

RESOLUTION NO. 16-_____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING WITH CONDITIONS A REQUEST IN ACCORDANCE WITH SECTION 13-304 AND SECTION 13-445 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A SITE PLAN AMENDMENT FOR THE ADDITION OF ENCLOSED AIR-CONDITIONED SPACE TO AN EXISTING TOWNHOUSE UNIT; APPROVING WITH CONDITIONS REQUESTS FOR VARIANCES FROM SUBSECTIONS 13-444(9) AND 13-444(10) FOR TOWNHOUSE REAR SETBACK REQUIREMENTS AND TOWNHOUSE OUTDOOR PATIO AREA REQUIREMENTS; FOR PROPERTY LOCATED AT 6723 KINGSMOOR WAY, MIAMI LAKES, FLORIDA; FOLIO NUMBER 32-2014-009-0370, IN THE RU-TH ZONING DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pursuant to Subsections 13-445(2)d., 13-444(9) and 13-444(10)a. of the Town of Miami Lakes (“Town”) Land Development Code (“LDC”), Lissy Martinez (the “Applicant”) has applied to the Town for approval of a Site Plan Amendment to allow additional enclosed air-conditioned space in the RU-TH (Townhouse Residential) Zoning District, and has applied for Variances in the RU-TH (Townhouse Residential) Zoning District to the rear set back requirement and the required amount of outdoor patio living area, for property located at 6723 Kingsmoor Way, Miami Lakes, Florida, Folio # 32-2014-009-0370; and

WHEREAS, Subsection 13-304 of the Town LDC sets forth the authority of the Town Council to consider and act upon an application for a Site Plan Amendment; and

WHEREAS, Subsection 13-305 of the Town LDC sets forth the authority of the Town Council to consider and act upon an application for Variances; and

WHEREAS, in accordance with Subsection 13-309 of the Town LDC, proper notice was mailed to the appropriate property owners of record and the hearing was duly advertised in the newspaper; the public hearing on the proposed Site Plan Amendment and Variances was noticed for Tuesday, April 5, 2016, at 6:30 P.M. at Town Hall, 6601 Main Street, Miami Lakes, Florida, and subsequently deferred to the May 3, 2016 Council meeting in the same location; 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 with conditions of the request for a Site Plan Amendment and Variances, 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 Subsection 13-304(h), the Town Council finds that the Applicant meets the criteria for Site Plan Amendment 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.

In accordance with Subsection 13-305(f)1, the Town Council finds that the Applicant meets the criteria for Variance approval which are as follows:

- (1) The Town has received written support of the specifically identified variance requests from adjoining property owners;

- (2) The Variance would be compatible with development patterns in the Town;
- (3) The essential character of the neighborhood would be preserved;
- (4) The Variance can be approved without causing substantial detriment to adjoining properties;
- (5) The Variance will do substantial justice to the property owner as well as to other property owners justifying a relaxation of this Land Development Code to provide substantial relief;
- (6) The plight of the applicant is due to unique circumstances of the property and/or applicant which would render conformity with the strict requirements of the Land Development Code unnecessarily burdensome; and
- (7) The special conditions and circumstances which exist are the result of actions beyond the control of the applicant.

Section 3. Approval of Site Plan Amendment. The Site Plan Amendment request to allow additional enclosed air-conditioned space in the RU-TH (Townhouse Residential) Zoning District is hereby approved with conditions as set out in Section 5.

Section 4. Approval of Variances. The Variance requests to the rear set back requirement and the required amount of outdoor patio living area are hereby approved with conditions as set out in Section 5.

Section 5. Conditions of Approval. The Site Plan Amendment and Variances are approved subject to the following conditions:

- 1. The Application's approval is only for improvements specifically indicated on submitted plans as follows: Sheet A-1 entitled "Proposed Addition for Lissy Martinez", signed and sealed by Albert O. Gonzalez on 4/6/16. Indicated improvements shall be completed in substantial compliance with these plans.
- 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 with the prescribed time limit, this approval shall become null and void.

3. In accordance with Subsection 13-444(20), the exterior of the townhouse, including paint colors and roofing materials/colors, shall be consistent with the remainder of the townhouse development, as approved by the Official Authorized Body.
4. The hours of construction and associated noise shall comply with the Town of Miami Lakes Noise Ordinance No. 04-50.

Section 6. 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 he must comply with all other applicable requirements of the Town LDC before he 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. Appeal. In accordance with Section 13-310 of the Town LDC, the Applicant or any affected person may appeal the decision of the Town Council by filing of a notice of appeal or writ of certiorari in accordance with the Florida Rules of Appellate Procedure.

Section 8. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 3rd day of May, 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 A. Pizzi, Jr.	_____
Vice Mayor Tim Daubert	_____
Councilmember Manny Cid	_____
Councilmember Tony Lama	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Nelson Rodriguez	_____

Michael A. Pizzi, Jr.
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

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