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RESOLUTION NO. 2017-38

ZONING APPLICATION VPB-16-011

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING BRANDSMART USA OF SOUTH DADE COUNTY, INC.'S SITE PLAN MODIFICATION REQUEST FOR THE PROPERTY LOCATED AT 16025 AND 16051 SOUTH DIXIE HIGHWAY BEARING FOLIO NUMBER 33-5028-025-0010; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Applicant, Brandsmart USA of Dade County Inc., made an application for a site plan modification, which plan was previously approved pursuant to Zoning Resolution No Z-6-69, and a site plan which was approved in 1999; and

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Village Hall, 9705 East Hibiscus Street on October 17, 2016; and

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the site plan modification 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:

Section 1. A public hearing on the present applications was held on October 17, 2016, in accordance with the Village's "Quasi-judicial Hearing Procedures". Pursuant to the testimony and evidence presented during the hearing, the Village Council makes the following findings of fact, conclusions of law and final order.

Section 2. Findings of fact.

1. The requested site plan modification is consistent with the Village's Comprehensive Plan, as further specified in the Analysis Section of the Village's Staff report.

2. The rules that govern the conditions upon which such uses are permitted to be configured and operated are principally at Section 30-30.5 Site Plan Approval, Section 30-50.17, B-2 Business District, and Division 30-100, Environmental Regulations, of the Village's Land Development Code. A review of the Code, as evidenced in the analysis of staff, which is

1 incorporated by reference into this resolution, and after hearing the applicant and applicant's
2 experts, the Village Council found the site plan modification request consistent with those standards.
3

4 3. The Village Council accepted the findings of Village Staff as it relates to compliance
5 with the following provisions of the Village's Code: Section 30-30.5, 30-50.17, and 30-100.
6

7 4. The Village adopts and incorporates by reference the Planning & Zoning
8 Department staff report, which expert report is considered competent substantial evidence.
9

10 5. The applicant has agreed to all proposed modifications and conditions in the section
11 entitled Order.
12

13 6. The Village Council had not substantive disclosures regarding ex-parte
14 communications and the applicant raised no objections as to the form or content of any disclosures
15 by the Council.
16

17 Section 3. Conclusions of law.
18

19 The site plan modification for the specific use was reviewed pursuant to Section 30-30.5(j)(1)
20 of the Village of Palmetto Bay's Code of Ordinances, and was found to be conditionally consistent.
21

22 Section 4. Order.
23

24 The Village Council grants the site plan modification request as it would be in keeping with the
25 applicable Land Development Regulations with the Village's Comprehensive Plan. The Village
26 Council, pursuant to Section 30-30.5(j)(1) approves the plans entitled "Brandsmart USA Shopping
27 Center" as prepared by Stiles Architectural Group Inc., consisting of 2 sheets, dated stamped
28 received September 22, 2016, with the following conditions:
29

30 1. All previous conditions, approvals, and resolutions shall remain in effect unless
31 otherwise altered by the granting of this request and any conditions assigned therein. The Applicant
32 shall comply with the requirements of all other applicable departments/agencies as part of the
33 building permit submittal process.
34

35 2. The property is developed in substantial compliance with the plans entitled
36 "Brandsmart USA Shopping Center" as prepared by Stiles Architectural Group Inc., consisting of 2
37 sheets, dated stamped received September 22, 2016.
38

39 3. Shall comply with all comments, recommendations, and project requirements
40 provided by the Department of Public Works in their memo dated September 27, 2016.
41

42 **This is a final order.**
43
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45

1 Section 5. Record.

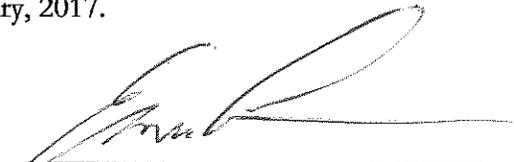
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3 The record shall consist of the notice of hearing, the applications, documents submitted by
4 the applicant and the applicants' representatives to the Village of Palmetto Bay Department of
5 Planning and Zoning in connection with the applications,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

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

11
12 PASSED and ADOPTED this 13th day of February, 2017.

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16 Attest:

17 
18 Missy Arocha
19 Village Clerk

20
21 
22 Eugene Flinn
23 Mayor

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

28 
29 Dexter W. Lehtinen
30 Village Attorney

31
32 FINAL VOTE AT ADOPTION:

33 Council Member Karyn Cunningham YES
34
35 Council Member David Singer YES
36
37 Council Member Larissa Siegel Lara YES
38
39 Vice-Mayor John DuBois YES
40
41 Mayor Eugene Flinn YES
42