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RESOLUTION NO. 07-32

ZONING APPLICATION VPB-07-02

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 17535 SW 95th AVENUE FOR A PUBLIC PARK; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant made an application 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 March 12th, 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 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 March 12th, 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 17535 SW 95th Ave. It is currently zoned AU and RU-1. The applicant, 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.

1 2. The property bears the following legal description of:

2 All that certain tract or parcel of land lying and being situated in Miami-Dade County,
3 State of Florida, Section 33, Township 55 South, Range 40 East and being described as
4 follows:
5

6 PARCEL 1
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8 The East 255 feet of the East ½ of the South ½ of the south ½ of the S.E. ¼ of the N.W.
9 ¼ of the S.W. ¼, less the South 25 feet in Section 33, Township 55 South, Range 40 East,
10 Miami Dade County, Florida. Containing 38199.02 square feet and/or 0.88 acres more or
11 less.
12

13 Together with
14

15 PARCEL 2
16

17 The North ½ of the South ½ of the S.E. ¼ of the N.W. ¼ of the S.W. ¼, in Section 33,
18 Township 55 South, Range 40 East, Miami Dade County, Florida. Containing
19 116,290.72 square feet and/or 2.67 acres more or less.
20

21 Together with
22

23 PARCEL 3
24

25 The N.E. ¼ of the N.W. ¼ of the S.W. ¼ and the North ½ of the S.E. ¼ of the N.W. ¼ of
26 the S.W. ¼, in Section 33, Township 55 South, Range 40 East, Miami Dade County,
27 Florida. Containing 699,491.44 square feet and/or 16.06 acres more or less.
28

29 Together with
30

31 PARCEL 4
32

33 The South ½ of the S.E. ¼ of the S.W. ¼ of the N.W. ¼ less the West 35 feet, in Section
34 33, Township 55 South, Range 40 East, Miami Dade County, Florida. Containing
35 214,815.71 square feet and/or 4.93 acres more or less.
36
37

38 3. The Village Council adopts the portions of the cover sheet to, and the Village
39 recommendation, entitled Introduction, Zoning Hearings History, Village Comprehensive Plan,
40 Neighborhood Characteristics, Site and Buildings, and Neighborhood Services as its findings of
41 fact.
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1 Section 3. Conclusions of law.
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3 1. The Village Council adopts the portions of the county recommendation, entitled
4 Pertinent Requirements/Standards, Section 33-303, Miami-Dade County Code; the Analysis,
5 Recommendations and Considerations contained in the staff report as the Village Council's
6 conclusions of law.
7

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

12 3. A governmental facility is defined to include, but is not limited to: public parks,
13 playgrounds and buildings, and structures supplementary and incidental to such uses; public
14 libraries; public buildings and centers; art galleries and convention halls.
15

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

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

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

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

39 After considering these factors, the Village Council shall take such action as is necessary to
40 provide for and protect the public health, safety and welfare of the citizens and residents of the
41 Village.
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1 8. In the event the Village Council authorizes the construction, erection, use or
2 operation of a governmental facility in accordance with the procedures delineated above, or in
3 the event the Council otherwise determines that Village owned property should be utilized by the
4 Village for a particular public purpose, the property, pursuant to the requirements of Section 33-
5 303, shall be posted by a sign or signs conspicuously located thereon indicating the
6 governmental facility or use authorized for the property. Such sign or signs may be removed
7 upon the commencement of construction.
8

9 Section 4. Order.

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11 a. The site plan be submitted to, and meet with the approval of the Director, after
12 consultation with the Village Manager, upon the submittal of an application for a building permit
13 and/or Certificate of Use and Occupancy; said plan to include among other things, but not be
14 limited thereto, location of structure or structures, exits and entrances, drainage, wall, fences,
15 landscaping, etc.
16

17 b. In the approval of the plan, the plan shall be substantially in accordance with that
18 submitted for the hearing, and as attached hereto. Except as may be specified by any zoning
19 resolution applicable to the subject property, any future additions on the property which conform
20 to Zoning Code requirements will not require further public hearing action.
21

22 c. The use be established and maintained in accordance with the approved plan.
23

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

28 e This is a final order.
29

30 Section 5. Record.

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32 The record shall consist of the notice of hearing, the applications, documents submitted
33 by the applicant and the applicant's representatives to the Village of Palmetto Bay Department of
34 Community Development in connection with the applications, the Village recommendation and
35 attached cover sheet and documents, the testimony of sworn witnesses and documents presented
36 at the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be
37 maintained by the Village Clerk.
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39 Section 6. This resolution shall take effect immediately upon approval.
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1 PASSED and ADOPTED this [12th] day of [March], 2007.

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4 Attest:

5 Meighan Rader
6 Village Clerk

7 Eugene P. Flinn, Jr.
8 Mayor

9 APPROVED AS TO FORM:

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

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19 FINAL VOTE AT ADOPTION:

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21 Council Member Ed Feller YES
22
23 Council Member Paul Neidhart YES
24
25 Council Member Shelley Stanczyk YES
26
27 Vice-Mayor Linda Robinson YES
28
29 Mayor Eugene P. Flinn, Jr. YES