

**RESOLUTION NO. 16-1416**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A REQUEST IN ACCORDANCE WITH SUBSECTION 13-308(F)(2) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A PRELIMINARY PLAT ENTITLED "GOVERNORS SQUARE SENIOR COMMUNITY" SUBMITTED FOR PROPERTY LOCATED ON THE WEST SIDE OF OAK LANE ACROSS FROM THE INTERSECTION OF NW 146<sup>TH</sup> STREET, MIAMI LAKES, FLORIDA, IN THE IU-C ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Subsection 13-308(f)(2) of the Town of Miami Lakes ("Town") Land Development Code ("LDC"), TGC Senior, LLC (the "Applicant") has applied to the Town for approval of a preliminary plat, a copy of the Plat being attached here to as **Exhibit "A"** and incorporated herein by reference ("Preliminary Plat"), for property generally located on the west side of Oak Lane across from the intersection of NW 146<sup>th</sup> Street, including Miami-Dade Tax Folio Nos. 32-2022-001-0220, 32-2022-001-0230 and a portion of 32-2022-008-0013 ("Property"), as legally described in **Exhibit "B"**, and containing approximately 4.308 acres of land; and

**WHEREAS**, Subsection 13-308(f)(2) of the Town LDC sets forth the authority of the Town Council to consider and act upon an application for a preliminary plat; and

**WHEREAS**, in accordance with Section 13-309 of the Town LDC, proper notice was mailed to the appropriate property owners of record, the property was posted as required and the hearing was duly advertised in the newspaper; the public hearing on the Preliminary Plat was noticed for Tuesday, December 6, 2016, at 6:30 P.M. at Town Hall, 6601 Main Street, Miami

Lakes, Florida; and all interested parties have had the opportunity to address their comments to the Town Council; and

**WHEREAS**, Town staff has reviewed the application and recommends approval subject to conditions, of the request for a Preliminary Plat, as set forth in the Town of Miami Lakes Staff Analysis and Recommendation, a copy of which is on file in the Town of Miami Lakes Clerk's Office and incorporated into this Resolution by reference.

**WHEREAS**, the Director of Planning, acting as the Administrative Official, has determined that the Applicant has met the conditions and prerequisites imposed in Section 13-308 of the LDC; and

**WHEREAS**, the Town Council, in accordance with Section 13-308(f)(2)(c)(3) has considered the physical characteristics of the property, the availability of community services, traffic impact, economic impacts, appropriateness of the type and intensity of the proposed development, existing and future development, existing and future development patterns, compliance with land development regulations, relationship of the project to the capital improvements program; and other such factors as may relate to the Comprehensive Plan or elements thereof; and

**WHEREAS**, the Town Council, in accordance with Section 13-308(f)(2)(c)(4) of the LDC, has considered the written recommendations of staff, any other reviewing agencies, and presentations by the public.

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

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

## **Section 2. Findings.**

In accordance with Section 13-308(f)(2), the Town Council finds that the application meets the criteria for a preliminary plat approval which are as follows:

1. Physical characteristics of the property; and
2. The availability of community services; and
3. Traffic impact; and
4. Economic impacts; and
5. Appropriateness of the type and intensity of the proposed development; and
6. Existing and future development; and
7. Existing and future development patterns; and
8. Compliance with land development regulations; and
9. Relationship of the project to the capital improvements program; and
10. Other such factors as may relate to the Comprehensive Plan or elements thereof.

Additionally, as the proposed preliminary plat includes the proposed vacation of a 20 feet wide right-of-way reservation, in accordance with Subsection 13-1609(c), the Town Council finds that the application meets the criteria for right-of-way vacation, which are as follows:

1. Whether the public benefits from the use of the subject right-of-way or easement as part of the Town's roadway system;
2. Whether the subject right-of-way or easement is necessary for future needs of the Town;
3. Whether the proposed action is consistent with the Town's Comprehensive Plan;
4. The impacts of the proposed action on traffic circulation including the results of any applicable traffic study;
5. The effect of the proposed action upon the safety of pedestrians and vehicular traffic;
6. The effect of the proposed action upon the provision of municipal services, including, but not limited to police, fire-rescue, and solid waste services;
7. The estimated immediate and future cost to the Town, if any, as a result of the vacation and any mitigation plan proposed by the applicant to offset any potential impacts; and
8. The reason identified by the applicant for the proposed vacation.

**Section 3. Approval.** The Preliminary Plat, including the vacation of the 20 feet wide right-of-way reservation established in Plat Book 2 at Page 68 and indicated on the Preliminary Plat as to be vacated, is hereby approved, subject to conditions as set out in Section 4.

