

RESOLUTION NO. 04-57

ZONING APPLICATION 04-7-VPB-2 (04-89)

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; DENYING THE APPLICATION OF SAFEGUARD PROPERTIES L.L.C. (17171 SOUTH DIXIE HIGHWAY) FOR NON-USE VARIANCE (SIGNAGE); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant made application for non-use variance, 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 July 12, 2004; and,

WHEREAS, the mayor and village council finds, based on substantial competent evidence in the record, that the application for non-use variance order is incompatible with the Miami-Dade County comprehensive plan and the applicable land development regulations; and,

WHEREAS, based on the foregoing finding, the mayor and village council determined to deny 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 hearing on the present applications was held on July 12, 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 applicant is Safeguard Properties L.L.C. The property is a self-service storage facility, zoned BU-1A, located at 17171 South Dixie Highway.

2. The applicant is requesting approval to permit a Class "C" sign to be spaced 55.2' from a building (300' required).
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 and Analysis as its conclusions of law.
2. The village council further concludes that the application for alternative site development order is incompatible with the Miami-Dade County comprehensive plan and Non-Use Variance Standards Section 33-311(A)(4)(b) and (c).

Section 4. Order.

- a. The application for non-use variance is denied without prejudice. The structure shall be removed within six months from the date of this hearing or when the contractual agreements expire, if earlier. Either way the structure shall be removed no later than December 31, 2004.

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 12th day of July, 2004.

Attest: Meghan Pier
Meghan Pier
Village Clerk

Eugene P. Flinn, Jr.
Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:

J. A. Boutsis
J. A. Boutsis
Village Attorney

FINAL VOTE AT ADOPTION:

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

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