

**RESOLUTION NO. 21-1731**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE SITE PLAN OF ANGELS REACH FOUNDATION, INC. FOR THE PROPERTY LOCATED AT 15165 NW 77 AVENUE, MIAMI LAKES, FLORIDA (FOLIO: 32-2023-023-0020) PURSUANT TO SECTION 13-304 OF THE TOWN CODE; APPROVING A CONDITIONAL USE TO PERMIT A NONPUBLIC EDUCATIONAL FACILITY AND CLINICAL/THERAPY CENTER IN ACCORDANCE WITH SECTION 13-303 OF THE TOWN CODE; APPROVING A VARIANCE IN ACCORDANCE WITH SECTION 13-305 TO ALLOW 12,692 SQUARE FEET OF OUTDOOR RECREATION/PLAY AREAS WHERE SECTION 13-785(G) OF THE CODE REQUIRES 63,450 SQUARE FEET; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR RECORDING; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Sections 13-303, 13-304, and 13-305 of the Town of Miami Lakes (the “Town”) Code of Ordinances (the “Code”), Angels Reach Foundation, Inc. (the “Applicant”) has submitted an application for approval of the following (collectively, the “Application”): (1) a site plan for a site consisting of approximately 52,102 square feet (1.20 acres) located at 15165 NW 77 Avenue, Miami Lakes, Florida, designated Folio No.: 32-2023-023-0020 (the “Property”), as legally described in Exhibit “A” attached hereto and incorporated herein; (2) a conditional use to permit a non-public educational facility and clinical/therapy center in the RO-13 Low Density Residential/Office District zoning district; and (3) a variance to allow 12,692 square feet of outdoor recreation/play areas where Section 13-785(g) of the Code requires 63,450 square feet at the Property; and

**WHEREAS**, the Applicant has also requested for the Town Council’s reduction of the mobility fee for projects or uses that provide a necessary service to the community pursuant to Section 13-2007(4) of the Code; and

**WHEREAS**, Town Staff has reviewed the Application and recommends approval of all requests except the mobility fee reduction; and

**WHEREAS**, public notice was provided in accordance with law; and

**WHEREAS**, after a duly noticed public hearing, the Town Council, based upon competent substantial evidence in the record, finds that the Application meets the requirements of the Town's Land Development Code and is consistent with the Town's Comprehensive Plan; and

**WHEREAS**, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1.** **Recitals.** That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

**Section 2.** **Approval.** The Town Council, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby approves the Application and finds that it meets the approval criteria of the Code. Specifically, the Town Council finds that:

a. In accordance with Section 13-304 of the Town Code, the Applicant meets the criteria for site plan approval, which are as follows:

- i. 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;
- ii. In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located;
- iii. In what respects the plan is or is not in conformance with Town code requirements including:
  - a. The design and construction of streets, utility facilities and other essential services as may be required by the Town or other governmental agencies.
  - 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;

- iv. 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. Design and architectural standards as provided at Section 13-311. b. 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. c. 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. d. 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. e. Service areas shall be screened and so located as to minimize or eliminate visibility, to the greatest extent possible, from the public right-of-way and other properties. f. Design of the site shall ensure adequate access for emergency vehicles and personnel. g. Design of the site shall utilize strategies to provide for the conservation of energy and natural resources, including water; and
  - v. 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.
- b. In accordance with Section 13-303 of the Town Code, the Applicant meets the criteria for conditional use approval, which are as follows:
- i. Land use compatibility;
  - ii. Sufficient site size, site specifications, and infrastructure to accommodate the proposed use;
  - iii. Compliance with the Comprehensive Plan and Land Development Regulations;
  - iv. Proper use of mitigative techniques; and
  - v. Hazardous waste.
- c. In accordance with Section 13-305(f)(1) of the Town Code, the Applicant meets at least one of the practical difficulty criteria for approval of a variance, which are as follows:

- i. Whether the Town has received written support of the specifically identified variance requests from adjoining property owners;
- ii. Whether approval of the variance would be compatible with development patterns in the Town;
- iii. Whether the essential character of the neighborhood would be preserved;
- iv. Whether the variance can be approved without causing substantial detriment to adjoining properties;
- v. Whether the variance would do substantial justice to the property owner as well as to other property owners justifying a relaxation of Chapter 13, “Land Development Code” of the Town Code to provide substantial relief;
- vi. Whether the plight of the applicant is due to unique circumstances of the property and/or the applicant which would render conformity with the strict requirements of Chapter 13, “Land Development Code” of the Town Code unnecessarily burdensome.
- vii. Whether the special conditions and circumstances which exist are the result of actions beyond the control of the applicant.

