



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:** September 6, 2016

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### REQUEST(S)

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 five (5) 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.

## **Background**

**Zoning District of Property:** RU-1, Low Density Residential District

**Future Land Use Designation:** Low Density Residential (LD)

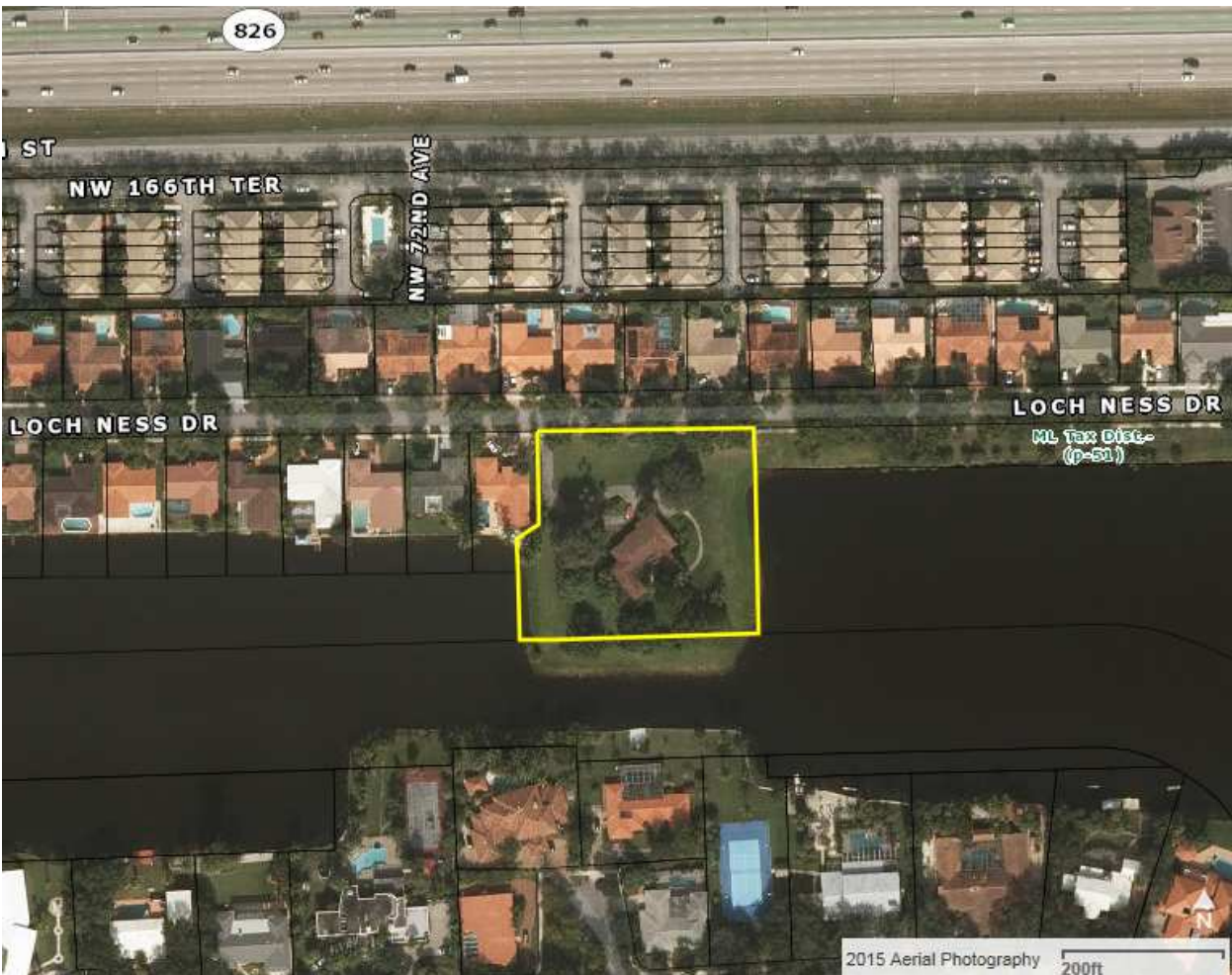
### **Subject Property:**

The subject property at 7242 Loch Ness Drive is located on the south side of Loch Ness Drive, approximately 2,465 feet west of NW 67<sup>th</sup> Avenue. The property is about 1.7 acres and currently includes one single-family home of approximately 3,949 square feet (garage included), constructed in 1960, and associated site improvements.

