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RESOLUTION NO. 2015-85

ZONING APPLICATION VPB-15-008

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO A VARIANCE FROM SECTION 30-90.17(i), TO INCREASE THE MAXIMUM NUMBER OF PERMITTED WALL SIGNS FROM THREE (3) TO FOUR (4) FOR THE PROPERTY LOCATED AT 16501 SOUTH DIXIE HIGHWAY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Applicant, DJR Realty LLC (Dadeland Dodge) made an application for a variance to increase the maximum number of permitted wall signs from three (3) to four (4), for their property located at 16501 South Dixie Highway, bearing property identification number 33-5028-062-0020; 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, on October 19, 2015; and

**WHEREAS**, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the variance is consistent with 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, with one condition; the total square footage of all wall signs may not exceed the overall permitted square footage based upon the site frontage.

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

Section 1. A public hearing on the present application was held on October 19, 2015, 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 2. Findings of fact.

- a. That the property is located at 16501 South Dixie Highway, bearing the property identification number 33-5028-062-0020.
- b. After hearing testimony from staff, the applicant, the applicant's experts, and the public, the Village Council found the variance request is consistent with the variance criteria at Section 30-30.6(e), of the Village's Land Development Code.
- c. The Village adopts and incorporates by reference the Planning & Zoning Department staff report, which expert report is considered competent substantial evidence.

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2 d. The Village Council did not have any substantive disclosures regarding ex-parte  
3 communications and the applicant did not raise any objections as to the form or content  
4 of any disclosures by the Council.  
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6 Section 3. Conclusions of law.  
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8 The requested variance was reviewed pursuant to Section 30-30.6(e) of the Village's Land  
9 Development Regulations and was found to be consistent.  
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11 Section 4. Order.  
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13 The Village Council approves the variance request for the property located at 16501 South  
14 Dixie Highway bearing the property identification number 33-5028-062-0020, as consistent with  
15 Section 30-30.6(e) of the Village's Land Development Regulations. With the following condition; the  
16 total square footage of all wall signs may not exceed the overall permitted square footage based  
17 upon the site frontage.  
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19 This is a final order.  
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21 Section 5. Record.  
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23 The record shall consist of the notice of hearing, the applications, documents submitted by  
24 the applicant and the applicants' representatives to the Village of Palmetto Bay Planning and Zoning  
25 Department in connection with the applications, the County recommendation and attached cover  
26 sheet and documents, the testimony of sworn witnesses and documents presented at the quasi-  
27 judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by the  
28 Village Clerk.  
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30 Section 6. This resolution shall take effect immediately upon approval.  
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32 PASSED and ADOPTED this 19<sup>th</sup> day of October, 2015.  
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34  
35 Attest: Meighan Alexander  
36 Meighan Alexander  
37 Village Clerk  
38

Eugene Flinn  
Eugene Flinn  
Mayor

39 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
40 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:  
41

42 Dexter W. Lehtinen  
43 Dexter W. Lehtinen  
44 Village Attorney  
45  
46

1 FINAL VOTE AT ADOPTION:  
2  
3 Council Member Karyn Cunningham Absent  
4  
5 Council Member Tim Schaffer NO  
6  
7 Council Member Larissa Siegel Lara YES  
8  
9 Vice-Mayor John DuBois YES  
10  
11 Mayor Eugene Flinn YES  
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13  
14

15 This Resolution was filed in the Office of the Village Clerk on this 26<sup>th</sup> day of October, 2015.  
16

17 Meighan Alexander  
18  
19 Meighan Alexander  
20 Village Clerk  
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