

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