



VILLAGE OF PALMETTO BAY

Mayor Karyn Cunningham
Vice Mayor Leanne Tellam
Council Member Patrick Fiore (Seat 1)
Council Member Steve Cody (Seat 2)
Council Member Marsha Matson (Seat 3)

Village Manager Nick Marano
Village Attorney John C. Dellagloria
Village Clerk Missy Arocha

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter, or hearing impaired to participate in this proceeding should contact the Village Clerk at (305) 259-1234 for assistance no later than four days prior to the meeting.

AGENDA ZONING HEARING MONDAY, JULY 17, 2023 – 7:00 PM

VILLAGE HALL MUNICIPAL CENTER
9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157
(305) 259-1234

1. **CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE, AND DECORUM STATEMENT, IN THAT ORDER:** Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.
2. **REQUEST, PETITIONS, AND PUBLIC COMMENTS**
3. **APPROVAL OF MINUTES**
 - A. Zoning Hearing (June 26, 2023)
4. **MAJOR PROJECTS UPDATE**
5. **PUBLIC HEARING ITEMS**

- A. **Applicant:** JOSS & ALINA FRANCO | FRANCO PALMETTO BAY PLAT
Location: 16901 SW 93 COURT
Property Folio: 33-5033-002-0223
Application: PL-23-002
Request: APPROVAL OF A TENTATIVE REPLAT OF LOTS 3, 4, 5, 6, BLOCK 4 OF PERRINE HEIGHTS SUBDIVISION CREATING THE FRANCO PALMETTO BAY PLAT WHICH WILL CONSIST OF FOUR PARCELS. *(Continued from Zoning Hearing-June 26, 2023)*
- B. **Applicant:** PALMETTO BAY ACADEMY
Location: 16637 SOUTH DIXIE HIGHWAY, PALMETTO BAY, FL 33157
Property Folio: 33-5028-004-0101
Application: SU-23-002
Request: ESTABLISHMENT OF A PRIVATE SCHOOL AND MODIFICATION OF AN EXISTING SITE KNOWN AS PALMETTO BAY ACADEMY EDUCATION, LLC, TO PERMIT A MAXIMUM OF THIRTY-SIX (36) STUDENTS IN GRADES 9-12 LOCATED AT 16637 SOUTH DIXIE HIGHWAY.
- C. **Applicant:** VILLAGE OF PALMETTO BAY
Application: RZ-23-006
Request: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONSTRUCTION NOISE; AMENDING CHAPTER 30, ZONING SECTION 30-60.29 NOISES; UPDATING DEFINITIONS RELATED TO ZONING DISTRICTS AND THE VILLAGE RECOGNIZED HOLIDAYS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. ***(Sponsored by Administration) (Second Reading) (Passed on First Reading-Zoning Hearing-June 26, 2023)***

6. ADJOURNMENT

WE, THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, HEREBY COMMIT OURSELVES TO MAINTAINING CIVILITY IN OUR PUBLIC AND POLITICAL DISCOURSE AND PLEDGE TO THE FOLLOWING PRINCIPLES:

- We will respect the right of all citizens in our community to hold different opinions;
- We will avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours;
- We will strive to understand differing perspectives;
- We will choose our words carefully;
- We will speak truthfully without accusation and we will avoid distortion;
- We will speak out against violence, prejudice, and incivility in all of their forms, whenever and wherever they occur.

NOTICE OF APPEAL RIGHTS

Pursuant to Florida Statutes 286.0105, the Village hereby advises the public that if a person decides to appeal any decision made by the Council with response to any matter considered at its meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, the affected person may need to ensure that verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Village for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed.

AMERICAN DISABILITIES ACT OF 1990

This meeting is open to the public. In accordance with the American Disabilities Act of 1990, persons needing special accommodation or a sign language interpreter to participate in this proceeding should contact the Village Clerk at (305) 259-1234 no later than four (4) days prior to the meeting. Hearing Assistance Devices are available with the Village Clerk.



AGENDA ITEM NO. 3.A

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: July 17, 2023

SUBMITTED BY: Missy Arocha, Village Clerk's Office

ITEM TYPE: Minutes

AGENDA SECTION: **APPROVAL OF MINUTES**

SUBJECT: Zoning Hearing (June 26, 2023)

SUGGESTED ACTION:

ATTACHMENTS:
[Minutes \(June 26, 2023\)](#)
[I. Public Comments Form.pdf](#)
[II. Public Comments Form.pdf](#)



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MINUTES
ZONING HEARING
MONDAY, JUNE 26, 2023 – 7:00 PM
VILLAGE HALL COUNCIL CHAMBERS
9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157

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1. **CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE, AND DECORUM STATEMENT, IN THAT ORDER:** Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.

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The Zoning Hearing was called to order at 7:01 PM.

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The following members of the Village Council were present during roll call:
Mayor Karyn Cunningham
Vice Mayor Leanne Tellam
Councilmember Patrick Fiore
Councilmember Steve Cody
Councilmember Marsha Matson

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34

The following Charter Officials were in attendance:
Village Attorney John C. Dellagloria
Village Manager Nick Marano
Village Clerk Missy Arocha

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36

Councilmember Patrick Fiore led the invocation.

37
38

Clerk Missy Arocha led the pledge of allegiance.

39
40

2. **REQUESTS, PETITIONS, AND PUBLIC COMMENTS**

41
42

The following in-person speaker spoke during public comments:

- 43
44
45
46
- Bev Gerald (14271 SW 74th Court) – questioned how the Village will manage the Palmetto Bay Foundation, Inc., specifically as it relates to funding.

47
48

There were no public comments submitted by form.

49
50

3. **APPROVAL OF MINUTES**

51
52

A. Zoning Hearing (May 15, 2023)

53
54

Vice Mayor Leanne Tellam **motioned** to amend the minutes:

- 55
56
57
58
59
60
- Page 3, lines 11 and 14, and Page 4, line 27: replace “illustrated” with “presented”
 - Page 4, line 23: replace “commercial” with “residential”
 - Page 4, line 39: insert the word “to” in between “motioned” and “amend”

1 The motion was **seconded** by Councilmember Steve Cody. **All voted**
2 **in favor (5-0). The amendment passed unanimously.**

3
4 Councilmember Marsha Matson motioned to amend the minutes:

- 5
6 ○ Page 7, line 22, should read: Bridges not be included in the
7 Comprehensive Plan.

8
9 The motion was seconded by Vice Mayor Leanne Tellam. **All voted in**
10 **favor (5-0). The amendment passed unanimously.**

11
12 Vice Mayor Leanne Tellam **motioned** to approved the minutes as
13 amended. Councilmember Steve Cody **seconded** the motion. **All**
14 **voted in favor (5-0). The amended minutes passed unanimously.**

15 16 **4. MAJOR PROJECTS UPDATE**

17
18 Director Heidi Siegel, Community and Economic Development Director
19 presented a Powerpoint Presentation on the Village's major projects status
20 report dated June 2023. The presentation demonstrated the Art in Public
21 Places Update-Franjo Circle, new business activity, comprehensive plan
22 updates, recent applications received, projects under construction, recently
23 approved building permits, approved projects pending building permits and
24 construction, and approved projects pending building permit applications.

25
26 Following Director Siegel's presentation, she answered questions raised by
27 the members of the Village Council regarding the presentation.

28 29 **5. PUBLIC HEARING ITEMS**

- 30
31 A. **Applicant:** FRANCO PALMETTO BAY PLAT
32 **Location:** 16901 SW 93rd COURT
33 **Property Folio:** 33-5033-002-0223
34 **Application:** V-23-006
35 **Request:** A LOT FRONTAGE VARIANCE FOR ONE (1)
36 NEW RESIDENTIAL LOT; WAIVING THE REQUIRED MINIMUM LOT
37 FRONTAGE OF THIRTY-SEVEN AND ONE-HALF FEET TO ALLOW
38 LOT #1, OF THE FRANCO PALMETTO BAY PLAT WITH A FRONT-
39 AGE OF 33.37'.

40
41 Item 5A was moved by Councilmember Steve Cody and seconded by
42 Vice Mayor Leanne Tellam.

43
44 Clerk Missy Arocha read the public hearing item by title.

45
46 Attorney John Dellagloria provided an explanation on the quasi-judicial
47 proceedings.

48
49 The Village Council provided their disclosures (i.e., ex-parte communi-
50 cations).

51
52 Clerk Missy Arocha swore in the witnesses that wished to testify for all
53 the public hearing items of the agenda.

54 55 **STAFF PRESENTATION:**

56 Planning Division Manager, Alexander Adams presented a PowerPoint
57 Presentation on the lot width variance for R-2 zoning district and tenta-
58 tive plat approval. The presentation demonstrated the applicant's re-
59 quest, lot history, variance evaluation factors, request of tentative plat,
60 development application review committee information, and staff's rec-
61 ommendation. The Village staff recommended that the Village Council
62 deny application for a lot width variance and request that the applicant
63 redevelop the site as prescribed in the current land development regu-
64 lations consistent with all requirements of the R-2 zoning district.

