

RESOLUTION NO. 04-105

ZONING APPLICATION 04-8-VPB-1 (04-157)

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF SOUTH FLORIDA EMPLOYMENT & TRAINING CONSORTIUM (LOCATED APPROXIMATELY 292' EAST OF U.S.1 AND SOUTH OF S.W. 175 TERRACE) FOR UNUSUAL USE (PARKING LOT CONSTRUCTION); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant made application for unusual use, 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 December 13, 2004; and,

WHEREAS, the mayor and village council finds, based on substantial competent evidence in the record, that the applications for unusual use and alternative site development order is consistent with the Land Use Plan map of 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 approve 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 hearing on the present applications was held on December 13, 2004 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 South Florida Employment & Training Consortium. The subject parcel is located on the east side of U.S. 1 and south of S.W. 175 Terrace, Palmetto Bay, FL, zoned RU-5A; vacant property – Business and Office/Residential.
2. The applicant is requesting: 1) approval to permit parking in a zone more restrictive (RU-5A) than the use it serves is located (BU-1A); 2) Modification of condition #2 of Resolution Z-157-79, passed and adopted by the Board of County Commissioners, and as last modified by Resolution 4ZAB-490-80, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: “2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled ‘Lipman Medical Offices,’ prepared by Robert Athos Koger and dated 10/7/80.”

TO: “2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled ‘Parking Lot South Florida Work Force,’ as prepared by Robert Barnes & Associates, dated received 6/24/04 consisting of 2 sheets.”

3) Deletion of Conditions #5 & #7 of Resolution 4-ZAB-490-80, passed and adopted by the Board of County Commissioners, reading as follows:

“5. That a sidewalk be provided along the front (north) property line.”

“7. That final building elevations meet the approval of the Planning Department.”

3. The village council adopts the portions of the cover sheet to, and the county memorandum, entitled 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 the portions of the county memorandum, entitled Pertinent Requirements/Standards and Analysis, with the exception of the County recommendation stated on page 6, paragraph 3, that begins, “The Land Use Plan (LUP) map...” as its conclusions of law.

2. The village council further concludes that the application for unusual use (request 1) is consistent with Section 33-311(A)(3) and with the Office/Residential designation of the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Additionally, requests 2 and 3 are germane to request 1 and as such are consistent with Section 33-311(A)(7) and Section 33-311(A)(17).

Section 4. Order.

1. The application for unusual use (request 1), modification of Condition #2 of Resolution Z-157-79 (request 2) and Deletion of Condition #7 of Resolution 4-ZAB-490-80 (request 3) are approved. Condition #5 of Resolution 4-ZAB-490-80, passed and adopted by the Board of County Commissioners, reading as follows: "5. That a sidewalk be provided along the front (north) property line." shall be completed within six months of the date of this resolution.

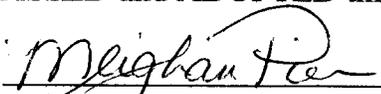
Section 5. Record.

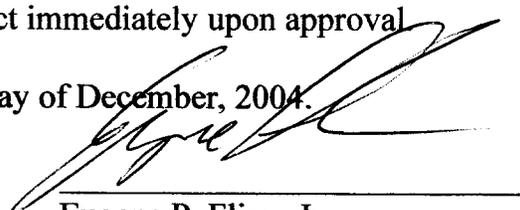
The record shall consist of the notice of hearing, the applications, documents submitted by the applicant and the applicant's representatives to the Miami-Dade County Department of Planning and Zoning in connection with the applications, the county recommendation and attached cover sheet and documents, 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 13th day of December, 2004.

Attest:


Meighan Pier
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


Eye Boutsis
Village Attorney

FINAL VOTE AT ADOPTION:

Mayor Eugene P. Flinn, Jr. YES

Vice-Mayor Linda Robinson YES

Council Member Ed Feller YES

Council Member Paul Neidhart YES

Council Member John Breder YES

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