



## **TOWN OF MIAMI LAKES, FLORIDA**

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### **AGENDA PLANNING AND ZONING BOARD MEETING April 17, 2019 6:30 PM Government Center**

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Election of Chair**
- 5. Approval of Minutes**
  - A. Approval of Minutes**
    - **February 20, 2019 Planning and Zoning Meeting minutes**

**6. Business Requiring Board Action**

**QUASI-JUDICIAL PUBLIC HEARINGS** - Please be advised that the following items on the Board's agenda are 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.

- B. AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SECTION**

**13-305(f)(1) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; APPROVING A VARIANCE REQUEST FROM SECTION 13-785 (G) TO PERMIT A NON-PUBLIC EDUCATIONAL FACILITY WITH NO OUTDOOR RECREATION/PLAY AREA WHERE OUTDOOR RECREATION/PLAY AREA IS REQUIRED, FOR THE PROPERTY LOCATED AT 15600 NW 67th AVE, MIAMI LAKES, FLORIDA, IN THE TC ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR APPROVAL OF THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

- C. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO PARKING OF COMMERCIAL VEHICLES; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE VI, "SUPPLEMENTARY REGULATIONS", PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR PARKING REGULATIONS; PROVIDING FOR PENALTIES: PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

## **7. Director's Report**

## **8. 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 [www.miamilakes-fl.gov](http://www.miamilakes-fl.gov) and is available at Town of Miami Lakes Town Hall, 6601 Main Street, Miami Lakes, FL 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 Planning and Zoning Board 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.



## **Town of Miami Lakes Memorandum**

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**To:** Honorable Chairman and Members of the Planning Board  
**From:** Susana Alonso, AICP, Principal Town Planner  
**Subject:** Election of Chair  
**Date:** 4/17/2019

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## **Town of Miami Lakes Memorandum**

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**To:** Honorable Chairman & Boardmembers  
**From:** Gina M. Inguanzo, Town Clerk  
**Subject:** Approval of Minutes  
**Date:** 4/17/2019

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### **ATTACHMENTS:**

Description

February 20, 2019 Minutes

**MINUTES**  
**Planning and Zoning Minutes**  
**February 20, 2019**  
**6:30 P.M.**  
**Government Center**  
**6601 Main Street, Miami Lakes, FL 33014**

**1. Call to Order:**

Chairman Fred Senra called the meeting to order at 6:30 p.m.

**2. Roll Call:**

The Deputy Town Clerk, Nicole Cuellar, called the roll with the following Board Members being present: Juan-Carlos Fernandez, Robert Julia, Avelino Leoncio, Lynn Matos, Mariam Yanes, and Chairman Fred Senra. Vice Chairman Raul De la Sierra was absent.

**3. Pledge of Allegiance/Moment of Silence:**

Chairman Fred Senra led the Pledge of Allegiance and the Invocation.

**4. Approval of Minutes:**

- June 20, 2018 Planning and Zoning Meeting minutes
- September 19, 2018 Planning and Zoning Meeting minutes
- October 4, 2018 Planning and Zoning Meeting minutes
- December 19, 2018 Planning and Zoning Meeting minutes

Board Member Leoncio made a motion to approve minutes for June 20, September 19, and October 4<sup>th</sup>, 2018. Chairman Senra seconded the motion. Board Member Fernandez then motioned to approve the motion for December 19, 2018 and Chairman Senra seconded the motion. All present were in favor.

**5. Business Requiring Board Action:**

- A. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO PREVENTION OF HUMAN TRAFFICKING; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE IV, "ZONING DISTRICT REGULATIONS", PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR REQUIRED SIGNAGE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Assistant Town Attorney, Lorenzo Cobiella, read the title of the ordinance into the record.

Susana Alonso, Principal Town Planner, explained and answered questions regarding the ordinance.

Vice Chairman De la Sierra motioned to approve based on staff recommendations and Board Member Cruz seconded the motion.

Board Member Yanes motioned to approve the ordinance. Board Member Fernandez seconded the motion and all present were in favor.

Board Member Matos then amended the motion to include signage requirement in all businesses as well as public community centers in Miami Lakes. Chairman Senra seconded the motion and all present were in favor.

**6. Director's Report:**

There was no report given.

**Adjournment:**

There being no further business to come before the Board, the meeting adjourned at 6:54 P.M.

Approved this 17<sup>th</sup> day of April 2019.

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Fred Senra  
Chairman

Attest:

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Gina M. Inguanzo  
Town Clerk



## **Town of Miami Lakes Memorandum**

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**To:** Honorable Chairman and Members of the Planning Board  
**From:** Susana Alonso, AICP, Principal Town Planner  
**Subject:** Variance Tutor Me School  
**Date:** 4/17/2019

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### **Recommendation:**

Staff recommends approval for the proposal as shown in the attached letter of intent and plans, consisting of three pages, and stamped received on March 23<sup>rd</sup>, 2019, as it meets the variance criteria at section 13-305(f) (1) with following conditions:

1. Operations of the school shall be consistent with the Letter of Intent submitted by the applicant, and hereby incorporated as Exhibit B.
2. An adequate indoor playground space shall be provided within the facility to be inspected and approved by staff prior to Certificate of Occupancy.

### **Background:**

The Applicant currently operates a tutoring and therapy facility for children with special needs, learning difficulties or learning differences, including autism spectrum and other related disorders. The Applicant would like to move the current operation to 15600 NW 67th Ave professional office building and expand its services to offer schooling for children for whom regular schooling is not recommended. The school is proposed for 40 students. As per the Letter of Intent submitted by the applicant, outdoor playground constitutes an overstimulating environment for the intended pupils of the school, and it is therefore counterproductive to have them spend time in such a space during the school day. Because of the special needs of the students, outdoor play-space is neither needed, nor advisable. The Applicant proposes, instead, to provide a safe indoor playground within the facility that is adequate to the needs of the students.

### **ATTACHMENTS:**

Description

Resolution

Staff Report

Exhibits

Application Materials



**TOWN OF MIAMI LAKES  
PLANNING AND ZONING BOARD  
PZB NO: 2019-\_\_\_**

**AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SECTION 13-305(f)(1) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; APPROVING A VARIANCE REQUEST FROM SECTION 13-785 (G) TO PERMIT A NON-PUBLIC EDUCATIONAL FACILITY WITH NO OUTDOOR RECREATION/PLAY AREA WHERE OUTDOOR RECREATION/PLAY AREA IS REQUIRED, FOR THE PROPERTY LOCATED AT 15600 NW 67th AVE, MIAMI LAKES, FLORIDA, IN THE TC ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR APPROVAL OF THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Section 1: Applicant**

Applicant: Tutor Me; C/O Jenny Espinosa  
Folio: 32-2014-027-0012  
Legal Description: Miami Lakes Town Center Sec 12 Pb 129-66 Port Of Tr V Desc Beg 75.20ftw & 35fts At The X Of C/L Of Nw 67 Ave & C/L Of Bull Run Rd ThEly-Sely & Sly Ad 39.61ft Sly212.74ft Sly-Swly & Wly Ad 39.95ft Wly & Swly Ad 203ft N 44 Deg W307.83ft Nely & Ely Ad 233.37ft E200.65ft To Pob Lot Size 94225 Sq Ft F/A/U 30-2014-027-0012  
LOCATION: 15600 NW 67th Ave  
Miami Lakes, Florida, 33014  
Hearing No.: VARH2019-0163

**Section 2. Request:**

The Applicant requested the following variance from the Land Development Code:

A variance from Section 13-785 (g) of the Town's Zoning Code to allow a non-public educational facility with no outdoor recreation/play area.

