

**RESOLUTION NO. 2015-16
ZONING APPLICATION PLT-14-003**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AUTHORIZING THE PLAT OF THE NORTHWEST CORNER OF 6525 SW 152 STREET, CREATING THE F.P.L CUTLER PLANT SUBSTATION PLAT CONSISTING OF 583,660 SQ. FEET (13.4 ACRES).

WHEREAS, the Applicant, Florida Power and Light Company, submitted an application to plat the northwest corner of 6525 SW 152 Street, creating the F.P.L Cutler Plant Substation plat consisting of 583,660 sq. feet (13.4 acres), bearing Folios Number 33-5024-000-0020, as more particularly described at Attachment A of this Resolution; and

WHEREAS, on September 15, 1947, the Board of Miami-Dade County approved the development of the 84 acre site as a power plant facility.

WHEREAS, in November of 2012, the property ceased its power generation activities, and now only serves as a substation for the distribution of power produced at FP&L's Turkey Point Facility, and as such, FP&L is no longer interested in retaining all 84 acres of the site; and

WHEREAS, the plat application submitted by FP&L separates approximately 13.4 acres from the site, which they tend to retain for the purpose of operating the existing power distribution substation; and

WHEREAS, the applicant is now requesting the Mayor and Village Council authorize the plat request so that the applicant may finalize the plat application with Miami-Dade County; and

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 January 20, 2015; and

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the 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 application was held on January 20, 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.

Section 3. Findings of fact.

a. On September 15, 1947, the Board of Miami-Dade County approved the development of the 84 acre site as a power plant facility.

b. In November of 2012, the property ceased its power generation, and now only serves as a substation for the distribution of power produced at FP&L's Turkey Point Facility. As such in this reduced role, FP&L is no longer interested in retaining all 84 acres of the site. The plat application submitted by FP&L separates approximately 13.4 acres from the site which they tend to retain for the purpose of operating the existing substation.

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

d. The property configuration has been deemed acceptable by the Village's Public Works Department.

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. 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.

a. Florida Power and Light, is requesting to plat the northwest corner of 6525 SW 152 Street, creating the F.P.L Cutler Plant Substation Plat consisting of 583,660 sq. feet (13.4 acres), bearing Folios Number 33-5024-000-0020, as more particularly described at Attachment A of this Resolution, for the purpose of retaining those lands for a power distribution substation.

b. The Application is in compliance with the adopted 2009 Village of Palmetto Bay Comprehensive Plan and Future Land Use Map.

c. The standard of review for a plat application request is found at Section 30-80.2(b), entitled "Final Plat Application Requirements". The Applicant's request to plat the property as described in Attachment A is in compliance with the applicable standards.

Section 5. Order.

- a. The Village Council authorizes the plat of those lands described at Attachment A, bearing Folio Number 33-5024-000-0020; creating "F.P.L. Cutler Plant Plat".

- 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.

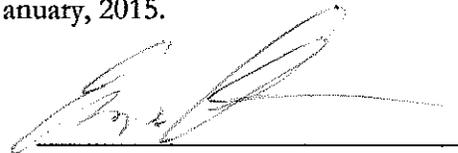
Section 7. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 20th day of January, 2015.

Attest:



Meighan Alexander
Village Clerk



Eugene Flinn
Mayor

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



Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Katryn Cunningham	<u>YES</u>
Council Member Tim Schaffer	<u>YES</u>
Council Member Larissa Siegel Lara	<u>YES</u>
Vice-Mayor John DuBois	<u>YES</u>
Mayor Eugene Flinn	<u>YES</u>

This Resolution was filed in the Office of the Village Clerk on this 28th day of January, 2015.



Meighan Alexander
Meighan Alexander
Village Clerk

