

RESOLUTION NO. 16- _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A REQUEST IN ACCORDANCE WITH SUBSECTION 13-308(F)(3) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A FINAL PLAT ENTITLED “LOCHNESS GARDENS”; APPROVING WITH CONDITIONS A REQUEST IN ACCORDANCE WITH SECTION 13-304 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A SITE PLAN APPROVAL; SUBMITTED FOR PROPERTY LOCATED 7242 LOCH NESS DRIVE, MIAMI LAKES, FLORIDA, FOLIO NUMBER 32-2014-010-1470, IN THE RU-1 ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Subsection 13-308(f)(3) and Section 13-304 of the Town of Miami Lakes’ (the “Town”) Land Development Code (the “LDC”), Comar Ventures Corporation (the “Applicant”) has applied to the Town for approval of a final plat, a copy of the Plat being attached hereto as Exhibit “A” and incorporated herein by reference (the “Final Plat”), for property located at 7242 Loch Ness Drive, Miami-Dade Tax Folio No. 32-2014-010-1470 (“Property”), legally described Tract A, Miami Lakes Loch Ness Section, Plat Book 93, Page 45, and containing approximately 1.7 acres of land,; and

WHEREAS, Subsection 13-308(f)(3) of the Town LDC sets forth the authority of the Town Council to consider and act upon an application for a final plat; and

WHEREAS, the Town Council approved the associated preliminary plat November 3, 2015, and the proposed final plat is consistent with the approved preliminary plat; and

WHEREAS, Subsection 13-304 of the Town LDC and Town Council and Resolution 15-1338 sets forth the authority of the Town Council to consider and act upon an application for site plan approval on the Property; 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 Final Plat was noticed for Tuesday, September 6, 2016, 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 has reviewed the application and recommends approval, subject to conditions, of the request for a Final Plat, and the request for Site Plan Approval, as set forth in the Town's Staff Analysis and Recommendation, a copy of which is on file in the Town's Clerk's Office and incorporated into this Resolution by reference; and

WHEREAS, the Director of Planning, acting as the Administrative Official, has determined that the Applicant has met the conditions and prerequisites imposed in Section 13-308 of the LDC and in accordance with the approved preliminary plat; and

WHEREAS, the Town Council has considered the written recommendations of staff, any other reviewing agencies, and presentations by the public.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Findings.

In accordance with Subsection 13-304(h), the Town Council finds that the Application does meet the criteria for Site Plan Approval 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 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.

- (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.

The Town Council further finds that the Application meets the requirements of Subsection 13-308(f) for approval of a final plat, and the conditions of the approval of the preliminary plat in Resolution 15-1338.

Section 3. Approval of Site Plan. The Site Plan is hereby approved with conditions as set out in Section 5.

Section 4. Approval of Final Plat. Subject to the conditions set forth in Section 5 of this Resolution, the Final Plat for “LOCHNESS GARDENS,” as attached hereto as Exhibit “A”, is approved.

Section 5. Conditions of Approval. The Town Council approves the Final Plat in Section 2, above, 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 67th 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.

Section 6. Violations 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 7. Authorization. Subject to review by the Town Attorney, the Town Manager, the Town Clerk and the Town Surveyor are authorized to sign the face of the Final Plat and to execute any other required documents necessary for approval of the Final Plat consistent with and to implement the intent of the Town Council.

Section 8. Appeal. In accordance with Section 13-310 of the Town LDC, the Applicant or any affected party may seek review of development orders of the Town Council by the filing of an appeal or writ of certiorari in the appropriate court as prescribed in the Florida Rules of Appellate Procedure.

Section 9. Effective date. This Resolution shall become effective immediately upon adoption hereof.

Passed and adopted this 6TH day of September, 2016.

The foregoing resolution was moved for adoption by _____. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

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

Michael Pizzi
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

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