

RESOLUTION NO. 2013-84

ZONING APPLICATION PLT-13-002

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AUTHORIZING THE RE-PLAT OF A PORTION OF THE DEL-MAR ESTATES PLAT, SPECIFICALLY LOT 14 OF BLOCK 1 (CURRENTLY ONE PARCEL), CREATING THE HIDALGO-BUCH SUBDIVISION PLAT, CONSISTING OF LOT 1, AND LOT 2, BLOCK 1 (TWO PARCELS); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Applicant, George Hidalgo, submitted an application to re-plat a portion of the "Del-Mar Estates Plat", specifically lot 14 of block 1 (currently one parcel), creating the Hidalgo-Buch Subdivision Plat, consisting of Lot 1, and Lot 2, Block 1 (two parcels); for the property known as 7310 SW 173 Street, Palmetto Bay, bearing Folio 33-5035-004-0140; and,

WHEREAS, the property in question was originally platted as Lot 14, Block 1, of the "Del-Mar Estates Plat," found at Plat Book 76, Page 23, as recorded in the Miami-Dade County Public Records; and

WHEREAS, on September 25, 1958, the Miami-Dade County Commissioners via Resolution 2173, approved a request to rezone the land from EU-2 and AU to RU-1; and

WHEREAS, on January 10, 1974, the Miami-Dade County Commissioners via Resolution 4-ZAB-129-74, denied a special exception (to re-plat the land), and a variance (to continue the use of a single family home on a lot of 35,102 sq. ft.); and,

WHEREAS, on August 8, 1974, the Miami-Dade County Commissioners via Resolution 4-ZAB-418-74, denied a special exception (to re-plat the land), and a variance (to continue the use of a single-family home on a lot of 39,556 sq. ft.); and

WHEREAS, on July 13, 1978, the Board of Miami-Dade County Commissioners, via Resolution 4-ZAB-266-78, approved a request for a special exception, and two variances. The special exception permits the subdivision of the platted lot. The first variance reduced the required lot from 43,560 gross square feet (1 acre) to 32,399 gross square feet. The second variance reduced the required west side setback for the existing home from 15 feet to 14.5 feet from the newly authorized lot line; and,

WHEREAS, the applicant is now requesting the Mayor and Village Council authorize the re-plat request so that the applicant may finalize the re-plat application with Miami-Dade County. The property configuration complies with the Land Development Code consistent with resolution 4-ZAB-266-78, and has been deemed acceptable by the Village's Public Works Department.

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 November 18, 2013; and,

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the re-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 applications was held on November 18, 2013, 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. The property in question was originally platted as Lot 14, Block 1, of the "Del-Mar Estates Plat," found at Plat Book 76, Page 23, as recorded in the Miami-Dade County Public Records.

b. On July 13, 1978, the Board of Miami-Dade County Commissioners, via resolution 4-ZAB-266-78, approved a request for a special exception, and two variances. The special exception permits the subdivision of the platted lot. The first variance reduced the required lot size for one of the newly authorized lots from 43,560 gross square feet to 32,399 gross square feet. Gross square footage calculation includes the right-of-way adjacent to the property. The second variance reduced the required west side setback for the home on the existing lot from 15 feet to 14.5 feet from the newly authorized lot line.

c. The applicant is requesting the Mayor and Village Council authorize the re-plat request so that the applicant may finalize the re-plat application with Miami-Dade County. The applicant seeks to subdivide the property to allow the construction of a single-family home on the newly created lot.

d. The property configuration complies with the Land Development Code and has been deemed acceptable by the Village's Public Works Department. This re-plat would resolve the cloud from the property owner's title.

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. All utilities with interest in the easement have submitted letters of no objection regarding the requested modification.

g. The lot is developed with a single-family detached home. The E-1 zoning designation permits single-family homes. There is no proposed change of use at the property. There is no proposed change to the density; as such, the request is consistent with the land use element of the comprehensive plan.

h. No one spoke in opposition to the applicants' requests.

i. 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.

The request to re-plat a portion of the Del-Mar Estates plat, specifically Lot 14 of Block 1, creating Hidalgo-Buch Subdivision Plat consisting of Lot 1 and Lot 2, Block 1 is hereby granted.

Section 5. Order.

a. The Village Council authorizes the re-plat of the "Del-Mar Estates Plat", specifically lot 14 of block 1 (currently one parcel), found at Plat Book 76, Page 23, creating the Hidalgo-Buch Subdivision Plat, consisting of Lot 1, and Lot 2, Block 1 (two parcels); for the property known as 7310 SW 173 Street, Palmetto Bay, bearing Folio 33-5035-004-0140.

b. This is a final order.

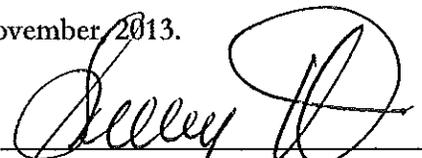
Section 6. Record.

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.

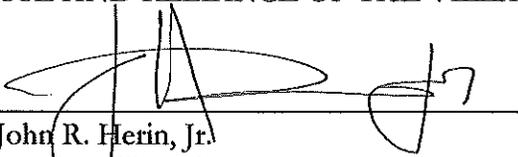
Section 7. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 18th day of November, 2013.

Attest: 
Meighan Alexander
Village Clerk


Shelley Stanczyk
Mayor

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

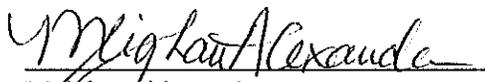


John R. Herin, Jr.
Interim Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore	<u>YES</u>
Council Member Tim Schaffer	<u>YES</u>
Council Member Joan Lindsay	<u>YES</u>
Vice-Mayor John DuBois	<u>YES</u>
Mayor Shelley Stanczyk	<u>YES</u>

This Resolution was filed in the Office of the Village Clerk on this 3 day of December, 2013.



Meghan Alexander
Village Clerk