

RESOLUTION NO. 04-106

ZONING APPLICATION 04-12-VPB-1 (Z04-327)

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF SINFIN HOMES AT PALMETTO BAY & JERRY ADAMS FOR REZONING FROM AU (AGRICULTURAL) TO RU-1 (RESIDENTIAL) (PROPERTY LOCATED AT 17300 SW 92 COURT & 9275 SW 174 STREET) FOR ALTERNATIVE SITE DEVELOPMENT ORDER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant made application for district boundary change from AU, Agricultural District, to RU-1, Single Family Residential District, as described in the Miami-Dade Department of Planning and Zoning Recommendation to the Village of Palmetto Bay, 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 Southwood Middle School on December 13, 2004; and,

WHEREAS, the mayor and village council finds, based on substantial competent evidence in the record, that the application for district boundary change is consistent with the Land Use Plan Map of the Miami-Dade County comprehensive plan and compatible with the area; and,

WHEREAS, based on the foregoing finding, the mayor and village council determined to grant the applications, 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 hearing on the present application was held on December 13, 2004 in accordance with ordinance. no. 02-03, entitled "Quasi-judicial hearing procedures." Pursuant to the hearing, the village council makes the following findings of fact, conclusions of law and order.

Section 2. Findings of fact.

1. The applicants are Sinfin Homes At Palmetto Bay LLC and Jerry Adams. The property is vacant agriculturally (AU) zoned land located on the northeast corner of SW 92 Court, north of SW 174 Street (17300 SW 92 Court and 9275 SW 174 Street) consisting of 5.25 gross acres.
2. The applicant requests re-zoning from agricultural district-AU to single family residential district-RU-1.
3. The village council adopts the portions of the cover sheet to, and the county recommendation, entitled Zoning Hearings History, Comprehensive Development Master Plan (CDMP), Neighborhood Characteristics, Site and Buildings and Neighborhood Services as its findings of fact.

Section 3. Conclusions of law.

1. The village council adopts the portions of the county recommendation, entitled Pertinent Requirements/Standards-Alternative Site Development for Single Family and Duplex Dwellings, Alternative non-use variance standard and Non-Use Variances from other than Airport Regulations; and Analysis as its conclusions of law.
2. The village council further concludes that the application for district boundary change is consistent with the Land Use Plan of the Miami-Dade County comprehensive plan and compatible with the area, which consists of EU-M & AU zoning to the south and east, RU-1 zoning to the north, and RU-1 & AU zoning to the west.

Section 4. Order.

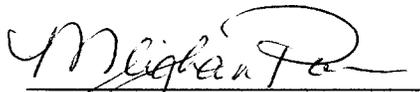
The village council accepts the county and staff recommendation at page 5. The application for zone change to RU-1 is approved and accepted together with the proffered covenant, as attached.

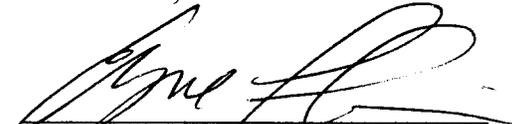
Section 5. Record.

The record shall consist of the notice of hearing, the applications, documents submitted by the applicant and the applicant's representatives to the Miami-Dade County 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 6. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 13th day of December, 2004.

Attest: 
Meighan Pier
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


Eve A. Boutsis,
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller	<u>YES</u>
Council Member Paul Neidhart	<u>YES</u>
Council Member John Breder	<u>YES</u>
Vice-Mayor Linda Robinson	<u>YES</u>
Mayor Eugene P. Flinn, Jr.	<u>YES</u>

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