

RESOLUTION NO. 08- 6752

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PERTAINING TO A REQUEST FOR SITE PLAN APPROVAL SUBMITTED IN ACCORDANCE WITH DIVISION 3.4 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (“THE TOWN LDC”) TO 1) APPROVE A SITE PLAN FOR AN ADDITION TO A DAY CARE AND CHURCH FACILITY, AND 2) AMEND RESOLUTION NO. 4-ZAB-402-83, BY MODIFYING CONDITIONS #7 AND #8 OF RESOLUTION 4-ZAB-402-83, WHICH RESTRICTED AGES OF CHILDREN AND HOURS OF OPERATION FOR THE RELATED DAYCARE USE ON THE SUBJECT PROPERTY, FOR PROPERTY LOCATED AT 6701 MIAMI LAKEWAY SOUTH, MIAMI LAKES, FLORIDA IN THE GU ZONING DISTRICT AS LEGALLY DESCRIBED IN EXHIBIT “A”; PROVIDING FINDINGS; PROVIDING FOR APPROVING THE SITE PLAN AND MODIFICATION REFERRED TO AS THE “REQUEST”; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Division 3.4 of the Town of Miami Lakes Land Development Code (the “Town LDC”), the United Church of Christ of Miami Lakes, Inc. (the “Applicant”) has applied to the Town of Miami Lakes (the “Town”) for approval of a Site Plan and for modification of the conditions of site plan approval provided in Resolution No. 4-ZAB-402-83, adopted on November 9, 1983, (the “Request”), for property located at 6701 Miami Lakeway South, Miami Lakes, Florida, in the GU zoning district, specifically Folio # 32-2023-001-0580, as legally described in Exhibit “A”; and

WHEREAS, the Miami Dade County Zoning Appeals Board, in 1963, granted site plan approval for a Church and Sunday School on the subject property (Resolution 2-ZAB-316-63); and

WHEREAS, the Miami Dade County Zoning Appeals Board, in 1983, granted approval to permit Pre-School, Day Nursery and After School Care for 135 children (Resolution 4-ZAB-402-83) for the subject property; and

WHEREAS, the Miami Dade County Zoning Appeals Board granted approval to modify Resolution 4-ZAB-402-83, conditions #1 and #6 in order to permit the expansion of the school and to include Daycare and After School Care for 183 children (Resolution 4-ZAB-445-88) for the subject property; and

WHEREAS, conditions #7 and #8 Resolution No. 4-ZAB-402-83, restricted the age of the children to 11 years of age and limited the hours of operation to 7:30 A.M to 6:00 P.M.; and

WHEREAS, Division 3.4 of the Town LDC sets forth the authority of the Town Council to consider and act upon an application to approve a site plan and to modify an approval by written resolution; and

WHEREAS, the Applicant has requested Site Plan approval of a request to add approximately 4,524 square feet of classroom space for an existing church, preschool and aftercare; and

WHEREAS, the Applicant has requested modification to conditions #7 and #8 of Resolution No. 4-ZAB-402-83 to allow children up to 13 years old and to allow the facility to open at 7:00 A.M.; and

WHEREAS, in accordance with Division 3.9 of the Town LDC, proper notice was mailed to the appropriate property owners of record; the public hearing on the Modification was noticed for Tuesday, June 17, 2008, at 6:00 P.M. at Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, Florida 33014, and was continued and was re-noticed for

Tuesday, July 8, 2008, at 6:15 P.M. at Community Center West, 15151 Montrose Road, Miami Lakes, Florida 33016; 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, 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 into this Resolution by this reference.

Section 2. Findings.

- (a) The Request is consistent with the Comprehensive Plan and the purpose and intent of the zoning district in which it is located.
- (b) The Request is in conformance with all applicable regulations of the zoning district in which it is located.
- (c) The Request is in conformance with the Town requirements including the design and construction of streets, utility facilities and other essential services.
- (d) The Request is consistent with good design standards in respect to all external relationships including but not limited to:
 - 1. Relationship to adjoining properties.
 - 2. Internal circulation, both vehicular and pedestrian.
 - 3. Disposition of open space, use of screening or buffering and preservation of existing natural features including trees.

4. Building arrangements both between buildings in the proposed development and those adjoining the site.

(e) The Request is 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/Denial.

1. The Site Plan request, subject to conditions, for the 4,524 square feet Church and School expansion for property located at 6701 Miami Lakeway South, Miami Lakes, Florida, is hereby approved.

2. Modification of Conditions #7 and #8 of Resolution 4-ZAB-402-83, passed and adopted by the Miami Dade County Zoning Appeals Board on the 9th day of November, 1983, to allow children up to 13 years of age and allow operation to begin at 7:00 AM are hereby approved as follows:

Condition 7:

That the use be restricted to children in the age group of infants to 13+ years old.

Condition 8:

That the hours of operation be between 7:~~00~~³⁰ A.M. and 6:00 P.M.”

Section 4. Conditions.