**Section 4. Conditions.** The Town Council approved the Preliminary Plat in Section 3, subject to the following conditions:

1. The approval of the preliminary plat shall be in accordance with the copy of the "Tentative Plat" of "Governors Square Senior Community" as submitted for approval to the Town Council and prepared by Schwebke-Shiskin and Associates, Inc. consisting of six (6) sheets and stamped as received by the Town on 11-1-2016.
2. The application for the rezoning of Tract A from IU-C to RM-36 must be heard and approved by the Town Council prior to final plat approval.
3. The Applicant shall comply, prior to final plat approval, with all platting requirements of the Town LDC and Chapter 28 of the Miami-Dade County Code.
4. All design and engineering documents, including any required studies, required for public improvements, or private street, utility and infrastructure improvements required to meet the standards for public facilities per the LDC, shall be submitted concurrently with the final plat application. All required improvements shall be completed and approved by the Town, per the procedures of the LDC, prior to recording of the final plat.
5. No building permit which is dependent upon this plat shall be issued until the final plat is recorded, except as may be allowed by the LDC.
6. The Applicant shall obtain approval of a final plat in accordance with the Town LDC for the requested preliminary plat, as approved herein, within one year of the date of this approval, unless an extension is granted by the Town Council in accordance with the provisions of Subsection 13-308(f)(5). If a final plat is not obtained within the prescribed time limit, then this approval shall become null and void.

**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 of any affected party may appeal this decision by filing of a notice of appeal in accordance with the Florida Rules of Appellate Procedure.

**Section 7. Effective Date.** This Resolution shall take effect immediately.

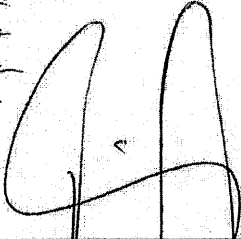
**PASSED AND ADOPTED** this 6th day of December, 2016.

Motion to adopt by Councilmember Collazo, second by Vice Mayor Lama.

**FINAL VOTE AT ADOPTION**

Mayor Manny Cid  
Vice Mayor Tim Daubert  
Councilmember Luis Collazo  
Councilmember Tony Lama  
Councilmember Ceasar Mestre  
Councilmember Frank Mingo  
Councilmember Nelson Rodriguez

yes  
yes  
yes  
yes  
yes  
yes  
yes

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

**Exhibit A**  
**Preliminary Plat**

## **Exhibit B**

### **Legal Description**

A PORTION OF TRACT "A", ACCORDING TO THE PLAT OF "MIAMI LAKES OFFICE PARK SECTION ONE", AS RECORDED IN PLAT BOOK 125 AT PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; TOGETHER WITH A PORTION OF TRACTS 20, 21, 22 AND 23 IN THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 52 SOUTH, RANGE 40 EAST; ALSO TOGETHER WITH A PORTION OF TRACTS 10, 11, 12 AND 13 IN THE SOUTHEAST 1/4 OF SECTION 22 TOWNSHIP 52 SOUTH, RANGE 40 EAST; AND ALSO TOGETHER WITH THAT PORTION OF THAT CERTAIN UNNAMED RIGHT-OF-WAY LYING WITHIN THE FOLLOWING DESCRIBED PARCEL, ACCORDING TO THE PLAT OF "CHAMBERS LAND COMPANY SUBDIVISION", AS RECORDED IN PLAT BOOK 2 AT PAGE 68 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE MOST EASTERLY CORNER OF SAID TRACT "A", AS SHOWN ON THE SAID PLAT OF "MIAMI LAKES OFFICE PARK SECTION ONE"; THENCE SOUTH 00 DEGREES 07 MINUTES 01 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF INDUSTRIAL WAY (COMMERCE WAY), AS SHOWN ON THE PLAT OF "MIAMI LAKES INDUSTRIAL PARK SECTION NINE", AS RECORDED IN PLAT BOOK 117 AT PAGE 76 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR 194.26 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00 DEGREES 07 MINUTES 01 SECONDS WEST, ALONG THE LAST DESCRIBED COURSE, FOR 104.67 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY, ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 752.64 FEET AND A CENTRAL ANGLE OF 47 DEGREES 23 MINUTES 42 SECONDS FOR AN ARC DISTANCE OF 622.58 FEET TO A POINT OF TANGENCY; THENCE SOUTH 47 DEGREES 30 MINUTES 43 SECONDS WEST FOR 121.45 FEET; SAID LAST DESCRIBED TWO COURSES BEING ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF SAID INDUSTRIAL WAY (COMMERCE WAY) AS SHOWN ON THE SAID PLAT OF "MIAMI LAKES INDUSTRIAL PARK SECTION NINE" AND AS SHOWN ON THE PLAT OF "MIAMI LAKES INDUSTRIAL PARK SECTION TEN", AS RECORDED IN PLAT BOOK 118 AT PAGE 33, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 42 DEGREES 29 MINUTES 17 SECONDS WEST, ALONG THE NORTHEASTERLY LINE OF TRACT "A", AS SHOWN ON THE PLAT OF "MIAMI LAKES LAKESIDE CORPORATE CENTER", AS RECORDED IN PLAT BOOK 150 AT PAGE 96, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR

