

RESOLUTION NO. 13-1087

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 15650 MIAMI LAKEWAY NORTH, MIAMI LAKES, FLORIDA, FOLIO NUMBER 32-2013-008-0040, IN THE RM-50 ZONING DISTRICT ; PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Pursuant to Sections 13-523 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 educational facility in the RM-50 (High Density Residential) zoning district where nonpublic educational facilities require a conditional use approval for property located 15650 Miami Lakeway North, Miami Lakes, Florida, Folio #32-2013-008-0040; 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, June 11, 2013, 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 educational facility in the RM-50 (high density residential) zoning district where nonpublic educational 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 E-1 (Floor Plan), dated received on 04-29-13, and the front elevation picture showing the proposed sign, dated received on 05-20-13.
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 school shall be limited to a maximum enrollment of 52 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 52 students or less. A finding of enrollment greater than 52 students shall cause this approval to be null and void.
4. Hours of operation are from 6:00 AM to 7:00 PM, Monday through Friday, except for incidental evening activities such as orientation meetings, open houses, parent/teacher conferences, et cetera. Any special events such as festivals, performances and graduations, shall require the School to obtain a Special Event Permit from the Town.
5. Drop-off hours for the students are from 7:00 AM to 8:15 AM. Pick-up hours for the students are from 2:00 PM to 2:45 PM.
6. The Applicant shall provide a minimum of 12,630 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 school site in compliance with Chapter 18-A Landscaping Requirements (see 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 Applicants or 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 11 day of June, 2013.

Motion to adopt by Mayor Pizzi, second by Vice Mayor Mestre

FINAL VOTE AT ADOPTION

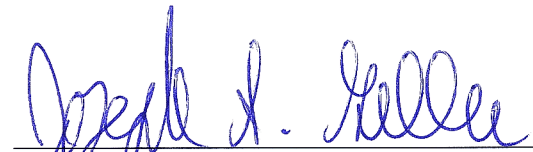
Mayor Michael Pizzi	<u>YES</u>
Vice Mayor Caesar Mestre	<u>YES</u>
Councilmember Manny Cid	<u>YES</u>
Councilmember Tim Daubert	<u>RECUSED</u>
Councilmember Nelson Hernandez	<u>YES</u>
Councilmember Tony Lama	<u>YES</u>
Councilmember Nelson Rodriguez	<u>YES</u>


Michael Pizzi
MAYOR

Attest:

Approve as to Form and Legal Sufficiency


Marjorie Tejeda
TOWN CLERK


Joseph S. Geller
Greenspoon Marder PA
TOWN ATTORNEY