1. Except as herein modified all the conditions of Resolution No. 4-ZAB-402-83 with respect to the previously approved site plan for the subject property shall remain in full force and effect.

2. The site plan shall be submitted to and meet the approval of the Building Official, upon the submittal of an application for a permit and/or Certificate of Use and Occupancy. The site plan shall include as applicable, but not be limited to, location of structure or structures, exits, entrances, drainage, walls, fences, and landscaping.

3. The approvals granted herein shall be in accordance with the submitted plan for the hearing entitled “Boundary Survey” for 6701 Miami Lakeway South, Miami Lakes, Florida, as prepared by Florida International Surveyors, Inc., Registered Land Surveyor State of Florida, No. 3103, Job No. 223-07, and consisting of one (1) sheet dated June 7, 2007; and the Plans entitled “New Classrooms for Miami Lakes Congregational Church A-1 thru A-6, as prepared by Ron Dorris

Architects, AIA, PA; Commission No. 07-014, consisting of six (6) sheets, dated December 21, 2007.

4. The use shall be established and maintained in accordance with the approved plan.
5. The Applicant shall comply with all requirements and obtain applicable approval from the Miami-Dade County Department of Environmental Resource Management (DERM) and the Miami-Dade County Water and Sewer Department (MDWASA) to meet with the approval of the Town Engineer; to be provided as part of final permitting of the project.
6. The Applicant shall continuously maintain all fencing and landscaping material on the site in compliance with Chapter 18-A Landscaping Requirements.
7. The Applicant shall obtain a building permit, for all request(s) approved herein, within one (1) year of the date of this approval. If a building permit is not obtained or an extension granted within the prescribed time limit, then this approval shall become null and void.

Section 5. Appeal.

In accordance with Division 3.10 of the Town LDC, the Applicant, or any aggrieved property owner, may appeal the decision of the Town Council by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

Section 6. Violation of Conditions.

Failure to adhere to the terms and conditions contained in this Resolution in Section 4, if any, 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 construction or operation, and that the foregoing approval(s), if any, 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. Effective Date.

This Resolution shall take effect 30 days following the date it is filed with the Town Clerk. If during that time frame, the decision of the Town Council is appealed as provided in the Town LDC and the Florida Rules of Appellate Procedure, the appeal shall stay the effectiveness of this Resolution until said appeal is resolved by a court of competent jurisdiction.

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The foregoing Resolution was adopted by motion as provided herein by Councilmember Nancy Simon and seconded by Councilmember Mary Collins, by a vote of 6-0 with each Town Councilmember voting as follows:

Mayor Wayne Slaton	<u>yes</u>
Vice-Mayor Nancy Simon	<u>yes</u>
Councilmember Roberto Alonso	<u>yes</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember Robert Meador II	<u>absent</u>
Councilmember Michael Pizzi	<u>yes</u>
Councilmember Richard Pulido	<u>yes</u>

PASSED AND ADOPTED this 8 day of July 2008.

This Resolution was filed in the Office of the Town Clerk on this 24 day of

July, 2008.

Wayne Slaton
WAYNE SLATON
MAYOR

ATTEST:

Debra Eastman
DEBRA EASTMAN, MMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR USE ONLY BY THE TOWN OF MIAMI LAKES:

[Signature]
WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
TOWN ATTORNEY

EXHIBIT "A"
LEGAL DESCRIPTION

A portion of land of Tract 50 and 51 of "Florida Fruit Land Company Subdivision No.1" according to the plot thereof as recorded in Plat Book 2, at Page 17 of the Public Records of Miami—Dade County, Florida, being In the SE1/4 of Section 23, Township 52 South, Range 40 East, said land being more particularly described as follows:

Commence at the Southeast Corner of Section 23, Township 52 South, Range 40 East, thence run N02°14'15"W along the East Line of the SE1/4 of said Section 23—52—40 for a distance of 1811.20 feet to a point, said point being the point of intersection between the Center Line of Miami Lakeway South and the East Line of the SE1/4 of said Section 23 thence run Due West along the center line of Miami Lakeway South for a distance of 35.03 feet to the Point of Beginning of the hereinafter described land; thence run Due West along the Center Line of Miami Lakeway South for a distance of 400.00 feet to a point, thence run N02°14'45"W for a distance of 400.00 feet to a point, thence run Due East for a distance of 400.00 feet to a point on the West Right of Way Line of NW 67th Avenue, thence run S02°14'45"E along the West Right of Way Line of NW 67th. Avenue for a distance of 400.00 feet to the Point of Beginning. LESS the South 35 feet thereof and less the area bounded by a line 35 feet North of the Centerline of Miami Lakeway South (North Right of Way of Miami Lakeway South) and bounded by a line 35 feet West of the East Line of the SE1/4 of said Section 23 (West Right of Way Line of NW 67th. Avenue (Ludlam Road)); and bounded by a 25 feet radius arc, concave to the Northwest; said arc being tangent to both of the last described lines.