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**RESOLUTION NO. 08-90**

**ZONING APPLICATION VPB-08-005**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF THE VILLAGE OF PALMETTO BAY PURSUANT TO SECTION 33-303 OF THE MIAMI-DADE COUNTY CODE TO ESTABLISH A GOVERNMENTAL FACILITY USE ON PROPERTY ZONED SINGLE-FAMILY RESIDENTIAL AT THE ADDRESS OF 9495 SW 180<sup>TH</sup> STREET; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant made applications for the establishment of a governmental facility use, for a public works administrative offices and fleet location, at 9495 SW 180<sup>th</sup> Street, and for the installation of a Public Works sign on the premises, as described in the Village's Department of Planning and Zoning Recommendation to the Village of Palmetto Bay, which is attached to this resolution; and,

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Southwood Middle School on October 14, 2008; and,

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application pursuant to section 33-303, of the Miami-Dade County Code, as adopted by the Village relating to the governmental facility is consistent with the Village's Comprehensive Plan and the applicable land development regulations; and,

WHEREAS, the Mayor and Village Council find, based on substantial competent evidence in the record, that the application pursuant to section 33-303, of the Miami-Dade County Code, as adopted by the Village relating to the installation of a Public Works Sign, is consistent with the Comprehensive Plan but inconsistent with the applicable land development regulations; and,

WHEREAS, based on the foregoing finding, the Mayor and Village Council determined to grant the applications, as provided in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. A hearing on the present applications was held on October 14, 2008 in accordance with the Village's "Quasi-judicial hearing procedures" Ordinance, found at 2-105, of the Village's Code of Ordinances. Pursuant to the hearing, the Village Council makes the following findings of fact, conclusions of law and order.

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2           Section 2.       Findings of fact.

3   The subject 1.14-acre property comprised of a single-family home is located on the southeast corner  
4 of SW 175<sup>th</sup> Terrace and SW 95<sup>th</sup> Avenue and is adjacent to Total Bank on the west, Palmetto Bay  
5 Park on the north, and single family homes to the south and east. The applicant, the Village of  
6 Palmetto Bay, is seeking to establish a governmental facility use of the property to accommodate the  
7 administrative offices and fleet for the Village's Public Works Department on a parcel zoned RU-1,  
8 Single-Family Residential. The Village is also applying to install a 35 sq.ft. sign designated the site as  
9 part of the Village's Public Works Department.

10  
11 The properties to the east and south of the subject property are developed with single- family  
12 residences and zoned RU-1, Single Family Residential; the properties to the west are zoned, MN,  
13 Mixed Use Neighborhood and existing development include Total Bank and other commercial uses;  
14 and the property to the north is zoned RU-1, Single Family Residential and consist of a large 24 acre  
15 park, Palmetto Bay Park.

16  
17 The applicant has submitted a site plan showing the development of the subject property indicating  
18 the parking layout and proposed landscaping. The requested change of use is in full accordance with  
19 the adopted Comprehensive Plan. The proposed use meets the definition of a governmental facility,  
20 as provided under Section 33-303 of the Miami-Dade County Code. As such, the governmental  
21 facility may be established in any location in the Village, without regard to the zoning of the  
22 particular site. The Village is to take into consideration the land use pattern of the area.

23  
24 The Village Council heard testimony of Amy Nelson, a resident near the site, who raised concerns  
25 with flooding in the area and with the proposed sign, amongst other issues. The Public Works  
26 Director and Village Manager advised that the flood related work for the area was currently being  
27 bid, and that the contractor bid opening would be held on October 22, 2008. The Public Works  
28 Director, Corrice Patterson, and the Zoning Administrator, Efren Nunez, provided greater detail as  
29 to the number of trees, type of landscaping, fencing and screening of the property.

30  
31 Erik Tullberg, resident, requested that bike racks be installed at the site, consistent with the Village's  
32 Code.

33  
34           Section 3.       Conclusions of law.

35 The adopted 2005 Village of Palmetto Bay Comprehensive Plan, Future Land Use Map designates  
36 the site as Low Density Residential. The residential density allowed in this category 2.5 to 6 dwelling  
37 units per gross acre. The Comprehensive Plan also provides for the allowance of governmental  
38 facilities within the land use designation. The proposed use is consistent with the Village of  
39 Palmetto Bay's Comprehensive Plan.

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41 In evaluating an application for a change of use, Section 33-303, of the Miami-Dade County Code,  
42 as adopted by the Village, provides that the Village Council take into consideration, among other  
43 factors:

- 1  
2 a. the type of function involved, the public need therefore;  
3 b. the existing land use pattern in the area;  
4 c. alternative locations for the facility; and  
5 d. the nature of the impact of the facility on the surrounding property.  
6

7 After considering these factors, the Village Council shall take such action as is necessary to provide  
8 for and protect the public health, safety and welfare of the citizens and residents of the Village.  
9

10 In the event the Village Council authorizes the construction, erection, use or operation of a  
11 governmental facility in accordance with the procedures delineated above, or in the event the  
12 Council otherwise determines that Village owned property should be utilized by the Village for a  
13 particular public purpose, the property, pursuant to the requirements of section 33-303, shall be  
14 posted by a sign or signs conspicuously located thereon indicating the governmental facility or use  
15 authorized for the property. Such sign or signs may be removed upon the commencement of  
16 construction.  
17

18 The Village in reviewing this criteria determined that the property is consistent with the existing land  
19 use pattern in the area; that the Village and public need a Public Works Department facility; that the  
20 use would be consistent with and have no impact to the surrounding properties, the majority of  
21 which are commercial, and the Village's Palmetto Bay Park.  
22

23 Section 4. Order. Approval under section 33-303 of the Miami-Dade County Code, as  
24 adopted by the Village of Palmetto Bay, to accommodate a change of use to hold the administrative  
25 offices and fleet for the Village's Public Works Department on a property zoned RU-1, with  
26 conditions, in accordance with the plans entitled "Village of Palmetto Bay, Department of Public  
27 Works" as prepared by OP Architects and Associates, consisting of four (4) sheets, date stamped  
28 received September 15, 2008. Denial of the sign request.  
29

30 Additional conditions.  
31

- 32 1. The existing exterior of the structure is to remain residential in character.  
33 2. The buffering and fence proposed in the plans are to be properly maintained as long  
34 as the site is used by Public Works.  
35 3. Use of the Property is to meet the requirements of Chapter 24, of the Miami-Dade  
36 County Code relating to the requirements and review of the Miami-Dade County  
37 Department of Environmental Resource Management (DERM).  
38 4. Use of the property is to meet the requirements and policies of all other applicable  
39 departments/agencies as part of the building permit submittal process.  
40 5. The Village is to install two bike racks on the site.  
41 6. The sign request was denied. The sign shall be consistent with the residential zoning  
42 requirements.  
43 7. This is a final order.  
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