1 Following the presentation, Mr. Adams answered questions raised by
2 the members of the Council regarding the application.

3
4 **APPLICANT'S PRESENTATION:**

5 Damian Thomason, on behalf of the applicant Jose Franco (12385 N.
6 Parkland Bay Trail, Parkland, FL) introduced himself and reported that
7 the property owners are seeking to re-plat the property into four sepa-
8 rate lots to create four separate buildable sites. He explained that the
9 two existing structures are to remain, and the two new duplex buildings
10 will be constructed on the two additional lots.

11
12 **COUNCIL QUESTIONS/DISCUSSION:**

13 Following the applicant's presentation, Councilmember Steve Cody
14 questioned if the applicant's representative registered as a lobbyist. Mr.
15 Thomason responded no.

16
17 Attorney John Dellagloria reported that Mr. Thomason could speak on
18 behalf of the applicant but instructed him to register as a lobbyist the
19 next day.

20
21 Vice Mayor Leanne Tellam questioned the legality of the application
22 considering the recommendation made by staff.

23
24 Mr. Thomason explained that the application was not intended for it to
25 be determined as a variance considering the lot width.

26
27 Discussion ensued between the members of the Council and Mr. Thom-
28 ason regarding the lot and radius foot requirement of the property, in-
29 cluding the legality of the application.

30
31 Planning Division Manager, Alexander Adams reported that the only
32 way to approve the process is through a variance process-only way to
33 approve what they submitted.

34
35 Director Heidi Siegel reported that the Village was following the code.

36
37 Discussion ensued between the members of the Council, staff, and the
38 representative regarding the process, including the nature of the Reso-
39 lution and how it was written and presented on the agenda.

40
41 The Village Council held a recess at 7:48 p.m. and the meeting recon-
42 vened at 7:59 p.m.

43
44 Planning Division Manager Alexander Adams reported that during the
45 recess, the applicant, and his representative, including the Village At-
46 torney, spoke and agreed with platting the four lots per the code, with
47 no variance requirement. He recommended that the applicant come
48 back to staff within 120 days to move two lot lines – move the two lot
49 lines within four feet.

50
51 Mr. Thomason responded yes and agreed to shift the lots four feet-no
52 variance requirement.

53
54 Attorney John Dellagloria recommended that since no application was
55 made for the variance by the applicant, that staff withdraw the public
56 hearing item regarding the variance and for the Council to vote on the
57 conditional plat, as accepted.

58
59 Planning Division Manager Alexander Adams **withdrew the public**
60 **hearing item. No objections were made or received by the Village**
61 **Council on the withdrawal of the item.**

1 B. **Applicant:** JOSS & ALINA FRANCO-FRANCO PALMETTO BAY
2 PLAT
3 **Location:** 16901 SW 93rd COURT
4 **Property Folio:** 33-5033-002-0223
5 **Application:** PL-23-002
6 **Request:** APPROVAL OF A TENTATIVE REPLAT OF LOTS 3, 4,
7 5, 6, BLOCK 4 OF PERRINE HEIGHTS SUBDIVISION CREATING THE
8 FRANCO PALMETTO BAY PLAT WHICH WILL CONSIST OF FOUR PAR-
9 CELS.

10
11 Item 5B was moved by Vice Mayor Leanne Tellam. Seconded by Councilmem-
12 ber Patrick Fiore.

13
14 Clerk Missy Arocha read the public hearing item by title.

15
16 Councilmember Marsha Matson **motioned** to defer the public hearing item
17 until the representative is registered as a lobbyist and submits a new proposal.
18 Councilmember Steve Cody **seconded** the motion.

19
20 COUNCIL QUESTIONS/DISCUSSION:

21 Vice Mayor Leanne Tellam explained that if the Village could help the applicant
22 within the requirements of the law to decrease a gap in time, she preferred for
23 the applicant to move forward with the application.

24
25 Councilmember Steve Cody spoke in support of a deferral. He explained that
26 although a variance was calendared for the public hearing item, the applicant
27 must submit an adequately measured plat. He also explained that the delay
28 was caused by a misunderstanding of where the measurements had to be
29 made for the replat.

30
31 Councilmember Patrick Fiore spoke opposed to spending additional time on
32 the application and in support of moving forward with the re-platting of the lots.

33
34 Mayor Karyn Cunningham spoke in support of moving forward with the appli-
35 cation and reported that the representative previously agreed to register as a
36 lobbyist, including staff who would follow the application closely.

37
38 Vice Mayor Leanne Tellam reported that going through the documents pre-
39 sented is difficult and questioned how long the delay would be if the public
40 hearing item is continued. She spoke in favor of receiving clean documents as
41 they should be.

42
43 Attorney Dellagloria recommended the next Zoning Hearing-July 17, 2023.

44
45 Vice Mayor Leanne Tellam questioned if the Council would receive an
46 amended Resolution.

47
48 Director Heidi Siegel responded that a revised plat must be received by Plan-
49 ning and Zoning in order to review the staff report for the next meeting.

50
51 Mr. Thomason reported that the applicant can meet the requirement before
52 the deadline if the public hearing item is continued to July 17, 2023.

53
54 Councilmember Marsha Matson questioned what the difference is between a
55 deferral and a continuance.

56
57 Attorney Dellagloria explained that continuing an item, is to continue to a date
58 certain, versus, a deferral would not determine a date certain.

59
60 Councilmember Marsha Matson **withdrew her motion**. No objections were
61 made by the Council regarding the withdrawal of the motion.

62
63 Councilmember Marsha Matson **motioned** to continue public hearing item
64 (5B) to the next Zoning Hearing-July 17, 2023, requiring that staff provide a

1 substitute resolution. Councilmember Steve Cody **seconded** the motion. **All**
2 **voted in favor (5-0). The motion passed unanimously.**
3

- 4 C. **Applicant:** HJB TRIPLE PLAY, INC.
5 **Location:** 8540 SW 174th STREET
6 **Property Folio:** 33-5026-003-0061
7 **Application:** PL-23-001
8 **Request:** APPROVAL OF A TENTATIVE PLAT CREATING TWO
9 PARCELS TO BE KNOWN AS "BENDHEIM'S ESTATE HOMES".

10
11 Item 5C was moved by Councilmember Patrick Fiore and seconded by Vice
12 Mayor Leanne Tellam.

13
14 Clerk Missy Arocha read the public hearing item by title.

15
16 The Village Council provided their disclosures (i.e., ex-parte communications).
17

18 **STAFF PRESENTATION:**

19 Planning Division Manager, Alexander Adams presented a PowerPoint
20 Presentation on the tentative plat approval. The presentation demonstrated
21 the applicant's request, development application review committee infor-
22 mation, and staff's recommendation. The Village staff recommended that the
23 Village Council approve the application.

24
25 The following in-person speaker spoke during public comments:

- 26
27
 - Kathy Ferro (17220 SW 85th Avenue) –questioned what the process
28 would be next if the application is approved and how it would effect the
29 neighborhood.

30
31 Attorney John Dellagloria reported that the application is for a tentative plant,
32 only.
33

34 Planning Division Manager Alexander Adams reported that the tentative plat
35 meets the zoning code. He also explained that Miami Dade County DERM will
36 handle tree removal and mitigation, as the house would have to meet all EM
37 zoning district setbacks and that the Village would be looking at those set-
38 backs, including the landscape space (process from start to finish, including
39 permitting process).
40

41 **COUNCIL QUESTIONS/DISCUSSION:**

42 Councilmember Marsha Matson questioned who would pay for widening the
43 street. Mr. Adams responded, the county.
44

45 Vice Mayor Leanne Tellam **motioned** to approve the Resolution with the fol-
46 lowing annotations:

- 47
 - Page 1, line 31: consistent with the site development
 - 48 ○ Page 2, line 6: consistent with the VPB Comprehensive Plan
 - 49 ○ Page 2, line 9: approval for the application
 - 50 ○ Page 2, line 29: consistent with the Village's Land Dev. Code
 - 51 ○ Page 3, line 5: found to be consistent
 - 52 ○ Page 3, line 7: approves the application
 - 53 ○ Page 3, lines 12-24: remove italic font, replace with regular font
54

55 The motion was **seconded** by Councilmember Steve Cody. **All voted in favor**
56 **(5-0). The motion passed unanimously.**
57

58 The question was called in favor of the amended Resolution. **All voted in fa-**
59 **vor (5-0). The amended Resolution passed unanimously.**
60

- 61 D. **Applicant:** PAVEL DOMINGUEZ
62 **Location:** 17642 SW 84th AVENUE
63 **Property Folio:** 33-5034-001-0800
64 **Application:** V-23-005

1 **Request:** SETBACK VARIANCE WAIVING THE REQUIRED SIDE
2 SETBACK FOR A TIKI HUT AND A PERGOLA ACCESSORY STRUCTURE
3 AND A VARIANCE TO ALLOW THE TIKI HUT TO BE LOCATED CLOSER
4 THAN TEN FEET TO THE PRIMARY STRUCTURE ON A PARCEL ZONED
5 ESTATE MODIFIED (E-M) AS A RESULT OF A CODE VIOLATION.
6

7 Item 5D was moved by Councilmember Steve Cody and seconded by Coun-
8 cilmember Patrick Fiore.

9
10 Clerk Missy Arocha read the public hearing item by title.

