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RESOLUTION NO 2014-68

ZONING APPLICATION VPB-14-003

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING WITH CONDITIONS THE ESTABLISHMENT OF A FIRE RESCUE FACILITY AND ASSOCIATED SITE PLAN FOR THE PROPERTY LOCATED AT 14200 OLD CUTLER ROAD; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, quick and responsive fire rescue services are essential to ensure the health, life and safety to the citizens it serves; and

WHEREAS, Miami-Dade Fire Rescue has identified the need to locate a fire rescue facility in the northeast quadrant of the Village of Palmetto Bay in order to reduce rescue response times; and

WHEREAS, for nearly ten (10) years, the Miami-Dade Fire Rescue Department and the Village of Palmetto Bay have collaborated to identify and secure a fire rescue facility on the northeast side of the Village; and

WHEREAS, after several attempts throughout that area, Miami-Dade Fire Rescue Department found a willing seller at 14200 Old Cutler Road to locate a fire rescue facility that meets their requirements to accommodate such a facility and reduce response times; and

WHEREAS, the Mayor and Village Council desire to approve the establishment of a fire rescue facility and associated site plan for the property located at 14200 Old Cutler Road.

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

Section 1. A hearing on the present application was held on September 22, 2014, in accordance with section 30-50.21 of the Village's Code of Ordinances. Pursuant to the hearing, the Mayor and Village Council make the following findings of fact, and conclusions of law.

Section 2. Findings of fact.

1. The subject property is located at 14200 Old Cutler Road, Palmetto Bay, Florida.
2. The above whereas clauses incorporated herein are true.
3. The requested site plan is consistent with the Village's Comprehensive Plan, as further specified in the Analysis Section of the Village's Staff report.

1 4. The rules that govern the conditions upon which a public facility is established are
2 located at Section 30-50-21. After hearing the Applicant and applicant's experts, the Village Council
3 found the request consistent with those standards and requested a conditional approval.
4

5 5. The Village Council accepts the findings of staff as so presented in the written
6 analysis and as presented at the hearing as it relates to compliance with the Village's Code, and the
7 findings of the Village's Public Works Department, and the email from the Traffic Engineering
8 Division of Miami-Dade County.
9

10 6. The Village adopts and incorporates by reference the Planning & Zoning
11 Department staff report, which expert report is considered competent substantial evidence.
12

13 7. The Village Council did not have any substantive disclosures regarding ex-parte
14 communications and the applicant did not raise any objections as to the form or content of any
15 disclosures by the Council.
16

17 8. The Applicant has agreed to all proposed modifications and conditions in the
18 Section entitled, "Order."
19

20 **Section 3. Conclusions of law.**
21

22 1. The Application is in compliance with the adopted 2009 Village of Palmetto Bay
23 Comprehensive Plan and Future Land Use Map.
24

25 2. The standard of review for a public (fire rescue) facility is found at 30-50.21 of the
26 Village of Palmetto Bay's Land Development Code. The Applicant's request to establish a fire
27 rescue station is in compliance with the applicable standards, as conditioned below.
28

29 **Section 4. Order.**
30

31 The Village Council, pursuant to Section 30-50.21, of the Land Development Code,
32 approves the plans entitled "Fire Station No. 62.", as prepared by Angel H. Lamela, date stamped
33 August 14, 2014, with the following conditions:
34

- 35 1) The placement of the dumpster shall be moved off the NW property line (adjacent to a
36 residential home) and placed closer to the fire rescue building.
- 37 2) The proposed gate shall be shifted further into the property to prevent any portion of the
38 truck from encroaching into the paved roadway surface area.
- 39 3) The application shall comply with any recommendations provided by the Village of Palmetto
40 Bay's Department of Public Works.
- 41 4) The fire rescue facility shall utilize "Quiet Running" procedures to minimize noise impacts
42 to the neighborhood.
- 43 5) Additional landscaping shall be applied along the north property line to soften and screen
44 the fire rescue facility from the adjacent neighborhood.

1 6) No action shall be taken by Miami-Dade Fire Rescue Department until such time that the
2 Mayor and Village Council have the opportunity to consider an alternate site located at
3 14401 Old Cutler Road.
4

5 This is a final order.
6

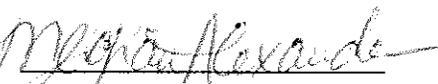
7
8 **Section 5. Record.**
9

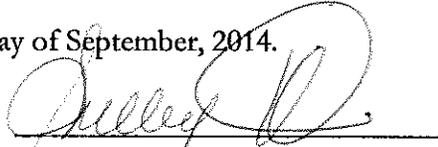
10 The record shall consist of the notice of hearing, the application, documents submitted by
11 the Applicant and the Applicant's representatives to the Village of Palmetto Bay Planning and
12 Zoning Department in connection with the applications, the Village's recommendation and attached
13 cover sheet 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.
16

17 **Section 6.** This resolution shall take effect immediately upon approval.
18

19
20 PASSED and ADOPTED this 23rd day of September, 2014.

21
22 Attest:

23 
24 Meighan Alexander
25 Village Clerk

26 
27 Shelley Stanczyk
28 Mayor

29 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
30 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
31

32 
33 Dexter W. Lehtinen
34 Village Attorney
35

36
37 FINAL VOTE AT ADOPTION:
38

39 Council Member Patrick Fiore YES
40

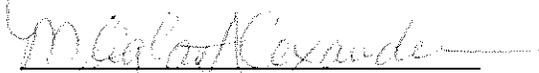
41 Council Member Tim Schaffer YES
42

1 Council Member Joan Lindsay YES

2
3 Vice-Mayor John DuBois YES

4
5 Mayor Shelley Stanczyk YES

6
7
8 This Resolution was filed in the Office of the Village Clerk on this 25th day of September, 2014.

9
10 

11 Meighan Alexander
12 Village Clerk

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