

RESOLUTION NO. 20-\_\_\_\_\_

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SUBSECTION 13-305(f)(1) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; PERTAINING TO A REQUEST IN ACCORDANCE WITH SECTION 13-303 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A CONDITIONAL USE; ALL BEING SUBMITTED FOR THE PROPERTY LOCATED AT 5875 NW 163 STREET, AS PROVIDED AT EXHIBIT "A", MIAMI LAKES, FLORIDA, FOLIO NO. 32-2013-015-0030; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Subsection 13-303 of the Town of Miami Lakes ("Town") Land Development Code ("LDC"), Bar Education, Inc, (the "Applicant") applied to the Town for approval of a Conditional Use to allow operation of a private college, dated stamped received June 6<sup>th</sup>, 2020, consisting of six (6) sheets, as prepared by E. D. B. Architects and Associates, PA. A copy of the Site Plan (the "Site Plan") being attached hereto as Exhibit "A" and a Letter of Intent (the "Letter of Intent") being attached hereto as Exhibit "B", for property located at 5875 NW 163 Street, bearing Miami-Dade Tax Folio No. 32-2013-015-0030, and legally described on the survey as provided in Exhibit "A" ("Property"); and

**WHEREAS**, in accordance with Section 13-309 of the Town LDC, proper notice was mailed to the appropriate property owners of record, notice was posted at the property, and duly advertised in the newspaper; for a quasi-judicial public hearing on Site Plan and Conditional Use as noticed for Tuesday, July 14, at 6:30 P.M. at Town Hall, 6601 Main Street, Miami Lakes, Florida; and all interested parties had the opportunity to address their comments to the Town Council; and

**WHEREAS**, Town staff has reviewed the application and recommends approval with a modification, subject to conditions, of the request for a Conditional Use Approval, 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.

**WHEREAS**, the Town Council now desires to approve the Applicant's Conditional Use requests.

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

**Section 1. Recitals.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2. Findings.** In accordance with Section 13-303, the Town Council finds that the Applicant, subject to the conditions in Section 5 below, 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 operation of a private college in the IU-C (Industrial Use - Conditional) Zoning District is hereby approved with conditions as set out below,

1. The project shall be developed in substantial compliance with the submitted plans and letter of intent.
2. At the time of Certificate of Use, the number of students enrolled shall be limited to 800, excluding online only students, with a maximum of 350 students on campus at anyone time. If and when the applicant engages additional square footage and wishes to expand

enrollment beyond 800, an amendment to this conditional use will be required to be processed administratively.

3. Prior to the issuance of a certificate of use, all required impact fees, including Mobility Fees, must be paid in full.

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 4. Violation 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 5. Appeal.** In accordance with Section 13-310 of the Town LDC, the Applicant, or any affected party may seek review of development orders of the Town Council by the filing of an appeal or writ of certiorari in the appropriate court as prescribed in the Florida Rules of Appellate Procedure.

**Section 7. Final Order.**

**This is a Final Order.**

**Section 8. Effective Date.** This Resolution shall become effective immediately upon adoption hereof.

[THIS SPACE INTENTIONALLY LEFT BLANK]

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2020.

The foregoing resolution was offered by Councilmember \_\_\_\_\_ who moved its adoption. The motion was seconded by \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

**FINAL VOTE AT ADOPTION**

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

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

Attest:

Approved as to Form and Legal Sufficiency

\_\_\_\_\_  
Gina Inguanzo  
TOWN CLERK

\_\_\_\_\_  
Raul Gastesi  
GASTESI, LOPEZ & MESTRE, PLLC  
TOWN ATTORNEY

EXHIBIT A  
SITE PLAN

EXHIBIT B

SURVEY

EXHIBIT C

RENDERING