**Section 3. Findings:**

1. In accordance with Section 13-305(f)(1) of the Town's Land Development Code (LDC), the Planning and Zoning Board, having considered the testimony and evidence in the record presented by all parties, finds that the Applicant's request **complies** with the variance criteria at Section 13.305(f)(1)(a) through (g) of the Town LDC, which are as follows:
  - 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 will 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 Land Development Code 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 the Land Development Code unnecessarily burdensome; and
- g. Whether the special conditions and circumstances which exist are the result of actions beyond the control of the applicant.

#### **Section 4. Grant of Approval with Conditions**

Per the Town of Miami Lakes Land Development Code, Article 3, following notice and public hearing on Wednesday April 17, 2019 at 6:30 PM upon findings outlined herein, the Planning and Zoning Board hereby conditionally grants the request described in Section 2 above, with following conditions:

1. Operations of the school shall be consistent with the Letter of Intent submitted by the applicant, and hereby incorporated as Exhibit B.
2. An adequate indoor playground space shall be provided within the facility to be inspected and approved by staff prior to Certificate of Occupancy.

#### **Section 5. Appeal**

The Applicant, or any affected party, may appeal the decision of the Planning and Zoning Board according to the provisions of Section 13-203 or Section 13-310, of the Land Development Code, as applicable.

#### **Section 6: Order**

This is a Final Order.

#### **Section 7: Effective Date.**

This Order shall take effect 30 days following the date it is filed with the Town Clerk. If during that time frame, the decision of the Planning and Zoning Board is appealed as provided in the Town LDC and/or the Florida Rules of Appellate Procedure, the appeal shall stay the effectiveness of this Order until said appeal is resolved by a court of competent jurisdiction.

The foregoing Order was approved on initial vote by motion as provided herein by \_\_\_\_\_ and seconded by \_\_\_\_\_ by a vote of \_\_\_\_\_ with each Planning and Zoning Board Member voting as follows:

Chairman Fred Senra	_____
Vice Chairman Raul De La Sierra	_____
Board Member Robert Julia	_____
Board Member Juan-Carlos Fernandez	_____
Board Member Lynn Matos	_____
Board Member Avelino Leoncio	_____
Board Member Mariam Yanes	_____

PASSED AND ADOPTED this 17 day of April 2019.

\_\_\_\_\_  
FRED SENRA  
Chairman, Planning and Zoning Board

ATTEST:

\_\_\_\_\_  
GINA INGUANZO  
Town Clerk

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

\_\_\_\_\_  
LORENZO COBIELLA  
TOWN ATTORNEY

This Order was filed in the Office of the Town Clerk on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
GINA INGUANZO  
Town Clerk



Department of Community Development  
6601 Main Street • Miami Lakes, Florida 33014  
(305) 364-6100 • [www.miamilakes-fl.gov](http://www.miamilakes-fl.gov)

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## Staff Analysis and Recommendation

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**To:** Planning and Zoning Board  
**From:** Susana Alonso, AICP  
Principal Town Planner

**Re:**

**HEARING NUMBER:**

**VARH2019-0163**

**APPLICANT:**

**Tutor Me; C/O Jenny Espinosa**

**FOLIO:**

**32-2014-027-0012**

**LEGAL DESCRIPTION:**

**MIAMI LAKES TOWN CENTER SEC 12 PB 129-66 PORT OF TR V DESC BEG 75.20FTW & 35FTS AT THE X OF C/L OF NW 67 AVE & C/L OF BULL RUN RD TH ELY-SELY & SLY AD 39.61FT SLY212.74FT SLY-SWLY & WLY AD 39.95FT WLY & SWLY AD 203FT N 44 DEG W307.83FT NELY & ELY AD 233.37FT E200.65FT TO POB LOT SIZE 94225 SQ FT F/A/U 30-2014-027-0012**

**LOCATION:**

**15600 NW 67th Ave  
Miami Lakes, Florida, 33014**

**ZONING DISTRICT:**

**TC - Town Center**

**Date:**

**April 17, 2019**

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### **A. Request**

In accordance with the Town of Miami Lakes Land Development Code (the "Town's LDC"), Tutor Me, C/O Jenny Espinosa (the "Applicant") is requesting the following variance:

A variance from Section 13-785 (g) of the Town's Zoning Code to allow a non-public educational facility with no outdoor recreation/play area.

### **B. Background**

The Applicant currently operates a tutoring and therapy facility for children with special needs, learning difficulties or learning differences, including autism spectrum and other related disorders. The Applicant would like to move the current operation to 15600 NW 67<sup>th</sup> Ave professional office building and expand its services to offer schooling for children for whom regular schooling is not recommended. The school is proposed for 40 students. As per the Letter of Intent submitted by the applicant, outdoor playground constitutes an overstimulating environment for the intended pupils of the school, and it is therefore

counterproductive to have them spend time in such a space during the school day. Because of the special needs of the students, outdoor play-space is neither needed, nor advisable. The Applicant proposes, instead, to provide a safe indoor playground within the facility that is adequate to the needs of the students.

### **C. Staff Recommendation**

Staff recommends approval for the proposal as shown in the attached letter of intent and plans, consisting of three pages, and stamped received on March 23<sup>rd</sup>, 2019, as it meets the variance criteria at section 13-305(f)(1).

### **D. Property Information and Permit History**

Zoning District of Property: TC - Town Center

Future Land Use Designation: Town Center Mixed Use

Subject Property:

The subject parcel is a 94,225-square foot lot between the intersections of 67<sup>th</sup> Ave and Bull Run and New Barn Roads. The site is improved with a three story office building constructed in 1989 according to Miami Dade County records. It is located at 15600 NW 67<sup>th</sup> Ave within the Town Center Mixed Use Future Land Use Designation and is zoned TC - Town Center District.

Surrounding Property:

	<b>Future Land Use Category</b>	<b>Zoning District</b>
<b>North:</b>	Town Center Mixed Use	TC - Town Center
<b>South:</b>	Town Center Mixed Use	TC - Town Center
<b>East:</b>	Town Center Mixed Use	TC - Town Center
<b>West:</b>	Town Center Mixed Use	TC - Town Center

## Subject Property Location Map



not to scale

### Open Building Permit(s) / Open Code Compliance Violation(s) / Zoning History:

There are currently no open permits or code violations on this property.

