

TOWN OF MIAMI LAKES
PLANNING AND ZONING BOARD
PZB NO: 2

AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, GRANTING A CONDITIONAL USE REQUEST PURSUANT TO THE TOWN LAND DEVELOPMENT CODE TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FROM A PROPOSED RESTAURANT THAT IS WITHIN 2,500 FEET OF A CHURCH OR SCHOOL AND IS WITHIN 1,500 FEET OF ANOTHER LICENSED ALCOHOLIC BEVERAGE ESTABLISHMENT, FOR PROPERTY LOCATED AT 15251 NW 67 AVENUE, MIAMI LAKES, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Applicant: RPC Contractors, Inc.
Folio: 32-2024-033-0010
Location: 15251 NW 67 Avenue
Miami Lakes, FL 33014
Case No: PZHA-10-08

Request: A conditional use to allow the sale of alcoholic beverages from a proposed restaurant that is within 2,500 feet of a church or school and is within 1,500 feet of another licensed alcoholic beverage establishment. (Sections 33-150(A) and 33-150(B) of the Code of Ordinances of the Town of Miami Lakes)

Section 1. Findings

In accordance with Division 3.3 of the Town Land Development Code, the Planning and Zoning Board finds that the Applicant meets the criteria in Division 3.3(c), 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 2. Grant

Per the Town of Miami Lakes Land Development Code, Article 3, following notice and public hearing on Tuesday, November 16, 2010, upon findings outlined herein, the conditional use request to allow the sale of alcoholic beverages from a proposed restaurant that is within 2,500 feet of a church or school and is within 1,500 feet of another licensed alcoholic beverage establishment is hereby granted subject to the conditions herein.

Section 3. Conditions

1. 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 of this approval is not granted within the prescribed time limit then, this approval shall become null and void.
2. The Applicant shall obtain a Certificate of Use and Certificate of Occupancy, and promptly renew the same annually, upon compliance with all the terms and conditions of this approval, the same subject to cancellation upon violation of any of the conditions, and if the restaurant use is terminated, the conditional use for the accessory cocktail lounge-bar will automatically expire.
3. The serving of alcohol will only be accessory to and incidental to the sale of food. Should the restaurant use be terminated, the conditional use will expire automatically.
4. The premises will not be used primarily for the serving of alcohol, such as in a lounge bar or a night club.
5. The operating hours for the cocktail lounge-bar shall not extend beyond the operating hours of the restaurant.
6. In accordance with Section 33-151(g) of the LDC, no sales of alcohol shall occur on; weekdays except between the hours of 8:00 AM and 1:00 AM on the following day; Saturdays except between the hours of 10:00 AM and 1:00 AM on the following Sunday; Sundays except between the hours of 1:00 PM and 1:00 AM on the following Monday. Sales of alcoholic beverages for consumption off the premises shall not be permitted.

Section 4. Appeal

In accordance with Division 3.10 of the Town LDC, the Applicant, or any aggrieved property owner, may appeal the decision of the Planning and Zoning Board 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 5. Violation of Conditions.

Failure to adhere to the terms and conditions contained in this Order in Section 3, 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 Order. 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 Order 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. Effective Date.

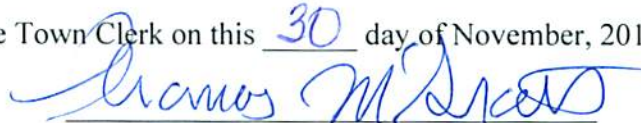
This Order shall take effect 30 days following the date it is filed with the Town Clerk. If during that time frame, the decision of the Planning and Zoning Board is appealed as provided in the Town LDC and the Florida Rules of Appellate Procedure, the appeal shall stay the effectiveness of this Order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

The foregoing Order was adopted by motion as provided herein by Board member De La Sierra and seconded by Board member Lopez by a vote of 5-0 with each Planning and Zoning Board member voting as follows:

Chair Thomas McGrath	<u>Yes</u>
Vice-Chair Sean Schwinghammer	<u>Absent</u>
Board member George Lopez	<u>Yes</u>
Board member Humberto Garcia	<u>Yes</u>
Board member Ameli Padron-Fragetta	<u>Yes</u>
Board member Raul De La Sierra	<u>Yes</u>

PASSED AND ADOPTED this 16th day of November, 2010.

This Order was filed in the Office of the Town Clerk on this 30 day of November, 2010.



THOMAS MCGRATH
Chair, Planning and Zoning Board

ATTEST:



MARJORIE TEJEDA
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

FOR USE ONLY BY THE TOWN OF MIAMI LAKES:

Kathryn M. Meloffey
WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, P.L.
TOWN ATTORNEY