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RESOLUTION NO. 07-121

ZONING APPLICATION VPB-07-008

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF THE VILLAGE OF PALMETTO BAY REQUESTING ZONING APPROVAL PURSUANT TO SECTION 33-303 OF THE MIAMI-DADE COUNTY CODE, AS ADOPTED BY THE VILLAGE TO ALLOW FOR PUBLIC FACILITY PUBLIC USE AT THE PROPERTY KNOWN AS 17301 OLD CUTLER ROAD, IN ORDER TO DEVELOP A PARK AND MULTI-PURPOSE CENTER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant made applications pursuant to section 33-303 of the Miami-Dade County Code, as adopted by the Village for the ability to use the site for a public facility, as described in the Village's Planning and Zoning Recommendation to the Village Council of 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 November 19, 2007; and,

WHEREAS, the mayor and Village Council finds, based on substantial competent evidence in the record, that the application for a public facility use 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 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 applications was held on November 19, 2007 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 the Village of Palmetto Bay, 8950 SW 152nd Street, Palmetto Bay, Florida 33157. The property that is the subject of this zoning resolution is located at 17301 Old Cutler Road. It is currently zoned EU-1C. The Village, pursuant to section 33-303 of the Miami-Dade County Code is seeking to place a public facility use at the site, to wit: a public park and multi-purpose center.

2. The property bears the following legal description of:

The North Half (N ½) of Blocks One Hundred and Three (103) and One Hundred and Four (104), of the Town of Cutler, according to the survey of S.H. Richmond,

1 C.E., and plat thereof, recorded in Plat Book "B" at Page 17 of the Public Records
2 of Miami-Dade County, Florida.

3 ALSO the North Half (N 1/2) of the land lying between the North and South
4 boundaries of Block 104, produced East to Biscayne Bay, of the Town of Cutler,
5 according to the survey of S.H. Richmond, C.E., and plat thereof, recorded in Plat
6 Book "B" at Page 17 of the Public Records of Miami-Dade County, Florida.
7

8 ALSO the South Half (S 1/2) of street lying North of Blocks 103 and 104, produced
9 eastward to Biscayne Bay, also street lying between North Half (N 1/2) of Blocks
10 103 and 104, all of above as shown on survey of S.H. Richmond, C.E., and plat
11 thereof of the Town of Cutler, recorded in Plat Book "B" at Page 17 of the Public
12 Records of Miami-Dade County, Florida.
13

14 LESS AND EXCEPTING a parcel of land described as follows:

15 From the Northwest (NW) corner of said Block 103, Richmond's Survey of Cutler,
16 bear North (N) 2°18'40" West (W), along the Northerly extension of the West (W)
17 line of said Block 103, a distance of 25.00 feet to the intersection thereof with the
18 South (S) right-of-way line of Cutler Drain Canal; thence, North (N) 87°39'30" East
19 (E), along said South (S) right-of-way line, a distance of 296.42 feet to the point of
20 beginning; thence continue North (N) 87°39'30" East (E) along said South (S) right-
21 of-way line, a distance of 400.00 feet; thence, South (S) 2°20'30" East (E), a distance
22 of 75.00 feet; thence South (S) 87°39'30" West (W), a distance of 100.00 feet; thence,
23 North (N) 2°20'30" West (W), a distance of 25.00 feet; thence, South 87°39'30" West
24 (W), a distance of 300.00 feet; thence, North 2°20'30" West (W), a distance of 50.00
25 feet to the point of beginning.
26

27 ALSO LESS AND EXCEPTING a parcel of land in the North one-half (N 1/2) of
28 Block 104 and the South one-half (S 1/2) of the street lying North (N) of Block 104,
29 Richmond's survey of Cutler, a subdivision In Section 35, Township 55 South (S),
30 Range 40 East (E), Miami-Dade County, Florida, according to the Plat thereof, as
31 recorded in Plat Book "B" Page 17, Public Records of said Miami-Dade County, said
32 parcel being more specifically described as follows:
33

34 From the Northwest (NW) corner of Block 103, Richmond Survey of Cutler bear
35 North (N) 2°18'40" West (W), along the Northerly extension of the West (W) line of
36 said Block 103, a distance of 25.00 feet to the intersection thereof with the South (S)
37 right-of-way line of Cutler Drain Canal; thence, North (N) 87°39'30" East (E) along
38 said South (S) right-of-way line, a distance of 696.42 feet to the point of beginning;
39 thence, continue North (N) 87°39'30" East (E), along said South right-of-way line, a
40 distance of 80.00 feet; thence South (S) 2°20'30" East (E), a distance of 40.00 feet;
41 thence, South (S) 87°39'30" West (W), a distance of 80.00 feet; thence, North (N)
42 2°20'30" West (W), a distance of 40.00 feet to the point of beginning.
43

44 3. The Village Council adopts the portions of the cover sheet to, and the Village
45 recommendation, entitled Zoning Analysis that includes section entitled Introduction, Zoning

