

**RESOLUTION NO. 2015-16  
ZONING APPLICATION PLT-14-003**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AUTHORIZING THE PLAT OF THE NORTHWEST CORNER OF 6525 SW 152 STREET, CREATING THE F.P.L CUTLER PLANT SUBSTATION PLAT CONSISTING OF 583,660 SQ. FEET (13.4 ACRES).**

**WHEREAS**, the Applicant, Florida Power and Light Company, submitted an application to plat the northwest corner of 6525 SW 152 Street, creating the F.P.L Cutler Plant Substation plat consisting of 583,660 sq. feet (13.4 acres), bearing Folios Number 33-5024-000-0020, as more particularly described at Attachment A of this Resolution; and

**WHEREAS**, on September 15, 1947, the Board of Miami-Dade County approved the development of the 84 acre site as a power plant facility.

**WHEREAS**, in November of 2012, the property ceased its power generation activities, and now only serves as a substation for the distribution of power produced at FP&L's Turkey Point Facility, and as such, FP&L is no longer interested in retaining all 84 acres of the site; and

**WHEREAS**, the plat application submitted by FP&L separates approximately 13.4 acres from the site, which they tend to retain for the purpose of operating the existing power distribution substation; 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 January 20, 2015; 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 January 20, 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 3. Findings of fact.**

a. On September 15, 1947, the Board of Miami-Dade County approved the development of the 84 acre site as a power plant facility.

b. In November of 2012, the property ceased its power generation, and now only serves as a substation for the distribution of power produced at FP&L's Turkey Point Facility. As such in this reduced role, FP&L is no longer interested in retaining all 84 acres of the site. The plat application submitted by FP&L separates approximately 13.4 acres from the site which they tend to retain for the purpose of operating the existing substation.

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 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.**

a. Florida Power and Light, is requesting to plat the northwest corner of 6525 SW 152 Street, creating the F.P.L Cutler Plant Substation Plat consisting of 583,660 sq. feet (13.4 acres), bearing Folios Number 33-5024-000-0020, as more particularly described at Attachment A of this Resolution, for the purpose of retaining those lands for a power distribution substation.

b. The Application is in compliance with the adopted 2009 Village of Palmetto Bay Comprehensive Plan and Future Land Use Map.

c. The standard of review for a plat application request is found at Section 30-80.2(b), entitled "Final Plat Application Requirements". The Applicant's request to plat the property as described in Attachment A is in compliance with the applicable standards.

**Section 5. Order.**

a. The Village Council authorizes the plat of those lands described at Attachment A, bearing Folio Number 33-5024-000-0020; creating "F.P.L. Cutler Plant Plat".

b. This is a final order.

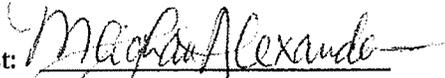
**Section 6. Record.**

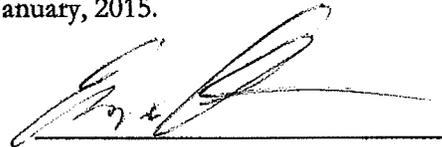
The record shall consist of the notice of hearing, the applications, documents submitted by the applicant and the applicants' representatives to the Village of Palmetto Bay Department of Planning and Zoning in connection with the applications, the county recommendation and attached cover sheet and documents, 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.

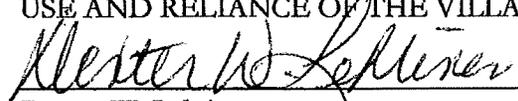
PASSED and ADOPTED this 20<sup>th</sup> day of January, 2015.

Attest:

  
Meighan Alexander  
Village Clerk

  
Eugene Flinn  
Mayor

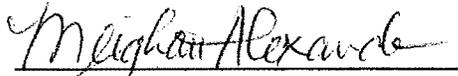
APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

  
Dexter W. Lehtinen  
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham	<u>YES</u>
Council Member Tim Schaffer	<u>YES</u>
Council Member Larissa Siegel Lara	<u>YES</u>
Vice-Mayor John DuBois	<u>YES</u>
Mayor Eugene Flinn	<u>YES</u>

This Resolution was filed in the Office of the Village Clerk on this 28<sup>th</sup> day of January, 2015.



