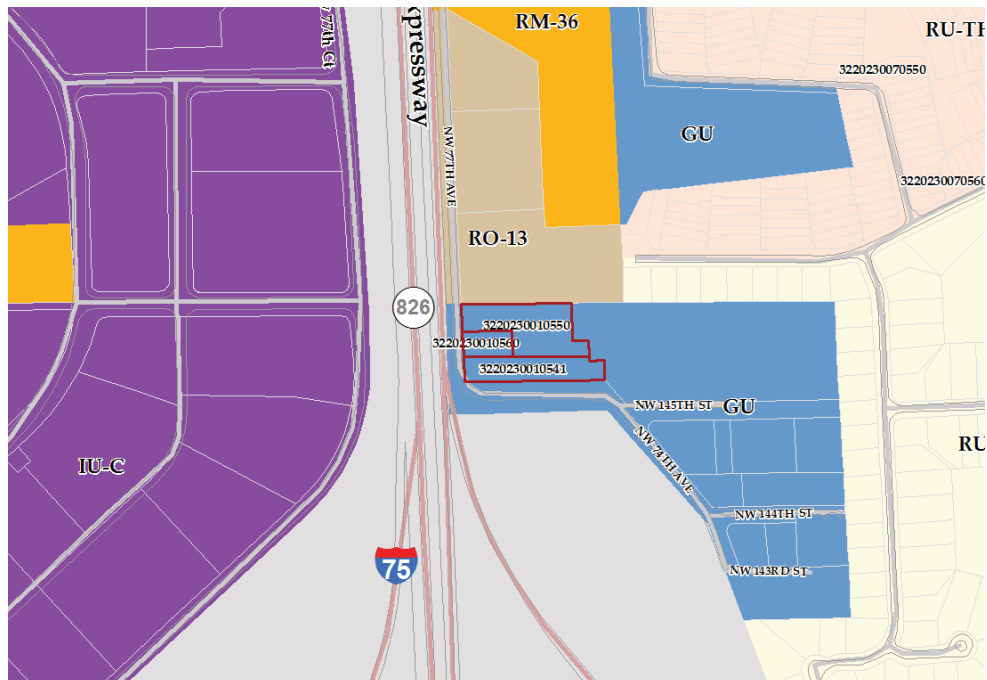


Figure 2: Existing zoning map

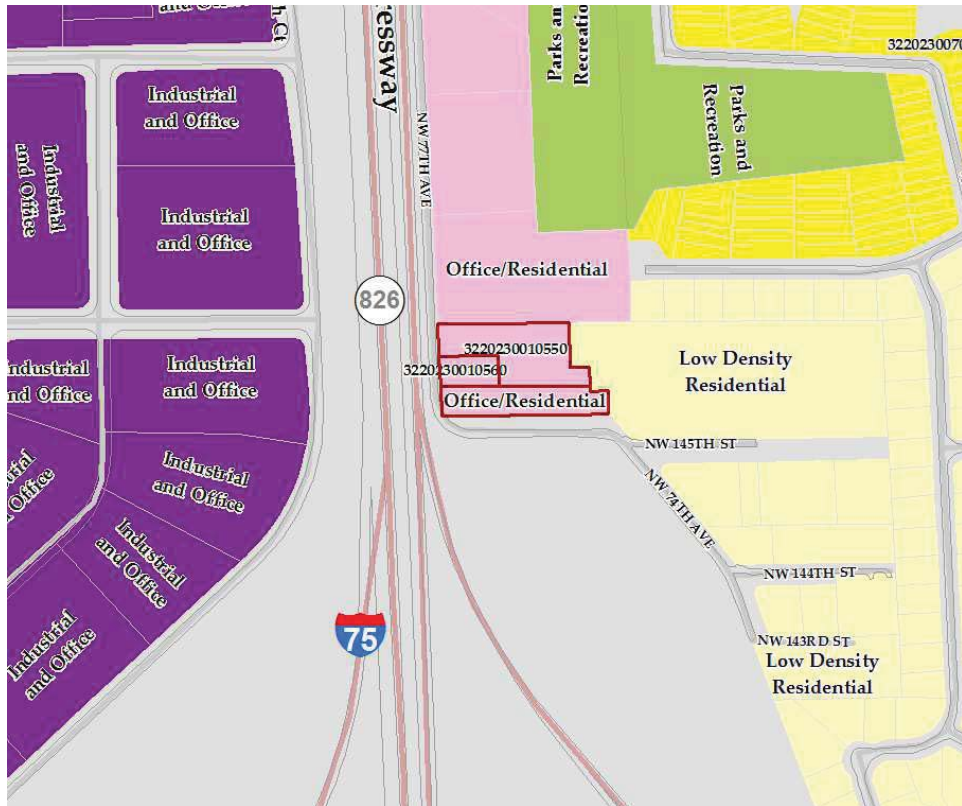


Figure 3: Existing Future Land Use map

E. ADJACENT MOBILITY PROJECTS

On April, 25, 2016, the Town Council of the Town of Miami Lakes adopted Ordinance No. 16-192, establishing the Town's Mobility Fee Program. The program is a replacement for traditional transportation concurrency review as provided for by Florida Statutes, and seeks to enhance internal Town mobility through the use of several modalities. The comprehensive approach identifies specific projects throughout the Town, all aimed at improving traffic and mobility improvements. The projects identified below have been adopted by the Town Council as part of that initiative and are described herein due to their adjacency to the proposal that is the subject of this report.

Initiative: Reconfiguration of the SR 826/Palmetto Expressway and NW 154th Street, which includes the following:

- a. Widening of NW 154th Street from NW 82nd Avenue to NW 77th Avenue;
- b. Direct ramp to I-75 from NW 154th Street;
- c. East-West underpass across the Palmetto Expressway at NW 146th Street.

Status: Project is in the design phase with an expected completion by 2nd Quarter 2018. Construction is to commence FY 2021. Project will alleviate congestion on NW 154th Street, by providing an enhanced access point onto I-75, and creating an additional east/west connectivity point within the Town.

Initiative: Adaptive Signalization on NW 154th Street from NW 87th Avenue to NW 77th Avenue.

Status: The Town Council approved the procurement of the Adaptive Signalization equipment and has entered an Inter-local for its installation, maintenance and operation. Miami-Dade County Traffic Engineering is completing assessment of existing infrastructure for compatibility.

Initiative: Greenway Trail along NW 77th Court from NW 170th Street to its terminus at the proposed dog park near NW 82nd Avenue.

Status: Project is in the design phase and provides for a ten (10) foot shared use pathway. Construction to be aligned with FDOT's SR 826 project with provides improvement in and around NW 154th Street with a projected start of FY 2021.

Initiative: Construction of a new Park-and-Ride Facility at Par 3 near NW 77th Avenue.

Status: Town is working with the Graham Companies on the land transfer for the Park-N-Ride Facility and is coordinating with Miami-Dade County Public Works and Transportation to secure funding through Miami-Dade County road impact fees.

F. Open Building Permit(s) / Open Code Compliance Violation(s)

There are no open building permits associated with this property.

G. ZONING HISTORY

The site is currently undeveloped. It has been zoned GU since the Town's incorporation.

H. PROCEDURALLY

This application is initiated by the owner of the land involved, and it is part and parcel with a development plan to construct an office building on the property. As such, this particular request, and any companion applications as provided under separate cover, shall proceed under quasi-judicial rules as the benefit inures to that specified development plan. When this item returns for second reading, it will be accompanied by a site plan request. The rezoning request shall be voted on before the site plan request.

I. ANALYSIS

The Land Development Code (LDC) provides that all proposed amendments to the Official Zoning Map and to the text of the LDC shall be evaluated by the Administrative Official, the Local Planning Agency and the Town Council, and that, in evaluating the proposed amendment, the criteria in Subsection 13-306(b) shall be considered. All portions of this report are hereby incorporated into all portions of this analysis. The following is a staff analysis of the criteria as applied to this application:

1. **Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.**

The following is a broad review of the relevant Goals Objectives and Policies (GOP's) of the Comprehensive Plan. Portions of Element 8, Capital Improvement Element, that address Level of Service (LOS) standards, as found more specifically at Policy 8.3.5, are not specifically enumerated here as they merely are a redundancy of the GOP's analyzed below. The review provided below includes that policy by reference¹.

Analysis: The uses permitted with the proposed RO-13 zoning is consistent with the underlying land use designation of Office Residential (OR) which is defined as follows:

**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 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

¹ Element 8, Capital Improvement Element, of the Comp Plan, provides for Level of Service infrastructure standards within the Town. Policies 2.1.8, 2.2.1, 2.2.2, 4A.1.1, 4B.1, 5.1.1, 8.3.1 are a restatement of Policy 8.3.5 of that element. In the interest of avoiding redundancy, portions of that Policy are not restated here in this report. The analysis provided herein shall equally apply to that policy.

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.

Finding: Complies

Policy 2.1.8: In-lieu of traditional transportation concurrency, the Town shall mitigate the mobility impacts of development and redevelopment, and provide a portion of funding needed to implement the improvements identified in the Element, through a mobility fee.

Analysis: See Summary Section, Background Section, and Adjacent Mobility Project Section. Development of this property could proceed without a rezoning. However, the rezoning of this property does serve to properly align the zoning of the land with those to its north that share frontage on NW 77th Avenue, and to provide for a more predictable development standard. Development along this frontage road adjacent to the SR-826 consists of one and two-story office buildings. As such, rezoning of the land to RO-13 provides no greater impact than already potentially exists with the current GU zoning. A number of mobility projects are scheduled for the adjacent roadway connection points as more particularly described at Section E above. Any development of the project is subject to a mobility fee to be determined at time a site plan application and review. A more complete analysis of this standard will be provided at the time of site plan review.

Finding: Consistent.

Objective 2.2: MULTIMODAL LEVELS-OF-SERVICE

Achieve the adopted levels-of-service for vehicular, bicycle, pedestrian and transit modes.

Analysis: See Policy 2.1.8.

Finding: Conditionally complies as provided for at Policy 2.1.8.

Policy 2.2.1: For purposes of capital improvements planning, the Town hereby adopts the following vehicular level of service (LOS) standards:

West of Palmetto Expressway (outside urban infill area): LOS D (90% of capacity at peak hour) or better, except State urban Minor arterial roads which may operate at LOS "E" (100% of capacity at peak hour) or above.

Analysis: See Section E, Mobility Projects, and Policy 2.1.8. The proposed project will benefit from several proposed transportation improvements in the neighboring areas as further specified in Section E, Mobility Projects, of this report.

Finding: Consistent

Policy 4A.1.1: To assure adequate level of service for potable water, the Town hereby adopts the following LOS standard:

- a. Regional Treatment. The regional treatment system shall operate with a rated maximum daily capacity of no less than 2% above the maximum daily flow for the preceding year, and an average daily capacity of 2% above the average daily system demand for the preceding 5 years.
- b. Delivery. Water shall be delivered to users at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi. Unless otherwise approved by the Miami-Dade Fire Department, minimum fire flows based on the land use served shall be maintained as follows:

<u>Land Use</u>	<u>Min. Fire Flow (gpm)</u>
Single Family Residential Estate	500
Single Family and Duplex; Residential on minimum lots of 7,500 sf	750
Multi-Family Residential;	1,500
Semi-professional Offices Hospitals; Schools	2,000
Business and Industry	3,000

- c. Water Quality. Water quality shall meet all federal, state and county primary standards for potable water.
- d. Countywide Storage. Storage capacity available throughout the County for finished water shall equal no less than 15% of the countywide average daily demand.
- e. Maintain the potable water standard of 91 gallons/capita/day.

Policy 4A.2.1: Encourage future development into areas that are already served, or programmed to be served, by MDWASD potable water facilities.

Policy 4B.1.1: To assure adequate level of service for sanitary sewer service, the Town hereby adopts the following LOS standard:

Regional Plants. Regional wastewater treatment plants shall operate with a physical capacity of no less than the annual average daily sewage flow.

Effluent. Effluent discharged from wastewater treatment plants shall meet all federal, state, and county standards.

System. The system shall maintain capacity to collect and dispose of 102 percent of average daily sewage demand for the preceding five years.

Maintain the sanitary sewer standard of 81.9 gallons/capita/day.

Policy 4B.2.1: Encourage future development into areas that are already served, or programmed to be served, by MDWASD sanitary sewer facilities.

Analysis: See Summary Section, Background Section, and Adjacent Mobility Project Section. Development of this property could proceed without a rezoning. However, the rezoning of this property does serve to properly align the zoning of the land with those to its north that share frontage on NW 77th Avenue, and to provide for a more predictable development standard. Development along this frontage road adjacent to the SR-826 consists of one and two-story office buildings. As such, rezoning of the land provides no greater impact than already potentially exists with the current zoning. It will be required that any future construction of the site builds out the required infrastructure for potable water and sewer services. A more complete analysis of this standard will be provided at the time of site plan review.

Finding: Complies.

2. Whether the proposal is in conformance with all applicable requirements of this Code of Ordinances, including this chapter.

Analysis: See Summary Section and Section 1. The application was properly noticed pursuant to Section 13-309 of the Town's Land Development Code. A review of the Land Development Code found no provisions in conflict with the request. The request complies with the underlying land use designation.

Finding: Complies.

3. **Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed change in land use policy.**

Analysis: See Summary Section and Criterion 1. Give that development could proceed without the rezoning, best practices would prefer the rezoning to eliminate any potential unpredictability of development moving forward.

Finding: Complies.

4. **Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land use.**

Analysis: See Summary Section and Background Section, and Criteria 1 and 3.

Finding: Complies.

5. **Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including schools, transportation, water and wastewater services, solid waste disposal, drainage, water supply, recreation, education, emergency services, and similar necessary facilities and services.**

Analysis: See Criterion 1 and all portions of this report. Any development of the site will require compliance with the mobility fee program and water/sewer allocation by Miami-Dade County. Fuller compliance review will be completed at the time of site plan review.

Finding: Complies.

6. **Whether, and the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of any groundwater aquifers, wildlife habitats, and vegetative communities.**

Analysis: No natural features have been identified in the area proposed for rezoning that would potentially be vulnerable to negative impacts of the proposed development permitted by the RO-13 regulations. A fuller review will be required by the Miami-Dade County prior to construction activities.

Finding: Complies.

7. **Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.**

Analysis: See Summary Section and Background Section. The proposed rezoning is not expected to affect adversely property values in the area, or the general welfare. It merely aligns the zoning of the property to the underlying land use on those contiguous properties north of the lot.

Finding: Complies

8. **Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.**

Analysis: See Criteria 1, 3, and 7.

Finding: Complies.

9. **Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of this chapter.**

Analysis: See Summary Section and Criteria 1, 3, and 7.

Finding: Complies.

10. **Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.**

Analysis: See Summary Section and all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed rezoning is appropriate and consistent with the public interest. The Analysis Section addressed the conditions suggested by the Planning and Zoning Board.

Finding: As determined by the Town Council.



Town of Miami Lakes Memorandum

To: Honorable Mayor and Councilmembers
From: Alex Rey, Town Manager
Subject: 14575 NW 77th Ave Office Building
Date: 3/6/2018

Recommendation:

It is recommended that the Town Council conditionally approve the Applicant's Variances and Site Plan requests to allow the construction of a new three (3) story office building to be located at 14757 NW 77th Avenue. The conditions of approval are detailed in the attached Staff Report. The Applicant has agreed to all conditions, which are provided in greater detail in the staff report.

Background:

The proposed project is a three (3) story office development sited on an approximately 2.07-acre parcel on NW 77th Avenue. It is located caddy-corner to and Florida Power and Light (FP&L) transfer station to the east and an office building to the north. Approximately 87% of the property is encumbered with FP&L easements. The applicant has received the appropriate release to locate the parking within the easement areas. The remaining balance of buildable area is limited to less than 12,000 square feet. As such the Applicant is requesting variances to add a third floor and to reduce the front setback from twenty-five (25) feet to twenty (20) feet. The Applicant is also voluntarily proffering a restrictive covenant in the Town's favor prohibiting residential use of the property.

No development orders for this project should be issued until such time that all impact fees are paid, and full cost recovery associated with the Applicant's requests are paid in full to the Town.

ATTACHMENTS:

Description

Resolution

Exhibit A - Siteplan PHSP2017-0592

Exhibit B - Survey

Exhibit C - Rendering

Exhibit D - Traffic Counts

Exhibit E - FP&L Agreement

Exhibit F - DECLARATION OF RESTRICTIONS
Staff Report

RESOLUTION NO. 18-_____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SUBSECTION 13-305(f)(1) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; PERTAINING TO A VARIANCE FROM SECTION 13-545(d) TO PERMIT A THREE (3) STORY BUILDING, AND A VARIANCE FROM SECTION 13-545(c) REDUCING REQUIRED FRONT SETBACK FROM 25 FEET TO 20 FEET; PERTAINING TO A REQUEST IN ACCORDANCE WITH SECTION 13-304(h) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR SITE PLAN APPROVAL; ALL BEING SUBMITTED FOR THE PROPERTY LOCATED AT 14575 NW 77TH AVENUE, AS PROVIDED AT EXHIBIT “A”, MIAMI LAKES, FLORIDA, FOLIO NOS. 32-2023-001-0541, 32-2023-001-0550, AND 32-2023-001-0560, AS DESCRIBED AT EXHIBIT “B”; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Subsection 13-304 of the Town of Miami Lakes ("Town") Land Development Code ("LDC"), Alari Holdings I, LLC and Global Lakeside Development, LLC, (the "Applicant") applied to the Town for approval of a Site Plan, entitled “Proposed Office Building for: Alari 1, LLC,” dated stamped received February 22, 2018, consisting of 10 sheets, as prepared by Alberto O. Gonzalez Architect, PA. a copy of the Site Plan (the “Site Plan”) being attached hereto as Exhibit "A", for property located at 14757 SW 77th Avenue, bearing Miami-Dade Tax Folio Nos. 32-2023-001-0541, 32-2023-001-0550, AND 32-2023-001-0560, and legally described on the survey as provided in Exhibit "B" (“Property”), and containing approximately 2.07 acres of land; and

WHEREAS, pursuant to Section 13-305(f)(1) of the Town’s LDC, the Applicant is requesting relief from Section, 13-545(d) to increase the maximum permitted height from two (2) stories to three (3) stories, and relief from Section 13-545-(c), requesting to reduce the required front yard setback from twenty-five (25) to twenty (20) feet as further depicted on the Site Plan attached to this Resolution; and

WHEREAS, in accordance with Section 13-309 of the Town LDC, proper notice was mailed to the appropriate property owners of record, notice was posted at the property, and duly advertised in the newspaper; for a quasi-judicial public hearing on the Variance Requests and Site Plan as noticed for Tuesday, March 6, 2018, at 6:30 P.M. at Town Hall, 6601 Main Street, Miami Lakes, Florida; and all interested parties had the opportunity to address their comments to the Town Council; and

WHEREAS, on March 6, 2018, at the properly noticed quasi-judicial hearing held by the Town Council of the Town of Miami Lakes, after hearing testimony from staff, the applicant, the public, and other testimony, both verbal, and written, as incorporated herein by reference, the Town Council determined that the requested variances meet the criteria set forth by section 13-305(f)(1), and determined the submitted site plan meets the criteria of section 13-304(h) for approval; and

WHEREAS, the Town Council now desires to approve the Applicant's Variances and Site Plan requests.

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

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Findings. In consideration of all the submitted evidenced, both verbal and written, as provided at the March 6, 2018 hearing, the Town Council finds, in accordance with Section 13-305(f)(1) of the Towns LDC, that the following variance requests:

1. Section 13-545(d) increase the maximum permitted height from two (2) stories to three (3) stories; and
2. Section 13-545(c) reducing the required front yard setback from twenty-five (25) feet to twenty (20) feet;

are in conditional compliance with the following criteria:

(1) *Practical difficulty.* The application may be considered under the requirements of practical difficulty as set forth herein. Any approval or approval with modifications and/or conditions, of a variance based on practical difficulty shall require a majority vote of the members of the Town Council or designated Town board present at the meeting. In order to authorize any variance application from the requirements of this chapter on the basis of practical difficulty, the Town Council or designated Town board shall balance the rights of property owners in the Town as a whole against the need of the individual property owner to deviate from the requirements of this chapter based on an evaluation of the factors below. All of the factors should be considered and given their due weight; however, no single factor is dispositive:

- a. Whether the Town has received written support of the specifically identified variance requests from adjoining property owners;
- b. Whether approval of the variance would be compatible with development patterns in the Town;
- c. Whether the essential character of the neighborhood would be preserved;
- d. Whether the variance can be approved without causing substantial detriment to adjoining properties;
- e. Whether the variance would do substantial justice to the property owner as well as to other property owners justifying a relaxation of this chapter to provide substantial relief;
- f. Whether the plight of the applicant is due to unique circumstances of the property and/or applicant which would render conformity with the strict requirements of this chapter unnecessarily burdensome; and
- g. Whether the special conditions and circumstances which exist are the result of actions beyond the control of the applicant;

and,

in consideration of all the submitted evidenced, both verbal and written, as provided at the March 6, 2018 hearing, the Town Council finds, in accordance with and in accordance with Section 13-308(h), that the Application conditionally meets the criteria for Site Plan Approval which are as follows:

- (1) In what respects the plan is or is not consistent with the Comprehensive Plan, the purpose and intent of the zoning district in which it is located and any design or planning studies adopted by the Town Council that include recommendations applicable to the design of the site under review.
- (2) In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.
- (3) In what respects the plan is or is not in conformance with Town code requirements including:
 - a. The design and construction of streets, utility facilities and other essential services as may be required by the Town or other governmental agencies.

- b. Internal and external circulation, including vehicular, bicycle and pedestrian. Circulation systems shall serve the needs of the development and be compatible with, and functionally integrate with, circulation systems outside the development. Vehicular traffic from non-residential development shall be routed so as to minimize impacts on residential development.
- (4) 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:
- a. Design and architectural standards as provided at section 13-311.
 - b. Disposition of open space, use of screening or buffering where appropriate to provide a logical transition to existing, permitted or planned uses on adjoining properties.
 - c. Landscaping that enhances architectural features, strengthens vistas and important axes, provides shade, blocks noise generated by major roadways and intense-use areas and, to the maximum extent practicable, preserves existing trees on-site.
 - d. All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape.
 - e. Service areas shall be screened and so located as to minimize or eliminate visibility, to the greatest extent possible, from the public right-of-way and other properties.
 - f. Design of the site shall ensure adequate access for emergency vehicles and personnel.
 - g. Design of the site shall utilize strategies to provide for the conservation of energy and natural resources, including water.
- (5) 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.

Section 3. Approval of Variances. Pursuant to Section 13-305(f)(1) of the Towns LDC, the proposed Variances identified at Section 2 of this Resolution as so associated with plans entitled “Proposed Office Building for Alari 1, LLC,” dated stamped received February 22, 2018, consisting of 10 sheets, as prepared by Alberto O. Gonzalez Architect, PA, a copy of the Site Plan (the “Site Plan”) being attached hereto as Exhibit “A”, is hereby Approved with the following condition:

1. The front setback area shall be further developed to better address the sidewalk as well as serve as an open urban space of entry into the future Par3 park.
2. Fencing is not permitted along the NW 77th Avenue

3. The northside setback shall be developed as a bicycle path, open to the public, granting entrance and passage into the future Par3 park.
4. All mechanical equipment shall be located on the roof.
5. The Applicant shall obtain all required building permits, within one (1) year of the date of this approval. If all required building permits are not obtained or an extension granted not within the prescribed time limit, this approval shall become null and void.

Section 4. Approval of Site Plan. Pursuant to Section 13-304(h), the proposed Site Plan entitled “Proposed Office Building for: Alari 1, LLC,” dated stamped received February 22, 2018, consisting of 10 sheets, as prepared by Alberto O. Gonzalez Architect, PA a copy of the Site Plan (the “Site Plan”) being attached hereto as Exhibit "A", is hereby Approved with the following conditions:

1. The project shall be developed in substantial compliance with the approved Site Plan.
2. Approval of the Variance requests for a third floor and for a reduced front setback and any conditions related thereto.
3. Prior to the issuance of a building permit authorizing any construction, all required impact fees, including Mobility Fees, must be paid in full.
4. Prior to permitting, all civil plans must be finalized and in substantial compliance with the Site Plan.
5. Prior to permitting, the project shall secure all approvals for water and sewer and shall receive approval from the Miami-Dade Fire Rescue Department.
6. The Applicant shall obtain a Certificate of Use (CU), upon compliance with all the terms and conditions of this approval, the same subject to cancellation by the Town upon violation of any of the conditions. Business tax receipt shall be obtained if applicable.
7. The Applicant shall obtain all required building permits, within one (1) year of the date of this approval. If all required building permits are not obtained or an extension granted not within the prescribed time limit, this approval shall become null and void.
8. Compliance with all other applicable laws not specifically identified herein.
9. All fees associated with this request that are owed to the Town be paid in full prior to issuance of development order.

Section 5. Violation of Conditions. Failure to adhere to the terms and conditions of this Resolution shall be considered a violation of the Town LDC and persons found violating the conditions shall be subject to the penalties prescribed by the Town LDC, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town LDC

before it may commence operation, and that the foregoing approval in this Resolution may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town LDC.

Section 6. Appeal. In accordance with Section 13-310 of the Town LDC, the Applicant, or any affected party may seek review of development orders of the Town Council by the filing of an appeal or writ of certiorari in the appropriate court as prescribed in the Florida Rules of Appellate Procedure.

Section 7. Final Order.

This is a Final Order.

Section 8. Effective Date. This Resolution shall become effective immediately upon adoption hereof.

[THIS SPACE INTENTIONALLY LEFT BLANK]

PASSED AND ADOPTED this ____ day of March, 2018.

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

FINAL VOTE AT ADOPTION

Mayor Manny Cid	_____
Vice Mayor Frank Mingo	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____
Councilmember Marilyn Ruano	_____

Manny Cid
MAYOR

Attest:

Approved as to Form and Legal Sufficiency

Gina Inguanzo
TOWN CLERK

Raul Gastesi
TOWN ATTORNEY

This Resolution was filed in the Office of the Town Clerk on this ____ day of _____, 2018.

Gina Inguanzo
Town Clerk

EXHIBIT A

SITE PLAN

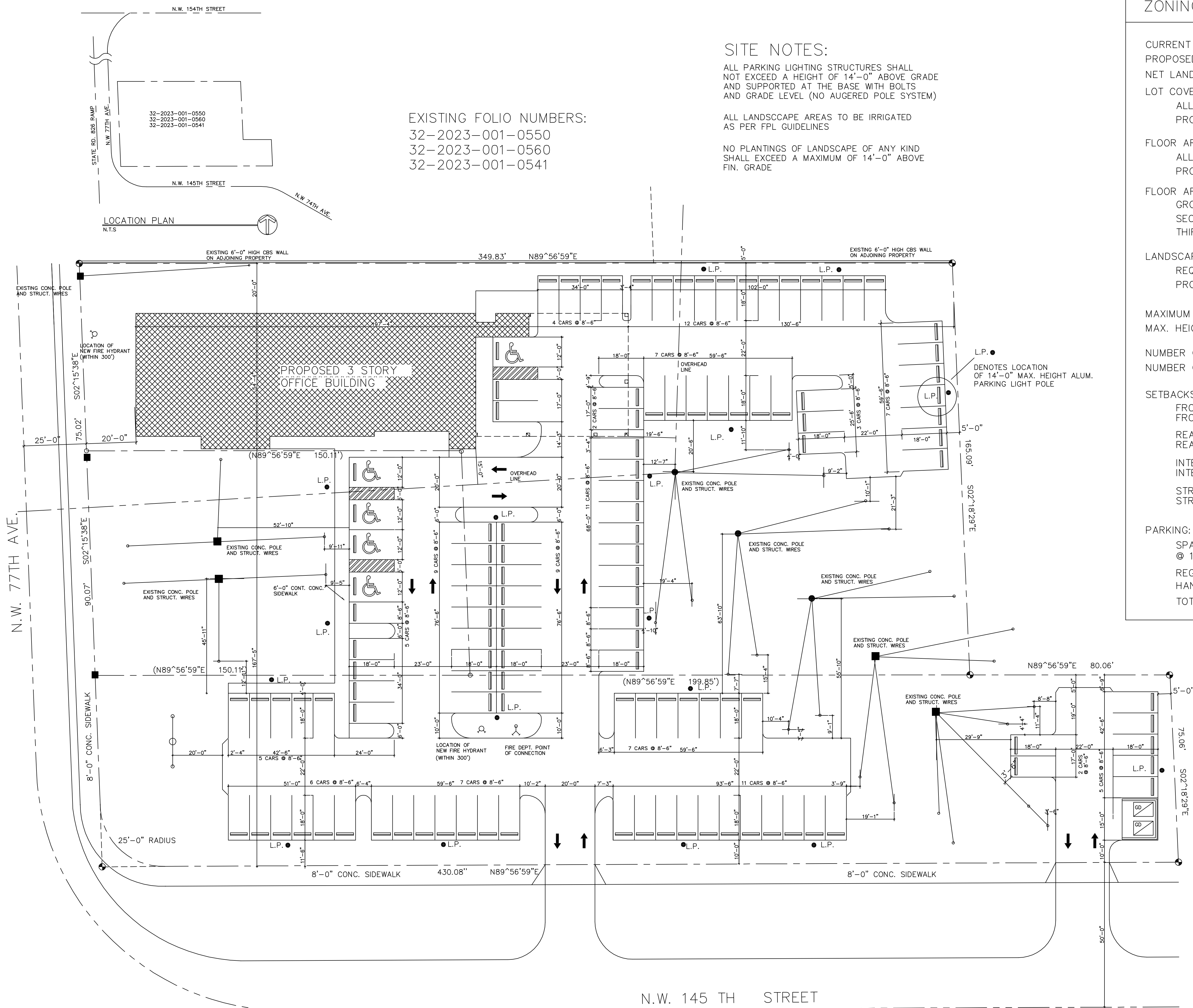
EXHIBIT B

SURVEY

EXHIBIT C

RENDERING





SITE NOTES:

ALL PARKING LIGHTING STRUCTURES SHALL NOT EXCEED A HEIGHT OF 14'-0" ABOVE GRADE AND SUPPORTED AT THE BASE WITH BOLTS AND GRADE LEVEL (NO AUGERED POLE SYSTEM)

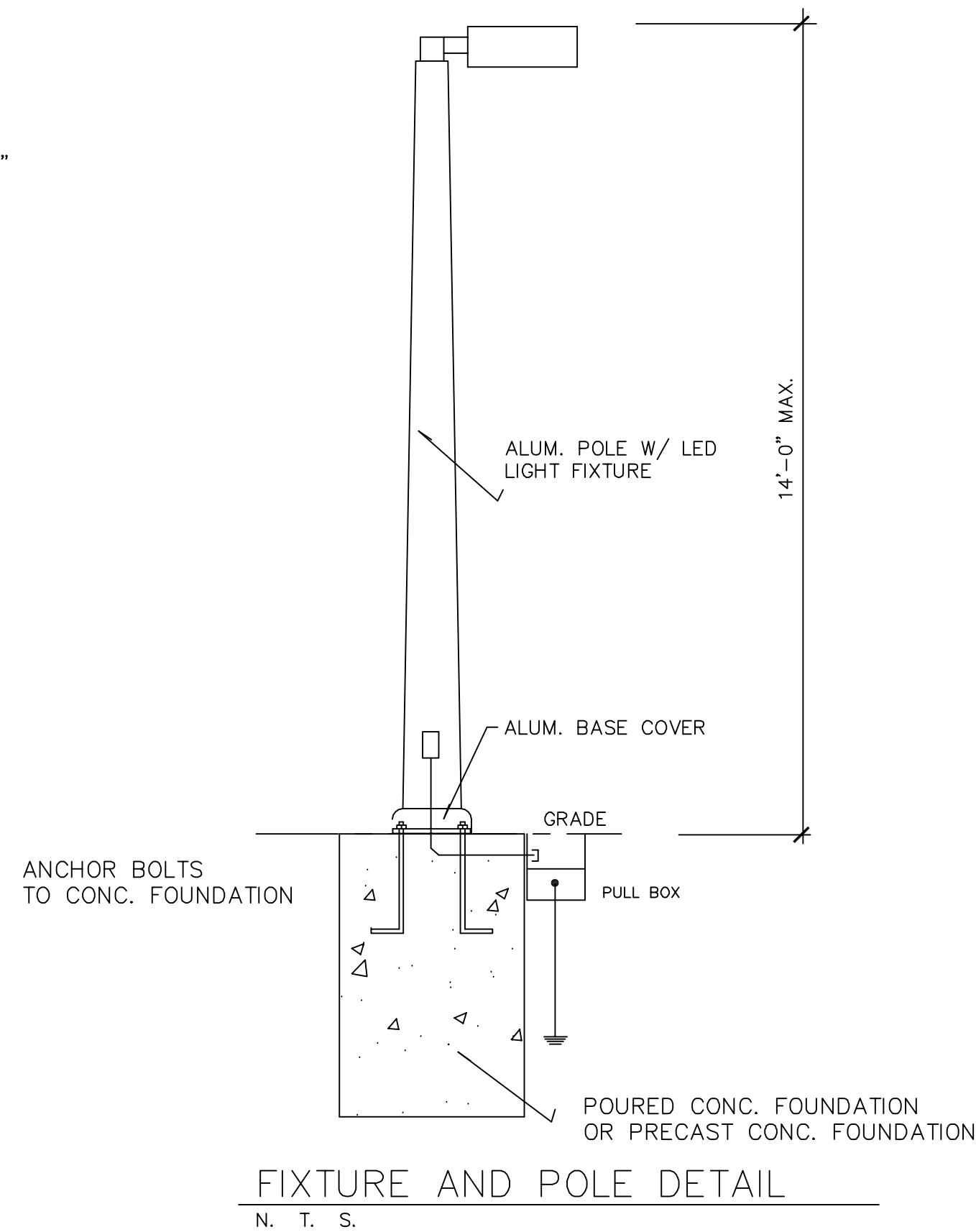
ALL LANDSCAPE AREAS TO BE IRRIGATED AS PER FPL GUIDELINES

NO PLANTINGS OF LANDSCAPE OF ANY KIND SHALL EXCEED A MAXIMUM OF 14'-0" ABOVE FIN. GRADE

EXISTING FOLIO NUMBERS:

32-2023-001-0550
32-2023-001-0560
32-2023-001-0541

ZONING LEGEND:	
CURRENT ZONING:	INTERIM USE
PROPOSED ZONING:	RO-13
NET LAND AREA:	2.07 ACRES - 90,169.20 SQFT
LOT COVERAGE:	
ALLOWED (30%):	27,050.76 SQFT
PROVIDED (11.6%):	10,535 SQFT
FLOOR AREA RATIO:	
ALLOWED (60%):	54,101.52 SQFT
PROVIDED (31.3%):	28,240 SQFT
FLOOR AREA (PER FLOOR):	
GROUND FLOOR:	7,330 SQFT
SECOND FLOOR:	10,590 SQFT
THIRD FLOOR:	10,120 SQFT
	28,040 SQFT
LANDSCAPE OPEN SPACE:	
REQUIRED MIN. (30%):	27,050.76 SQFT
PROVIDED (46.7%):	42,195 SQFT
MAXIMUM HEIGHT ALLOWED:	35'-0"
MAX. HEIGHT PROVIDED:	51'-0"
NUMBER OF STORIES ALLOW.:	2
NUMBER OF STORIES PROV.:	3
SETBACKS:	
FRONT REQUIRED:	25'-0"
FRONT PROVIDED:	20'-0" VARIANCE
REAR REQUIRED:	25'-0"
REAR PROVIDED:	130'-6"
INTERIOR SIDE REQUIRED:	15'-0"
INTERIOR SIDE PROVIDED:	20'-0" FPL EASEMENT
STREET SIDE REQUIRED:	15'-0"
STREET SIDE PROVIDED:	167'-5"
PARKING:	
SPACES REQUIRED @ 1 SPACE/ 300 SQFT	94 SPACES
REGULAR SPACES PROVIDED:	114 SPACES
HANDICAP SPACES PROVIDED:	5 SPACES
TOTAL SPACES PROVIDED:	119 SPACES



S I T E P L A N

SC: 1" = 20'-0"

