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**RESOLUTION NO. 2016-49**

**ZONING APPLICATION VPB-16-003**

**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, APPROVING A WAIVER OF PLAT, CONSISTING OF 2 LOTS; FOR THE PROPERTY LOCATED AT 13650 SW 82<sup>nd</sup> COURT, AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT A; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Applicant, 136 PB LLC, submitted an application for waiver of plat for certain lands within the Village of Palmetto Bay, located at 13650 SW 82<sup>nd</sup> Court, bearing Folio Number 33-5022-000-0191, as more particularly described at Attachment A of this Resolution; creating 2 lots; and

**WHEREAS**, in October of 2009, the Village created its Land Development Code and Comprehensive Zoning Map, and re-designated the subject property as E-1; and

**WHEREAS**, in April of 2016, the Village re-designated the subject property as E-M, Estate Modified Single Family District; and

**WHEREAS**, the property configuration of the waiver of plat application complies with that order, 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 June 20, 2016; and

**WHEREAS**, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for waiver of 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.

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

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4           **Section 1.   Whereas Clauses.** The foregoing “WHEREAS” clauses are hereby  
5 ratified and confirmed as being true and correct and are hereby made a part of this Resolution  
6 upon adoption hereof.  
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8           **Section 2.   Public Hearing.** A public hearing on the present application was held  
9 on June 20, 2016, in accordance with the Village's “Quasi-judicial hearing procedures.” Pursuant  
10 to the testimony and evidence presented during the hearing, the Village Council makes the  
11 following findings of fact, conclusions of law and final order.  
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13           **Section 3.   Findings of fact.**

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15           a.       In October of 2009, the Village created its Land Development Code and  
16 Comprehensive Zoning Map, and re-designated the subject property as E-1.  
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18           b.       In April of 2016, the Village re-designated the subject property as E-M  
19 (residential).  
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21           c.       The applicant is requesting the Mayor and Village Council to approve the waiver  
22 of plat request so that the applicant may record the plat with Miami-Dade  
23 County. The applicant seeks to plat the property to construction a single-family  
24 home.  
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26           d.       The property configuration complies with the requirements of the Village’s Land  
27 Development Code, and has been deemed acceptable by the Village’s Public  
28 Works Department.  
29  
30           e.       The Department review of the application for consistency with plat requirements  
31 at Section 30-80.2(b), entitled “Final Plat Application Requirements”, found the  
32 application to be in compliance.  
33  
34           f.       The Village Council had no substantive disclosures regarding ex-parte  
35 communications and the applicant raised no objections as to the form or content  
36 of any disclosures by the Council.  
37

38           **Section 4.   Conclusions of law.**

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40           The request to plat the South 153 Feet of the North 548 Feet of the W ½ of the East ½  
41 of the NE ¼ of the NW ¼ less the East 25 feet and the West 25 Feet thereof, in Section 22,  
42 Township 55 South, Range 40 East, lying and being in Miami-Dade County, Florida,  
43 containing 42,688 square feet or .98 acres, more or less, creating two lots. The request is  
44 consistent with Division 30-80, Platting and Subdivisions, of the Village’s Land Development  
45 Code.  
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1           **Section 5.    Order.**

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3           The Village Council approves the waiver of plat of those lands described at Attachment  
4           A, bearing Folio Number 33-5022-000-0191, creating to 2 lots.

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

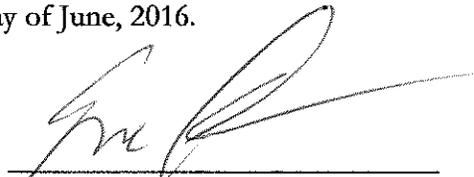
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13          **Section 7.**        This Resolution shall take effect immediately upon approval.

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15          PASSED and ADOPTED this 20<sup>th</sup> day of June, 2016.

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19          Attest:



20          Missy Arocha  
21          Village Clerk



22          Eugene Flinn  
23          Mayor

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

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27          

28          Dexter W. Lehtinen  
29          Village Attorney

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33          FINAL VOTE AT ADOPTION:

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35          Council Member Karyn Cunningham   YES

36  
37          Council Member Tim Schaffer         YES

38  
39          Council Member Larissa Siegel Lara   YES

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41          Vice-Mayor John DuBois             ABSENT

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43          Mayor Eugene Flinn                 YES