11
12 The Village Council provided their disclosures (i.e., ex-parte communications).
13

14 **STAFF PRESENTATION:**

15 Planning Division Manager, Alexander Adams presented a PowerPoint
16 Presentation on the setback variance for a tiki and pergola. The presentation
17 demonstrated the applicant's request, variance evaluation factors, and staff's
18 recommendation. The Village staff recommended that the Council condition-
19 ally approve a portion of the application for a residential tiki hut to be built within
20 the setbacks with the trellis being moved, modified, or removed.
21

22 **APPLICANTS PRESENTATION:**

23 Pavel Dominguez, property owner explained that his lot is considered a center
24 lot and that the trellis faces the neighbor and that he has taken steps in doing
25 lush landscaping to protect the privacy of the neighborhood. He explained that
26 his neighbors adjacent to the structure can't view the structure. He also ex-
27 plained that due to the financial hardship and the excess fines with the Village's
28 code division, he submitted plans to make the necessary arrangements to get
29 the process finalized as the trellis is not facing the street.
30

31 **COUNCIL QUESTIONS/DISCUSSION:**

32 Councilmember Steve Cody questioned who put up the tiki hut and pergola on
33 the property. Mr. Dominguez responded that he put in the tiki hut and that the
34 pergola was put up by someone he hired.
35

36 Councilmember Steve Cody questioned how long the code complaints have
37 been ongoing and that the fines accumulated to approximately \$450,000 in
38 fines. Mr. Dominguez responded that the issue had been ongoing for many
39 years and that he hired a contractor, and that he had some issues with the
40 contractor and permit runners as the plans were not carried out correctly. He
41 had to rehire a new architect.
42

43 Discussion ensued between the Village Council and the property regarding the
44 fines issued by code compliance and the ongoing issue of the structures on
45 the property.
46

47 Planning Division Manager Alexander Adams reported that the code compli-
48 ance case is a separate matter from the Planning and Zoning application. The
49 application is to discuss and approve the setbacks.
50

51 The following speaker spoke in support of the item:

- 52 • Jorge Leon (17641 SW 84th Court

53
54 The following speaker spoke opposed to the item:

- 55 • Bev Gerald (14271 SW 74th Court)

56
57 Discussion ensued between the Village Council and the applicant regarding
58 the code compliance fines and the special master hearing case.
59

60 Attorney John Dellagloria explained that the Council does not have the author-
61 ity to deal with the code violation, the Council may only view what is in front of
62 them on the public hearing item and come up with a resolution for the struc-
63 tures on the property.
64

1 Councilmember Steve Cody and Councilmember Marsha Matson spoke op-
2 posed to the public hearing item.

3
4 Vice Mayor Leanne Tellam **motioned** to approve the Resolution with the fol-
5 lowing annotations:

- 6 ○ Page 2, line 4: consistent with the VPB Comprehensive Plan
- 7 ○ Page 2, line 8: approval for the application
- 8 ○ Page 2, line 32: consistent with the VPB Comprehensive Plan
- 9 ○ Page 3, line 4: consistent
- 10 ○ Page 3, line 8: approves the application
- 11 ○ Page 3, lines 17-30: remove italic font, replace with regular font

12
13 The motion was **seconded** by Councilmember Patrick Fiore. The **motion**
14 **passed (3-2)**; Councilmember Steve Cody and Councilmember Marsha Mat-
15 son opposed.

16
17 The question was called in favor of the amended Resolution. The **amended**
18 **Resolution passed (3-2)**; Councilmember Steve Cody and Councilmember
19 Marsha Matson opposed.

- 20
21 E. **Applicant:** VILLAGE OF PALMETTO BAY
22 **Application:** RZ-23-006
23 **Request:** AN ORDINANCE OF THE MAYOR AND VILLAGE
24 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO
25 CONSTRUCTION NOISE; AMENDING CHAPTER 30 ZONING SECTION 30-
26 60.29 NOISES; UPDATING DEFINITIONS RELATED TO ZONING DIS-
27 TRICTS AND THE VILLAGE RECOGNIZED HOLIDAYS; PROVIDING FOR
28 ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EF-
29 FECTIVE DATE. (*Sponsored by Administration*)

30
31 Item 5E was moved by Councilmember Patrick Fiore and seconded by Vice
32 Mayor Leanne Tellam.

33
34 Heidi Siegel, Community and Economic Development Director explained the
35 background and intent of the Ordinance on First Reading and reported that
36 staff recommends the approval of the item to update and correct inconsisten-
37 cies to the Village's Land Development Code.

38
39 There were no Council questions.

40
41 All members of the Council spoke in support of the Ordinance on First Read-
42 ing.

43
44 The question was called in favor of the Ordinance. **All voted in favor (5-0).**
45 **The Ordinance passed unanimously.**

46 47 6. ADJOURNMENT

48
49 Vice Mayor Leanne Tellam motioned to adjourn the meeting. Councilmember
50 Steve Cody seconded the motion. **All voted in favor (5-0). The motion**
51 **passed unanimously.**

52
53 The meeting was adjourned at 9:25 p.m.

54
55
56 The meeting minutes were approved this 17th day of July, 2023.

57
58 Attest:

59
60
61 _____
62 Village Clerk Missy Arocha

60
61 _____
62 Mayor Karyn Cunningham

63
Written and prepared by: Village Clerk Missy Arocha

From: noreply@civicplus.com
To: [Melissa Dodge](#); [Missy Arocha](#)
Subject: [EXT] Online Form Submittal: Public Comments Form
Date: Monday, June 26, 2023 10:36:17 AM

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	6/26/23
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	David Hamel
Email Address	davidhamel @att.net
Address	16950 SW 90 Ave
City	Palmetto Bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
(Section Break)	
General Public Comments -"Requests, Petitions & Public Comments Submitted"	<i>Field not completed.</i>
(Section Break)	
Agenda Item No.	5A &B
Comments (type your comments in the box below)	I oppose the zoning change requested. The lot sizes are extremely small compared to the footprint of the duplexes and are void of landscaping which does not reflect the character of Palmetto Bay.

Agenda Item No.	<i>Field not completed.</i>
Comments (type your comments in the box below)	<i>Field not completed.</i>
Agenda Item No.	<i>Field not completed.</i>
Comments (type your comments in the box below)	<i>Field not completed.</i>
Agenda Item No.	<i>Field not completed.</i>
Comments (type your comments in the box below)	<i>Field not completed.</i>
Agenda Item No.	<i>Field not completed.</i>
Comments (type your comments in the box below)	<i>Field not completed.</i>
Agenda Item No.	<i>Field not completed.</i>
Comments (type your comments in the box below)	<i>Field not completed.</i>
Agenda Item No.	<i>Field not completed.</i>
Comments (type your comments in the box below)	<i>Field not completed.</i>

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [Melissa Dodge](#); [Missy Arocha](#)
Subject: [EXT] Online Form Submittal: Public Comments Form
Date: Monday, June 26, 2023 9:53:35 AM

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	6/26/23
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Mary Vamos-Hamel
Email Address	hamelmary001@gmail.com
Address	16950 SW 90 Ave
City	Palmetto Bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
(Section Break)	
General Public Comments -"Requests, Petitions & Public Comments Submitted"	<i>Field not completed.</i>
(Section Break)	
Agenda Item No.	5 A
Comments (type your comments in the box below)	I oppose the lot frontage variance for the property located at 16901 SW 93 COURT. The existing lots are extremely small and would never had been approved by our current zoning so asking for an even smaller lot will not improve the overcrowding

and lack of vegetation of this area.

Agenda Item No.	5B
Comments (type your comments in the box below)	I oppose any lot frontage variance for the properties located at and around 16901 SW 93 Court. It is not compatible with our vision for Palmetto Bay
Agenda Item No.	<i>Field not completed.</i>
Comments (type your comments in the box below)	<i>Field not completed.</i>
Agenda Item No.	<i>Field not completed.</i>
Comments (type your comments in the box below)	<i>Field not completed.</i>
Agenda Item No.	<i>Field not completed.</i>
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Email not displaying correctly? [View it in your browser.](#)



AGENDA ITEM NO. 5.A

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: July 17, 2023

SUBMITTED BY: Alexander Adams, Community and Economic Development

ITEM TYPE: Resolution

AGENDA SECTION: **PUBLIC HEARING ITEMS**

SUBJECT: **Applicant:** JOSS & ALINA FRANCO | FRANCO
PALMETTO BAY PLAT
Location: 16901 SW 93 COURT
Property Folio: 33-5033-002-0223
Application: PL-23-002
Request: APPROVAL OF A TENTATIVE REPLAT OF LOTS 3, 4, 5, 6, BLOCK 4 OF PERRINE HEIGHTS SUBDIVISION CREATING THE FRANCO PALMETTO BAY PLAT WHICH WILL CONSIST OF FOUR PARCELS. *(Continued from Zoning Hearing-June 26, 2023)*

SUGGESTED ACTION:

ATTACHMENTS:

[Staff Memo-PL-23-002-Franco_Rev_Tentative_Plant](#)

[Reso--PL-23-002-Franco_Rev_Tentative_Plant](#)

[Combined Attachments](#)



MEMORANDUM

To: Honorable Mayor and Village Council
From: Heidi Siegel, AICP, CED Director

Date: July 17, 2023
Re: PL-23-002/ Tentative Plat
at 16901 SW 93 Ct

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 TENTATIVE PLAT OF CERTAIN LANDS WITHIN THE VILLAGE LOCATED AT 16901 SW 93 COURT (PROPERTY FOLIO 33-5033-002-0223), AS MORE SPECIFICALLY DESCRIBED IN ATTACHMENT A, BY CREATING THE PLAT OF FOUR PARCELS TO BE KNOWN AS: "FRANCO PALMETTO BAY".

