

RESOLUTION NO. 2017-63

ZONING APPLICATION VPB-14-002

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; GRANTING THE ZONING APPLICATION OF GRACE PENTECOSTAL CHURCH OF MIAMI, INC.; REDUCING THE REQUIRED SOUTHSIDE SETBACK FOR A PLACE OF WORSHIP FROM 50 FEET TO .5 FEET, AND THE WEST SIDE SETBACK FROM 50 FEET TO 42 FEET; AND ESTABLISHING A PLACE OF WORSHIP AND APPROVING THE SITE PLAN FOR THE PROPERTY LOCATED AT 17510 SOUTH DIXIE HIGHWAY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Applicant, Grace Pentecostal of Miami, Inc., made an application pursuant to Division 30-110, of the Village’s Code of Ordinances, to establish a place of worship for the property located at 17510 South Dixie Highway, the application includes a variance setback request to reduce the required interior setback (west) for places of worship from 50 feet to 42 feet, a variance setback request to reduce the required interior setback (south) for places of worship from 50 feet to .5 feet and a request to approve their site plan pursuant to Section 30-30.5; and

WHEREAS, the criteria the Village Council is to consider regarding the establishment of places of worship are found at Division 30-110; the criteria for variances is found at Section 30-30.6(e); and the criteria for site plans is found at Section 30-30.5(j)(1); and

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Village Hall, 9705 East Hibiscus Street on May 2, 2016; and

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for variances, site plan and establishment of use is consistent with the Village of Palmetto Bay Comprehensive Plan and the applicable Land Development Regulations; and

WHEREAS, based on the foregoing finding, the Mayor and Village Council determined to grant the application, as provided in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. Public Hearing. A public hearing on the present application was held on April 18, 2016 in accordance with the Village's “Quasi-judicial hearing procedures.” Pursuant to the testimony and evidence presented during the hearing, the Village Council makes the following findings of fact, conclusions of law and final order.

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Section 2. Findings of fact.

- a. The requested variance is consistent with the criteria at 30-30.6(e) in that the requested setbacks are consistent with the development pattern of the Downtown Urban Village district.
- b. The requested site plan, together with the requested setback variances, are consistent with the criteria at section 30-30.5(j)(1) and are consistent with the Village’s Comprehensive Plan.
- c. The request to establish a place of worship, together with the requested setback variances and site plan, are consistent with the development standards provided at Division 30-110, and are consistent with the Village's Comprehensive Plan.
- d. The Applicant's traffic study indicates that the number of trips generated by the proposed use does not cause the adjacent roadway to exceed the maximum capacity thresholds established by Miami-Dade County. The Village’s Public services department and the Village’s traffic engineering consultant both accept this finding with conditions as noted in the staff report.
- e. The Village Council accepts the findings of staff as it relates to compliance with of the Land Development Code, the Comprehensive Plan, and the findings of the traffic study as confirmed by the Village’s Public Services Department and the Village’s traffic engineering consultant.
- f. The Village adopts and incorporates by reference the Planning & Zoning Department staff report, which expert report is considered competent substantial evidence.
- g. The Village Council did not have any substantive disclosures regarding ex-parte communications and the applicant did not raise any objections as to the form or content of any disclosures by the Council.
- h. The applicant has agreed to all proposed modifications and conditions in the Section entitled, “Order.”

Section 3. Conclusions of law.

The variances were reviewed pursuant to section 30-30.6(e) and found to be consistent therewith; the site plan was reviewed pursuant to section 30-30.5(j)(1) and found to be consistent therewith; and the request to establish a place of worship was reviewed pursuant to Division 30-110 and was found to be consistent therewith.

Section 4. Order.

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1 The Village Council grants the requested variances, site plan, and establishment of a place of
2 worship for the property located at 17510 South Dixie Highway and associate plans entitled
3 Proposed Grace Pentecostal Church as prepared by Charles Mitchell, consisting of 4 sheets, dated
4 stamped received 2/25/14.

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6 **This is a final order.**

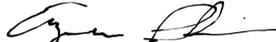
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8 **Section 5. Record.**

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10 The record shall consist of the notice of hearing, the applications, documents submitted by
11 the applicant and the applicants' representatives to the Village of Palmetto Bay Department of
12 Planning and Zoning in connection with the applications, the county recommendation and attached
13 cover sheet and documents, the testimony of sworn witnesses and documents presented at the
14 quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by
15 the Village Clerk.

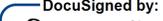
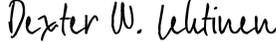
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17 **Section 6.** This resolution shall take effect immediately upon approval.

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19 PASSED and ADOPTED this 17th day of April, 2017.

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22 Attest: 
23 
24 8EDC211E5E8C48C...
25 Missy Arocha
26 Village Clerk



3B8854AD569F494...
Eugene Flinn
Mayor

27 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
28 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

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30 
31 
32 1B1D06E71321445...
33 Dexter W. Lehtinen
34 Village Attorney

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36 FINAL VOTE AT ADOPTION:

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38 Council Member Karyn Cunningham YES
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40 Council Member David Singer YES
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42 Council Member Larissa Siegel Lara YES
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44 Vice-Mayor John DuBois YES
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46 Mayor Eugene Flinn YES