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RESOLUTION NO. 2013-91

ZONING APPLICATION VPB-13-001

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING SOUTH MOTOR COMPANY OF DADE COUNTY'S SITE PLAN MODIFICATION REQUEST; REPLACING/SUPERSEDING PRIOR SITE PLAN RESOLUTIONS Z-198-80, Z-38-82, AND 4-ZAB-229-83 FOR THE PROPERTY LOCATED AT 16215 SOUTH DIXIE HIGHWAY, BEARING FOLIO NUMBER 33-5028-002-0030, AND 9271 SW 164 STREET, BEARING FOLIO NUMBER 33-5028-002-0070, TOGETHER WITH THE ADJACENT PROPERTY TO THE EAST BEARING FOLIO NUMBER 33-5028-002-0080; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Applicant, South Motor Company of Dade County, made an application for a site plan modification, as previously approved pursuant to Zoning Resolution Nos. Z-198-80, Z-38-82, and 4-ZAB-299-83, for the property located at 16251 South Dixie Highway, bearing folio number: 33-5028-002-0030, and 9271 SW 164 Street, bearing folio number: 33-5028-002-0070, together with the adjacent property to the east, bearing folio number: 33-5028-002-0080, as further described in the Village of Palmetto Bay Department of Planning and Zoning staff report and recommendation; and,

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a properly noticed quasi-judicial hearing on the application at Village Hall, 9705 East Hibiscus Street, on December 16, 2013; and,

WHEREAS, the Mayor and Village Council find, based on substantial competent evidence in the record, that the application for the site plan modification 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 hereby grants the application, as set forth herein.

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

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by this reference.

Section 2. Public Hearing.

A properly noticed public hearing on the present application was held on December 16, 2013, in accordance with the Village's "Quasi-judicial Hearing Procedures". Pursuant to the

1 testimony and evidence presented during the hearing, the Village Council makes the following
2 findings of fact, conclusions of law, and final order.
3

4 **Section 3. Findings of Fact.**
5

- 6 a. The requested site plan modification is consistent with the Village's Comprehensive
7 Plan, as further specified in the Analysis Section of the Village's Staff report.
8
- 9 b. The rules that govern the conditions upon which such uses are permitted to be
10 configured and operated are principally at Section 30-30.5 "Site Plan Approval", which
11 incorporates the zoning development requirements of Section 30-50.17, "B-2 Business
12 District", Division 30-70 "Parking and Loading Standards", and Division 30-100
13 "Environmental Regulations" of the Village's Land Development Code. After hearing
14 the applicant and applicant's experts, the Village Council finds the site plan modification
15 request consistent with those standards.
16
- 17 c. The Applicant's traffic study indicates that the number of trips generated by the
18 proposed use does not cause the adjacent roadway to exceed the maximum capacity
19 thresholds established by Miami-Dade County. By consolidating service operations
20 under the proposed site plan, the Applicant is reducing approximately 300 trips per day
21 that currently occur at the site. The Village's traffic engineering consultant and the
22 Traffic Engineering Division of Miami-Dade County both accept this finding.
23
- 24 d. The Village Council accepts the findings of staff as it relates to compliance with the
25 Village's Code, and the findings of the traffic study as confirmed by the Village's traffic
26 engineering consultant and the Traffic Engineering Division of Miami-Dade County.
27
- 28 e. The Village adopts and incorporates by reference the Planning & Zoning Department
29 staff report, which expert report is considered competent substantial evidence.
30
- 31 f. The Village Council did not have any substantive disclosures regarding ex-parte
32 communications and the applicant did not raise any objections as to the form or content
33 of any disclosures by the Council.
34
- 35 g. The applicant has agreed to all proposed modifications and conditions in the Section
36 entitled, "Order."
37

38 **Section 4. Conclusions of Law.**

39 The site plan modification for the specific use was reviewed pursuant to Section 30-30.5(j)(1)
40 of the Village of Palmetto Bay's Land Development Code is conditionally consistent with same.
41

42 **Section 5. Order.**

1 The Village Council hereby grants the modification request as it consistent with the
2 applicable provisions of the Land Development Code and Comprehensive Plan. The Village
3 Council, pursuant to Section 30-30.5(j)(1) of the Land Development Code approves the plans
4 entitled "South Motors", as prepared by WHA Design Inc., consisting of 21 sheets, dated stamped
5 received November 15, 2013, as further described in the applicant's Fifth Amended Letter of
6 Intent Dated November 6, 2013, together with the traffic study, prepared by Richard Garcia &
7 Association, Inc., dated stamped received November 1, 2013, subject to the following conditions:
8