**Section 3.**     **Site Plan Approval.** The site plan prepared by Villa & Associates, Inc. dated February 15, 2021, consisting of sheet A-1, attached hereto as Exhibit “B,” is hereby approved subject to the conditions in Section 6 below.

**Section 4.**     **Conditional Use Approval.** The request for conditional use to permit a nonpublic educational facility and therapy/clinical center in the RO-13 zoning district is hereby approved subject to the conditions in Section 6 below.

**Section 5.**     **Variance Approval.** The request for a variance to allow 12,692 square feet of outdoor recreation/play areas where Section 13-785(g) of the Code requires 63,450 square feet is hereby approved subject to the conditions in Section 6 below.

**Section 6.**     **Conditions of Approval.** The approvals granted in this Resolution are subject to the following conditions:

1. The proposed development shall be built in substantial compliance with the plan prepared by Villa & Associates, Inc. dated February 15, 2021, consisting of sheet A-1, attached hereto as Exhibit "B."
2. Prior to the issuance of a certificate of use, all required impact fees must be paid in full, except as provided herein. All portions of the Mobility Fee, which in no event shall exceed a cumulative total of \$71,293.50, shall be calculated based on the rate set forth in Resolution No. 20-1669, which is in effect as of the effective date of this Resolution. Prior to the issuance of the certificate of use, the Applicant shall pay only the portion of the Mobility Fee attributable to the projected in-person, on-site enrollment for the immediately subsequent school year. Thereafter, on or before the annual renewal deadline for the Business Tax Receipt and the Conditional Use pursuant to Section 13-303(d) of the Town Code, the Applicant shall pay only that portion of the Mobility Fee attributable to the increase in projected in-person, on-site enrollment for the immediately subsequent school year. Failure to timely pay any portion of the Mobility Fee when due shall result in the in-person, on-site enrollment being limited to the highest enrollment of any preceding school year until such time as the portion of the Mobility Fee associated with the then-current school year's increase in enrollment is paid. This condition shall remain in effect until the entire amount of the Mobility Fee for 150 in-person, on-site students has been paid. The issuance of a Business Tax Receipt or Conditional Use renewal recognizing an in-person, on-site enrollment of a specific number of students shall confirm that the portion of the Mobility Fee for that enrollment number has been paid.

3. The educational facility shall be limited to a maximum enrollment of 150 students. As part of the annual Business Tax Receipt (BTR) renewal process, and prior to the First of October of every subsequent year, the Applicant shall provide their student enrollment log to the Town for inspection and approval and any monies owed as the result of a net increase in student enrollment shall be immediately due.
4. 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
5. The Applicant shall obtain all required building permits and/or certificates of use, within one (1) year of the date of this approval. If all required building permits and/or certificates of use are not obtained or an extension granted not within the prescribed time limit, this approval shall become null and void.
6. Compliance with all other applicable laws not specifically identified herein.
7. All fees associated with this request that are owed to the Town be paid in full prior to issuance of development order.

**Section 7. Violations of Conditions.** Failure to adhere to the terms and conditions of this Resolution shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approvals granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code

before it may commence operation, and that the foregoing approval may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town Code.

**Section 8.** **Appeal.** In accordance with Section 13-310 of the Town Code, the Applicant or any affected person may appeal the decision of the Town Council by filing a notice of appeal or writ of certiorari in accordance with the Florida Rules of Appellate Procedure.