Meighan Alexander  
Village Clerk

**RESOLUTION NO. 2015-17  
ZONING APPLICATION PLT-14-003**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AUTHORIZING THE PLAT OF THE NORTHWEST CORNER OF 6525 SW 152 STREET, CREATING THE F.P.L CUTLER PLANT SUBSTATION PLAT CONSISTING OF 583,660 SQ. FEET (13.4 ACRES).**

**WHEREAS**, the Applicant, Florida Power and Light Company, submitted an application to plat the northwest corner of 6525 SW 152 Street, creating the F.P.L Cutler Plant Substation plat consisting of 583,660 sq. feet (13.4 acres), bearing Folios Number 33-5024-000-0020, as more particularly described at Attachment A of this Resolution; and

**WHEREAS**, on September 15, 1947 the Board of Miami-Dade County approved the development of the 84 acre site as a power plant facility.

**WHEREAS**, in November of 2012 the property ceased its power generation activities, and now only serves as a substation for the distribution of power produced at FP&L's Turkey Point Facility, and as such, FP&L is no longer interested in retaining all 84 acres of the site; and

**WHEREAS**, the plat application submitted by FP&L separates approximately 13.4 acres from the site which they tend to retain for the purpose of operating the existing power distribution substation; 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 January 20, 2015; 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 January 20, 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 3.** Findings of fact.

a. On September 15, 1947, the Board of Miami-Dade County approved the development of the 84 acre site as a power plant facility.

b. In November of 2012, the property ceased its power generation, and now only serves as a substation for the distribution of power produced at FP&L's Turkey Point Facility. As such in this reduced role, FP&L is no longer interested in retaining all 84 acres of the site. The plat application submitted by FP&L separates approximately 13.4 acres from the site which they tend to retain for the purpose of operating the existing substation.

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 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.

a. Florida Power and Light, is requesting to plat the northwest corner of 6525 SW 152 Street, creating the F.P.L Cutler Plant Substation Plat consisting of 583,660 sq. feet (13.4 acres), bearing Folios Number 33-5024-000-0020, as more particularly described at Attachment A of this Resolution, for the purpose of retaining those lands for a power distribution substation.

b. The Application is in compliance with the adopted 2009 Village of Palmetto Bay Comprehensive Plan and Future Land Use Map.

c. The standard of review for a plat application request is found at Section 30-80.2(b), entitled "Final Plat Application Requirements". The Applicant's request to plat the property as described in Attachment A is in compliance with the applicable standards.

**Section 5. Order.**

a. The Village Council authorizes the plat of those lands described at Attachment A, bearing Folio Number 33-5024-000-0020; creating "F.P.L. Cutler Plant Plat".

b. This is a final order.

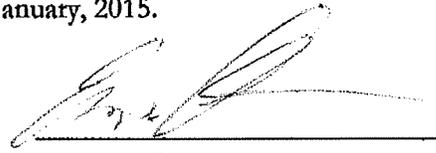
**Section 6. Record.**

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 20<sup>th</sup> day of January, 2015.

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 Katryn Cunningham	<u>YES</u>
Council Member Tim Schaffer	<u>YES</u>
Council Member Larissa Siegel Lara	<u>YES</u>
Vice-Mayor John DuBois	<u>YES</u>
Mayor Eugene Flinn	<u>YES</u>

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

Meighan Alexander

Meighan Alexander  
Village Clerk

## **MEMORANDUM**

Agenda Item No. 11(A)(4)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** May 6, 2014

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution determining that the  
Cutler Ridge Electric Power  
Generating Plant site is not in  
use, and will not be in use in the  
future, for an electrical power  
generating facility

Resolution No. R-439-14

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/lmp



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** May 6, 2014

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(4)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(4)  
5-6-14

