

**RESOLUTION NO. 12-1016**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A REQUEST FOR CONDITIONAL USE APPROVAL, PURSUANT TO SECTION 33-13 OF THE TOWN'S LAND DEVELOPMENT CODE (LDC) TO ALLOW A PROPOSED ACUTE CARE HOSPITAL IN THE IU-C (INDUSTRIAL USE – CONDITIONAL) ZONING DISTRICT 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; PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING CONDITIONS OF APPROVAL; PROVIDING FOR APPEAL; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** Pursuant to Sections 33-13 and 13-303 the Town of Miami Lakes (“Town”) Land Development Code (“LDC), The Graham Companies (the “Applicant”) has applied to the Town for approval of the following: 1) approval of a conditional use to allow a proposed acute care hospital in the IU-C (Industrial Use – Conditional) zoning district where 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,** Section 13-303 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 Section 13-309 of the Town LDC, proper notice was mailed to the appropriate property owners of record and the hearing was duly advertised in the

newspaper; the public hearing on the Conditional Use was noticed for Tuesday, September 11, 2012, at 6:30 P.M. at Royal Oaks Park Community Center, 16500 NW 87 Avenue, Miami Lakes, Florida; 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 herein by this reference.

**Section 2. Findings.**

In accordance with Section 13-303, the Town Council finds that the Applicant meets the criteria for a conditional use approval 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 Mitigative Techniques; and
5. 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 basic site layout and architectural style shall be substantially in accordance with the submitted sheet entitled “G3.01 Architectural Site Plan”, dated July 11, 2008, and the elevation drawing entitled Promise Hospital of Miami Lakes, dated April 23, 2008 and prepared by Ascension Group Architects. Following approval of this conditional use, the Applicant shall submit an administrative site plan application, meeting all applicable requirements thereof, for staff approval. No building permit shall be issued until the administrative site plan has been approved.
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 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.
4. 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.

5. 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.
6. The Applicant shall provide, and continuously maintain all landscaping material on the site in compliance with Chapter 18-A Landscaping Requirements.
7. 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.
8. 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 Section 13-310 of the Town LDC, the Applicant of any aggrieved property owner in the area, may appeal the decision by filing of a notice of appeal in accordance with the Florida Rules of Appellate Procedure.

**Section 6. Effective Date.** This Resolution shall take effect immediately.

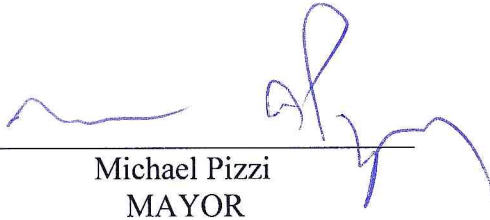
**PASSED AND ADOPTED** this 11<sup>th</sup> day of September, 2012.

Motion to adopt by Councilmember Mary Collins, second by Mayor Michael Pizzi.



**FINAL VOTE AT ADOPTION**


Mayor Michael Pizzi	Yes
Vice Mayor Caesar Mestre	Yes
Councilmember Mary Collins	Yes
Councilmember Tim Daubert	Yes
Councilmember Nelson Hernandez	Yes
Councilmember Nick Perdomo	Absent
Councilmember Richard Pulido	Yes



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Michael Pizzi  
MAYOR

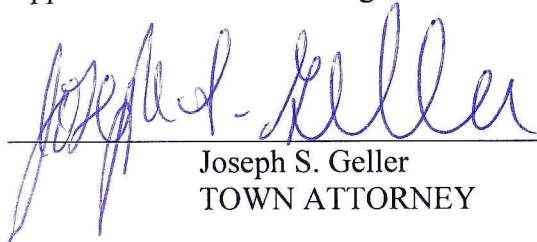
Attest:



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Majorie Tejada  
TOWN CLERK

Approve as to Form and Legal Sufficiency



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Joseph S. Geller  
TOWN ATTORNEY