

RESOLUTION NO. 24-2029

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SUBSECTION 13-305(f)(1) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; PERTAINING TO A REQUEST IN ACCORDANCE WITH SECTION 13-304(h) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR SITE PLAN APPROVAL; A REQUEST IN ACCORDANCE WITH SECTION 13-305 FOR A VARIANCE; AND A REQUEST IN ACCORDANCE WITH SECTION 13-303 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A CONDITIONAL USE; ALL BEING SUBMITTED FOR THE PROPERTY LOCATED AT WEST OF NW 59 AVE BETWEEN NW 163 ST AND NW 159 ST, AS PROVIDED AT EXHIBIT "A", MIAMI LAKES, FLORIDA, FOLIO NO. 32-2013-052-0010, AS DESCRIBED AT EXHIBIT "B"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Subsection 13-304 of the Town of Miami Lakes ("Town") Land Development Code ("LDC"), MIAMI LAKES CENTER LLC, (the "Applicant") applied to the Town for approval of a Site Plan, entitled "Miami Lakes Auto Mall Vehicle Storage," dated stamped August 25 2024, consisting of 29 sheets, as prepared by STILES Architectural Group. A copy of the Site Plan (the "Site Plan") being attached hereto as Exhibit "A", for property located at West of NW 59 Ave between NW 163 St and NW 159 St, bearing Miami-Dade Tax Folio No. 32-2013-052-0010, and legally described on the survey as provided in Exhibit "B" ("Property"), and containing approximately 130,680 square feet of land; and

**WHEREAS**, pursuant to Section 13-303 of the Town's LDC, the Applicant is requesting a variance to allow a building 77 feet in height where 70 feet are allowed; and

**WHEREAS**, pursuant to Section 13-303 of the Town's LDC, the Applicant is requesting a conditional use to allow the use of vehicular storage; and

**WHEREAS**, in accordance with Section 13-309 of the Town LDC, proper notice was mailed to the appropriate property owners of record, notice was posted at the property, and duly advertised in the newspaper; for a quasi-judicial public hearing on Site Plan, variance and Conditional Use as noticed for Tuesday, September 10, at 6:30 P.M. at Town Hall, 6601 Main Street, Miami Lakes, Florida; and all interested parties had the opportunity to address their comments to the Town Council; and

**WHEREAS**, Town staff has reviewed the application and recommends approval with a modification, subject to conditions, of the request for a Site Plan Approval, Variance and Conditional Use, 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; and

**WHEREAS**, the Town Council now desires to approve the Applicant's Site Plan, Variance and Conditional Use requests.

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 Section 13-303, the Town Council finds that the Applicant, subject to the conditions in Section 5 below, meets the criteria for a conditional use approval which are as follows:

1. Land Use Compatibility; and
2. Sufficient Site Size, Site Specifications, and Infrastructure to Accommodate the Proposed Use; and
3. Compliance with the Comprehensive Plan and Land Development Code; and
4. Proper Use of Techniques; and
5. Hazardous Waste.

In accordance with Section 13-305(f)(1) of the Town's Land Development Code (LDC), the Town Council finds that the Applicant, subject to the conditions in Section 5 below, meets the criteria for variance at Section 13.305(f)(1)(a) through (g) of the Town LDC, which are as follows:

- a. Whether the Town has received written support of the specifically identified variance requests from adjoining property owners;
- b. Whether approval of the Variance would be compatible with development patterns in the Town;
- c. Whether the essential character of the neighborhood will be preserved;
- d. Whether the Variance can be approved without causing substantial detriment to adjoining properties;
- e. Whether the Variance would 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;
- f. Whether 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
- g. Whether the special conditions and circumstances which exist are the result of actions beyond the control of the applicant.

In accordance with Section 13-304, the Town Council finds that the Applicant, subject to the conditions in Section 5 below, meets the criteria for a 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 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.

**Section 3. Approval of Conditional Use.** The Conditional Use request to permit an Vehicular storage use in the IU-C (Industrial Use - Conditional) Zoning District is hereby approved with conditions as set out in Section 5.