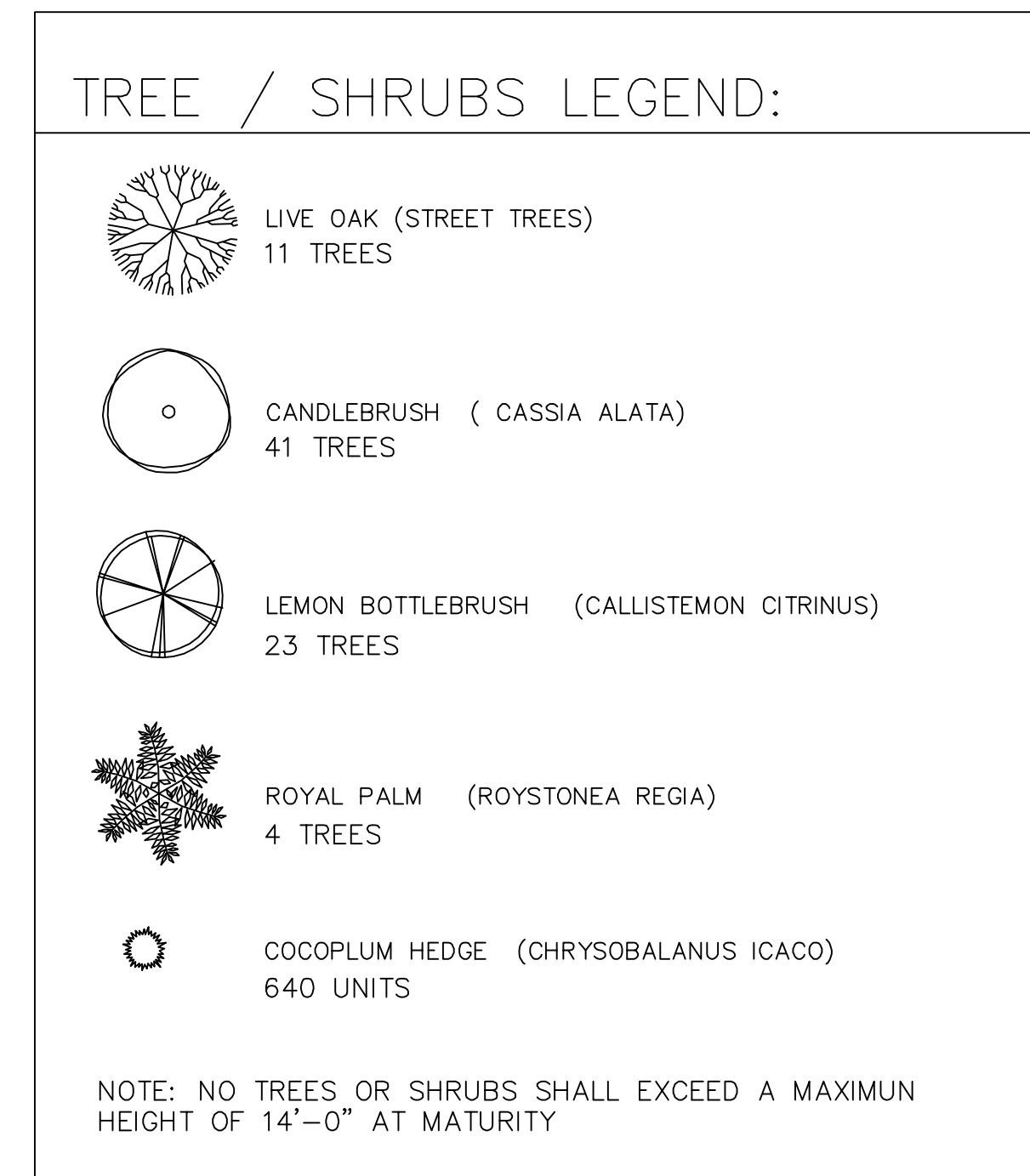
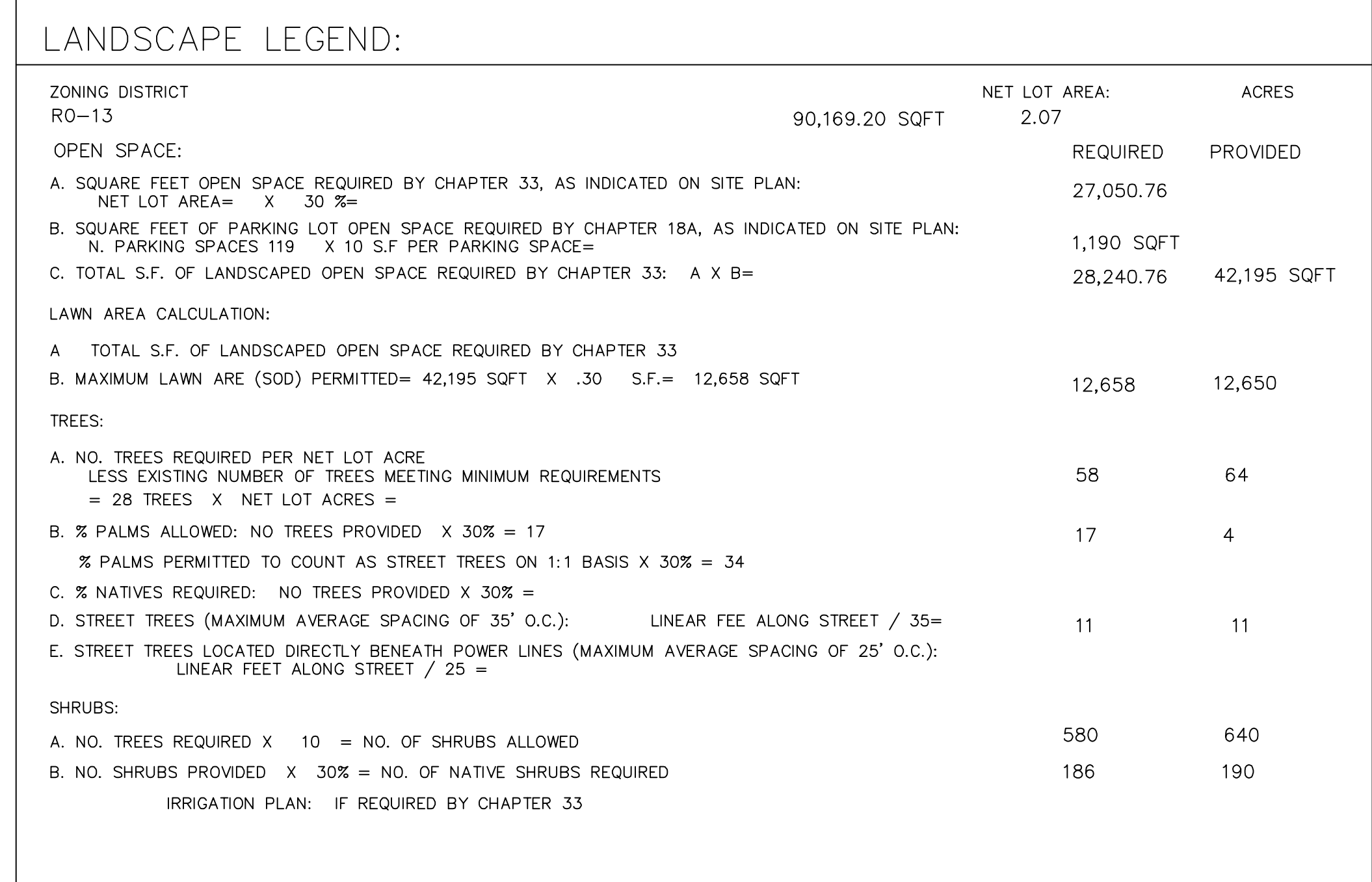
REVISIONS	BY

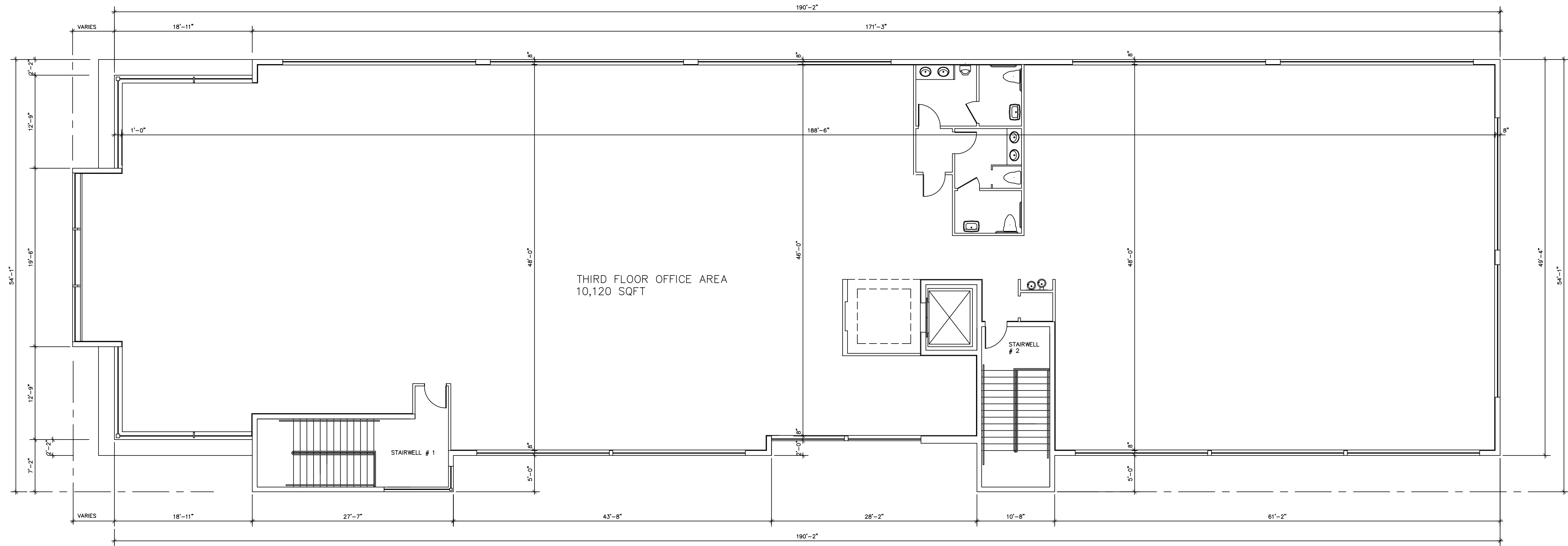
ALBERT O. GONZALEZ ARCHITECT, PA
16400 NW 59TH AVE. MIAMI LAKES, FLORIDA 33014
(305) 827-8933 aog@bellsouth.net aa-26003246

PROPOSED OFFICE BUILDING FOR:
ALARI HOLDINGS 1, LLC
JOB ADDRESS: 14575 NW 77th AVE.
MIAMI LAKES, FLORIDA 305-827-8933

DATE
SCALE
DRAWN
JOB
SHEET
1 OF 6

AR-0011963





THIRD FLOOR PLAN
SC: 1/8" = 1'-0"

REVISIONS	BY
ALBERT O. GONZALEZ ARCHITECT, PA 16400 NW 59TH AVE. MIAMI LAKES, FLORIDA 33014 (305) 827-8933 aog@bellsouth.net AA-26003246	
PROPOSED OFFICE BUILDING FOR: ALARI HOLDINGS 1, LLC JOB ADDRESS: 14575 NW 77th AVE. MIAMI LAKES, FLORIDA 305-827-8933	
DATE	
SCALE	
DRAWN	
JOB	
SHEET	4 OF 6
AR-0011963	



REVISIONS	BY

ALBERT O. GONZALEZ ARCHITECT, PA
16400 NW 59TH AVE. MIAMI LAKES, FLORIDA 33014
(305) 827-8933 aog@bellsouth.net AA-26003246

PROPOSED OFFICE BUILDING FOR:
ALARI HOLDINGS 1, LLC
JOB ADDRESS: 14575 NW 77th AVE.
MIAMI LAKES, FLORIDA 305-827-8933

DATE
SCALE
DRAWN
JOB
SHEET
6 OF 6





APPROVALS

FILE No.: B 16-9007

OF - SHEETS

- 1) All work shall be performed in accordance with the requirements, specifications and standards of the City of Miami Lakes Public Works Dept. and D.E.R.M.
- 2) The plans have been prepared with the best information available to the engineer. The Engineer does not warrant that the information is correct. **MUST** be ONE-CALL OF FLORIDA, Phone No. 811 48 hours prior to start of excavation and / or construction. If any discrepancies are encountered to the extent that a "Field Revision" is required, Engineer **MUST** be notified immediately.
- 3) Revisions from the approved plan shall not be permitted by the Engineering Contractor without the written consent of the Engineer of Record, THE CITY of Miami Lakes Public Works Dept. and D.E.R.M.
- 4) All elevations refer to the National Geodetic Vertical Datum (NGVD).
- 5) All existing structures and utilities shall be protected at all times during the excavation and construction. Neither the Engineer, nor the Contractor / Developer shall be responsible for damages resulting from the Engineering Contractor's work. All existing pavement, utilities (above & below ground), or surface features disturbed during construction shall be restored to equal or better condition by the engineering contractor in accordance with Miami-Dade County Public Works Standards and Specifications or directed by the Engineer / Inspector.
- 6) Services connected with job safety are not part of this plan / contract.
- 7) Underground Contractor shall comply with the Trench Safety Act, HB 3183, Florida Statutes, which incorporates, but is not limited to, the following:
 - a. Standard 29 C.F.R. 1926.651 (a) - (c);
 - b. Contract bids for trench excavations (in excess of 5 feet deep) shall include reference to the safety standards, written assurance of compliance, and a separate item identifying the cost of compliance.
 - c. Adhere to any special showing requirements of the state or other governmental agency.
- 8) All geotechnical work to be performed in accordance with the approved final plan for this project.
- 9) Engineering Contractor shall coordinate maintenance of traffic (MOT) during construction with the Miami-Dade Public Works Department and shall meet the requirements of the State of Florida "Manual on Traffic Control and Safe Practices for Street and Highway Construction".
- 10) All material removed from the project shall be disposed of properly and/or existing unsuitable fill material shall be removed to natural linerrock or sand within the proposed Right-Of-Way or proposed pavement area (if within private property). For detailed specifications, see M-DCPDV specifications Section 30.
- 11) No fill from this project shall be discharged into any adjacent property.
- 12) If there is any work to be done within areas privately owned (not dedicated as public right-of-way), written permission from owners of said areas shall be obtained prior to commencement of any work.
- 13) Asphalt pavement shall be constructed as follows:
 - a. Asphaltic Concrete surface course, 7" thick (Type FC-9.5)
 - b. Linerrock base course, primed, 8" thick
 - c. Stabilized subgrade, 12" thick (min.)
- 14) Minimum Finish Floor Elevation (F.F. E) = 9.50 (NGVD)
- 15) Miami-Dade County Flood Criteria = 10.50 (NGVD)
- 16) October Water Table Elevation (per WC 2.2), 3.0 (NGVD)

A. All existing pavement, utilities (above & below ground), or surface features disturbed during construction of this project shall be restored to equal or better condition by the contractor in accordance with Miami-Dade County Public Works Standards and Specifications or as directed by the City of Miami Lakes Public Works Inspector.

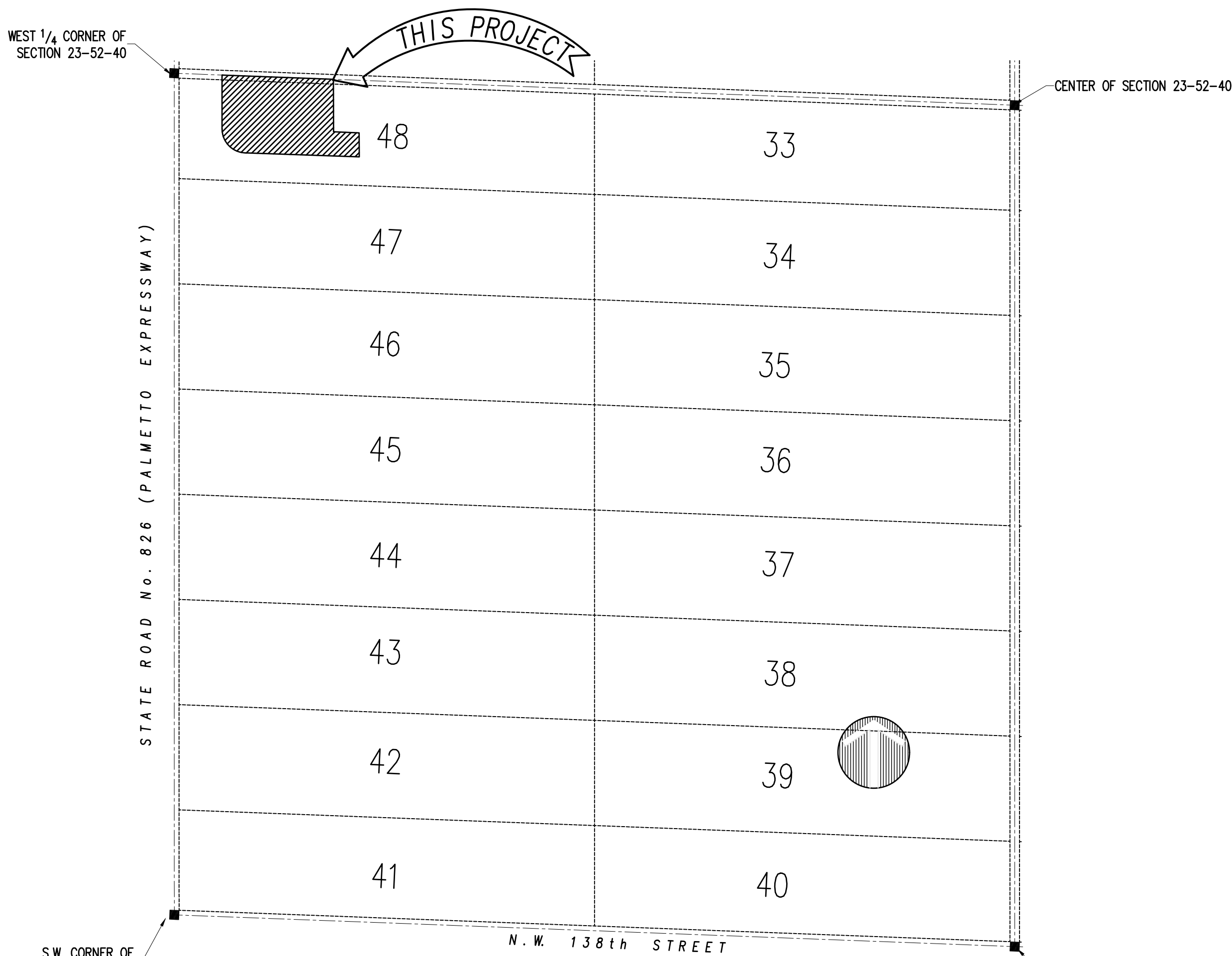
B. Underpinning, Controlling, and Shoring shall comply with Florida Safety Act, HB 3183, Florida Statute which incorporates, but is not limited to, the following:

- a. OSHA Standard 29 C.F.R. Part 1926, Subpart P: Excavation and Trenches
- b. Contract bids for trench excavations (in excess of 5 feet deep) shall include reference to the safety standards, written assurance of compliance, and a separate item identifying the location of compliance.
- c. Adhere to any special shoring requirements of the state or other governmental agency.

C. Engineer is not responsible for the safety of the excavation or design and construction of any shoring.

D. All existing utilities and features (above and below ground) have been shown in accordance with the best available information, utility atlases and records obtained by Devoltec. **THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE TO VERIFY THE LOCATION OF ALL UTILITIES AND FEATURES (ABOVE AND BELOW GROUND) WHETHER SHOWN OR NOT, AND MUST NOTIFY THE ENGINEER OF ANY DISCREPANCIES THAT MAY AFFECT DESIGN AND/OR INSTALLATION PRIOR TO BEGINNING CONSTRUCTION.**

E. **CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR VERIFYING PLATTED OR DEDICATED RIGHTS-OF-WAY, EASEMENTS, PROPERTY LINES, ZONED STREET AND/OR SETBACK LINES PRIOR TO THE START OF CONSTRUCTION. OWNER AND/OR ENGINEER SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTING RIGHTS-OF-WAY AND/OR EASEMENTS NECESSARY TO COMPLETE THE WORK.**



LOCATION MAP
THE SOUTHWEST 1/4 OF
SECTION 23, TOWNSHIP 52 SOUTH, RANGE 40 EAST
MIAMI-DADE COUNTY, FLORIDA
SCALE: 1" = 300'

1. The contractor's bid for earthwork shall include the excavation, removal and proper disposal of all materials, of whatever character within the limits of construction. All topsoil that is suitable for landscaping or grassing operations may be stockpiled nearby for such use if approved by owner. Where muck, marl, rock, clay or other material within the limits of construction is unsuitable in its original position, the contractor shall excavate such material in its entirety and backfill with suitable material which shall be compacted in place to conform to the required grades and sections as shown on the plans. It is the contractor's responsibility to verify the suitability of the material present on-site and include the removal and replacement of same in his bid price. The contractor shall make his own estimate on the volume of material actually required to obtain the cross sections or grades as shown on the plans.
2. All materials removed become the property of the Contractor and are to be removed completely away from the site by him. Do not store or permit debris to accumulate on the site. Remove all grass, plants, vegetation an organic material from same area.
3. Wherever excavations for utilities are made below the grades indicated on the plans, granular material free of organic or other deleterious material shall be used to restore the area to the proper grade, and shall be compacted to 98% of maximum density at optimum moisture pursuant to ASTM D-1557.
4. Contractor shall clean up, repair or replace at no cost to Owner all property damaged by reason of required work. All patchwork shall match existing and be performed in a neat and workmanlike manner by craftsmen skilled in the trade involved. In newly graded areas take every precaution and temporary measures necessary, to prevent damage from erosion of freshly graded areas. Where any settlement or washing may occur prior to acceptance of the work, repair and re-establish grades to the required elevations and slopes at no additional cost to the Owner. This applies to damage to the newly graded areas within the construction limits and damage to adjacent properties by eroded material.

- 1) Engineer shall prepare signing & pavement markings plans in a separate sheet (1" = 50' scale, minimum)
- 2) Engineer shall visit site & verify field conditions before preparing proposed signing & pavement markings plans.
- 3) Contractor shall be responsible for the removal of all pavement markings and signs conflicting with the proposed roadway construction.
- 4) Contractor shall be responsible for the installation of all pavement markings and signs as shown in the plans and applicable traffic design standards.
- 5) Contractor shall be responsible for matching existing pavement markings at the beginning and at the end of the project, and at all intersecting side streets.
- 6) Contractor shall be responsible for the installation of reflective pavement markings along the entire length of the project.
- 7) Any signing material, including supports to be removed, shall be delivered by the contractor to Miami-Dade County's Traffic Signal and Signs Maintenance Facility located at 7100 N.W. 36th Street, Miami, Florida.
- 8) Sign assembly locations shown in the plans which are in conflict with street lighting utilities, driveways, pedestrian ramps, etc. may be adjusted as directed by the Engineer / Inspector.

Contractor shall be responsible for providing pedestrian ramps where sidewalk is existing or proposed (ADA – PWM).

- 1) Drainage structures shall be "Exfiltration Trench" type as per Standard Detail SD 1.1.
- 2) All catch basins shall be Type "P" (SD 2.6). Frames shall be as per Miami-Dade County Standard Detail SD 2.1 (1 of 2). Bottom elevations of inlets shall be set as shown on the Drainage Structure Table.
- 3) Exfiltration trenches shall be 15 feet deep, 4 feet wide with 18" perforated High Density Polyethylene (HDPE) pipe. Pipe invert elevations shall be set in accordance with Drainage Structure Table.
- 4) Prior to installing drainage system filter fabric and ballast rock, the contractor shall notify the engineer for inspection.

I HEREBY CERTIFY: That this plan was prepared under my direction and to the best of my knowledge and belief complies with the intent of the "MANUAL OF UNIFORM STANDARDS FOR DESIGN, CONSTRUCTION AND MAINTENANCE FOR STREETS AND HIGHWAYS", as adopted by the State of Florida legislature. Chapter 72-328 FS.

PAVING, GRADING, DRAINAGE, & PAVEMENT MARKING PLAN SHEET INDEX	
Sheet	Sheet Title
C-0.0	THIS SHEET
C-1.0	PAVING & GRADING PLAN
C-1.1	DRAINAGE DETAILS
C-1.2	PROJECT CROSS SECTION
C-2.0	PAVEMENT MARKINGS & SIGNS
C-2.1	PAVEMENT MARKING DETAILS
C-3.0	WATER – SEWER PLAN AND DETAILS

DRAWING TITLE:

**CONCEPTUAL
WATER, SEWER,
PAVING & DRAINAGE**

Eduardo Rodriguez Jr. P.E.
Project Manager
 State of Florida - License No. 56197

Date: _____

DATE: 01/29/2018 SCALE: AS SHOWN

SHEET C-0.0

OF - SHEETS



US SOUTH
ENGINEERING & TESTING
LABORATORY, Inc.
14347 Commerce Way,
Miami, FL 33016

Ph. 305-558-2588 Fax. 305-362-4669

APPROVALS

DESIGNED: E.R.	CHECKED: E.R.
DRAWN: Y.P.	FINAL CHECK: E.R.

FILE No.: B 16-9007

DATE									
REVISION No.	DESCRIPTION								

N.W.77th AVENUE & 145 St.
FOLIOS: 32-2023-001-0541 / 0550 / 0560
MIAMI LAKES, FL

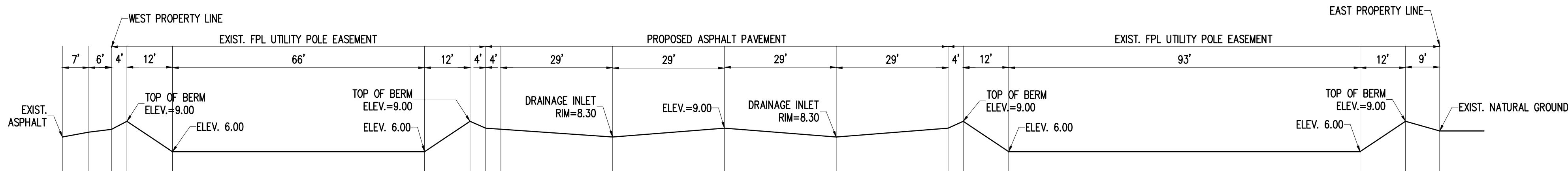
DRAWING TITLE:
CONCEPTUAL
WATER, SEWER,
PAVING & DRAINAGE

Eduardo Rodriguez Jr. P.E.
Project Manager
State of Florida - License No. 56197
Date: _____

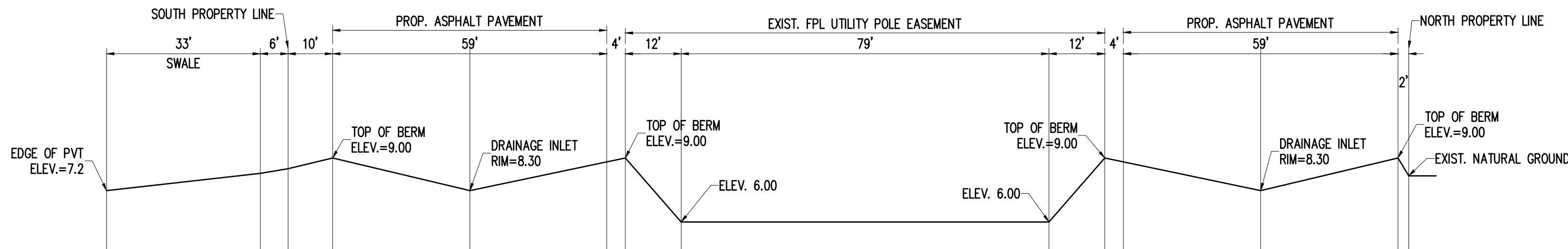
DATE: 01/29/2018 SCALE: AS SHOWN

SHEET C-1.2

OF - SHEETS



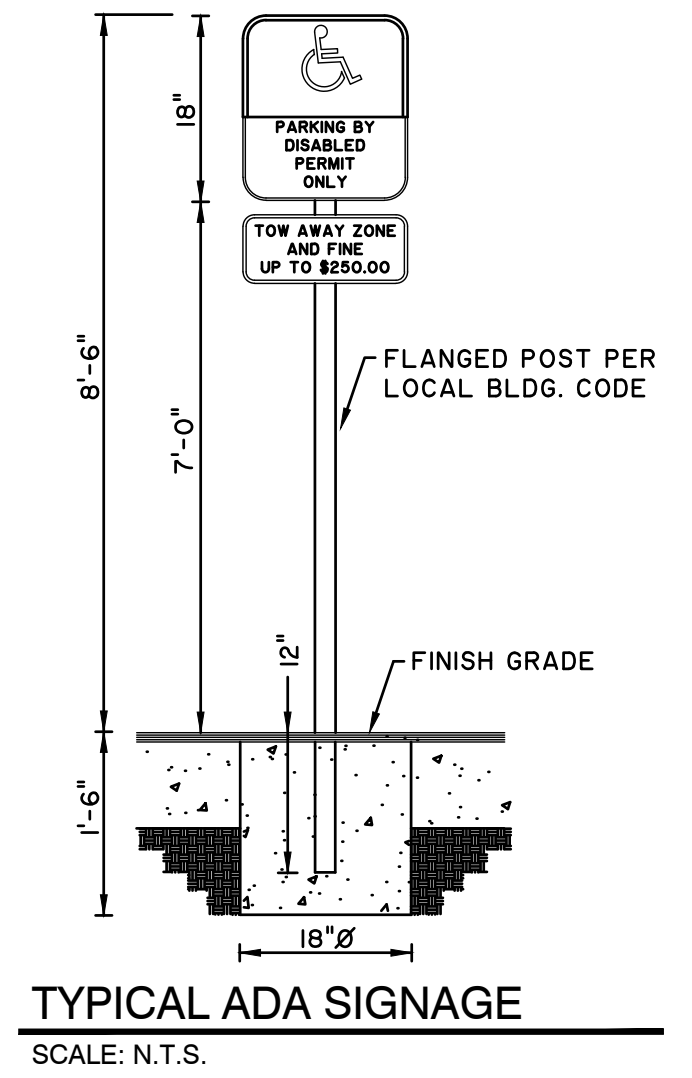
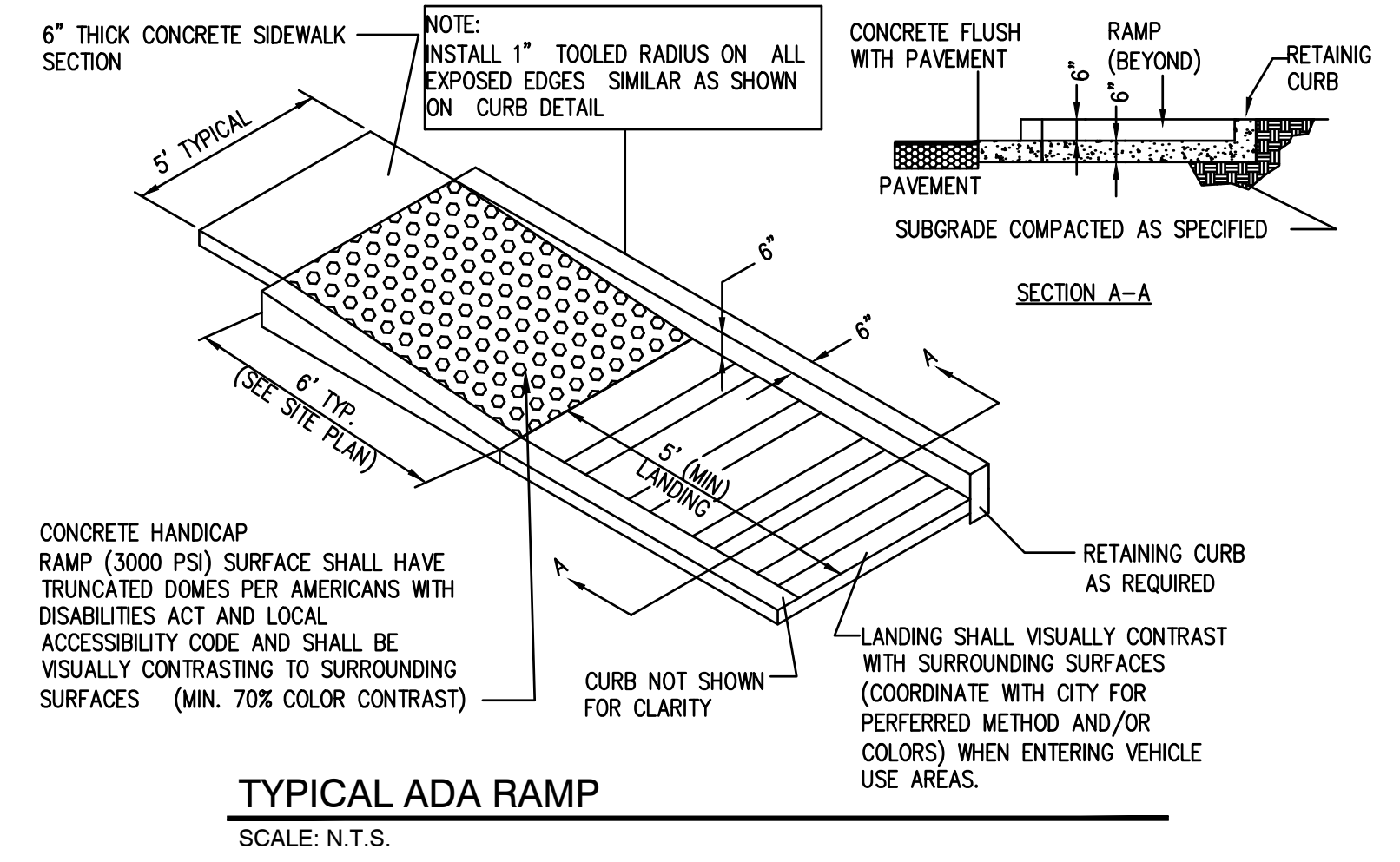
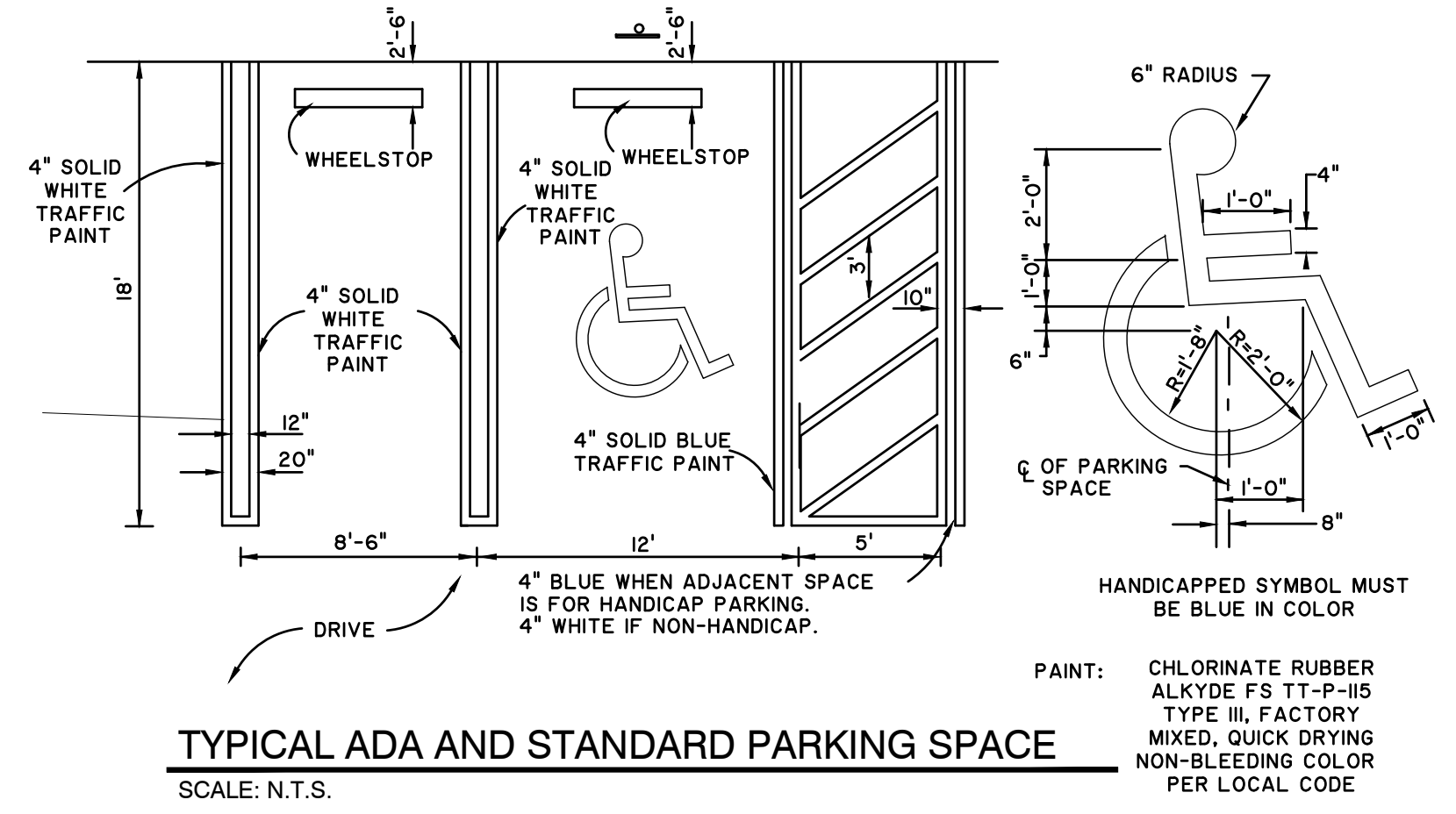
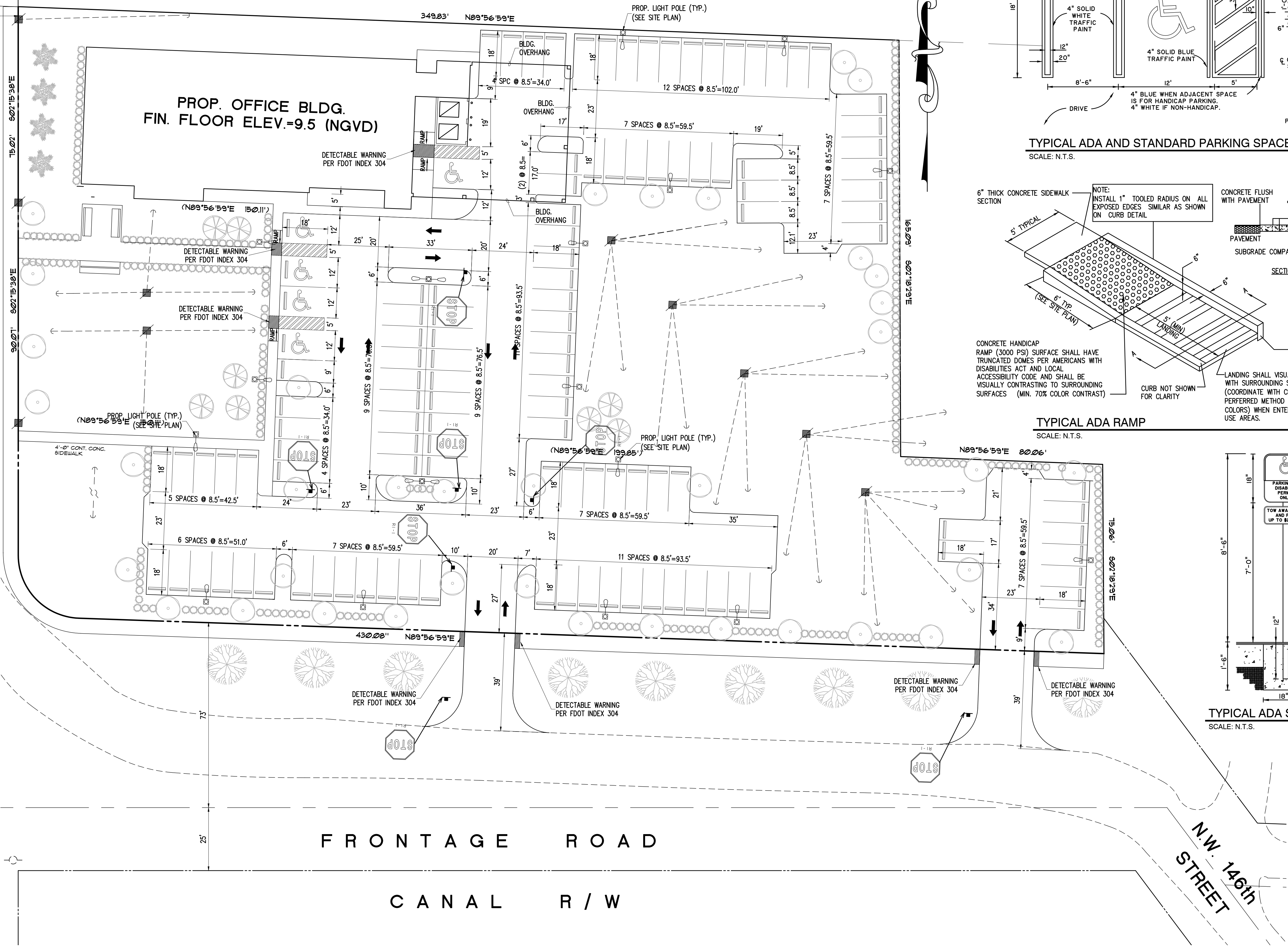
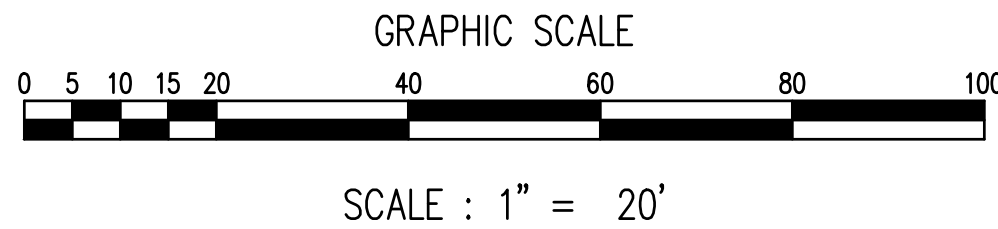
SECTION "A"
NTS



