

**RESOLUTION NO. 11-894**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A REQUEST IN ACCORDANCE WITH DIVISION 3.8(f)2 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A PRELIMINARY PLAT ENTITLED MIAMI LAKES FIRE RESCUE STATION NUMBER 64 SUBMITTED FOR PROPERTY GENERALLY LOCATED SOUTH OF NW 154 STREET AND EAST OF NW 77 COURT, MIAMI LAKES, FLORIDA, FOLIO NUMBER 32-2022-009-0040, IN THE IU-C, INDUSTRIAL CONDITIONAL ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR APPEAL; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Division 3.8(F)2 of the Town of Miami Lakes Land Development Code (the "Town LDC"), Miami-Dade County ("the Applicant") has applied for approval of a preliminary plat for property legally described as Commencing at the northeast corner of said section 22, said corner also being station 20+00 of the centerline of NW 154th street as depicted on said right of way map; thence south 89°45'08" west, along the north line of said section 22 and along said centerline, 766.30 feet to a point; thence south 00°14'52" east 160.00 feet to the point of beginning, said point of beginning being on a limited access right of way line shown on said right of way map; thence continue south 00°14'52" east, along said limited access right of way line, 44.72 feet to a point of curvature; thence southerly along a curve to the left having a radius of 730.00 feet, along said limited access right of way line, through a central angle of 40°17'21", for an arc length of 513.32 feet to a point of intersection with a line radial to said curve; thence south 49°27'47" west, along said radial line, 30.00 feet to a point; thence north 40°32'13" west, along a line which is parallel with and 50 feet easterly, as measured at right angles, of the west right of way line of a frontage road shown on said right of way map, 376.97 feet to a point of curvature; thence northerly

along a curve to the right having a radius of 475.00 feet, through a central angle of 21°27'42", for an arc length of 177.92 feet to a point of intersection with a non-tangent line; thence north 04°44'41" west, along said non-tangent line, 95.04 feet; thence north 89°45'08" east, along a line which is parallel with and 160.00 feet south, as measured at right angles, of the north line of said section 22 and said centerline of NW 154th street, 188.20 feet to the point of beginning. Said land lying in Miami-Dade County, Florida, and containing approximately 60,337 square feet (1.385 acres) of land, more or less, Miami Lakes, Florida, Folio # 32-2022-009-0040; and

**WHEREAS**, in accordance with Division 3.9 of the Town LDC, proper notice was posted, published and mailed to the appropriate property owners of record; a public hearing on the preliminary plat was held on May 10, 2011 at 6:30 p.m. at the Royal Oaks Park Community Center, 16500 NW 87 Avenue, Miami Lakes, FL 33018; and all interested parties had an opportunity to address their comments to the Town Council; and

**WHEREAS**, the Director of Planning and Zoning, acting as the Administrative Official, determined that the Applicant has met all the conditions and prerequisites to preliminary plat approval contained in Division 3.8(f)2 of the Town LDC and recommended approval of the preliminary plat, with conditions as set forth in the Staff Analysis and Recommendation (the "Staff Analysis"), attached as Exhibit A, and incorporated into this Resolution by reference.

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

**Section 1. Recitals.**

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

**Section 2. Findings.**

In accordance with Division 3.8(f)2 of the Town LDC and after having considered public testimony, evidence in the record and the recommendation of staff, the Town Council has considered and finds:

1. The preliminary plat is consistent with the Town of Miami Lakes Comprehensive Plan.
2. The preliminary plat satisfies all the conditions and prerequisites for preliminary plat approval contained in the Town LDC, is in compliance with all applicable Divisions of the Town's LDC, and is consistent with the Town LDC.

**Section 3. Approval of Preliminary Plat.**

The preliminary plat is approved with conditions.

**Section 4. Conditions.**

If the Town Council approves the Preliminary Plat in Section 3, the following conditions, in this Section shall apply.

