

VILLAGE OF EL PORTAL, FLORIDA

RESOLUTION NO. 2018-19

A RESOLUTION OF THE VILLAGE COUNCIL OF EL PORTAL, FLORIDA GRANTING SPECIAL EXCEPTION FOR A PLACE OF ASSEMBLY, ENTERTAINMENT ESTABLISHMENT AND AN ALCOHOL BEVERAGE SERVICE ESTABLISHMENT WITHIN THE EXISTING BUILDING STRUCTURE AT 205 NE 87TH STREET IN ZONE 4, MAIN STREET ZONE, IN THE VILLAGE OF EL PORTAL KNOWN AS "THE SANCTUARY" ON APPLICATION BY THE SANCTUARY IN EL PORTAL, LP: PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for Special Exception for a place of assembly, entertainment establishment and an alcohol beverage service establishment known as "The Sanctuary" has been submitted by Sanctuary in EL Portal, LP ("Applicant") pursuant of Section 17.59 of the Village of El Portal Code of Ordinances; and

WHEREAS, an Ordinance to amend the hours of sale of alcohol beverages within the Village of El Portal has been proposed and approval is required for the operation of The Sanctuary as an alcohol beverage establishment; and

WHEREAS, the existing structure that will serve as the location for The Sanctuary was previously used as a religious facility; and

WHEREAS, the proposed mixed-use project is located in Transect Zone 4 – Main Street Zone of the Village of El Portal and consists of small scale mixed-use development with a range of building types; and

WHEREAS, the application proposes a development comprising of re-using and making modifications to the existing building to house approximately 10,617 square feet of office use, 2,713 square feet of retail space, a 3,524 square-foot restaurant, and approximately 4,776 square feet of multi-purpose event space with a capacity of 308 people for concerts, lectures, and other events within the pre-existing and renovated church structure of the property; and

WHEREAS, in order to achieve the proposed development, the application requests a special exception; and,

WHEREAS, in accordance with Section 17-64 of the Village Code, the Village Council noticed public hearings for May 15, 2018 at 7:00 P.M. and June 26, 2018 at 7:00 P.M. at Village Hall, 500 N.E. 87th Street, El Portal, Florida 33138 and all interested parties have had the

opportunity to address their comments to the Village Council;

WHEREAS, in accordance with Section 17-64 of the Village Code, the Planning and Zoning Committee held a public hearing on May 15, 2018 at 7:00 P.M. at Village Hall, 500 N.E. 87th Street, El Portal, Florida 33138, which conducted a public hearing and recommended approval of the application to the Village Council;; and

WHEREAS, the Village Council has considered the application, the requirements of Section 17-59 Requirements and Procedures for Site Plan and Special Exceptions of the Village of El Portal Code of Ordinances, the recommendation of the Planning and Zoning, comments from consultants, and public comments; and

WHEREAS, the Village Council finds that the proposed project has met the standards and conditions set forth in Section 17-59 Requirements And Procedures for Site Plan and Special Exceptions of the Village of El Portal Code of Ordinances; and

WHEREAS, the Village Council has considered the possible impact the proposed project may have on the community and required a follow-up study including an updated traffic report within a year of issuance of the first Certificate of Use to ascertain the impact of the project on its surrounding neighborhood.

NOW THEREFORE, BE IT DULY RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals.

The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

Section 2. Finding.

In accordance with Section 17-59 of the Village Code, the Village Council finds that the proposed Site Plan to re-use and modify the existing building to provide for approximately 10,617 square feet of office use, 2,713 square feet of retail space, a 3,524 square foot restaurant, and approximately 4,776 square feet of multi-purpose event space with a capacity of 308 people for concerts, lectures, and other events:

A. prevents adverse visual impacts and the impact of intensity of the proposed use of adjacent lands; and

B. provides sufficient setbacks, open space, and landscaping in order to protect and enhance the appearance and character of the neighborhood; and

C. can be accommodated by the existing community roads, services, and utilities, or the necessary additions are provided by the Applicant; and.

D. provides sufficient parking and loading facilities so that it will not be necessary to use the streets in the vicinity for this purpose.

Section 3. Grant.

The Village Council hereby grants Special Exception for a place of assembly, entertainment establishment and an alcohol beverage service establishment to The Sanctuary in El Portal LP, owner of the property located at 205 NE 87th Street, El Portal, Florida 33138.

Section 4. Conditions.

The Special Exception is granted with the condition that the following items are met prior to issuance of a Building Permit:

- A. payment of the Village's costs in the amount of \$20,360.50; and.
- B. building permits and related approvals must be obtained from the Building Official prior to commencement of construction; and
- C. grant of this special exception does not in any way create a right on the part of the Applicant to obtain a permit from a state or federal agency and does not create liability on the part of the Village for approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of federal or state law; and
- D. all applicable state and federal permits must be obtained before commencement of construction; and
- E. a follow-up study, including an updated traffic report, shall be conducted one year after issuance of the first Certificate of Use to ascertain the impact of the project on the neighborhood and to adjust the hours of operation of the events to be consistent with the intent of Chapter 13 of the Village of El Portal Code (2018).
- F. applicant acknowledges that the proposed re-development of The Sanctuary is meant to be an economic catalyst for the Village of El Portal 2nd Avenue Corridor and for the residents residing within the area. As such, Applicant agrees to aspire to have tenants and/or businesses included within the tenants of the development that are local in nature from the South Florida area or that promote the arts and/or vision of the Village of El Portal Comprehensive Plan.
- G. this Resolution shall be recorded with the County Recorder's Office, Miami-Dade County Clerk of the Court.

Section 5. Appeal.

The Applicant or any aggrieved property owner may appeal the decision of the Village Council 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 6. Violation of Conditions.

Failure to adhere to the terms and conditions contained in this Resolution in Section 4, if any, shall be considered a violation of this Resolution and persons found violating the conditions shall be subject to the penalties prescribed by the Village Code, 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 Village Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Village at any time upon a determination that the Applicant is in non-compliance with the Village Code.

Section 7. Effective Date.

This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Village Council of the Village of El Portal Florida, this 24 day of July, 2018.

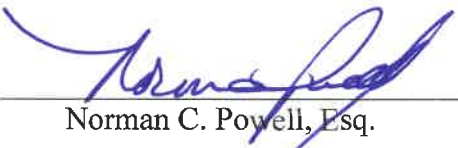


Claudia Cubillos, Mayor

ATTEST: 

Yenise Jacobi, Village Clerk

Approved as to form and legal sufficiency:
Interim Village Attorney

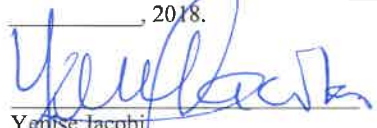
By: 

Norman C. Powell, Esq.

Vote:

Councilperson Mathis: (Yes) ____ (No)
Councilperson Dreher: (Yes) ____ (No)
Councilperson Roman: (Yes) ____ (No)
Vice Mayor Nickerson.: (Yes) ____ (No)
Mayor Cubillos: (Yes) ____ (No)

I, Yenise Jacobi, Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2018-__ adopted on July __, 2018, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this ____ day of _____, 2018.



Yenise Jacobi
Village Clerk