SECTION "B"
NTS

PALMETTO EXPRESSWAY (S.R. 826)

N. W. 77th Avenue



US SOUTH
ENGINEERING & TESTING
LABORATORY, Inc.
347 Commerce Way,
Miami, FL 33016

305-558-2588 Fax. 305-362-4669

PPROVALS

SIGNED: E.R. | CHECKED: E.R.

AWN: Y.P. | FINAL CHECK: E.R.

E No.: B 16-9007

[illegible]

N.W. 7th AVENUE & 145 St.

MIAMI LAKES, FL
FOLIUS: 32-2023-001-0541 / 0550 / 0560

DRAWING TITLE:

CONCEPTUAL WATER, SEWER, PAVING & DRAINAGE

Eduardo Rodriguez Jr. P.E.
Project Manager
 State of Florida - License No. 56197

te: _____

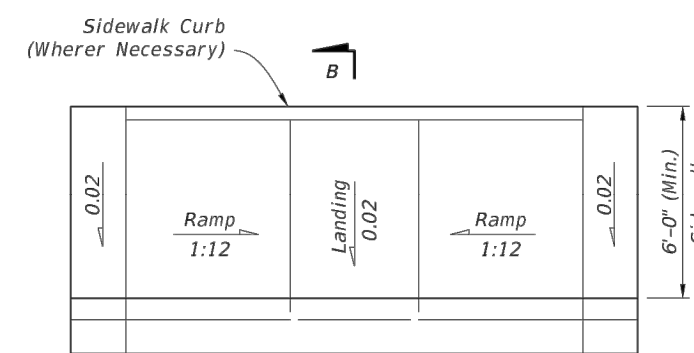
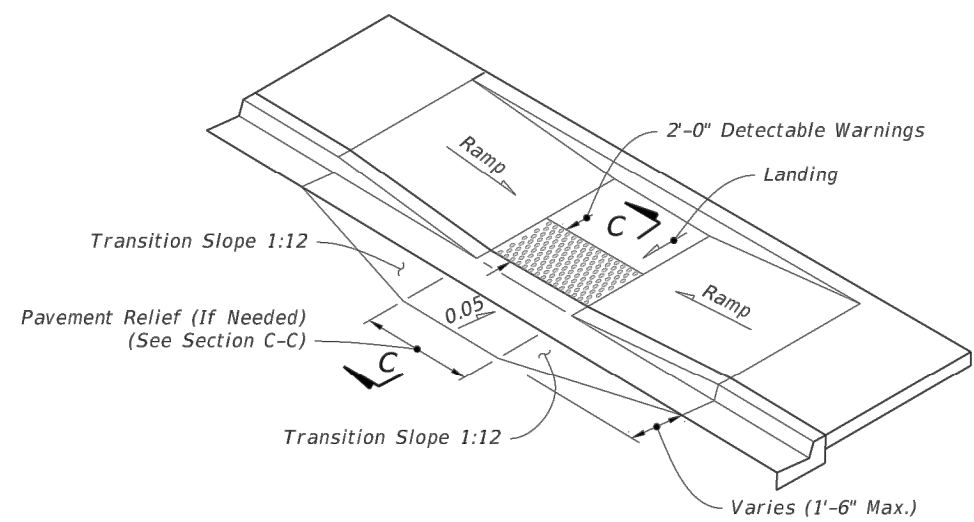
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SHEET C-2.0

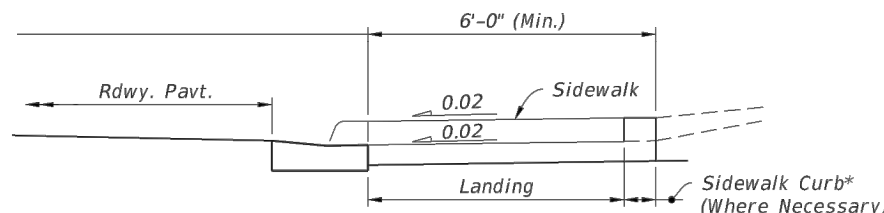
OF - SHEETS

PAVEMENT MARKINGS & SIGNS PLAN

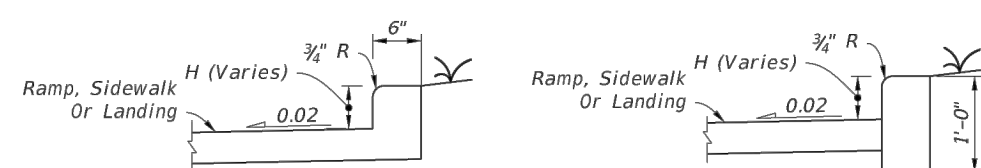
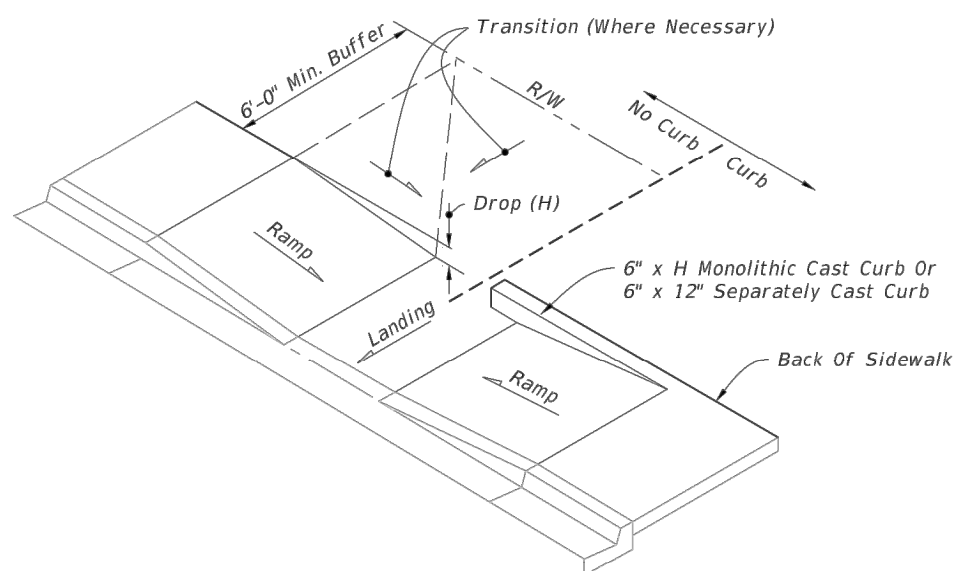
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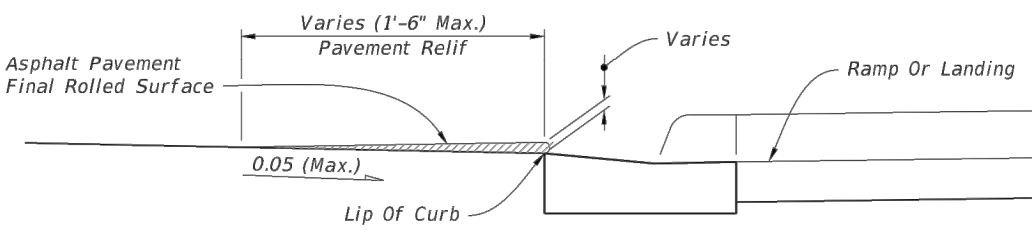
CR-C



* Note: For Additional Information On Sidewalk Curb Construction, See SIDEWALK CURB OPTIONS details.



SIDEWALK CURB OPTIONS



Note: Remove Elevated Pavement By Spading And Rolling, Smooth Milling or Grinding.

SIDEWALK CURB RAMPS CR-C AND SIDEWALK CURB

LAST REVISION 11/01/16	DESCRIPTION:	FY 2017-18 DESIGN STANDARDS	DETECTABLE WARNINGS AND SIDEWALK CURB RAMPS	INDEX NO. 304	SHEET NO. 3 of 8
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US SOUTH
ENGINEERING & TESTING
LABORATORY, Inc.
14347 Commerce Way,
Miami, FL 33016

Ph. 305-558-2588 Fax. 305-362-4669

APPROVALS

DESIGNED: E.R. CHECKED: E.R.
DRAWN: Y.P. FINAL CHECK: E.R.

FILE No.: B 16-9007

DATE									
REVISION No.									
DESCRIPTION									

N.W.77th AVENUE & 145 St.

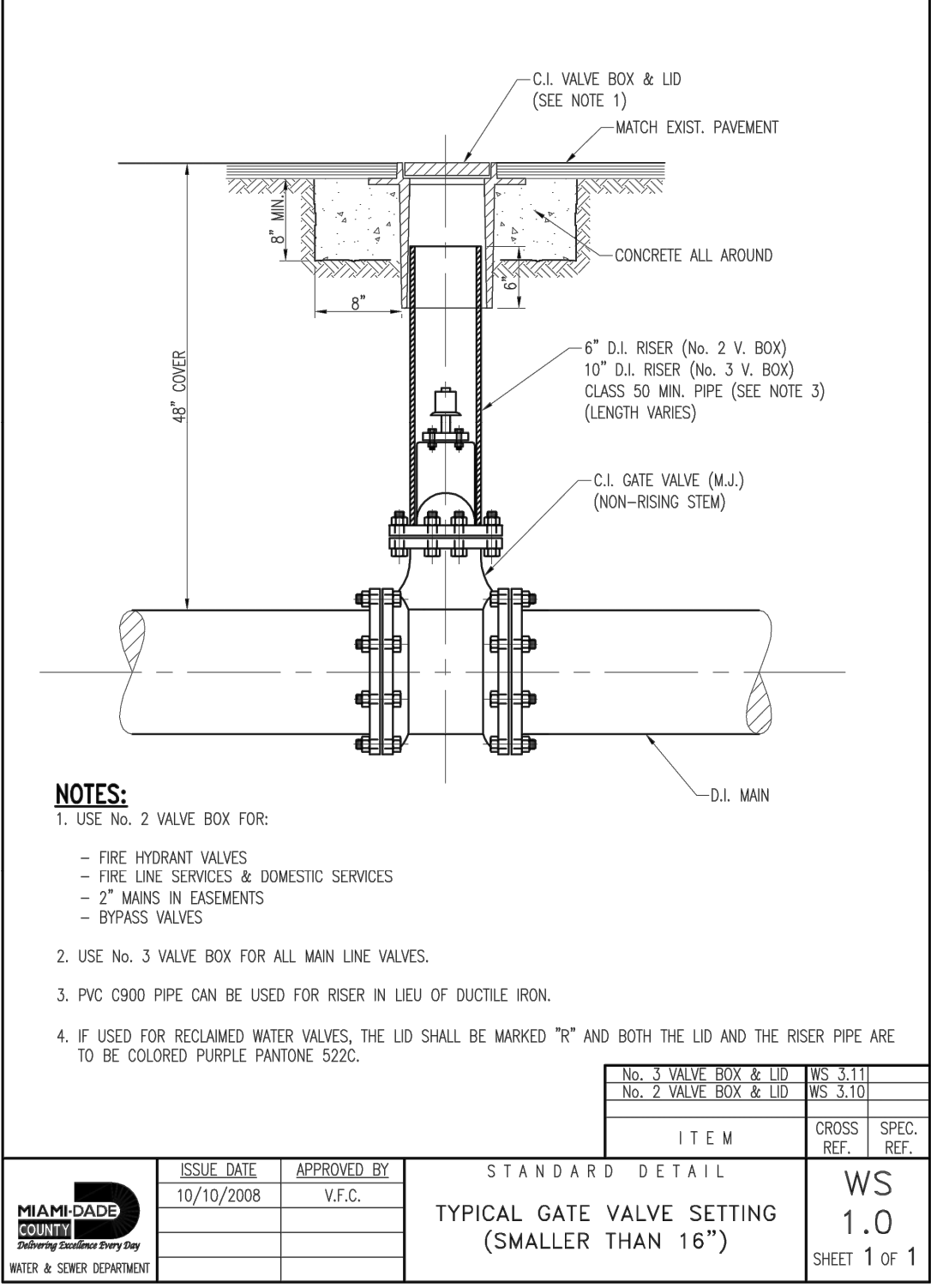
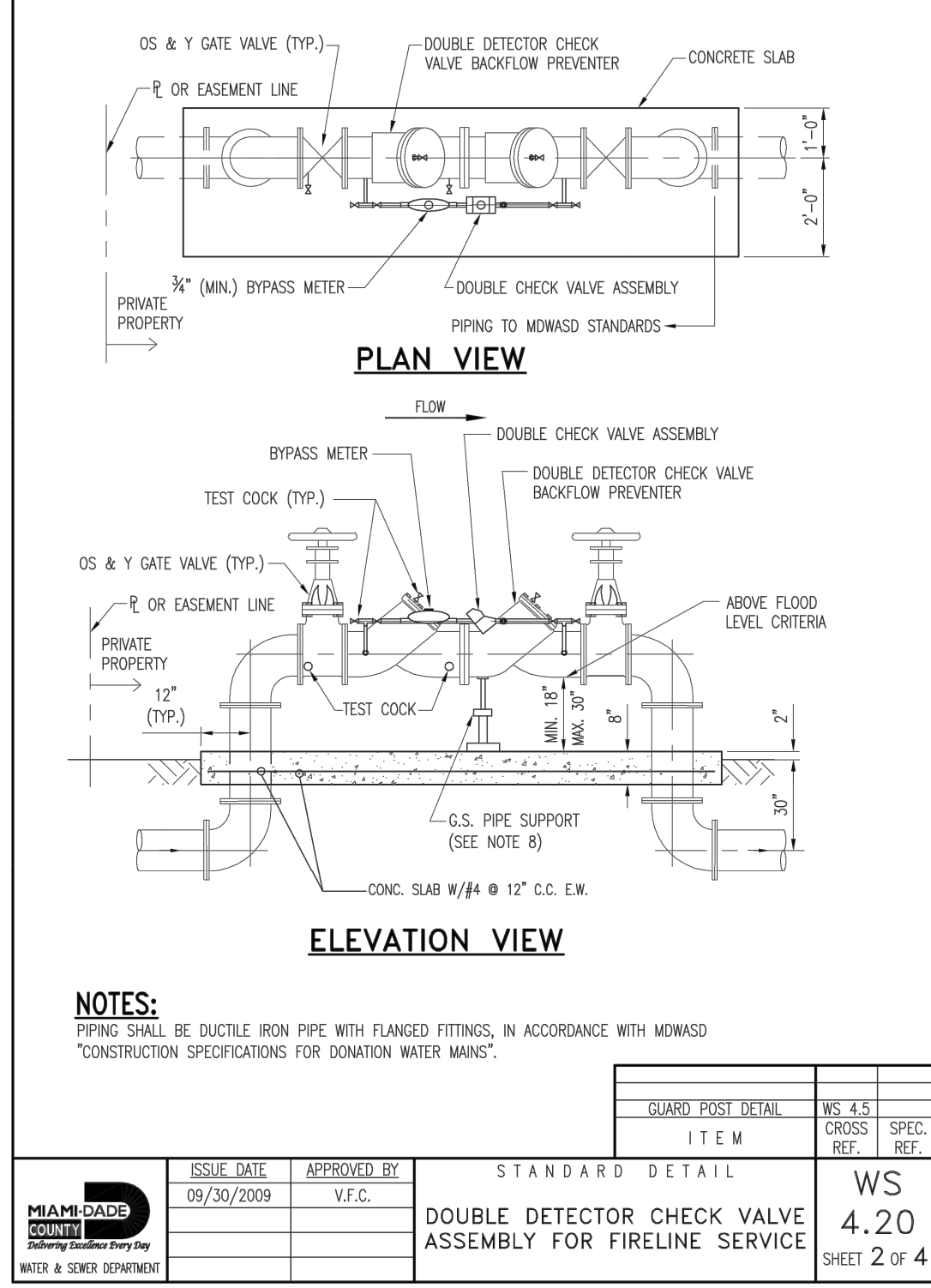
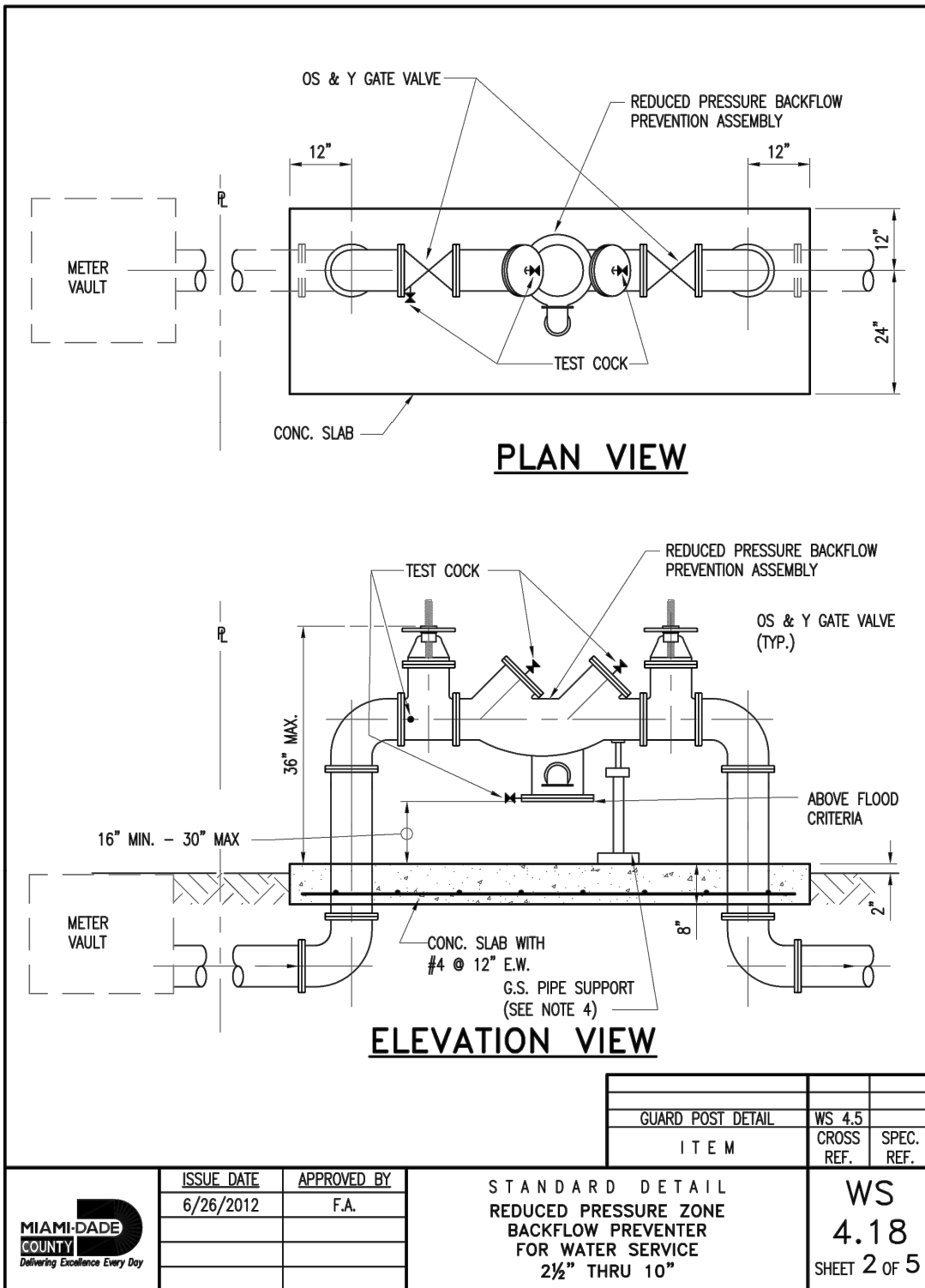
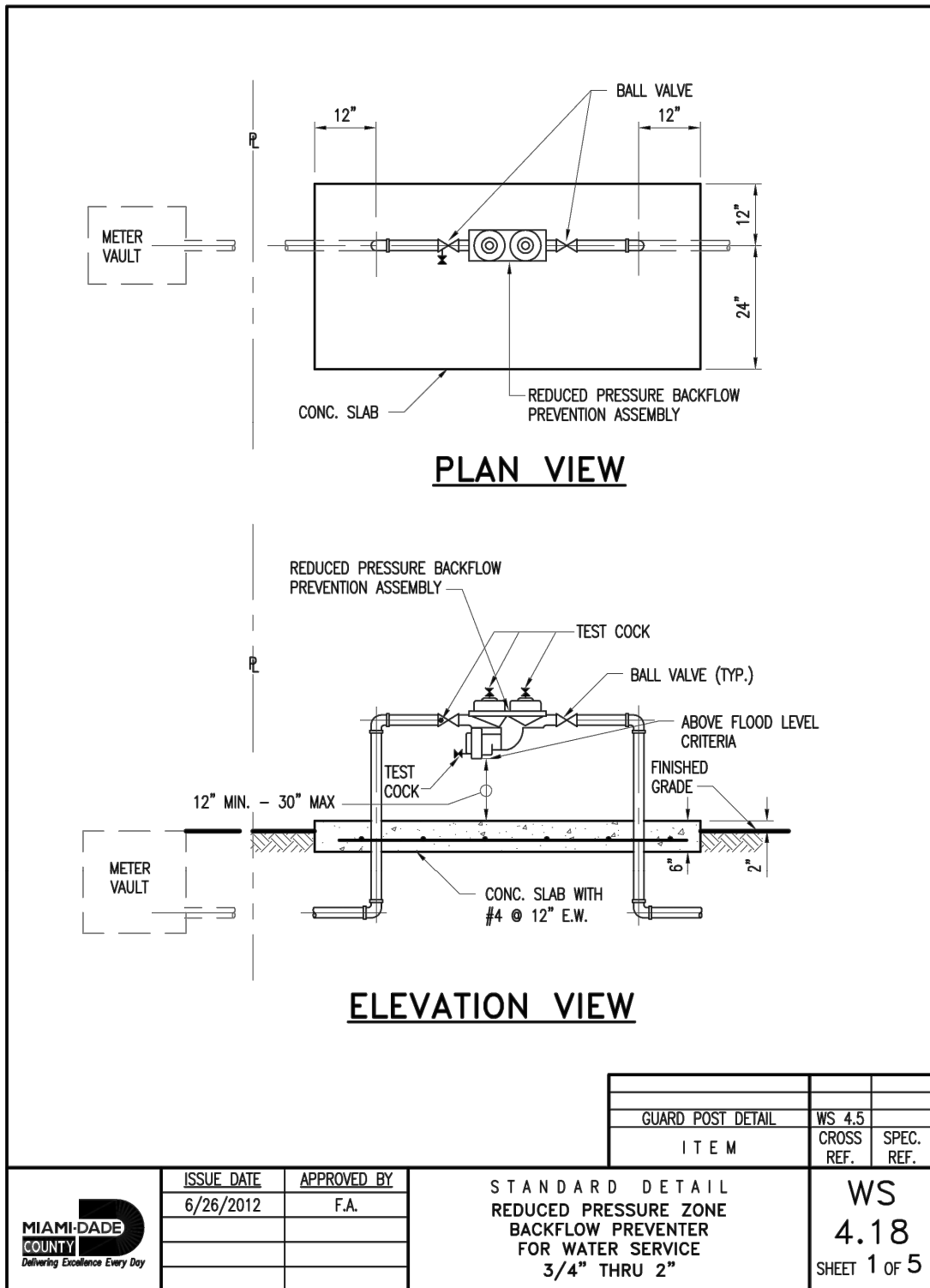
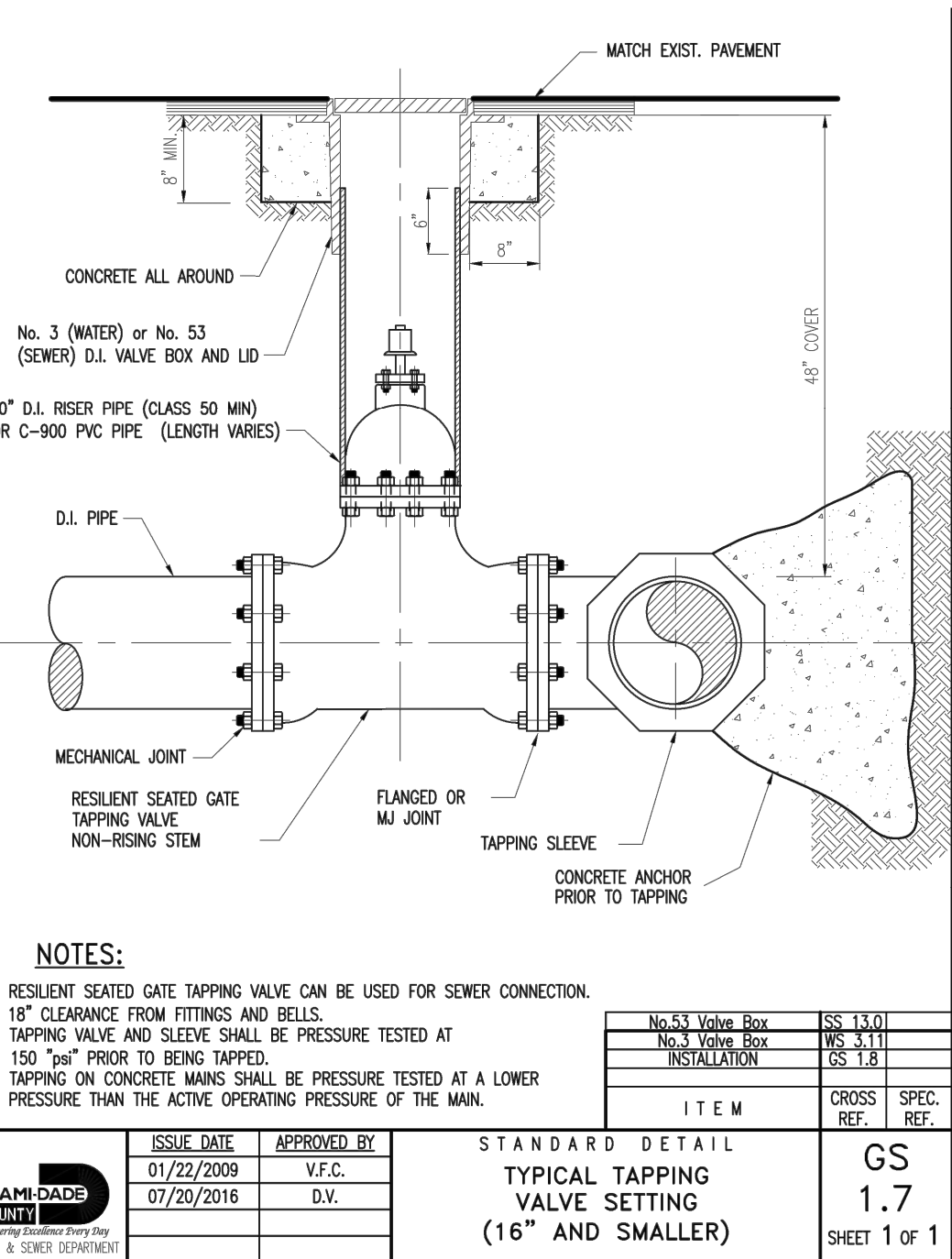
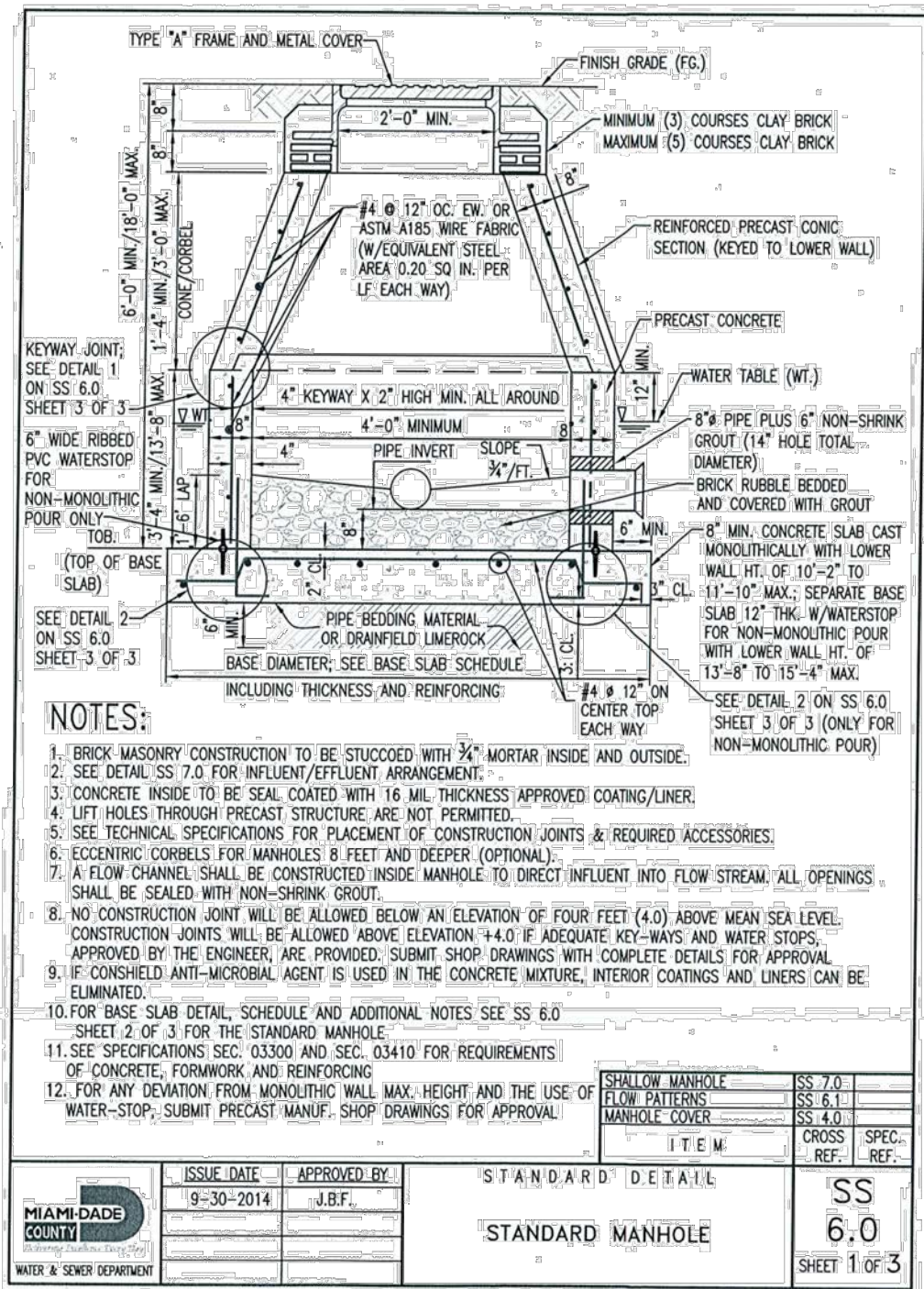
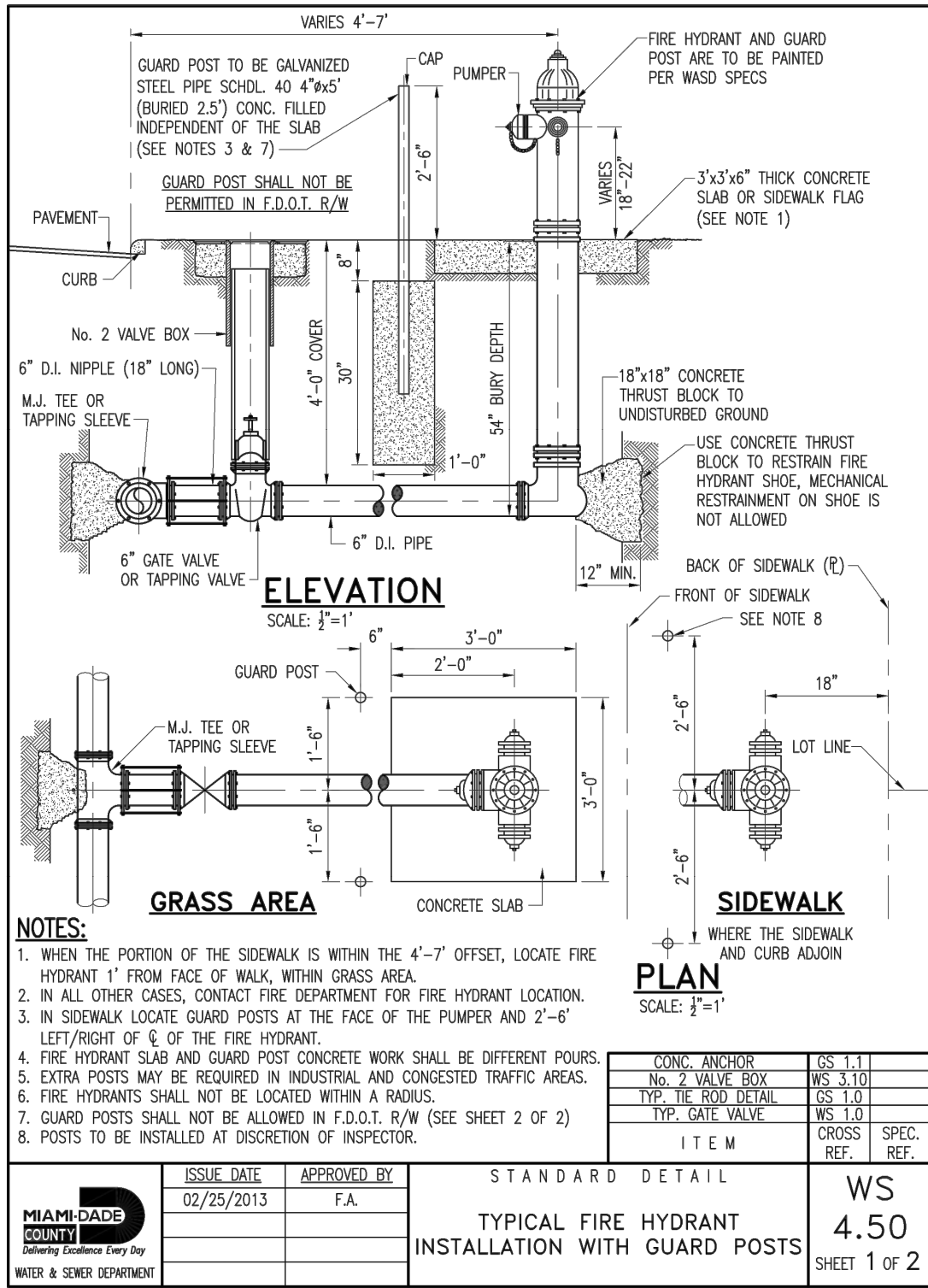
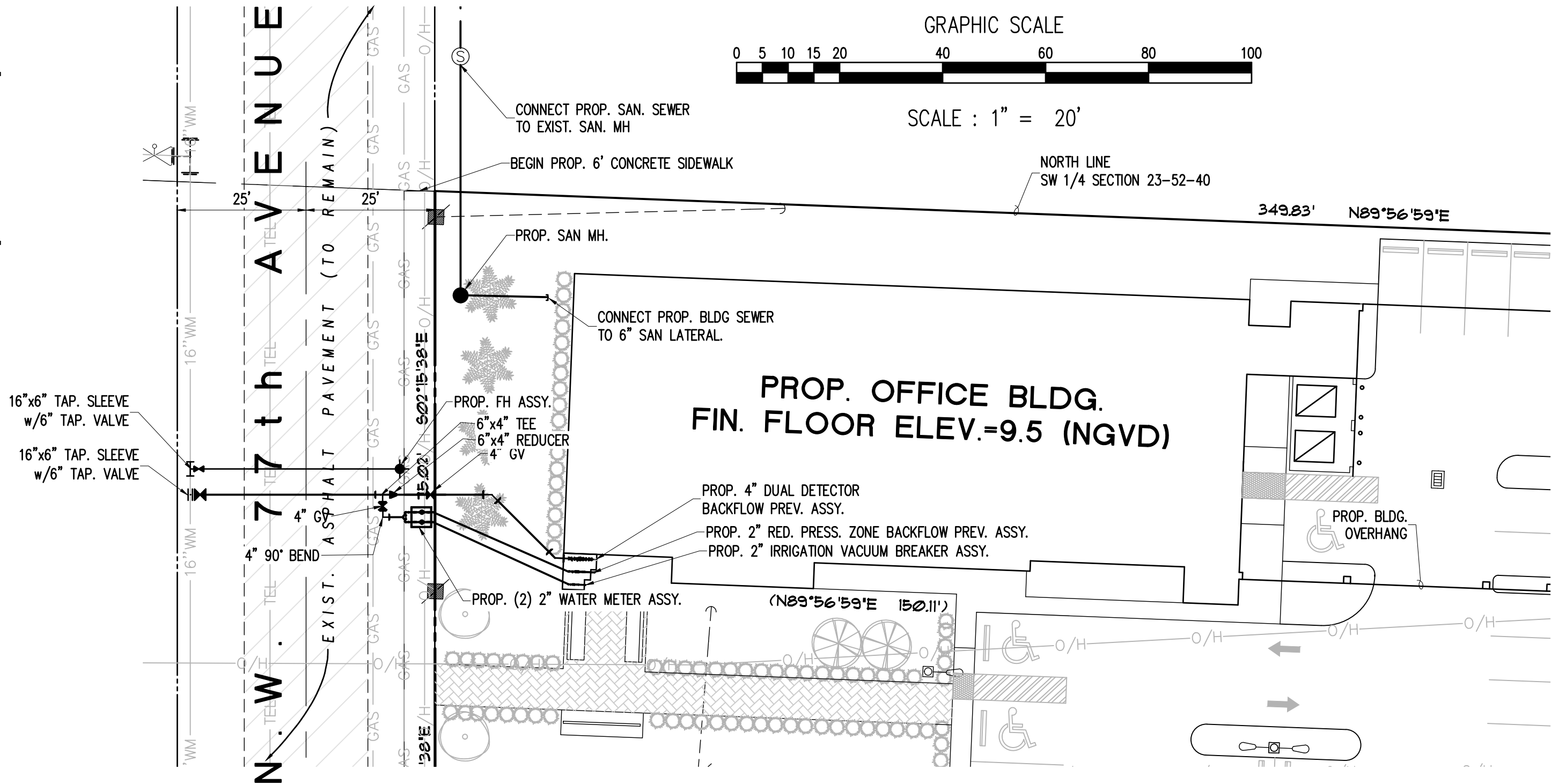
FOLIOS: 32-2023-001-0541 / 0550 / 0560
MIAMI LAKES, FL

