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**RESOLUTION NO: 2012-44**

**ZONING APPLICATION VPB-12-003**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING, WITH CONDITIONS, THE APPLICANT A.N. DEALERSHIP HOLDING CORPORATION'S REQUEST FOR A VARIANCE PURSUANT TO SECTION 30-30.6, OF THE VILLAGE'S LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Applicant, A.N. Dealership Holding Corporation, pursuant to Section 30-30.6 of the Village of Palmetto Bay's Land Development Code (LDC) filed an application requesting a variance of sign regulations to allow two (2) additional building identification signs where one is permitted; on a property zoned Mixed-Use Corridor (MC); and,

WHEREAS, the Planning and Zoning Department issued a recommendation of approval of the sign variance; and,

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Village Hall, 9705 East Hibiscus Street, Palmetto Bay, on May 21, 2012; and,

WHEREAS, the Mayor and Village Council, based on substantial competent evidence in the record, found that the applicant's request, pursuant to section 30-30.6, of the Village's Land Development Code, to be consistent with the Village's Comprehensive Plan and the applicable land development regulations; and,

WHEREAS, based on the foregoing finding, the Mayor and Village Council determined to grant the variance request 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. The above WHEREAS clauses are incorporated into the Resolution by reference.

Section 2. Findings of Fact.

Staff submitted their report into the public record and testified that the request was in compliance with the variance criteria requirements of Section 30-30.6 of the Village's Land Development Code. During the public hearing members of the public spoke in favor of the application. The Village Council accepted the recommendation of Staff and approved the application.

1           Section 3. Conclusion of Law. Based upon the Staff Report and recommendation, and  
2 the testimony provided at the hearing, the Mayor and Village Council concluded:  
3

- 4           1. that the application was in compliance with the adopted 2005 Village of Palmetto Bay  
5           Comprehensive Plan, and Future Land Use Map; and,  
6  
7           2. the Applicants' request for a setback variance was in compliance with Section 30-30.6 of  
8           the Land Development Code, subject to the conditions found at Section 4 of this  
9           Resolution.

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11           Section 4. Order.  
12

13           The Council, pursuant to Section 30-30.6, of the Village's Land Development Code  
14 approves with conditions, the Applicants request for a for a variance of sign regulations to allow two  
15 (2) additional building identification signs where only one is permitted. Approval of this application  
16 is in character with the existing use of the property and is consistent with the Village's  
17 Comprehensive Plan. The Village Council approves the plans entitled "Maroone Nissan of Kendall,  
18 17305 S. Dixie Hwy, Palmetto Bay FL, 33157" consisting of four (4) sheets dated stamped received  
19 April 3<sup>rd</sup>, 2012, as prepared by McNeil Signs, Inc.  
20

21           The Council conditioned approval, based upon the recommendation of staff and required  
22 the Applicants to comply with the requirements of all other applicable departments/agencies as part  
23 of the Village of Palmetto Bay building permit submittal process.  
24

25           Section 5. Record.

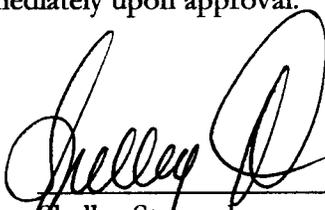
26           The record shall consist of the notice of hearing, the applications, documents submitted by  
27 the Applicants and their representatives to Village's Department of Planning and Zoning in  
28 connection with the applications, staff recommendation and attached cover sheet and documents,  
29 the testimony of sworn witnesses and documents presented at the quasi-judicial hearing, and the  
30 tape and minutes of the hearing. The record shall be maintained by the Village Clerk.  
31

32           Section 6. This resolution shall take effect immediately upon approval.

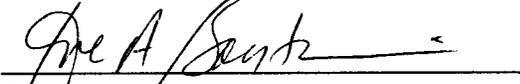
33 PASSED and ADOPTED this 21<sup>st</sup> day of May, 2012.

34  
35 Attest:

36             
37           Meighan Alexander  
38           Village Clerk

39             
40           Shelley Stanczyk  
41           Mayor

42 APPROVED AS TO FORM:

43             
44           Eve A. Boutsis,  
45           Village Attorney

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2 FINAL VOTE AT ADOPTION:  
3  
4 Council Member Patrick Fiore YES  
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6 Council Member Howard J. Tendrich YES  
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8 Council Member Joan Lindsay YES  
9  
10 Vice-Mayor Brian W. Pariser YES  
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12 Mayor Shelley Stanczyk YES  
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