1 Hearing History, Village Comprehensive Plan and Neighborhood Characteristics, as its findings of
2 fact.

3 Section 3. Conclusions of law.
4

5 1. The Village Council adopts the portions of the recommendation, entitled Pertinent
6 Requirements/Standards, section 33-303, Miami-Dade County Code; as adopted by the Village, the
7 Analysis and Recommendation contained in the staff report as the Village Council's conclusions of
8 law.
9

10 2. The procedure provided under section 33-303, the Village may establish any
11 governmental facility in any location in the Village, without regard to the zoning or use classification
12 of any particular site or location.
13

14 3. A governmental facility is defined to include, but is not limited to: public parks,
15 playgrounds and buildings, and structures supplementary and incidental to such uses; public multi-
16 purpose rooms, public buildings and centers; art galleries and convention halls.
17

18 4. The Village Council may only authorize the erection, construction and operation of
19 the governmental facility(ies) by resolution following public hearing. The public hearing shall be
20 held upon at least fifteen (15) days' notice of the time and place of such hearing published in a
21 newspaper of general circulation in Miami-Dade County, which publication shall include the time
22 and place of hearing before the Village Council.
23

24 5. A courtesy notice containing general information as to the date, time, and place of
25 the hearing, the property location and general nature of the application may be mailed to the
26 property owners of record, within a radius of 300 feet of the property described in the application,
27 or such greater distance as the Planning and Zoning Director may prescribe; provided, however, that
28 failure to mail or receive such courtesy notice shall not affect any action or proceeding taken
29 hereunder.
30

31 6. To provide additional notice to the public, the property shall be posted by a sign or
32 signs indicating the action desired and the time and place of the public hearing thereon. Failure to
33 post such property shall not affect any action taken hereunder.
34

35 7. At the public hearing the Village Council shall consider, among other factors:
36 the type of function involved, the public need therefore;
37 the existing land use pattern in the area;
38 alternative locations for the facility; and
39 the nature of the impact of the facility on the surrounding property.
40

41 After considering these factors, the Village Council shall take such action as is necessary to provide
42 for and protect the public health, safety and welfare of the citizens and residents of the Village.
43

44 8. In the event the Village Council authorizes the construction, erection, use or
45 operation of a governmental facility in accordance with the procedures delineated above, or in the

1 event the Council otherwise determines that Village owned property should be utilized by the
2 Village for a particular public purpose, the property, pursuant to the requirements of section 33-303,
3 shall be posted by a sign or signs conspicuously located thereon indicating the governmental facility
4 or use authorized for the property. Such sign or signs may be removed upon the commencement of
5 construction.

6
7 Section 4. Order.

8
9 a. Redevelopment of the property shall be consistent with the adopted concept plan
10 prepared by Gurri-Matute, P.A. as approved by Resolution 07-87 on August 6th, 2007, attached
11 hereto as exhibit 1.

12
13 b. In the approval of the plan, the plan be substantially in accordance with that
14 submitted for the hearing, and as attached hereto. Except as may be specified by any zoning
15 resolution applicable to the subject property, any future additions on the property which conform to
16 zoning code requirements will not require further public hearing action.

17
18 c. The use be established and maintained in accordance with the approved plan.

19
20 Additional conditions.

21
22 d. Redevelopment of the property shall meet the minimum requirements of
23 Chapter 24 of the Miami-Dade County Code, Department of Environmental Resources
24 Management (DERM).

25
26 e. The property shall be posted by a sign or signs conspicuously located thereon
27 indicating the governmental facility or use(s) authorized for the property. Such sign or signs may be
28 removed upon the commencement of construction.

29
30 f. Redevelopment of the property shall meet the requirements and policies of
31 all other applicable departments/agencies as part of the building permit submittal process.

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33 g. This is a final order.

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35 Section 5. Record.

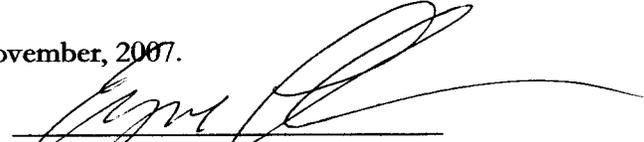
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37 The record shall consist of the notice of hearing, the applications, documents submitted by
38 the Village, as applicant, and the Village's representatives to the Village's Community Development
39 Department in connection with the applications, the county recommendation and attached cover
40 sheet and documents, the testimony of sworn witnesses and documents presented at the quasi-
41 judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by the
42 Village Clerk.

43
44 Section 6. This resolution shall take effect immediately upon approval.

1 PASSED and ADOPTED this 19th day of November, 2007.

2
3 Attest:

4 
5 Meighan Rader
6 Village Clerk


Eugene P. Flinn, Jr.
Mayor

7 APPROVED AS TO FORM:

8 
9
10 Eve A. Boutsis,
11 Nagin Gallop Figueredo, P.A.
12 Office of Village Attorney

13 FINAL VOTE AT ADOPTION:

14 Council Member Ed Feller	<u>Absent</u>
15	
16 Council Member Paul Neidhart	<u>YES</u>
17	
18 Council Member Shelley Stanczyk	<u>YES</u>
19	
20 Vice-Mayor Linda Robinson	<u>Absent</u>
21	
22 Mayor Eugene P. Flinn, Jr.	<u>YES</u>
23	
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