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RESOLUTION NO. 2014-29

ZONING APPLICATION VPB-13-009

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPROVING A VARIANCE TO CONSTRUCT A SURFACE PARKING LOT TO BE LOCATED IN FRONT OF THE BUILDING ALONG THE SOUTHBOUND US-1 FRONTAGE, WHERE SUCH PARKING LOTS ARE REQUIRED TO BE SCREENED BY A LINER BUILDING; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Applicant, I.C.A Acquisition Corporation (South Motors Infiniti) made an application for a variance of parking requirements to allow a surface parking lot to be located in front of the building along the southbound US-1 frontage, where such parking lots are required to be screened by a linear building on a parcel zoned Mixed-Use Corridor (MC) within the FT&I zoning district; 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 March 17, 2014; and,

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the variance 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 public hearing on the present application was held on March 17, 2014, 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 2. Findings of fact.

- a. The requested variance request is consistent with the Village's Comprehensive Plan, as further specified in the Analysis Section of the Village's Staff report.
- b. After hearing testimony from staff, the applicant, the applicant's experts, and the public, the Village Council found the variance request conditionally consistent with the variance criteria at Section 30-30.6(e), of the Village's Land Development Code.

- 1 c. The Village adopts and incorporates by reference the Planning & Zoning Department  
2 staff report, which expert report is considered competent substantial evidence.  
3  
4 d. The Village Council did not have any substantive disclosures regarding ex-parte  
5 communications and the applicant did not raise any objections as to the form or content  
6 of any disclosures by the Council.  
7  
8 e. The applicant has agreed to all proposed modifications and conditions in the Section  
9 entitled, "Order."

10  
11 Section 3. Conclusions of law.  
12

13 The requested variance was reviewed pursuant to Section 30-30.67(e) of the Village's Land  
14 Development Regulations and was found to be conditionally consistent.  
15

16 Section 4. Order.  
17

18 The Village Council grants the variance request as conditionally consistent with Section 30-  
19 30.6(e) of the Village's Land Development Regulations with the following conditions:  
20

- 21 1. The applicant is to comply with the requirements of all other applicable  
22 departments/agencies as part of the Village of Palmetto Bay building permit  
23 submittal process.  
24  
25 2. That the existing South Motors Infiniti Site with folio numbers  
26 3350330040050, 3350330040060, and 3350330040070 built under the Miami-  
27 Dade County Code be brought into compliance with the Village's  
28 landscaping requirements, found at Division 30-100 of the Village's Land  
29 Development Regulations.  
30  
31 3. The proposed new customer service parking area with folio numbers  
32 3350330040050 and 3350330040060 shall comply with *Section 30-100 entitled*  
33 *"Environmental Regulations"* and all other applicable provisions of the Village's  
34 Land Development Regulations and Code of Ordinances as part of the  
35 building review process.  
36  
37 4. Enhanced landscape treatment shall be provided along the West Parcels to  
38 screen the adjacent parking.  
39  
40 5. The applicant record a unity of title for the North Parcel and West Parcels in  
41 a form acceptable to the Village Attorney, and submit a unified site plan and  
42 landscape plan for the entire site to be approved by the director of Planning  
43 and Zoning.  
44

1           6. The applicant is to comply with the comments and recommendations  
2           contained in the memo dated April 19<sup>th</sup>, 2013 from the Village of Palmetto  
3           Bay's Department of Public Works.  
4

5 This is a final order.

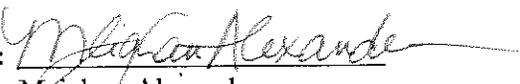
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7           Section 5.     Record.  
8

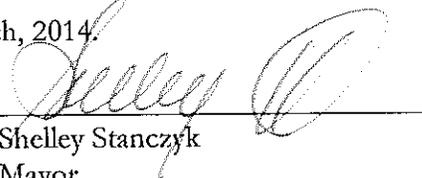
9           The record shall consist of the notice of hearing, the applications, documents submitted by  
10          the applicant and the applicants' representatives to the Village of Palmetto Bay Department of  
11          Planning and Zoning in connection with the applications, the County recommendation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

16          Section 6.     This resolution shall take effect immediately upon approval.  
17

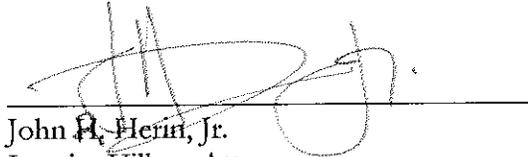
18          PASSED and ADOPTED this 17 day of March, 2014.

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20          Attest:

21            
22          Meighan Alexander  
23          Village Clerk

24            
25          Shelley Stanczyk  
26          Mayor

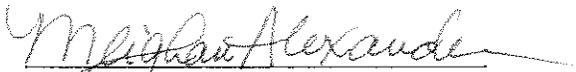
27          APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
28          USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:  
29

30            
31          John A. Herin, Jr.  
32          Interim Village Attorney

33          FINAL VOTE AT ADOPTION:

34  
35          Council Member Patrick Fiore                   YES  
36  
37          Council Member Tim Schaffer                   YES  
38  
39          Council Member Joan Lindsay                   YES  
40  
41          Vice-Mayor John DuBois                       YES  
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43          Mayor Shelley Stanczyk                       YES  
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2 This Resolution was filed in the Office of the Village Clerk on this 27 day of March, 2014.  
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5  
6 Meighan Alexander  
7 Village Clerk  
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