

RESOLUTION NO. 17-_____

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 13-444(16) TO PERMIT WOOD FENCING, WHERE MASONRY IS REQUIRED, FOR THE WALLS REQUIRED TO BE CONSTRUCTED AROUND THE REAR PATIO AREAS OF THE TOWNHOUSES BEING BUILT WITHIN THE SATORI DEVELOPMENT, FOR THE PROPERTY(S) LOCATED NORTH OF NW 154 STREET AND WEST OF NW 87 AVENUE, IN MIAMI LAKES, FLORIDA, AS MORE PARTICULARLY DESCRIBED AT EXHIBIT “A”; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Subsection 13-305(f)(1) of the Town of Miami Lakes (“Town”) Land Development Code (“LDC”), Lennar Homes, LLC (the “Applicant”) applied to the Town for approval of a variance from Section 13-444(16) to permit wood fencing to be constructed around the rear patio areas of the townhouse portion of the development project where masonry construction is required, for property generally located on the north side of NW 154th Street and west of NW 87th Avenue, bearing Miami-Dade Tax Folio No. 32-2016-000-0040 (“Property”), as legally described in **Exhibit “A”**; and

WHEREAS, Subsection 13-305(f)(1) of the Town LDC sets forth the criteria the Town Council shall consider and act upon for variance application requests; and

WHEREAS, Director of Planning, acting as the Administrative Official, reviewed the application pursuant to the required criteria at Section 13-305(f)(1) of the LDC and recommends denial of the variance request 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; 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 quasi-judicial public hearing on the Variance was noticed for and was held Tuesday, April 18, 2017, at 6:30 P.M. at Town Hall, 6601 Main Street, Miami Lakes, Florida; and

WHEREAS, all interested parties have had the opportunity to address their comments to the Town Council and the Town Council considered the testimony of staff, the submitted report and supporting documentation, the Applicant, any other reviewing agencies, and presentations by the public; and

WHEREAS, in consideration of the above, the Town Council finds the application does/does not meet the criteria in accordance with Section 13-305(f)(1) of the LDC, and desires to approve/deny the request.

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 13-305(f)(1), the Town Council finds, based on the evidence submitted into the record, that the application does/does not meet all of the following variance criteria:

- a. Whether the Town has received written support of the specifically identified variance requests from adjoining property owners.
- b. Whether the Variance would be compatible with development patterns in the Town.
- c. The essential character of the neighborhood *would* be preserved.
- d. The Variance can be approved without causing substantial detriment to adjoining properties.

- 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.
- 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.
- g. The special conditions and circumstances which exist are the result of actions beyond the control of the applicant.

Section 3. Approval/Denial. The Variance Request, from Section 13-444(16) to permit wood fencing to be constructed around the rear patio areas of the townhouse portion of the development project where masonry construction is required, for the Property, is hereby approved/denied.

Section 4. Appeal. In accordance with Section 13-310 of the Town LDC, the Applicant or any affected party may appeal this decision by filing of a notice of appeal in accordance with the Florida Rules of Appellate Procedure.

Section 5. Final Order. This is a Final Order.

Section 6. Effective Date. This Resolution shall take effect immediately.

PASSED AND ADOPTED this day _____ of April, 2017.

Motion to adopt by _____, second by _____.

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	_____

Manny Cid
MAYOR

Attest:

Approved as to Form and Legal Sufficiency

Gina Inguanzo
TOWN CLERK

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

This Resolution was filed in the Office of the Town Clerk on this ____ day of _____, 2017.

Gina Inguanzo
Town Clerk

Exhibit “A”

The Southeast $\frac{1}{4}$ of Section 16, Township 52 South, Range 40 East, lying and being in Miami-Dade County, Florida, LESS AND EXCEPT that portion thereof lying within the lands designated as part of Parcel No. 102 and conveyed to the State of Florida Department of Transportation, pursuant to the Deed recorded in Official Records Book 9942, Page 1740, of the Public Records of Miami-Dade County, Florida,

FURTHER LESS AND EXCEPT that portion thereof acquired by Miami-Dade County, Florida pursuant to the Final Judgment recorded in Official Records, Book 27731, Page 2513, of the Public Records of Miami-Dade County, Florida, as to the following described lands:

Parcel No. 1A; The East 40.00 feet of the South 1275.00 feet of the Southeast $\frac{1}{4}$ of Section 16, Township 52 South, Range 40 East, Miami-Dade County, Florida; and, Parcel No. 1A; The East 40.00 feet of the Southeast $\frac{1}{4}$ of Section 16, Township 52 South, Range 40 East, Miami-Dade County, Florida LESS the South 1275.00 feet thereof.

FURTHER LESS AND EXCEPT that portion thereof conveyed to the Town of Miami Lakes pursuant to the Right-of-Way Deed recorded in Official Records Book 28429, Page 801, of the Public Records of Miami-Dade County, Florida, as to the following described lands: Parcel II: The South 50 feet of the Southeast $\frac{1}{4}$ of Section 16, Township 52 South, Range 40 East, lying East of Interstate 75 (State Road Number 93) Ramp Limited Access Right-of-Way Map for Section 87075-2401, Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT that portion thereof conveyed to Miami-Dade County, Florida pursuant to that Quit-Claim Deed recorded in Official Records Book 28634, Page 307, of the Public Records of Miami-Dade County, Florida, as to the following described lands: The external area formed by a 25-foot radius arc concave to the Northwest and tangent to the West line of the East 40 feet of said Section 16 and tangent to the North line of the South 50 feet of said Section 16, Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT that portion thereof described as follows:

A portion of land lying and being in the Southeast $\frac{1}{4}$ of Section 16, Township 52 South, Range 40 East, in Miami-Dade County, Florida; being more particularly described as follows:

Commencing at the Southeast corner of said Section 16; thence S 89°34'49" W along the South line of the Southeast $\frac{1}{4}$ of said Section 16, for a distance of 67.90 feet to a point; thence N 00°25'11" E for 50.00 feet of the Point of Beginning; thence S 89°34'49" W along a line 50 feet North of an parallel with the South line of the Southeast $\frac{1}{4}$ of said Section 16 a distance of 485.40 feet to a point; thence N 00°25'11" W for 564.21 feet to a point; thence N 29°56'58" E for 375.94 feet to a point; thence 87°24'00" E for 87.27 feet to a point; thence N 02°36'00" W for 20.00 feet to a point; thence N 87°24'00" E for 200.00 feet; thence S 02°36'00" E along a line 40 feet West of an parallel with the East line of the Southeast $\frac{1}{4}$ of Section 16 a distance of 894.18 feet to a point of curvature of a circular curve concave to the Northwest and having for its elements a central angel of 92°10'49", a radious of 25.00 feet, and arc distance of 40.22 feet and a chord distance of 36.02 feet to the Point of Beginning.

All of Said Lands Situate, Lying and Being in Miami-Dade County, Florida.