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RESOLUTION NO. 08-110

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PURCHASE ORDERS; AUTHORIZING FUNDING FOR THE INSTALLATION OF GALVANIZED FENCING AT 9495 SW 180 STREET, PALMETTO BAY, FL 33157; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER TO HMA MGMT / CERO'S FENCE IN AN AMOUNT NOT TO EXCEED \$19,465.50; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Palmetto Bay acquired an Operational Facility for the Department of Public Works at 9495 SW 180 Street, Palmetto Bay, Florida 33157 per Resolution No. 08-61 dated July 7th, 2008; and,

WHEREAS, the Department of Public Works Operational Facility will be utilized as administrative office space and storage for fleet; and,

WHEREAS, in order to secure the facility and protect the fleet it is in the best interest of the Village to enclose the facility with a commercial 6' galvanized chain link fence; and,

WHEREAS, after a thorough analysis of the proposals, the Department confirms the proposal provided by HMA MGMT / Cero's Fence was the lowest, most inclusive and responsible proposal; and,

WHEREAS, HMA MGMT / Cero's Fence provided the Department with a proposal in an amount of \$19,465.50; and,

WHEREAS, the Village Council approved zoning application VPB-08-005 on October 14th, 2008, establishing a governmental facility for the Village's Public Works Department on a parcel zoned RU-1, single-family residential; and,

WHEREAS, the approved site plan shows development of the property to be enclosed with a 6' galvanized chain link fence; and,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:


Section 1: The Village Manager is authorized to issue a purchase order to HMA MGMT / Cero's Fence in an amount not to exceed \$19,465.50.

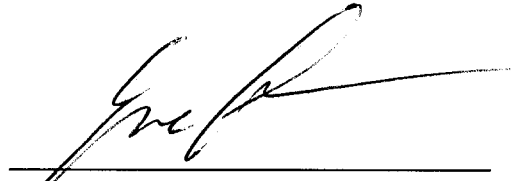
Section 2: This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 1 day of December, 2008.


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ATTEST:


Meighan Rader
Village Clerk


Eugene P. Flinn Jr.
Mayor

READ AND APPROVED AS TO FORM:


Eve Boutsis
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Edward Feller	<u>YES</u>
Council Member Howard Tendrich	<u>YES</u>
Council Member Shelley Stanczyk	<u>YES</u>
Vice-Mayor Brian W. Pariser	<u>YES</u>
Mayor Eugene P. Flinn, Jr.	<u>YES</u>

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RESOLUTION NO. 08-61

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATED TO REAL ESTATE; APPROVING THE PURCHASE OF THE REAL PROPERTY LOCATED AT 9495 SW 180TH STREET, PALMETTO BAY, FLORIDA FOR THE PRICE OF \$574,900, PLUS REASONABLE CLOSING COSTS; DISBURSING SAID PURCHASE AMOUNT, PLUS CLOSING COSTS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND ALL OTHER APPLICABLE DOCUMENTS REQUIRED TO FINALIZE THE TRANSACTION ON BEHALF OF THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village has been actively seeking to acquire land as operational space for the Public Works department; and,

WHEREAS, the Village Manager has negotiated a Purchase and Sale Agreement to purchase a property located at 9495 S.W. 180 Street, Palmetto Bay, Florida 33157 in the amount of \$574,900 plus reasonable closing costs; and,

WHEREAS, the site is a desirable location as it is located adjacent to Village owned Palmetto Bay Park; and,

WHEREAS, the property features a one-story structure with an adjustable square footage of 1,694 sq. ft. and a lot size of approximately 49,658 sq. ft.; and,

WHEREAS, the Village wishes to proceed with the acquisition of the property as a future operational site; and,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:


Section 1. Approve the purchase of the real property located at 9495 SW 180th Street, Palmetto Bay, FL for the purchase amount of \$574,900.


Section 2. Disburse the purchase amount, plus all reasonable closing costs.

Section 3. Authorize the Village Manager to execute the Purchase and Sale Agreement, attached as Exhibit 1, and all other applicable documents required to finalize the transaction on behalf of the Village of Palmetto Bay.


