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RESOLUTION NO. 2015-116

ZONING APPLICATION VPB-15-012

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING SOUTH MOTOR COMPANY OF DADE COUNTY'S SITE PLAN MODIFICATION REQUEST FOR THE PROPERTY LOCATED AT 16215 SOUTH DIXIE HIGHWAY BEARING FOLIO NUMBER 33-5028-002-0030, AND 9271 SW 164 STREET, BEARING THE FOLIO NUMBER 33-5028-002-0070 TOGETHER WITH THE ADJACENT PROPERTY TO THE EAST BEARING THE FOLIO NUMBER 33-5028-002-0080; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Applicant, South Motor Company of Dade County made an application for a site plan modification, which plan was previously approved pursuant to Zoning Resolution Nos. Z-198-80, Z-38-82, 4-ZAB-299-83, and 2013-91, for the property located at 16215 South Dixie Highway bearing the folio number 33-5028-002-0030, and 9271 SW 164 Street, bearing the folio number 33-5028-002-0070 together with the adjacent property to the east bearing the folio number 33-5028-002-0080 as further described in the Village of Palmetto Bay Department of Planning and Zoning Recommendation, 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 Village Hall, 9705 East Hibiscus Street on December 14, 2015; and

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the site plan modification 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. A public hearing on the present applications was held on December 14, 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.

1 Section 2. Findings of fact.
2

3 1. The requested site plan modification is consistent with the Village's Comprehensive
4 Plan, as further specified in the Analysis Section of the Village's Staff report.
5

6 2. The rules that govern the conditions upon which such uses are permitted to be
7 configured and operated are principally at Section 30-30.5 Site Plan Approval, Section 30-50.17, B-2
8 Business District, and Division 30-100, Environmental Regulations, of the Village's Land
9 Development Code. A review of the Code, as evidenced in the analysis of staff, which is
10 incorporated by reference into this resolution, and after hearing the applicant and applicant's
11 experts, the Village Council found the site plan modification request consistent with those standards.
12

13 3. The Applicant's updated traffic study, dated July 8, 2015, indicates that the number
14 of trips generated by the proposed modified site plan is less than that previously approved pursuant
15 to Resolution No. 2013-91. As such, and consistent with that previous approval, the number of
16 trips generated by the proposed plan does not cause the adjacent roadway to exceed the maximum
17 capacity thresholds established by Miami-Dade County. The Village's traffic engineering consultant
18 accepts this finding.
19

20 4. The Village Council accepted the findings of Village Staff as it relates to compliance
21 with the following provisions of the Village's Code: Section 30-30.5, 30-50.17, and 30-100, and the
22 accepted the findings of the traffic study as confirmed by the Village's traffic engineering consultant.
23

24 5. The Village adopts and incorporates by reference the Planning & Zoning
25 Department staff report, which expert report is considered competent substantial evidence.
26

27 6. The applicant has agreed to all proposed modifications and conditions in the section
28 entitled Order.
29

30 7. The Village Council had not substantive disclosures regarding ex-parte
31 communications and the applicant raised no objections as to the form or content of any disclosures
32 by the Council.
33

34 Section 3. Conclusions of law.
35

36 The site plan modification for the specific use was reviewed pursuant to Section 30-30.5(j)(1)
37 of the Village of Palmetto Bay's Code of Ordinances, and was found to be conditionally consistent.
38

39 Section 4. Order.
40

41 The Village Council grants the site plan modification request as it would be in keeping with the
42 applicable Land Development Regulations with the Village's Comprehensive Plan. The Village
43 Council, pursuant to Section 30-30.5(j)(1) approves the plans entitled "South Motors" as prepared
44 by Stiles Architectural Group Inc., consisting of 49 sheets, dated stamped received October 30,

1 2015, together with the traffic study, prepared and updated on July 8, 2015, by Richard Garcia &
2 Association, Inc., dated stamped received September 25 2015, with the following conditions:
3

4 1. All previous conditions, approvals, and resolutions shall remain in effect unless
5 otherwise altered by the granting of this request and any conditions assigned therein. The Applicant
6 shall comply with the requirements of all other applicable departments/agencies as part of the
7 building permit submittal process.
8

9 2. The property is developed in substantial compliance with the plans entitled "South
10 Motors" as prepared by Stiles Architectural Group Inc., consisting of 49 sheets, dated stamped
11 received October 30, 2015, together with the traffic study, prepared and updated on July 8, 2015, by
12 Richard Garcia & Association, Inc., dated stamped received September 25 2015.
13

14 3. The Applicant shall have recorded, in a form approved by the Village Attorney, a
15 unit of title for the site or similar agreement prior to issuance of a building permit.
16

17 4. Shall comply with all comments, recommendations, and project requirements
18 provided by the Department of Public Works in their memo dated November 17, 2015. (See Traffic
19 Study Review Attachment)
20

21 5. The applicant voluntarily contributes \$95,000.00 towards the construction of a
22 veteran's park at the southeast three acres of the property. This condition shall replace condition
23 No. 9 of Resolution No. 2013-91.
24

25 6. It is the intent of this Resolution that the new site plan replace the old site plan, the
26 new phasing plan replace the old phasing plan, and the traffic circle required by the prior resolution
27 is eliminated.
28

29 This is a final order.
30

31 Section 5. Record.
32

33 The record shall consist of the notice of hearing, the applications, documents submitted by
34 the applicant and the applicants' representatives to the Village of Palmetto Bay Department of
35 Planning and Zoning in connection with the applications, the county recommendation and attached
36 cover sheet and documents, the testimony of sworn witnesses and documents presented at the
37 quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by
38 the Village Clerk.
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1 Section 6. This resolution shall take effect immediately upon approval.

2
3 PASSED and ADOPTED this 14th day of December, 2015.

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6
7 Attest: *Meighan Alexander*
8 Meighan Alexander
9 Village Clerk

Eugene Flinn
Eugene Flinn
Mayor

10
11 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
12 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

13 *Dexter Lehtinen*
14
15 Dexter W. Lehtinen
16 Village Attorney

17
18 FINAL VOTE AT ADOPTION:

19
20 Council Member Karyn Cunningham YES

21
22 Council Member Tim Schaffer YES

23
24 Council Member Larissa Siegel Lara YES

25
26 Vice-Mayor John DuBois YES

27
28 Mayor Eugene Flinn YES

29
30
31 This Resolution was filed in the Office of the Village Clerk on this 21st day of December, 2015.

32
33 *Meighan Alexander*
34 Meighan Alexander
35 Village Clerk
36
37