

**RESOLUTION NO. 03-36**

**ZONING APPLICATION 02-4-CZ13-1 (02-33)**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF DAVNBRAN PROPERTIES, INC. FOR ALTERNATIVE SITE DEVELOPMENT ORDER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant made applications for alternative site development order and for alternative non-use variance, as described in the Miami-Dade 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 April 15, 2003; and,

WHEREAS, the mayor and village council finds, based on substantial competent evidence in the record, that the application for alternative site development order is consistent with the Miami-Dade County comprehensive plan and 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 April 15, 2003 in accordance with ordinance. no. 02-03, entitled "Quasi-judicial hearing procedures." Pursuant to the hearing, the village council makes the following findings of fact, conclusions of law and order.

Section 2. Findings of fact.

1. The applicant is Davnbran Properties, Inc. The property is vacant land located east of Old Cutler Road, between S.W. 166 Street and S.W. 167 Street, Miami-Dade County, Florida.
2. The applicant requests approval to permit two proposed single-family homes on the subject property located closer to the front property line than permitted.

3. The village council adopts the portions of the cover sheet to, and the county recommendation, entitled Previous Zoning Hearings on the Property, Enforcement History, Introduction-Request, Zoning Hearings History, Comprehensive Development Master Plan (CDMP), Neighborhood Characteristics, Site and Buildings, and Neighborhood Services as its findings of fact.

Section 3. Conclusions of law.

1. The village council adopts by reference the portions of the county recommendation entitled Pertinent Requirements/Standards-Alternative Site Development Option for Single Family and Duplex Dwellings and Alternative non-use variance standard; and Analysis as its conclusions of law.
2. The village council further concludes that the application for alternative site development order is consistent with the Miami-Dade County comprehensive plan and complies with the applicable land development regulation, §33-311(A)(14)(Alternative Site Development Option) or under §33-311(A)(4)(c) (Alternative Non-Use Variance).

Section 4. Order.

1. The application for alternative site development order is granted subject to the following conditions:
  - a. That the site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, wall, fences, landscaping, etc.
  - b. That in approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Davnbran Properties," as prepared by Orestes Lopez-Recio, Architect, consisting of 5 sheets: site plan dated 1/15/03; floor and elevation plans all dated 2/3/02.
  - c. That the use be established and maintained in accordance with the approved plan.
  - d. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to final zoning inspection.

- e. The site plan shall preclude vehicles from backing onto Old Cutler Road.

Section 5. Record.

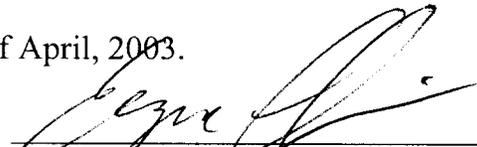
The record shall consist of the notice of hearing, the applications, documents submitted by the applicant and the applicant's representatives to the Miami-Dade County Department of Planning and Zoning in connection with the applications, the county recommendation and attached cover sheet and documents,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

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

PASSED and ADOPTED this 15<sup>th</sup> day of April, 2003.

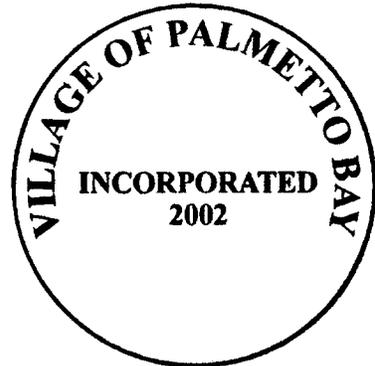
Attest:

  
Meighan Fier  
Village Clerk

  
Eugene P. Flinn, Jr.  
Mayor

APPROVED AS TO FORM:

  
Earl G. Gallop,  
Village Attorney



FINAL VOTE AT ADOPTION:

Council Member Ed Feller	<u>YES</u>
Council Member Paul Neidhart	<u>YES</u>
Council Member John Breder	<u>YES</u>
Vice-Mayor Linda Robinson	<u>YES</u>
Mayor Eugene P. Flinn, Jr.	<u>YES</u>

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