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RESOLUTION NO 2014-75

ZONING APPLICATION VPB-14-007

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO A PUBLIC HEARING TO ALLOW FOR A PUBLIC FACILITY USE AT THE SOUTHEAST CORNER OF OLD CUTLER ROAD AND SW 142 TERRACE; 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, Miami-Dade Fire Rescue Department found a property at the southeast corner of Old Cutler Road and SW 142 Terrace that meets their requirements to accommodate such a facility and reduce response times, and has a willing seller; 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 the southeast corner of Old Cutler Road and SW 142 Terrace 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 October 20, 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 the southeast corner of Old Cutler Road and SW 142 Terrace, Palmetto Bay, Florida, as more specifically described as:

Lot 8 of Sunny South Acres Subdivision as recorded in Plat Book 58 Page 40 of the public records of Dade County, Florida, on the 11th day of March, 1954.

1 2. The above whereas clauses incorporated herein are true.
2

3 3. The requested site plan is consistent with the Village's Comprehensive Plan, as
4 further specified in the Analysis Section of the Village's staff report.
5

6 4. The rules that govern the conditions upon which a public facility are established is
7 located at Section 30-50.21. After hearing the Applicant and applicant's experts, the Village Council
8 found the request consistent with those standards.
9

10 5. The Village Council accepts the findings of staff as so presented in the written
11 analysis and as presented at the hearing as it relates to compliance with the Village's Code, the
12 findings of the Village's Public Works Department, and the email from the Traffic Engineering
13 Division of Miami-Dade County.
14

15 6. The Village adopts and incorporates by reference the Planning & Zoning
16 Department staff report, which expert report is considered competent substantial evidence.
17

18 7. The Village Council did not have any substantive disclosures regarding ex-parte
19 communications and the applicant did not raise any objections as to the form or content of any
20 disclosures by the Council.
21

22 8. The Applicant has agreed to all proposed modifications and conditions in the
23 Section entitled, "Order."
24

25 **Section 3. Conclusions of law.**
26

27 1. The Application is in compliance with the adopted 2009, Village of Palmetto Bay
28 Comprehensive Plan and Future Land Use Map.
29

30 2. The standard of review for a public (fire rescue) facility is found at 30-50.21 of the
31 Village of Palmetto Bay's Land Development Code. The Applicant's request to establish a fire
32 rescue station is in compliance with the applicable standards, as conditioned below.
33

34 **Section 4. Order.**
35

36 The Village Council, pursuant to Section 30-50.21, of the Land Development Code,
37 approves the plans entitled "Fire Station No. 2.", as prepared by Angel H. Lamela, date stamped
38 September 11, 2014, with the following conditions:
39

- 40 1) The application shall comply with any recommendations provided by the Village of Palmetto
41 Bay's Department of Public Works.
42 2) The fire rescue facility shall utilize "Quiet Running" procedures to minimize noise impacts
43 to the neighborhood.

1 3) Additional landscaping shall be applied along the north property line to soften and screen
2 the fire rescue facility.
3

4 This is a final order.
5

6 Section 5. Record.
7

8 The record shall consist of the notice of hearing, the application, documents submitted by
9 the Applicant and the Applicant's representatives to the Village of Palmetto Bay Planning and
10 Zoning Department in connection with the applications, the Village's recommendation and attached
11 cover sheet and documents, the testimony of sworn witnesses and documents presented at the
12 quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by
13 the Village Clerk.
14

15 Section 6. This resolution shall take effect immediately upon approval.
16
17

18 PASSED and ADOPTED this 20th day of October, 2014.

19
20 Attest:

21 Meighan Alexander
22 Meighan Alexander
23 Village Clerk
24

25 Shelley Stanczyk
26 Shelley Stanczyk
27 Mayor
28

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

32 Dexter W. Lehtinen
33 Dexter W. Lehtinen
34 Village Attorney
35

36 FINAL VOTE AT ADOPTION:
37

38 Council Member Patrick Fiore YES
39

40 Council Member Tim Schaffer YES
41

42 Council Member Joan Lindsay NO
43

Vice-Mayor John DuBois YES
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Mayor Shelley Stanczyk NO

This Resolution was filed in the Office of the Village Clerk on this 24th day of October, 2014.



Meighan Alexander
Village Clerk