**Section 4. Approval of Site Plan.** Pursuant to Section 13-304(h), the proposed Site Plan entitled “Miami Lakes Auto Mall Vehicle Storage,” dated stamped August 25 2024, consisting of 29 sheets, as prepared by STILES Architectural Group. A copy of the Site Plan (the “Site Plan”) being attached hereto as Exhibit "A", is hereby Approved with the following conditions:

1. The project shall be developed in substantial compliance with the approved Site Plan entitled “Miami Lakes Auto Mall Vehicle Storage,” dated stamped August 25, 2024, consisting of 29 sheets, as prepared by STILES Architectural Group.
2. Prior to the issuance of a building permit authorizing any construction, all required impact fees, including Mobility Fees, must be paid in full.
3. Prior to permitting, all civil engineering plans must be finalized and in substantial compliance with the Site Plan, including any additional modifications as required by the Public Works director.
4. The proposed sidewalks shall be increased to six feet in width.
5. The Applicant will work with staff to ensure that the final design and location of all sidewalks respect any existing specimen street trees, including, where necessary the use of flexible pavement materials and limited encroachments of portions of the sidewalk into private property.
6. The 36 Bald Cypresses proposed shall be exchanged for a shade tree species that is approved for use in the LDC at Section 13-1701.
7. All planting materials, but particularly those designed to screen the garage from public rights-of-way, shall be carefully maintained and replaced as needed to continue to serve their function.
8. Prior to permitting, the project shall secure all approvals for water and sewer and shall receive approval from the Miami-Dade Fire Rescue Department.
9. The Applicant shall obtain a Certificate of Use (CU), upon compliance with all the terms and conditions of this approval, the same subject to cancellation by the Town upon violation of any of the conditions. Business tax receipt shall be obtained if applicable.
10. The Applicant shall obtain all required building permits, within one (1) year of the date of this approval. If all required building permits are not obtained or an extension granted not within the prescribed time limit, this approval shall become null and void.
11. Compliance with all other applicable laws not specifically identified herein.
12. All fees associated with this request that are owed to the Town be paid in full prior to issuance of development order.

Section 5. 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 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 6. 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 7. Final Order.

**This is a Final Order.**

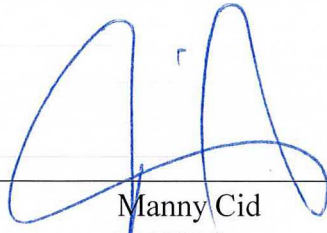
Section 8. Effective Date. This Resolution shall become effective immediately upon adoption hereof.

Passed and adopted this 10<sup>th</sup> day of September 2024.

The foregoing resolution was offered by Councilmember Morera who moved its adoption. The motion was seconded by Councilmember Collazo and upon being put to a vote, the vote was as follows:

FINAL VOTE AT ADOPTION

Mayor Manny Cid	Recused
Vice-Mayor Tony Fernandez	Yes
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Ray Garcia	Yes
Councilmember Bryan Morera	Yes
Councilmember Marilyn Ruano	Yes




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Manny Cid  
MAYOR

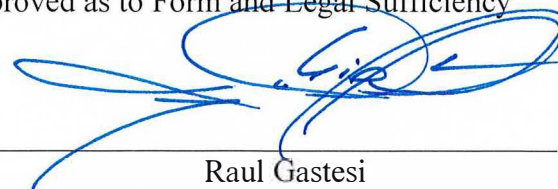
Attest:




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Gina M. Inguanzo  
TOWN CLERK

Approved as to Form and Legal Sufficiency




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Raul Gastesi  
TOWN ATTORNEY

This Resolution was filed in the Office of the Town Clerk on this 10<sup>th</sup> day of September, 2024.




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Gina M. Inguanzo  
Town Clerk



EXHIBIT A  
SITE PLAN

EXHIBIT B

SURVEY

EXHIBIT C

RENDERING