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RESOLUTION NO. 2015-48

ZONING APPLICATION VPB-15-004

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING WITH CONDITIONS A TEMPORARY FIRE RESCUE FACILITY USE AND SITE PLAN AT 7055 SW 144<sup>TH</sup> STREET; 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 Department 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, the Miami-Dade Fire Rescue Department successfully secured a site and received zoning approvals for the property located at southeast corner of Old Cutler Road and SW 142 Terrace for the purpose of locating a permanent fire rescue facility; and

**WHEREAS,** in light of the immediate public safety demands of the surrounding neighborhood, Miami-Dade Fire Rescue wishes to locate a temporary fire rescue facility at 7055 SW 144<sup>TH</sup> Street in order to reduce response times now until such time that the permanent facility is constructed and operational; and

**WHEREAS,** the Mayor and Village Council desire to approve the establishment of a temporary fire rescue facility and associated site plan for the property located at 7055 SW 144<sup>th</sup> Street, as more specifically described below.

**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 May 18, 2015, 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.

1           **Section 2. Findings of fact.**  
2

3           1.       The subject property is located at 7055 SW 144<sup>th</sup> Street, Palmetto Bay, Florida, as  
4 more specifically described as:

5  
6           W ¼ of S ¼ of SW ¼ of NE ¼ lying east of Ingraham Hwy less east 175 feet of SW  
7           ¼ of SE ¼ of SW ¼ of NE ¼  
8

9           2.       The above whereas clauses incorporated herein are true.  
10

11           3.       The requested site plan is consistent with the Village's Comprehensive Plan, and is a  
12 small scale governmental facility as further specified in the Analysis Section of the Village's staff  
13 report.  
14

15           4.       The rules that govern the conditions upon which a public facility are established is  
16 located at Section 30-50.21. After hearing the Applicant and applicant's experts, the Village Council  
17 found the request consistent with those standards.  
18

19           5.       The Village Council accepts the findings of staff as so presented in the written  
20 analysis and as presented at the hearing as it relates to compliance with the Village's Code, the  
21 findings of the Village's Public Works Department, and the email from the Traffic Engineering  
22 Division of Miami-Dade County.  
23

24           6.       The Village adopts and incorporates by reference the Planning & Zoning  
25 Department staff report, which expert report is considered competent substantial evidence.  
26

27           7.       The Village Council did not have any substantive disclosures regarding ex-parte  
28 communications and the applicant did not raise any objections as to the form or content of any  
29 disclosures by the Council.  
30

31           8.       The Applicant has agreed to all proposed modifications and conditions in the  
32 Section entitled, "Order."  
33

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

36           1.       The Application is in compliance with the adopted 2015, Village of Palmetto Bay  
37 Comprehensive Plan and Future Land Use Map.  
38

39           2.       The standard of review for a public (fire rescue) facility is found at 30-50.21 of the  
40 Village of Palmetto Bay's Land Development Code. The Applicant's request to establish a  
41 temporary fire rescue station is in compliance with the applicable standards, as conditioned in  
42 Section 4 below.  
43

1           **Section 4.    Order.**  
2

3           The Village Council, pursuant to Section 30-50.21, of the Land Development Code,  
4 approves the plans entitled "Proposed temporary trailer for fire station No. 62.", as prepared by  
5 Angel H. Lamela, date stamped April 7, 2015, with the following conditions:  
6

- 7           1) The application shall comply with any recommendations provided by the Village of Palmetto  
8 Bay's Department of Public Works.  
9           2) The fire rescue facility shall utilize "Quiet Running" procedures to minimize noise impacts  
10 to the neighborhood.  
11           3) Additional landscaping shall be applied around the temporary structures and canopy to  
12 soften and screen the fire rescue facility.  
13           4) The facility shall cease to operate, be decommissioned, and the property returned to its prior  
14 condition within six (6) months of the certificate of occupancy of a replacing permanent  
15 facility.  
16

17           This is a final order.  
18

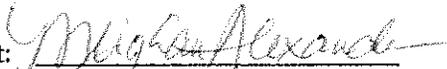
19           **Section 5.    Record.**  
20

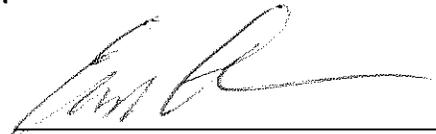
21           The record shall consist of the notice of hearing, the application, documents submitted by  
22 the Applicant and the Applicant's representatives to the Village of Palmetto Bay Planning and  
23 Zoning Department in connection with the applications, the Village's recommendation and attached  
24 cover sheet and documents, the testimony of sworn witnesses and documents presented at the  
25 quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by  
26 the Village Clerk.  
27

28           **Section 6.**    This resolution shall take effect immediately upon approval.  
29

30           PASSED and ADOPTED this 18<sup>th</sup> day of May, 2015.  
31

32  
33           Attest:

34             
35           Meighan Alexander  
36           Village Clerk

37             
38           Eugene Flinn  
39           Mayor

40           APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
41 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:  
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43             
44           Dexter W. Lehtinen  
          Village Attorney

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FINAL VOTE AT ADOPTION:

- Council Member Karyn Cunningham      YES
- Council Member Tim Schaffer            YES
- Council Member Latissa Siegel Lara    YES
- Vice-Mayor John DuBois                YES
- Mayor Eugene Flinn                      YES

This Resolution was filed in the Office of the Village Clerk on this 5<sup>th</sup> day of June, 2015.



Meighan Alexander  
Village Clerk