DRAWING TITLE:
**CONCEPTUAL
WATER, SEWER,
PAVING & DRAINAGE**

Eduardo Rodriguez Jr. P.E.
Project Manager
State of Florida - License No. 56197
Date: _____

DATE: 01/29/2018 SCALE: AS SHOWN

SHEET **C-2.1**
OF - SHEETS



US SOUTH
ENGINEERING & TESTING
LABORATORY, Inc.
14347 Commerce Way,
Miami, FL 33016

Ph. 305-558-2588 Fax. 305-362-4669

APPROVALS

DESIGNED: E.R. CHECKED: E.R.
DRAWN: Y.P. FINAL CHECK: E.R.
FILE No.: B 16-9007

DATE	REVISION No.	DESCRIPTION

N.W. 77th AVENUE & 145 St.
FOLIOS: 32-2023-001-0541 / 0550 / 0560
MIAMI LAKES, FL

DRAWING TITLE:
CONCEPTUAL
WATER, SEWER,
PAVING & DRAINAGE

Eduardo Rodriguez Jr. P.E.
Project Manager
State of Florida - License No. 56197

Date: _____

DATE: 01/29/2018 SCALE: AS SHOWN

SHEET C-3.0
OF - SHEETS

DRAINAGE REPORT

for:

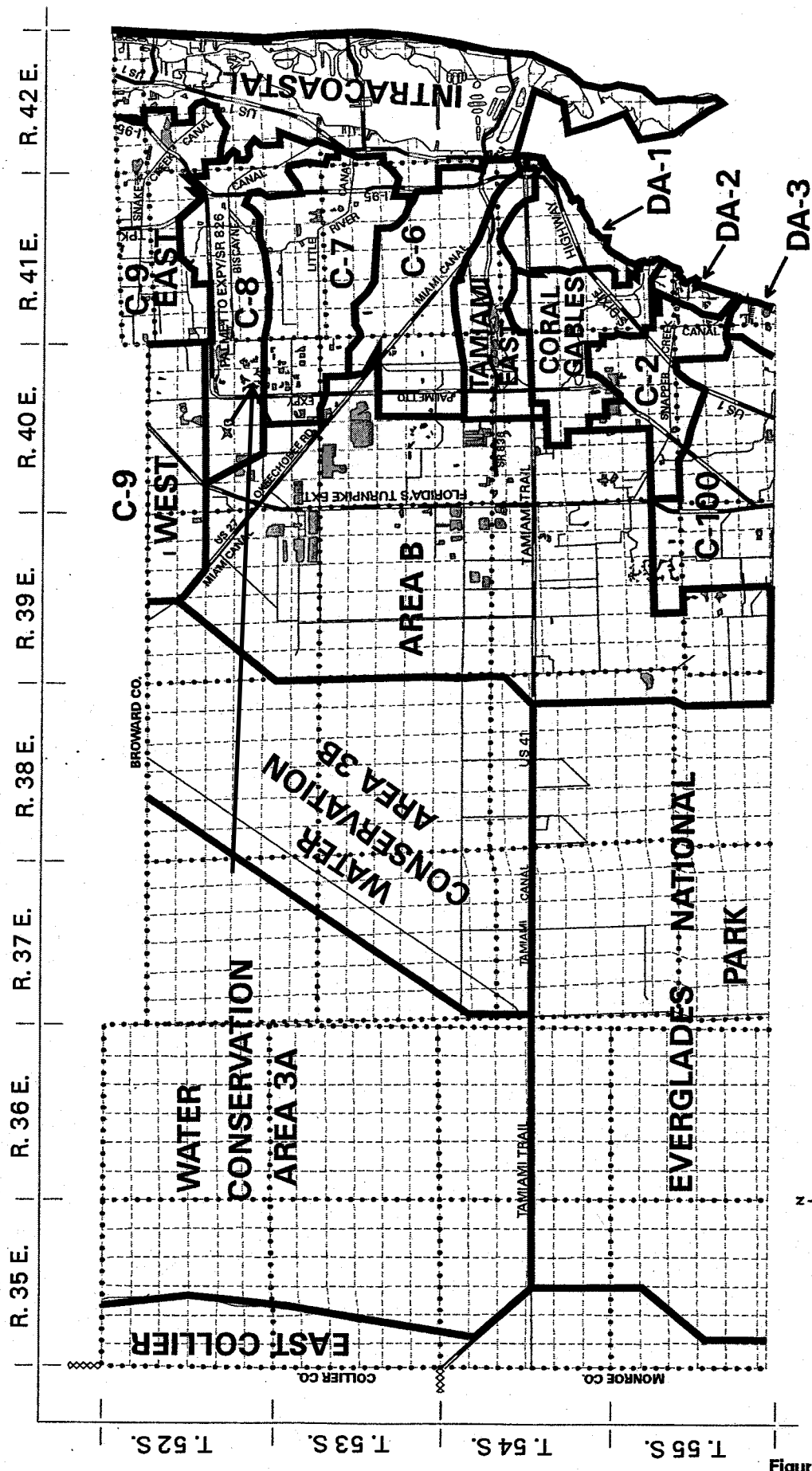
“MIAMI LAKES OFFICE BUILDING”

A subdivision of a portion of the Northwest $\frac{1}{4}$ of
Section 23, Township 52 South, Range 40 East,
City of Miami Lakes, Miami-Dade County, Florida
(Basin C-8)

January, 2018

Prepared by:

U.S. SOUTH ENGINEERING & TESTING LABORATORY, Inc.
14347 Commerce Way
Miami, Fl. 33016
(305) 558-2588



PORTION OF
MIAMI-DADE COUNTY
REPRESENTED ON MAP.

DRAINAGE BASINS for NORTHERN MIAMI-DADE COUNTY, FL.

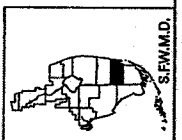
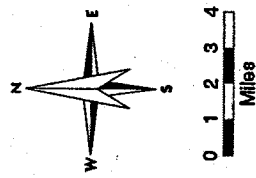


Figure B-11

INTRODUCTION

Purpose

This report and calculations have been prepared to accompany a Site Plan approval application to the city of Miami Lakes.

The subject property will be developed as a three story office building with parking:

The final result of the flood routing will demonstrate that the maximum stages reached do not exceed the designed finish floor elevation (Elev. 9.5) for the 100 year – 3 day storm event.

The surface water management system consists of drainage inlets and pipes directing storm water run-off through a network of exfiltration trenches. Overflow will be directed to an on-site dry retention area.

The first inch of runoff shall be dispersed through an interconnect network of French drains (170 LF provided, 83 LF required).

Design Criteria

- **LEGAL DESCRIPTION:** Portion of Tract 48 of “FLORIDA FRUIT LANDS COMPANY SUBDIVISION No. 1”, of Section 23, Township 52 South, Range 40 East, according the plat thereof as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida.
- Project is located North of N.W. 145th Street & east of N.W. 77th Avenue.
- All land areas to be filled to Miami-Dade County Flood Criteria.
- All elevations refer to N.G.V.D.
- Miami-Dade County Flood Criteria = +6.5 (NGVD)
- Proposed Minimum Finish Floor Elevation: +9.50 (NGVD)
- Maximum peak flood routing stage for 100 year – 3 day storm event: 9.21 (NGVD)
- Maximum flood routing stage for 25 year – 3 day storm event: 8.96 (NGVD)
- Maximum flood routing stage for 10 year – 24 hr. storm event: 8.59 (NGVD)
- Existing natural ground elevation = +6.0 (NGVD) (average)
- Average Yearly Lowest groundwater elevation = +2.0 N.G.V.D. (W.C. – 2.3)
- Average October groundwater elevation = +3.0 N.G.V.D. (W.C. – 2.2)

Summary of Drainage Areas

Gross Area= 2.053 acres

Total Building Area: **0.170** acres

Total dry retention Area: **0.693** acres

Open Land Area (Gross Area – Buildings – Lakes): (2.053 – 0.170 – 0.693 = **1.189** acres

Total Impervious Area: **1.033** acres

- Roof Area: 0.170 acres
- Pavement & Sidewalks: 0.863 acres

Total Pervious Area **0.326** acres

Assumed runoff coefficient:

- Filled areas = 0.8
- Pervious areas = 0.3

Pervious & Impervious Areas

<i>On-Site Areas</i>	<i>%</i>
0.326 Acres Pervious	15.90
0.863 Acres Impervious	42.03
0.170 Acres (Bldg.)	8.30
0.693 Acres (dry retention area)	33.77

Flood Routing Data

Depth of groundwater from filled surface = +8.20 (average) – 3.0 = 5.2 ft

Available groundwater storage (From SFWMD Permit Manual):

8.18 inches (under pervious areas)

Groundwater storage weighted for pervious areas = 8.18 x 0.1590= **1.30 inches**

STAGE / STORAGE

	DRY RETENTION		OPEN LAND		TOTAL "A"
Stage (ft)	Area (Acres)	Storage (acre/feet)	Area (Acres)	Storage (acre/feet)	Storage (acre/feet)
6.00	0.69	0.00	0.00	0.00	0.00
6.50	0.69	0.35	0.00	0.00	0.35
7.00	0.69	0.69	0.00	0.00	0.69
7.50	0.69	1.04	0.13	0.01	1.05
8.00	0.69	1.39	0.46	0.16	1.55
8.50	0.69	1.73	0.79	0.48	2.21
9.00	0.69	2.08	1.12	0.95	3.03
9.50	0.69	2.43	1.19	1.55	3.97

Water Quality Calculation

Total Project Area: 2.053 acres

Total Impervious Area: 0.863 acres (50.33%)

- Building Area: 0.170 acres (8.30%)
- Pavement/Concrete/Sidewalks: 0.863 acres (42.03%)

Total Pervious Area: 0.326 acres (15.90%)

Dry Retention area: 0.693 acres (33.77%)

For water quality treatment, the first inch of runoff from the entire site, or the amount of 2½ inches times the percentage of imperviousness shall be treated, whichever is greater.

1. First inch of runoff:
 - a. Volume required = 1 inch x 2.053 ÷ 12 = 0.171 acre feet
2. 2½ inches times the percentage of imperviousness¹:
 - a. Volume required = 2½ x 0.4203 = 1.05 inches
 - b. Volume to be treated = 1.05 (inches) x 2.05 (acres) ÷ 12 = 0.179 acre-feet
3. Condition 2 is greater than Condition 1 therefore:
4. Volume to be treated: **0.179** acre-feet

Drainage trench required (see attached calculations) 308 L.F. required (8.3985 acre/inches treated = 0.700 acre/feet).

Drainage trench provided (see attached calculations) **170 L.F.**

Rainfall Constants

For Flood Routing computations (Cascade)

100 year rainfall quantity: 13.72 inches (3.28 inch rainfall credit applied)

25 year rainfall quantity: 10.72 inches (3.28 inch rainfall credit applied)

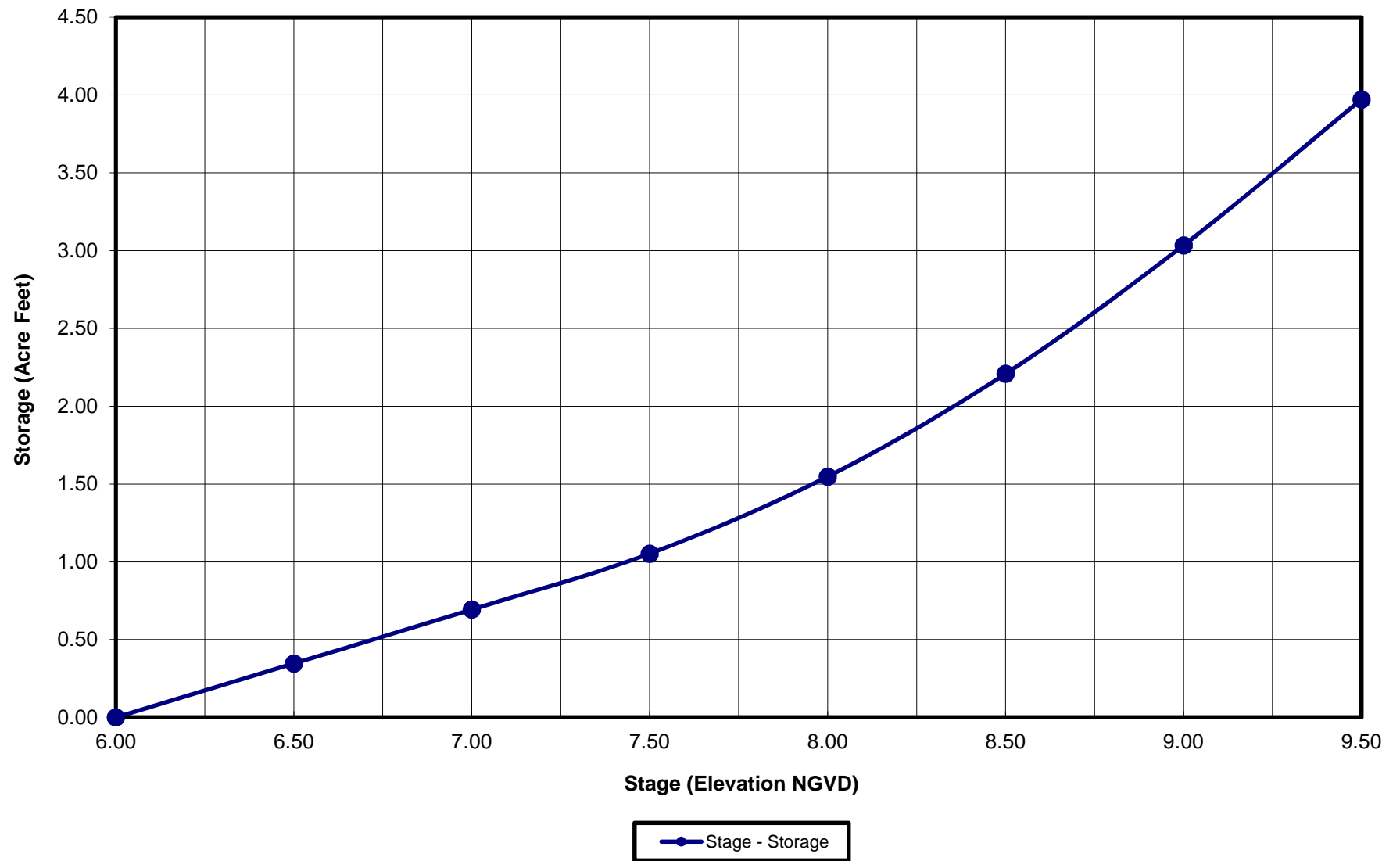
10 year rainfall quantity: 7.0 inches (from Permit Manual 10 year map)

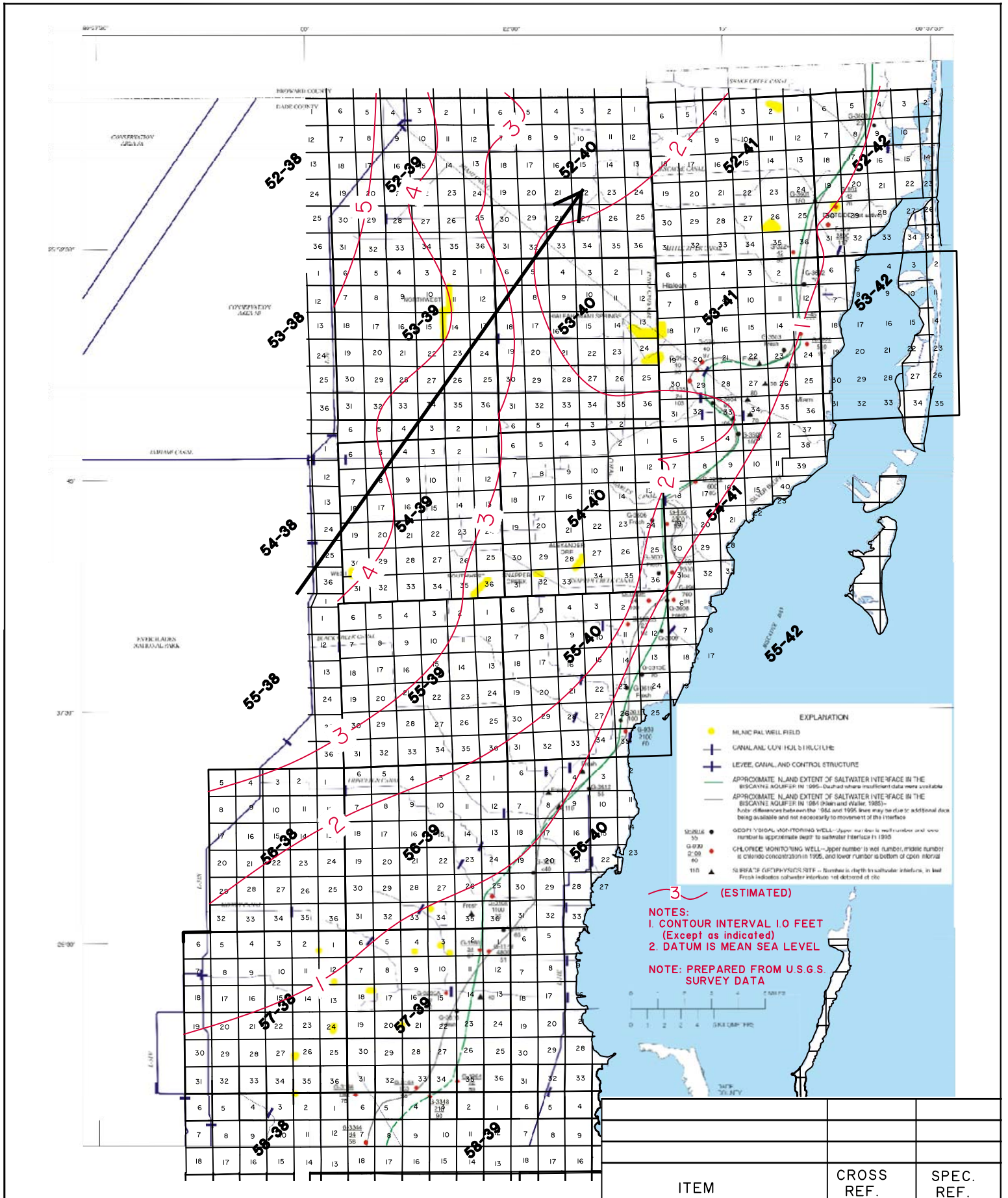
Conclusion

This analysis and corresponding calculations prove that the storm water retention system designed for this project exceeds the local and state requirements for storm water management systems.

¹ Pursuant to SFWMD Permit Manual (2013), roof and stormwater retention area may be deducted from site area for water quality calculation purposes (Part IV – Stormwater Quality, Section 4.2.2(c)).

Stage - Storage





**METROPOLITAN
DADE COUNTY
PUBLIC WORKS
DEPARTMENT**

APPROVED

4/5/72

REVISED

2/19/75
4/14/77

**DESIGN STANDARDS
AVERAGE MAY
GROUND WATER LEVEL
1960-75**

**WC
2.4
SHEET 1 of 1**

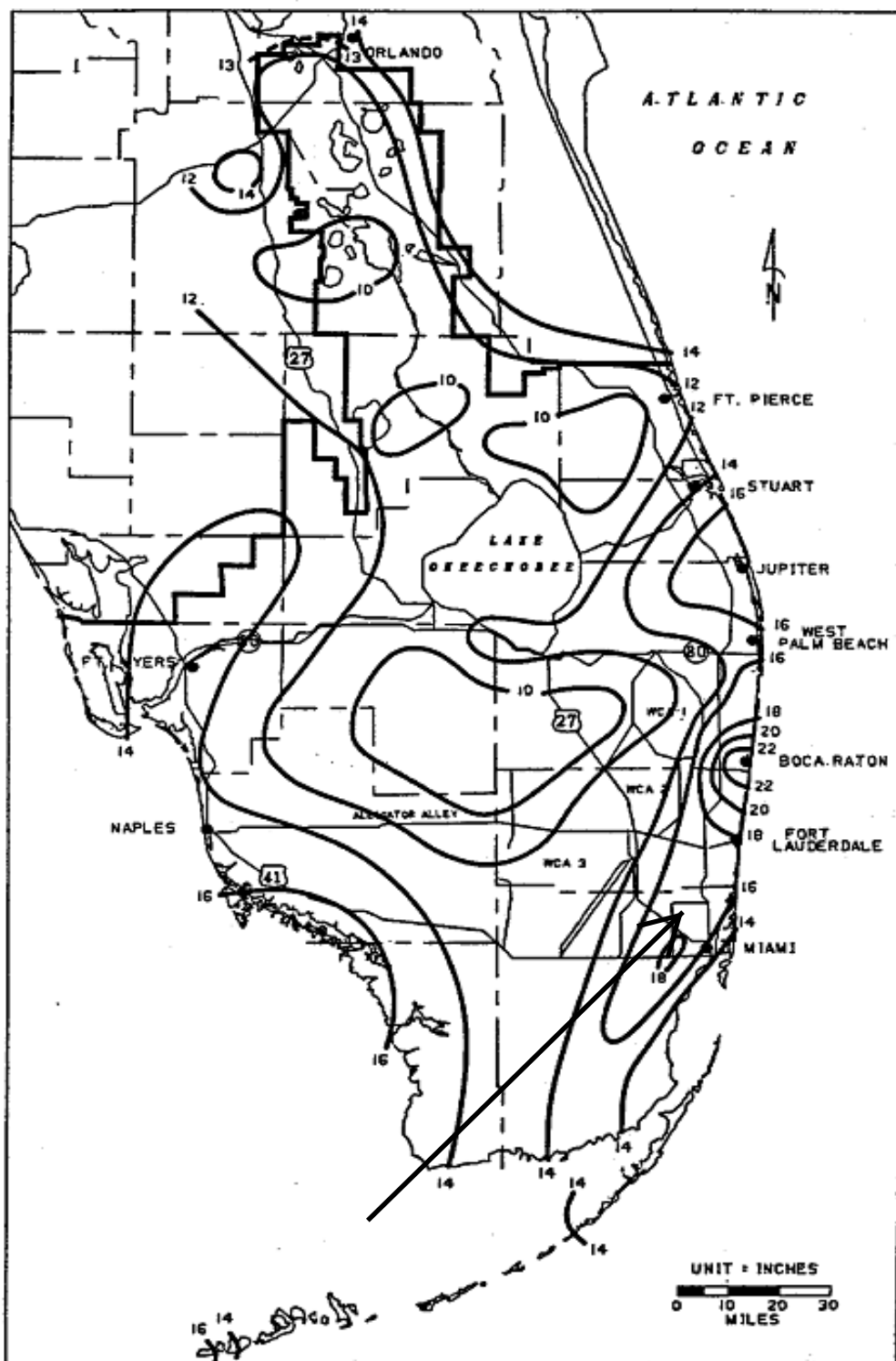


FIGURE C-9. 3-DAY RAINFALL: 100-YEAR RETURN PERIOD

Project Name: Zone2017-0614

Reviewer: 2a

Project Number: U.S.S.