### **E. Analysis**

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. All portions of this report are incorporated into this Variance Criteria analysis.

**a) 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. 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:* Does not comply.

**b) The Variance would be compatible with development patterns in the Town.**

*Analysis:* See Section B, Background. Approval of this variance does not affect development patterns of the town.

*Finding:* complies.

**c) The essential character of the neighborhood would be preserved.**

*Analysis:* See Section B, Background, and criteria "b" above. Approval of this variance does not affect the existing development pattern of the neighborhood.

*Finding:* complies.

**d) The Variance can be approved without causing substantial detriment to adjoining properties.**

*Analysis:* See Section B, Background, and criteria "b" and "c". Approval of this variance does not cause detriment to any 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, Background, and criteria "b", "c" and "d". This variance would permit the school for special needs children to exist at this location without providing an outdoor space that is inapt for children with this type of disabilities and conditions, and so it provides substantial justice to the applicant.

*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:* See Section B, Background, and criteria "b", "c" and "d". Providing outdoor space at this location would be technically possible by removing parking areas, but is not practical, because the students the school intends to serve

become easily overwhelmed and overstimulated in an open outdoor playground.

*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, Background, and criteria “b”, “c”, “d”, and “f”. Based on the submittals of the Applicant, the analysis provided by this report, there are special conditions or circumstances which exist that are the result of actions beyond the control of the Applicant.

*Finding:* complies.

RECEIVED  
March 23, 2019.

## **Letter of Intent**

Our center was established for students with special needs who have learning difficulties or learning differences, including autism spectrum and other related disorders. We currently provide our services in Miami Lakes to students from kindergarten to 6th grade. We work on the academic and social skills of our students so that they can reach their full potentials. Our hours are from 7:30am to 5:00pm from Monday to Friday.

## **Curriculums Used**

The Living Independently with Fundamental Experiences (L.I.F.E. Program)

Miami dade county curriculum

We have a partnership with Early Autism Project, Inc. (EAP) to provide access to comprehensive education, transition and behavioral health services that are coordinated, seamless, child-centered and family-friendly .

We also work with the Down syndrome Association of Miami

Our dedicated special needs school is completely devoted to special education. It provides a self-contained environment for special needs students, where each student receives support for one or more special needs. Teachers and staff provide specialized programs to support students with different kinds of special needs, including learning, developmental, physical, and behavioral disabilities. They do so through a wide range of accommodations, modifications, and treatments.

- There are many environments through which special needs support can be delivered. For instance, we are a dedicated special needs school with integrated classes, and regular classes with direct support.
- We are able to deliver to the special needs of students with accommodations, modifications, and remediations.
- We offer additional services for special needs students, such as speech-language therapy, behavioral and occupational therapy. We use the Independent Education Plan known as the (IEP), which helps us meet the individual needs of every student.

We have created an indoor play gym and playground that meets the unique needs of children with disabilities. Children with Autism Spectrum Disorders and other special needs often struggle with playing and socializing in an over-stimulating environment like a traditional outdoor playground. Our indoor playground gym meets the needs of all the children with structured classes, as well as individualized attention and adaptation during free play. With our specialized equipment, sensory-based toys, Open Play structure, and unique environment we offer a place where all kids can play, create, and use their imagination. Our indoor playground is committed to providing a safe, nurturing, and fun environment for all kids, to foster learning, exploration and safe sensory experiences. It is also used for the students to receive individualized therapies from their therapist using the Individualized education plan (IEP). Our center will also provide outdoor educational field trips that accommodate to the special needs of the children.

If you have a child with special needs, you know the frustration of searching for a school that can offer the accommodations that your child needs. A safe environment with trained teachers and therapists. Our School has been specialized for students that can't meet their full potential in traditional school environments. The Parents or guardians of the children will have a designated drop off pick up area. Where the children will be received by a staff member because it is necessary for each student to be supervised at all times. There will also be specific parking spots for the parents.

I am asking for this variance in order to move forward in providing our specialized services to our students. An outdoor playground would not be beneficial to the students because we will be using our indoor gym and therapy room for the safety and needs of the children.

**Child Care Check List for  
Day Nursery, Day Care Center, Kindergarten and Private School**

School Name: Tutor Me Federal ID 65-0902270  
School Address: 15600 NW 67 Ave Suite 204 Tax Folio # 32-2014-0210012

1. Is this an expansion to an existing school ☐ Yes ☒ No If yes, indicated the number of students: \_\_\_\_\_ and age and grade ranges originally approved: \_\_\_\_\_
2. Total size of site: \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ + 43,560 sq. ft. = \_\_\_\_\_ acres
3. Number of children or students requested: \_\_\_\_\_ Ages: \_\_\_\_\_
4. Number of teachers: \_\_\_\_\_ Number of administrative & clerical personnel: \_\_\_\_\_
5. Number of classrooms: \_\_\_\_\_ Total square footage of classroom area: \_\_\_\_\_
6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets): \_\_\_\_\_
7. Amount of outdoor recreation/play area in square footage: N/A

NOTE: Location requirement for outdoor recreation/play areas must conform to §33-151.18(j)

8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility: N/A
9. Number of parking spaces provided for staff, visitors and transportation vehicles: parking spaces provided \_\_\_\_\_ parking spaces required by §33-124(L) \_\_\_\_\_
10. Indicate the number of auto stacking spaces: \_\_\_\_\_ provided \_\_\_\_\_ required.
11. Proposed height for the structure(s): \_\_\_\_\_ See §33-151.18(g).
12. Size of identification sign: \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ sq. ft. See §33-151.18(c). Signage will require a separate permit. Contact the Permit Section at (786) 315-2100.
13. Days and hours of operation: Monday to Friday 7:30am to 5:00pm
14. Does the subject facility share the site with other facilities? ☐ Yes ☒ No. (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to §33-151.16).
15. If the school will include residential uses, do such uses meet the standards provided in §33-151.17? ☐ Yes ☒ No (If yes, describe the residential uses and indicate same on the plans).

PHYSICAL STANDARDS: OUTDOOR RECREATION SPACE AND CLASSROOM SPACE MUST BE CALCULATED IN TERMS OF THE MAXIMUM NUMBER OF CHILDREN IN ATTENDANCE AT ANY ONE TIME.

The following information will determine the maximum number of children permitted at the facility. WHEN GRADE LEVELS OVERLAP, THE MORE RESTRICTIVE SHALL BE USED.

CLASSROOM SPACE: Calculated by grade levels.

- a. Day Nursery/Kindergarten, preschool and after-school care

35 sq. ft. x \_\_\_\_\_ (number of children) = \_\_\_\_\_ sq. ft. of classroom area required.