### **Surrounding Property:**

	<b>Land Use Designation</b>	<b>Zoning District</b>
<b>North:</b>	Low Density Residential (LD)	Single-Family Residential District (RU-1)
<b>South:</b>	Low Density Residential (LD)	Single-Family Residential District (RU-1)
<b>East:</b>	Low Density Residential (LD)	Single-Family Residential District (RU-1)
<b>South:</b>	Low Density Residential (LD)	Single-Family Residential District (RU-1)

### Subject Property Location Map:



#### **A. Open Building Permit(s) / Open Code Compliance Violation(s):**

**Open Building Permits:** There is one open building permit, WKR2016-1098, for water connection.

**Open Code Compliance Violations:** None.

### **SUMMARY OF PROPOSAL AND STAFF ANALYSIS**

#### **Summary**

The Applicant is requesting approval of a final plat for the subdivision of the subject property at 7242 Loch Ness Drive into five (5) single family residential lots, and the dedication of a proposed cul-de-sac street (proposed Loch Doon Road) as public right-of-way, as well as approval of a site plan for the development of the property, required by the Town Council as a condition of approval of the preliminary plat. The proposed plat is a replat of a portion of the subdivision known as Miami Lakes Loch Ness Section (Plat Book 93, Page 45). The preliminary plat was approved by

the Town Council on November 3, 2015 (Resolution 15-1338). The proposed site plan shows five single family homes, each of which would front on proposed Loch Doon Road. Two homes would be two-story homes, while the remaining three would be one-story. Both of the corner lots (with frontage on both Loch Ness Drive and proposed Loch Doon Road) would be one-story, consistent with the predominantly one-story character along Loch Ness Drive. Consistent with the predominant character of both the Loch Ness neighborhood and Miami Lakes as a whole, the site plan shows a swale area with street trees (oaks) separating the proposed new cul-de-sac street from the sidewalk, and also shows a center island landscape planting area within the proposed cul-de-sac, which is consistent with predominant cul-de-sac pattern in Loch Ness.

### **Site Plan Analysis**

Subsection 13-304(h) provides specific criteria for review of a site plan. These criteria are listed below, with Staff Comments for each:

- (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.

**Staff Comment:** This proposal is consistent with Comprehensive Plan Future Land Use Element Policy 1.1.2, and the Low Density (LD) future land use designation described in said policy.

The LDC includes neither a “purpose” nor “intent” for the RU-1 zoning district.

The only design or planning study adopted by the Town Council applicable to the design of this site is the Beautification Master Plan, which generally includes recommendations regarding landscaping and other beautification within the public rights-of-way in the Town. The design of proposed swale areas and the center island in the cul-de-sac, including its proposed landscaping, is consistent with the Beautification Master Plan.

- (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.

**Staff Comment:** The proposed site plan meets all requirements of the RU-1 (Single Family Residential) zoning district, including building setbacks, lot dimensions, lot coverage, density, building heights, building size and permitted uses. The proposed site plan additionally meets all other requirements of the LDC, including those applicable to decks, swimming pools, non-encroachment of the lake slope and similar requirements.

The Applicant has requested to utilize a provision of the RU-1 district regulations (found in Note #5 of the table in Section 13-426 with respect to Lot 1. This provision provides (in part): "For corner lots, the front of a lot shall be the narrowest portion facing the street or as otherwise designated by the owner/developer and approved by the Administrative Official or Town Council." Due to the shape of the lake slope, the Applicant has proposed only two lots on the eastern side of the cul-de-sac, as opposed to three lots on the west side of the cul-de-sac. Thus, Lot 1 (which is a corner lot, with frontage on both Loch Ness Drive and proposed Loch Doon Road), has a long frontage on proposed Loch Doon Road, making the narrower frontage on Loch Ness Drive. The Applicant proposes to make the front of this lot on Loch Doon Road. Staff supports the Applicant in this request, for a variety of reasons. First, having the front designated on Loch Doon Road, and thus having the house face the cul-de-sac street, will make the lot consistent with the others in the proposed development. Second, a significant amount of the feedback received from neighbors in the area of the proposed development concerns the desire to have houses on Loch Ness cul-de-sacs "face" each other, and the proposal will facilitate the two corner houses (Lots 1 and 5) facing one another. Third, having all houses in the proposed development face (and have their driveway connections) on the cul-de-sac will allow traffic to "collect" on proposed Loch Doon Road, feeding into Loch Ness Drive at a single point, rather than multiple points. Finally, facing the house on Lot 1 toward the proposed cul-de-sac street will eliminate the need for additional curb cuts on Loch Ness Drive, helping to preserve the beauty and greenery of this primary street for the Loch Ness neighborhood, and maintaining a more pedestrian-friendly orientation on Loch Ness Drive by limiting the number of curb cuts.

- (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.