OVERVIEW

APPLICANT: Carla Lopez
PROPERTY OWNER: Jose and Alina Franco.
ADDRESS: 16901 SW 93 Ct, Palmetto Bay, Florida 33157
FOLIO: 33-5033-002-0223
LOT SIZE: 21,390 square feet
FLUM: Low Density Residential (LDR)
ZONING: R2, Two-Family Residential Zoning District
EXISTING USE: Duplex

BACKGROUND

Sec. 30-80.1 of the Land Development Regulations includes procedures and requirements for obtaining approval of a plat of subdivision as defined by Florida Statute Chapter 177. Plats are required whenever land is subdivided in the Village of Palmetto Bay. The plat shall be recorded in the official records of Miami-Dade County after approval of the Village Council.

The Village has established procedures for review by the staff and the Village Council of tentative plats. Upon approval of the tentative plat, the applicant may proceed to Miami-Dade County Plat Committee. Upon approval by the County's Plat Committee, the County will continue its review. The County assists the Village in meeting Florida Statute 177.081(1) requirements of a professional surveyor reviewing the proposed plat prior to Village Council final review. Once the County has completed its review the applicant returns to the Village Council for final plat consideration.

All proposed plats must be in conformance with the Village adopted Comprehensive Plan.

APPLICATION:

The owner, Jose and Alina Franco., requests the approval of a tentative plat to allow for the creation of four (4) duplex residential lots at 16901 SW 93 Court, to be known as “Franco Palmetto Bay”. The subject property is located within the Two-Family Residential (R-2) Zoning District. The property is currently a single 21,390 square foot lot with two (2) duplex units. Section 30-50.9 of the Land Development Regulations require all R-2 zoned lots to be a minimum of 3,750 net square feet.

The Franco Palmetto Bay survey and tentative plat prepared by Landmark surveying and Associates, Inc. on 6/29/23 includes Four (4) lots of the following dimensions:

Lot #	Provided Sq. Ft.	Required Sq. Ft.	Provided Frontage	Required Frontage	Provided Depth	Required Depth
1	6,873	3,750	38.37	37.5	110	100'
2	4,344	3,750	39.50	37.5	110	100'
3	4,344	3,750	39.50	37.5	110	100'
4	5,829	3,750	53.00	37.5	110	100'

Development Application Review Committee (DARC)

Section 30-30.2(d) of the Land Development Regulations states that no application shall proceed to public hearing without final sign off by applicable Village departments, where appropriate.

The proposed tentative plat was reviewed by the Village’s Zoning, Public Services, and Floodplain Management.

Zoning: The proposed plat meets all regulations for R-2 zoning district.

Public Services: Right-of-Way -The lots were originally previously platted in 1925 and the required right of way has been given.

Utility Coordination- will need to be provided by the applicant.

Driveways- individual driveway permits will be needed and confirmed by Miami-Dade County Public Works for access to public right of ways.

Floodplain Management: The property is located in the X Flood Zone; All Building Code requirements will apply at time of permitting.

RECOMMENDATION:

The Village staff recommends that the Village Council **approve** the proposed plat as currently presented.

ATTACHMENTS:

Attachment A: Application / Letter of Intent

Attachment B: Property Survey

Attachment C: Plat Book 14 Page 80

Attachment D: 1978 Special Exception Request to Miami-Dade County

Attachment E: Current Miami-Dade Property Appraiser

Attachment F: Proposed Revised Plat

1 **WHEREAS**, the Mayor and Village Council of the Village of Palmetto
2 Bay conducted a public hearing on the application at Village Hall, 9705 East
3 Hibiscus Street on July 17, 2023; and

4 **WHEREAS**, the Mayor and Village Council found, based on substantial
5 competent evidence in the record, that the application for the Tentative Plat
6 is (*consistent / inconsistent*) with the Village of Palmetto Bay Comprehensive
7 Plan and the applicable Land Development Regulations; and

8 **WHEREAS**, based on the foregoing finding, the Mayor and Village
9 Council determined to grant (*approval / conditional approval / denial*) for the
10 application, as provided in this Resolution.

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

14
15 **Section 1.** A public hearing on the present application was held on
16 July 17, 2023. Pursuant to the testimony and evidence presented during the
17 hearing, the Village Council makes the following findings of fact, conclusions
18 of law and final order.

19 **Section 2.** Findings of fact.

20 1. That the subject property is located at 16901 SW 93 Court and is
21 designated as folio number 33-5033-002-0223.

22
23 2. After hearing testimony from Village Staff, the applicant, the property
24 owner and the public, the Village Council accepted the findings of Village
25 Staff as it relates to the following provisions of the Village's Code of
26 Ordinances: Section 30-80.1, "Platting and Subdivision" and Section 30-50.9
27 "Two-Family Residential (R-2) Zoning District".

28
29 3. The application for the tentative plat is found (*consistent /*
30 *inconsistent*) with the Village's Land Development Code, as further specified
31 in the Planning and Zoning Division Staff Report.

32
33 4. The Village Council adopts and incorporates by reference the
34 Planning and Zoning Division Staff Report.

35
36 **Section 3.** Conclusions of Law.

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The application for the Tentative Plat was reviewed pursuant to Section 30-80, "Platting and Subdivisions" and Section 30-50.9 "Two Family Residential (R-2) Zoning District" of the Village's Code of Ordinances and was found to be (consistent / inconsistent).

Section 4. Order.

The Village Council (*approves / conditionally approves / denies*) the application for the Tentative Plat "Franco Palmetto Bay", for a property located at 16901 SW 93 Court and is designated as folio number 33-5033-002-0223 to subdivide 0.49 +/- acres.

This is the final order.

Section 5. Record.

The record shall consist of the notice of hearing, the Planning and Zoning Division Staff Report, the application, all documents submitted by the applicant and the owner to the Village of Palmetto Bay in connection with the application, the testimony and documents presented at the public hearing, and the tape and minutes of the hearing.

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

PASSED AND RESOLVED this 17th day of July 2023.

Attest:

Missy Arocha
Village Clerk

Karyn Cunningham
Mayor

1 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

2

3 _____

4 John C. Dellagloria

5 Village Attorney

6

7

8 **FINAL VOTE AT ADOPTION:**

9

10 Council Member Patrick Fiore _____

11

12 Council Member Steve Cody _____

13

14 Council Member Marsha Matson _____

15

16 Vice-Mayor Leanne Tellam _____

17

18 Mayor Karyn Cunningham _____

19

20

Attachment A
Application / Letter of Intent

PL	Village of Palmetto Bay APPLICATION FOR PLAT / SUBDIVISION
----	---



Date: February 24, 2023
 Application No: **PL23-002**
 PURPOSE OF APPLICATION: Tentative Plat Final Plat Other Plat

RECEIVED
Zoning Department
April 5, 2023
 Village of Palmetto Bay
 Building & Zoning Department
 By: **AB**

Petitioner / Applicant: Carla Lopez
 Petitioner / Applicant Address: 12385 N. Parrkland Bay Trail Parkland FL 33076
 Phone: 954-309-5945 E-mail: Carla@Det-SC.com
 Petitioner's Relation to Subject Property: Project Managerr
 If Petitioner is not Owner, Name of Owner: Joss Franco & Alina Franco
 Address of Owner: 1430 NW 108th Avenue, Suite 200 Miami FL 33172
 Signature of Petitioner: Carla Lopez

Proposed Plat / Subdivision Name: Franco Palmetto Bay Plat
 Address of Property: 16901 SW 93 CT Palmetto Bay, FL 33157-4437
 Folio: 33-5033-002-0223

SUBMITTAL REQUIREMENTS:

- Letter of Intent
- A sealed current topographic survey ("plat survey"). The plat survey shall cover the entire area being platted and extend a minimum of 100 feet beyond the plat limits. The surveyor shall certify that the survey meets the requirements of this section. The plat survey shall contain at a minimum the following information:
 - a. Property boundaries;
 - b. Existing watercourses, canals and bodies of water within or adjacent to the plat limits;
 - c. Existing easements within or adjacent to the plat limits and the purposes for which the easements have been established;
 - d. Existing streets and alleys on or adjacent to the tract, including name and right-of-way width; and,
 - e. All encumbrances and restrictions.
 - f. The width and location of any street or other public rights-of-way or places shown on the village or county future transportation system plan within or adjacent to the area to be subdivided, and the width and locations of all streets or other public rights-of-way proposed by the petitioner.
 - g. Bearings and distances to the nearest established street lines, section corners or other recognized permanent monuments which shall be accurately described on the plat.
 - h. Municipal, township, county or section lines accurately tied to the lines of the subdivision by distance and bearing.
 - i. Accurate location of all monuments.
 - j. Length of all arcs, radii, internal angles, points of curvature and tangent bearings.
 - k. Date of field survey, north point and geographic scale.
- Legal description and plan of proposed layout made and certified by a Florida licensed land surveyor along with a lot parcel analysis, including the smallest lot size, largest lot size, number of lots, acreage in each parcel, and number of parcels.
- Where lots are located on a curve or when side lot lines are at angles less than 87 degrees or more than 93 degrees, the width of the lot at the front building setback line shall be shown.
- The numbering of all lots and blocks shown on the plat. All lots shall be numbered either by progressive numbers, or in blocks progressively numbered except that blocks in numbered additions bearing the same name shall be numbered consecutively throughout the several additions. Excepted parcels must be marked "not part of this plat."
- A location map at the scale of one-inch equals 300 feet showing existing and proposed rights-of-way.

OWNER / AGENT CERTIFICATE:

This is to certify that I am the owner/agent of the subject lands described above in the application for Plat/Subdivision Approval, and that all information supplied herein is true and correct to the best of my knowledge. By signing this application, owner/agent specifically agrees to allow access to described property at reasonable times by Village personnel, for the purpose of verification of information provided by owner/agent.

Signature of owner/agent: [Signature]

Sworn to and subscribed before me this 10th day of March, 2023, by Jose A. Franco

- He/She is personally known to me or
 He/She has presented _____

Signature of Notary Public [Signature]
 Type or Print Name Emely Rodriguez



FOR STAFF USE ONLY
 Fee Paid: Date: \$855
 Zoning Hearing Date: _____ () Approved () Denied () Approved with conditions Resolution: _____


June 26, 2023

PL-23-002



"A Modern Approach to Land Development"
12385 N. Parkland Bay Trl.
Parkland, FL 33076
Office: 954-308-5945 Mobile: 248-794-0264
Email: damian@Det-sc.com

RECEIVED
Zoning Department
April 5, 2023

Village of Palmetto Bay
Building & Zoning Department
By: 

February 27, 2023

Ms. Heidi Siegel
Community and Economic Development Director
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, FL 33157

Re: Letter of Intent – Franco Palmetto Bay Plat

Dear Ms. Siegel,

On behalf of Jose Franco and Alina Franco (the "Owners"), we respectfully submit this letter of intent in connection the property located at 16901 SW 93rd Court ("Property"). The property owners are seeking to replat the property into four (4) separate lots to create four (4) separate buildable sites. The two existing structures are to remain, and two new duplex buildings will be constructed on the two additional lots.

Sincerely,

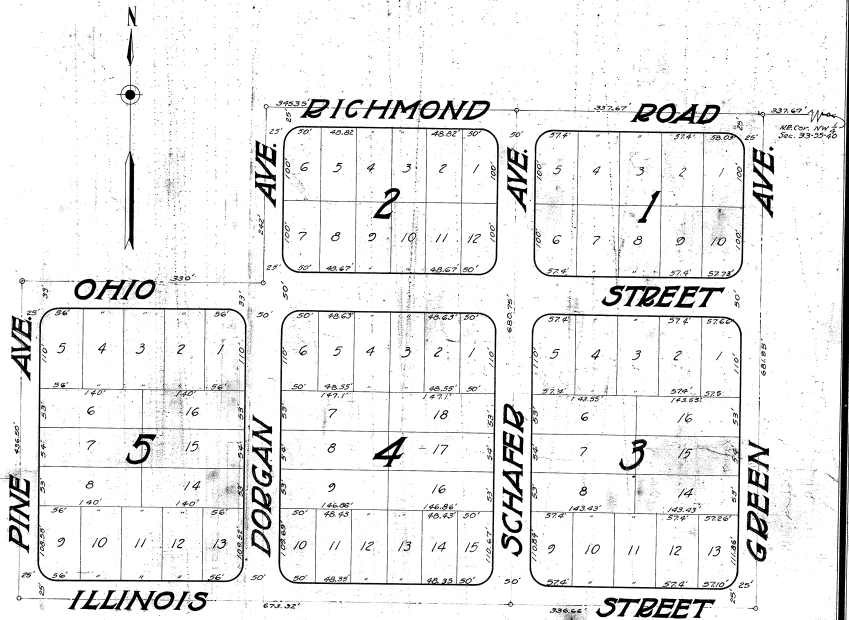
A handwritten signature in blue ink, appearing to be "D" followed by a long horizontal stroke.

Damian Thomason
President

Attachment B
Proposed Plat

Attachment C
Copy of Original Plat 1925

14-80



KNOW ALL MEN BY THESE PRESENTS: That R.P. Dorgan and Margaret Dorgan, his wife, have caused to be made the attached plat of "PERRINE HEIGHTS" the same being a subdivision of North West Quarter (NW 1/4) of the North East Quarter (NE 1/4) of the North West Quarter (NW 1/4) of Section 33, Twp. 26 S., R. 20 E., 1st. The portion depicting the NW corner of said tract thereon 330 feet, thence S 80° 14' 42" East, 330 feet, thence South 140 feet, to the place of beginning, a line 140 feet East, 140 feet of the North East Quarter (NE 1/4) of the North East Quarter (NE 1/4) of the North West Quarter (NW 1/4) of Section 33, Twp. 26 S., R. 20 E., 1st. Said tract of land being divided into blocks and lots, the road, streets and avenues of which thereon are hereby dedicated to the respectful use of the public, for proper purposes, reserving however to ourselves, our heirs, administrators, executors or assigns, the reservation or reversion, thereof, whenever found or discovered in accordance with law.

Said tract of land being divided into blocks and lots, the road, streets and avenues of which thereon are hereby dedicated to the respectful use of the public, for proper purposes, reserving however to ourselves, our heirs, administrators, executors or assigns, the reservation or reversion, thereof, whenever found or discovered in accordance with law.

In Witness Whereof we have hereunto set our hands and signatures at Miami, Dade County, Florida, this 12th day of June, A.D. 1925.

R.P. Dorgan
Margaret Dorgan

STATE OF FLORIDA,
 COUNTY OF DADE.
 I hereby certify that on this day personally appeared before me an official duly-qualified to administer oaths and take acknowledgments, R.P. Dorgan and Margaret Dorgan, his wife, known to me to be the persons who executed the foregoing instrument and they acknowledged that they executed the same freely and voluntarily for the purposes therein expressed.

And I further certify that the said Margaret Dorgan, to me known to be the wife of the said R.P. Dorgan, an appropriate and private examination made by me before me, separate and apart from her said husband, did acknowledge that she made herself a party to the said instrument for the purpose of conveying, relinquishing and conveying all her right, title and interest therein of dower, homestead or of separate property, if any, and that she executed the same freely and voluntarily and without any compulsion, constraint, oppression or fear of or from her said husband, witness my hand and seal of said State of Miami, Dade County, Florida, this 12th day of June, A.D. 1925.

J. P. Bennett
 Notary Public, State of Florida, at large.
 My commission expires Sept 11th 1928

Approved for record, *Horat Walker*
 County Engineer

"We hereby certify that the attached plat of "PERRINE HEIGHTS" is a true and correct map of such property as recently surveyed and plotted under our direction."
 BISCAYNE ENGINEERING CO.
John A. Wiers
 Registered Engineer, No. 12, 1925

Filed May 26, day of 1925, A.D. 1925, at 8:30 AM, in Book 16, 14 of Maps, page 12, Public Records of Dade County, Florida.
 George W. Holly, Clerk of Circuit Court
 Deputy Clerk

PERRINE HEIGHTS

A SUBDIVISION IN SEC-33-55-40.

FOR
R. P. DORGAN

SCALE-1"=60'
 F.B. 220 BISCAYNE ENGINEERING CO. JUNE 1925
 MIAMI, FLORIDA. OF 8185

Attachment D
County Special Exception 1978

RESOLUTION NO. 4-ZAB-384-78

The following resolution was offered by Mrs. Thelma Damewood,
seconded by Mr. Jose A. Losa, and upon poll of members present, the vote
was as follows:

Thelma Damewood	aye	Peter Goldring	aye
Jose A. Losa	aye	Margaret C. Nelson	absent
Lillian Dickmon	absent	Betty S. Page	aye
R. Jollivette Frazier	aye	Murray Sisselman	absent
Edward G. Coll, Jr.	aye		

WHEREAS, ROBERT & JOAN EVANS have applied for the following:

- (1) SPECIAL EXCEPTION TO RESUBDIVIDE four (4) platted lots into 3 duplex building sites, two (2) lots with existing residences thereon and 1 lot as a proposed duplex building site.