- b. Elementary Grades 1-6

30 sq. ft. x \_\_\_\_\_ (number of children) = 40 sq. ft. of classroom area required.

- c. Junior High and Senior High Schools (Grades 7-12)

25 sq. ft. x \_\_\_\_\_ (number of children) = \_\_\_\_\_ sq. ft. of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: \_\_\_\_\_.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: \_\_\_\_\_.

OUTDOOR RECREATION SPACE:

*Variance*

- a. Day nursery/kindergarten, preschool and after school care

45 sq. ft. x \_\_\_\_\_ ( $\frac{1}{2}$  of children) = \_\_\_\_\_

- b. Grades 1-6 500 sq. ft. x \_\_\_\_\_ (first 30 children) = \_\_\_\_\_

300 sq. ft. x \_\_\_\_\_ (remaining children) = \_\_\_\_\_

- c. Grades 7-12 800 sq. ft. x \_\_\_\_\_ (first 30 children) = \_\_\_\_\_

300 sq. ft. x \_\_\_\_\_ (next 300 children) = \_\_\_\_\_

150 sq. ft. x \_\_\_\_\_ (remaining children) = \_\_\_\_\_

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: \_\_\_\_\_.

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: \_\_\_\_\_.

TREES: See §33-151.18(g), and the Planning Division (12<sup>th</sup> Floor) for additional requirements.

- a. 28 trees are required per net acre. Trees required: \_\_\_\_\_ Trees provided: \_\_\_\_\_.

- b. Ten shrubs are required for each tree required. Shrubs required \_\_\_\_\_ Shrubs provided \_\_\_\_\_.

- c. Grass area for organized sports/play area in square feet: \_\_\_\_\_.

- d. Lawn area in square feet (exclusive of organized sports/play area): \_\_\_\_\_.

School Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_ 4.

THE INFORMATION ABOVE IS COMPLETE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed, sealed, executed and acknowledged on this 26 day of February at Miami-Dade County, Florida.

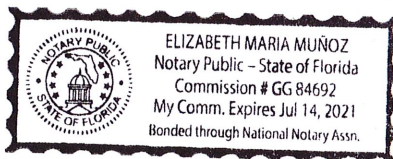
Jenny Espinosa  
Signature

WITNESSES:

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

I hereby certify that on this 26<sup>th</sup> day of February, 2019, before me personally appeared Jenny Espinosa, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES: July 14, 2021



This is a detailed street map of the University City area in San Diego. The map shows a grid of streets including University Avenue, La Jolla Village Drive, and various residential streets. A specific area is highlighted with a black triangle and labeled 'UNIVERSITY CITY'. The map also shows the coastline and the location of the University of California, San Diego (UCSD).

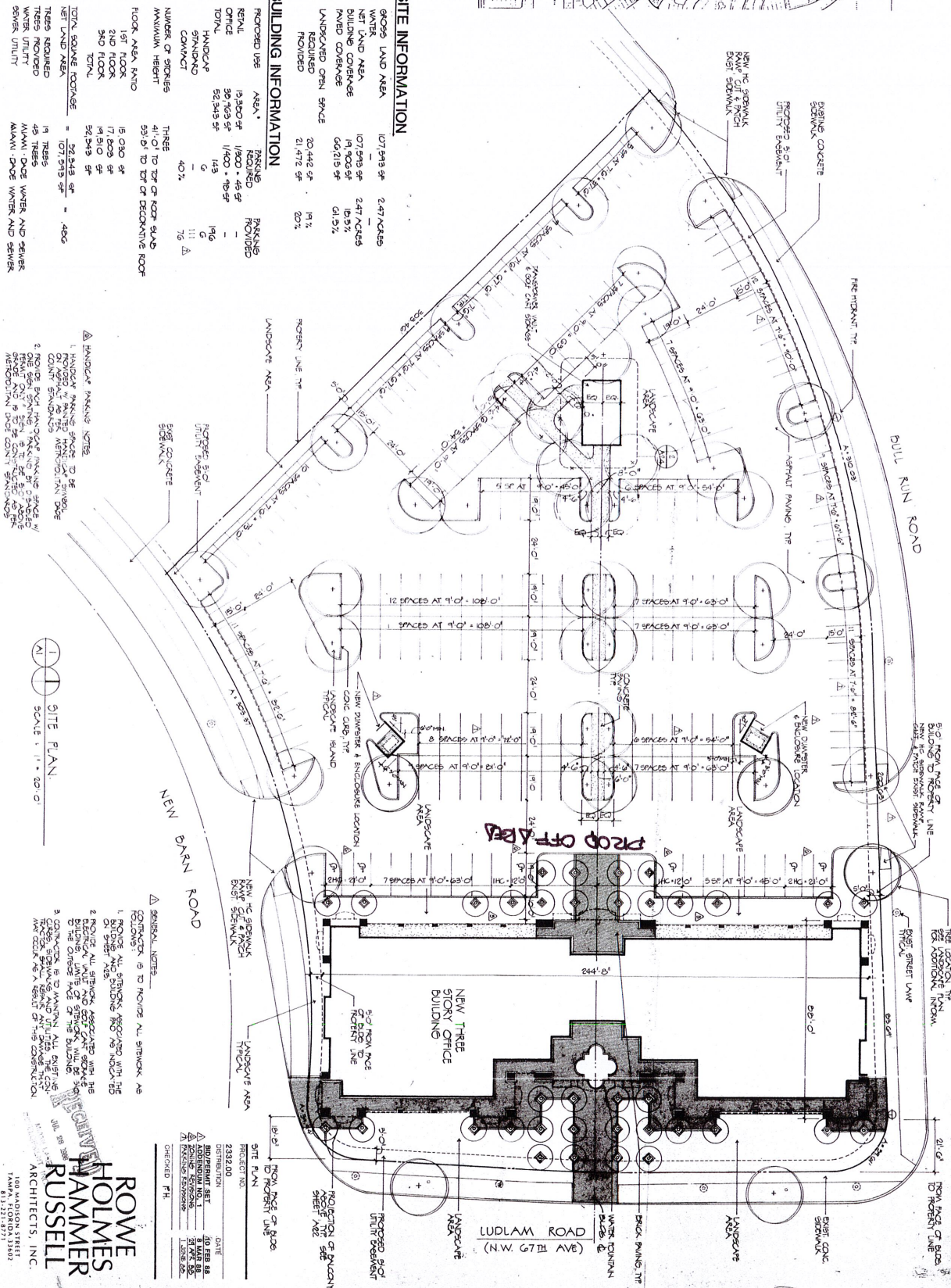
WATER	107,993 sf	2.47 ACRES
GRASS LAND AREA	—	—
NET LAND AREA	107,993 sf	2.47 ACRES
BUILDING COVERAGE	91,706 sf	15.5%
PAVED COVERAGE	66,215 sf	61.5%
LANDSCAPED OPEN SPACE	—	—
REQUIRED	20,442 sf	19%
PROVIDED	21,472 sf	20%

