

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
40
41
42
43
44

RESOLUTION NO. 2013-44

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE PARKS AND RECREATION PARKS MASTER PLAN; HOLDING A PUBLIC HEARING TO AUTHORIZE REVISIONS TO THE PALMETTO BAY PARK MASTER PLAN TO INCLUDE 1) TWO ADDITIONAL BATTING CAGES; 2) A PAVILION WITHIN PLAYGROUND AREA; ADDITIONALLY, APPROVING THE APPLICATION OF THE VILLAGE OF PALMETTO BAY REQUESTING ZONING APPROVAL PURSUANT TO SECTION 30-50.21 TO ALLOW FOR PUBLIC FACILITY PUBLIC USE AT THE PROPERTY KNOWN PALMETTO BAY PARK, 17535 SW 95 AVENUE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in a continual effort to provide our residents with attractive, functional and usable parks with consistency and a mindset of fulfilling our commitments in implementing installation of selected recreational amenities desired by the community; and,

WHEREAS, the recreation community utilizing Palmetto Bay Park has expressed their desire for additional batting cages, a pavilion in or near the playground area, and alternative uses of the existing skate park to accommodate more popular activities such as soccer; and,

WHEREAS, the Village Council, as a part of the FY 2012-2013 budget process, authorized funding for the aforementioned batting cages, pavilion, and conversion of skate park into two mini soccer fields with artificial turf, contingent upon approval of the required amendment to the current Parks Master Plan for Palmetto Bay Park; and,

WHEREAS, the Village Manager is therefore recommending the Village Council authorize the necessary amendment the Parks Master Plan for Palmetto Bay Park to incorporate 1) two additional outdoor batting cages; 2) a rental pavilion to be located within the park's playground; and 3) conversion of the existing skate park into two mini soccer fields with artificial turf, with funding allocated from budgeted FY 2012-2013 Capital Improvement Funds for Palmetto Bay Park; and,

WHEREAS, after hearing from the public and deliberating as a council regarding the items to be added to the parks master plan, the Mayor and Village Council elected to not include the mini-soccer field element, and keeping the skate park; and,

WHEREAS, pursuant to 30-50.21, the Village Council may authorize a governmental facility such as public parks, playgrounds and buildings, and structures supplementary and incidental thereto, by resolution following public hearing upon at least 15 days' notice of the time and place of such hearing published in a newspaper of general circulation in the Village, which publication shall include the time and place of hearing before the Village Council. A courtesy notice containing general information as to the date, time, and place of the hearing, the property location and general

1 nature of the application may be mailed to the property owners of record, within a radius of 300 feet
2 of the property described in the application (actual notice issued at a 2,500 foot radius), or such
3 greater distance as the council may prescribe; and,
4

5 **WHEREAS**, such notice was dully provided; and,
6

7 **WHEREAS**, during the public hearing the Village Council shall consider, among other
8 factors, the type of function involved, the public need therefore, the existing land use pattern in the
9 area, alternative locations for the facility and the nature of the impact of the facility on the
10 surrounding property.
11

12 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE
13 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:
14

15 **Section 1.** The Parks Master Plan for Palmetto Bay Park is hereby amended to
16 incorporate 1) two additional outdoor batting cages; and 2) a rental pavilion to be located within the
17 park's playground area. The existing skate park shall not be converted into a mini-soccer field. (4/5
18 vote required).
19

20 **Section 2.** Funding for the procurement and installation of the authorized batting cages,
21 and pavilion shall be that allocated in the FY 2012-2013 Capital Improvement Program for Palmetto
22 Bay Park; approved as a part of the FY 2012-2013 Annual Budget for the Village of Palmetto Bay,
23 passed and adopted on September 24, 2012.
24

25 **Section 3.** After considering these the factors relating to a governmental use approval,
26 and public hearing, the Village Council authorizes the Governmental Use pursuant to section 30-
27 50.21 as it relates to the attached site plan for Palmetto Bay Park, including but not limited to the
28 overall locations and uses identified in the site plan as necessary to provide for and protect the
29 public health, safety and welfare of the citizens and residents of the Village. The site plan is
30 approved as a governmental use in substantial compliance with the attached Exhibit 1. In the
31 approval of the plan, the plan may be implemented substantially in accordance with that submitted
32 for the hearing, and as attached hereto. Except as may be specified by any zoning resolution
33 applicable to the subject property, any future additions on the property which conform to zoning
34 code requirements will not require further public hearing action. (3/5 vote required).
35

36 **Section 4.** The use be established and maintained in accordance with the approved plan
37 and as provided for in Section 3 of this order.
38

39 **Section 5.** A public hearing was held on the master plan modifications and
40 governmental use approval consistent with the Village's Code.
41

42 **Section 6.** The property bears the following legal description of:
43

1 Folio: 33-5033-000-0660; address: 17535 SW 95th Avenue, Palmetto Bay, located at
2 approximately on 1/2 acre of the entire parcel along the north end of the parcel described as 33 55
3 40 5.24 AC; S1/2 of the SE 1/4 of SW 1/4 of NW 1/4 Less W 35 FT; OR Book 21727-194800903
4 3.
5

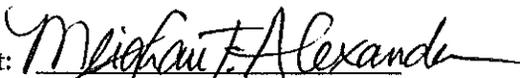
6 **Section 7.** The Village Council adopts the cover memorandum and staff report as the
7 Village's findings of fact.
8

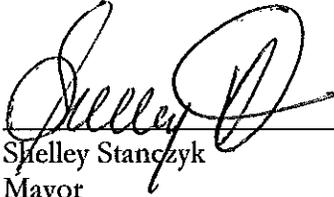
9 **Section 8.** This resolution shall take effect immediately upon adoption.
10

11 **Section 9.** The record shall consist of the notice of hearing, the applications, documents
12 submitted by the applicant and the applicant's representatives to the Village's Department of
13 Planning and Zoning in connection with the applications, the Department's recommendation and
14 attached cover sheet and documents, the testimony of sworn witnesses and documents presented at
15 the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained
16 by the Village Clerk.
17

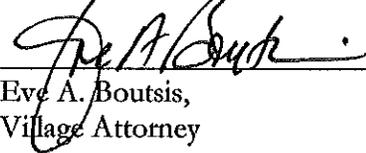
18 **Section 10.** This is a final order.
19

20 PASSED and ADOPTED this 6th day of May, 2013.
21

22
23 Attest: 
24 Meighan J. Alexander
25 Village Clerk
26


Shelley Stanczyk
Mayor

27 APPROVED AS TO FORM:
28

29 
30 Eve A. Boutsis,
31 Village Attorney
32

33 FINAL VOTE AT ADOPTION:
34

35 Council Member Patrick Fiore	<u>YES</u>
36 Council Member Tim Schaffer	<u>YES</u>
37 Council Member Joan Lindsay	<u>YES</u>
38 Vice-Mayor John DuBois	<u>YES</u>
39 Mayor Shelley Stanczyk	<u>YES</u>
40	
41	
42	
43	
44	