1 PASSED and ADOPTED this 7th day of July, 2008.

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4 Attest:


Meighan Rader
Village Clerk


Eugene P. Flinn, Jr.
Mayor

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9 APPROVED AS TO FORM:

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12
13 Eve Boutsis,
14 Village Attorney

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19 FINAL VOTE AT ADOPTION:

20
21 Council Member Ed Feller YES
22
23 Council Member Paul Neidhart YES
24
25 Council Member John Breder YES
26
27 Vice Mayor Linda Robinson YES
28
29 Mayor Eugene P. Flinn, Jr. YES
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RESOLUTION NO. 08-90

ZONING APPLICATION VPB-08-005

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 PURSUANT TO SECTION 33-303 OF THE MIAMI-DADE COUNTY CODE TO ESTABLISH A GOVERNMENTAL FACILITY USE ON PROPERTY ZONED SINGLE-FAMILY RESIDENTIAL AT THE ADDRESS OF 9495 SW 180TH STREET; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant made applications for the establishment of a governmental facility use, for a public works administrative offices and fleet location, at 9495 SW 180th Street, and for the installation of a Public Works sign on the premises, as described in the Village's 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 October 14, 2008; and,

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application pursuant to section 33-303, of the Miami-Dade County Code, as adopted by the Village relating to the governmental facility is consistent with the Village's Comprehensive Plan and the applicable land development regulations; and,

WHEREAS, the Mayor and Village Council find, based on substantial competent evidence in the record, that the application pursuant to section 33-303, of the Miami-Dade County Code, as adopted by the Village relating to the installation of a Public Works Sign, is consistent with the Comprehensive Plan but inconsistent with 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 October 14, 2008 in accordance with the Village's "Quasi-judicial hearing procedures" Ordinance, found at 2-105, of the Village's Code of Ordinances. Pursuant to the hearing, the Village Council makes the following findings of fact, conclusions of law and order.

1
2 Section 2. Findings of fact.

3 The subject 1.14-acre property comprised of a single-family home is located on the southeast corner
4 of SW 175th Terrace and SW 95th Avenue and is adjacent to Total Bank on the west, Palmetto Bay
5 Park on the north, and single family homes to the south and east. The applicant, the Village of
6 Palmetto Bay, is seeking to establish a governmental facility use of the property to accommodate the
7 administrative offices and fleet for the Village's Public Works Department on a parcel zoned RU-1,
8 Single-Family Residential. The Village is also applying to install a 35 sq.ft. sign designated the site as
9 part of the Village's Public Works Department.

10
11 The properties to the east and south of the subject property are developed with single- family
12 residences and zoned RU-1, Single Family Residential; the properties to the west are zoned, MN,
13 Mixed Use Neighborhood and existing development include Total Bank and other commercial uses;
14 and the property to the north is zoned RU-1, Single Family Residential and consist of a large 24 acre
15 park, Palmetto Bay Park.

16
17 The applicant has submitted a site plan showing the development of the subject property indicating
18 the parking layout and proposed landscaping. The requested change of use is in full accordance with
19 the adopted Comprehensive Plan. The proposed use meets the definition of a governmental facility,
20 as provided under Section 33-303 of the Miami-Dade County Code. As such, the governmental
21 facility may be established in any location in the Village, without regard to the zoning of the
22 particular site. The Village is to take into consideration the land use pattern of the area.

23
24 The Village Council heard testimony of Amy Nelson, a resident near the site, who raised concerns
25 with flooding in the area and with the proposed sign, amongst other issues. The Public Works
26 Director and Village Manager advised that the flood related work for the area was currently being
27 bid, and that the contractor bid opening would be held on October 22, 2008. The Public Works
28 Director, Corrice Patterson, and the Zoning Administrator, Efren Nunez, provided greater detail as
29 to the number of trees, type of landscaping, fencing and screening of the property.

30
31 Erik Tullberg, resident, requested that bike racks be installed at the site, consistent with the Village's
32 Code.

33
34 Section 3. Conclusions of law.

35 The adopted 2005 Village of Palmetto Bay Comprehensive Plan, Future Land Use Map designates
36 the site as Low Density Residential. The residential density allowed in this category 2.5 to 6 dwelling
37 units per gross acre. The Comprehensive Plan also provides for the allowance of governmental
38 facilities within the land use designation. The proposed use is consistent with the Village of
39 Palmetto Bay's Comprehensive Plan.

