

RESOLUTION NO.17-_____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A REQUEST IN ACCORDANCE WITH SUBSECTION 13-304 OF THE LAND DEVELOPMENT CODE, A SITE PLAN ENTITLED "LUCIDA PALMETTO & 77TH"; FOR THE PROPERTY LOCATED AT 15800 NW 77 COURT, BEARING FOLIO NUMBER 32-2015-044-0010; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Subsection 13-304 of the Town of Miami Lakes ("Town") Land Development Code ("LDC"), Recondite, LLC (the "Applicant") has applied to the Town for approval of a Site Plan, entitled Lucida Palmetto & 77th, dated stamped received January 10, 2017, consisting of 13 sheets, as prepared by LLR Architects, Inc. a copy of the Site Plan (the "Site Plan") being attached hereto as Exhibit "A", for property located at 15800 NW 77th Court, bearing Miami-Dade Tax Folio No. 32-2015-044-0010 ("Property"), as legally described on the survey as provided in Exhibit "A", and containing approximately 2.578 acres of land; and

WHEREAS, Section 13-304 of the Town LDC sets forth the authority of the Town Council to consider and act upon the subject application for a site plan approval; 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 Site Plan was noticed for Tuesday, January 17, 2017, 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 reviewed the application and recommends approval subject to conditions, of the request for Site Plan, 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 herein by reference; and

WHEREAS, the Town Council, held a quasi-judicial hearing on January 17, 2017, and considered the written recommendations of staff, any other reviewing agencies, and presentation by the public; and

WHEREAS, the Town Council of the Town of Miami Lakes now desires to approve the site plan with conditions.

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 Subsection 13-304(h), the Town Council accepts the staff report as competent and substantial evidence, and finds that the Application 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 the Town requirements including the design and construction of streets, utility facilities and other essential services.
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. Relationship to adjoining properties, including the arrangement of buildings and landscape to produce spatial relationships that are compatible with, and complementary to, the development and zoning in adjoining areas.
 - 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 nonresidential development shall be routed so as to minimize impacts on residential development.
 - c. 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.
 - d. Landscaping that enhances architectural features, strengthens vista and important access, provides shade, blocks noise generated by major roadways and intense-use areas and, to the maximum extent practicable, preserves existing trees on-site.
 - e. Appropriate scale of proposed structures to be compatible with and complementary to existing, permitted or planned uses on adjoining properties and in the immediate area.
 - f. 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.
 - g. Service areas which may be provided shall be screened and so located as not to be visible from the public right-of-way and other properties.

- h. Design of the site shall ensure adequate access for emergency vehicles and personnel.
1. 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. The application, entitled Lucida Palmetto & 77th, dated stamped received January 10, 2017, consisting of 13 sheets, as prepared by LLR Architects, Inc. a copy of the Site Plan (the "Site Plan") being attached hereto as Exhibit "A", for property located at 15800 SW 77th Court, bearing Miami-Dade Tax Folio No. 32-2015-044-0010 ("Property"), as legally described on the survey as provided in Exhibit "A", and containing approximately 2.578 acres of land, is hereby approved, subject to the following conditions:

1. Prior to the issuance of a building permit authorizing any construction, the Mobility Fee in the amount of \$138,149.76, shall be paid in full to the Town of Miami Lakes.
2. Prior to the issuance of a building permit authorizing any construction, the Applicant shall show on building plans pedestrian and bicycle improvements on the Right of Way consistent with the Town of Miami Lakes Greenway and Trails Master Plan and construct the improvement in a manner to be approved by Staff or bond for the full cost of the improvement.
3. All utilities shall be underground.
4. Upon completion of the work, the Applicant shall provide the Town with signed and sealed "as-built" surveys of the improvements. The Applicant shall also provide one electronic copy of the "as-built" survey in AutoCAD format.
5. The Applicant shall obtain all required building permits within one (1) year of the date of this approval. A one year extension to obtain required permits may be applied for and granted administratively at the discretion of the Town. Any extension beyond one (1) year will require a resolution by the Town Council. Failure to obtain all required building permits within the time prescribed shall render this agreement null and void.

Section 4. 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 violation 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 by 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 or its heirs or successors are in noncompliance with the Town LDC.

Section 5. Appeal. In accordance with Section 13-310 of the Town LDC, the

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

Section 6. Final Order. This is a Final Order.

Section 7. Effective Date. This Resolution shall take effect upon its passage and adoption by the Town Council.

PASSED AND ADOPTED this ____ day of January, 2017.

Motion to adopt by: _____, second by: _____.

FINAL VOTE AT ADOPTION

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

Manny Cid
Mayor

Attest: Approve as to Form and Legal Sufficiency

Attest: _____
Gina Inguanzo
Town Clerk

Raul Gastesi, Jr.
Town Attorney

Exhibit A

Site Plan