

RESOLUTION NO. 17- 2442

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SPECIAL EXCEPTION WITH CONDITIONS TO PERMIT AN AFTER SCHOOL PROGRAM AT CASA DE JESUS, LOCATED AT 228 89TH STREET IN THE TOWN OF SURFSIDE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

I. RECITALS.

WHEREAS, CASA DE JESUS, INC. (“Applicant”), owner of the church property located at 228 89th Street, Surfside, FL 33154, with a Folio number of 14-2235-05-0300 and general location of the southeast corner of 89th Street and Harding Avenue Surfside, FL, (the “Property”) submitted an Application on November 1, 2016, requesting approval from the Town of Surfside, Florida for the use of the Property for an after school care program to serve 30 children ages 4-10; and

WHEREAS, the Property is zoned as H-30C but a preschool or after day care program is not specifically listed as a permitted use in the zoning district; and

WHEREAS, Section 90-37 of the zoning code provides that a use not specifically listed in the zoning regulations may be approved as a special exception by the Town Commission after recommendation by the Planning and Zoning Board; and

WHEREAS, the legal description of the Property is as follows in Attachment “A” “Legal Description”, incorporated herein; and

WHEREAS, on February 7, 2017, the Town’s Development Impact Committee, after notice posted on the Town’s website, met in a televised meeting, reviewed and discussed the Application and provided guidance to the Applicant regarding the criteria set forth in the Town’s Zoning Code; and

WHEREAS, on May 25, 2017, the Planning & Zoning Board, at a duly noticed and televised quasi-judicial public hearing, after reviewing the Application and hearing from its professional staff, the Applicant, and members of the public, considered the requirements of the Town Zoning Code and the Application’s consistency with the Town of Surfside Comprehensive Plan and recommended the Application for approval with conditions by the Town Commission; and

WHEREAS, on July 11, 2017 the Town Commission, at a duly noticed and televised quasi-judicial public hearing, reviewed the Application from its professional staff, the Applicant, and members of the public, and considering the recommendation of the Planning & Zoning Board, the requirements of the Town Zoning Code, the Application’s consistency with the Town of Surfside’s Comprehensive Plan, and the substantial competent evidence presented at the hearing.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPLICABLE TO APPLICANT, ITS SUCCESSORS AND/OR ASSIGNS, AS FOLLOWS:

I. INCORPORATION OF RECITALS AND FINDINGS OF FACT.

A. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.

B. The Town Commission finds that the proposed after school program, as conditioned herein, is in compliance with the requirements and criteria set forth in the applicable Town Code and the Comprehensive Plan, and approves the after school program with a maximum of 30 children at the existing Casa de Jesus Church as a special exception use.

III. APPROVAL AND CONDITIONS OF APPROVAL.

A. The Applicant's request for approval of the after school program, with a maximum of 30 children at the existing Casa de Jesus Church, is granted as a special exception with conditions.

B. The following are conditions of approval:

1. The Applicant shall ensure that staff members of the after-school program shall park in the southern area of the parking lot on the Property, as indicated on the attached plans (Attachment B), to keep other spaces open and to allow for greater efficiency (less turnover) in the drop-off/pick-up area. The applicant shall provide vehicle stickers to each member of its staff to provide monitoring of this condition and provide a copy of the sticker to the Police Chief or designee.
2. The Applicant shall ensure that the after-school program shall conclude in the evenings at least one (1) hour before the start of any other events (such as worship services) on the Property.
3. The Applicant shall offer a shuttle service to pick up students for the after-school program.
4. In order to demonstrate that the Property can accommodate the after-school program, for the first 12 months of operation following approval of the use by the Town, a maximum of 20 students shall be permitted. At any time after the first 12 months of operation, the Applicant may apply to the Town Manager for approval of up to 10 additional students, for a maximum total of 30 students. The Applicant's application for additional students shall include a traffic study demonstrating there is sufficient parking and stacking to accommodate the requested increased enrollment. The Town Manager shall consider the findings of the study, and provide notice of his intended decision to the Commission in his Town Manager

Report. The Commission, may upon request approved by three members of the Town Commission, require a quasi-judicial hearing of the request. If the request is not pulled from the Town Manager's report and a review by the Town Commission approved by three members of the Town Commission, the Town Manager shall proceed with his recommendation on the application.

5. Upon request of the Town Manager, the applicant shall provide, at its expense, an off duty Police Officer, at the times designated by the Town Manager, to assist with traffic flow during pick-up and drop-off times.

IV. SEVERABILITY CLAUSE.

In the event any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no way affect the remaining portions of this Resolution, which shall remain full force and effect.

V. EFFECTIVE DATE.

This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 11th day of July, 2017.

Motion by Vice Mayor Cohen

Second by Commissioner Gielchinsky

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky
Commissioner Michael Karukin
Commissioner Tina Paul
Vice Mayor Barry Cohen
Mayor Daniel Dietch

yes
yes
yes
yes
yes



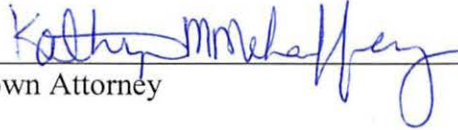
Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, MMC
Town Clerk

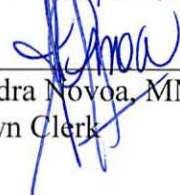
**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR
THE TOWN OF SURFSIDE ONLY:**


Town Attorney

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Sandra Novoa, MMC, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. 17-~~2442~~ adopted by the Town Commission at its meeting held on the 11 day of July, 2017.

Issued: 7/25/2017


Sandra Novoa, MMC
Town Clerk