REMOVED USE	AREA	PAVING	PAVING
RETAIL	15,320 sq	1,000 sq	-
OFFICE	32,703 sq	1,400 - 75 sq	-
TOTAL	82,343 sq	143	116
HANDICAP	0	0	0
INDOOR	-	-	111
CONTRACT	40%	76	Δ
NUMBER OF STORES	THREE		
MINIMUM HEIGHT	41' 0" TO TOP OF ROOF SLAB		
	55' 0" TO TOP OF BECOMING ROOF		
FLOOR AREA AND			
1ST FLOOR	15,020 sq		
2ND FLOOR	11,111 sq		
3RD FLOOR	14,510 sq		
TOTAL	52,343 sq		
TOTAL SQUARE FOOTAGE	107,343 sq	-	486
NET SQUARE AREA	15 THREES		
TREES REMOVED	45 TREES		
TREES REMOVED			
WATER UTILITY			
SEWER UTILITY			
MAINT. DOCK WATER AND SEWER			

MIAMI LAKES  
THE GRAHAM COMPANIES

MIAMI LAKES, FLORIDA 33014

RECEIVED  
March 23, 2019



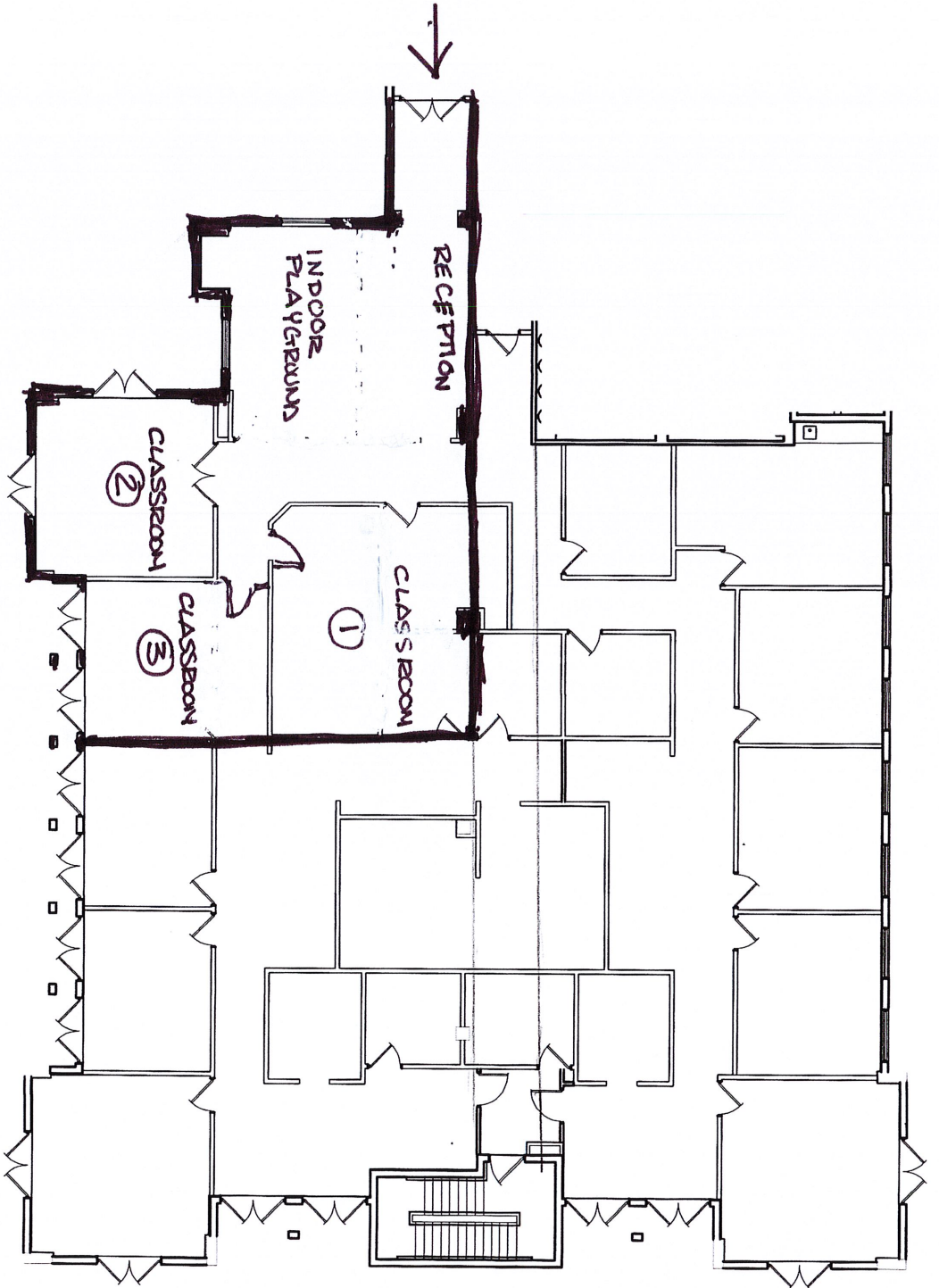
A1

**ROWE  
HOLMES  
HAMMER  
RUSSELL**  
ARCHITECTS, INC.

**RUSSELL**  
ARCHITECTS, INC.

**RUSSELL**  
ARCHITECTS, INC.

ENTRANCE



RECEIVED  
March 23, 2019

Partial Second Floor Plan



**Forbes Architects**  
4565 Ponce de Leon Boulevard, Suite 100  
Coral Gables, Florida 33146  
Florida Registration No. AA-F000104  
FA 10002 02-14-11

**Plaza Royale**  
Suite 204

**The Graham Companies**  
6843 Main Street  
Miami Lakes, FL 33014  
305 817 4025



6601 Main Street • Miami Lakes, FL 33014  
(305) 364-6100 • [www.miamilakes-fl.gov](http://www.miamilakes-fl.gov)

Public Hearing (Yes) Yes No:

File Number(s): VARH2019-0163

Date Received: 3/22/2019 ~~APRIL 2019 HEARING~~

### Planning Application

Folio Number: 32.2014.027.0012

Property Address: 15600 NW 67<sup>th</sup> AVE

Nature of Requests  
(mark all that apply)

☐ Comprehensive Plan Change

☐ Zoning Change

☐ Preliminary Plat

☐ Site Plan

☐ Conditional Use

☒ Variance

☐ Final Plat

☐ Site Plan Modification

☐ Minor Conditional Use

☐ Administrative Variance

☐ Zoning Verification Letter

☐ Expedite fee

☐ Waiver of Plat

☐ Administrative Site plan

☐ Distance Separation

☐ Administrative Parking Waiver

**NOTE TO APPLICANTS:** A pre-application meeting with the Town's Planning and Zoning Department staff is required prior to official application filing. A checklist of requirements will be provided to the applicant at that time. Please call 305 364-6100 for an appointment.