40
41 In evaluating an application for a change of use, Section 33-303, of the Miami-Dade County Code,
42 as adopted by the Village, provides that the Village Council take into consideration, among other
43 factors:

- 1
2 a. the type of function involved, the public need therefore;
3 b. the existing land use pattern in the area;
4 c. alternative locations for the facility; and
5 d. the nature of the impact of the facility on the surrounding property.
6

7 After considering these factors, the Village Council shall take such action as is necessary to provide
8 for and protect the public health, safety and welfare of the citizens and residents of the Village.
9

10 In the event the Village Council authorizes the construction, erection, use or operation of a
11 governmental facility in accordance with the procedures delineated above, or in the event the
12 Council otherwise determines that Village owned property should be utilized by the Village for a
13 particular public purpose, the property, pursuant to the requirements of section 33-303, shall be
14 posted by a sign or signs conspicuously located thereon indicating the governmental facility or use
15 authorized for the property. Such sign or signs may be removed upon the commencement of
16 construction.
17

18 The Village in reviewing this criteria determined that the property is consistent with the existing land
19 use pattern in the area; that the Village and public need a Public Works Department facility; that the
20 use would be consistent with and have no impact to the surrounding properties, the majority of
21 which are commercial, and the Village's Palmetto Bay Park.
22

23 Section 4. Order. Approval under section 33-303 of the Miami-Dade County Code, as
24 adopted by the Village of Palmetto Bay, to accommodate a change of use to hold the administrative
25 offices and fleet for the Village's Public Works Department on a property zoned RU-1, with
26 conditions, in accordance with the plans entitled "Village of Palmetto Bay, Department of Public
27 Works" as prepared by OP Architects and Associates, consisting of four (4) sheets, date stamped
28 received September 15, 2008. Denial of the sign request.
29

30 Additional conditions.
31

- 32 1. The existing exterior of the structure is to remain residential in character.
33 2. The buffering and fence proposed in the plans are to be properly maintained as long
34 as the site is used by Public Works.
35 3. Use of the Property is to meet the requirements of Chapter 24, of the Miami-Dade
36 County Code relating to the requirements and review of the Miami-Dade County
37 Department of Environmental Resource Management (DERM).
38 4. Use of the property is to meet the requirements and policies of all other applicable
39 departments/agencies as part of the building permit submittal process.
40 5. The Village is to install two bike racks on the site.
41 6. The sign request was denied. The sign shall be consistent with the residential zoning
42 requirements.
43 7. This is a final order.
44

1 Section 5. Record.

2 The record shall consist of the notice of hearing, the applications, documents submitted by
3 the applicant and the applicant's representatives to the Miami-Dade County Department of Planning
4 and Zoning in connection with the applications, the county recommendation and attached cover
5 sheet and documents, the testimony of sworn witnesses and documents presented at the quasi-
6 judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by the
7 Village clerk.
8

9 Section 6. This resolution shall take effect immediately upon approval.

10 PASSED and ADOPTED this 14th day of October, 2008.

11
12 Attest:

13 Meighan Rader
14 Meighan Rader
15 Village Clerk

16 Eugene P. Flinn, Jr.
17 Eugene P. Flinn, Jr.
18 Mayor

19 APPROVED AS TO FORM:

20 Eve A. Boutsis
21 Eve A. Boutsis,
22 Nagin Gallop Figueredo, P.A.
23 Office of Village Attorney

24 FINAL VOTE AT ADOPTION:

25
26 Council Member Ed Feller YES
27
28 Council Member Paul Neidhart YES
29
30 Council Member Shelley Stanczyk YES
31
32 Vice-Mayor Linda Robinson Absent
33
34 Mayor Eugene P. Flinn, Jr. YES

VILLAGE OF
PALMETTO BAY
DEPARTMENT OF PUBLIC WORKS
3455 S.W. 180TH STREET
PALMETTO BAY, FL



4111 SOUTH MANORFIELD AVE
WEST COVINA, CA 91791
TEL. (708) 341-1965

REVISION	BY	DATE

