

RESOLUTION NO. 08- 668Z

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PERTAINING TO A REQUEST FILED IN ACCORDANCE WITH DIVISION 3.3 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") APPROVING A CONDITIONAL USE REQUEST PURSUANT TO SECTION 33.13 OF THE TOWN LDC TO PERMIT A PROPOSED ACUTE CARE HOSPITAL IN THE IU-C (INDUSTRIAL DISTRICT CONDITIONAL) WHERE HOSPITALS ARE PROHIBITED IN ALL DISTRICTS UNLESS APPROVED AS A RESULT OF A PUBLIC HEARING, FOR PROPERTY LOCATED NORTH OF NW 77 COURT (PALMETTO FRONTAGE ROAD) AND EAST OF NW 82 AVENUE, MIAMI LAKES, FLORIDA IN THE IU-C ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR APPROVING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Division 3.3 of the Town of Miami Lakes Land Development Code (the "Town LDC"), The Graham Companies (the "Applicant") has applied to the Town of Miami Lakes (the "Town") for: 1) approval of a conditional use, pursuant to section 33.13 of the town LDC, to permit a proposed acute care hospital in the IU-C (industrial district conditional) where hospitals are prohibited in all districts unless approved as a result of a public hearing for property located north of NW 77 Court (Palmetto Frontage Road) and East of NW 82 Avenue, Miami Lakes, Florida, in the IU-C zoning district, Folio #32-2022-040-0020, legally described as Tract C as shown on the Plat of MIAMI LAKES BUSINESS PARK 22-2, as recorded in Plat Book 149, Page 15, of the Public Records of Miami-Dade County, Florida; and

WHEREAS, Division 3.3 of the Town LDC sets forth the authority of the Town Council to consider and act upon an application for a conditional use; and

WHEREAS, in accordance with Division 3.9 of the Town LDC, proper notice was mailed to the appropriate property owners of record; the public hearing on the Conditional Use was noticed for Tuesday, May 20, 2008, at 6:00 P.M. at Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, Florida 33014; and all interested parties have had the opportunity to address their comments to the Town Council; and

WHEREAS, Town staff has reviewed the application and recommends approval subject to conditions, of the request for a Conditional Use, as set forth in the Town of Miami Lakes Staff Analysis and Recommendation, a copy of which is on file in the Town of Miami Lakes Clerk's Office and incorporated into this Resolution by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals.

The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Findings. In accordance with Division 3.3 of the Town LDC, the Town Council finds that the Applicant does meet the criteria for conditional uses, which are as follows:

- (a) Land Use Compatibility; and
- (b) Sufficient Site Size, Site Specifications, and Infrastructure to Accommodate the Proposed Use; and
- (c) Compliance with the Comprehensive Plan and Land Development Code; and
- (d) Proper Use of Mitigative Techniques; and
- (e) Hazardous Waste.

Section 3. Approval. The Conditional Use request to permit a proposed acute care hospital in the IU-C (industrial district conditional) where hospitals are prohibited in all districts unless approved as a result of a public hearing, is hereby approved.

Section 4. Conditions. The Conditional Use is approved subject to the following conditions:

1. The approvals granted herein shall be in accordance with the submitted plans for the hearing entitled "Boundary and Topographic Survey" for Tract "C", "Miami Lakes Business Park Section 22-2" according to plat thereof as recorded in plat book 149, at page 15, all of the public records of Dade County, Florida; as prepared by Schwebke-Shiskin & Associates Inc., Land Planners, Engineers and Land Surveyors, Registered Land Surveyor State of Florida, No. 2978, Order No. 194710, and consisting of one (1) sheet, dated March 26, 2008; and the plans for Promise Healthcare, Inc., Promise Hospital Miami Lakes, as prepared by Rodney L. Booze, Architecture Planning and Interior Design, 1250 E. Copeland Rd., Suite 500, Arlington, Texas; Project No. 2008-029, and consisting of sheets G0.00, G1.01, C-0 to C-7, L-1 to L-3, A1.01, A3.00 and E0.52 to E0.53, dated April 28, 2008.
2. The Applicant shall obtain a Certificate of Use and Occupancy, and promptly renew the same annually, upon compliance with all the terms and conditions, the same subject to cancellation upon violation of any of the conditions.
3. The Applicant has voluntarily proffered to the Town to allow for a community meeting room to be used by the Town of Miami Lakes and Town community organizations at no charge. Arrangements regarding the proffered community room use shall be made with the Administrative Official.
4. The acute care hospital use shall be operated solely for the in-patient care of patients requiring an extended stay and will not offer outpatient services, nor operate a regular emergency room, and if the acute care hospital use is terminated, the conditional use will automatically expire.
5. The Applicant shall provide 5 foot ADA compliant pedestrian sidewalk treatments along the NW 82nd Avenue and the Palmetto Frontage Road right-of-ways subject to the Town Engineer's review and approval.
6. The Applicant shall provide for appropriate identification of hazardous waste and hazardous materials associated with the hospital use, and regulate the use, storage, and transfer of hazardous waste and hazardous material consistent with best management principles and practices.

7. The Applicant shall provide, and continuously maintain all landscaping material on the site in compliance with Chapter 18-A Landscaping Requirements.
8. The Applicant shall record the Resolution in the Official Records of Miami-Dade County, Florida and shall return a copy of the recorded Resolution to the Town Clerk before a building permit is issued.
9. The site plan shall be submitted to and meet the approval of the Building Official, as part of an application for a permit and/or Certificate of Use and Occupancy. The site plan shall include, but not be limited to, location of structure or structures, exits, entrances, drainage, walls, fences, and landscaping.
10. The Applicant shall obtain a building permit, for all request(s) approved herein, within one (1) year of the date of this approval. If a building permit is not obtained or an extension granted within the prescribed time limit then, this approval shall become null and void.

Section 5. Appeal.

In accordance with Division 3.10 of the Town LDC, the Applicant, or any aggrieved property owner, may appeal the decision of the Town Council 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 6. Violation of Conditions.

Failure to adhere to the terms and conditions contained in this Resolution in Section 4, 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 Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town LDC before it may commence construction or operation, and that the foregoing approval(s), if any, in this Resolution may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town LDC.

Section 7. Effective Date.

This Resolution shall take effect 30 days following the date it is filed with the Town Clerk. If during that time frame, the decision of the Town Council is appealed as provided in the Town LDC and the Florida Rules of Appellate Procedure, the appeal shall stay the effectiveness of this Resolution until said appeal is resolved by a court of competent jurisdiction.

The foregoing Resolution was adopted by motion as provided herein by Councilmember Richard Pulido and seconded by Councilmember Nancy Simon, by a vote of 6-0 with each Town Councilmember voting as follows:

Mayor Wayne Slaton	Yes
Vice-Mayor Nancy Simon	Yes
Councilmember Roberto Alonso	Yes
Councilmember Mary Collins	Absent
Councilmember Robert Meador II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Richard Pulido	Yes

PASSED AND ADOPTED this 20th day of May, 2008.

This Resolution was filed in the Office of the Town Clerk on this 6 day of


June, 2008.


WAYNE SLATON
MAYOR

ATTEST:


DEBRA EASTMAN, MMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR USE ONLY BY THE TOWN OF MIAMI LAKES:


WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
TOWN ATTORNEY