RESOLUTION NO. R-439-14

RESOLUTION DETERMINING THAT THE CUTLER RIDGE  
ELECTRIC POWER GENERATING PLANT SITE IS NOT IN  
USE, AND WILL NOT BE IN USE IN THE FUTURE, FOR AN  
ELECTRICAL POWER GENERATING FACILITY

**WHEREAS**, Section 9.6 of the Charter of the Village of Palmetto Bay provides for regulatory control over the location of the Florida Power and Light Cutler Ridge Electric Power Generating Plant (the "Cutler Ridge Plant") to be retained by Miami-Dade County, in recognition that the Cutler Ridge Plant was a facility of county-wide significance; and

**WHEREAS**, Section 9.6 of the Charter of the Village of Palmetto Bay further provides that its provisions shall be null and void upon an official determination by the Board of County Commissioners of Miami-Dade County that the Cutler Ridge Plant Site is not in use for an electric power generating facility of county-wide significance, and will not be used for such a facility in the future; and

**WHEREAS**, On August 10, 2013, Florida Power and Light demolished the Cutler Ridge Plant, and has requested an official determination that the Cutler Ridge Plant Site is not in use, and will not be in use in the future, for an electrical power generating facility,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board officially determines that the Cutler Ridge Plant Site, as defined by Section 9.6 of the Charter of the Village of Palmetto Bay, is not in use for an electrical power generating facility of county-wide significance and will not be used for such a facility in the future.

The Prime Sponsor of the foregoing resolution is Vice Chair Lynda Bell. It was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Chairwoman	aye
	Lynda Bell, Vice Chair	aye
Bruno A. Barreiro	absent	Esteban L. Bovo, Jr. aye
Jose "Pepe" Diaz	aye	Audrey M. Edmonson aye
Sally A. Heyman	aye	Barbara J. Jordan aye
Jean Monestime	aye	Dennis C. Moss aye
Sen. Javier D. Souto	aye	Xavier L. Suarez aye
Juan C. Zapata	absent	

The Chairperson thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> day of May, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Christopher Agrippa**

Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Dennis A. Kerbel







Village of Palmetto Bay  
FLORIDA

ZONING ANALYSIS

**APPLICANT:** Florida Power & Light Company      **FILE:** PLT-14-003  
**SECTION:** 24-55-40      **HEARING DATE:** 1/20/15  
**COUNCIL DISTRICT:** 1      **ITEM:** 1

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**A. GENERAL INFORMATION**

**REQUEST:** Florida Power and Light Company, is requesting to plat the northwest corner of 6525 SW 152 Street, creating the F.P.L Cutler Plant Substation plat consisting of 583,660 sq. feet (13.4 acres).

**ADDRESS:** 6525 SW 152 Street (See Attachment for complete legal description)

**FOLIO:** 33-5024-000-0020

**SIZE OF LOT:** 583,660 sq. ft. (13.4 Acres)

**B. BACKGROUND**

The property in question is owned by Florida Power and Light Company (FP&L), and is commonly referred to as the "FP&L Site". It was originally developed as power plant facility circa 1947-49, with the approval for that use was granted by the Board of Miami-Dade County on September 15, 1947. The entirety of the property, which totals approximately 84 acres, no longer generates power and now serves as a substation for the distribution of power produced at FP&L's Turkey Point Facility. In this reduced role, FP&L is no longer interested in retaining all 84 acres of the site. The plat application submitted by FP&L separates approximately 13.4 acres from the site which they intend to retain for the purpose of operating the existing substation. The 13.4 acres subject to this request is located in the northwest quadrant of the overall property. The balance of the site, approximate 71 acres, will likely be sold by FP&L as they are no longer are in need of the surplus land. The plat itself is a boundary plat that has already received tentative approval (T-Plat) from Miami-Dade County. To complete the platting process, the applicant is now requesting the Mayor and Village Council approve the plat request so that the applicant may finalize their plat application with Miami-Dade County. The property configuration complies with the Land Development Code and the Village's Compressive Plan. The Village's Public Works Department reviewed the plat and had no objections.