**Section 9.** **Recording.** That this Resolution shall be recorded, prior to the issuance of a building permit, by the Applicant at its expense in the public records of Miami-Dade County, Florida. A copy of the proof of recordation shall be submitted to the Town Clerk prior to the issuance of any building permits.

**Section 10.** **Effective Date.** That this Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** this 9<sup>th</sup> day of March, 2021.

The foregoing Resolution was moved for adoption by Councilmember Dieguez. The motion was seconded by Councilmember Fernandez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid Yes

Vice Mayor Luis E. Collazo Yes

Councilmember Carlos O. Alvarez Yes

Councilmember Josh Dieguez Yes

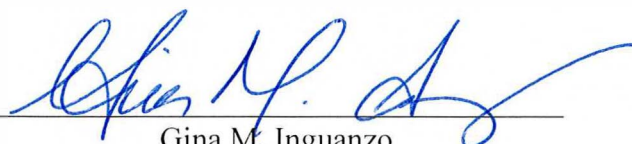
Councilmember Tony Fernandez Yes

Councilmember Marilyn Ruano Yes

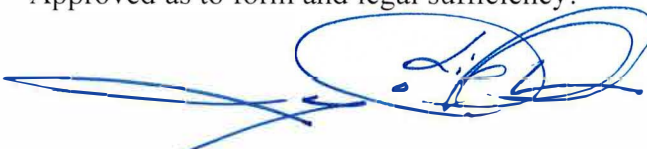
Councilmember Jeffrey Rodriguez Yes

  
\_\_\_\_\_  
Manny Cid  
MAYOR

Attest:

  
\_\_\_\_\_  
Gina M. Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Raul Gastesi, Jr.  
Gastesi, Lopez and Mestre, PLLC  
TOWN ATTORNEY