Period Begin: Jan 25, 2018;0000 hr End: Jan 28, 2018;0000 hr Duration: 72 hr

Time Step: 0.2 hr, Iterations: 10

Basin 1: Retention Area

Method: Santa Barbara Unit Hydrograph

Rainfall Distribution: SFWMD - 3day

Design Frequency: 100 year

3 Day Rainfall: 13.7201 inches

Area: 0.693003 acres

Ground Storage: 1.3 inches

Time of Concentration: 1 hours

Initial Stage: 6 ft NGVD

Stage (ft NGVD)	Storage (acre-ft)
6.00	0.00
6.50	0.35
7.00	0.69
7.50	1.04
8.00	1.39
8.50	1.73
9.00	2.08
9.50	2.43

Basin 2: Paving

Method: Santa Barbara Unit Hydrograph

Rainfall Distribution: SFWMD - 3day

Design Frequency: 100 year

3 Day Rainfall: 13.7201 inches

Area: 1.189 acres

Ground Storage: 1.3 inches

Time of Concentration: 1 hours

Initial Stage: 7.3 ft NGVD

Stage (ft NGVD)	Storage (acre-ft)
7.30	0.00
7.50	0.01
8.00	0.16
8.50	0.48
9.00	0.95
9.50	1.55

STRUCTURE MAXIMUM AND MINIMUM DISCHARGES

Struc	Max (cfs)	Time (hr)	Min (cfs)	Time (hr)
-------	-----------	-----------	-----------	-----------

BASIN MAXIMUM AND MINIMUM STAGES

Basin	Max (ft)	Time (hr)	Min (ft)	Time (hr)
Retention Area	7.01	72.00	6.00	0.00
Paving	9.21	72.00	7.30	0.00

BASIN WATER BUDGETS (all units in acre-ft)

Basin	Total Runoff	Structure Inflow	Structure Outflow	Initial Storage	Final Storage	Residual
Retention Area	0.70	0.00	0.00	0.00	0.70	0.00
Paving	1.20	0.00	0.00	0.00	1.20	0.00

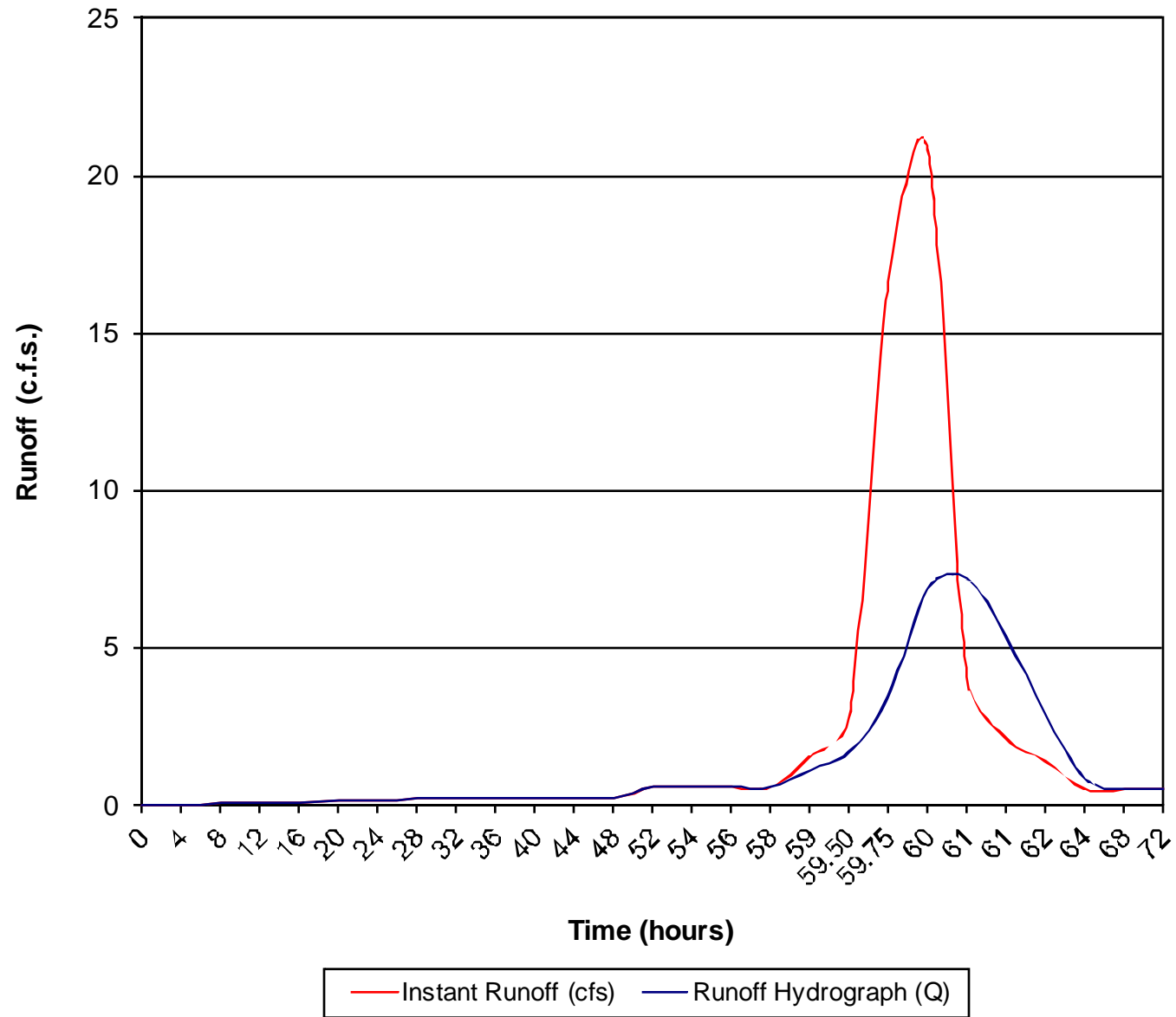
100 Year

Miami Lakes Office Building
100 Year - 72 hour Event

Time of Concentration (Hr.): 1.00
Impervious Area (Acres): 1.03
Pervious Area (Acres): 1.02
Total Land Area (Acres): 2.05
Pervious Percentage: 49.76%
Available Soil Storage (inches): 8.18
Weighted Soil Storage (inches): 1.30
Rainfall: 13.72
Frequency (year): 100
Duration (hours): 72

Time (Hours)	Ratio (P/P24)	Cumulative Rain (in)	Runoff (in)	Cumulative Runoff (AF)	Instant Runoff (cfs)	Runoff Hydrograph (Q)
0.00	0.000	0.00	0.00	0.00	0.00	0.00
4.00	0.024	0.33	0.00	0.00	0.02	0.00
8.00	0.049	0.67	0.10	0.02	0.07	0.06
12.00	0.073	1.00	0.27	0.05	0.10	0.09
16.00	0.097	1.33	0.49	0.08	0.12	0.12
20.00	0.122	1.67	0.73	0.13	0.13	0.13
24.00	0.146	2.00	1.00	0.17	0.15	0.14
28.00	0.182	2.49	1.41	0.24	0.22	0.21
32.00	0.217	2.98	1.84	0.31	0.22	0.22
36.00	0.253	3.47	2.28	0.39	0.23	0.23
40.00	0.288	3.95	2.73	0.47	0.23	0.23
44.00	0.324	4.44	3.19	0.54	0.24	0.23
48.00	0.359	4.93	3.65	0.62	0.22	0.24
52.00	0.444	6.10	4.77	0.82	0.58	0.57
54.00	0.487	6.68	5.34	0.91	0.58	0.58
56.00	0.530	7.27	5.91	1.01	0.58	0.58
58.00	0.572	7.85	6.48	1.11	0.56	0.58
59.00	0.628	8.62	7.23	1.24	1.55	1.14
59.50	0.678	9.30	7.91	1.35	2.77	1.68
59.75	0.828	11.36	9.94	1.70	16.65	3.46
60.00	1.015	13.93	12.48	2.13	20.85	6.86
60.50	1.088	14.93	13.47	2.30	4.08	7.21
61.00	1.126	15.45	13.99	2.39	2.12	5.37
62.00	1.177	16.15	14.69	2.51	1.43	2.91
64.00	1.213	16.65	15.18	2.59	0.51	0.85
68.00	1.286	17.65	16.18	2.76	0.51	0.52
72.00	1.359	18.65	17.17	2.93	0.51	0.51

Santa Barbara Urban Hydrograph (100 Year)



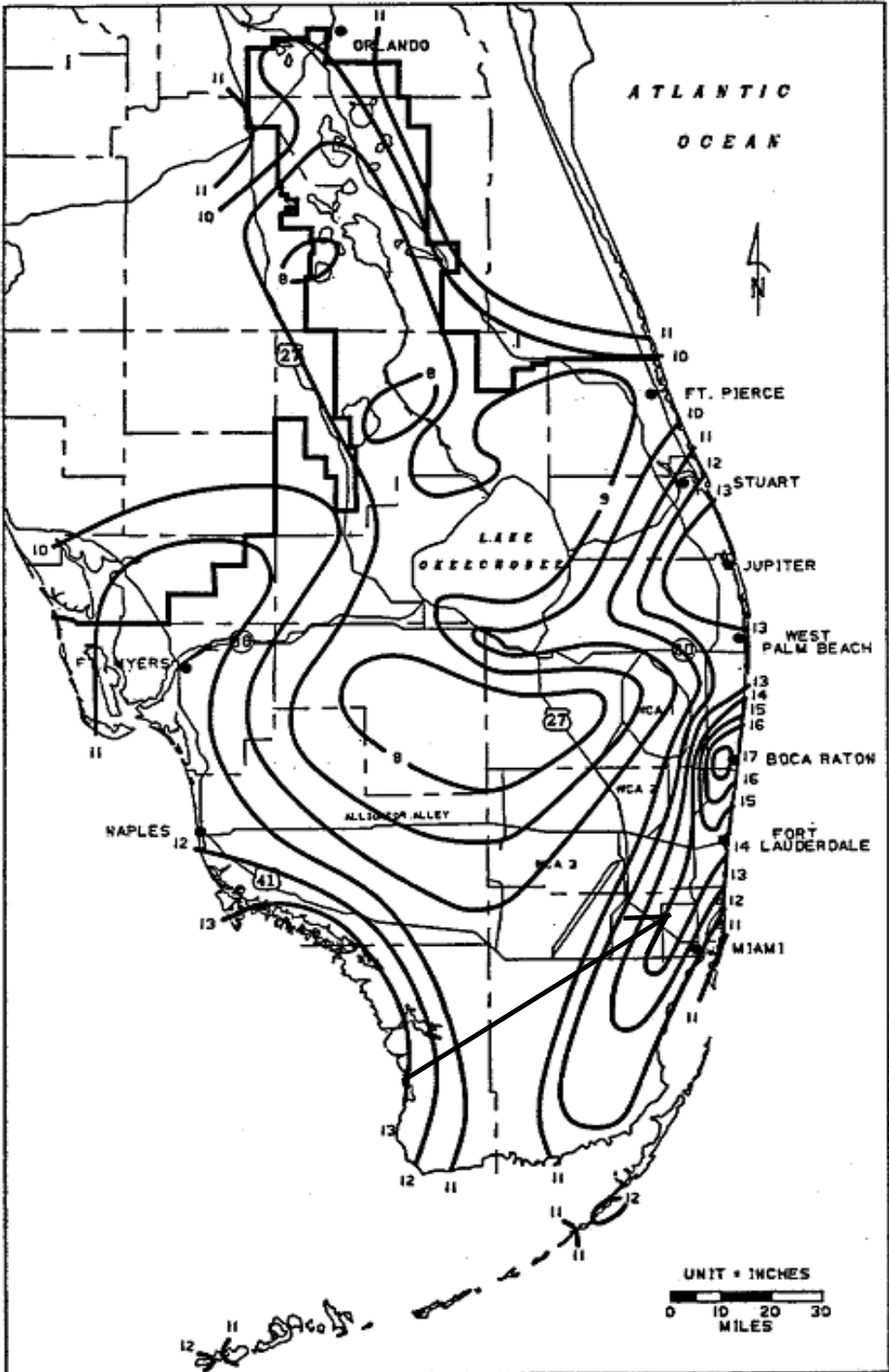


FIGURE C-8. 3-DAY RAINFALL: 25-YEAR RETURN PERIOD

Project Name: Zone2017-0614

Reviewer: 2a

Project Number: U.S.S.

Period Begin: Jan 25, 2018;0000 hr End: Jan 28, 2018;0000 hr Duration: 72 hr

Time Step: 0.2 hr, Iterations: 10

Basin 1: Retention Area

Method: Santa Barbara Unit Hydrograph

Rainfall Distribution: SFWMD - 3day

Design Frequency: 25 year

3 Day Rainfall: 10.72 inches

Area: 0.693003 acres

Ground Storage: 1.3 inches

Time of Concentration: 1 hours

Initial Stage: 6 ft NGVD

Stage (ft NGVD)	Storage (acre-ft)
6.00	0.00
6.50	0.35
7.00	0.69
7.50	1.04
8.00	1.39
8.50	1.73
9.00	2.08
9.50	2.43

Basin 2: Paving

Method: Santa Barbara Unit Hydrograph

Rainfall Distribution: SFWMD - 3day

Design Frequency: 25 year

3 Day Rainfall: 10.72 inches

Area: 1.189 acres

Ground Storage: 1.3 inches

Time of Concentration: 1 hours

Initial Stage: 7.3 ft NGVD

Stage (ft NGVD)	Storage (acre-ft)
7.30	0.00
7.50	0.01
8.00	0.16
8.50	0.48
9.00	0.95
9.50	1.55

STRUCTURE MAXIMUM AND MINIMUM DISCHARGES

Struc	Max (cfs)	Time (hr)	Min (cfs)	Time (hr)
-------	-----------	-----------	-----------	-----------

BASIN MAXIMUM AND MINIMUM STAGES

Basin	Max (ft)	Time (hr)	Min (ft)	Time (hr)
Retention Area	6.77	72.00	6.00	0.00
Paving	8.96	72.00	7.30	0.00

BASIN WATER BUDGETS (all units in acre-ft)

Basin	Total Runoff	Structure Inflow	Structure Outflow	Initial Storage	Final Storage	Residual
Retention Area	0.53	0.00	0.00	0.00	0.53	0.00
Paving	0.91	0.00	0.00	0.00	0.91	0.00

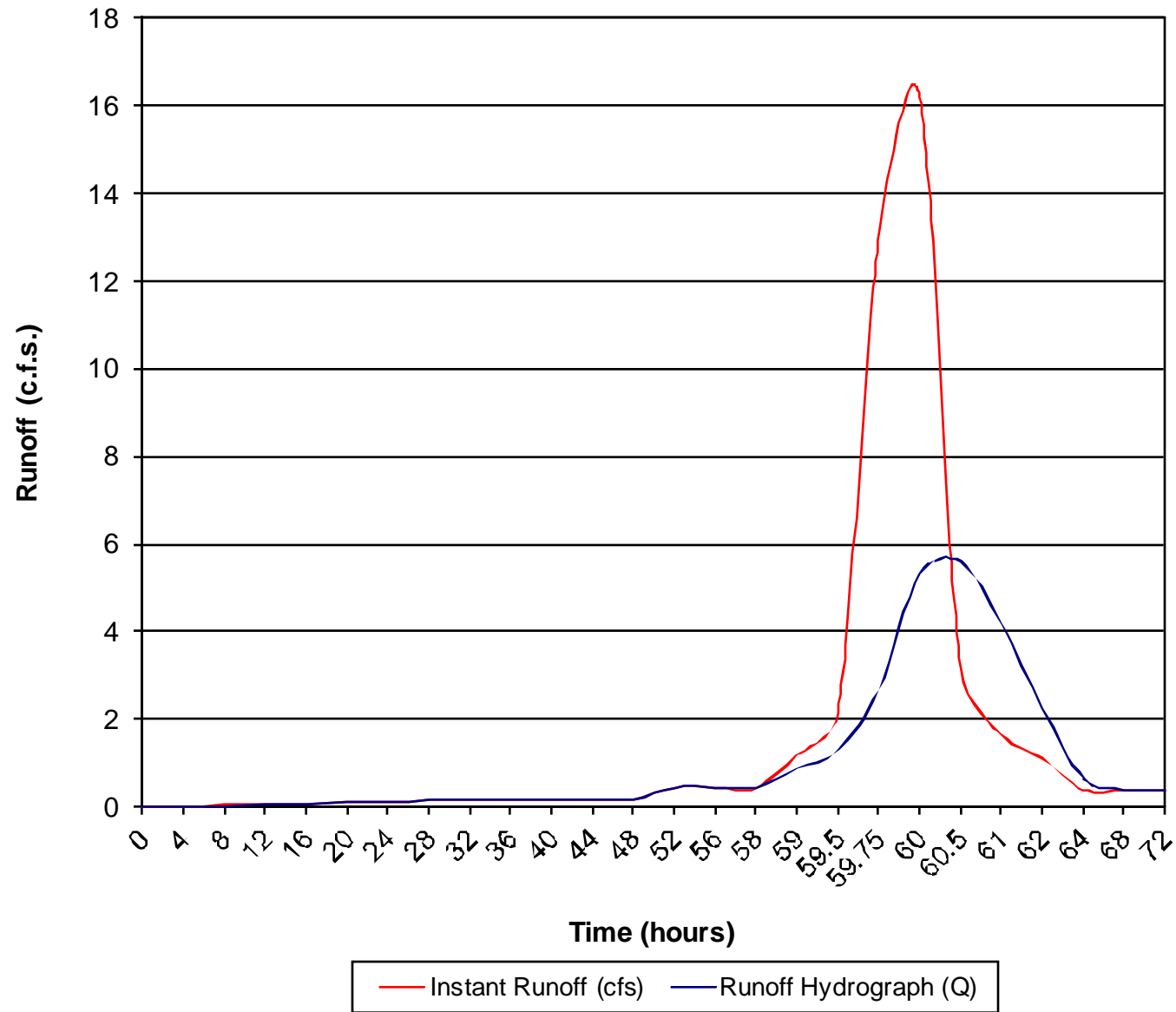
25 Year

Miami Lakes Office Building
25 Year - 72 hour Event

Time of Concentration (Hr.): 1.00
Impervious Area (Acres): 1.03
Pervious Area (Acres): 1.02
Total Land Area (Acres): 2.05
Pervious Percentage: 49.76%
Available Soil Storage (inches): 8.18
Weighted Soil Storage (inches): 1.30
Rainfall: 10.72
Frequency (year): 25
Duration (hours): 72

Time (Hours)	Ratio (P/P24)	Cumulative Rain (in)	Runoff (in)	Cumulative Runoff (AF)	Instant Runoff (cfs)	Runoff Hydrograph (Q)
0.00	0.000	0.00	0.00	0.00	0.00	0.00
4.00	0.024	0.26	0.00	0.00	0.00	0.00
8.00	0.049	0.52	0.04	0.01	0.04	0.03
12.00	0.073	0.78	0.15	0.03	0.06	0.06
16.00	0.097	1.04	0.29	0.05	0.08	0.08
20.00	0.122	1.30	0.46	0.08	0.09	0.09
24.00	0.146	1.57	0.65	0.11	0.11	0.10
28.00	0.182	1.95	0.95	0.16	0.16	0.15
32.00	0.217	2.33	1.27	0.22	0.17	0.16
36.00	0.253	2.71	1.60	0.27	0.17	0.17
40.00	0.288	3.09	1.94	0.33	0.18	0.17
44.00	0.324	3.47	2.28	0.39	0.18	0.18
48.00	0.359	3.85	2.63	0.45	0.17	0.18
52.00	0.444	4.76	3.49	0.60	0.44	0.44
56.00	0.530	5.68	4.37	0.75	0.45	0.45
58.00	0.572	6.13	4.81	0.82	0.44	0.45
59.00	0.628	6.73	5.39	0.92	1.20	0.88
59.50	0.678	7.27	5.91	1.01	2.14	1.30
59.75	0.828	8.88	7.49	1.28	12.92	2.68
60.00	1.015	10.88	9.46	1.62	16.20	5.32
60.50	1.088	11.66	10.24	1.75	3.17	5.60
61.00	1.126	12.07	10.64	1.82	1.65	4.17
62.00	1.177	12.62	11.18	1.91	1.11	2.26
64.00	1.213	13.01	11.57	1.98	0.40	0.66
68.00	1.286	13.79	12.34	2.11	0.40	0.40
72.00	1.359	14.57	13.12	2.24	0.40	0.40

Santa Barbara Urban Hydrograph (25 Year)



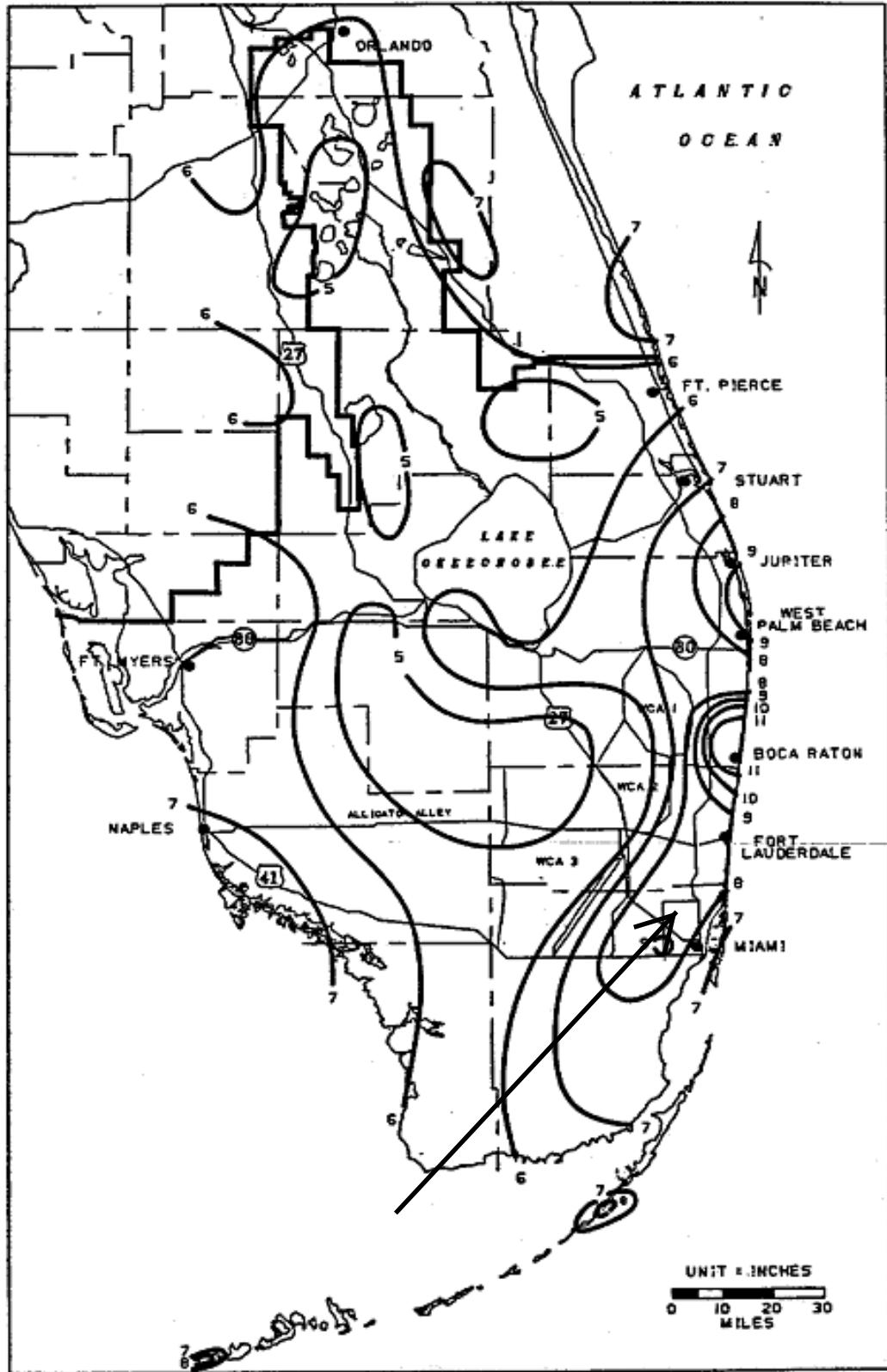


FIGURE C-4. 1-DAY RAINFALL: 10-YEAR RETURN PERIOD

Project Name: Zone2017-0614

Reviewer: 2a

Project Number: U.S.S.

Period Begin: Jan 25, 2018;0000 hr End: Jan 28, 2018;0000 hr Duration: 72 hr

Time Step: 0.2 hr, Iterations: 10

Basin 1: Retention Area

Method: Santa Barbara Unit Hydrograph

Rainfall Distribution: SFWMD - 24 hr

Design Frequency: 10 year

1 Day Rainfall: 7 inches

Area: 0.693003 acres

Ground Storage: 1.3 inches

Time of Concentration: 1 hours

Initial Stage: 6 ft NGVD

Stage (ft NGVD)	Storage (acre-ft)
6.00	0.00
6.50	0.35
7.00	0.69
7.50	1.04
8.00	1.39
8.50	1.73
9.00	2.08
9.50	2.43

Basin 2: Paving

Method: Santa Barbara Unit Hydrograph

Rainfall Distribution: SFWMD - 24 hr

Design Frequency: 10 year

1 Day Rainfall: 7 inches

Area: 1.189 acres

Ground Storage: 1.3 inches

Time of Concentration: 1 hours

Initial Stage: 7.3 ft NGVD

Stage (ft NGVD)	Storage (acre-ft)
7.30	0.00
7.50	0.01
8.00	0.16
8.50	0.48
9.00	0.95
9.50	1.55

STRUCTURE MAXIMUM AND MINIMUM DISCHARGES

Struc	Max (cfs)	Time (hr)	Min (cfs)	Time (hr)
=====	=====	=====	=====	=====

BASIN MAXIMUM AND MINIMUM STAGES

Basin	Max (ft)	Time (hr)	Min (ft)	Time (hr)
=====	=====	=====	=====	=====
Retention Area	6.47	35.00	6.00	0.00
Paving	8.59	34.80	7.30	0.00

BASIN WATER BUDGETS (all units in acre-ft)

Basin	Total Runoff	Structure Inflow	Structure Outflow	Initial Storage	Final Storage	Residual
=====	=====	=====	=====	=====	=====	=====
Retention Area	0.33	0.00	0.00	0.00	0.33	0.00
Paving	0.56	0.00	0.00	0.00	0.56	0.00

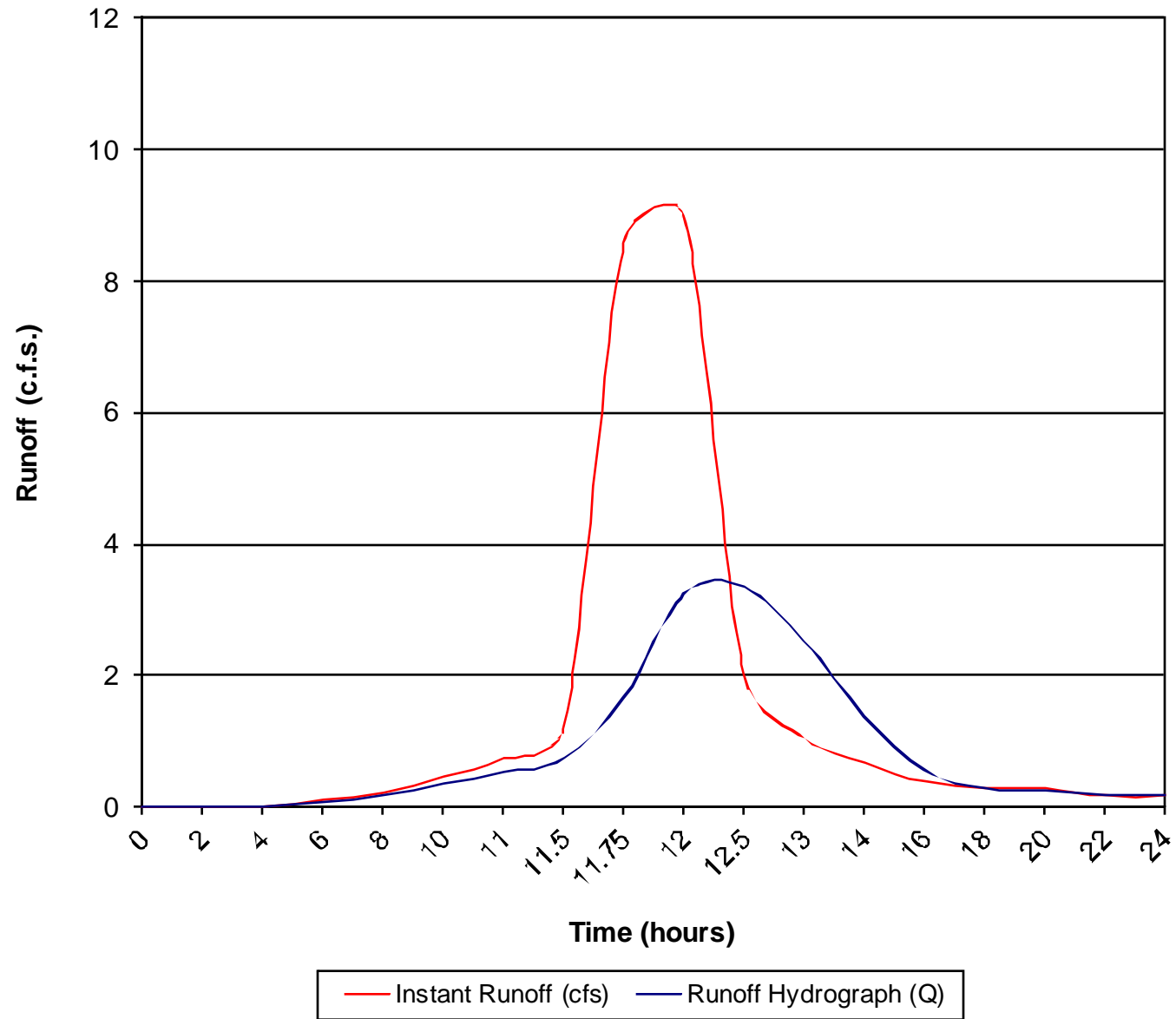
10 Year

Miami Lakes Office Building
10 Year - 24 hour Event

Time of Concentration (Hr.): 1.00
Impervious Area (Acres): 1.03
Pervious Area (Acres): 1.02
Total Land Area (Acres): 2.05
Pervious Percentage: 49.76%
Available Soil Storage (inches): 8.18
Weighted Soil Storage (inches): 1.30
Rainfall: 7.00
Frequency (year): 10
Duration (hours): 24

Time (Hours)	Ratio (P/P24)	Cumulative Rain (in)	Runoff (in)	Cumulative Runoff (AF)	Instant Runoff (cfs)	Runoff Hydrograph (Q)
0.00	0.000	0.00	0.00	0.00	0.00	0.00
2.00	0.020	0.14	0.00	0.00	0.00	0.00
4.00	0.045	0.32	0.00	0.00	0.01	0.00
6.00	0.083	0.58	0.06	0.01	0.10	0.06
8.00	0.137	0.96	0.24	0.04	0.23	0.18
10.00	0.213	1.49	0.60	0.10	0.46	0.36
11.00	0.269	1.88	0.90	0.15	0.73	0.52
11.50	0.319	2.23	1.19	0.20	1.20	0.74
11.75	0.488	3.42	2.24	0.38	8.58	1.66
12.00	0.656	4.59	3.33	0.57	8.99	3.24
12.50	0.729	5.10	3.82	0.65	2.02	3.35
13.00	0.767	5.37	4.07	0.70	1.04	2.52
14.00	0.818	5.73	4.42	0.75	0.66	1.38
16.00	0.880	6.16	4.83	0.83	0.39	0.56
18.00	0.916	6.41	5.08	0.87	0.28	0.29
20.00	0.952	6.66	5.32	0.91	0.28	0.25
22.00	0.976	6.83	5.49	0.94	0.17	0.18
24.00	1.000	7.00	5.65	0.97	0.17	0.17

Santa Barbara Urban Hydrograph (10 Year)



U.S. South Engineering
14347 Commerce Way
Miami, FL. 33016
(305) 558-2588

PROJECT: Miami Lakes Office
JOB No:

DATE: 11/1/2017

VOLUME TREATED (V) $V = C_w \times A \times R$

TRENCH LENGTH FORMULAS **

$$\text{IF } D_s > D_u \quad L = \frac{V}{K(2H_2D_U - D_U^2 + 2H_2D_S) + 1.39 \times 10^{-4}(WD_U)}$$

$$\text{IF } D_u > D_s \quad L = \frac{V}{K(H_2W + 2H_2D_U - D_U^2 + 2H_2D_S) + 1.39 \times 10^{-4}(WD_U)}$$

**** Taken from South Florida Water Management District Permitting Information Manual (2013).**

BASE DATA

Grate Elevation:	8.00 (N.G.V.D.)
Water-Table Table Elev:	3.00 (WC 2.2.) (Wt)
Trench Depth (ft):	15
Bottom Trench Elevation:	-7.00 (bottom)
Impervious Area Coefficient:	0.90 (constant) (Ci)
Sodded Swale Area Coefficient:	0.30 (constant) (Cs)
Grassed Lot Area Coefficient:	0.40 (constant) (Cg)
Roof Area Coefficient	1.00 (constant) (Cr)
Rainfall (Inches):	6.20 (in.) (i)
Trench width (ft):	4 (feet) (w)
Depth to Water Table (H2)	5.00 (feet) (H2)
Unsaturated Depth	3.33 (feet) (Du)
Saturated Depth	10.00 (feet) (Ds)

Table

Drainage Area	Total
Gross Area (ft2):	89408
Grassed Area (ft2):	44407
Lot Coverage (%):	100%
Impervious Area (ft2):	37579
Roof Area (ft2):	7422
Weighted Coefficient (Cw):	0.6600
Volume of Runoff (Acre-inch.)(Q):	8.3985
Conductivity Coefficient (k)	7.00E-04

Length of Trench required (LF):	83
Trench length provided (LF):	170

Project Name:
Project Number:

U.S. South Engineering

MASS DIAGRAM

Drainage Area Distribution

Gross Area ft ²	Lot Area ft ²	R/W Area ft ²	Gross Area ft ²	(Cg)	Roof Area ft ²	(Cr)	Swale Area ft ²	(Cs)	Impervious ft ²	(Ci)
89408	89408	0	44407	0.3	7422	1.0	0	0.4	37579	0.9

System Storage Data

C factor for Pervious Areas:	0.35
C factor for Impervious Areas:	0.95
Total Drainage Area (Acres):	2.053
Impervious Areas (Acres):	1.033
Pervious Areas (Acres):	1.019
Exfiltration Rate (ft ³ /sec/LF):	0.0859
Run-off Coefficient (Cw):	0.610
Storage available (ft ³ /1000):	0.9800
Trench Length Required:	71
Trench Length Provided:	140
Trench Length Safety Factor:	2.0

Trench Data

Water Table Elevation (WC 2.2):	3.00
Grate Elevation:	8.00
Trench Width (ft):	4
Non-Saturated Top of Trench*:	6.50
Hydraulic Conductivity (k)(avg):	7.00E-04
Height to Water Table (ft)(H2):	5
Unsaturated Trench (ft)(Du):	3.50
Saturated Trench (ft)(Ds):	10
Pipe Diameter (inches):	18
Pipe Invert Elevation:	3.00
Percentage of Voids:	50%
Trench Depth (ft):	15

*(Assumes 24" minimum cover over pipe)

Run-off Generation Data

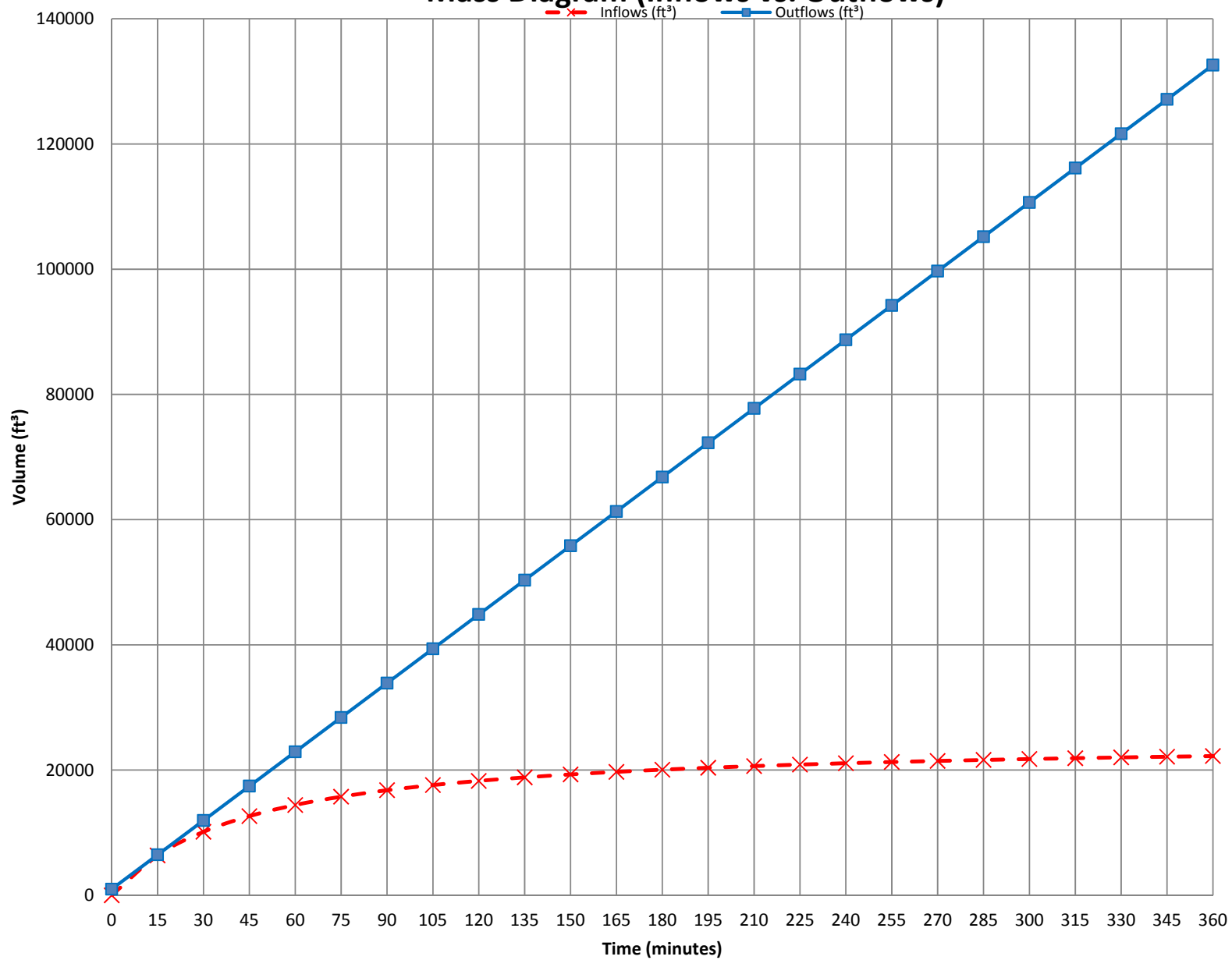
Volume of one inch of run-off (ft ³):	7451
Storm Frequency (years):	5
Initial Time of Concentration (Tc):	10
Time to generate 1" of run-off (min.):	19

U.S. South Engineering

MASS DIAGRAM OF INFLOWS AND OUTFLOWS

Time (min.)	Intensity (in/hr)	Run-Off (ft ³ /sec)	Inflows (ft ³)	Exfiltration (ft ³ /sec)	Cumulative (ft ³)	System Storage(ft ³)	Outflows (ft ³)	Overflows (ft ³)
0	7.58	9.49	0	6.09	0	980	980	-980.0
15	5.64	7.07	6363	6.09	5484	980	6464	-101.4
30	4.50	5.63	10139	6.09	10969	980	11949	-1,809.6
45	3.74	4.68	12640	6.09	16453	980	17433	-4,793.6
60	3.20	4.00	14417	6.09	21938	980	22918	-8,500.3
75	2.79	3.50	15746	6.09	27422	980	28402	-12,655.9
90	2.48	3.11	16777	6.09	32906	980	33886	-17,109.5
105	2.23	2.79	17600	6.09	38391	980	39371	-21,770.9
120	2.03	2.54	18272	6.09	43875	980	44855	-26,583.0
135	1.86	2.32	18832	6.09	49360	980	50340	-31,508.0
150	1.71	2.14	19304	6.09	54844	980	55824	-36,519.5
165	1.59	1.99	19709	6.09	60328	980	61308	-41,599.0
180	1.48	1.86	20060	6.09	65813	980	66793	-46,732.8
195	1.39	1.74	20367	6.09	71297	980	72277	-51,910.6
210	1.31	1.64	20637	6.09	76782	980	77762	-57,124.6
225	1.23	1.55	20877	6.09	82266	980	83246	-62,368.8
240	1.17	1.46	21092	6.09	87750	980	88730	-67,638.5
255	1.11	1.39	21285	6.09	93235	980	94215	-72,929.6
270	1.06	1.32	21460	6.09	98719	980	99699	-78,239.3
285	1.01	1.26	21619	6.09	104203	980	105183	-83,564.9
300	0.97	1.21	21764	6.09	109688	980	110668	-88,904.3
315	0.92	1.16	21896	6.09	115172	980	116152	-94,255.9
330	0.89	1.11	22019	6.09	120657	980	121637	-99,618.1
345	0.85	1.07	22131	6.09	126141	980	127121	-104,989.8
360	0.82	1.03	22236	6.09	131625	980	132605	-110,369.8

Mass Diagram (Inflows vs. Outflows)







US South
Engineering & Testing Laboratory, Inc.
14345 Commerce Way, Miami, FL 33016
Phone: 305.558.2588 | Fax: 305.362.4669

November 3rd, 2017

MACO GROUP, LLC.
14750 NW 77 Ct. Suite # 110
Miami Lakes, Florida 33016

Re: Three story Office Building
14575 NW 77th Avenue
Miami Lakes, Florida

USSE Project #: 17-TRF-110

Dear Mr. Escarrá,

As per your request, U.S. South Engineering and Testing Lab, Inc. have conducted a traffic analyses for the proposed three (3) story office Building located at 14575 NW 77th Avenue, in Miami Lakes, Florida

This traffic analysis determines the new traffic volume generated by proposed three story office facility that is being designed and built at near **Palmetto Expressway perimeter road** (NW 77th Avenue) and **Miami Lakes Drive**.

