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RESOLUTION NO. 2016-38

ZONING APPLICATION VPB-16-002

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; PURSUANT TO 30-80, PLATTING AND SUBDIVISIONS, AUTHORIZING THE PLAT OF CERTAIN LANDS WITHIN THE VILLAGE LOCATED AT 7980 SW 160th STREET, AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT A; APPROVING A WAIVER OF PLAT, CONSISTING OF 1 LOT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Applicant, Maku Home Developers Inc., submitted an application to plat certain lands within the Village of Palmetto Bay, located at 7980 SW 160th Street, bearing Folio Number 33-5027-000-0771, as more particularly described at Attachment A of this Resolution; consisting of 1 lot; and

WHEREAS, on November 18, 1952 The Board of County Commissioners, operating under the Miami-Dade County code, approved a request to rezone the property from AU to EU-1; and

WHEREAS, on July 18, 1957 The Board of County Commissioners, operating under the Miami-Dade County code, approved a request to establish minimum lot sizes of 17,500 square feet within this area; and

WHEREAS, the property configuration complies with that order, and meets all other requirements of the Village's Land Development Code, and has been deemed acceptable by the Village's Public Works Department; and

WHEREAS, the applicant is now requesting the Mayor and Village Council approve the waiver of plat request so that the applicant may record the plat with Miami-Dade County; and

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial public hearing on the application at Village Hall, 9705 East Hibiscus Street on May 16, 2016; and

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the plat is consistent with the Village of Palmetto Bay 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:

1 **Section 1. Whereas Clauses.** The foregoing “WHEREAS” clauses are hereby ratified
2 and confirmed as being true and correct and are hereby made a part of this Resolution upon
3 adoption hereof.
4

5 **Section 2. Public Hearing.** A public hearing on the present application was held on
6 May 16, 2016, in accordance with the Village's “Quasi-judicial hearing procedures.” Pursuant to the
7 testimony and evidence presented during the hearing, the Village Council makes the following
8 findings of fact, conclusions of law and final order.
9

10 **Section 3. Findings of fact.**

- 11
- 12 a. On November 18, 1952 The Board of County Commissioners, operating under the
13 Miami-Dade County code, approved a request to rezone the property from AU to
14 EU-1.
15
- 16 b. On July 18, 1957 The Board of County Commissioners, operating under the Miami-
17 Dade County code, established lot minimum size requirements of 17,500 square feet
18 within this area.
19
- 20 c. The applicant is requesting the Mayor and Village Council to approve the waiver of
21 plat request so that the applicant may record the plat with Miami-Dade County. The
22 applicant seeks to plat the property to construction a single-family home.
23
- 24 d. The property configuration complies with the requirements of the Village’s Land
25 Development Code, and has been deemed acceptable by the Village’s Public Works
26 Department.
27
- 28 e. The Department review of the application for consistency with plat requirements at
29 Section 30-80.2(b), entitled “Final Plat Application Requirements”, found the
30 application to be in compliance.
31
- 32 f. The Village Council had no substantive disclosures regarding ex-parte
33 communications and the applicant raised no objections as to the form or content of
34 any disclosures by the Council.
35

36 **Section 4. Conclusions of law.**

37

38 The request to plat the East 152 feet of the North 160 feet of the West 304 feet of the NW
39 ¼ of the NE ¼ of the NW ¼ of the SE ¼ of section 27, Township 55 South, Range 40 East lying
40 and being in Miami-Dade County, Florida, Less the North 35 feet to be dedicated to right-of-way
41 purposed, is consistent with Division 30-80, Platting and Subdivisions, of the Village’s Land
42 Development Code.
43

44 **Section 5. Order.**

45

46 The Village Council approves the waiver of plat of those lands described at Attachment A,
47 bearing Folio Number 33-5027-000-0771, consisting of 1 lot.
48

1 **This is a final order.**

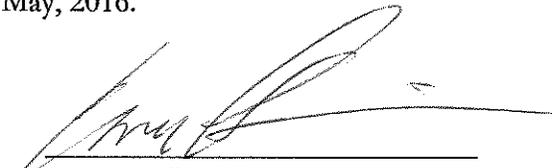
2
3 **Section 6. Record.** The record shall consist of the notice of hearing, the applications,
4 documents submitted by the applicant and the applicants' representatives to the Village of Palmetto
5 Bay Department of Planning and Zoning in connection with the applications, the county
6 recommendation and attached cover sheet and documents, the testimony of sworn witnesses and
7 documents presented at the quasi-judicial hearing, and the tape and minutes of the hearing. The
8 record shall be maintained by the Village Clerk.
9

10 **Section 7.** This resolution shall take effect immediately upon approval.

11
12 PASSED and ADOPTED this 16th day of May, 2016.

13
14
15
16 Attest:


17 Meighan Alexander
18 Village Clerk


Eugene Flinn
Mayor

19
20 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
21 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

22
23
24 
25 Dexter W. Lehtinen
26 Village Attorney

27
28
29 FINAL VOTE AT ADOPTION:

30
31 Council Member Karyn Cunningham YES
32
33 Council Member Tim Schaffer Absent
34
35 Council Member Larissa Siegel Lara YES
36
37 Vice-Mayor John DuBois YES
38
39 Mayor Eugene Flinn YES

40
41
42 This Resolution was filed in the Office of the City Clerk on this 23 day of May, 2016.

43
44
45 
46 Meighan Alexander
47 Village Clerk