ON

Lots 3, 4, 5, & 6, Block 4, PERRINE HEIGHTS, Plat book 14, Page 80.

- (2) NON-USE VARIANCE OF LOT FRONTAGE AND AREA REQUIREMENTS to permit a lot with frontage of 65.24' (75' req) and area of 7,176.40 sq. ft. (7,500 sq. ft. req) as a proposed duplex building site.

ON

The Easterly 33.39' of Lot 5 and the Westerly 31.85' of Lot 4, Block 4, PERRINE HEIGHTS, Plat book 14, Page 80.

- (3) NON-USE VARIANCE OF LOT FRONTAGE AND AREA REQUIREMENTS to permit the continued use of two (2) duplex sites with existing residences thereon with lot frontage of 65.24' and 65.41' each (75' each req) and area of 7,176.40 sq. ft. and 7,195.10 sq. ft. each respectively (7,500 sq. ft. each req).

ON

Lot 6 and the Westerly 15.24' of Lot 5; AND Lot 3 and the Easterly 16.78' of Lot 4, Block 4, PERRINE HEIGHTS, Plat book 14, Page 80.

Purpose of the above requests is to remove a unity of title agreement binding together lots 3 and 4 and 5 and 6 so as to create one (1) new building site.

Surveys are on file and may be examined in the Zoning Department entitled "Tentative Plat of Evans Subdivision" prepared by Thomas J. Kelly, Registered Land Surveyor and dated February 26, 1972.

SUBJECT PROPERTY: On requests above.

LOCATION: South side of S.W. 169 Street, between S.W. 93 Ct., and approximately 90' West of S.W. 93 Avenue (16901 S.W. 93 Ct. and 9320 S.W. 169 Street), DADE COUNTY, FLORIDA.

WHEREAS, public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested Special Exception would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, and that the requested Non-Use Variances would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals that the requested Special Exception be and the same is hereby approved.

BE IT FURTHER RESOLVED that the requested Non-Use Variances be and the same are hereby approved;

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED THIS 12th day of October, 1978.

Heard 10/12/78
Hearing No. 78-10-36
10/24/78
ns

bcc: Hearing File
Tax Assessor

October 24, 1978

Mr. and Mrs. Robert and Joan Evans
~~1401 Brickell Avenue~~
Miami, Florida 33131

Re: Hearing No. 78-10-36

Request: Special Exception & Non-Use Variances.

Dear Mr. and Mrs. Evans:

Herewith is a copy of Resolution No. 4-ZAB-384-78 adopted by the Metropolitan Dade County Zoning Appeals Board, approving your application concerning the above subject matter.

If said approval was with conditions, please note same carefully, inasmuch as strict compliance therewith will be required.

You are hereby advised that the decision of the Zoning Appeals Board may be appealed by an aggrieved party (within 14 days) or by the Directors of the Dade County Building and Zoning Department and Planning Department (within 18 days), as is provided in Chapter 33-313 of the Code of Metropolitan Dade County, Florida; and that no permits or Certificate of Use and Occupancy can be issued until the appeal periods have expired, and only if no appeal has been filed. Application for necessary permits and/or Certificate of Use and Occupancy should be made with this Department. The deadline for an appeal by the applicant and/or an aggrieved party is October 30, 1978.

Very truly yours,

Chester C. Czebrinski
Assistant Director

CCC:ns

Enclosure: Resolution No. 4-ZAB-384-78

THOMAS J. KELLY

OFFICE:
5139 S.W. 8th ST.

LAND SURVEYOR
MIAMI, FLORIDA
SURVEY NUMBER- 71-3154

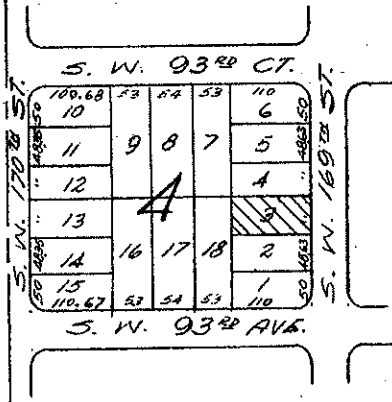
TELEPHONE:
HI 8-0504

SURVEY OF

LOT 3 BLOCK 4
SUBDIVISION PERRINE HEIGHTS
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK No. 14 AT PAGE No. 60
PUBLIC RECORDS OF DADE COUNTY, FLORIDA.
DATE: JUNE 14, 1971 FOR: J. R. BATES

LOCATION SKETCH

SCALE 1" = 200'

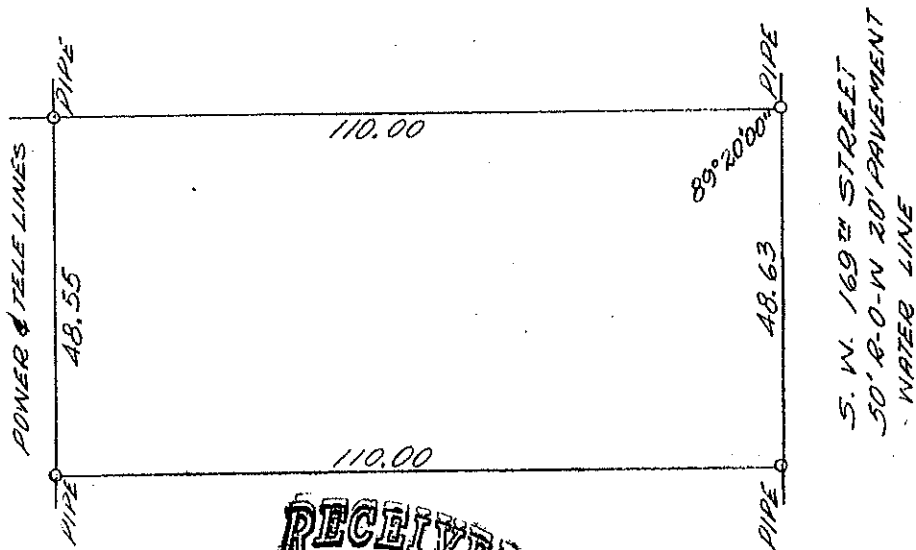


I HEREBY CERTIFY THAT THE ATTACHED SKETCH REPRESENTS A RECENT SURVEY MADE UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THERE ARE NO ENCROACHMENTS.

Thomas J. Kelly
REGISTERED LAND SURVEYOR #1961
STATE OF FLORIDA.

LOCATED IN
DADE COUNTY, FLA.



RECEIVED
78-204
APR 6 1978
BATE CO. BLDG. & ZONING
DEPARTMENT
BY: *[Signature]*

LOT DETAILS

SCALE 1" = 20'

Attachment E
Current Miami-Dade Property Appraiser Data



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 6/20/2023

Property Information	
Folio:	33-5033-002-0223
Property Address:	16901 SW 93 CT Palmetto Bay, FL 33157-4437
Owner	JOSE FRANCO ALINA FRANCO
Mailing Address	8925 SW 162 TER PALMETTO BAY, FL 33157 USA
PA Primary Zone	5700 DUPLEXES - GENERAL
Primary Land Use	0803 MULTIFAMILY 2-9 UNITS : MULTIFAMILY 3 OR MORE UNITS
Beds / Baths / Half	8 / 4 / 0
Floors	1
Living Units	4
Actual Area	3,376 Sq.Ft
Living Area	3,376 Sq.Ft
Adjusted Area	3,250 Sq.Ft
Lot Size	22,560 Sq.Ft
Year Built	1971



Assessment Information			
Year	2022	2021	2020
Land Value	\$363,250	\$305,130	\$247,010
Building Value	\$252,480	\$186,824	\$188,368
XF Value	\$2,684	\$2,720	\$2,756
Market Value	\$618,414	\$494,674	\$438,134
Assessed Value	\$530,141	\$481,947	\$438,134

Benefits Information				
Benefit	Type	2022	2021	2020
Non-Homestead Cap	Assessment Reduction	\$88,273	\$12,727	

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
PERRINE HGTS PB 14-80 LOTS 3 TO 6 INC BLK 4 LOT SIZE 195.890 X 110 F/A/U 30-5033-002-0223