1. The approval of the preliminary plat shall be in accordance with the copy of the Tentative Plat of MIAMI LAKES FIRE RESCUE STATION NUMBER 64 as submitted for approval to the Town Council and prepared by Keith and Schnars, P.A., Stephen V. Burgess, Professional Surveyor and Mapper, State of Florida, License No. 6408, consisting of one (1) sheet.
2. Prior to the approval of the final plat, all required dedications and easements shall be shown on the final plat approval, subject to the approval of Miami-Dade County Public Works, the Florida Department of Transportation, the Town Manager or his/her designee and the Town Attorney.
3. The Applicant shall comply, prior to final plat approval, with all platting requirements of the Town LDC and Chapter 28 of the Miami-Dade County Code.
4. The Applicant shall comply with all requirements and obtain approval from the Miami-Dade County Department of Environmental Resources Management (DERM) and the Miami-Dade County Water and Sewer Department (MDWASA), prior to issuance of a final building permit.
5. No certificate of occupancy shall be issued until the final plat is recorded.
6. The Applicant shall obtain approval of a final plat in accordance with the Town LDC for the requested preliminary plat, as approved herein, within one year of the date of this approval. If a final plat is not obtained within the prescribed time limit, then this approval shall become null and void.

**Section 5. Violation of Conditions.**



Failure to adhere to the terms and conditions of this Resolution 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 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 6.**      **Authorization.**

Subject to review by the Town Attorney, the Town Manager, the Town Clerk and Town Surveyor are authorized to sign the preliminary plat and to execute any other needed documents consistent with and to implement the intent of the Town Council.

**Section 7.**      **Appeal.**

In accordance with Division 3.10 of the Town LDC, the Applicant, or any aggrieved property owner in the area, 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 8.**      **Effective Date.**


This Resolution shall take effect immediately upon adoption by the Town Council.

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

Motion to adopt by Mayor Pizzi, second by Collins.

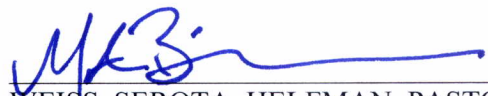
Mayor Michael Pizzi	<u>Yes</u>
Vice-Mayor Nick Perdomo	<u>Yes</u>
Councilmember Mary Collins	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Nelson Hernandez	<u>Yes</u>
Councilmember Ceasar Mestre	<u>Yes</u>
Councilmember Richard Pulido	<u>Yes</u>

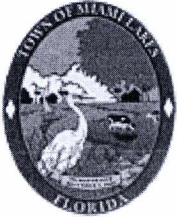
This Resolution was filed in the Office of the Town Clerk on this 13 day of May, 2011.

  
\_\_\_\_\_  
MICHAEL PIZZI  
MAYOR

ATTEST:  
  
\_\_\_\_\_  
MARJORIE TEJEDA  
TOWN CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF MIAMI LAKES ONLY:

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



# Town of Miami Lakes

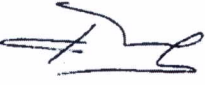
15150 NW 79<sup>th</sup> Court • Miami Lakes, Florida 33016

(305) 364-6100 / Fax: (305) 558-8511

[www.miamilakes-fl.gov](http://www.miamilakes-fl.gov)

---

To: Honorable Mayor and Town Council

From: Alex Rey, Town Manager 

Re: HEARING NUMBER: PZHA-09-04 – **Preliminary Plat**  
APPLICANT: Miami-Dade County  
FOLIO: 32-2022-009-0040  
LEGAL DESCRIPTION: Exhibit 1  
LOCATION: SE corner of NW 154 Street and NW 77 Court  
Miami Lakes, FL 33016  
ZONING DISTRICT: IU-C

Date: May 10, 2011

---

**RECOMMENDATION:** It is recommended the Town Council approve the application for Preliminary Plat Approval subject to the following conditions.

1. The approval of the preliminary plat shall be in accordance with the copy of the Tentative Plat of MIAMI LAKES FIRE RESCUE STATION NUMBER 64 as submitted for approval to the Town Council and prepared by Keith and Schnars, P.A., Stephen V. Burgess, Professional Surveyor and Mapper, State of Florida, License No. 6408, consisting of one (1) sheet.
2. Prior to the approval of the final plat, all required dedications and easements shall be shown on the final plat approval, subject to the approval of Miami-Dade County Public Works, the Florida Department of Transportation, the Town Manager or his/her designee and the Town Attorney.
3. The Applicant shall comply, prior to final plat approval, with all platting requirements of the Town LDC and Chapter 28 of the Miami-Dade County Code.
4. The Applicant shall comply with all requirements and obtain approval from the Miami-Dade County Department of Environmental Resources Management (DERM) and the Miami-Dade County Water and Sewer Department (MDWASA), prior to issuance of a final building permit.
5. No certificate of occupancy shall be issued until the final plat is recorded.
6. The Applicant shall obtain approval of a final plat in accordance with the Town LDC for the requested preliminary plat, as approved herein, within one year of the date of this approval. If a final plat is not obtained within the prescribed time limit, then this approval shall become null and void.



