

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

**RESOLUTION NO. 03-09**

**ZONING APPLICATION 03-1-VPB-1 (02-247)**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF PARADISE POINT CORP. FOR ALTERNATIVE SITE DEVELOPMENT ORDER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant made applications for alternative site development order and for alternative non-use variance, as described in the Miami-Dade 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 January, 28, 2003; and,

WHEREAS, the mayor and village council finds, based on substantial competent evidence in the record, that the application for alternative site development order is consistent with the Miami-Dade County comprehensive plan and 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 January 28, 2003 in accordance with ordinance. no. 02-03, entitled "Quasi-judicial hearing procedures." Pursuant to the hearing, the village council makes the following findings of fact, conclusions of law and order.

1            Section 2.    Findings of fact.

- 2            1.     The applicant is Paradise Point Corp. The property is single family  
3            residence located at 5844 Paradise Point Dr.  
4            2.     The applicant requests approval of a building design with reduced setback  
5            areas and greater lot coverage than permitted. The requests are further  
6            described in the attached county recommendation.  
7            3.     The village council adopts the portions of the cover sheet to, and the county  
8            recommendation, entitled Previous Zoning Hearings on the Property;  
9            Enforcement History; Introduction-Requests, Summary of Requests,  
10           Location, Size, Impact, Zoning Hearings History, Comprehensive  
11           Development Master Plan (CDMP), Neighborhood Characteristics, Site and  
12           Buildings and Neighborhood Services as its findings of fact.  
13

14           Section 3.    Conclusions of law.

- 15           1.     The village council adopts the portions of the county recommendation,  
16           entitled Pertinent Requirements/Standards-Alternative Site Development  
17           Option for Single Family and Duplex Dwellings and Alternative non-use  
18           variance standard; and Analysis as its conclusions of law.  
19           2.     The village council further concludes that the application for alternative site  
20           development order is consistent with the Miami-Dade County  
21           comprehensive plan and comply with the applicable land development  
22           regulation, §33-311(A)(14)(Alternative Site Development Option).  
23

24           Section 4.    Order.

- 25           1.     The application for alternative site development order is granted subject to  
26           the conditions contained in the county recommendations at page 1 and the  
27           following additional conditions.  
28

29           Additional conditions.

- 30  
31           2.     The approval of the exception to the 25' rear setback to permit a single  
32           family residence with a minimum setback of 14.17' is approved for this lot  
33           only because of an undiscovered survey mistake. The property owner  
34           agrees that it shall not apply for, and no rear setback exception shall be  
35           granted, for lots 1 through 4.  
36

1 3. The application for alternative non-use variance is denied as moot and on  
2 the additional basis that the applicant did not submit evidence to carry its  
3 burden of proof on the issue.

4  
5 4. This is a final order.

6  
7 Section 5. Record.

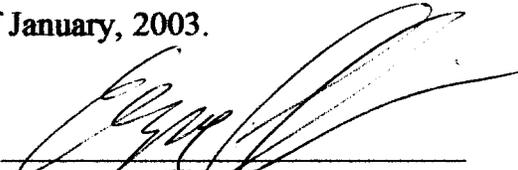
8 The record shall consist of the notice of hearing, the applications, documents  
9 submitted by the applicant and the applicant's representatives to the Miami-Dade County  
10 Department of Planning and Zoning in connection with the applications, the county  
11 recommendation and attached cover sheet and documents, the testimony of sworn  
12 witnesses and documents presented at the quasi-judicial hearing, and the tape and  
13 minutes of the hearing. The record shall be maintained by the village clerk.  
14

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

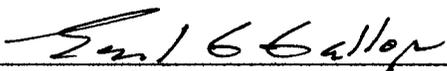
16 PASSED and ADOPTED this 28<sup>th</sup> day of January, 2003.

17  
18 Attest:

19   
20 Meighan Pier  
21 Village Clerk

22   
23 Eugene P. Flinn, Jr.  
24 Mayor

25 APPROVED AS TO FORM:

26   
27 Earl G. Gallop,  
28 Village Attorney  
29  
30  
31  
32  
33  
34  
35  
36

1 FINAL VOTE AT ADOPTION:

2

3 Council Member Ed Feller AYE

4

5 Council Member Paul Neidhart AYE

6

7 Council Member John Breder AYE

8

9 Vice-Mayor Linda Robinson AYE

10

11 Mayor Eugene P. Flinn, Jr. AYE

12

13

14 \\Dell\_6100\Documents\0293\EGG\16645.doc- Zoning-Paradise Point Corp

15