Property Information

Lot size (Acres/Square Feet):

N/A

Current Zoning:

TC

Current Use:

OFFICE

Existing Structure Square Footage:

2,206 sq ft

Existing Number of Parking Spaces:

Existing Number of Units:

Is request the result of a violation?

NO

If yes, case number:

Please describe nature of request :

VARIANCE TO PROVIDE ONLY INTERIOR PLAY SPACE NO OUTDOOR PLAY SPACE. 40 CHILDREN.

Please submit two sets of signed and sealed 24x36 and one set of reduced 11x17 plans.

If property is leased, separate affidavits for property owner and tenant must be provided.

Property Owner Information

NAME:

GRAHAM COMPANIES

Mailing Address:

6843 MAIN ST

City, State, Zip

MIAMI LAKES FL 33014

Phone Number:

Cell Number:

Email Address:

Operator/Lessee Information

NAME:

Jenny Espinosa

Mailing Address:

8370 NW 157th

City, State, Zip

Miami Lakes

Phone Number:

(7) 229 1166

Cell Number:

(7) 229 1166

Email Address:

espinosaj1014@gmail.com

a. If subdivided, provide lot, block, complete name of subdivision, plat book and page number.

b. If metes and bounds description, provide complete description (including section, township, and range).

c. Attach a separate typed sheet, if necessary. Please verify the accuracy of your legal description

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE APPLICATION :

SEE ATTACHED.

**OWNER OR TENANT AFFIDAVIT  
FOR  
CORPORATION**

STATE OF FLORIDA

Public Hearing No. \_\_\_\_\_

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared, hereinafter the Affiants, who being first duly sworn by me, on oath, depose and say:

1. Affiants are the fee owners of the property which is the subject of the proposed hearing.
2. The subject property is legally described as: 15600 NW 67<sup>th</sup> Ave  
Miami Lakes FL  
33014.
3. Affiants understand this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.
4. I, Jenny Espinosa, as President (title) of Tutor Me Daycare & Preschool #2 (name of corporate entity), being first duly sworn, depose and say that Tutor Me Daycare & Preschool #2 (name of corporate entity) is the owner (tenant) (circle one) of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised.

\_\_\_\_\_ will represent me at the hearing.

Witnesses:

Signature

Print Name

Signature

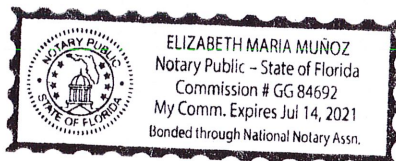
Print Name

Affiant

Affiant's Signature

Print Name

Sworn to and subscribed before me on the 11<sup>th</sup> day of March, 2019. Affiant is personally known to me or has produced Driver license E215-420-73-874-0 as identification.



Notary  
(Stamp/Seal)

My Commission Expires: July 14, 2021

**OWNER OR TENANT AFFIDAVIT  
FOR  
INDIVIDUAL**

STATE OF FLORIDA

Public Hearing No. \_\_\_\_\_

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared, hereinafter the Affiants, who being first duly sworn by me, on oath, depose and say:

1. Affiants are the fee owners of the property which is the subject of the proposed hearing.
2. The subject property is legally described as: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Affiants understand this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.
4. I, \_\_\_\_\_, being first duly sworn, depose and say that I am the owner / tenant (**circle one**) of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised.

\_\_\_\_\_ will represent me at the hearing.

Witnesses:

Affiant:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Affiant's Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Sworn to and subscribed before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary  
(Stamp/Seal)

My Commission Expires: \_\_\_\_\_

**OWNER AFFIDAVIT  
FOR  
TRUSTEE**

STATE OF \_\_\_\_\_

Public Hearing No. \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, personally appeared \_\_\_\_\_, hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

1. Affiant is the Trustee of the Trust which owns the property which is the subject of the proposed hearing.
2. Affiant is legally authorized as Trustee to apply for the proposed hearing.
3. The subject property is legally described as: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.
5. I, \_\_\_\_\_, as \_\_\_\_\_ (title) of \_\_\_\_\_ (name of trust), being first duly sworn, depose and say that \_\_\_\_\_ (name of trust) is the owner of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised.

\_\_\_\_\_ will represent me at the hearing.

Witnesses:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Affiant's Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Sworn to and subscribed before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

## REQUIRED DOCUMENTS FOR ADMINISTRATIVE SITE PLAN APPROVAL

- A. Completed application form. Applicants must meet the criteria in Division 3.1(d) of the Land Development Code
- B. Certified survey of the property. The survey must accurately depict the current conditions on the property. The survey must show all additions, fencing, paving and driveways and other improvements such as accessory buildings. At least one (1) copy must be provided to staff. If you wish to keep the certified copy staff will make a copy of your survey. For applications proposing new structures and/or paved areas, the survey needs to show all easements and encumbrances of public record.
- C. Site Plan – A site plan drawn to scale showing all proposed improvements, lot coverage and setbacks to property lines. If applicable, the site plans must include a table with all required zoning information such as setbacks, height, lot coverage, required parking, landscaping, etc. Where applicable (as determined by staff), two (2) paper copies of the site plan must be provided (one set on 24" x 36" and one set on 11" x 17" or letter size paper) and one (1) digital copy (PDF preferred). Site plans must conform to the requirements in Division 3.4(e) of the Land Development Code.
- D. Color photographs of the property. Digital photos are preferred in lieu of color prints.
- E. A letter describing the request
- F. HOA Approval. If the property is within the jurisdiction of a Homeowner's Association, provide written documentation of consideration (approval or denial) from the HOA.
- G. Applicable Fees

Individual Single Family, Two Family or Townhouse

\$100 application fee + notification costs with a \$50 cost recovery deposit – total fee due at submittal = \$150

Multifamily / Commercial / All Others

\$0 application fee + notification costs with a \$1,000 cost recovery deposit

## ATTORNEY AFFIDAVIT

I, \_\_\_\_\_, of \_\_\_\_\_, (name of law firm) being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner / Tenant (**circle one**) of the property described and which is the subject matter of the proposed application; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached and made a part of this application are honest and true to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised. I also acknowledge that I must fill out the Town's Consultant Disclosure Form and/or Lobbyist Registration Form prior to the Administrator's final decision.

\_\_\_\_\_  
Attorney's Signature

\_\_\_\_\_  
Print Name

Sworn to and subscribed before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

My Commission Expires:

\_\_\_\_\_  
Print Name

If there is a CONTRACT FOR PURCHASE by a Corporation, Trust, or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries, or partners. [Note: Where principal officers, stockholders, beneficiaries, or partners consist of other corporation, trusts, partnerships, or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests.]