Tables 1 & 2 present the trip generation associated with the land-use for the above referenced site. As indicated in these tables, trip generated in conjunction with condition for NW 77th Ave (Palmetto perimeter road) and NW 146th Street and Miami Lakes Drive (NW 154 Street) a typical weekday for the new land-use will result in approximately **70 AM Peak Hour daily trips** and approximately **109 PM Peak Hour daily trips**.

Based on the field review it appears that the traffic generated by the proposed office facility will be entering and exiting (Right turn only) from and to Miami Lakes Drive respectively.

Therefore, it can be concluded that the traffic generated from the proposed site will have no significant impacts on the intersection of Miami Lakes Drive and NW 77th Ave (the perimeter road).

U.S. South Engineering and Testing Lab, Inc., appreciates the opportunity of assisting you in this project. If you have any questions or comments, please do not hesitate to contact the undersigned.

Respectfully submitted,

U.S. South Engineering and Testing Lab., Inc.



Ghasem Khavanin, P.E.
Project Manager



US South
Engineering & Testing Laboratory, Inc.
14345 Commerce Way, Miami, FL 33016
Phone: 305.558.2588 | Fax: 305.362.4669

APPENDIX A

SITE MAP

OK 4/3/17



US South

Engineering & Testing Laboratory, Inc.
14345 Commerce Way, Miami, FL 33016
Phone: 305.558.2588 | Fax: 305.362.4669



Three Folio Numbers are as follows:

Folio: 32-2023-001-0541

Folio: 32-2023-001-0550

Folio: 32-2023-001-0560

*Proposed
3 story Office
Building
Approximately
28,000 Sq. Ft.
Miami, Fl.*

*CK
4/3/17*

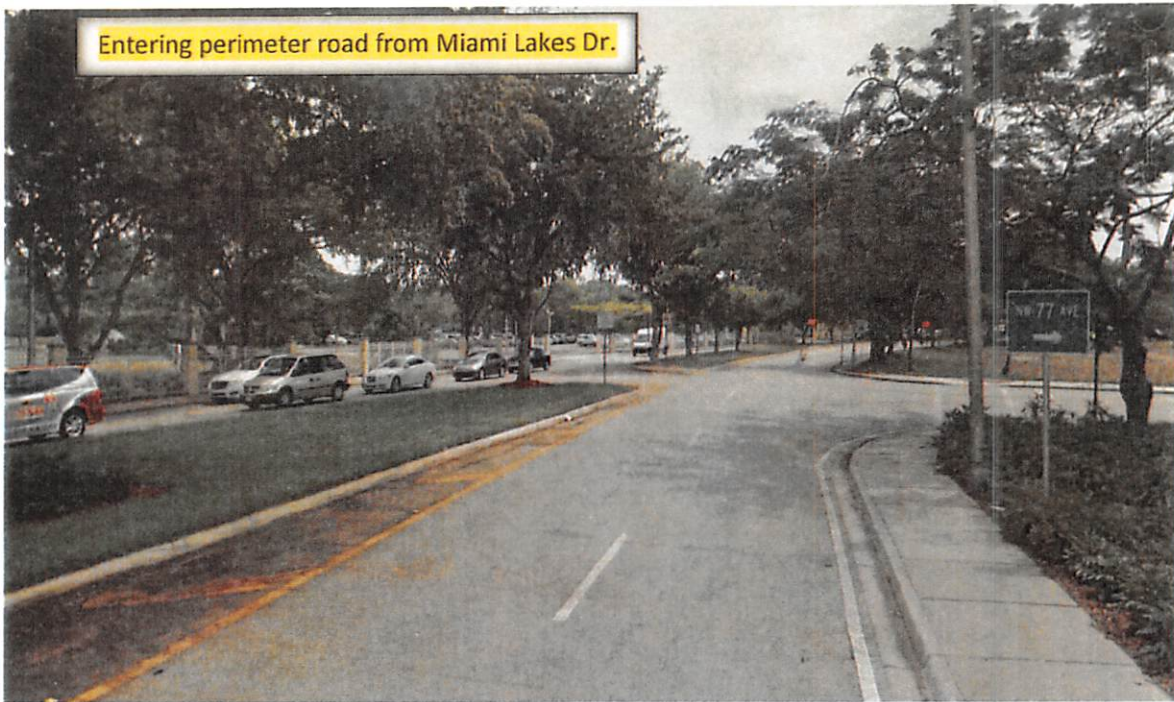


US South

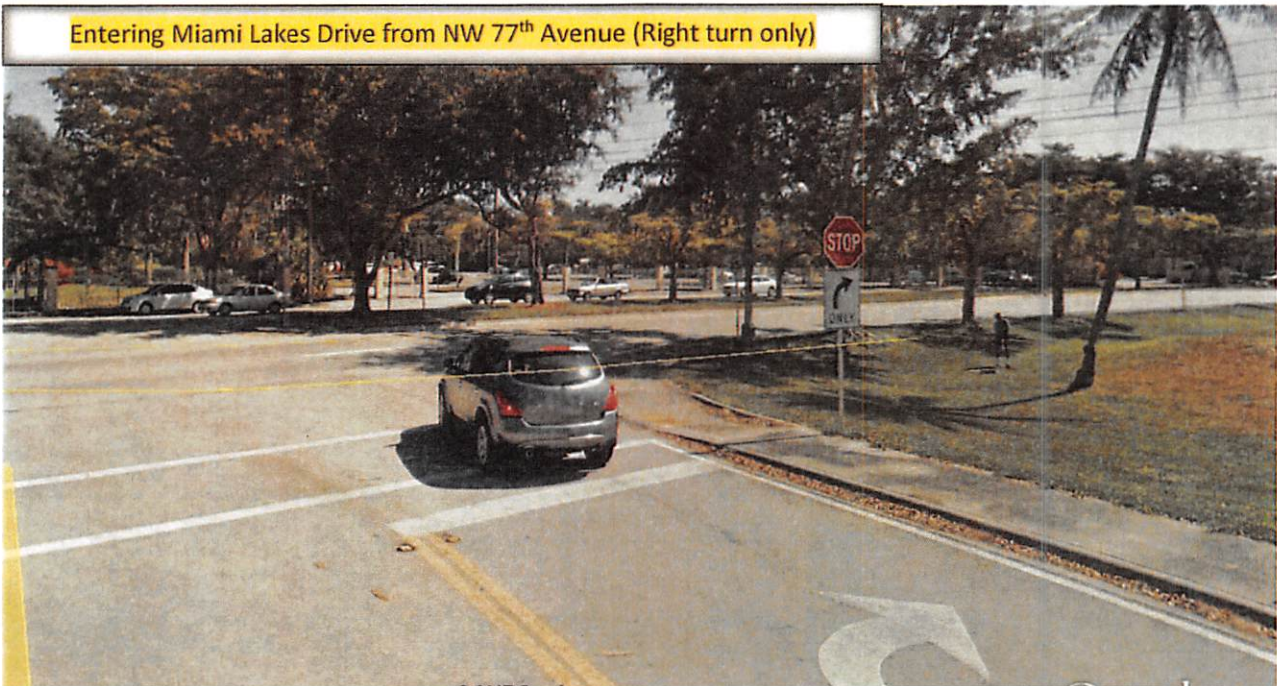
Engineering & Testing Laboratory, Inc.
14345 Commerce Way, Miami, FL 33016
Phone: 305.558.2588 | Fax: 305.362.4669



Entering perimeter road from Miami Lakes Dr.



Entering Miami Lakes Drive from NW 77th Avenue (Right turn only)



GR 11/3/17



US South
Engineering & Testing Laboratory, Inc.
14345 Commerce Way, Miami, FL 33016
Phone: 305.558.2588 | Fax: 305.362.4669



APPENDIX B

TABLES



Future review of trip generation in conjunction with condition for Perimeter Road (NW 77th Avenue) and Miami Lakes Drive, the following table define the trip generation tabulation:

Tables 1A Trip Generation Summary					
Land Use	Size (SF)	Daily Trips	AM Peak Hours		
			Total Trips	Inbound	Outbound
Office Building	28,000	498	70	60	9

Source: ITE Trip Generation Manual 9th Edition

Tables 1B Trip Generation Summary					
Land Use	Size (SF)	Daily Trips	PM Peak Hours		
			Total Trips	Inbound	Outbound
Office Building	28,000	498	109	18	91

Source: ITE Trip Generation Manual 9th Edition

Here are the impacts on adjacent street traffic:

Here are the impacts on adjacent street traffic:

Total AM Peak Hour = 70

Entering = 60

Exiting = 9

Total PM Peak Hour = 109

Entering = 18

Exiting = 91

Important Note and Conclusion: Considering the minor impact to adjacent streets and considering the fact that of the intersections on the vicinity of 77th Avenue is not warranted to become signalized intersection, it is my professional opinion that the LOS from subject site as well as the adjacent streets will not be impacted significantly.

Ca 6/11/3/17

Structure No.: 98U10; 98U11; A98U10; A98U11
Section 23, Township 52 S, Range 40 E:
Easement No. D0240001A; D0240001B; D02400010; D02400020; D02400030;
Parcel ID : 32-2023-001-0541; 32-2023-001-0560; 32-2023-001-0550

RIGHT-OF-WAY CONSENT AGREEMENT

FLORIDA POWER & LIGHT COMPANY, a Florida corporation, whose mailing address is P.O. Box 14000, Juno Beach, Florida 33408-0420, Attn: Corporate Real Estate Department, hereinafter referred to as "**Company**", hereby consents to Alari Holdings 1, LLC, whose mailing address is 16400 NW 59th Avenue, Miami Lakes, Florida 33014, hereafter referred to as "**Licensee**", using an area within Company's right-of-way granted by those certain agreements recorded in Official Records Book 2790 Page 341; Official Records Book 2704 Page 563; Official Records Book 2704 Page 565; Official Records Book 4066 Page 416; Official Records Book 4084 Page 157; and Official Records Book 4070 Page 358 all in the Public Records of Miami-Dade County, Florida. The said area within the Company's right-of-way, hereinafter referred to as "**Lands**", is more particularly described on **Exhibit "A"** attached hereto. The use of Lands by Licensee shall be solely for the purpose of Parking, Landscaping, lighting and associated uses as shown on the plans and specifications submitted by Licensee, attached hereto as **Exhibit "B"**.

In consideration for Company's consent and for the other mutual covenants set forth below, and for Ten Dollars and No Cents (\$10.00) and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereto agree as follows:

1. Licensee agrees to obtain all necessary rights from the owners of the Lands in the event Licensee does not own said Lands; to obtain any and all applicable federal, state, and local permits required in connection with Licensee's use of the Lands; and at all times, to comply with all requirements of all federal, state, and local laws, ordinances, rules and regulations applicable or pertaining to the use of the Lands by Licensee pursuant to this Agreement.

2. Licensee understands and agrees that the use of the Lands pursuant to this Agreement is subordinate to the rights and interest of Company in and to the Lands and agrees to notify its employees, agents, and contractors accordingly. Company specifically reserves the right to maintain its facilities located on the Lands; to make improvements; add additional facilities; maintain, construct or alter roads; maintain any facilities, devices, or improvements on the Lands which aid in or are necessary to Company's business or operations; and the right to enter upon the Lands at all times for such purposes. Licensee understands that in the exercise of such rights and interest, Company from time-to-time may require Licensee, to relocate, alter, or remove its facilities and equipment, including parking spaces and areas, and other improvements made by Licensee pursuant to this Agreement which interfere with or prevent Company, in its opinion, from properly and safely constructing, improving, and maintaining its facilities. Licensee agrees to relocate, alter, or remove said facilities, equipment, parking spaces and areas, and other improvements within thirty (30) days of receiving notice from Company to do so. Such relocation, alteration, or removal will be made at the sole cost and expense of Licensee and at no cost and expense to Company; provided however, should Licensee, for any reason, fail to make such relocation, alteration, or removal, Company retains the right to enter upon the Lands and make said relocation, alteration, or removal of Licensee's facilities, equipment, parking spaces and areas, and other improvements and Licensee hereby agrees to reimburse Company for all of its costs and expense incurred in connection therewith upon demand.

3. Licensee agrees that it will not use the Lands in any manner which, in the opinion of Company, may tend to interfere with Company's use of the Lands or may tend to cause a hazardous condition to exist. Licensee agrees that no hazardous substance, as the term is defined in Section 101 (14) of the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA") (42 USC Section 9601 [14]), petroleum products, liquids or flammables shall be placed on, under, transported across or stored on the Lands,

which restricts, impairs, interferes with, or hinders the use of the Lands by Company or the exercise by Company of any of its rights thereto. Licensee agrees further that in the event it should create a hazardous condition, then upon notification by Company, Licensee shall, within seventy-two (72) hours, at its sole cost and expense, correct such condition or situation; provided however that the Company retains the right to enter upon the Lands and correct any such condition or situation at any time and, by its execution hereof, Licensee hereby agrees to indemnify and hold harmless Company from all loss, damage or injury resulting from Licensee's failure to comply with the provisions of this Agreement.

4. Licensee hereby agrees and covenants to prohibit its agents, employees, and contractors from using any tools, equipment, or machinery on the Lands capable of extending greater than fourteen (14) feet above existing grade and further agrees that no dynamite or other explosives shall be used within the Lands and that no alteration of the existing terrain, including the use of the Lands by Licensee as provided herein, shall be made which will result in preventing Company access to its facilities located within said Lands. Unless otherwise provided herein, Licensee agrees to maintain a one hundred and fifty (150) foot wide area, clear of any activities, with a lineal measurement of seventy five (75) feet on each side of the centerline of Company's existing and planned facilities.

5. Licensee understands and agrees that the planting of trees, shrubs, and other foliage capable of exceeding fourteen (14) feet in height at full maturity is not permitted within Company's Lands.

6. Outdoor lighting installed or to be installed upon the Lands by Licensee are not to exceed a height of fourteen (14) feet above existing grade and all poles or standards supporting light fixtures are to be of a non-metallic material.

7. Sprinkler systems installed or to be installed by Licensee upon the Lands are to be constructed of a non-metallic material and sprinkler heads are to be set so the spray height does not exceed fourteen (14) feet above existing grade and does not make contact with any Company's facilities. Aboveground systems shall not be installed within or across Company patrol or finger roads and underground systems crossing said patrol and finger roads are to be buried at a minimum depth of one (1) foot below existing road grade.

8. Licensee agrees to warn its employees, agents, contractors and invitees of the fact that the electrical facilities and appurtenances installed or to be installed by Company within the Lands are of high voltage electricity and agrees to use all safety and precautionary measures when working under or near Company's facilities. Licensee hereby acknowledges the receipt and required execution of Form 360 "Exhibit C" prior to the commencement of construction within the Lands.

9. Licensee agrees, at all times, to maintain and keep the Lands clean and free of debris. Except as provided herein, Licensee further understands and agrees that certain uses of the Lands are specifically prohibited; such uses include but are not limited to recreational purposes, hunting and camping, and Licensee agrees to notify its employees, agents, contractors, and invitees accordingly.

10. The use of the Lands by Licensee shall be at the sole risk and expense of Licensee, and Company is specifically relieved of any responsibility for damage or loss to Licensee or other persons resulting from Company's use of the Lands for its purposes.

11. Notwithstanding any provision contained herein, Licensee agrees to reimburse Company for all cost and expense for any damage to Company's facilities resulting from Licensee's use of the Lands and agrees that if, in the opinion of Company, it becomes necessary as a result of Licensee's use of the Lands for Company to relocate, rearrange or change any of its facilities, to promptly reimburse Company for all cost and expense involved with such relocation, rearrangement or change.

12. Licensee agrees it will exercise its privileges hereunder at its own sole risk and agrees to indemnify and save harmless Company, its parent, subsidiaries, affiliates, and their respective officers, directors, agents and employees (hereinafter referred to as FPL Entities), from all liability, loss, cost, and expense, including attorneys' fees, which may be sustained by FPL Entities to any person, natural or artificial, by reason of the death of or injury to any person or damage to any property whether or not due to or caused by the negligence of FPL Entities, arising out of or in connection with the herein described purposes by Licensee, its contractors, agents, or employees; and Licensee agrees to defend at its sole cost and expense and at no cost and expense to FPL Entities any and all suits or action instituted against FPL Entities, for the imposition of such liability, loss, cost and expense.

13. Licensee shall, during the period of this Agreement, maintain at its sole expense a liability policy with minimum limits of \$3,000,000 for bodily injury or death of person(s) and \$3,000,000 for property damage arising out of a single occurrence. Said policy shall be endorsed to insure against obligations assumed by Licensee in the indemnity (Paragraph 12). A certificate of insurance shall be furnished to Company evidencing that said policy of insurance is in force and will not be cancelled or materially changed so as to affect the interests of FPL Entities until ten (10) days written notice has been furnished to Company. Upon request, copies of policies will be furnished to Company. Licensee understands and agrees that the use of the Lands for the purposes described herein is expressly contingent upon acceptance and compliance with the provisions contained herein.

14. This Agreement will become effective upon execution by Company and Licensee and will remain in full force and effect until completion of Licensee's use of the Lands pursuant to this Agreement, unless earlier terminated upon ninety (90) days written notice by Company to Licensee, or at the option of Company, immediately upon Licensee failing to comply with or to abide by any or all of the provisions contained herein.

15. The use granted herein as shown on **Exhibit "B"** shall be under construction by Licensee within one (1) year of the effective date of this Agreement and the construction shall be diligently pursued to completion. Licensee shall give Company ten (10) days prior written notice of its commencement of construction. "Under construction" is the continuous physical activity of placing the foundation or continuation of construction above the foundation of any structure or improvement permitted hereunder. Under construction does not include application for or obtaining a building permit, a site plan approval or zoning approval from the appropriate local government agency having jurisdiction over the activity, purchasing construction materials, placing such construction materials on the site, clearing or grading the site (if permitted) in anticipation of construction, site surveying, landscaping work or reactivating construction after substantially all construction activity has remained stopped for a period of two (2) months or more. Licensee acknowledges that failure to have the use under construction within the one (1) year time period will result in immediate termination of this Agreement in accordance with Paragraph 14 herein for failing to comply with the provisions contained herein unless Licenser grants a written extension for a mutually agreed upon time. Any request for an extension of time shall be submitted in writing by Licensee no later than thirty (30) days prior to the expiration of the one (1) year period for the project to be under construction.

16. The term "Licensee" shall be construed as embracing such number and gender as the character of the party or parties require(s) and the obligations contained herein shall be absolute and primary and shall be complete and binding as to each, including its successors and assigns, upon this Agreement being executed by Licensee and subject to no conditions precedent or otherwise.

17. Should any provision of this Agreement be determined by a court of competent jurisdiction to be illegal or in conflict with any applicable law, the validity of the remaining provisions shall not be impaired. In the event of any litigation arising out of enforcement of this Consent Agreement, the prevailing party in such litigation shall be entitled to recovery of all costs, including reasonable attorneys' fees.

18. Licensee may assign its rights and obligations under this Agreement to a solvent party upon prior written consent of the company, which consent shall not be unreasonably withheld.

19. Licensee agrees that any review or approval by Company of the plans and/or specifications submitted by Licensee attached hereto as **Exhibit "B"**, the approval of the identity of any contractors, subcontractors and materialmen, or the delivery by Company of any construction specifications to Licensee, is solely for the purpose of processing this Consent, and without any representation or warranty whatsoever to Licensee with respect to the adequacy, correctness or efficiency thereof or otherwise and it is understood that such Company's approval does not absolve Licensee of any liability hereunder. Further, Licensee, in connection with the construction, maintenance and/or removal of improvements depicted on **Exhibit "B"** to the Agreement, agrees to observe and fully comply with all construction, operation and maintenance standards, as well as all applicable laws, rules and regulations of the United States, the State of Florida, and all agencies and political subdivisions thereof, including without limitation, the National Electric Safety Code and the Occupational Safety & Health Administration regulations, standards, rules, registers, directives or interpretations.

20. This Agreement includes and is subject to the provisions described on the attached Addendum.

The parties have executed this Agreement this _____ day of _____, 2018.

Witnesses:

Signature:
Print Name: _____

Signature:
Print Name: _____

Witnesses:

Signature:
Print Name: _____

Signature:
Print Name: _____

FLORIDA POWER & LIGHT COMPANY

By: _____
Its: Real Estate Manager
Print Name: Ignacio B. Sarmiento

LICENSEE:
Alari Holdings 1, LLC

By: _____
Its: _____
Print Name: _____

(Corporate Seal)

Exhibit "A"

Those portions of Florida Power & Light Company easements described in Official Records Book 2790 Page 341; Official Records Book 2704 Page 563; Official Records Book 2704 Page 565; Official Records Book 4066 Page 416; Official Records Book 4084 Page 157; and Official Records Book 4070 Page 358 all in the Public Records of Miami-Dade County, Florida, that lies within the hereinafter to be described parcel of land:

Parcel Description:

The North $\frac{1}{2}$ of Tract 48, less the East 700 feet thereof, and less the Palmetto Expressway Right-of-Way on the West side of said Tract 48; in "FLORID FRUITS LAND CO.'S SUBDIVISION", Section 23, Township 52 South, Range 40 East, according to the Plat thereof as recorded in Plat Book 2, at Page 17 of the Public Records of Miami-Dade County, Florida.

AND

The North feet of the South $\frac{1}{2}$ of said Tract 48, less the East 620 feet thereof, and less the Palmetto Expressway Right-of-Way on the West side of said Tract 48.

EXHIBIT "B"

CONSTRUCTION PLANS

**FPL****NOTIFICATION OF FPL FACILITIES****Exhibit "C"**

Customer/Agency Alari Holdings I, LLC
 Developer/Contractor Name _____
 Location of Project _____
 FPL Representative _____
 Developer/Contractor Representative _____

Date of Meeting/Contact: _____
 Project Number/Name: _____
 City: _____
 Phone: _____
 FPL Work Request #/Work Order #: _____

FPL calls your attention to the fact that there may be energized, high voltage electric lines, both overhead and underground, located in the area of this project. It is imperative that you visually survey the area and that you also take the necessary steps to identify all overhead and underground facilities prior to commencing construction to determine whether the construction of any proposed improvements will bring any person, tool, machinery, equipment or object closer to FPL's power lines than the OSHA-prescribed limits. If it will, you must either re-design your project to allow it to be built safely given the pre-existing power line location, or make arrangements with FPL to either deenergize and ground our facilities, or relocate them, possibly at your expense. **You must do this before allowing any construction near the power lines.** It is impossible for FPL to know or predict whether or not the contractors or subcontractors, and their employees, will operate or use cranes, digging apparatus or other mobile equipment, or handle materials or tools, in dangerous proximity to such power lines during the course of construction, and, if so, when and where. Therefore, if it becomes necessary for any contractor or subcontractor, or their employees, to operate or handle cranes, digging apparatus, draglines, mobile equipment, or any other equipment, tools or materials in such a manner that they might come closer to underground or overhead power lines than is permitted by local, state or federal regulations, you and any such contractor or subcontractor must notify FPL in writing of such planned operation prior to the commencement thereof and make all necessary arrangements with FPL in order to carry out the work in a safe manner. **Any work in the vicinity of the electric lines should be suspended until these arrangements are finalized and implemented.**

The National Electrical Safety Code ("NESC") prescribes minimum clearances that must be maintained. If you build your structure so that those clearances cannot be maintained, you may be required to compensate FPL for the relocation of our facilities to comply with those clearances. As such, you should contact FPL prior to commencing construction near pre-existing underground or overhead power lines to make sure that your proposed improvement does not impinge upon the NESC clearances.

It is your responsibility and the responsibility of your contractors and subcontractors on this project to diligently fulfill the following obligations:

1. Make absolutely certain that all persons responsible for operating or handling cranes, digging apparatus, draglines, mobile equipment or any equipment, tool, or material capable of contacting a power line, are in compliance with all applicable state and federal regulations, including but not limited to U.S. Department of Labor OSHA Regulations, while performing their work.
2. Make sure that all cranes, digging apparatus, draglines, mobile equipment, and all other equipment or materials capable of contacting a power line have attached to them any warning signs required by U.S. Department of Labor OSHA Regulations.
3. Post and maintain proper warning signs and advise all employees, new and old alike, of their obligation to keep themselves, their tools, materials and equipment away from power lines per the following OSHA minimum approach distances (refer to OSHA regulations for restrictions):

<u>*Power Line Voltages</u>	<u>**Personnel and Equipment</u> (29 CFR 1910.333 and 1926.600)	<u>Cranes and Derricks</u> (29 CFR 1926.1407, 1408)	<u>Travel under or near Power Lines (on construction sites, no load)</u> (29 CFR 1926.600 – Equipment) (1926.1411 – Cranes and Derricks)	
0 - 750 volts	10 Feet	10 Feet	4 Feet	4 Feet
751 - 50,000 volts	10 Feet	10 Feet	4 Feet	6 Feet
69,000 volts	11 Feet	15 Feet	10 Feet	10 Feet
115,000 volts	13 Feet	15 Feet	10 Feet	10 Feet
138,000 volts	13 Feet	15 Feet	10 Feet	10 Feet
230,000 volts	16 Feet	20 Feet	10 Feet	10 Feet
500,000 volts	25 Feet	25 Feet	16 Feet	16 Feet

***When uncertain of the voltage, maintain a distance of 20 feet for voltages up to 350,000 volts and 50 feet for voltages greater than 350,000 volts.**

****For personnel approaching insulated secondary conductors less than 750 volts, avoid contact (Maintain 10 Feet to bare energized conductors less than 750 volts). For qualified personnel and insulated aerial lift equipment meeting requirements of 29 CFR 1910.333, distances may be reduced to those shown in 29 CFR 1910.333 Table S-5.**

4. All excavators are required to contact the Sunshine State One Call of Florida, phone number 1-800-432-4770 or 811 a minimum of two working days (excluding weekends) in advance of commencement of excavation to ensure facilities are located accurately.
5. Conduct all locations and excavations in accordance with the Florida Statute 556 of the Underground Facilities Damage Prevention & Safety Act and all local city and county ordinances that may apply.
6. When an excavation is to take place within a tolerance zone, an excavator shall use increased caution to protect underground facilities. The protection requires hand digging, pot holing, soft digging, vacuum methods, or similar procedures to identify underground facilities.

A copy of this notification must be provided by you to each contractor and subcontractor on this project, to be shared with their supervision and employees prior to commencing work on this project.

With Consent Agreement

Means by which this notification was provided to customer and/or contractor

Address

FPL Representative Signature

Date

Customer/Developer/Contractor Representative Signature

Date

This instrument was prepared by:

Name: Robert B. Meador II, Esq.

Address: Robert B. Meador II, Esq.
P.O. BOX 4944
Miami Lakes, FL 33014

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned owner(s) (“Owner”) holds the fee simple title to the land in the Town of Miami Lakes (“Town”), Florida described in Exhibit “A,” attached hereto, and hereinafter called the “Property,” and

IN ORDER TO ASSURE the Town that the representations made to the Town during consideration of Public Hearing Application No. ZONE 2017-0614 and PHSP 2017-0592 (“Application”) will be abided by, the Owner freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property (“Declaration”):

(1) Simultaneous with the Application for rezoning of the Property, the Owner has applied for site plan approval and certain height and setback variances on the Property pursuant to Town of Miami Lakes Application Number PHSP 2017-0592.

(2) **Use Restriction.** Notwithstanding the RO-13 zoning on the Property, if the site plan and variances described in paragraph 1 above are granted in their entirety, Owner, its successors and assigns agrees that no residential dwelling units shall be built on the Property.

(3) **Town Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of the Town, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the

use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

(4) **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the benefit of the Town and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the Town.

(5) **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by the Town.

(6) **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, Owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Town of Miami Lakes Town Council or other procedure permitted under the Code, whichever by law has jurisdiction over such matters, after public hearing, if required.

Should this Declaration be so modified, amended or released, the Director of the Town of Miami Lakes Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

(7) **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

(8) **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

(9) **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the Town, and inspections

made and approval of occupancy given by the Town, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

(10) **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the Town shall be entitled to revoke any approval predicated upon the invalidated portion

(11) **Recordation And Effective Date.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost to the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Town of Miami lakes Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

(12) **Acceptance of Declaration of Restrictive Covenants.** The Owner acknowledges that acceptance of this Declaration does not obligate the Town in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Town Council retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

(13) **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Page Follow]

Signed, sealed and acknowledged on this ____ day of _____, 2018.

WITNESSES:

BY: GLOBAL LAKESIDE DEVELOPMENT, LLC
a Florida limited liability company

Print Name

BY: _____
(insert name)

Print Name

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by _____. He/she is personally known to me or has produced _____ as identification.

(NOTARIAL SEAL)

Notary: _____
Print Name: _____
My commission expires: _____
Serial number, if any: _____

[Execution Page Follow]

WITNESSES:

BY: ROBERT CHEETHAM TRUSTEE

Print Name

BY: _____
(insert name)

Print Name

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by _____. He/she is personally known to me or has produced _____ as identification.

(NOTARIAL SEAL)

Notary: _____
Print Name: _____
My commission expires: _____
Serial number, if any: _____

Accepted by:

TOWN OF MIAMI LAKES, a Florida
municipal corporation

By: Darby DelSalle
Planning and Zoning Director

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

Raul Gastesi, Town Attorney

Exhibit “A”

Real Estate Tax Folio Numbers:

32-2023-001-0550

32-2023-001-0560

32-2023-001-0541



Department of Planning, Zoning and Code Compliance
6601 Main Street • Miami Lakes, Florida 33014
Office: (305) 364-6100 • Fax: (305) 558-8511
Website: www.miamilakes-fl.gov

Staff Analysis and Recommendation

To: Honorable Mayor and Members of the Town Council

From: Alex Rey, Town Manager

Subject: **HEARING NUMBER:** PHSP2017-0592
VARH2018-0068
APPLICANT: Alari Holdings I, LLC
Global Lakeside Development, LLC
FOLIO: 32-2023-001-0541
32-2023-001-0560
32-2023-001-0550
LEGAL DESCRIPTION: Florida Fruit Land Company Sub In 30 2023
LOCATION: 14575 NW 77th Avenue
Miami Lakes, FL 33014
ZONING DISTRICT: GU – Interim (RO-13 – Low Density
Residential/Office)

Date: March 6th, 2018

A. REQUEST(S)

In accordance with Section 13-304(h) of the Town of Miami Lakes Land Development Code (LDC), Alari Holdings I, LLC and Global Lakeside Development, LLC (the “Applicant”) are requesting Site Plan Approval to construct a three (3) story, 28,240 square foot office building. The request also includes variances to be considered pursuant to section 13-305(f)(1) of the LDC. The variances requested are as follows¹:

1. Section 13-545(d) – To permit a three (3) story building where a maximum of two (2) is permitted.
2. Section 13-545(c) – A reduction of the required 25-foot front setback to 20 feet.

¹ Notwithstanding the proposed rezoning of the property to the RO-13 designation, the provision being varied is by reference through Section 13-857(a) of the GU district code which states that “...the Director shall be governed by regulations for that class of usage in determining the standard zoning regulations to be applied, including setbacks, yard areas, type of structures, height, limitations, use, etc.” The property is part of an office neighborhood that enjoys and is developed in accordance with the RO-13 zoning designation. Section 13-545(d) is the subsection within the RO-13 zoning district that regulates maximum permitted height, and Section 13-545(c) relates to setbacks. Therefore, the affective variance request is to Sections 13-545(d) and (c) regardless of the outcome of the rezoning request.

B. SUMMARY

The property in question is located at the south end of NW 77th Avenue and is 2.07 acres in size. The Applicant's site plan proposes locating a three (3) story office building on a 12,000 square foot portion of the property that is not within the Florida Power and Light (FP&L) easement area. The required parking is proposed to be surface level and is located within the easement. FP&L has granted access to the applicant for the construction of parking areas within the easement. The applicant is also requesting a variance to permit a three (3) story building where the maximum permitted height is two (2) stories, and a variance to reduce the front setback from twenty-five (25) to twenty (20) feet. These requests are being driven primarily by the limited area available to receive a building. The result is a practical difficulty the renders development of the land difficult. The easement encumbered areas are occupied primarily by the electrical poles and wires that cover nearly 87% of the Property, which includes an additional access easement of twenty (20) feet along the northern property line where no utility structures and equipment exist. Normally the setback from this interior property line would be fifteen (15) feet, however the access easement increases it to twenty (20) feet, thus further reducing the buildable surface area of the site. Even with the addition of the proposed third floor and the reduced front setback, the floor to area ratio (FAR) remains under the maximum permitted for the RO-13 district for a two-story building. The requested 28,240 square feet is nearly half the maximum permitted of 54,101 square feet ($0.6 \text{ FAR}^2 \times 2.07 \text{ acres}$); which results in 0.31 FAR. The site plan shall include a bicycle path that will partially link Commerce Way, 146th Street and 77th Avenue bikeway project to the future park at the Par 3 site, and it shall include 8-foot sidewalks all around the frontage of the property.

The majority of the property (approximately 87%) is encumbered with a FP&L easement upon which electricity transmission lines are located. The property is currently zoned GU, Interim District, which is a unique designation rarely found outside of Miami-Dade County. Although it constitutes an official zoning designation, it works more as a place holder until a more specific designation is applied. Application of GU zoning rules rely upon the concept of "trending of development" from contiguous properties. In this case, the contiguous properties would be an FP&L substation to the east and an office development to the north. State Road 826 is west of the property and NW 140 Street is south. As such, review of this requested site plan shall follow the regulations provided at Section 13-545, RO-13, Low Density Residential/Office District as well as other applicable provisions such as parking and landscaping. The Applicant is voluntarily proffering a restrictive covenant to the favor of the Town prohibiting residential use of the property.

For the purpose of greater clarity in the application of the appropriate development regulations, staff recommended the applicant include with this site plan request a separate application to rezone the property to the RO-13 designation. Staff's preference to have the land rezoned consistent with the adjacent office/residential district and the underlying Office/Residential land use designation serves to ensure the property is squarely aligned with the zoning regulations that would otherwise apply. In so doing, the future regulation of the land will follow a more predictable path. Please note however, this site plan application can proceed without the rezoning given the nature of the GU, Interim zoning district.

On January 23, 2018 the Planning and Zoning Board, acting in their capacity as the Local Planning Agency, voted to recommend passage of the rezoning request. On February 6, 2018, the Town Council moved on first reading the Applicant's rezoning request. The property is now in a zoning in progress. As stated above, failure to rezone the property to RO-13 does not jeopardize this site plan and variance requests, as the application may proceed under the current GU zoning. Adoption

² FAR starts at .4 and increase by .2 for every floor above the first. For the purpose of this review, FAR is calculated based on a two (2) story structure given that it is what would be permitted by Code and because there is no request given nor needed to consider increasing FAR above said requirement.

of the rezoning request simply provides for greater clarity and consistency to the future regulation of the property.

C. STAFF RECOMMENDATION

Part 1 Variance Request: It is recommended that the Town Council approve the requested variances, subject to the following mitigating conditions:

1. The front setback area shall be further developed to better address the sidewalk as well as serve as an open urban space of entry into the future Par3 park.
2. Fencing is not permitted along the NW 77th Avenue
3. The northside setback shall be developed as a bicycle path, open to the public, granting entrance and passage into the future Par3 park.
4. All mechanical equipment shall be located on the roof.
5. The Applicant shall obtain all required building permits, within one (1) year of the date of this approval. If all required building permits are not obtained or an extension granted not within the prescribed time limit, this approval shall become null and void.