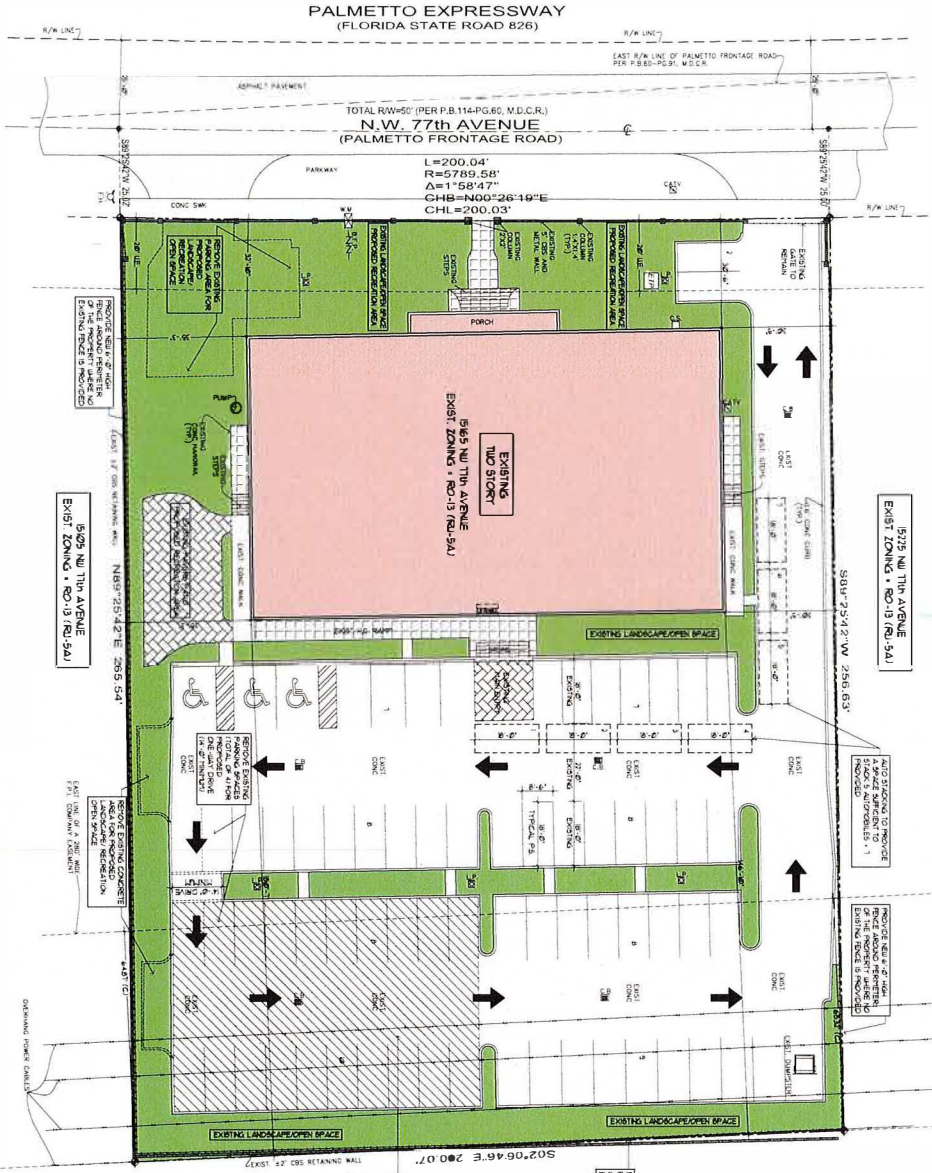
**EXHIBIT A**  
**LEGAL DESCRIPTION**

Tract B, of MIAMI LAKES GOLF COURSE OFFICES, according to the Plat thereof as recorded in Plat Book 114, Page 60, of the Public Records of Miami-Dade County, Florida.



**EXHIBIT B**

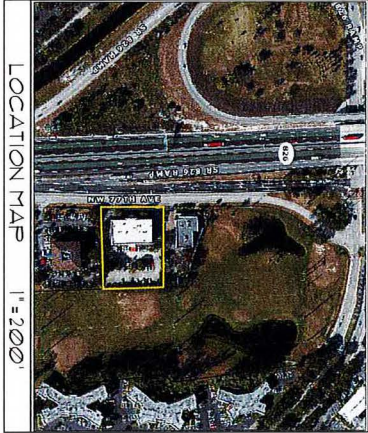
Site Plan prepared by Villa & Associates, Inc. dated February 15, 2021, consisting of sheet A-1



**Site Plan** 1/6"

**GENERAL DESCRIPTION:**  
 THIS PLAN SHOWS THE PROPOSED FACILITY FOR THE ANGELS REACH FOUNDATION. THE FACILITY WILL BE USED FOR OFFICE AND STORAGE PURPOSES. THE FACILITY WILL BE BUILT ON A 1.5 ACRE PARCEL. THE FACILITY WILL BE BUILT ON A 1.5 ACRE PARCEL. THE FACILITY WILL BE BUILT ON A 1.5 ACRE PARCEL.

**COMMENTS:**  
 SEE SHEET 1/5 FOR GENERAL NOTES.



**GENERAL INFORMATION**

PROJECT NO.	02-15-021
DATE	02-15-2021
SCALE	AS SHOWN
PROJECT NO.	A-1

**GENERAL INFORMATION**

PROJECT NO.	02-15-021
DATE	02-15-2021
SCALE	AS SHOWN
PROJECT NO.	A-1

**SITE GENERAL INFORMATION**

PROJECT NO.	02-15-021
DATE	02-15-2021
SCALE	AS SHOWN
PROJECT NO.	A-1

Corporation License  
 #BA0003385  
 Architectural Seal

PROPOSED FACILITY FOR:  
**ANGELS REACH FOUNDATION**  
 15165 NW 77th AVENUE  
 MIAMI LAKES, FLORIDA 33014

**REVISIONS**

NO.	DESCRIPTION

JORGE L. VILLAVENCIO  
 NO. AB021118

**VILLA & ASSOCIATES INC.**  
 ARCHITECTURE PLANNING INTERIOR DESIGN  
 5801 SW 69 AVENUE MIAMI, FLORIDA 33155  
 TEL. 305-613-0865 - E-Mail: villarichitecture@gmail.com  
 CONSULTANT - ARCHIT-TEK STUDIO CORP.  
 TEL. 305-799-8618 - E-Mail: maguilar@architekstudio.com