#### **RESOLUTION NO. 2018-71**

## **ZONING APPLICATION VPB-16-009**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; PURSUANT TO SECTION 30-80, PLATTING AND SUBDIVISIONS, AUTHORIZING THE PLAT OF CERTAIN LANDS WITHIN THE VILLAGE LOCATED AT 16475 SOUTH DIXIE HIGHWAY, AS MORE SPECIFICALLY DESCRIBED IN ATTACHMENT A, CREATING THE PLAT OF A SINGLE PARCEL OF PLAN, FURTHER DEDICATING FOR USE AS A PUBLIC RIGHT-OF-WAY, THE EAST 25 FEET OF LAND, AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Administration)

WHEREAS, the applicant, Van Orsdel Family Funeral Chapels, Inc. made an application to plat certain lands within the Village of Palmetto Bay, located at 16475 South Dixie Highway, bearing folio number 33-5028-000-0600, as more particularly described in the attachment marked "Tentative Plat" that is included in this public hearing package, creating one lot and separating the rear 25 feet for dedication to the Village of Palmetto Bay as public right-of-way; and

WHEREAS, the applicant is now requesting that the Mayor and Village Council approve the 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 hearing on the application at Village Hall, 9705 East Hibiscus Street, on May 21, 2018; 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's 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 application was held on May 21,

- 6 2018, in accordance with the Village's "Quasi-judicial Hearing Procedures".
- 7 Pursuant to the testimony and evidence presented during the hearing, the
- 8 Village Council makes the following findings of fact, conclusions of law, and
- 9 final order.

# Section 2. Findings of fact.

- a. That the property is located at 16475 South Dixie Highway.
- b. The requested variance is consistent with the Village's Comprehensive Plan, as further specified in the Analysis Section of the Village's Staff Report.
- c. After hearing testimony from staff, the applicant, the applicant's experts, and the public, the Village Council found the plat request is consistent with the plat criteria at Section 30-80.1 of the Village's Land Development Code.
- d. The Village adopts and incorporates by reference the Planning and Zoning Department staff report, which expert report is considered competent substantial evidence.
- e. The Village Council did not have any substantive disclosures regarding ex-parte communications and the applicant did not raise any objections as to the form or content of any disclosures by the Council.

#### **Section 3**. Conclusions of law.

- The requested plat was reviewed pursuant to Section 30-80.1 of the Village's Land Development Regulations and was found to be consistent.
- Section 4. Order.
- The Village Council approves the plat requests for certain lands within the
- Village of Palmetto Bay, located at 16475 South Dixie Highway, bearing
- 40 folio number 33-5028-000-0600, as more particularly described in the

attachment marked "Tentative Plat" that is included in this public hearing package, creating one lot and separating the rear 25 feet for dedication to the Village of Palmetto Bay as public right-of-way. This is the final order.

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### **Section 5**. Record.

The record shall consist of the notice of hearing, the applications, documents submitted by the applicant and the applicants' representatives to the Village of Palmetto Bay Department of Planning and Zoning in connection with the applications, the testimony of sworn witnesses and documents presented at the quasi5 judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by the Village Clerk.

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**Section 6**. This Resolution shall take effect immediately upon approval.

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# PASSED AND ADOPTED this 21st day of May, 2017.

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Missy Arocha Attest:

Missy Arocha

Village Clerk

Eugene Flinn

Mayor

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

DocuSigned by: 24 Dexter W. Lehtinen 25

Dexter Lentinen, Esq. 26

Village Attorney

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#### FINAL VOTE AT ADOPTION:

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Council Member Karyn Cunningham YES

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Council Member David Singer **ABSENT** 

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Council Member Larissa Siegel Lara YES 35

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Vice-Mayor John DuBois YES 37

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Mayor Eugene Flinn YES

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