NAME OF PURCHASER: \_\_\_\_\_

NAME, ADDRESS, AND OFFICE (if applicable): _____	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Contract: \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers if a corporation, partnership, or trust:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

Signature: \_\_\_\_\_  
(Applicant)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_. Affiant  
is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
(Notary Public)

My commission expires \_\_\_\_\_

\* Disclosure shall not be required of: (1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or (2) pension funds or pension trusts or more than five thousand (5,000) ownership interests; or (3) any entity where ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five percent (5%) of the ownership interest in the partnership, corporation, or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interests which exceed five percent (5%) of the ownership interests in the partnership, corporation, or trust.

### DISCLOSURE OF INTEREST\*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest.]

CORPORATION NAME: Tutor Me Day Care & Preschool II

NAME AND ADDRESS: Jenny Espinosa Percentage of Stock

8370 NW 157 Terrace

100%

Miami Lakes FL

33016

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest.]

TRUST / ESTATE NAME: \_\_\_\_\_

NAME AND ADDRESS: \_\_\_\_\_ Percentage of Interest

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s), or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests.]

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

NAME AND ADDRESS: \_\_\_\_\_ Percent of Ownership

# *State of Florida*

## *Department of State*

I certify from the records of this office that TUTOR ME DAY CARE & PRE SCHOOL #2, CORP. is a corporation organized under the laws of the State of Florida, filed on March 11, 1999, effective March 10, 1999.

The document number of this corporation is P99000022641.

I further certify that said corporation has paid all fees due this office through December 31, 2019, that its most recent annual report/uniform business report was filed on February 1, 2019, and that its status is active.

I further certify that said corporation has not filed Articles of Dissolution.

*Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this  
the First day of February, 2019*



*Jennifer Kennedy*  
**Secretary of State**

Tracking Number: 6386555776CC

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

<https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication>



## **Town of Miami Lakes Memorandum**

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**To:** Honorable Chairman and Members of the Planning Board  
**From:** Susana Alonso, AICP, Principal Town Planner  
**Subject:** Parking of Commercial Vehicles in rights-of-ways  
**Date:** 4/17/2019

---

### **Recommendation:**

Staff recommends approval of the ordinance amending Section 13-1607 as it relates to parking of commercial vehicles within the Town's rights-of-way.

### **Background:**

On February 5th, 2019, Town Council directed the Town Manager to explore the possibility of an ordinance to address street parking of commercial vehicles within the Town's rights-of-way. The Council was concerned that large commercial vehicles were parking with regularity in several streets adjacent to parks or residential areas, blocking visibility, encroaching onto travel lanes, sidewalks and swales, and creating potentially hazardous conditions. Additionally, staff found the current code lacking in adequate provisions for violations of parking regulations. The proposed ordinance seeks to clarify provisions for street parking of commercial vehicles within rights-of-way, and to provide for fees and procedures regarding any violations of parking regulations.

### **ATTACHMENTS:**

Description

Ordinance

Staff Report

**ORDINANCE NO. 19-\_\_**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO PARKING OF COMMERCIAL VEHICLES; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE VI, "SUPPLEMENTARY REGULATIONS", PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR PARKING REGULATIONS; PROVIDING FOR PENALTIES: PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on February 5<sup>th</sup>, 2019, the Town of Miami Lakes (the Town) Council adopted Ordinance 18-220, providing for Governmental Facilities and uses permitted; and

**WHEREAS**, the Town's rights-of-way are essential for the travel of persons and the transport of goods throughout the Town; and are a unique and physically limited resource requiring proper management by the Town in order to maximize efficiency, and promote the public health, safety and general welfare; and

**WHEREAS**, parking on Town's rights-of-way is limited and parking of commercial vehicles around residential areas and around public facilities such as parks, libraries, and other public buildings can constitute a nuisance, and present visibility and other safety concerns; and

**WHEREAS**, Section 13-1607 of the Town's code entitled "Commercial and recreational vehicles" prohibits parking on residential districts but does not provide for rights-of-way abutting both residential districts and other districts.

**WHEREAS**, overnight and long-term parking of commercial vehicles, as well as parking not incidental to services provided by the vehicle, should be done within private property in commercial or industrial areas; and

**WHEREAS**, adoption of the following ordinance is necessary to satisfy the above objectives.

**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 April \_\_\_\_, 2019, 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 \_\_\_\_\_, 2019, 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 moved the proposed amendment on first reading for second reading and consideration of adoption; and

**WHEREAS**, 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 found in Subsection 13-306(b) of the Town Code; and

**WHEREAS**, on \_\_\_\_\_, 2019, 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 it in the public interest to adopt the proposed ordinance.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, HEREBY ORDAINS AS FOLLOWS.**

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

**Section 2. Amendment.** Section 13-1607 entitled *Commercial and recreational vehicles*, of the Town's Land Development Code is hereby amended as provided at Exhibit A:

**Section 3. Approval.** The Town Council hereby adopts the amendment as provided at Exhibit "A"

**Section 4. 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 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. 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 7. Effective date.** This Ordinance shall become effective immediately upon adoption.

[THIS SPACE INTENTIONALLY LEFT BLANK]

**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 Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this \_\_\_\_\_ day of April, 2019.

[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 Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Manny Cid  
MAYOR

Attest:

\_\_\_\_\_  
Gina Inganzo  
TOWN CLERK

Approved as to form and legal sufficiency:

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

## EXHIBIT A

### CHAPTER 13 LAND DEVELOPMENT CODE

\* \* \*

### ARTICLE VI. – SUPPLEMENTARY REGULATIONS

\* \* \*

#### DIVISION 1. - GENERALLY

\* \* \*

#### Sec. 13-1607. - Commercial and recreational vehicles.

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Commercial vehicle means any vehicle which displays, whether temporarily or permanently, any lettering, logo, or other markings which identify the vehicle as belonging to or used for any commercial purpose; and/or any vehicle on which is visible and is designed to carry cargo, supplies, merchandise, machinery, tools, equipment, racks, or other items of a commercial nature; any vehicle manufactured and commonly used as a work or commercial vehicle, including tow trucks; or any vehicle for hire such as but not limited to buses, jitneys, limousines or taxicabs.

*Off-road* vehicle means any vehicle that is used off the roads or highways for recreational purposes and that is not registered and licensed for highway use in the State. Off-road vehicles include all-terrain vehicles (ATVs) and golf carts.

*Recreational* vehicle means a vehicle which provides sleeping and other facilities for short periods of time, while traveling or vacationing, designed to be towed behind a motor vehicle, placed on a vehicle or self-propelled, and includes such vehicles as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles.