**Staff Comment:** The proposed cul-de-sac road (Loch Doon Road), and its connection with Loch Ness Drive, meet all dimensional requirements of the Town for a local street, and are designed such that they can meet the Town's requirements for engineering, construction, drainage and similar requirements, the specifics of which will be ensured through the public works permitting process. Other proposed public improvements, including the sidewalk and swale area, planting of street trees, driveway approaches, center turnaround and attendant landscaping, meet all Town requirements, including consistency of proposed landscaping with the Town's Beautification Master Plan. The proposed plat includes a ten wide utility easement along the front of each lot, consistent with the remainder of the Loch Ness neighborhood, and plans has been reviewed by the Miami-Dade County Water and Sewer Department, environmental resources management division and fire department, and all necessary requirements can be met.

- (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 non-residential 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 axes, 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.
  - i. Design of the site shall utilize strategies to provide for the conservation of energy and natural resources, including water.

**Staff Comment:** The proposed site design is consistent and compatible with adjoining areas. The only proposed lot that immediately adjoins another private property is Lot 5, where based on Staff's comments and work with the Applicant, the Applicant has proposed a one-story house rather than the two-story house that was originally proposed. Additionally, Staff has recommended conditions for specific measures to ensure compatibility, including a retaining wall along the rear (western) property line of Lot 5 to ensure retention of stormwater on the subject property. The site design is also compatible with, and complementary to, development and zoning in adjoining areas in general. The site design includes improvements in the public realm – i.e. swales, street trees, sidewalks, cul-de-sac center island and landscaping, etc. – that is similar to that existing in the Loch Ness neighborhood. Circulation systems have been designed to functionally integrate

with the remainder of the Loch Ness neighborhood and, as all lots will front and have their vehicular access on proposed Loch Doon Road, this new cul-de-sac street will act to “collect” vehicular traffic and access Loch Ness Drive at one point. This arrangement also limits the number of curb cuts on Loch Ness Drive, helping to maintain a more pedestrian-friendly (and bicycle friendly) and safer environment on Loch Ness Drive. Pedestrian facilities (i.e. sidewalks) are included, and are planned to integrate seamlessly with those immediately adjacent on Loch Ness Drive.

With respect to open space, all areas that will not be part of the public right-of-way are in individual single family lots. Within the right-of-way, open space is concentrated in swale areas, and in the cul-de-sac center landscaping island, consistent with the design of the Loch Ness neighborhood.

The design of landscaping strengthens the only real “axis” in the proposed development, which is the cul-de-sac, where a center island is being establishing for landscaping. Trees in this area and in the swales areas will provide adequate shade, particularly in the public realm, making the area for inviting for people walking, riding a bicycle or otherwise spending time outside. No major roadways exist in immediate proximity to the site. The Applicant has made every reasonable effort to preserve existing trees on-site, as exemplified in part by the preservation of a tree on proposed Lot 4 by shifting slightly the orientation of the proposed house on that lot.

The scale of the proposed structure are compatible with and complementary to existing uses, and those permitted on adjoining properties and in the immediate area. Because the lots in this proposed subdivision are relatively large, the lot coverage (footprint) of the homes is relatively small. With regard to height, only two homes are proposed to be two stories, those on Lots 3 and 4. The Applicant originally proposed a two-story home on Lot 5; however, Staff objected to a two-story home on Lot 5, due both to the predominantly one-story nature of the homes along Loch Ness Drive and to the presence of an existing one-story home immediately adjoining Lot 5 to the west. The Applicant subsequently amended the proposed site plan to show a one-story home on Lot 5.

The Applicant has proposed no entrance signage or other advertising as part of the development, which will serve to further the integration of this development into the surrounding neighborhood. Outdoor lighting (streetlights) must be consistent with the Town’s standards before acceptance.

As this is a single family development, there are no service area as such to be screened or otherwise hidden from view of the public right-of-way.

The site design is subject to review and approval by the Miami-Dade County Fire Department to ensure proper access for emergency vehicles and personnel.

Because of the small size of the development, there are limited opportunities for design strategies for the conservation of energy and natural resources. However, the integration of street trees, the cul-de-sac center island landscaping and trees to be placed on private properties, serves to maximize energy and natural resources.

- (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.

**Staff Comment:** The application conforms with the Town's requirements concerning sufficiency of ownership. The entirety of the property will either be in the public right-of-way (per dedication of proposed Loch Doon Road via plat) or on individually owned residential lots.

### **Final Plat Analysis**

The associated preliminary plat for this property was approved by the Town Council at its November 3, 2015 meeting, where the Council found that the approval criteria of Subsection 13-30(f)(2)c.2 had been satisfied. The proposed final plat is consistent with the preliminary plat and its conditions of approval (subject to approval of the site plan by the Council). Staff and the Town's professional surveyor consultant have reviewed the final plat, and found that it meets all criteria for approval in the Town LDC, the requirements of Chapter 28 of the Code of Miami-Dade County and the requirements Chapter 177, Florida Statutes.

