

RESOLUTION NO. 17-1439

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 THE EXPANSION OF A RELIGIOUS INSTITUTION; APPROVING A REQUEST IN ACCORDANCE WITH SECTION 13-304 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A SITE PLAN APPROVAL; SUBMITTED FOR PROPERTY LOCATED AT 6250 MIAMI LAKES DRIVE, MIAMI LAKES, FLORIDA, FOLIO NUMBER 32-2024-008-1300, IN THE GU ZONING DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR APPROVAL WITH A MODIFICATION; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR APPEAL; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pursuant to Sections 13-303 and 13-304 of the Town of Miami Lakes (“Town”) Land Development Code (“LDC”), Elevate Church, Inc. (the “Applicant”) has applied to the Town for approval of a Conditional Use to allow expansion of a religious facility, and site plan approval to construct a 16,813 square foot sanctuary and associated site improvements, in the GU (Government Use) Zoning District, for property located at 6250 Miami Lakes Drive, Miami Lakes, Florida, Folio # 32-2024-008-1300; 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, Section 13-304 of the Town LDC sets forth the authority of the Town Council to consider and act upon the subject application for site plan approval; and

WHEREAS, in accordance with Subsection 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 quasi-judicial public hearing on the proposed Conditional Use and Site Plan was noticed for and held on Tuesday, April 18, 2017, 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 with a modification, subject to conditions, of the request for a Conditional Use and Site Plan 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.

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.

Based on the submitted written and oral testimony of staff, the Applicant, and other individuals and expert witnesses at the duly noticed quasi-judicial public hearing of April 18, 2017, the Town Council finds the applications for conditional use and site plan are conditionally consistent with:

A. Section 13-303, that the Conditional Use application, 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;

And,

B. With Section 13-304, that the site plan application, subject to the conditions in Section

5 below, meets the criteria for a site plan approval, which are as follows:

1. 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.
2. In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.
3. In what respects the plan is or is not in conformance with the Town requirements including the design and construction of streets, utility facilities and other essential services.
4. 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. Relationship to adjoining properties, including the arrangement of buildings and landscape to produce spatial relationships that are compatible with, and complementary to, the development and zoning in adjoining areas.
 - 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.
 - c. 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.
 - d. 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.
 - e. Appropriate scale of proposed structures to be compatible with and complementary to existing, permitted or planned uses on adjoining properties and in the immediate area.
 - f. 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.
 - g. Service areas which may be provided shall be screened and so located as not to be visible from the public right-of-way and other properties.

- h. Design of the site shall ensure adequate access for emergency vehicles and personnel.
 - i. Design of the site shall utilize strategies to provide for the conservation of energy and natural resources, including water.
5. 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.

Section 3. Approval. The applications for a conditional use and site plan to construct a 16,813 square foot sanctuary and associated site plan improvements for the Plans titled “Elevate Church”, as prepared by Jose Gomez, from Beilinson Gomez Architects, consisting of 17 pages, dated stamped received March 14, 2017, is hereby conditionally approved with modifications as follows:

Modifications:

1. Provide a five (5) foot easement along the north and east frontages adjacent to the existing five (5) foot sidewalk, for the Town, at some later date, to expand the overall width of the sidewalk to a total of ten (10) feet. Town shall hold harmless the property owner for any portions of sidewalk constructed within the easement.
2. Modify the proposal to use structural soil and sod instead of asphalt at the rear driveway and overflow parking area, and add removable traffic blocking devices to discourage use of the driveway at non-peak times.

Conditions:

1. All open building permits and code violations shall be satisfied and all liens shall be cured prior to issuance of an approval on this application.
2. Contribute \$37,136.16 towards a mobility fee as provided by Division 2 of the LDC in order to mitigate any traffic impacts, or file with the Administrative Official an alternative trip generation study, as provided under Section 13-2005(b)(3). Mobility fee shall be paid prior to issuance of any permit associated with the improvements granted by this development order.
3. Install traffic calming features along Egan Lane, to discourage cut-through traffic, as may be determined by the process available through the Town’s Public Works Department.
4. Site Plan approval herein is for those plans shown in Exhibit A.
5. Any special events shall require the Special Event Permit from the Town.

6. The Applicant shall obtain all required building permits and a CU for all request(s) approved herein, within eighteen (18) months of the date of this approval. If all required building permits and a CU are not obtained or an extension granted within the prescribed time limit, this approval shall become null and void.
7. All special events shall require a special event permit.

Section 4. Violations 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 must comply with all other applicable requirements of the Town LDC before he may commence operation, and 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 person may appeal the decision of the Town Council by filing of a notice of appeal or writ of certiorari in accordance with the Florida Rules of Appellate Procedure.

Section 6. Final Order

This is a Final Order.

Section 7. Effective Date. This Resolution shall take effect immediately upon its adoption.

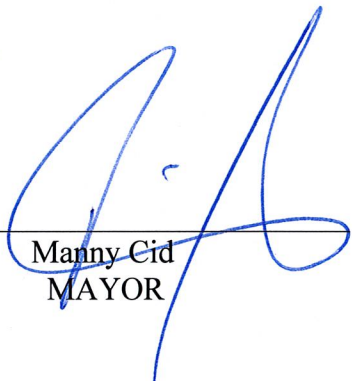
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PASSED AND ADOPTED this 18th day April, 2017.

Motion to adopt by Councilmember Mingo, second by Vice Mayor Lama.

FINAL VOTE AT ADOPTION

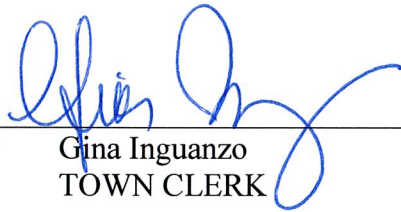
Mayor Manny Cid	<u>yes</u>
Vice Mayor Tony Lama	<u>yes</u>
Councilmember Luis Collazo	<u>yes</u>
Councilmember Tim Daubert	<u>yes</u>
Councilmember Ceasar Mestre	<u>absent</u>
Councilmember Frank Mingo	<u>yes</u>
Councilmember Nelson Rodriguez	<u>yes</u>



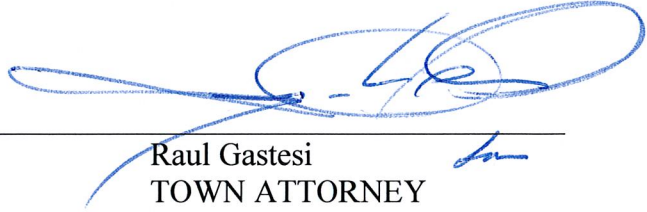
 Manny Cid
 MAYOR

Attest:

Approved as to Form and Legal Sufficiency

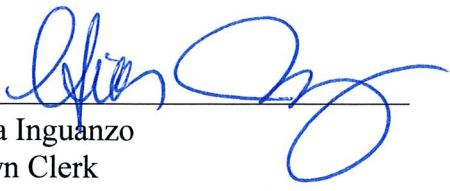


 Gina Inguanzo
 TOWN CLERK



 Raul Gastesi
 TOWN ATTORNEY

This Resolution was filed in the Office of the Village Clerk on this 25 day of May, 2017.



 Gina Inguanzo
 Town Clerk