

RESOLUTION NO. 2014-82

ZONING APPLICATION PLT-14-002

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AUTHORIZING THE PLAT OF CERTAIN LANDS WITHIN THE VILLAGE OF PALMETTO BAY AS BOUNDED BY THE HARRIEL ESTATES PLAT TO THE NORTH, SW 174 STREET TO THE SOUTH, SW 93 AVENUE TO THE EAST, AND SW 94 AVENUE TO THE WEST, CREATING PALMETTO BAY ESTATES PLAT CONSISTING OF 2 BLOCKS AND 19 LOTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Applicant, Isabianca Investments LLC, submitted an application to plat certain lands within the Village of Palmetto Bay as bounded by the Harriel Estates Plat to the north, SW 174 Street to the south, SW 93 Avenue to the east, and SW 94 Avenue to the west, bearing Folios Numbers 33-5033-000-0410, 33-5033-000-0770, as more particularly described at Attachment A of this Resolution; creating Palmetto Bay Estates Plat consisting of 2 blocks and 19 lots; and

WHEREAS, on January 22, 2007 The Mayor and Village Council, operating under the Miami-Dade County code, designated the property RU-1, Single Family Residential, from AU, Agricultural, with a condition, among others, that the land contain no more than nineteen lots to be laid-out in a specified configuration; and

WHEREAS, on August 20, 2009, the Village of Palmetto Bay Mayor and Village Council changed the zoning of the property from RU-1 to R-1, Single Family Residential, when they adopted their own Land Development Code and Official Zoning Map; and

WHEREAS, the property configuration complies with the Land Development Code, the conditions applied by the Mayor and Village Council in 2007, and has been deemed acceptable by the Village's Public Works Department; and

WHEREAS, the applicant is now requesting the Mayor and Village Council authorize the plat request so that the applicant may finalize the plat application with Miami-Dade County; and

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial public hearing on the application at Village Hall, 9705 East Hibiscus Street on December 15, 2014; and

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the plat is consistent with the Village of Palmetto Bay Comprehensive Plan and the applicable Land Development Regulations; and

WHEREAS, based on the foregoing finding, the Mayor and Village Council determined to grant the application, 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 foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Resolution upon adoption hereof.

Section 2. A public hearing on the present application was held on December 15, 2014, in accordance with the Village's "Quasi-judicial hearing procedures." Pursuant to the testimony and evidence presented during the hearing, the Village Council makes the following findings of fact, conclusions of law and final order.

Section 3. Findings of fact.

a. On January 22, 2007, the Mayor and Village Council designated the property RU-1, Single Family Residential, from AU, Agricultural, with a condition, among others, that the land contain no more than nineteen lots to be laid-out in a specified configuration.

b. On August 20, 2009, the Village of Palmetto Bay adopted its own zoning code which included rezoning those lands previously zoned RU-1 to R-1, Single Family Residential Zoning district, and in so doing adopted the Village's Official Zoning Map.

c. The applicant is requesting the Mayor and Village Council to authorize the plat request so that the applicant may finalize the plat application with Miami-Dade County. The applicant seeks to subdivide the property to allow the construction of single-family homes on the newly created lots.

d. The property configuration complies with the Land Development Code, the conditions from the 2007 rezoning, and has been deemed acceptable by the Village's Public Works Department.

e. The Department review of the application for consistency with plat requirements at Section 30-80.2(b), entitled "Final Plat Application Requirements", found the application to be in compliance.

f. The Village Council had no substantive disclosures regarding ex-parte communications and the applicant raised no objections as to the form or content of any disclosures by the Council.

Section 4. Conclusions of law.

The request to plat those lands within the Village of Palmetto Bay as bounded by the Harriel Estates Plat to the north, SW 174 Street to the south, SW 93 Avenue to the east, and SW 94 Avenue to the west, bearing Folios Numbers 33-5033-000-0410, 33-5033-000-0770, as more particularly described at Attachment A of this Resolution, creating Palmetto Bay Estates Plat consisting of 2 blocks and 19 lots is hereby granted.

Section 5. Order.

a. The Village Council authorizes the plat of those lands described at Attachment A, bearing Folios Numbers 33-5033-000-0410, 33-5033-000-0770; creating "Palmetto Bay Estates Plat", consisting of 2 blocks and 19 lots. .

b. This is a final order.

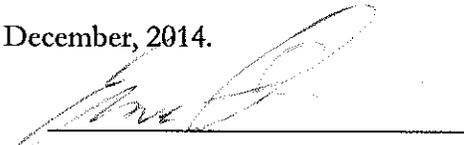
Section 6. Record.

The record shall consist of the notice of hearing, the applications, documents submitted by the applicant and the applicants' representatives to the Village of Palmetto Bay Department of Planning and Zoning in connection with the applications, the county recommendation and attached cover sheet and documents, the testimony of sworn witnesses and documents presented at the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by the Village Clerk.

Section 7. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 15th day of December, 2014.

Attest: 
Meighan Alexander
Village Clerk


Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:


Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham YES

Council Member Tim Schaffer Absent

Council Member Larissa Siegel Lara YES

Vice-Mayor John DuBois YES

Mayor Eugene Flinn YES

This Resolution was filed in the Office of the City Clerk on this 22 day of December, 2014.

A handwritten signature in cursive script, reading "Meighan Alexander", written over a horizontal line.

Meighan Alexander
Village Clerk

Attachment A

Legal Description of Lands to be Platted

The south 208.75 feet of the west 208.75 feet of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ less the south and west 25 feet thereof for road purposes of section 33, township 55 south, range 40 east, lying and being in Miami-Dade County, Florida and the south 66 feet of the north $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ less the west 25 feet thereof for right-of-way purposes of Section 33, Township 55 south, Range 40 east, lying and being in Miami-Dade County, Florida and the south $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, less the south 208.75 feet of the west 208.75 feet and less the south 25 feet of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ for right-of-way purposes lying and being in Section 33, Township 55 south, Range 40 east, lying and being in Miami-Dade County, Florida.