



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

To: Honorable Mayor and Members of the Town Council

From: Alex Rey, Town Manager

Subject: **HEARING NUMBER:** PHSP2016-0003
APPLICANT: Orialis Gamayo
FOLIO: 32-2013-004-0100
LOCATION: 16336 Oak Walk
Miami Lakes, Florida
ZONING DISTRICT: RU-TH – Townhouse District
FUTURE LAND USE: Low-Medium Density Residential

Date: July 26, 2016

REQUEST(S)

In accordance with the Town of Miami Lakes Land Development Code (the “Code”), Orialis Gamayo (the “Applicant”) is requesting the following Site Plan approval:

1. A Site Plan amendment to allow the addition of enclosed, air-conditioned space in the RU-TH Zoning District [Section 13-445(2)d.].

Background

Zoning District of Property: RU-TH, Townhouse District

Future Land Use Designation: Low-Medium Density Residential

Subject Property:

The subject property is located at 16336 Oak Walk in Windmill Gate. In the vicinity are Windmill Gate Shopping Center to the west and Optimist Park to the south.

Surrounding Property:

	Land Use Designation	Zoning District
North:	Low-Medium Density Residential	RU-TH, Townhouse District
South:	Low-Medium Density Residential	RU-TH, Townhouse District
East:	Low-Medium Density Residential	RU-TH, Townhouse District
West:	Low-Medium Density Residential	RU-TH, Townhouse District

Subject Property Location Map:



Not to Scale

A. Open Building Permit(s) / Open Code Compliance Violation(s) / Zoning History:

Open Building Permits: BLR2016-0228 for exterior alteration is on review.

Open Code Compliance Violations: none.

Zoning History: The townhouse was built in 1978. It is zoned RU-TH (Townhouse District) with an underlying Future Land Use of Low-Medium Density Residential. The area is residential in nature and in the vicinity of Windmill Gate Shopping Center to the west and Optimist Park to the south.

SUMMARY OF PROPOSAL AND STAFF ANALYSIS

Summary

The Applicant is proposing to enclose an existing 97.4 square foot entryway in the front of the townhouse to create additional enclosed, air-conditioned, living space.

Per Section 13-445(2)d. of the Code, additions of enclosed, air-conditioned space are not permitted through the minor site plan amendment process but, require a public hearing and approval by the Town Council.

Analysis

Subsection 13-304(h) of the Land Development Code 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-Medium Density (LD) Future Land Use Category (FLUC) described in said policy that states it allows a range of density from a minimum of 5.0 to a maximum of 13 dwelling units per acre and that the types of housing typically found in this FLUC are single-family homes, townhouses and low-rise apartments. Staff has not identified any provisions of the Comprehensive Plan with which the proposed site plan amendment is not consistent.

Section 13-441 of the Town LDC states the purpose and intent of the RU-TH Zoning District as follows:

It is the purpose and intent of this division to provide a townhouse zoning district in order to permit separate ownership of one-family dwelling units upon compliance with certain rules, regulations and standards, and to authorize the grouping of separately owned, one-family dwelling units into a group of townhouses in such a manner as to make efficient, economical and aesthetically pleasing use of land, so restricted that the same will be continually well-maintained in order to preserve the health, welfare, safety, morals and convenience of the neighborhood and surrounding area. The provisions of this division apply to the RU-TH Townhouse District.

Staff finds that the proposed addition at this existing townhouse is consistent with the purpose and intent of the RU-TH Zoning District as stated above.

- (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 development regulations for the RU-TH district contained in Section 13-444 addresses densities, common open space, grouping length, minimum unit size, height, development site size, lot area of each unit, front yard requirements and parking, rear yard requirements, side yards requirements, street frontage, utilities and services, parking areas, street right-of-way width and improvements, fences and walls, patio walls, awnings and patio coverings, patios and service areas, accessory buildings and structures, building and roof colors and air conditioning units. Of these requirements, the only one that may be affected by the subject proposal is the building color. Staff has proposed a condition to ensure compliance with this requirement, which will ensure that the paint color will be consistent with the unit itself and those of the remainder of the community.

Additionally, Subsection 13-445(2)d. states that “Additions of enclosed, air-conditioned space is not permitted through the minor amendment process and requires site plan approval through a public hearing.” This requirement is met through holding this public hearing.

- (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 addition will have no impact on the design and construction of streets, utility facilities or 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.

Staff Comment: With respect to “a.” and “e.” above, Staff finds that the proposed addition is in harmony with the remainder of the development in terms of architecture and scale. The Windmill Gate Homeowner’s Association has approved the request to enclose the existing exterior terrace in the front yard of the townhouse. None of the other provisions as cited above are affected by this application.

- (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 Towns’ requirements concerning sufficiency of ownership. The proposed private improvements will be guaranteed through the building permit process. The nature of the proposed improvements does not require any public improvements on the part of the applicant.

RECOMMENDATION

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

CONDITIONS

1. The Application's approval is only for improvements specifically indicated on submitted plans as follows: the "Permit Set" consisting of five sheets, prepared by Sixsides Architecture, Inc., dated 10-21-15. Indicated improvements shall be completed in substantial compliance with these plans, with respect to the townhouse footprint, façade and amount of enclosed floor area. Any changes to the floor plan that would have the effect of adding a bedroom, or that would be beyond a Level One alteration per the Florida Building Code in effect as of the date of this approval, will require an additional site plan amendment.
2. The Applicant shall obtain a building permit for construction of improvements as approved herein within one (1) year of the date of issuance of a final development order, unless an extension is properly granted by the Building Department. If a building permit is not obtained, or an extension granted within the prescribed time limit, this approval shall become null and void.
3. In accordance with Subsection 13-444(20)a., the paint color on the exterior of the townhouse shall be consistent with the townhouse itself and the townhouse development.
4. The hours of construction and associated noise shall comply with the Town of Miami Lakes Noise Ordinance No. 04-50.