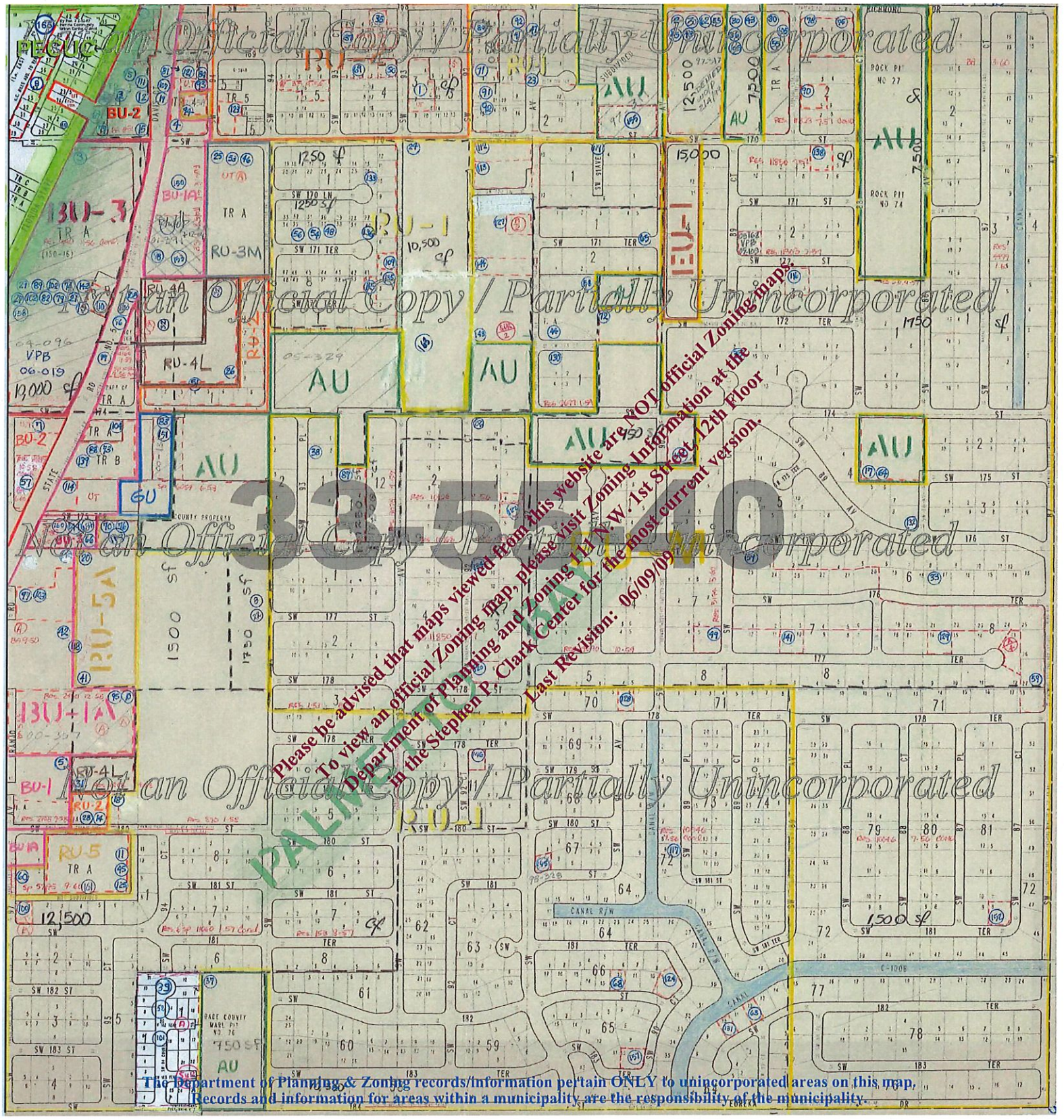
Taxable Value Information			
	2022	2021	2020
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$530,141	\$481,947	\$438,134
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$618,414	\$494,674	\$438,134
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$530,141	\$481,947	\$438,134
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$530,141	\$481,947	\$438,134

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
10/12/2022	\$1,092,500	33429-4207	Qual by exam of deed
04/03/2012	\$100	28081-4267	Corrective, tax or QCD; min consideration

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

Attachment F
Historical Miami-Dade Zoning Map



Not an Official Copy / Partially Unincorporated

Not an Official Copy / Partially Unincorporated

Not an Official Copy / Partially Unincorporated

Not an Official Copy / Partially Unincorporated

This Department of Planning & Zoning records/information pertain ONLY to unincorporated areas on this map. Records and information for areas within a municipality are the responsibility of the municipality.

Please be advised that maps viewed from this website are NOT official Zoning maps. To view an official Zoning map, please visit Zoning Information at the Department of Planning and Zoning 111 N.W. 1st Street, 12th Floor in the Stephen P. Clark Center for the most current version. Last Revision: 06/09/09



AGENDA ITEM NO. 5.B

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: July 17, 2023

SUBMITTED BY: Alexander Adams, Community and Economic Development

ITEM TYPE: Resolution

AGENDA SECTION: **PUBLIC HEARING ITEMS**

SUBJECT: **Applicant:** PALMETTO BAY ACADEMY
Location: 16637 SOUTH DIXIE HIGHWAY,
PALMETTO BAY, FL 33157
Property Folio: 33-5028-004-0101
Application: SU-23-002
Request: ESTABLISHMENT OF A PRIVATE SCHOOL AND
MODIFICATION OF AN EXISTING SITE KNOWN AS
PALMETTO BAY ACADEMY EDUCATION, LLC, TO PERMIT
A MAXIMUM OF THIRTY-SIX (36) STUDENTS IN GRADES 9-
12 LOCATED AT 16637 SOUTH DIXIE HIGHWAY.

SUGGESTED ACTION:

ATTACHMENTS:

[SU-23-002 Palmetto Bay Academy July 17 2023 Zoning Hearing Staff Memo.pdf](#)

[Combined Attachments-SU-23-002](#)

[Resolution SU-23-002 Palmetto Bay Academy Jul 17 2023 Zoning Hearing.pdf](#)



MEMORANDUM

To: Honorable Mayor and Village Council
From: Heidi Siegel, AICP, CED Director

Date: July 17, 2023
Re: SU-23-002/Establishment of a Private School and Modification of an Existing Site Plan
16637 S Dixie Highway

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO ZONING; PURSUANT TO DIVISION 30-110 STYLED "RELIGIOUS FACILITIES, PRIVATE SCHOOLS, CHILD CARE FACILITIES"; AUTHORIZING THE ESTABLISHMENT OF A PRIVATE SCHOOL AND PURSUANT TO DIVISION 30-50.16 STYLED "B1 LIMITED BUSINESS ZONING DISTRICT" FOR THE MODIFICATION OF AN EXISTING SITE PLAN KNOWN AS PALMETTO BAY ACADEMY LOCATED AT 16637 SOUTH DIXIE HIGHWAY; AND PROVIDING FOR AN EFFECTIVE DATE.

OVERVIEW

FILE: SU-23-002
APPLICANT: Palmetto Bay Academy.
PROPERTY OWNER: Iglass Properties LLC
ADDRESS: 1667 S Dixie Highway Palmetto Bay, FL 33157
FOLIOS: 33-5028-004-0101
LOT SIZE: 13,447 square feet (0.31 net acres)
UNIT SIZE: Approximately 5,678 square feet
FLUM: Business and Office (BO)
ZONING: B-1, Business District
EXISTING USE: Commercial Office

BACKGROUND

The applicant, Palmetto Bay Academy, with consent of property owner Iglass Properties LLC, requests the approval of application SU-23-002 for a private school and modifications to the site plan located at 1667 S Dixie Highway. Division 30-110 "Religious Facilities, Private Schools, Child Care Facilities, and Other Non-Governmental Public Assembly Uses" requires private education centers to be reviewed by the Village Council to ensure such uses are consistent with all applicable land use regulations and development standards prior to the issuance of a development permit. The approval shall be based upon the provision and availability of adequate public facilities and

services coincident with the impact of the use, to ensure compliance with the Village's Comprehensive Plan, Future Land Use Element.

ANALYSIS

In 2006, the previous owners submitted floor plans showing existing office space to be used as "Tutoring Spaces" as labeled on the plans. On September 11, 2007 the site was issued a notice of violation warning by Mr. Edward Silva, Building Official, for operating a school in violation of their Certificate of Use and no further action was taken. The sites Certificate of Use clearly stated no students on site and the owners held Local Business Tax Receipts for over a decade as either "Administrative Offices" or "Correspondence School".

The current new owners of the school have bought the site and the school from previous owners and operated a virtual school for kids that have learning disabilities, trauma, and other emotional, psychological or physical needs beyond traditional schools. Due to the pandemic no onsite school could occur. Over the last year, a mixture of online virtual learning and on-site learning for a portion of the day was implemented. Students attend based on their needs, transportation, and curriculum that results in far fewer permanent students onsite at any one time than a traditional school.

The proposed use includes educational instruction and therapy for kids with special needs in grades K -12. Additional uses include office and administrative services space in support of the school onsite. The proposed combination of uses are allowed in the B-1 Zoning District by Special Use permit and approval by the Village Council. The proposed use will be located in an existing commercial building that was built in 1972. The overall site requires 14 parking spaces, handicap and drop off area. The breakdown of the required parking for the proposed use is as follows:

Use	Square Footage	Required Parking
Office	566 SF	One Space per 300 gross sq. ft. / 2 spaces
Classroom- Middle School	1095 SF / 3 classrooms	3 * 1.25 = 3.75
Classroom- High School	1451 / 4 classrooms	One Space per 200 gross sq. ft. / 8 spaces

The applicant states that they will operate Monday through Friday 8am to 4pm with no nights, weekends, or special events without a separate special events permit. The applicant further states that the proposed use does not have structured start and dismissal times. Understanding the use, the operational schedule provided by the applicant, and the likelihood that most users will be dropped off, the applicant's proposal for parking and drop off appears reasonable with Village staff suggested alterations to the site layout.