### **C. ZONING HEARING HISTORY**

The following is a review of the zoning history as it applies to property in question. The associated resolutions identified herein are provided at Attachment A.

On **September 5, 1947**, the Board of Miami-Dade County Commissioners, via **Resolution 2615**, approved a request for a special permit to establish a power plant.

On **February 27, 1951**, the Board of Miami-Dade County Commissioners, via **Resolution 4177**, approved a request for a special permit to allow the installation of an additional 75,000 kilowatt generating unit.

On **June 24, 1952**, the Board of Miami-Dade County Commissioners, via **Resolution 5099**, approved a request for a special permit to allow a recreation and meeting room for employees and their families and headquarters meeting room and lounge for plant visitors.

On **March 24, 1953**, the Board of Miami-Dade County Commissioners, via **Resolution 5779**, approved a request for a special permit to allow the installation of an additional 75,000 kilowatt generating unit.

On **December 29, 1953**, the Board of Miami-Dade County Commissioners, via **Resolution 6582**, approved an expansion of the uses at the location.

On **December 18, 1963**, the Board of Miami-Dade County Commissioners, via **Resolution 2-ZAB-683-63**, approved a permit to allow the expansion of the existing plant by the addition of two 425,000 kilowatt generating units and all accessory equipment and facilities..

On **July 12, 1994**, the Board of Miami-Dade County Commissioners, via **Resolution 5-ZAB-248-94**, approved a request for a special use permit to allow the installation of a monopole cell tower.

### **D. NEIGHBORHOOD CHARACTERISTICS**

#### **ZONING**

##### **Subject Property:**

E-1; Estate Single Family  
Residential District  
I; Interim District

##### **Surrounding Properties**

**NORTH:** Single Family Homes within Coral Gables

**SOUTH:** E-1; Estate Single Family  
Residential District  
I; Interim District

#### **FUTURE LAND USE DESIGNATION**

Low Density Residential (EDR)  
2.5 D.U. to 6 D.U. per gross acre  
Institutional and Public Facility

Low Density Residential (EDR)  
2.5 D.U. to 6 D.U. per gross acre  
Institutional and Public Facility

<b>EAST:</b>	I; Interim District	Institutional and Public Facility
<b>WEST:</b>	E-1; Estate Single Family Residential District E-M; Estate Single Family Residential District &	Low Density Residential (EDR) 2.5 D.U. to 6 D.U. per gross acre Low Density Residential 2.5 D.U. to 6 D.U. per gross acre

#### **E. SITE**

Site Plan Review:	N/A
Scale/Utilization of Site:	Acceptable
Compatibility:	Acceptable
Access:	Acceptable

#### **F. ANALYSIS**

The Background Section and History Section of this report are hereby incorporated into this analysis and any corresponding criteria by reference. The Planning and Zoning Department review of the application for consistency with plat requirements at Section 30-80.2(b) subsection (1) through (29), entitled "Final Plat Application Requirements", found the application to be in compliance. The Land Use designation of the property is split with an Estate Residential designation along the western reach of the property and the remaining balance designated as Institutional and Public Facility. Utilities are permitted in both land use categories<sup>1</sup>. Further, this request is support by Policy 1.3.3 which seeks to locate lands for regional utility service providers. The substation is a preexisting use with prior approvals granted thereto by Miami-Dade County as reflected in the History Section of this report. The result of this request is to reduce the amount of land held by the utility needed for this essential service.

#### **G. NEIGHBORHOOD SERVICES**

Miami-Dade Water Sewer Dept.	Pending
Miami-Dade Public Works	Pending
Village Public Works Dept.	Approved

#### **H. RECOMMENDATION**

Recommendation is to approve the plat as submitted by the applicant.

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Darby Delsalle, AICP, Director  
Department of Planning & Zoning

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<sup>1</sup> Policy 1.1.5 of the Village's Comprehensive Plan permits utilities in all residential land uses that are intended to serve the immediate needs of the residential community. Utilities are permitted by right within Institutional and Public Facility districts. The facility is an existing use.