



Department of Planning, Zoning and Code Compliance  
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## Staff Analysis and Recommendation

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**To:** Honorable Mayor and Members of the Town Council

**From:** Alex Rey, Town Manager

**Subject:** **HEARING NUMBER:** PHSP2016-0002 and PLAT2016-0002  
**APPLICANT:** Comar Ventures Corporation  
**FOLIO:** 32-2014-010-1470  
**LOCATION:** 7242 Loch Ness Drive  
Miami Lakes, Florida 33014  
**ZONING DISTRICT:** RU-1 –Single Family Residential District  
**FUTURE LAND USE:** Low Density Residential (LD)

**Date:** May 2, 2017

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### A. REQUEST

In accordance with the Town of Miami Lakes Land Development Code (the “Code”), Comar Ventures Corporation (the “Applicant”) is requesting the following:

1. Site Plan approval for construction of four (4) single-family homes and related improvements;
2. To designate the front of Lot 1 as other than the narrowest portion facing the street;
3. Final plat approval to allow a five (5) lot subdivision.

### B. SUMMARY

On September 6, 2016, the Town Council of the Town of Miami Lakes adopted Resolution 16-1404 denying the Applicant’s request for both a Final Plat and the Site Plan for five (5) homes on five (5) lots on a property located within the Loch Ness neighborhood. The site plan, which would have typically been processed and issued for final determination administratively, was accompanied by the Final Plat request as it was a condition of the previous Preliminary Plat approval via Resolution 15-1338.

Subsequent thereto, on October 5, 2016, the Applicant, filed a petition for writ of certiorari styled *Comar Ventures Corporation v. Town of Miami Lakes*, Case No. 2016-368-AP, challenging the Town Council's decision. At the direction of the Town Council at their special call meeting of March 27, 2017, staff administration sought a potential settlement with the Applicant in order to avoid further litigation regarding the matter. The plans submitted as Exhibits to the resolution accompanying this report are reflective of those discussions. The Final Plat is as it was submitted at the September 6, 2016 hearing. The site plan has been modified. The principal changes to the site plan include combining lots 3 and 4, limiting the total number of homes to four (4), and limiting total height of the buildings to one (1) story. These changes do not compromise the validity of the Staff Recommendation and Analysis report dated September 6, 2016 (herein after referred to as Prior Report), as this revised request is considered less intensive. As such, the analysis of the Prior Report still stands. The conditions of approval provided below shall supersede those previously identified in the Prior Report. The differences between the approval conditions of this report and the Prior Report reflect (1) the agreed to conditions of the proposed settlement agreement, and (2) an avoidance of restatement as to those conditions already required by law as more specifically identified as conditions 3, 4, 5, 7, 8, 10, 11, 12, 13, 14, 15, and 16 of the Prior Report. In the event any portion of this report conflicts with the Prior Report, this report shall prevail.

### **C. STAFF RECOMMENDATION**

#### **FINAL PLAT:**

Pursuant to Section 13-308, the proposed Final Plat entitled "LOCHNESS GARDENS," as prepared by Manuel G. Vera & Associates, Inc, consisting of two (2) pages and stamped dated received July 15, 2016, as attached hereto as Exhibit "A", is hereby Approved with the following condition:

1. The Applicant shall comply, prior to recordation of Final Plat approval, with all platting requirements of the Town LDC and Chapter 28 of the Miami-Dade County Code.
2. Upon recordation of the final plat, the Applicant shall provide the Town with one original on 30 X 36 inch mylar and two paper copies.

#### **SITE PLAN:**

Pursuant to Section 13-304(h), the proposed Site Plan entitled "LOCHNESS GARDENS," as prepared by Carlos Marti, consisting of 15 pages, dated stamped received April 7, 2017, as attached hereto as Exhibit "B", is hereby Approved with the following conditions:

1. The Applicant, through a unity of title, shall combine lots 3 and 4 of the Loch Ness Gardens plat. The unity of title shall be reviewed and approved as to form by the Town Attorney. The unity of title shall be filed in the public records of Miami-Dade County only after the non-appealable approval of both the Plat and Site Plan within 30 days of the later of the non-appealable plat approval or the non-appealable site plan approval. The unity of title may only be dissolved by resolution of the Town Council.
2. Only four (4) single-family houses are approved as follows: one house on lot one, one house on lot two, one house on lot five, and one house on the combined lots three and four.

3. None of the four houses shall face Loch Ness Drive.
4. That none of the four houses will be more than one story in height.
5. The Town staff shall make any administrative adjustments to the plat and/or site plan of any non-Town-required approvals that are acceptable to the Town Manager and Applicant.
6. Prior to the issuance of a certificate of completeness/occupancy of the house on lot 5, (1) a retaining wall at least three (3) in height above grade, or as determined upon building permit review, or (2) contouring and a berm as appropriate, shall be constructed along the rear property line where adjacent to the neighboring property to ensure proper retention of the stormwater on the subject site.
7. Prior to the issuance of the first building permit in the subdivision, the property owner shall pay the \$6,578 Mobility Fee due according to Article X, Division 2 of the Town LDC.
8. A building permit shall be approved within two (2) years of the date of issuance of a final development order. One (1) twelve (12) month extension may be granted administratively upon a showing of good cause. If a building permit is not obtained, or an extension granted within the prescribed time limit, this approval shall become null and void.