



1           **WHEREAS**, based on the foregoing finding, the Mayor and Village  
2 Council determined to grant the application, as provided in this Resolution.  
3

4           **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**  
5 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA,**  
6 **AS FOLLOWS:**  
7

8           **Section 1.** A public hearing on the present application was held on  
9 October 15, 2018, in accordance with the Village’s “Quasi-Judicial Hearing  
10 Procedures”. Pursuant to the testimony and evidence presented during the  
11 hearing, the Village Council makes the following findings of fact,  
12 conclusions of law, and final order.  
13

14           **Section 2.** Findings of fact.

- 15 a. That the property is located at 17945 SW 79<sup>th</sup> Avenue.  
16 b. The requested variance is consistent with the Village’s Comprehensive  
17 Plan, as further specified in the Analysis Section of the Village’s Staff  
18 Report.  
19 c. After hearing testimony from staff, the applicant, the applicant’s experts,  
20 and the public, the Village Council found the plat request is consistent  
21 with criteria in Section 30-80.1 of the Village Land Development Code.  
22 d. The Village adopts and incorporates by reference the Planning and  
23 Zoning Department Staff Report, which expert report is considered  
24 competent substantial evidence.  
25 e. The Village Council did not have any substantive disclosures regarding  
26 ex-parte communications and the applicant did not raise any objections  
27 as to the form or content of any disclosures by the Council.  
28

29           **Section 3.** Conclusions of law.

30 The requested plat was reviewed pursuant to Section 30-80.1 of the  
31 Village’s Land Development Regulations and was found to be consistent.  
32

33           **Section 4.** Order.

34 The Village Council approves the plat requests for certain lands within the  
35 Village of Palmetto Bay, located at 17945 SW 97<sup>th</sup> Avenue, bearing folio  
36 number 33-5033-000-0880, as more particularly described in the  
37 attachment plat document that is included in this public hearing package,  
38 creating one lot, separating for dedication to the Village of Palmetto Bay as  
39 public right-of-way those certain lands consistent with the “Atlantico at  
40 Palmetto Bay” development site plan approval per Resolution 2016-51, and

1 consistent with approval of right-of-way improvements by Resolution 2018-  
2 90. This is the final order.

3

4 **Section 5.** Record.

5 The record shall consist of the notice of hearing, the applications,  
6 documents submitted by the applicant and the applicants' representatives  
7 to the Village of Palmetto Bay Department of Planning and Zoning in  
8 connection with the applications, the testimony of sworn witnesses and  
9 documents presented at the quasi-judicial hearing, and the tape and  
10 minutes of the hearing. The record shall be maintained by the Village Clerk.

11

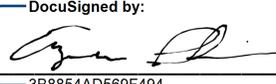
12 **Section 6.** This Resolution shall take effect immediately upon  
13 approval.

14

15 **PASSED AND ADOPTED** this 15<sup>th</sup> day of October, 2018.

16

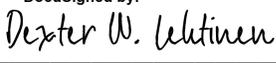
17 Attest:   
18 6EDC211E5E8C48C  
19 Missy Arocha  
20 Village Clerk

  
21 3B8854AD569F404  
22 Eugene Flinn  
23 Mayor

24

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

27

  
28 1B1D06E71321445  
29 Dexter Lehtinen, Esq.  
30 Village Attorney

31

32 **FINAL VOTE AT ADOPTION:**

33

34 Council Member Karyn Cunningham YES

35

36 Council Member David Singer YES

37

38 Council Member Larissa Siegel Lara YES

39

40 Vice-Mayor John DuBois YES

41

Mayor Eugene Flinn NO