Part 2 Site Plan Request: It is recommended that the Town Council approve the application for Site Plan, subject to the following conditions:

1. The project shall be developed in substantial compliance with the approved Site Plan.
2. Approval of the Variance requests for a third floor and for a reduced front setback and any conditions related thereto.
3. Prior to the issuance of a building permit authorizing any construction, all required impact fees, including Mobility Fees, must be paid in full.
4. Prior to permitting, all civil plans must be finalized and in substantial compliance with the Site Plan.
5. Prior to permitting, the project shall secure all approvals for water and sewer and shall receive approval from the Miami-Dade Fire Rescue Department.
6. The Applicant shall obtain a Certificate of Use (CU), upon compliance with all the terms and conditions of this approval, the same subject to cancellation by the Town upon violation of any of the conditions. Business tax receipt shall be obtained if applicable.
7. The Applicant shall obtain all required building permits, within one (1) year of the date of this approval. If all required building permits are not obtained or an extension granted not within the prescribed time limit, this approval shall become null and void.
8. Compliance with all other applicable laws not specifically identified herein.
9. All fees associated with this request that are owed to the Town be paid in full prior to issuance of development order.

D. BACKGROUND

Zoning District of Property: GU – Interim District
RO-13 Low Density Residential/Office District (Zoning in Progress)

Future Land Use Designation: Office Residential

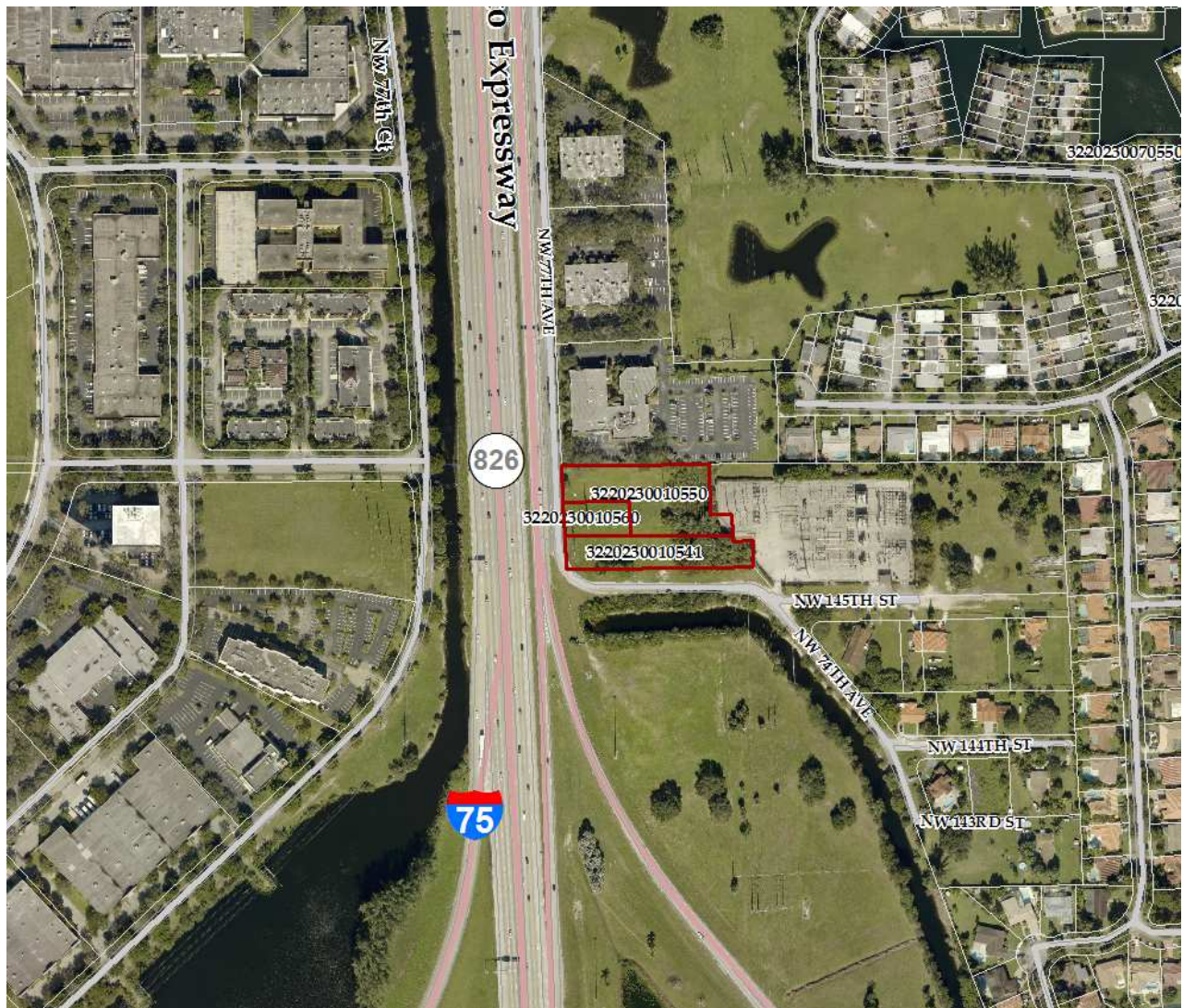
Subject Property:

The subject property is a vacant lot located at the southern end of NW 77th Avenue. The property is 2.07 Acres of vacant land zoned RO-13, and the future land use is Office Residential. The adjacent property to the north is an office building and to the east is an FP&L substation.

Surrounding Property:

	Land Use Designation	Zoning District
North:	Office Residential	RO-13 Low Density Residential/Office District
South:	Low Density Residential	Right-of-Way (SR 826)
East:	Low Density Residential	GU – Interim District
West:	Transportation	Right-of-Way (SR 826)

Subject Property Location Map:



E. ADJACENT MOBILITY PROJECTS

On April, 25, 2016, the Town Council of the Town of Miami Lakes adopted Ordinance No. 16-192, establishing the Town's Mobility Fee Program. The program is a replacement for traditional transportation concurrency review as provided for by Florida Statutes, and seeks to enhance internal Town mobility through the use of several modalities. The comprehensive approach identifies specific projects throughout the Town, all aimed at improving traffic and mobility improvements. The projects identified below have been adopted by the Town Council as part of that initiative and are described herein due to their adjacency to the proposal that is the subject of this report.

Initiative: Reconfiguration of the SR 826/Palmetto Expressway and NW 154th Street, which includes the following:

- a. Widening of NW 154th Street from NW 82nd Avenue to NW 77th Avenue;
- b. Direct ramp to I-75 from NW 154th Street;
- c. East-West underpass across the Palmetto Expressway at NW 146th Street.

Status: Project is in the design phase with an expected completion by 2nd Quarter 2018. Construction is to commence FY 2021. Project will alleviate congestion on NW 154th Street, by providing an enhanced access point onto I-75 and creating an additional east/west connectivity point within the Town.

Initiative: Adaptive Signalization on NW 154th Street from NW 87th Avenue to NW 77th Avenue.

Status: The Town Council approved the procurement of the Adaptive Signalization equipment and has entered an Inter-local for its installation, maintenance and operation. Miami-Dade County Traffic Engineering is completing assessment of existing infrastructure for compatibility.

Initiative: Greenway Trail along NW 77th Court from NW 170th Street to its terminus at the proposed dog park near NW 82nd Avenue.

Status: Project is in the design phase and provides for a ten (10) foot shared use pathway. Construction to be aligned with FDOT's SR 826 project with provides improvement in and around NW 154th Street with a projected start of FY 2021.

Initiative: Construction of a new Park-and-Ride Facility at Par 3 near NW 77th Avenue.

Status: Town is working with the Graham Companies on the land transfer for the Park-N-Ride Facility and is coordinating with Miami-Dade County Public Works and Transportation to secure funding through Miami-Dade County road impact fees.

[THIS SPACE INTENTIONALLY LEFT BLANK]

F. FISCAL IMPACT

The project, if constructed will be subject to impact fees for Police, Road and Mobility. The estimate provided is just an estimate and is based on 28,240 square feet and whether the end use is assumed as generic office use. Final fee calculation shall be completed at time of permitting.

NW 77th Avenue Development					
Future Land Use	Square Feet	Police Impact Fee	Road Impact Fee	Mobility Fee	TOTAL
Office Building	28,240	\$10,782	\$398,709	\$77,038	\$486,529
Medical Office Building	28,240	\$10,782	\$920,666	\$156,370	\$1,087,818
Estimated Property Value	\$7,000,000				
Millage Rate	2.3353				
Ad Valorem @ 95% of value	\$15,530				

Estimated value of the property at certificate of occupancy is 7 million dollars which could potentially result in annual ad-valorem tax revenue of \$15,530.

G. OPEN BUILDING PERMITS/CODE COMPLIANCE CASES

There are currently no open code violations for his property.

H. ZONING HISTORY

On **October 22, 1957**, the Dade County Board of County Commissioners adopted the GU – Interim District which provisions were to apply to lands that were not previously assigned another more specific zoning designation. Although it is not clear exactly when the County zoned the property in question to GU, it is evident that it carried that designation at the time of the Town’s incorporation. Through the adoption of the Town Charter (more specifically Section 8.2), all ordinances and resolutions previously adopted by the County where thereby adopted by the Town until otherwise replaced or repealed. When the Town adopted its own Land Development Code, it kept the GU regulations the same and left the property in question with the GU zoning designation.

I. PERTINENT LAND DEVELOPMENT CODE(S)

Section 13-545(d) – Height (RO-13 District)

The maximum height of any structure shall be two stories but not to exceed 35 feet above grade.

Section 13-545(c) (Setbacks)

Minimum setback from front property line shall be 25 feet.

J. PROCEDURE

This site plan request is accompanied by a request to rezone the property from GU to RO-13, and variances that seek to increase the height of the building and reduce the front setback. Although the rezoning is not required to consider the site plan and variance requests, a vote on it shall occur first followed by the variance requests then the final site plan. In determining compliance with the applicable criteria, separate votes must be held for the variances in advance of the site plan request. Once each item is voted upon, a final vote shall be taken to determine the final disposition of the resolution that will serve as the final development order for the site plan request in its entirety.

K. ANALYSIS

The following analysis shall be performed in two (2) parts. The first portion shall analyze the variance portion of the request pursuant to the criteria provided at subsection 13-305(f)(1); the second section will analyze the site plan portion of the request pursuant to the criteria at Subsection 13-304(h).

Part 1 – Variance Criteria

Subsection 13-305(f)1 of the Town Land Development Code provides criteria for the consideration of non-use variance request(s) predicated upon a standard of “Practical Difficulty.” The decision of the Town Council shall balance the rights of property owners in the Town as a whole against the need of the individual property owner to deviate from the requirements of the Land Development Code based on an evaluation of the factors below. All of the factors should be considered and given their due weight, however no single factor is dispositive. This analysis combines the reviews all LDC provisions identified at Sections “A” and “H” as each is the result of a building design tailored for compatibility to the surrounding neighborhood. All portions of this report are incorporated into this Variance Criteria analysis.

a. Whether the Town has received written support of the specifically identified variance requests from adjoining property owners;

Analysis: At the time of this writing the project did not receive letters of support or objection. Regardless, the property is adjacent to only two (2) distinct properties, one owned by The Graham Companies, the other by the Florida Power and Light. Should the Town receive letters of support/objection subsequent to the issuance of this report, they shall be objectively evaluated against the criteria provided in the Town’s LDC, and if appropriate, shall be addressed at the scheduled public hearing.

Finding: Complies.

b. Whether the Variance would be compatible with development patterns in the Town.

Analysis: See Section B, Summary. The RO-13 zoning district permits buildings with maximum heights of two (2) stories, however the prevailing heights of the adjacent developments range from two (2) to four (4) stories. Notwithstanding the 2-story limitation imposed by LDC within the RO-13 district, a building height of three (3) stories would be appropriate within this context considering the location adjacent to an expressway frontage road, as well as similarly massed buildings of similar uses

to the north of the Property. The request is also consistent with Section 13-311 which seeks to achieve similar scale and massing of buildings.

The surrounding buildings provide for the minimum 25-foot setback as required by the LDC, however the perception from the right-of-way varies. Some have narrow five-foot sidewalks and fences up against the property line making the pedestrian space between the road and the private property feel crowded and tight. Other properties lack sidewalk altogether, which contributes to the perception of a setback from the right-of-way that is larger than the 25 feet. The applicant is proposing a generous 8' sidewalk within the right-of-way and no fencing, which helps mitigate the reduced setback. Further mitigation of the reduced setback can be accomplished through the design of the front setback area as an open urban space

Staff believes locating the AC units on the roof tops of the buildings or clustering them at ground level will mitigate some of the reduction in setbacks by keeping those areas clear of mechanical equipment to the greatest extent possible.

Finding: Conditionally complies provided:

1. The front setback is redesigned as an open urban space acting as entry point for pedestrians and bicycles into the future Par 3 park;
2. Fencing is not permitted along the NW 77th Avenue; and
3. The AC units shall be located on roof tops to keep those setback areas clear of mechanical equipment to the greatest extent possible.

c. The essential character of the neighborhood *would* be preserved.

Analysis: See Section B, Summary and Criteria “b” above. The proposed site is located between an FP&L transfer station, an office building, and an expressway. As such, the existing character of the neighborhood is mostly office buildings featuring two (2) and four (4) story buildings.

Finding: Conditionally complies as provided at Criteria “b” above.

d. The Variance can be approved without causing substantial detriment to adjoining properties

Analysis: See Section B, Summary, and Criteria “b” and “c” above. As previously mentioned, the subject property is surrounded by an FP&L transfer station to the east, an office building to the north, and expressway rights-of-way to the west and south. The office building to the north is set back from the adjoining property line approximately 50'. The applicant's proposed building is setback twenty (20) feet from the same property line as the result of a F&PL easement. The result is a separation of 70± feet between the existing office building the proposed building (see below, figure 1.). The difference in height of the additional story is mitigated do to the spanning width of 70 feet separating the two buildings. There is also a four-story office building that is constructed along this particular office district.



Figure 1 Contextual building heights along 77th Avenue, as prepared by the Applicant.

Similarly, the five (5) foot front setback reduction represents a deviation of the setback line of 7.14% over the 70 feet separating the two building. Given that the adjoining office building lacks a sidewalk as well as curb and gutter facilities, the deviation could be accounted for at the time of design of the new sidewalk. Consequently, the additional story and the reduced setback resulting from the requested variances do not negatively impact the functions or property values of adjoining properties.

Finding: Complies

- e. The Variance will do substantial justice to the property owner as well as to other property owners justifying a relaxation of this Land Development Code to provide substantial relief.**

Analysis: See Section B, Summary, and Criteria “b” and “c” above. As mentioned before, the 2.07 Acre property is heavily encumbered by access and utility easements, as well as electrical poles and cables that span the property both East to West and North to South. This leaves a developable area of 13.26% of the total available land. The practical feasibility of developing this property, including the extension of water and sewer to serve the property, the addition of more than 650 linear feet of sidewalk all around the frontage, 11 street trees, bicycle and pedestrian path into Par 3, mobility and impact fees and landscaping of the 2.07-acre site, is substantially diminished. Approval of the requested variances would provide some relief.

Finding: Complies

- f. The plight of the applicant is due to unique circumstances of the property and/or applicant which would render conformity with the strict requirements of the Land Development Code unnecessarily burdensome.**

Analysis: The existing encumbrances on the property constitute a unique circumstance that is not shared by the surrounding existing developments.

Finding: Complies

- g. The special conditions and circumstances which exist are the result of actions beyond the control of the applicant.**

Analysis: See Section “B”, Summary, and Criteria “b”, “c”, “e”, and “f” above. the existing encumbrances on the property are not the direct action of the applicant.

Finding: Complies

Part 2 – Site Plan Criteria

Subsection 13-304(h) provides specific criteria for review of a site plan. All portions of this report are incorporated into this Site Plan Criteria analysis. These criteria are listed below, with Staff Comments for each:

- (1) In what respects the plan is or is not consistent with the Comprehensive Plan, the purpose and intent of the zoning district in which it is located and any design or planning studies adopted by**

the Town Council that include recommendations applicable to the design of the site under review.

The following is a review of the relevant Goals, Objectives and Policies of the Town's Comprehensive Master Development Plan (Comp Plan). It is followed by a review of the Land Development Code provisions.

Policy 1.1.2: The following future land use categories are contained in the Town's Future Land Use Map:

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 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.

Analysis: Office uses are permitted within the OR designation. Scale and intensity are based on site size, availability of services, accessibility, proximity and scale of adjacent residential uses. The property is a large accessible site, with utilities in close proximity. The property is not adjacent to residential uses. Maximum intensity of office use on this site would therefore comply with this policy. The maximum permitted amount of office floor area for the site ($0.6 \text{ FAR}^3 \times 2.07 \text{ acres}$) is 54,101 square feet; the applicant is proposing 28,240 square feet, even with a request that includes a variance for a third floor. Approval of the request is conformance with this policy. The Applicant is voluntarily proffering a restrictive covenant to the favor of the Town prohibiting residential use of the property.

Finding: Complies.

Policy 2.1.8: In-lieu of traditional transportation concurrency, the Town shall mitigate the mobility impacts of development and redevelopment and provide a portion of funding needed to implement the improvements identified in the Element, through a mobility fee.

³ FAR starts at .4 and increase by .2 for every floor above the first. For the purpose of this review, FAR is calculated based on a two (2) story structure given that is what would be permitted by Code and because there is no request given nor need to consider increasing FAR above said requirement.

Analysis: See Section E, Adjacent Mobility Projects. The applicant is choosing to participate in the Town's Mobility Fee program. The project is proposed at 28,240 square feet of general office space. The resulting number of trips is 498 daily trips. The ensuing mobility fee will ultimately vary depending on the final determination of the end user, however the fee could range between \$77,000 and \$156,000. No building permit shall be issued related to the requested site plan until the mobility fee is paid in full.

As provided at Section E, the town has included in its Comprehensive Master Development plan a number of mobility projects in and around the proposed development. The fee paid by the applicant may be used to fund those projects.

Finding: Conditionally complies pursuant to payment of mobility fee. No building permit related to the site plan shall be issued until said fee is paid in full.

Objective 2.2: MULTIMODAL LEVELS-OF-SERVICE

Achieve the adopted levels-of-service for vehicular, bicycle, pedestrian and transit modes.

Analysis: See Policies 2.1.8 and 2.2.2.

Finding: Conditionally complies as provided for at Policies 2.1.8 and 2.2.2.

Policy 2.2.1: For purposes of capital improvements planning, the Town hereby adopts the following vehicular level of service (LOS) standards:

East of Palmetto Expressway (inside urban infill area): LOS "E" (100% of capacity at peak hour) or better, on an areawide basis. *Analysis:*

Analysis: See Section E, Adjacent Mobility Projects and Policy 2.1.8. Additionally, MDX and FDOT are currently making improvements to SR-826 to upgrade LOS.

Finding: Conditionally complies as provided for at Policy 2.1.8.

Policy 2.2.2: All applicants are required to provide a mobility analysis study, utilizing professionally acceptable methodologies to demonstrate how the amendment will impact the Town's goal, objectives and policies of this element.

Analysis: The trip generation study was provided by the Applicant. Approximate Mobility Fee is calculated to range between \$77,000 and \$156,000 depending on end use. Final fee shall be due at time of permitting.

Finding: Conditionally complies provided all required mobility fees are paid at time of permitting.

Policy 2.2.4: For purposes of capital improvements planning, the Town hereby adopts the following pedestrian level of service standards:

Detached sidewalks: By 2030, 90 percent of all lineal street footage in Miami Lakes (excluding limited access expressways and ramps thereto) shall include sidewalks separated from the vehicle lanes by a swale/street tree planting area with appropriate street trees.

Analysis: The applicant is providing sidewalks along all street frontages with widths of eight (8) feet.

Finding: Complies

Policy 2.4.4: Whenever possible, street designs should include a swale/street tree planting area, planted with appropriate street trees, between the vehicle lanes and the sidewalk, and where there are more than two total through lanes, a grass and landscaped median should be included.

Analysis: The proposed site plan provides for Oak trees within the swale wherever possible and provides for additional on-site landscaping where it is not.

Finding: Complies.

Policy 2.4.7: New developments or redevelopment in which internal streets are proposed (whether public or private) shall implement the Town's complete street design standards.

Analysis: The proposed site plan provides for eight (8) foot sidewalks consistent with the Complete Streets Plan.

Finding: Complies

Policy 2.6.7: Implement the greenway and trails, bicycle, pedestrian and other improvements as indicated on Maps TE-7 And TE-8.

Analysis: The propose plan includes an on-site bicycle pathway to connect the Town's on-going projects, to the future park at the Par 3 property.

Finding: Complies.

Policy 4A.1.1: To assure adequate level of service for potable water, the Town hereby adopts the following LOS standard:

- a. Regional Treatment. The regional treatment system shall operate with a rated maximum daily capacity of no less than 2% above the maximum daily flow for the preceding year, and an average daily capacity of 2% above the average daily system demand for the preceding 5 years.
- b. Delivery. Water shall be delivered to users at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi. Unless otherwise approved by the Miami-Dade Fire Department, minimum fire flows based on the land use served shall be maintained as follows:

<u>Land Use</u>	<u>Min. Fire Flow (gpm)</u>
Single Family Residential Estate	500
Single Family and Duplex; Residential on minimum lots of 7,500 sf	750
Multi-Family Residential;	1,500
Semi-professional Offices Hospitals; Schools	2,000
Business and Industry	3,000

- c. Water Quality. Water quality shall meet all federal, state and county primary standards for potable water.
- d. Countywide Storage. Storage capacity available throughout the County for finished water shall equal no less than 15% of the countywide average daily demand.
- e. Maintain the potable water standard of 91 gallons/capita/day.

Policy 4A.2.1: Encourage future development into areas that are already served, or programmed to be served, by MDWASD potable water facilities.

Policy 4B.1.1: To assure adequate level of service for sanitary sewer service, the Town hereby adopts the following LOS standard:

Regional Plants. Regional wastewater treatment plants shall operate with a physical capacity of no less than the annual average daily sewage flow.

Effluent. Effluent discharged from wastewater treatment plants shall meet all federal, state, and county standards.

System. The system shall maintain capacity to collect and dispose of 102 percent of average daily sewage demand for the preceding five years.

Maintain the sanitary sewer standard of 81.9 gallons/capita/day.

Policy 4B.2.1: Encourage future development into areas that are already served, or programmed to be served, by MDWASD sanitary sewer facilities.

Analysis: Development of the project cannot proceed until the Applicant Satisfies the Miami-Dade County requirement for Policies 4A.1.1, 4A.2.1, 4B.1.1, and 4B.2.1 above. Applicant shall be required to demonstrate compliance prior to permitting

Finding: Conditionally complies provided the Applicant receives its water allocation letter from Miami-Dade County prior to permitting.

Overall Finding of Condition #1: Conditionally applies as provided above.

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

Analysis: See Section B, Summary; Section E, Mobility Projects, and Section K, Part 1, Variance Criteria. Section B provides a full explanation as to the applicable regulations applied to the subject property and Section E describes the nearby mobility projects. The proposed plan is accompanied by variance requests which are analyzed in greater detail in Section K, Part 1 of this report. Should the variances be granted, the project would fully comply with the Land Development Regulations.

Finding: Conditionally complies provided the variances are granted.

(3) In what respects the plan is or is not in conformance with Town code requirements including:

- a. The design and construction of streets, utility facilities and other essential services as may be required by the Town or other governmental agencies.
- b. Internal and external circulation, including vehicular, bicycle and pedestrian. Circulation systems shall serve the needs of the development and be compatible with, and functionally integrate with, circulation systems outside the development. Vehicular traffic from non-

residential development shall be routed so as to minimize impacts on residential development.

Analysis: See Section E, Mobility projects and Criteria 1 of this analysis at Policies 2.1.8, 2.2.4, 2.4.4, 2.4.7, and 2.6.7. The project does not require the dedication of additional rights-of-way or internal streets. Sidewalk infrastructure is being provided, links to the bike path system are being provided, and the project is contributing between \$77,000 and \$156,000 towards Town's Mobility Program. The site plan provides for proper on-site vehicular movements with full surface level parking facilities.

Finding: Conditionally complies upon payment of applicable mobility fees.

(4) 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:

- a. Design and architectural standards as provided at section 13-311.
- b. Disposition of open space, use of screening or buffering where appropriate to provide a logical transition to existing, permitted or planned uses on adjoining properties.
- c. Landscaping that enhances architectural features, strengthens vista and important axes, provides shade, blocks noise generated by major roadways and intense-use areas and, to the maximum extent practicable, preserves existing trees on-site.
- d. All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape.
- e. Service areas shall be screened and so located as to minimize or eliminate visibility, to the greatest extent possible, from the public right-of-way and other properties.
- f. Design of the site shall ensure adequate access for emergency vehicles and personnel.
- g. Design of the site shall utilize strategies to provide for the conservation of energy and natural resources, including water.

Analysis: See analysis provided at Criterion 2 and 3 above and the Variance Analysis. The project proposes a single building, three (3) stories in height of contemporary design, loosely based on Modern Architectural style. As proposed, the scale is compatible with adjacent developments, as all existing buildings along 77th avenue range between two and four stories in height. The proportions of the main façade, as perceived from 77th avenue, are approximately 1:1 height to width ratio, with the resulting square shape broken up by the use of ample recessed and flush fenestration (54%), protruding volumes, a varying roofline, and changes in material and color, as well as a differentiated base. The side facades are similarly articulated, using both vertical and horizontal elements, shifting planes, and an emphasized main entrance.

The property is granted two curb-cut access points to the adjoining roadway, NW 145th Street. The proposed site plan provides for adequate internal circulation and includes a pedestrian walk connecting to NW 77th Avenue, a bicycle path connecting to the Par 3 future park. as well as 8-foot sidewalks all around the property.

The project complies with landscape requirement, and it includes 11 oak street trees along NW 145th Street.

No signage or advertising is proposed at this time; any future proposals will be evaluated to ensure compliance with this section. The proposed lighting is both adequate and harmonious with both the building and the landscape.

All service areas are located in the rear of the building and are not visible from any right-of-way. The dumpster is proposed to be enclosed and located away from all property lines, within the footprint of the building.

The applicant shall have to provide all approvals from Miami-Dade County Fire Rescue Department prior to permitting. And appropriate measures for energy and water conservation are proposed.

Finding: Conditionally complies provided the applicant receives approval from the Miami-Dade County Fire Rescue Department and that the variances are granted.

(5) 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.

Analysis: The application conforms with the Town's requirements concerning sufficiency of ownership. The entirety of the property will be retained under one ownership and maintenance of the property will be the responsibility of the property owner, and may be enforced through the provisions of the Town Code.

Finding: Complies



Town of Miami Lakes Memorandum

To: Honorable Mayor and Councilmembers
From: Alex Rey, Town Manager
Subject: Special Needs Advisory Board
Date: 3/6/2018

Recommendation:

It is recommended that the Town Council renames the “Special Needs Committee” to the “Special Needs Advisory Board”. The Composition of the Board members shall be representative of the Town's diverse Special Needs Community, and adopts the following mission statement:

Mission Statement

Become a model town for inclusion by identifying specific Miami Lakes families with an interest in matters pertaining to individuals with special needs; connecting them to existing programs, services and events; and, serving the Town Council in an advisory capacity to identify unmet needs and assist with the discovery of possible solutions.

Background:

On January 16, 2018 the Town Council discussed Councilwoman Ruano’s New Business item on the Special Needs Committee (Attachment A: New Business Item). The Special Needs Committee has been dormant for some time. Our special needs community needs activities and programs that specifically cater to their needs. The new Board will serve the Council in an advisory capacity.

The Resolution also provides for the membership of the committee to be representative of those populations being served.

In response to this community need, the Board will pursue the following workplan to realize their mission:

1. Collaborate with resource providers to secure grants and raise funds;
2. Develop and solidify relationships and partnerships with existing resource providers;
3. Increase participation in the Town’s inclusive programs, services, and events; and
4. Establish a formal Town Inclusion Policy with community input for adoption by the Town Council.

Each task is described in more detail below.

1. Collaborate with resource providers to secure grants and raise funds;

The Special Needs Advisory Board is not funded in the Fiscal Year 2017-2018 budget. The Board will work in collaboration with Town staff to identify grants that the Town can apply for, and with other resource providers that have access to funding opportunities that the Town is not eligible for; both sources will facilitate meeting unmet needs of the various populations served by the Committee. In addition, the Board is encouraged to support, through promotion and awareness campaigns, fund raising events that directly address

the unmet needs of Town residents that the Board identifies.

2. Develop and solidify relationships and partnerships with existing resource providers;

Working with third parties to provide resources, technical assistance and outreach support is one way the Board can work to ensure our programming and activities are relevant and accessible to all community members. The Board can focus on leveraging resources provided by the industry. Organizations specialize in providing client and family support as part of their core service delivery. The Board can develop relationships and establish partnerships with these organizations to connect them with the Miami Lake's residents to address specific requests as they come up. Partnering with other government agencies and external organizations can ensure our programming and activities are inclusive to all community members.

3. Increase participation in the Town's inclusive programs, services, and events;

The Town presently seeks to encourage and provide inclusive programming and make reasonable accommodations for people of all ages and abilities to participate. In its youth sports and community programs, the Town provides sensitivity training for coaches and instructors through UM NSU Card and through the National Alliance of Youth Sports. In addition, the Town requires all youth sports leagues and programs to make accommodations to allow all youth of all ages and abilities to participate.

The Town also encourages inclusivity in its camp programming through the YMCA. The goal of Y Inclusion is to Increase each child's ability to participate in activities alongside his or her peers and to create a mutual sense of belonging. Wherever possible, programs will serve youth in an inclusionary format that meets the needs of children of varying abilities and exceptionalities. The program serves participants who have physical, developmental, sensory or learning disabilities that result in significant challenges in areas such as communication, self-care, attention or behavior and who need more structured and intense supervision.

The YMCA has an agreement of collaboration with Community Committee for Developmental Handicaps (CCDH) to provide staff support, resources and training for working with children with special needs. Trainings include Discovering inclusion, An Administrator's Introduction to Inclusion Requirements, Encouraging Appropriate Behaviors, let's Play Together: Practical Solutions for Adapting Recreational Activities, Learning Together: Strategies that Work for All Children, and Introduction to Working with Children with Autism Spectrum Disorders (ASD).

The YMCA utilizes an Intake Survey during the initial program registration. In order to match the child with the appropriate inclusion program. At times, parents may also provide the YMCA with a copy of an Individualized Educational Program (IEP) which may also be used to assess the child's needs. The YMCA works with individual family members, caretakers and professional organizations to determine reasonable recommendations on a case-by-case basis. An Intake Interview is provided to determine specific needs of an individual. All of our programs are in natural settings in a least restrictive environment. Program staff actively participate to ensure needs are met and reasonable accommodations are made that do not impose an undue burden.

The Committee will work to increase residents with special needs' participation in our current programming.

4. Establish a formal Town Inclusion Policy with community input for adoption by the Town Council

The Town lacks a formal policy that ensures consistent implementation of the Town's inclusion standard across the Town. Creating and implementing a formal inclusion policy will allow the Town to maintain a consistent set of guidance and matching action. With a formal policy, this inclusion standard will thrive even through staff turnover, leadership changes, shifts in agency priorities and funding shortages.

For this Board to be successful and sustainable, an experienced staff liaison should be hired to serve the Board. The additional cost of the staff liaison is projected at \$3,600 per year (10 hours per month at a rate of \$30 per hour) which is approximately \$1,800 once prorated for the balance of FY18. If this resolution is adopted, a budget revision will be presented at the April, 2018 regular council meeting to fund the Special Needs Advisory Board staff liaison. Funding is available in Elderly Affairs Committee due to budget savings for the Senior Social's (\$900) and in Youth Activities Task Force (\$900). If the Board's need for staff support exceeds the allotted time, we will bring this back to the Town Council to allocate additional resources.

ATTACHMENTS:

Description

Resolution
Exhibit A

RESOLUTION NO. 18-____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, REPEALING AND REPLACING RESOLUTION 11-888; RENAMING THE SPECIAL NEEDS COMMITTEE TO THE SPECIAL NEEDS ADVISORY BOARD; PROVIDING FOR BOARD MEMBERSHIP; ADOPTING A MISSION STATEMENT; ADOPTING A WORK PLAN; CREATION OF A TOWN INCLUSION POLICY; PROVIDING FOR MEETING REQUIREMENTS AND PROVIDING WITH AN EFFECTIVE DATE. (Ruano)

WHEREAS, on April 12, 2011, the Town of Miami Lakes (the “Town”) Council passed Resolution 11-888 creating the Special Needs Committee; and

WHEREAS, the Special Needs Committee has been dormant for some time; and

WHEREAS, during the January 16, 2018 Town Council Meeting, the Town Council discussed Councilwoman Marilyn Ruano’s New Business item regarding the Special Needs Committee and the need to provide activities and services for Town special needs residents; and

WHEREAS, the result of the Town Council’s deliberation regarding the Councilwoman’s New Business Item, was the creation of a resolution to revive the Special Needs Committee and provide the Committee with a mission statement; and

WHEREAS, in order to achieve the will of the Council, it is recommended that the Special Needs Committee be renamed the Special Needs Advisory Board, that the composition of the Board be representative of the residents being served, the adoption of a mission statement and workplan; and

WHEREAS, the Town lacks a formal policy that ensures implementation of the Town’s inclusion standards across the Town; and

WHEREAS, creating and maintaining a formal inclusion policy will ensure that the Town’s inclusion policy will thrive despite possible changes in staff, administration, or funding; and

WHEREAS, in order to create a formal inclusion policy, it is recommended that the Town receive input from Town Residents; and

WHEREAS, the Town Council believes that it is in the best interest of the Town to create a formal Town Inclusion Policy.

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

Section 1. **Recitals.** The foregoing Recitals are true and correct and incorporated herein by this reference.

Section 2. **Repeal of Resolution 11-888.** Resolution 11-888 passed on April 12, 2011 is hereby repealed in its entirety and replaced by this Resolution.

Section 3. **Creation of a Special Needs Advisory Board.** The Mayor, pursuant to section 2.2 (ii) of the Town Charter, has called for the creation of the “Special Needs Advisory Board” and the Town Council hereby approves its creation to serve the Council in an advisory role, to carry out the Mission Statement and Work Plan as described in Section 4 and 5 of this Resolution.

Section 4. **Adoption of a Mission Statement.** To create a model town for inclusion, by identifying specific Miami Lakes families with an interest in matters pertaining to individuals with special needs; connecting them to existing programs, services and events; and, serving the Town Council in an advisory capacity to identify unmet needs and assist with the discovery of possible solutions.

Section 5. **Adoption of a Work Plan.** The Board will pursue the following work plan to realize their mission: 1. Collaborate with resource providers to secure grants and raise funds; 2. Develop and solidify relationships and partnerships with existing resource providers; 3. Increase

participation in the Town's inclusive programs, services, and events; and 4. Establish a formal Town Inclusion Policy with community input for adoption by the Town Council.

Section 6. Terms and Composition of the Board. Each member of the Town Council shall nominate and appoint one individual. The Town Councilmember should aim to appoint a representative of the Town's diverse Special Needs Community.

Section 7. Rules. The Board will be guided by the Town Council approved Committee Rules as amended from time to time.

Section 8. Creation of a Formal Inclusion Policy. The Board with input from Town Residents shall work on the creation of a formal Town Inclusion Policy.

Section 9. Effective Date. This Resolution shall take effect immediately upon adoption.

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Passed and adopted this _____ day of _____, 2018.

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

Mayor Manny Cid	_____
Vice Mayor Frank Mingo	_____
Councilmember Luis Collazo	_____
Councilmember Timothy Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____
Councilmember Marilyn Ruano	_____

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

Nicole Cuellar

From: Lorenzo Cobiella <lcobiella@gastesi.com>
Sent: Wednesday, February 28, 2018 5:22 PM
To: Nicole Cuellar
Subject: Fwd: Special Needs Committee

Lorenzo Cobiella, Esq.

