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**RESOLUTION NO. 07-31**

**ZONING APPLICATION VPB-07-01**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF THE VILLAGE OF PALMETTO BAY REQUESTING ZONING APPROVAL PURSUANT TO SECTION 33-303 OF THE MIAMI-DADE COUNTY CODE, AS ADOPTED BY THE VILLAGE, TO ALLOW FOR PUBLIC FACILITY PUBLIC USE AT THE PROPERTY KNOWN AS 17641 OLD CUTLER ROAD FOR A PUBLIC LIBRARY AND PUBLIC PARK; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant made applications pursuant to Section 33-303 of the Miami-Dade County Code, as adopted by the Village for the ability to use the site for a public facility, as described in the Village's Planning and Zoning Recommendation to the Village Council of 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 March 12<sup>th</sup>, 2007; and,

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for a public facility use is consistent with the Village of Palmetto Bay's 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. A hearing on the present applications was held on March 12<sup>th</sup>, 2007 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.

Section 2. Findings of fact.

1. The applicant is the Village of Palmetto Bay, 8950 SW 152<sup>nd</sup> Street, Palmetto Bay, Florida 33157. The property that is the subject of this zoning resolution is located at 17641 Old Cutler Road. It is currently zoned EU-2. The applicant, pursuant to section 33-303 of the Miami-Dade County Code, is seeking to place a public facility use at the site, to wit: a public library and a public park.



1 3. A governmental facility is defined to include, but is not limited to: public parks,  
2 playgrounds and buildings, and structures supplementary and incidental to such uses; public  
3 libraries; public buildings and centers; art galleries and convention halls.  
4

5 4. The Village Council may only authorize the erection, construction and operation  
6 of the governmental facility(ies) by resolution following public hearing. The public hearing shall  
7 be held upon at least fifteen (15) days' notice of the time and place of such hearing published in a  
8 newspaper of general circulation in Miami-Dade County, which publication shall include the  
9 time and place of hearing before the Village Council.  
10

11 5. A courtesy notice containing general information as to the date, time, and place of  
12 the hearing, the property location and general nature of the application may be mailed to the  
13 property owners of record, within a radius of 300 feet of the property described in the  
14 application, or such greater distance as the Community Development Director may prescribe;  
15 provided, however, that failure to mail or receive such courtesy notice shall not affect any action  
16 or proceeding taken hereunder.  
17

18 6. To provide additional notice to the public, the property shall be posted by a sign  
19 or signs indicating the action desired and the time and place of the public hearing thereon.  
20 Failure to post such property shall not affect any action taken hereunder.  
21

- 22 7. At the public hearing the Village Council shall consider, among other factors:  
23 a. the type of function involved, the public need therefore;  
24 b. the existing land use pattern in the area;  
25 c. alternative locations for the facility; and  
26 d. the nature of the impact of the facility on the surrounding property.  
27

28 After considering these factors, the Village Council shall take such action as is necessary to  
29 provide for and protect the public health, safety and welfare of the citizens and residents of the  
30 Village.  
31

32 8. In the event the Village Council authorizes the construction, erection, use or  
33 operation of a governmental facility in accordance with the procedures delineated above, or in  
34 the event the Council otherwise determines that Village owned property should be utilized by the  
35 Village for a particular public purpose, the property, pursuant to the requirements of section 33-  
36 303, shall be posted by a sign or signs conspicuously located thereon indicating the  
37 governmental facility or use authorized for the property. Such sign or signs may be removed  
38 upon the commencement of construction.  
39

40 Section 4. Order.  
41

42 a. The site plan shall be submitted to, and meet with the approval of, the Director,  
43 after consultation with the Village Manager, upon the submittal of an application for a building  
44 permit and/or Certificate of Use and Occupancy; said plan to include among other things, but not

1 be limited thereto, location of structure or structures, exits and entrances, drainage, wall, fences,  
2 landscaping, etc.

3  
4 b. In the approval of the plan, the plan shall be substantially in accordance with that  
5 submitted for the hearing, and as attached hereto. Except as may be specified by any zoning  
6 resolution applicable to the subject property, any future additions on the property which conform  
7 to Zoning Code requirements will not require further public hearing action.  
8

9 c. The use shall be established and maintained in accordance with the approved  
10 plan.

11  
12 d. The property shall be posted by a sign or signs conspicuously located thereon  
13 indicating the governmental facility or use(s) authorized for the property. Such sign or signs may  
14 be removed upon the commencement of construction.  
15

16 e. This is a final order.  
17

18 Section 5. Record.  
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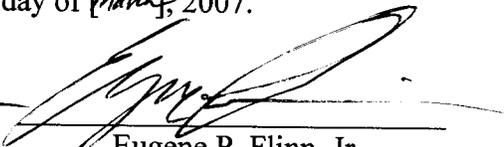
20 The record shall consist of the notice of hearing, the applications, documents submitted  
21 by the applicant and the applicant's representatives to the Village of Palmetto Bay Department of  
22 Community Development in connection with the applications, the Village recommendation and  
23 attached cover sheet and documents, the testimony of sworn witnesses and documents presented  
24 at the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be  
25 maintained by the Village Clerk.  
26

27 Section 6. This resolution shall take effect immediately upon approval.  
28

29 PASSED and ADOPTED this [12<sup>th</sup>] day of [March], 2007.  
30

31  
32 Attest:

  
33 Meighan Pier  
34 Village Clerk

  
Eugene P. Flinn, Jr.  
Mayor

35  
36  
37 APPROVED AS TO FORM:

38  
39   
40 Eve A. Boutsis,  
41 Nagin Gallop Figueredo, P.A.  
42 Office of Village Attorney  
43  
44

1 FINAL VOTE AT ADOPTION:  
2

3 Council Member Ed Feller Yes  
4

5 Council Member Paul Neidhart Yes  
6

7 Council Member Shelley Stanczyk Yes  
8

9 Vice-Mayor Linda Robinson Yes  
10

11 Mayor Eugene P. Flinn Yes