REQUEST(S)

In accordance with Division 3.8(f)(2) of the Town of Miami Lakes Land Development Code (the “LDC”), Miami-Dade County (the “Applicant”) is requesting preliminary plat approval for the subject property, generally located at the southeast corner of NW 154 Street and NW 77 Court, for the development of a 2-story, 13,512 square foot Fire Rescue Station at the subject property.

The Applicant has also submitted a companion application for a Variance Approval, which will be reviewed by the Town Council, and an application for Site Plan Approval, which will be subject to the approval of the Variance application and processed administratively in accordance with the LDC.

---

BACKGROUND

PROPERTY INFORMATION:

ZONING: IU-C  
FUTURE LAND USE: Industrial and Office  
SURROUNDING PROPERTY:

	<u>FUTURE LAND USE</u>	<u>ZONING CLASSIFICATION</u>
North:	Industrial and Office	IU-C
East:	Transportation	IU-C
South:	Industrial and Office	IU-C
West:	Industrial and Office	IU-C

LOCATION MAP





## SUMMARY OF PROPOSAL & STAFF ANALYSIS

### Background of subject property

Because the property was never planned for industrial or commercial development, it was never platted or subdivided as part of the industrial and commercial developments located to the west and south of the property. The property was originally platted, as much of the western half of Miami Lakes was, in 1913 as part of the "Chambers Land Company Subdivision," recorded in Plat Book 2, Page 68. The request for preliminary plat approval is being sought in conjunction with the approval for a site plan for the development of a fire rescue station on the property. After preliminary plat approval, the Applicant is required to obtain final plat approval from the Town Council.

The Miami-Dade County Fire Rescue Department purchased the subject property from the Florida Department of Transportation (FDOT), who held the property as surplus right-of-way associated with the development of the Palmetto Expressway. The development of the subject property as a fire rescue station will replace the temporary fire rescue station located at the southwest corner of Commerce Way and NW 82 Avenue.

### Analysis of preliminary plat

Division 3.8(f)(2)(c) – Review Procedures for Preliminary Plat, subsection (3) states:

*The Town Council may consider the [1] physical characteristics of the property, [2] the availability of community services, [3] traffic impact, [4] economic impacts, [5] appropriateness of the type and intensity of the proposed development, [6] existing and future development, [7] existing and future development patterns, [8] land development regulations, [9] relationship of the project to the capital improvements program, or [10] other such factors as may relate to the Comprehensive Plan or elements thereof.*

Below is an analysis of the items of consideration contained in Division 3.8(f)(2)(c)(3).

1. **Physical characteristics of the property** – Because the property is a remnant of the development of the interchange between the Palmetto Expressway and NW 154 Street, held by FDOT as surplus right-of-way for many years, it is not a regularly shaped piece of land that would be typically found in a properly developed subdivision. For example, the property measures 188' wide at the northern tip and narrows to just 30' in width at the southern tip. The property is bounded by FDOT right-of-way land on the north, east and south sides and NW 77 Court on the west side, on which the property has 650' of frontage due to the elongated and narrowing nature of the site. The property is generally flat and is at a lower elevation than the pavement of NW 77 Court, which presented drainage design challenges (that have been addressed) for the site.
2. **The availability of community services** – The Applicant submitted a traffic study as part of the site plan review process and the Town's traffic engineering consultant has determined that the project is considered to have a "de minimis" impact as defined in Division 10.2(d)(c)(3)(b)(i) of the LDC and is exempt from the Town's Transportation