- 9 1. All previous conditions, approvals, and resolutions shall remain in effect unless
10 otherwise altered by the granting of this request and any conditions imposed herein.
11
- 12 2. The property is developed in substantial compliance with the plans dated stamped
13 received November 15, 2013, as prepared by WHA Design, Inc. as further described
14 in the applicant's Fifth Amended Letter of Intent Dated November 6, 2013 together
15 with the traffic study, prepared by Richard Garcia & Association, Inc., dated
16 stamped received November 1, 2013.
17
- 18 3. Compliance with all requirements of applicable Village departments/outside agencies
19 as part of the Village of Palmetto Bay building permit submittal process.
20
- 21 4. Compliance with all DERM requirements and the requirements of Chapter 24 of the
22 Code of Miami-Dade County.
23
- 24 5. Posting a performance bond in favor of the Village equal to 125% of the estimated
25 cost of any required public right-of-way improvements.
26
- 27 6. Recording in the Miami-Dade County Public Records a Unity of Title or similar
28 agreement or covenant combining the parcels that are subject to the approved site
29 plan (minus the "park" parcel), in a form approved by the Village Attorney, prior to
30 issuance of a building permit.
31
- 32 7. Preparation of an intersection study for the intersection at SW 160 Street and South
33 Dixie Highway to determine if the shared through and right-turn movement should
34 be modified so that the westbound outside lane replaces the existing right-turn
35 movement.
36
- 37 8. All affected sidewalk shall be updated to comply with current ADA standards, and
38 replace all existing conventional pedestrian signal heads with current Miami-Dade
39 County approved pedestrian signal heads.
40
- 41 9. A voluntary contribution of to \$130,000 toward the construction costs of necessary
42 traffic calming elements as described in the Village of Palmetto Bay's Public Works
43 Department Memorandum dated November 22, 2013, which includes the
44 construction of a traffic circle at SW 164th street and SW 93rd Avenue or in the

1 alternative SW 164th Street and SW 92nd Avenue. Any cost resulting from an
2 additional traffic study shall be borne by the applicant.
3

- 4 10. Recording in the Miami-Dade County Public Records of an easement running with
5 the land relating to that portion of the property intended for passive park use
6 totaling 3.0973± acres, in a form approved by the Village Attorney.
7
8 11. Compliance with Miami-Dade County platting requirements as applicable.
9
10 12. Phasing and development of the project shall be as provided for at Page SP3.0 of the
11 Site Plan, as prepared by WHA Design, Inc., dated stamped received November 15,
12 2013.
13
14 13. A 35-40 foot landscape buffer with average dimensional width of 37 feet shall be
15 provided along the east property line.
16
17 14. This Resolution supersedes all prior resolutions in conflict with this development
18 order.
19
20 15. Pay all costs incurred by the Village to extend the existing curbing element onto the
21 adjacent single family residential property located at 16371 SW 92 Court, Palmetto
22 Bay, FL.
23

24 This is a final order.
25

26 **Section 6. Record.**

27 The record shall consist of the notice of hearing, the applications, documents submitted by
28 the applicant and the applicants' representatives to the Village of Palmetto Bay Department of
29 Planning and Zoning in connection with the applications, the County recommendation and attached
30 cover sheet and documents, the testimony of sworn witnesses and documents presented at the
31 quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by
32 the Village Clerk.
33

34 **Section 6. Effective Date.**

35 This resolution shall take effect immediately upon approval.

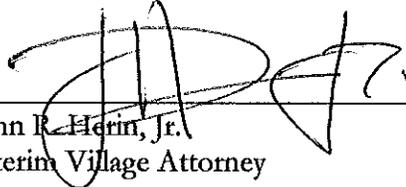
36 PASSED and ADOPTED this 16 day of December, 2013.

37
38 Attest:

39 Meighan Alexander
40 Meighan Alexander
41 Village Clerk
42

Shelley Stanczyk
Shelley Stanczyk
Mayor

1 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
2 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

3
4 
5 _____
6 John R. Herin, Jr.
7 Interim Village Attorney

8
9
10 FINAL VOTE AT ADOPTION:

- 11 Council Member Patrick Fiore Yes
12
13 Council Member Tim Schaffer Yes
14
15 Council Member Joan Lindsay Yes
16
17 Vice-Mayor John DuBois Yes
18
19 Mayor Shelley Stanczyk Yes
20

21
22 This Resolution was filed in the Office of the City Clerk on this 17 day of December, 2013.

23
24 
25 _____
26 Meighan Alexander
27 Village Clerk