

RESOLUTION NO. 19-_____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A REQUEST IN ACCORDANCE WITH SECTION 13-303 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE FOR A MODIFICATION TO A CONDITIONAL USE ISSUED VIA RESOLUTION 15-1319 FOR AN INDOOR SHOOTING RANGE; SUBMITTED FOR PROPERTY LOCATED AT 14000 NW 82 AVENUE, SUITES 23 AND 24, MIAMI LAKES, FLORIDA, FOLIO NUMBER 32-2022-052-0240, IN THE IU-C ZONING DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, On July 21, 2015 the Town Council approved a conditional use to permit an indoor shooting range at bays 23 and 24 of 14000 NW 82nd Ave via Resolution 15-1319, with nine (9) conditions.

WHEREAS, Pursuant to Section 13-303 of the Town of Miami Lakes (“Town”) Land Development Code (“LDC”), Andres Perez, Jr. (the “Applicant”) has applied to the Town for approval of Modifications to the Conditional Use allowing an indoor shooting range in the IU-C (Industrial Use - Conditional) zoning district, for property located at 14000 NW 82 Avenue, Suites 23 and 24, Miami Lakes, Florida, Folio #32-2022-052-0240; 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 modifications to a conditional use; and

WHEREAS, in accordance with Section 13-309 of the Town LDC, notice of the public hearing scheduled for Tuesday, July 16, 2019, at 6:30 P.M. at Town Hall, 6601 Main Street, Miami Lakes, Florida on the proposed Modifications to the Conditional Use was provided by posting of the property subject to the application ten days prior to the hearing; mailing courtesy

notice to the property owners of record within a 500-foot radius of the property which is the subject of the application; and publishing in the non-legal section of the local newspaper of general circulation; and

WHEREAS, 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 Modifications of 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 of Modification to Conditional Use. The request to amend conditions 1, 3, 8 and 9 of the Conditional Use approved via Resolution 15-1319, issued on July 21, 2015, as seen on Exhibit A, is hereby approved with conditions.

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

1. This approval modifies only conditions one (1) regarding the final as-built layout, three (3) regarding the allowable noise levels, eight (8) regarding the use of the range by the public, and nine (9) regarding the hours of operation of Resolution 15-1319.

2. All other conditions enumerated in Resolution 15-1319 remain binding and unchanged.

Section 5. Violations 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 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. Appeal. In accordance with Section 13-310 of the Town LDC, the Applicant or any affected person may appeal the decision of the Town Council by filing of a notice of appeal or writ of certiorari in accordance with the Florida Rules of Appellate Procedure.

Section 7. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this ____ day of _____, 2019.

The foregoing resolution was moved for adoption by _____. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Álvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this _____ day of _____, 2019.

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A

Resolution 15-1319 Modified Conditions:

1. The approvals granted are based on the preliminary plans submitted, specifically sheets ~~A-0, A-1 and A-2~~ A-3 and A-4, prepared by Diez, Inc., and all dated ~~01-30-15~~ October 2, 2017. Operation of the indoor shooting range shall be in substantial compliance with these plans, except as modifications may be required pursuant to these conditions, or changes required to comply with the Building Code that do not materially impact this approval.
2. Any/all signage requires a separate sign permit.
3. Any and all noise associated with the shooting range shall be ~~contained within the warehouse units subject to this application.~~ within the noise range established by OSHA for industrial uses and districts. No shooting range noise (including firing guns) shall ~~be detectable~~ rise above said limits as measured outside of the warehouse units subject to this application, including areas outside the building and specifically including the adjacent warehouse unit. Where any such noise is found to be ~~detectable~~ above said limits as measured outside the warehouse units subject to this application, all shooting range use of the property shall immediately cease unless and until physical or operational changes are made to bring the operation into compliance with this condition. Repeated violation of this condition shall result in revocation, by the Administrative Official, of this conditional use approval and any certificate of use (CU) that has been issued.
4. Prior to the issuance of a certificate of use (CU), the property owner shall install and maintain a ventilation system, spent bullet capture facilities, cleaning practices and operational/personnel policies adequate to ensure that, in the judgment of the Administrative Official, vapor and dust from lead-based ammunition does not pose a danger to people and animals in and around the subject property, or to the natural environment. In making this determination, the Administrative Official shall be guided by the rules and regulations of the federal Occupational Health and Safety Administration (OHSA), the Florida Department of Environmental Protection's (DEP) publication "Best Management Practices for Environmental Stewardship of Florida Shooting Ranges," as well as other industry standards and best practices for the operation of shooting ranges and similar facilities. The property owner shall have the burden of demonstrating compliance with this condition.
5. Prior to the issuance of a building permit for the interior improvements necessary to operate the indoor shooting range, the property owner shall revise the plans presented for this approval to include ballistic cladding in every direction in which bullets might travel from the shooting position of each shooting lane, specifically including in the ceiling above the shooting lanes and in every direction within the area labeled "new staging area" on Sheet A-1.

Additions to the text are shown in underlined; deletions from the text are shown in ~~striketrough~~.

Omitted portions of the original resolution are shown as “* * *”.

6. Prior to the issuance of a certificate of use (CU), the Applicant shall submit detailed information, including all existing uses in the entire building and square footage of each, to ensure that there is adequate parking to accommodate the indoor shooting range. In this regard, assigned parking spaces to different units within the building is of no effect, and compliance with parking required by the Land Development Code (LDC) is only determined for the building as a whole.
7. The Applicant shall comply with all requirements and standards of the Town's Police Department.
8. The indoor shooting range shall be ~~used only as a training facility for police academy cadets~~ open to the general public. There will be at least two (2) licensed instructors present at all times ~~while the cadets are~~ during any training.
9. The hours of operation for the indoor shooting range shall be Monday through ~~Friday~~ Sunday from ~~4:00 p.m.~~ 8:00 a.m. to 9:00 p.m.
10. The Applicant shall obtain a Certificate of Use (CU), and Business Tax Receipt (BTR), and promptly renew the BTR annually, upon compliance with all of the terms and conditions of this approval, the same subject to cancellation upon violation of any of the conditions.
11. Prior to the issuance of a Certificate of Use (CU), the Applicant shall secure all permits/approvals from the applicable local, state and/or federal regulatory agencies. The Applicant shall promptly notify the Town if any required local, State or Federal approvals and/or licenses are rescinded, non-renewed or otherwise become non-effective. In such case, the Administrative Official shall have the authority to revoke this conditional use approval.
12. The Applicant shall obtain all required building permits and a Certificate of Use (CU) for all request(s) approved herein, within one (1) year of the date of this approval. If all required building permits and a Certificate of Use (CU) are not obtained or an extension granted within the prescribed time limit, this approval shall become null and void.

EXHIBIT B

Plans