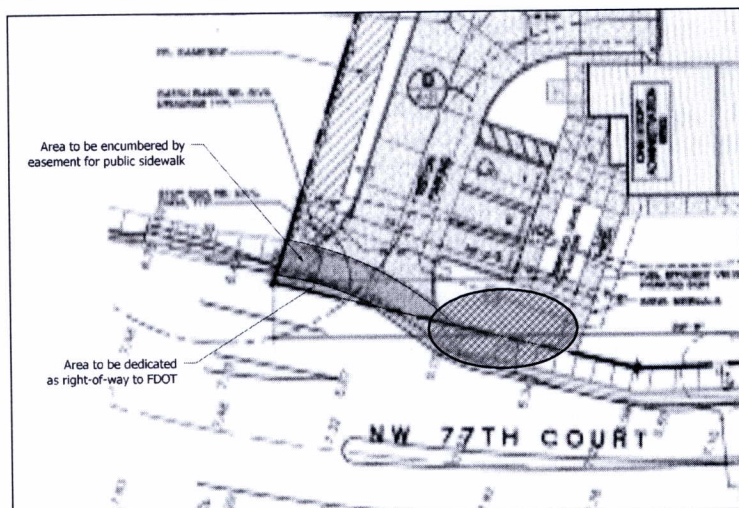
Concurrency Management Program. The Town's engineering consultants have reviewed the proposed stormwater drainage system and concluded the design is satisfactory. The Applicant is in the process of obtaining letters from the County's Water and Sewer departments regarding available capacity. A condition of approval will be to obtain approvals from the Miami-Dade County Department of Environmental Resources Management (DERM) and the Miami-Dade County Water and Sewer Department (MDWASA), prior to issuance of a final building permit.

3. **Traffic impact** – As discussed previously, the Applicant submitted a traffic study as part of the site plan review process and the Town's traffic engineering consultant has determined that the project is considered to have a "de minimis" impact as defined in Division 10.2(d)(c)(3)(b)(i) of the LDC and is exempt from the Town's Transportation Concurrency Management Program.
4. **Economic impacts** – As a tax-exempt property owner (Miami-Dade County), the Town will not gain any property tax revenue from the development of the site as a fire rescue station. However, staff notes that the site could not be developed for industrial or commercial purposes so there isn't any "potential" property tax revenue that will be lost. There will be approximately \$17,000 in building permit fees and approximately \$1,700 in technology fees collected from the project during permitting.
5. **Appropriateness of the type and intensity of the proposed development** – Fire stations (and police stations) are a permitted use in the IU-C zoning district.
6. **Existing and future development** – The subject property is located on the east side of NW 77 Court, south of NW 154 Street and there are no other developed properties that immediately abut the site.
7. **Existing and future development patterns** – The development pattern of the surrounding area is that of retail, commercial and industrial buildings. Providing a full service fire rescue station near the middle of the Town and just off the only east-west connecting road will ensure a better level of fire and rescue coverage for the Town's businesses and residents.
8. **Land development regulations** – The preliminary plat meets all of the platting requirements in the Town's Land Development Code (LDC). Further, the proposed site plan meets all of the applicable zoning regulations, except for the setback requirement for parking spaces, which is the subject of a variance request. As detailed in the staff report for the variance, the odd shape of the subject property, as a remnant of surplus right-of-way, is unique to the subject property and renders complete conformity with the zoning regulations impossible. Finally, the proposed fire rescue station is consistent with the LDC because Division 1.1, AUTHORITY AND PURPOSE, of the LDC states, "*It is the purpose of this Chapter to establish comprehensive controls and management for the use of land and water within the Town of Miami Lakes; to preserve the unique Town character; and to protect, promote and improve the public health, safety, comfort, order, appearance, convenience, and general welfare of the people within the Town of Miami Lakes.*" The preliminary plat and establishment of a fire rescue station at the subject property will improve the public health and safety.



9. **Relationship of the project to the capital improvements program** – Because the proposed fire station is operated by Miami-Dade County, the project is not considered in the Town’s capital improvements program. Staff notes, however, that the project has been planned by the Miami-Dade County Fire Rescue Department, which has funds available and set aside for the construction of the project.
10. **Other such factors as may relate to the Comprehensive Plan or elements thereof** – Goal 1 of the Comprehensive Plan states, “Continued enhancement of Miami Lakes’ quality of life and unique community feel through visionary land use planning, efficient provision of public facilities and services, protection of neighborhoods, and conservation of those built and natural assets which define the town.” The preliminary plat and establishment of a fire rescue station at the subject property will provide a quality public facility and improve the protection of neighborhoods and the entire Town.

