

**RESOLUTION NO. 14-1218**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A REQUEST IN ACCORDANCE WITH SECTION 13-303 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A CONDITIONAL USE FOR A NONPUBLIC CHILD CARE FACILITY SUBMITTED FOR PROPERTY LOCATED 15225 NW 77 AVENUE, MIAMI LAKES, FLORIDA, FOLIO NUMBER 32-2023-023-0010, IN THE RO-13 ZONING DISTRICT ; PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Pursuant to Sections 13-748 and 13-303 the Town of Miami Lakes (“Town”) Land Development Code (“LDC), Discover Montessori Academy (the “Applicant”) has applied to the Town for approval of the following: 1) approval of a conditional use to allow a nonpublic child care facility in the RO-13 (Low Density Residential/Office) zoning district where nonpublic child care facilities require a conditional use approval for property located 15225 NW 77 Avenue, Miami Lakes, Florida, Folio #32-2023-023-0010; and

**WHEREAS**, Section 13-303 of the Town LDC sets forth the authority of the Town Council to consider and act upon an application for a conditional use; and

**WHEREAS**, in accordance with Section 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 Conditional Use was noticed for Tuesday, May 13, 2014, 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 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.

**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 Section 13-303, the Town Council finds that the Applicant 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.

**Section 3. Approval.** The Conditional Use request to permit a nonpublic child care facility in the RO-13 (Low Density Residential/Office) zoning district where nonpublic child care facilities require a conditional use approval, is hereby approved.

**Section 4. Conditions.** The Conditional Use is approved subject to the following conditions:

1. The approvals granted are based on the plans submitted by the Applicant; Sheet A-1.1 "Proposed Site Plan" dated received on 04-21-14, Sheet A-2.2 "Proposed Ground Floor Plan" dated 02-18-14, Sheet A-2.3 "Proposed Second Floor Plan" dated 02-18-14 and Sheet A-1.1 "Site Plan" dated received on 04-16-14.

2. The Applicant shall obtain a Certificate of Use, and Business Tax Receipt (BTR), and promptly renew the BTR annually, upon compliance with all the terms and conditions of this approval, the same subject to cancellation upon violation of any of the conditions.
3. The child care facility shall be limited to a maximum enrollment of 194 children. As part of the annual BTR renewal process, the Applicant shall provide the current enrollment log to the Town for inspection and approval to ensure enrollment is 194 children or less. A finding of enrollment greater than 194 children shall cause this approval to be null and void.
4. Hours of operation are from 7:00 A.M. to 7:00 P.M., Monday through Friday, except for incidental evening activities such as orientation meetings, open houses, conferences, etcetera. Any special events such as festivals and performances shall require the child care facility to obtain a Special Event Permit from the Town.
5. Drop-off hours for the children are generally from 7:00 A.M. to 10:00 A.M. Pick-up hours for the children are generally from 4:00 P.M. to 7:00 P.M.
6. The Applicant shall provide a minimum of 7,210 square feet of outdoor recreation space. This area must be fenced and a building permit for any required fencing must be obtained. The existence of this area shall be verified by a zoning inspection prior to the issuance of a Certificate of Use (CU).
7. The Applicant shall provide, and continuously maintain all landscaping material on the child care facility site in compliance with Chapter 18-A Landscaping Requirements (Exhibit 2). Compliance with the landscape requirements shall be verified by a zoning inspection prior to the issuance of a Certificate of Use (CU).
8. The Applicant shall obtain any and all required approvals or licenses from the State of Florida prior to commencing operations. The Applicant shall promptly notify the Town if any required State approval or license is rescinded, non-renewed or otherwise becomes non-effective. In such case, the Administrative Official shall have the authority to revoke this conditional use approval.
9. The proposed wall sign requires a separate sign permit.
10. The Applicant shall obtain all required building permits and a Certificate of Use (CU) for all request(s) approved herein, within one (1) year of the date of this approval. If all required building permits and a Certificate of Use (CU) are not obtained or an extension granted within the prescribed time limit, this approval shall become null and void.

**Section 4. Appeal.** In accordance with Section 13-310 of the Town LDC, the Applicant of any aggrieved property owner in the area, may appeal the decision by filing of a notice of appeal in accordance with the Florida Rules of Appellate Procedure.

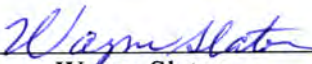
**Section 5. Effective Date.** This Resolution shall take effect immediately.

**PASSED AND ADOPTED** this 13 day of May, 2014.

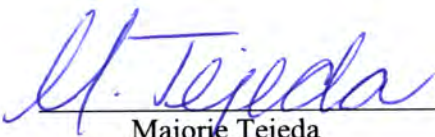
Motion to adopt by Frank Mingo, second by Tony Lama.

**FINAL VOTE AT ADOPTION**

Mayor Wayne Slaton	<u>Yes</u>
Vice Mayor Manny Cid	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Tony Lama	<u>Yes</u>
Councilmember Ceasar Mestre	<u>Yes</u>
Councilmember Frank Mingo	<u>Yes</u>
Councilmember Nelson Rodriguez	<u>Yes</u>

  
\_\_\_\_\_  
Wayne Slaton  
MAYOR

Attest:

  
\_\_\_\_\_  
Majorie Tejada  
TOWN CLERK

Approve as to Form and Legal Sufficiency

  
\_\_\_\_\_  
Raul Gastesi  
TOWN ATTORNEY