- (b) In order to maintain the high standards of the Town with respect to residential appearance, commercial trucks or other commercial vehicles, off-road vehicles, campers, recreational vehicles, motor homes, house trailers, boat trailers and trailers of every other description as defined herein, whether operable or inoperable, shall not be permitted to be parked or to be stored at any place on any lot, common area or right-of-way within any residentially zoned area in the Town unless they are stored fully inside a garage with the garage door fully closed, or within any right-of-way which abuts either a residential district or a Government Facility that contains a park, a public playground, a public library, a fire station, a police station, or any other public use building. This prohibition of parking shall not apply to temporary parking of trucks and commercial vehicles during the performance of commercial services and to the loading and unloading, for no more than 24 hours, of recreational vehicles.
- (c) Marked and unmarked law enforcement and local government "take home" passenger vehicles may be permitted to be parked in driveways or parking spaces.

Additions to the text are shown in underlined; deletions from the text are shown in ~~strike through~~.

Omitted portions of this ordinance are shown as “\* \* \*”.

(d) All recreational vehicles, campers, and commercial vehicles that comply with the Town Code as of December 5, 2000, may be permitted if they are registered with the Town by April 18, 2005. Once the registered vehicle is sold no other recreational vehicle or commercial vehicle may be parked or stored on the property unless it complies with this Code.

(e) Violations of these provisions are punishable as follows:

1. Any violation of this section is punishable by a civil fine of five-hundred dollars (\$500.00). Upon a repeat violation of these provisions, in addition to civil penalties, such vehicle may be towed or immobilized until all outstanding violations and enforcement costs have been paid. After 35 days of storage or immobilization, such vehicle may be disposed of pursuant to the provisions contained in Section 713.585, Florida Statutes. Any enforcement officer is hereby authorized to secure the assistance of the Miami-Dade Police Department to effect enforcement of these provisions.
2. Whoever opposes, obstructs or resists an enforcement officer in the discharge of duties as provided in this section, upon conviction, shall be guilty of a misdemeanor of the second degree and shall be subject to punishment as provided by law.



Department of Community Development  
6601 Main Street • Miami Lakes, Florida 33014  
Office: (305) 364-6100 • Website: [www.miamilakes-fl.gov](http://www.miamilakes-fl.gov)

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## Staff Analysis and Recommendation

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**To:** Honorable Chairman and Members of the Planning Board  
**From:** Susana Alonso, AICP, Principal Planner  
**Subject:** Parking of Commercial Vehicles in rights-of-ways  
**Date:** April 17, 2019

---

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO PARKING OF COMMERCIAL VEHICLES; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE VI, "SUPPLEMENTARY REGULATIONS", PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR PARKING REGULATIONS; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

### **A. BACKGROUND**

On February 5<sup>th</sup>, 2019, Town Council directed the Town Manager to explore the possibility of an ordinance to address street parking of commercial vehicles within the Town's rights-of-way. The Council was concerned that large commercial vehicles were parking with regularity in several streets adjacent to parks or residential areas, blocking visibility, encroaching onto travel lanes, sidewalks and swales, and creating potentially hazardous conditions. Additionally, staff found the current code lacking in adequate provisions for violations of parking regulations. The proposed ordinance seeks to clarify provisions for street parking of commercial vehicles within rights-of-way, and to provide for fees and procedures regarding any violations of parking regulations.

### **B. PROPOSED CHANGES**

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

*13-1607 (b)* – added language clarifying that commercial vehicles shall not be allowed to park in any right of way abutting either a residential district or a Government Facility that contains

a park, a public playground, a public library, a fire station, a police station, or any other public use building.

*13-1607(e) – Violations.* Provides for civil fines of \$500 for violations, as well as towing or immobilization of repeat violators.

## **C. STAFF RECOMMENDATION**

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance amending Section 13-1607 as it relates to parking of commercial vehicles within the Town’s rights-of-way.

## **E. 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 Sections “A”, Background; and “B”, Proposed Changes, of this report. The ordinance provides for ensuring that rights-of-way remain free of any obstruction created by large commercial vehicles stationed in street parking spaces meant for personal private vehicles, as well as maintain the civic and/or residential character of the areas where parking of commercial vehicles is prohibited. As proposed, and presented in Section “A”, and “B”, above, the amendment conforms to the following objectives of CDMP below.

Objective 2.3: RIGHT-OF-WAY PRESERVATION - Protect and reserve existing and future rights-of-way, for automobile, truck, transit, bicycle and pedestrian travel needs, to prevent structural encroachments and ensure adequate widths for maintenance of infrastructure identified in this Comprehensive Plan.

Objective 10A.5: RESIDENTIAL IDENTITY - Promote residential identity throughout the Town by encouraging individual design themes for residential neighborhoods.

Objective 10A.9: CIVIC FACILITIES - Establish community design standards to encourage positive community design elements for civic facilities.

Objective 10B.2: PARKS and OPEN SPACE - Protect and enhance the Town of Miami Lakes parks to provide opportunities for recreation and social gathering.

*Finding:* Complies

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

*Analysis:* See Sections “A”, Background; and “B”, Proposed Changes, of this report. The proposed ordinance seeks to clarify and extend existing regulations prohibiting parking of

commercial vehicles in residential districts as well as to add provisions and procedures to deal with violations. The proposed amendment does not conflict with any of the Town's existing provisions.

*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 Sections "A", Background; and "B", Proposed Changes, of this report. The existing regulations prohibit parking of commercial vehicles in residential districts, but in cases where a residential district abuts a commercial or industrial district, they are interpreted to apply only to the side of the street that is immediately adjacent to the residential district, but not to the opposite side. As a result, several instances of large commercial vehicles parking on a long term basis across from residences have occurred. In addition, current regulations contain no language regarding violations and fines. This provision tries to remedy these challenges by clarifying the language regarding residential districts, adding governmental facilities to the areas where commercial vehicle parking is prohibited, and establishing provisions for fees and impoundment in case of violations.

*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 Sections "A", Background; and "B", Proposed Changes, of this report. The proposed amendment seeks to remedy existing de-facto incompatibilities between parking of commercial vehicles and residential, parks and civic uses.

*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 Sections "A", Background; and "B", Proposed Changes, of this report. 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:* See Sections “A”, Background; and “B”, Proposed Changes, of this report. 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 Sections “A”, Background; and “B”, Proposed Changes, of this report. Long term parking for large commercial vehicles should be accomplished mostly within private storage and parking areas inside industrial and commercial developments. Street parking in right of ways is inadequate and creates safety hazards as well as visual clutter and thus should be rarely used and only in cases where the commercial vehicle is actively rendering a service to a residence or other facility nearby. In residential, parks and civic areas, parking of large commercial vehicles can be detrimental to property values as it creates visual clutter and a general unkempt appearance. As such, the proposed ordinance is in the interest of the general welfare of the Town and its residents.

*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 Sections “A”, Background; and “B”, Proposed Changes; and Criteria 1, 2, 4, and 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 Sections “A”, Background; and “B”, Proposed Changes; and Criteria 1, 2, 4, 6, and 7 of this report.

*Finding:* Complies.

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

*Analysis:* See all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed amendment is appropriate and consistent with the public interest.

*Finding:* As determined by the Town Council.