At the northwest corner of the subject property, a portion of the property extends into the existing pavement of NW 77 Court (see Figure 1). The area shown in green is an approximation of the area of the property that extends into the pavement of NW 77 Court and will have to be dedicated to FDOT via the final plat. The area shown in red represents the area of the property that will be developed as a public sidewalk and therefore a public sidewalk easement will have to be dedicated to the Town of Miami Lakes.



**Figure 1**

Also, due to concerns raised by Miami-Dade County Public Works, the entrance to the northern driveway is being redesigned to accommodate a small northbound right-turn lane on NW 77 Court into the northern driveway (area of redesign is shown in blue on Figure 1). This redesign may require additional portions of the property to be dedicated as right-of-way to FDOT because the turn lane may encroach onto the subject property. The redesign will also likely require additional portions of the sidewalk to be located on the subject property, which will require a public sidewalk easement. Both of these potential issues will be resolved prior to the approval of the final plat.

Staff opines that the requested preliminary plat meets all of the criteria contained in Division 3.8(f)(2)(c) of the LDC, which has been discussed in detail above, and therefore recommends approval of the preliminary plat subject to the suggested conditions.



**BUILDING AND CODE COMPLIANCE SUMMARY**

There are no open permits or open code enforcement cases.

---

**RECOMMENDATION**

Approve with conditions. Approving the preliminary plat will allow for the orderly platting and development of the subject property. In spite of the difficult physical limitations of the subject site, the Miami-Dade County Fire Rescue Department and its team of design professionals has developed a site plan that, staff opines, provides for a well-functioning site both internally and external to the site. Staff submits that the preliminary plat meets all of the criteria in Division 3.8(f)(2)(c) of the LDC.

---

# EXHIBIT 1

## LEGAL DESCRIPTION

A PORTION OF SECTION 22, TOWNSHIP 52 SOUTH, RANGE 40 EAST, BEING A PORTION OF LAND SHOWN ON A STATE OF FLORIDA STATE ROAD DEPARTMENT (FLORIDA DEPARTMENT OF TRANSPORTATION) RIGHT OF WAY MAP, STATE ROAD 826, SECTION 87260-2533, DATED DECEMBER 1970, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 22, SAID CORNER ALSO BEING STATION 20+00 OF THE CENTERLINE OF N.W. 154TH STREET AS DEPICTED ON SAID RIGHT OF WAY MAP; THENCE SOUTH 89°45'08" WEST, ALONG THE NORTH LINE OF SAID SECTION 22 AND ALONG SAID CENTERLINE, 766.30 FEET TO A POINT; THENCE SOUTH 00°14'52" EAST 160.00 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING ON A LIMITED ACCESS RIGHT OF WAY LINE SHOWN ON SAID RIGHT OF WAY MAP; THENCE CONTINUE SOUTH 00°14'52" EAST, ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE, 44.72 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 730.00 FEET, ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 40°17'21", FOR AN ARC LENGTH OF 513.32 FEET TO A POINT OF INTERSECTION WITH A LINE RADIAL TO SAID CURVE; THENCE SOUTH 49°27'47" WEST, ALONG SAID RADIAL LINE, 30.00 FEET TO A POINT; THENCE NORTH 40°32'13" WEST, ALONG A LINE WHICH IS PARALLEL WITH AND 50 FEET EASTERLY, AS MEASURED AT RIGHT ANGLES, OF THE WEST RIGHT OF WAY LINE OF A FRONTAGE ROAD SHOWN ON SAID RIGHT OF WAY MAP, 376.97 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 475.00 FEET, THROUGH A CENTRAL ANGLE OF 21°27'42", FOR AN ARC LENGTH OF 177.92 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE NORTH 04°44'41" WEST, ALONG SAID NON-TANGENT LINE, 95.04 FEET; THENCE NORTH 89°45'08" EAST, ALONG A LINE WHICH IS PARALLEL WITH AND 160.00 FEET SOUTH, AS MEASURED AT RIGHT ANGLES, OF THE NORTH LINE OF SAID SECTION 22 AND SAID CENTERLINE OF N.W. 154TH STREET, 188.20 FEET TO THE POINT OF BEGINNING.

SAID LAND LYING IN MIAMI-DADE COUNTY, FLORIDA, AND CONTAINING 60,337 SQUARE FEET (1.385 ACRES) OF LAND, MORE OR LESS.