

**TOWN OF MIAMI LAKES  
PLANNING AND ZONING BOARD  
PZB NO: 2011-42**

**AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, GRANTING A CONDITIONAL USE REQUEST PURSUANT TO THE TOWN LAND DEVELOPMENT CODE TO ALLOW AN URGENT CARE, AMBULATORY SURGERY CENTER AND MEDICAL OFFICE IN THE RO-13 ZONING DISTRICT; GRANTING A VARIANCE REQUEST TO THE TOWN LAND DEVELOPMENT CODE TO WAIVE SECTION 33-17(1) TO ALLOW A BUILDING FOR PUBLIC ASSEMBLAGE TO BE CLOSER TO A PROPERTY UNDER DIFFERENT OWNERSHIP THAN FIFTY (50) FEET, AND WAIVE SECTION 33-17(6) TO ALLOW A BUILDING FOR PUBLIC ASSEMBLAGE MORE THAN ONE (1) STORY IN HEIGHT WITH WALLS OF LESS THAN THREE (3) HOURS FIRE RESISTANCE FOR PROPERTY LOCATED AT 15025 NW 77 AVENUE, MIAMI LAKES, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Applicant: Capitol Office Center, Inc.**  
**Folio: 32-2023-023-0040**  
**Location: 15025 NW 77 Avenue**  
**Miami Lakes, FL 33014**  
**Hearing No.: PZHA-11-11**

2 day of Dec, 20 11  
Town of Miami Lakes  
Cynthia Eggy

- Request:**
1. A Conditional Use to allow the establishment of an urgent care, ambulatory surgery center and medical office, in the Low Density Residential/Office District (RO-13) zoning district, per Division 4.8(b) and pursuant to Division 3.3 of Town's Land Development Code.
  2. A Variance from Section 33-17(1) to allow a building for public assemblage to be closer to a property under different ownership than fifty (50) feet.
  3. A Variance from Section 33-17(6) to allow a building for public assemblage more than one (1) story in height having walls of less than three (3) hours fire resistance.

**Section 1. Findings:**

1. In accordance with Division 3.3 regulating conditional uses of the Town Land Development Code, the Planning and Zoning Board finds that the Applicant meets the criteria in Division 3.3(c), which are as follows:
  1. Land Use Compatibility; and

2. Sufficient Site Size, Site Specifications, and Infrastructure to Accommodate the Proposed Use; and
  3. Compliance with the Comprehensive Plan and Land Development Code; and
  4. Proper Use of Techniques; and
  5. Hazardous Waste.
2. In accordance with Division 3.5(f)(1) of the Town LDC, the Planning and Zoning Board, having considered the testimony and evidence in the record presented by all parties, finds that the Applicant does not meet all of the criteria of Division 3.5(f)(1)(a) thru (g) of the Town LDC, as follows:
- a. The variance is consistent with authorized powers;
  - b. No special conditions or circumstances exist;
  - c. There are no special conditions;
  - d. Special privileges would be conferred;
  - e. Hardship conditions do not exist;
  - f. The variance is the minimum variance necessary; and
  - g. The variance would not be injurious to public welfare or intent of the Town LDC.
3. In accordance with Division 3.5(f)(2) of the Town LDC, the Planning and Zoning Board, having considered the testimony and evidence in the record presented by all parties, finds that the balance of the weight of the factors for consideration under practical difficulty does support approval of Variance Requests as provided in 3.5(f)(2)(a) thru (g) of the Town LDC as follows:
- a. The Town has not received written support of the specifically identified variance requests from adjoining property owners;
  - b. The Variance is compatible with development patterns in the Town;
  - c. The essential character of the neighborhood will be preserved;
  - d. The Variance can be approved without causing substantial detriment to adjoining properties;
  - e. The Variance will do substantial justice to the property owner or other property owners justifying a relaxation of this Land Development Code to provide substantial relief;
  - f. The plight of the applicant is not due to unique circumstances of the property and/or applicant which would render conformity with the strict requirements of the Land Development Code unnecessarily burdensome; and
  - g. The special conditions and circumstances which exist are not the result of actions beyond the control of the applicant.

2 day of Dec 2011  
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## Section 2. Grant

Per the Town of Miami Lakes Land Development Code, Article 3, following notice and public hearing on Tuesday, October 18, 2011 at 6:30 P.M. upon findings outlined herein, conditional use permits and variances to permit:

1. A Conditional Use to allow the establishment of an urgent care, ambulatory surgery center and medical office, in the Low Density Residential/Office District (RO-13) zoning district, per Division 4.8(b) and pursuant to Division 3.3 of Town's Land Development Code, is hereby granted.
2. A Variance from Section 33-17(1) to allow a building for public assemblage to be closer to a property under different ownership than fifty (50) feet, is hereby granted.
3. A Variance from Section 33-17(6) to allow a building for public assemblage more than one (1) story in height having walls of less than three (3) hours fire resistance, is hereby granted.

### Section 3. Conditions

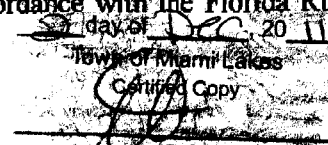
1. The Applicant shall be required to comply with any and all concurrency requirements, obtain a Certificate of Use, Certificate of Occupancy and Business Tax Receipt (BTR), and promptly renew the BTR annually, upon compliance with all the terms and conditions of this approval, the same subject to cancellation upon violation of any of the conditions.
2. The Applicant shall provide approvals from DERM and appropriate state agencies prior to the issuance of a certificate of occupancy.
3. Staff notes that some required landscaping on the site appears to be missing. Thus, as part of the building permitting process, Staff will require installation of any necessary landscaping needed to comply with Code provisions.
4. Any future exterior changes to the building or site may require site plan approval.
5. Conditional Use approval contingent upon a use of a Pediatric Care Facility solely by Miami Children's Hospital. Change in ownership or use will require new applicant to seek Planning and Zoning Board approval.

### Section 4. Appeal

In accordance with Division 3.10 of the Town LDC, the Applicant, or any aggrieved property owner, may appeal the decision of the Planning and Zoning Board 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 5. Violation of Conditions.

Failure to adhere to the terms and conditions contained in this Order in Section 3, if any, shall be considered a violation of the Town LDC and persons found violating the conditions shall be subject to the penalties prescribed by the Town LDC, including but not limited to, the revocation of any of the approval(s) granted in this Order. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town LDC before it may

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commence construction or operation, and that the foregoing approval(s), if any, in this Order may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town LDC.

**Section 6. Effective Date.**

This Order shall take effect immediately.

The foregoing Order was approved on initial vote by motion as provided herein by George Lopez and seconded by Pedro Carballo by a vote of 6-0 with each Planning and Zoning Board Member voting as follows:

- Chair Thomas McGrath YES
- Vice-Chair Pedro Carballo YES
- Board Member Humberto Garcia YES
- Board Member George Lopez YES
- Board Member Ameli Padron-Fragetta YES
- Board Member Carol Wyllie YES

PASSED AND ADOPTED this 10<sup>th</sup> day of October, 2011.

This Order was filed in the Office of the Town Clerk on this 2<sup>nd</sup> day of December, 2011.

Thomas McGrath  
 THOMAS MCGRATH  
 Chair, Planning and Zoning Board

ATTEST:  
Marjorie Tejeda  
 MARJORIE TEJEDA  
 Town Clerk

2 day of Dec, 2011  
 Town of Miami Lakes  
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APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
 FOR USE ONLY BY THE TOWN OF MIAMI LAKES:  
Joseph S. Keller  
 GREEN SPOON MARDER P.A.  
 TOWN ATTORNEY