Gastesi & Associates, P.A. ▪ 8105 NW 155 Street ▪ Miami Lakes, FL 33016
Office: [305-818-9993](tel:305-818-9993) ▪ Facsimile: [305-818-9997](tel:305-818-9997) ▪ E-Mail: lcobiella@gastesi.com

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----- Forwarded message -----

From: Manny Cid <CidM@miamilakes-fl.gov>
Date: Wed, Feb 28, 2018 at 5:03 PM
Subject: RE: Special Needs Committee
To: Alex Rey <reya@miamilakes-fl.gov>, Raul Gastesi <rgastesi@gastesi.com>, Lorenzo Cobiella <lcobiella@gastesi.com>, Gina Inguanzo <InguanzoG@miamilakes-fl.gov>

Correction: Special Needs Advisory Board

From: Manny Cid
Sent: Wednesday, February 28, 2018 5:01 PM
To: Alex Rey <reya@miamilakes-fl.gov>; Raul Gastesi <rgastesi@gastesi.com>; Lorenzo Cobiella <lcobiella@gastesi.com>; Gina Inguanzo <inguanzog@miamilakes-fl.gov>
Subject: Special Needs Committee

Based on my conversation with the Manager and pursuant to section 2.2 of the Charter, I am calling for the official creation of the Miami Lakes Special Needs Committee.



Town of Miami Lakes Memorandum

To: Honorable Mayor and Councilmembers
From: Raul Gastesi, Jr., Town Attorney
Subject: Manager Selection Workshop Findings
Date: 3/6/2018

Recommendation:

Pursuant to Town Code, it is recommended that the Town Council adopt by Resolution the findings of the February 13, 2018 Manager Selection Workshop and approve the Ad in substantially the same form as attached.

Background:

On February 13, 2018, the Town Council held a duly noticed Workshop to discuss the qualifications, preferences, search methodology and selection of a new Town Manager. The proposed resolution addresses the findings from the Town Workshop.

ATTACHMENTS:

Description

Resolution

Exhibit "B"

RESOLUTION NO. 18-____

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF MIAMI LAKES, FLORIDA, CREATING
REVIEW QUALIFICATIONS AND SEARCH METHOD
FOR THE APPOINTMENT OF A TOWN MANAGER IN
ACCORDANCE WITH SECTION 2.55 (c) OF THE TOWN
CODE, PROVIDING WITH AUTHORIZATION TO THE
TOWN OFFICIALS; PROVIDING WITH
EXPENDITURE OF BUDGETED FUNDS; PROVIDING
FOR SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, on May 2, 2017, the Town of Miami Lakes (“Town”) Council adopted Ordinance 17-204 which created Section 2.55 of the Town Code and set forth procedures for selection and appointment of a Town Manager in the event of a vacancy; and

WHEREAS, Section 2.55 (b) states that a “vacancy of Town Manager may occur through resignation of the Town Manager....”; and

WHEREAS, the Town Manager, Alex Rey formally announced his resignation and retirement from office on March 31, 2014; and

WHEREAS, pursuant to Section 2.55 of the Town Code during the October 2017 Town Hall Meeting, the Town Council created a Selection Committee and appointed seven (7) qualified residents¹ to serve as members of Selection Committee, and two (2) qualified residents as alternates²; and

WHEREAS, on Tuesday, February 13, 2018, pursuant to Section 2.55 of the Town Code, a duly noticed Town Council Workshop was held to discuss minimum qualifications, preferences, and search methodology for the selection of a Town Manager; and

WHEREAS, during the February 13, 2018 Town Council Workshop, the public and members of the Town Resident Selection Committee discussed the selection process and the role of the Selection Committee; and

WHEREAS, pursuant to Section 2.55 (c)(2), the Town Council hereby adopts the findings of the Town Workshop as attached and described in Exhibit “A”.

¹ The following qualified Town Residents were appointed: Robert Meador, Tony Sanchez, Bob Ruiz, Michael Huffaker, Richard Pulido, Maria Kramer and Ramiro Inguanzo.

² The following qualified Town Residents were appointed as alternates: Hon. Wayne Slaton, Abel Fernandez.

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

Section 1. **Recitals.** The foregoing Recitals are true and correct and incorporated herein by this reference.

Section 2. **Adoption of the February 13, 2018, Town Council, Manager Selection Workshop, and approval of the Town Manager Advertisement.** The Following findings attached hereto as Exhibit “A”, are adopted. The “Town Manager Advertisement” in substantially the same form as Exhibit “B” is hereby approved.

Section 3. **Authorization of Town Officials.** The Town Attorney and Town Clerk are hereby authorized to take all steps necessary to complete the execution of the terms of this Resolution.

Section 4. **Authorization of Budgeted Funds.** The Town Attorney is authorized to expend \$20,000.00 of budgeted litigation funds in order to meet the terms of this Resolution.

Section 5. **Effective Date.** This Resolution shall take effect immediately upon adoption.

THIS SPACE INTENTIONALLY LEFT BLANK

Passed and adopted this _____ day of _____, 2018.

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

Mayor Manny Cid	_____
Vice Mayor Frank Mingo	_____
Councilmember Luis Collazo	_____
Councilmember Timothy Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____
Councilmember Marilyn Ruano	_____

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT “A”

1. Minimum Requirements:

- a. Familiarity with and willingness to implement Town’s Strategic Plan.**
- b. Bachelor’s Degree.**
- c. Five (5) years executive business experience or five (5) years as a government administrator.**
- d. Verifiable administrative and operational experience with a budget of fifteen (15) million dollars.**

2. Preferred Requirements:

- a. Master’s Degree**
- b. Concentration in Business, Finance, Public Administration, Engineering or Law Degree.**
- c. Verifiable administrative and operational experience with a budget of thirty (30) million dollars.**
- d. Conversational Spanish.**
- e. Willingness to relocate their residency to the Town of Miami Lakes within six (6) months of selection.**
- f. ICMA Credentialed.**

3. Search Area:

- a. State of Florida, with assistance from the Florida League of Cities.**
- b. Advertise with ICMA and FCCMA.**

4. Budget:

- a. \$ 20,000.00**

5. Background:

- a. A professional organization will be hired to conduct background searches.**

6. Compensation:

- a. Commensurate with experience and qualifications.**

7. Starting Date:

- a. Between October 1, 2018 and December 31, 2018.**



Town Manager

Town of Miami Lakes

Overview

The Town of Miami Lakes was incorporated on December 5, 2000. It is one of 35 municipalities in Miami-Dade County, Florida. Conveniently located just 16 miles north of Downtown Miami and only 10 miles from Miami International Airport, our town is home to approximately 30,000 residents and 1,500 businesses. The Town encompasses about 6.5 square miles, bound by NW 170th Street and the Palmetto Expressway (SR 826) to the north, NW 138th Street to the south, NW 57th Avenue (Red Road) to the east, and Interstate 75 to the west.

MISSION

WE WANT MIAMI LAKES TO BE THE MODEL OF A FRIENDLY, OPEN, INNOVATIVE, EFFECTIVE AND EFFICIENT GOVERNMENT FOR ITS RESIDENTS AND BUSINESSES.

Miami Lakes: Today and Tomorrow

Over the last 50 years, Miami Lakes has progressed from a dream on paper into reality. This vibrant community is nationally recognized as one of the best examples of unique and innovative town planning with lakes and canals, as well as over 100 parks, including greenways and trails. For residents, all of this means that one can enjoy a quality of life that is second to none - natural scenic beauty, a vibrant cultural environment, and lively nightlife. For businesses, Miami Lakes offers an ideal environment for success - a central location with immediate freeway and airway access with a hometown feel.

Land use in the Town is predominantly low-density. The next most prevalent uses are light industrial and office parks comprising 13% of the Town's area, and lakes and canals making up

about 11%. The population of the Town of Miami Lakes has grown to 30,571 residents and it currently ranks 12th in population size within Miami-Dade County.

Comparable cities include Coral Gables on the high end of the population spectrum and Pinecrest on the lower end. The Town of Miami Lakes' residential and commercial component is essentially built out with only a handful of parcels that are undeveloped.

OUR VISION FOR MIAMI LAKES

MIAMI LAKES IS WIDELY RECOGNIZED AS A WELCOMING COMMUNITY WITH EXTRAORDINARY BEAUTY WHERE STATE OF THE ART PLANNING CONCEPTS CREATE VIBRANT HUBS THAT ARE SAFE AND FRIENDLY TO ALL AGES AND MOBILITY OPTIONS WHICH INSPIRE THE TOWN TO CONTINUE "GROWING BEAUTIFULLY."

Miami Lakes proudly holds recognitions and accolades such as:

- Third Safest City in Miami-Dade County 2018
- All-America City Finalist 2013 and 2010
- Tree City USA Designation - 10 Consecutive Years
- Playful City USA Designation - 9 Consecutive Years
- 100 Best Communities for Young People



The number one goal is to continue with the enhancement of Miami Lakes' quality of life and unique community feel through visionary land use planning, efficient provision of public facilities and services, protection of neighborhoods, and conservation of those built and natural assets which define the Town. As the Town of Miami Lakes looks to the future, it will continue to strive for innovation while remaining true to its original founders' vision of providing the highest quality of life for its residents and visitors.

Miami Lakes Government Core Values

- Streamlined, People-Friendly, Innovative Government
- Make the Town Government accessible to the public
- Demonstrate a passionate commitment to customer satisfaction
- Recruit and retain empowered employees, who display a can-do, caring attitude, and take professional responsibility for their actions
- Stay focused on efficiency and cost-effectiveness
- Provide localized services with minimum duplication
- Provide effective political and managerial leadership
- Make prudent use of cutting-edge technology
- Focus on internet-based, user-friendly, interactive public communication



Governance

The Town of Miami Lakes has adopted, through the Charter, a “Council-Manager” form of government. The Town Council is vested with all legislative powers of the Town. The Council consists of the Mayor and six residential Councilmembers. As defined in the Town’s Charter, the Mayor shall preside at meetings of the Council and be a voting member of the Council and is elected at-large for a four-year term. The Town Council appoints a professional Town Manager to manage the day-to-day operations for the Town. The Town of Miami Lakes has an annual operating budget of \$19.7 million, capital improvement budget of \$7.1 million, 45 full time employees, and 34 part-time employees. The Town prides itself on operating in a lean, efficient and responsive manner.



The Town Manager Position

The Town Manager directs, manages and coordinates the administration of the Town of Miami Lakes in accordance with the policies determined by the Town Council and the Town Charter. Per the Town Charter, responsibilities and essential job functions include, but are not limited to:

- Appoints department directors and staff as provided by the Town Charter and local ordinances.
- Supervises activities of Town departments heads, offices and agencies either directly or through Assistant Town Manager.
- Plans for future development of urban and non-urban areas to provide for population growth and expansion of public services.
- Attends numerous organizational and community meetings, speaking on behalf of the Town of Miami Lakes.
- Responsible for the hiring, supervision, and removal of all Town employees.
- Directs and supervises the administration of all departments and offices but not the Town boards or agencies, unless so directed by the Council from time to time;
- Attends Council meetings and have the right to take part in discussion but not the right to vote;
- Ensures that all laws, provisions of this Charter and acts of the Council, subject to enforcement and/or administration by him/her or by employees subject to his/her direction and supervision, are faithfully executed;
- Prepares and submits to the Council a proposed annual budget and capital program;
- Submits to the Council and make available to the public an annual report on the finances and administrative activities of the Town as of the end of each fiscal year;

- Prepares such other reports that the Council may require concerning the operations of Town departments, office, boards and agencies;
- Keep the Council fully advised as to the financial condition and future needs of the Town and make such recommendations to the Council concerning the affairs of the Town as she/he deems to be in the best interest of the Town;
- Execute contracts, deeds, and other documents on behalf of the Town as authorized by the Council

The Ideal Candidate

The new Town Manager should be a strong visionary servant leader, but also grounded with exceptional interpersonal skills and the ability to address difficult situations. The ideal candidate is a community-oriented professional who will be responsive, not just to the elected officials, but to the community at large. Candidates should possess highly developed problem-solving techniques, project management, presentation, and public speaking skills. Other important qualities are: someone who is progressive, creative, ethical, receptive to new ideas, and an effective mediator. The successful candidate must also consider customer service to be an essential part of public service.

Qualifications

- A bachelor's degree in public administration, business administration, finance, or related field from an accredited college or university is required. A master's degree is preferred.
- 5 years of senior administrative experience within local government; or 5 years of executive experience within private sector.
- Bilingual skills (conversational Spanish), preferred
- While not required, the Council would prefer the new Manager establish residency within the Town
- ICMA (International City/County Management Association) membership is preferred
- Well-versed with a working knowledge of Finance and Budgeting; Operational budget experience with a budget of over \$15 million.

Compensation and Benefits

The Town Council is committed to a starting salary that will be market competitive, depending on the experience and qualifications of the selected individual. In addition, the Town Council expects to provide an excellent fringe benefit package to the successful candidate. Reasonable relocation expenses will also be negotiable with the successful candidate.

How to Apply

For additional information on this outstanding opportunity, please contact Raul Gastesi, Esq., Town Attorney, (305) 364-6100.

Interested and qualified candidates should send a letter of interest and resume electronically by 5:00 p.m. on April 20, 2018 to:

Town of Miami Lakes

Human Resources Office

Phone: (305) 364-6100, Ext. 1109

Email: Jobs@MiamiLakes-fl.gov

www.miamilakes-fl.gov

Applicant must comply with employment policies established by the Town of Miami Lakes. This may include, but is not limited to, a written examination, comprehensive background investigation and drug/alcohol screening.

Resumes are subject to the provisions of Florida Public Records Statutes. Town of Miami Lakes is an Equal Opportunity Employer and does not discriminate on the basis of race, color, religion, creed, sex, age, marital status, national origin, political ideas, or disability in employment or in the provision of services



Town of Miami Lakes Memorandum

To: Honorable Mayor and Councilmembers
From: Honorable Councilmember Ceasar Mestre
Subject: Amendment to Town Council term limits
Date: 3/6/2018

Recommendation:

I would like to have a discussion with the Town Council regarding residents voting on a Town Charter amendment that changes Mayor and Council term limits from 8 to 12 years.

Now that I am in my last year of service, I truly believe that in order to be as efficient and impactful as possible, it is beneficial to have experienced individuals serving the Town.

Fiscal Impact: Low (if incorporated with other Town Charter questions)

ATTACHMENTS:

Description

Section 2.3 of the Town Charter

Section 2.3 Election and Term of Office.

- (a) *Election and Term of Office.* Except for the initial election and terms of office specified in Article VIII, each Councilmember and the Mayor shall be elected at-large for four year terms by the electors of the Town in the manner provided in Article V of this Charter. The four year term of office of persons holding office at the time of the initial transition to the County-wide election date provided by the amendment of Charter Section 5.1(c) shall result in a short extension of the term of office in order to coincide with that Section.
- (b) *Seats.* Councilmembers shall serve in seats numbered 1-6 collectively "Seats." Individually each is a "Seat." One Councilmember shall be elected to each Seat.
- (c) *Council To be Elected At-Large seats 1-6.* All Councilmembers shall be elected at-large and shall occupy Seats 1-6.
- (d) *Term of Office.* No person shall serve as Mayor or as a Councilmember for more than two (2) consecutive terms. Notwithstanding the above, if elected to a term of office prior to the 2010 election, the Mayor or Councilmembers may serve for a period of an additional two (2) terms, if re-elected, commencing at the conclusion of the term currently being served. If the Mayor or Councilmember is elected or appointed to fill a partial term in office as the result of a vacancy during a term of office pursuant to Section 2.5 of the Charter and the remainder of the term to which such person is elected or appointed is less than two years, then he or she may serve for two additional terms. If the term of said appointment or election to fill said vacancy is equal to or greater than two years, such person may serve one additional term.

Section 2.4 Qualifications.

Candidates for Councilmember or Mayor shall qualify for election by the filing of a written notice of candidacy with the Town Clerk at such time and in such manner as may be prescribed by ordinance ("Qualifying Date") and paying to the Town Clerk a qualifying fee of \$100.00, in addition to any fees required by Florida Statutes. A person may not be a candidate for Council and Mayor in the same election. Only electors of the Town who have resided continuously in the Town for at least two years preceding their Qualifying Date shall be eligible to hold the Office of Councilmember or Mayor.

Section 2.5 Vacancies; Forfeiture of Office; Filling of Vacancies.

- (a) *Vacancies.* The office of a Councilmember shall become vacant upon his/her death, resignation, disability, suspension or removal from office in any manner authorized by law, or by forfeiture of his/her office.
- (b) *Forfeiture of Office.*



Town of Miami Lakes Memorandum

To: Honorable Vice Mayor & Councilmembers
From: Honorable Mayor Manny Cid
Subject: Government Center- 2010 Special Obligation Bond- BAB
Date: 3/6/2018

Recommendation:

This upcoming year the Town faces some serious financial challenges. The Town Center bond begins its balloon payments plus the real possibility of another \$25,000 homestead exemption. According to projections, the additional homestead exemption will reduce our ad-valorem revenues by \$300,000.

The Build America Bond for the Government Center Project is collateralized by the Electric Utility Tax Revenues and are due serially beginning December 1, 2019 through the year 2040 with semi-annual interest due on June 1 and December 1 each year. This bond bears interest rates ranging from 7.05% to 7.627% which translates, to an effective rate of 4.57% to 4.96% after the federal direct share of interest (FDSI).

At this current moment we are only paying interest on this bond of \$356,524 net of FDSI. In 2019 we will have to fund an additional \$380,000 to pay for the Principal portion. The total bond payment will be \$736,524 net of the FDSI.

The Town pledged the Electric Utility Tax revenues as payment for the bond. Between the additional bond payment and potential loss in revenue, we are looking at a \$680,000 dollar hit from our current level of service.

I would like to direct staff to research the possibility of refinancing our Build America Bond (BAB) for savings purposes. The BAB program expired in 2010 so we cannot refinance using a new BAB. However, our bond can be refinanced using a tax-exempt bond which are at a 50 year low. After doing some research, I became aware that we can find substantial savings by refunding our BAB with a tax exempt crossover advance refunding bond. Ultimately, I want to ensure that staff leaves no stone unturned to find long term savings

Fiscal Impact: TBD



Town of Miami Lakes Memorandum

To: Honorable Vice Mayor & Councilmembers
From: Honorable Mayor Manny Cid
Subject: Royal Oaks Neighborhood
Date: 3/6/2018

Recommendation:

The ROP neighborhood has three entrances. Residents in that area have requested enhanced security. I would like to direct staff to price out placing LPRs at all three entrances to the ROP neighborhood. Additionally, after the system is priced out, I would like for staff to coordinate a Town Hall meeting with the ROP area residents to discuss the creation of a Special Taxing District to pay for and maintain the LPRs.

Fiscal Impact: Medium (staff effort to coordinate workshop and possible creation of a Special Taxing District)



Town of Miami Lakes Memorandum

To: Honorable Mayor and Councilmembers
From: Honorable Councilmember Nelson Rodriguez
Subject: March For Lives
Date: 3/6/2018

Recommendation:

* This item requires the waiver of the Section 7.3 of the Special Rules of Order of the Town of Miami Lakes.

I have become aware that Reverend John F. Stanton, from the Episcopal Church of the Epiphany in Miami Lakes, will be meeting with other religious leaders of our community to discuss the possibility of doing a march or rally in Miami Lakes, on March 24th, in support of the March For Lives, which will be taking place on Washington DC on that same day.

Supporters of this march or rally have reached out to me, asking if the Town of Miami Lakes would send out an email blast to the local community. Because this is time sensitive, I would like to discuss with my colleagues on supporting the communication of this event to the public.

Fiscal Impact: Small



Town of Miami Lakes Memorandum

To: Honorable Mayor and Councilmembers
From: Alex Rey, Town Manager
Subject: Town Manager Monthly Police Activity Report
Date: 3/6/2018

Recommendation:

Please see attached report.

ATTACHMENTS:

Description

TML Monthly Crime Report

January 2018 Report

Jan. - Feb. Report



Miami Dade Police Department, Town of Miami Lakes



TML Crime Report

January, 2018

Section 1 – COMPSTAT CRIMES

Crime	Auto Theft (7 incidents as of 1/31/2018. Date of last incident 1/30/2018)
Statistical Info	Up 5 as opposed to prior year to date
Trends	Vehicles stolen from apartment complex parking lots.
Action Taken	<ul style="list-style-type: none">• Officers have been assigned directed patrols and are directed to remain highly visible at the various apartment and townhome complexes, commercial plazas, and hotels in their respective areas.• Current auto theft information as well as BOLOs and Informational flyers are regularly shared with the TML Officers.• Patrol Details scheduled as needed for increased police visibility.
Crime	Larceny (Over) (9 incidents as of 1/31/2018. Date of last incident 1/18/2018)
Statistical Info	Up by 3 as opposed to PYTD
Trends	No identifiable trends. Recent incident retail theft from Office Depot.
Action Taken	<ul style="list-style-type: none">• Officers have been assigned directed patrols and are directed to remain highly visible and proactive in their assigned areas. Special attention at all commercial plazas, apartment and townhome complexes, and hotels in their respective areas.• Patrol Details are being scheduled as needed for increased police visibility.



Miami Dade Police Department, Town of Miami Lakes



TML Crime Report

January, 2018

Section 2 – SIGNIFICANT ARRESTS-INCIDENTS

ARRESTS	
Day / Date / Time	Monday / 01/22/2018 / 7:30 pm
Location	6760 Bull Run Road
<p>On Thursday, January 22, 2018, Detective Nieves investigated and subsequently arrested a subject for an overnight vehicle burglary incident where the subject located a key to the victim's father's vehicle that the subject stole. That same morning, Hialeah Police responded to a suspicious vehicle incident and located the subject in possession of the stolen vehicle. Hialeah Police arrested the subject on unrelated charges. Detective Nieves submitted an Arrest Affidavit for grand theft auto and burglary to conveyance.</p>	
Day / Date / Time	Tuesday / 01/18/2018 / 4:50 pm
Location	8032 NW 164th Terrace
<p>On Thursday, January 18, 2018, at approximately 4:50 am, Midnight shift officers responded to a vehicle burglary incident where a subject was observed on video surveillance entering two unlocked vehicles at a residence. As officers arrived in the area, a subject was observed fleeing on a bicycle. The subject subsequently swam across a canal in an attempt to elude the officers. The subject was subsequently located by an MDPD K-9 Officer. Detective Nieves responded and arrested the subject for the two vehicle burglaries. Follow up investigation led to Detective Nieves submitting three additional Arrest Affidavits for three separate vehicle burglary incidents that occurred two days prior. Video surveillance captured the same subject at three residences burglarizing vehicles</p>	
Schools Readiness	
<p>On Wednesday, February 14, 2018, a shooting occurred at Marjory Stoneman Douglas High School in Broward County resulting in 17 deaths. As a result of the shooting, the Town of Miami Lakes Police Section reviewed procedures regarding Critical Incidents and Crisis Response to incidents occurring at public schools located within the Town of Miami Lakes. Additionally, TML police responded to each school and assessed proper staging areas for additional resources needed during incident response. Contact was made with administrative staff of each school to discuss school readiness. Each of the principals and assistant principals that were contacted confirmed that they have had training and drills related to the lockdown of a school both prior to and after the recent events.</p>	
<p>Each school advised that they have protocols in place in response to school shooting incident and a review was conducted of the operability of their video camera surveillance systems. Specifically: Miami Lakes K-8, Bob Graham K-8, Miami Lakes Middle, Barbara Goleman High, & Miami Lakes Educational Center High were all identified as having surveillance cameras which are accessible from either an Assistant Principal or Principal's desktop computer OR camera room. Although Bob Graham K-8 had cameras in their new building, further inspection by TML police section indicated no cameras in their old building.</p>	



MIAMI DADE POLICE DEPARTMENT
CAS Compstat Targeted Crimes Year To Date - 74Y
Date Range: Jan 01, 2018 - Jan 31, 2018



095 - TOWN OF MIAMI LAKES

	2017 LYTD	2018 YTD	YTD % Change	Difference
01 Homicide	0	0	/0	0
02 Forcible Sex Offenses	1	0	-100.00%	-1
03 Robbery	1	2	100.00%	1
04 Larceny (Over)	9	13	44.44%	4
05 Auto Theft	2	7	250.00%	5
06 Burglary Commercial	4	0	-100.00%	-4
07 Burglary Residential	2	3	50.00%	1
08 Aggravated Assault	1	0	-100.00%	-1
09 Aggravated Battery	0	0	/0	0
TOTAL:	20	25	25.00%	5

/0 - Indicates that Percent Change formula cannot be divided by zero



MIAMI DADE POLICE DEPARTMENT
CAS Compstat Targeted Crimes Year To Date - 74Y
Date Range: Jan 01, 2018 - Feb 23, 2018



095 - TOWN OF MIAMI LAKES

	2017 LYTD	2018 YTD	YTD % Change	Difference
01 Homicide	0	0	/0	0
02 Forcible Sex Offenses	1	0	-100.00%	-1
03 Robbery	1	3	200.00%	2
04 Larceny (Over)	20	19	-5.00%	-1
05 Auto Theft	9	14	55.56%	5
06 Burglary Commercial	4	0	-100.00%	-4
07 Burglary Residential	5	4	-20.00%	-1
08 Aggravated Assault	3	0	-100.00%	-3
09 Aggravated Battery	1	0	-100.00%	-1
TOTAL:	44	40	-9.09%	-4

/0 - Indicates that Percent Change formula cannot be divided by zero



Town of Miami Lakes Memorandum

To: Honorable Mayor and Councilmembers
From: Alex Rey, Town Manager
Subject: Commercial and Industrial Parking Canopies
Date: 3/6/2018

Recommendation:

It is recommended that carport canopies in the commercial and industrial district be regulated through existing permitting and code compliance procedures.

On December 1, 2015, the Town Council of the Town of Miami Lakes directed the Town Manager to look into canopied structures used for covered parking within the Town's business parks. The item was initiated by former Councilperson Lama who observed, during a tour of the Town the presence of these canopied structures. His request was to ensure that the Town had a plan to ensure the appropriateness and maintenance of such canopies.

The Town's Code Compliance Division investigated the state of the existing canopy structures within the Town's business parks and found eight (8) existing structures. Five (5) of the canopies are actually designed for their use as shelter for parked cars and three (3) canopy structures are seating areas for individuals to utilize during break periods.

Of the eight (8) canopies, five (5) have permits, and three (3) do not have permits. The un-permitted structures have been issued a notice of violation.

Currently, the Land Development Code does not prohibit such structures provided they conform to all required setbacks of the district. Most of the existing structures are well maintained with many screened from view.

Given the limited number of such structures, their overall condition, and existing code provisions, it is recommended that this matter be addressed as part of regular compliance procedures without the need to develop additional regulations.

ATTACHMENTS:

Description

Canopies

Canopies

5901 Miami Lakes Dr (IberiaBank) – B2011-1253



5980 Miami Lakes Dr (ISACO) B2005-3114



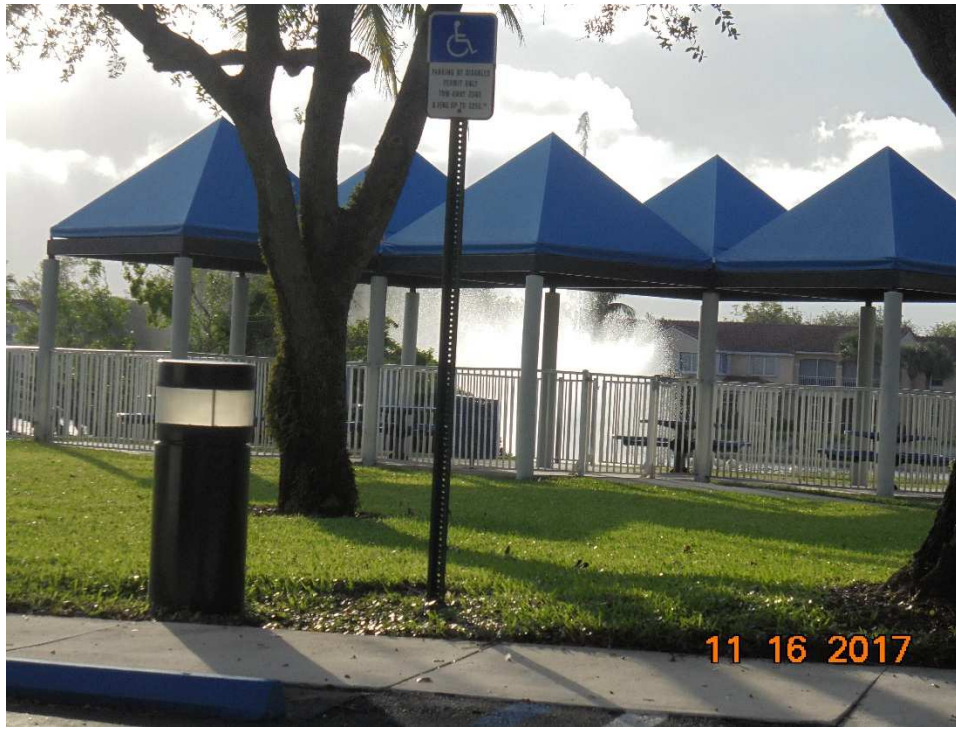
7815 NW 148 ST – B2010-0405



7900 NW 154 ST - No permit in our records C2018-0222



8100 OAK LANE - 1987063639



8181 NW 154 ST - No permit in our records C2018-0223



14101 COMMERCE LN - No permit in our records C2018-0224



14361 COMMERCE LN. B2003-1862





Town of Miami Lakes Memorandum

To: Honorable Mayor and Councilmembers
From: Alex Rey, Town Manager
Subject: YATF - Request for Reallocation of Funds
Date: 3/6/2018

Recommendation:

Approve the reallocation of funds from Winterfest to the annual Halloween event to cover expenses for logistics and decorations as a result of rescheduling the date of the event due to inclement weather.

ATTACHMENTS:

Description

Request for Reallocation of Funds

Youth Activity Task Force Committee Meeting Minutes



Growing Beautifully

6601 Main Street • Miami Lakes, Florida, 33014

(305) 364-6100 • Fax: (305) 558-8511

www.miamilakes-fl.gov

REQUEST FOR REALLOCATION OF FUNDS

- ☐ Cultural Affairs Committee
- ☐ Elderly Affairs Committee
- ☐ Neighborhood Improvement Committee
- ☐ Public Safety Committee
- ☐ Planning & Zoning Board
- ☐ Economic Development Committee

- ☐ Education Advisory Board
- ☐ Par 3 Park Committee
- ☐ Special Needs Committee
- ☒ Youth Activities Task Force
- ☐ Veterans Committee
- ☐ Other: _____

Amount: \$1514.69

Date Approved by Committee: 1/10/18
(Please attach meeting minutes)

**Pursuant to the Town's Budget Ordinance, if the request exceeds \$700 it must be presented and approved by the Town Council at a Council Meeting.*

Reason for Request:

The committee would like to move funds from Winterfest to Halloween to cover the balance

What line item are the funds currently allocated in? (Line item number and description)

0017427-548154 WINTERFEST

What line item are you requesting the funds be reallocated to? (Line item number and description)

0017427-548154 HHH


Chairperson

1/10/18
Date

FOR OFFICE USE ONLY:

- ☐ Approved
- ☐ Denied

Alex Rey, Town Manager

Date

Budget revised by:

Finance Department

Date

**Town of Miami Lakes
Youth Activities Task Force (YATF) Committee
Meeting Minutes
Wednesday, January 10, 2017**

Call to Order: The meeting was called to order by Chairperson Lynn Ancel Matos at 7:05 PM EST. Secretary David Turino recorded the minutes.

Roll Call: Lynn Matos, Brian Rodriguez, Angela Ortiz, Juan Rodriguez, Victoria Rodriguez, Juan Rodriguez, David Turino, Michael Turino, Ellica Quintero, Emily Falcon, Ryan Martinez, Emily Garcia, Daylin Garcia, Helen Roldan, Ariana Rejas, Tony Fernandez, Kristina Labossiere

A motion was made by Brian Rodriguez to approve the minutes from the December 6, 2017 meeting. The motion was seconded by Tony Fernandez. This motion passes.

Public Comments: Brian is starting his spring semester in college. Angela started a social media account for her dog. Juan has no updates. Victoria had an interview with Telemundo for an internship. David is already swamped with school work. Michael is happy to be back with his friends at school. Ellica has had a relatively light workload up to now. Emily is going to Disney this weekend. Ryan is studying for a test tomorrow. Emily is starting her spring semester in college. Daylin can't wait for spring break. Tony went to North Carolina over the break. Kristina has no updates. Lynn's son surprised her and flew in for the break.

New Business:

A. Election of Officers for calendar year 2018: David Turino was elected Chairperson of the YATF. Ellica Quintero was elected Vice-Chairperson of the YATF. Michael Turino was elected secretary of the YATF.

B. Initial discussion on Committee Report to Council: The committee report will take place in March.

A motion was made by David Turino to use the previous committee report to present this year's report. The motion was seconded by Ellica Quintero. This motion passes.

Old Business:

A. Movies at the Park - Update: The movie this week will be Boss Baby.

A motion was made by Lynn Matos to play the newest Pirates of the Caribbean movie on March 9 with the first original Star Wars as a backup option. The motion was seconded by Angela Ortiz. This motion passes.

B. Bike Rodeo - Juan - Update: The Bike Rodeo will take place on March 17. There is money to buy helmets to hand out at the event. Hot Party has maintained a very good relationship with us. Therefore, we will consider doing business with them in the future.

C. Spring Fling - Update: Spring Fling will take place March 31. One of our first priorities will be to acquire a petting zoo. The eggs have not been purchased yet.

D. Sports-A-Palooza - Update: Sports-A-Palooza will take place on April 28.

E. Just Run - Update: We have had an excellent turnout for Just Run.

F. Ice Cream Social - Update: An email needs to be sent once again to Cold Stone asking them to participate in the event. Miami Lakes Automall is going to sponsor the event.

A motion was made by Ellica Quintero to have the Ice Cream Social on July 14. The motion was seconded by Tony Gonzalez. This motion passes.

A motion was made by Ellica Quintero to reallocate \$250 from the Bike Rodeo to the Ice Cream Social. The motion was seconded by Emily Falcon. This motion passes.

A motion was made by Lynn Matos to reallocate \$1,514.69 from Winterfest to the Halloween event. The motion was seconded by David Turino. This motion passes.

A motion was made by Lynn Matos to adjourn. The motion was seconded by Ellica Quintero. This motion passes.

Adjourned: 8:27 PM EST.



Town of Miami Lakes Memorandum

To: Honorable Mayor and Councilmembers
From: Alex Rey, Town Manager
Subject: Annual Calendar for Workshops
Date: 3/6/2018

Recommendation:

In order for the scheduling of workshops to be more efficient and avoid potential scheduling conflicts, I am proposing that we assign the second Wednesday of each month, for workshops to take place, if needed.



Town of Miami Lakes Memorandum

To: Honorable Mayor & Councilmembers
From: Raul Gastesi, Town Attorney
Subject: Attorney's Report
Date: 3/6/2018

Recommendation:

There are currently several matters being litigated by the Town of Miami Lakes. Some of these matters are being referred to our insurance carrier to mitigate the Town's legal expense. This report will highlight the active files, and a report of expenses incurred to date.

Additionally, this report shall discuss other miscellaneous matters.

Background:

MICHAEL PIZZI JR. v. TOWN OF MIAMI LAKES

(Criminal Matter)

New bills have been received and approved in the amount of \$8,271.99 which includes work performed through the month of February 2018. Partial reimbursement will be requested from the insurance carrier. Since litigation continues in this matter, it is recommended that \$50,000 be transferred from budgeted funds to address future invoices.

GENERAL LITIGATION

The following are current miscellaneous matters. There are several routine foreclosures currently being handled, however there are no significant expenditure to report. There are three general matters that are current, and remain from the previous month which include: that some of which include:

JUAN VALIENTE v. TOWN OF MIAMI LAKES:

Currently in litigation. Matter is being handled by the Town's insurance carrier. Additional costs in the coming months are likely.

SANCHEZ RADIOLOGY v. TOWN OF MIAMI LAKES:

Matter remains pending, there has been no activity. The issue in the lawsuit is expected to be moot, as they now have a certificate of occupancy.

LEMKE v. TOWN OF MIAMI LAKES:

Matter is undergoing settlement negotiations. There may be some expenditure as matter is wound up.

TEMPORARY SIGNAGE IN THE TOWN OF MIAMI LAKES

In recent months several municipalities have passed ordinances that address recent changes in case law concerning the placement of temporary signs. Based on these and changes in the law it is advisable to modify our existing code to provide uniformity of signage regarding temporary non-commercial signage.