Therefore, based on the above analysis and other factors contained in this report, Staff recommends ***approval, subject to conditions***.



### **RECOMMENDATION**

It is recommended that the Town Council approve the application for Final Plat approval, subject to the following conditions:

1. The approval of the final plat shall be in accordance with the copy of the Final Plat of "LOCHNESS GARDENS" as submitted for approval to the Town Council and prepared by Manuel G. Vera & Associates, Inc., Manuel G. Vera, State of Florida Professional Surveyor and Mapper No. 2262, consisting of two (2) sheets and stamped as received on 7.15.16.
2. The approval of the site plan is for improvements indicated on submitted plans as follows: Sheet SP-1 stamped as received on 8-11-2016; Sheet LP-1 (only as landscaping within public rights-of-way and as to tree disposition for the entire site) stamped as received on 6-15-2016; sheet labeled Model Lot 1 stamped as received on 6-15-2016 (as to the front elevation of Lot 1); sheet labeled Lot 2 Option B stamped as received on 6-15-2016 (as to front elevation of Lot 2); sheet labeled Model Lot 3 stamped as received on 6-15-2016 (as to front elevation of Lot 3); sheet labeled Model Lot 4 (Shown) stamped as received on 6-15-2016 (as to front elevation of Lot 4); and, sheet labeled Front Elevation Model RC – Lot 5 stamped as received on 8-11-2016 (as to front elevation of Lot 5) . The addition of accessory buildings and structures, installation of swimming pools, decks and walkways that meet all requirements of the LDC shall be permitted without a site plan amendment. However, changes to the footprint of houses, new curb cuts or changes to existing curb cuts, expansions of driveways and similar changes shall require approval of a site plan amendment.
3. The conditions herein shall be applicable to each lot within the Loch Ness Gardens subdivision, regardless of changes in ownership, the schedule and/or phasing of construction or similar factors.
4. The Applicant shall comply with all platting requirements of the Town LDC and Chapter 28 of the Miami-Dade County Code.
5. No certificate of occupancy (CO) shall be issued until the final plat is recorded.
6. 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.
7. No additional curb cuts not depicted on the approved site plan shall be allowed onto Loch Ness Drive except where a site plan amendment has been approved allowing such additional curb cut(s).
8. Any tree removals shall be subject to the requirements of Town of Miami Lakes Ordinance 12-151 (tree removal ordinance), including any amendments thereto, and including any requirements to obtain one or more permits.
9. Prior to the issuance of a certificate of completeness/occupancy for the house on Lot 5, a retaining wall at least three feet in height above grade shall be constructed along the rear property line where adjacent to the neighboring property to ensure proper retention of stormwater on the subject site.

10. Each individual lot shall demonstrate compliance with landscaping and minimum tree requirements of Article VII of the LDC and Chapter 18A of the Miami Lakes Town Code, as part of the building permitting process for each house.
11. Prior to commencing construction, a temporary fence including visual screening shall be installed around the property or area under construction to shield construction activities from view.
12. During construction activities, all storage of equipment, vehicles and temporary facilities shall occur within the site, and no such storage shall occur on the right-of-way or Loch Ness Drive or other streets within the Loch Ness subdivision.
13. During construction, the Applicant shall ensure that heavy equipment is not arriving at the site, nor utilizing Loch Ness Drive or NW 67<sup>th</sup> Avenue, during peak commuting times of 7:30 AM through 9:30 AM and 3:30 PM through 7:00 PM.
14. Due to the location of the subject site within an existing residential area, hours of construction shall be further limited than the general requirements of Subsection 16-1(13), as follows: construction shall not occur earlier than 8:00 a.m. Monday through Friday.
15. All improvements in the public right-of-way, including in the proposed right-of-way of Loch Doon Road, shall be subject to public works permits by the Town, and any required permits of Miami-Dade County and other agencies with appropriate jurisdiction. Improvements in the public right-of-way shall meet all Town standards prior to acceptance by the Town, and shall be subject to all restrictions of Section 13-308 and other applicable provisions of the Town LDC.
16. The development of the subject property is subject to all applicable impact fees.
17. Prior to the issuance of the first building permit in the subdivision, the Applicant or property owner shall pay the Mobility Fee due according to Article X, Division 2 of the Town LDC.
18. A building permit shall be approved within one (1) year of the date of issuance of a final development order, unless an extension is granted according to the provisions of the LDC. If a building permit is not obtained, or an extension granted within the prescribed time limit, this approval shall become null and void.