

RESOLUTION NO. 15- 1338

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 LOCH NESS GARDENS SUBMITTED FOR PROPERTY LOCATED AT 7242 LOCH NESS DRIVE, MIAMI LAKES, FLORIDA, FOLIO NUMBER 32-2014-010-1470, IN THE RU-1, SINGLE FAMILY RESIDENTIAL 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”), Comar Ventures Corp. (the “Applicant”) has applied to the Town for approval of a preliminary plat for property legally described as Tract “A” of Miami Lakes Loch Ness Section, according to the plat thereof as recorded in Plat Book 93, Page 45 of the Public Records of Miami-Dade County, Florida, and containing approximately 1.7 acres of land, located at 7242 Loch Ness Drive, Folio number 32-2014-010-1470; 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, November 3, 2015, at 6:00 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.

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.

Section 3. Approval. The Preliminary Plat is hereby approved with conditions.

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 and Boundary Survey of LOCHNESS GARDENS" as submitted for approval to the Town Council and prepared by Manuel G. Vera & Associates, Inc.,

Manuel G. Vera, Registered Land Surveyor, State of Florida, License No. 2262, consisting of one (1) sheet and stamped as received on 10.19.2015.

2. Prior to the approval of the final plat, the property owner shall submit, and have approved by the Administrative Official, an administrative site plan application. Said site plan shall be consistent with the preliminary plat and shall include maximum footprints of proposed principal structures, elevations identifying the number of stories and maximum height of principal structures on each lot and specifying proposed architectural types, delineation of a circular planting area within the cul-de-sac, the location and size of proposed sidewalks and swale areas, location and types of street trees and other similar details as may be reasonably required by the Administrative Official. Proposed trees and landscaping within the proposed public right-of-way shall be detailed, and shall be consistent with the Town's adopted Beautification Master Plan.
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 per the LDC shall be submitted concurrently with the final plat application. All required improvements shall be completed and accepted by the Town, per the procedures of the LDC, prior to recording of the final plat.
5. No building permit shall be issued until the final plat is recorded.
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.

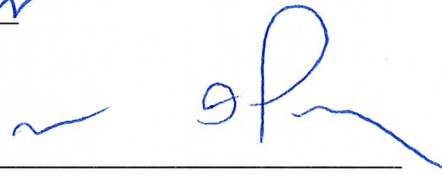
PASSED AND ADOPTED this 3rd day of November 2015.

Motion to adopt by Councilman Mestre, second by Councilman Mingo.

FINAL VOTE AT ADOPTION

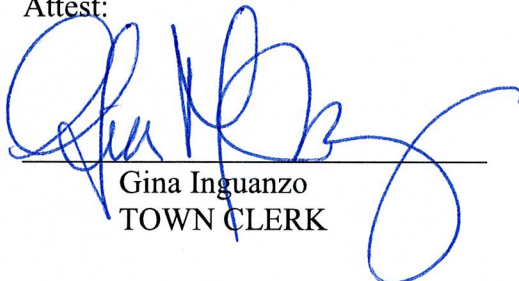
Mayor Michael A. Pizzi, Jr.
Vice Mayor Manny Cid
Councilmember Tim Daubert
Councilmember Tony Lama
Councilmember Ceasar Mestre
Councilmember Frank Mingo
Councilmember Nelson Rodriguez

no
no
yes
yes
yes
yes
yes



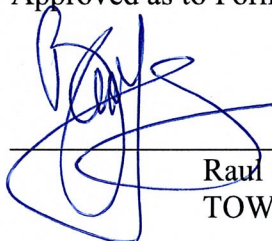
Michael A. Pizzi, Jr.
MAYOR

Attest:



Gina Inguanzo
TOWN CLERK

Approved as to Form and Legal Sufficiency



Raul Gastesi
TOWN ATTORNEY