

RESOLUTION NO. 05-108

ZONING APPLICATION 05-3-VPB-1/04-293 (28-55-40)

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF MARVIN JEROME JOHNSON FOR RE-ZONING FROM AU TO RU-1 (SW CORNER OF SW 158 STREET AND SW 89 AVENUE); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant made application for re-zoning, 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 12, 2005; and,

WHEREAS, the mayor and village council finds, based on substantial competent evidence in the record, that the application for re-zoning is consistent 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 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 hearing on the present application was held on December 12, 2005 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 Marvin Jerome Johnson. The property is vacant land located at SW 158 Street and SW 89 Avenue.
2. The applicant requests to change the zoning on the subject property from AU, agricultural district, to RU-1, single family residential district.
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 re-zoning is consistent with the Land Use Plan (LUP) map's Estate Density designation of the CDMP and compatible with the surrounding area.

Section 4. Order.

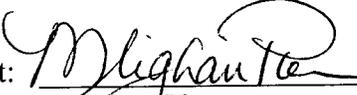
1. The village council accepts the county and staff recommendation at page 5. The application for alternative non-use variance is granted, subject to the applicant entering into a covenant that will tie the development to the site plan, as submitted and attached hereto.

Section 5. Record.

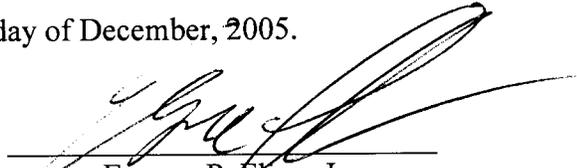
The record shall consist of the notice of hearing, the applications, documents submitted by the applicant and the applicant's representatives to the Miami-Dade County Department of Planning and Zoning in connection with the applications, the county recommendation and attached cover sheet and documents, 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 15th day of December, 2005.

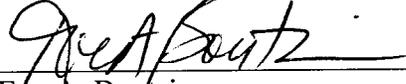
Attest: 

Meghan 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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