

RESOLUTION NO. 2022-64

ZONING APPLICATION: VPB-22-003

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO ZONING;; PURSUANT TO DIVISION 30-110 STYLED “RELIGIOUS FACILITIES, PRIVATE SCHOOLS, CHILD CARE FACILITIES, AND OTHER NON-GOVERNMENTAL PUBLIC ASSEMBLY USES” AND SECTION 30-50.23.3-02.1 STYLED “MAIN STREET SECTOR”; AUTHORIZING THE ESTABLISHMENT OF A ONE THOUSAND THREE HUNDRED NINETY-FOUR (1,394) SQ. FT. NON-PROFIT 501(C)(3) RELIGIOUS FACILITY, AMAR JYOTI MANDIR OF FLORIDA, INC., WITHIN THE VILLAGE LOCATED AT 9720 E. HIBISCUS STREET, CONTAINING FOURTEEN THOUSAND FIVE HUNDRED (14,500) SQUARE FEET; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 1, 2022 the Village of Palmetto Bay received an application by Ramraj Sewnarine requesting the approval for application VPB-22-003 for a change of use to establish a non-profit 501(C)(3) Religious Facility, Amar Jyoti Mandir of Florida, Inc., proposing an 1,394 sq.ft. interior assembly area, with a maximum capacity of twenty (20) patrons, to operate between the hours of 6:00am to 10:00pm on a daily basis, consistent with Division 30-110 “Religious Facilities, Private Schools, Child Care Facilities, and Other Non-Governmental Public Assembly Uses “ and Section 30-50.23.3-02.1 “Main Street Sector”; and

WHEREAS, the subject property is located at 9720 E. Hibiscus Street, identified with folio number: 33-5032-004-3080; and

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Village Hall, 9705 East Hibiscus Street on July 18, 2022; and

WHEREAS, the Mayor and Village Council found, based on substantial competent evidence in the record, that the application for the change of use to establish a non-profit 501(C)(3) Religious Facility consistent with the Village of Palmetto Bay Comprehensive Plan and the applicable Land Development Regulations; and

1 **WHEREAS**, based on the foregoing finding, the Mayor and
2 Village Council determined to grant approval for the application, as
3 provided in this Resolution.

4
5 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**
6 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,**
7 **FLORIDA, AS FOLLOWS:**

8
9 **Section 1.** A public hearing on the present application was held
10 on July 18, 2022, in accordance with the Village's "Quasi-judicial
11 Hearing Procedures". Pursuant to the testimony and evidence
12 presented during the hearing, the Village Council makes the following
13 findings of fact, conclusions of law and final order.

14
15 **Section 2.** Findings of fact.

16
17 1. That the subject property is located at 9720 E. Hibiscus Street).

18
19 2. After hearing testimony from Village Staff, the applicant and
20 owner and the public, the Village Council accepted the findings of
21 Village Staff as it relates to compliance with the following provisions of
22 the Village's Code of Ordinances: Division 30-110 "Religious Facilities,
23 Private Schools, Child Care Facilities, and Other Non-Governmental
24 Public Assembly Uses " and Section 30-50.23.3-02.1 "Main Street
25 Sector".

26
27 3. The application to establish a non-profit 501(C)(3) Religious
28 Facility is consistent with the Village's Comprehensive Plan, as further
29 specified in the Planning and Zoning Division Staff Report.

30
31 4. The Village Council adopts and incorporates by reference the
32 Planning and Zoning Division Staff Report, which expert report is
33 considered competent substantial evidence.

34
35 **Section 3.** Conclusions of Law.

36
37 The application to establish a non-profit 501(C)(3) Religious
38 Facility was reviewed pursuant to Division 30-110 "Religious Facilities,
39 Private Schools, Child Care Facilities, and Other Non-Governmental
40 Public Assembly Uses " and Section 30-50.23.3-02.1 "Main Street

1 Sector” of the Village’s Code of Ordinances and was found to be
2 consistent.

3

4 **Section 4.** Order.

5

6 The Village Council approves the application to establish a non-profit
7 501(C)(3) Religious Facility Expansion, Amar Jyoti Mandir of Florida,
8 Inc., located at 9720 E. Hibiscus Street, identified with folio number: 33-
9 5032-004-3080 consistent with Division 30-110 “Religious Facilities,
10 Private Schools, Child Care Facilities, and Other Non-Governmental
11 Public Assembly Uses “ and Section 30-50.23.3-02.1 “Main Street
12 Sector” of the Village Zoning Code with the following condition:

13

- 14 1. Two (2) additional parking spaces for a total of thirteen (13) parking
15 spaces, must be constructed on the subject property, pursuant to
16 Table 7 of Section 30-50.23.2-08(I), with an approved
17 Administrative Site Plan application, Building Permit and Final
18 Inspection before the religious facility can officially open and
19 operate.

20

21 **THIS IS A FINAL ORDER.**

22

23 **Section 5.** Record.

24

25 The record shall consist of the notice of hearing, the Planning and
26 Zoning Division Staff Report, the application, all documents submitted
27 by the applicant and the owner in connection with the application, the
28 testimony of sworn witnesses and documents presented at the quasi-
29 judicial hearing, and the tape and minutes of the hearing. The record
30 shall be maintained by the Village Clerk.

31

32 **Section 6.** This Resolution shall be recorded on the public
33 records of Miami-Dade County and returned to the Village’s Department
34 of Community and Economic Development.

35

36 **Section 7.** This Resolution shall take effect immediately upon
37 approval.

38

39

40

1 **PASSED AND RESOLVED** this 18th day of July 2022.

2

3 **Attest:**

4

5

6

DocuSigned by:
Missy Arocha

Missy Arocha
Village Clerk

DocuSigned by:
Karyn Cunningham

Karyn Cunningham
Mayor

10

11 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

12

13

14

DocuSigned by:
John C. Dellagloria, Esq.

John C. Dellagloria
Village Attorney

18

19

20 **FINAL VOTE AT ADOPTION:**

21

22 Council Member Patrick Fiore ABSENT

23

24 Council Member Steve Cody YES

25

26 Council Member Marsha Matson YES

27

28 Vice-Mayor Leanne Tellam YES

29

30 Mayor Karyn Cunningham YES