

RESOLUTION NO. 15-1357

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 EDUCATIONAL FACILITY SUBMITTED FOR PROPERTY LOCATED AT 15050 NW 79TH COURT, MIAMI LAKES, FLORIDA, FOLIO NUMBER 32-2022-009-0035, IN THE IU-C 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 Sections 13-748 and 13-303 of the Town of Miami Lakes (“Town”) Land Development Code (“LDC”), AGMUS Ventures, Inc. –(the “Applicant”) has applied to the Town for approval of a Conditional Use to allow a nonpublic educational facility in the IU-C (Industrial Use - Conditional) Zoning District, for property located at 15050 NW 79th Court, Miami Lakes, Florida, Folio # 32-2022-009-0035; 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 proposed Conditional Use and Variance was noticed for Tuesday, January 5, 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 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 of Conditional Use. The Conditional Use request to permit a nonpublic educational facility in the IU-C (Industrial Use - Conditional) Zoning District, is hereby approved with conditions as set out in Section 4.

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

1. The Applicant shall obtain a Certificate of Use (CU), 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.
2. Prior to the issuance of a CU, the applicant shall submit to the Administrative Official for approval a transportation demand management (TDM) plan, which shall include

strategies for reducing the facility's contribution to peak hour traffic congestion. Potential strategies include, but shall not be limited to, staggered shift starting and ending times for administrative staff, staggered starting times for classes and actions to encourage carpooling and/or transit use by both administrative staff and students. Once approved, said TDM plan shall be mandatory, and repeated and continuing violations of the TDM plan shall be ground for revocation this conditional use by the Administrative Official. Further, the Administrative Official is hereby granted authority to adjust the hours of operation for the facility to as early as 7:00 a.m. to as late as 10:45 p.m. where necessary to implement proposed TDM strategies.

3. The educational facility shall be limited to a maximum enrollment of 200 students. 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 200 students or less. A finding of enrollment greater than 200 students shall cause this approval to be null and void.
4. The maximum number of students allowed on site at any given time shall be 150.
5. Hours of operation for office and administration are from 8:30 A.M. to 10:00 P.M., Monday through Saturday. Classroom instruction is limited to the hours of 6:00 p.m. to 10:00 p.m., Monday through Friday, and 8:30 A.M. to 10:00 P.M. on Saturday. However, these hours may be adjusted by the Administrative Official pursuant to Condition No. 2, above. Any special events such as open houses shall require the Special Event Permit from the Town.
6. All signs require a separate sign permit.
7. The Applicant shall obtain all required building permits and a CU for all request(s) approved herein, within one (1) year of the date of this approval. If all required building permits and a CU are not obtained or an extension granted within the prescribed time limit, this approval shall become null and void.

Section 5. 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 6. 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 7. Effective Date. This Resolution shall take effect immediately upon its adoption.

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PASSED AND ADOPTED this 5th day of January, 2016.

The foregoing resolution was moved for adoption by V. Mayor Daubert. The motion was seconded by Councilman Mestre and upon being put to a vote, the vote was as follows:

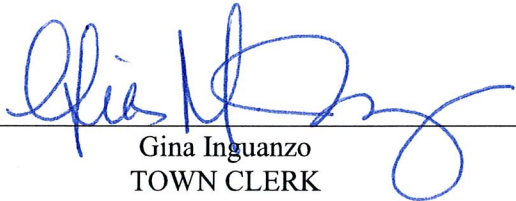
Mayor Michael A. Pizzi, Jr.
Vice Mayor Tim Daubert
Councilmember Manny Cid
Councilmember Tony Lama
Councilmember Ceasar Mestre
Councilmember Frank Mingo
Councilmember Nelson Rodriguez

yes
yes
yes
Recused
yes
yes
yes



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