339.77 FEET; THENCE NORTH 44 DEGREES 42 MINUTES 10 SECONDS WEST FOR 62.17 FEET; THENCE NORTH 66 DEGREES 08 MINUTES 36 SECONDS WEST FOR 598.70 FEET; SAID LAST DESCRIBED TWO COURSES BEING ALONG THE NORTHEASTERLY LINES OF TRACT "C", AS SHOWN ON THE SAID PLAT OF "MIAMI LAKES LAKESIDE CORPORATE CENTER" ; THENCE NORTH 36 DEGREES 37 MINUTES 31 SECONDS EAST FOR 234.16 FEET; THENCE SOUTH 63 DEGREES 22 MINUTES 29 SECONDS EAST FOR 381.15 FEET; THENCE NORTH 60 DEGREES 34 MINUTES 32 SECONDS EAST FOR 120.55 FEET; SAID LAST DESCRIBED THREE COURSES BEING COINCIDENT WITH THE SOUTHEASTERLY, SOUTHWESTERLY AND EASTERLY LINES, RESPECTIVELY, OF TRACT "B", AS SHOWN ON THE SAID PLAT OF "MIAMI LAKES OFFICE PARK SECTION ONE"; THENCE NORTH 63 DEGREES 22 MINUTES 29 SECONDS WEST FOR 532.38 FEET; THENCE SOUTH 36 DEGREES 37 MINUTES 31 SECONDS WEST FOR 248.05 FEET; THENCE NORTH 73 DEGREES 22 MINUTES 29 SECONDS WEST FOR 319.75 FEET; THENCE NORTH 11 DEGREES 52 MINUTES 29 SECONDS WEST FOR 455.41 FEET; SAID LAST DESCRIBED FOUR COURSES BEING COINCIDENT WITH THE SOUTHWESTERLY, SOUTHEASTERLY, SOUTHERLY AND WESTERLY LINES OF SAID TRACT "A", AS SHOWN ON THE SAID PLAT OF "MIAMI LAKES OFFICE PARK SECTION ONE"; THENCE SOUTH 89 DEGREES 52 MINUTES 59 SECONDS EAST FOR 496.51 FEET TO A POINT ON THE NEXT DESCRIBED CIRCULAR CURVE, SAID POINT BEARS NORTH 82 DEGREES 33 MINUTES 49 SECONDS WEST FROM THE RADIUS POINT OF FOLLOWING DESCRIBED CIRCULAR CURVE; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CIRCULAR CURVE TO THE RIGHT, CONCAVE TO THE EAST, HAVING A RADIUS OF 57.00 FEET AND A CENTRAL ANGLE OF 33 DEGREES 40 MINUTES 48 SECONDS FOR AN ARC DISTANCE OF 33.51 FEET TO A POINT OF TANGENCY; THENCE NORTH 41 DEGREES 07 MINUTES 01 SECONDS EAST FOR 5.05 FEET TO A POINT ON THE NEXT DESCRIBED CIRCULAR CURVE; SAID POINT BEARS SOUTH 62 DEGREES 55 MINUTES 31 SECONDS WEST FROM THE RADIUS POINT OF THE FOLLOWING DESCRIBED CIRCULAR CURVE; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 243.00 FEET AND A CENTRAL ANGLE OF 62 DEGREES 48 MINUTES 30 SECONDS FOR AN ARC DISTANCE OF 266.38 FEET TO A POINT OF TANGENCY; THENCE SOUTH 89 DEGREES 52 MINUTES 59 SECONDS EAST FOR 90.90 FEET; SAID LAST DESCRIBED TWO COURSES BEING ALONG THE SOUTHERLY LIMITS OF A 58.00 FOOT WIDE INGRESS-EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 13809 AT PAGE 3459, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 00 DEGREES 07 MINUTES 01 SECONDS WEST, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, FOR 118.53 FEET; THENCE SOUTH 63 DEGREES 22 MINUTES 29 SECONDS EAST FOR 158.04 FEET; THENCE SOUTH 26 DEGREES 37



MINUTES 31 SECONDS WEST, AT RIGHT ANGLES TO THE LAST AND NEXT DESCRIBED COURSES, FOR 18.00 FEET; THENCE SOUTH 63 DEGREES 22 MINUTES 29 SECONDS EAST FOR 355.60 FEET; THENCE EAST FOR 307.37 FEET TO A POINT OF CURVATURE; THENCE EASTERLY AND NORTHEASTERLY, ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 89 DEGREES 52 MINUTES 59 SECONDS FOR AN ARC DISTANCE OF 23.53 FEET TO THE POINT OF BEGINNING, ALL LYING AND BEING IN PORTIONS OF THE NORTHEAST 1/4, THE NORTHWEST 1/4, AND THE SOUTHEAST 1/4 OF SECTION 22 TOWNSHIP 52 SOUTH, RANGE 40 EAST, TOWN OF MIAMI LAKES, MIAMI-DADE COUNTY, FLORIDA.