The applicant is not proposing any exterior modifications to the structure except lighting for the drop-off area as suggested by Village staff. Village Staff has recommended that the applicant remove all impervious materials behind the structure to the north and slightly reduce the parking drive-aisle would provide the ability for a continuous landscape buffer with small trees, infiltration stormwater. Additional landscape area could be added in the front of the building facing US-1 by removing impervious area in this area. No signage is included in this application.

STAFF RECOMMENDATION

Village staff recommends conditional approval of the application to establish a private school, The Palmetto Bay Academy, located at 16637 S Dixie Highway and more specifically is designated as folio number 33-5028-004-0101 is 0.30 +/- acres *(with the following conditions:*

1. The approval is for an approximately 5,600 square foot space for The Palmetto Bay Academy private school with a maximum onsite student population of 36 students and operating hours shall be 8am to 4pm.
2. The applicant will receive all necessary permits, business licenses, state education approval and business tax receipts to operate legally and renew all approvals as necessary for the duration of the business.
3. The site plan shall expand the entrance gate for 2-way traffic to a minimum of twenty (20) feet width and implement a turning circle/ round-a-bout at the beginning of the rear parking lot to separate and efficiently facilitate drop off traffic from parked cars.
4. Site lighting shall be added along the drop off lane that adequately illuminates all drop off areas from traffic and sidewalks.
5. A final landscape/open space plan that meets the Land Development Code requirements to the greatest extent possible shall be submitted to the Director of Community and Economic Development for technical review and approval within 90 days of final approval by Village Council.
6. Bicycle racks need to be added to the site plan to provide the required 4 bicycle spaces required by code.

ATTACHMENTS

Attachment A: Application
Attachment B: Letter of Intent
Attachment C: Survey
Attachment D: Drawings
Attachment E: Photos
Attachment F: Property Appraiser Report

Attachment A
Application

SU	Village of Palmetto Bay APPLICATION FOR USE PER SECTION 30-110
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Date: 06-05-23
 Application No: SU-23-002

PURPOSE OF APPLICATION: Day care/nursery After school care Babysitting service for shoppers
 Kindergarten Elementary, middle and senior high schools Family day care homes Private college/university
 Private school (Any private institution providing child care or instruction at any level from kindergarten through college)
 Religious facility Private club Other Non-Governmental Public Assembly Use as defined in Section 30-110

Petitioner / Applicant: Palmetto Bay Academy

Petitioner / Applicant Address: 16637 South Dixie Hwy, Palmetto Bay, FL 33157

Phone: 786-293-5353 E-mail: Director@palmettobayacademy.com

Petitioner's Relation to Subject Property: Owner

If Petitioner is not Owner, Name of Owner: John & Maggie Eubanks

Address of Owner: 16637 South Dixie Hwy, Palmetto Bay, FL 33157

Signature of Petitioner: [Handwritten Signature]

Address of Property: 16637 South Dixie Hwy, Palmetto Bay, FL 33157

Folio: 33-5028-004-0101

SU-23-002

RECEIVED
Zoning Department
June 5, 2023
 Village of Palmetto Bay
 Building & Zoning Department
 By: AB

SUBMITTAL REQUIREMENTS:

- Letter of Intent that includes the following:
 - A statement clearly describing the proposed use, including: intended users, square footage, number of proposed users, hours of operation, and any other informational that describes the operations.
 - An explanation of the need and justification for the proposed use.
- Floor plan of proposed use showing all areas and square footage.
- Pictures of the site.
- Site Plan or Survey of the site depicting building, parking, drop off/pick-up areas (if applicable), access points, and any other information requested by Village Staff.
- Other information may be required by Village Staff based on the nature of each individual application.

OWNER / AGENT CERTIFICATE:

This is to certify that I am the owner/agent of the subject lands described above in the application for a use per Section 30-110, and that all information supplied herein is true and correct to the best of my knowledge. By signing this application, owner/agent specifically agrees to allow access to described property at reasonable times by Village personnel, for the purpose of verification of information provided by owner/agent.

Signature of owner/agent: [Handwritten Signature]

Sworn to and subscribed before me this 10 day of June 2023 by John Eubanks.

- He/She is personally known to me or
 He/She has presented _____ as identification

Signature of Notary Public: [Handwritten Signature]
 Type or Print Name: Andrea Blanco

FOR STAFF USE ONLY
 Fee Paid: Date: 6/5/23
 Zoning Hearing Date: 7/10/23 () Approved () Denied () Approved with conditions Resolution: _____

Attachment B
Letter of Intent

50-23-002



PALMETTO BAY ACADEMY
FROM POTENTIAL TO SUCCESS

RECEIVED
Zoning Department
June 5, 2023

May 28th, 2023

To Whom It May Concern,

Village of Palmetto Bay
Building & Zoning Department
AB

Palmetto Bay Academy is a small educational program that has grown over the last two decades from a home-based, college preparatory tutoring relationship to an entity that, during the pandemic, successfully supported over 40 high-need students through one of the most challenging periods in their lives through seamless distance and hybrid education.

Our clients are families, parents, and students who daily manage the challenges of having ADHD, Anxiety, Gifted Struggling Students, Autism Spectrum Disorder, OCD, Twice-Exceptional students and Mood Disregulation. Additionally many, many of our young people who have dealt with traumas that have destabilized them on their academic journey. They have lost siblings and several have lost parents at a young age, often making school the furthest thing from their mind. We help them put their educational experience back together, within a community of comforting, professional teachers that bring stability, safety and a positive environment that they can count on.

Their families are often living in Palmetto Bay, though many come from as far south as Homestead, as far west as the Redlands and as far north as Miami Beach.

These families have found us, a community of dedicated educators, who have worked with them with flexible scheduling, hybrid programs and individualized educational planning that helps students who may be below grade level or years beyond grade level.

We meet our students where they are, even if they are years beyond their age, and help them grow. But our focus is healthy whole-child development, and we do this every year. Our students attend UM, UF, FSU, Lynn, UCF, USC, Pepperdine, Rollins and MDC. They can attend any college or university they meet the qualifications for. And every time, we are ecstatic for their success.

A year does not go by that several alumni do not come find us and say hello, share with us their journey, successes and challenges, because they know that this group of people will always be here for them.

We are not a "franchise." We grew from one teacher's desire to support students from large local private schools where they were crumbling, and created a small, caring and supportive learning environment, whether that happened in a home, a storefront or in our offices.

We work with small groups of students, and regardless of their disability, we help them excel to the best of their ability. We even had six students this year, from 9th - 12th grade, who successfully completed dual-enrollment college classes. And before they found us, most of them were failing out of their traditional schools.

We are not architects or property managers, real-estate developers or tax policy experts. We are teachers, and we love what we do. We need your support to obtain a Business Tax License for Private Schools K-12, to allow us to work with all of our students in whatever way will fit them best, whether fully distance, hybrid, or on a more regular schedule here with us.

Our location has a lot size 13,447 s.f. and is bordered on all sides by businesses. We are able to receive students from 8:00 am to 4 pm. When students come to our location, they may arrive as early as 8:00 am or as late as 1 pm. They may leave at many different times depending on the support they need from us and their distance from our facility. Usually we have students dropped off from 8:00 - 9:00 and picked up from 2:00 - 3:00. Some students work with us all day. Some students are wholly distance, and others are a combination of both.

For Pick Up and Drop Off our parents park in the parking lot and students are escorted to and from the building. A parking lot design is included in the site plan.

We would not have more than 36 students at our facility at any one time, though in reality it is usually less.

Our parents are our greatest supporters, because they know what we do for their students. And our students, (even being teenagers!), share with us what our support means to them.

We are happy to share videos and notes from our community of learners that can help you see our partnership. We want to share “small school magic.”

The young people we work with may show up at different times, they may work in rooms together or by themselves, or at home and see us online, but we are a school community that works together for each child’s greater good. Thank you for taking the time to know more about us. We’re happy to share more information at your request.

Best Wishes,

Maggie Eubanks
Director
Palmetto Bay Academy
director@palmettobayacademy.com

Attachment C
Property Survey

Attachment D
Site Drawings

PUBLIC HEARING FOR A SCHOOL USE: PALMETTO BAY ACADEMY

16637 SOUTH DIXIE HIGHWAY
PALMETTO BAY, FL 33157

SU-23-002
RECEIVED
Zoning Department
June 5, 2023
Village of Palmetto Bay
Building & Zoning Department
By: *AB*

GFD GROUP MIAMI
GFD GROUP MIAMI, LLC
15321 S. DIXIE HWY., STE. 201
PALMETTO BAY, FL 33157
INFO@GFDmiami.com
TEL 305 - 255 - 2999

JACQUELINE P. JAMES,
PH.D., P.E.
LICENSE NO. 88579

MOHAMED W. FAHMY,
PH.D., P.E.
LICENSE NO. 54784
SPECIAL INSPECTOR
NO. 6989818

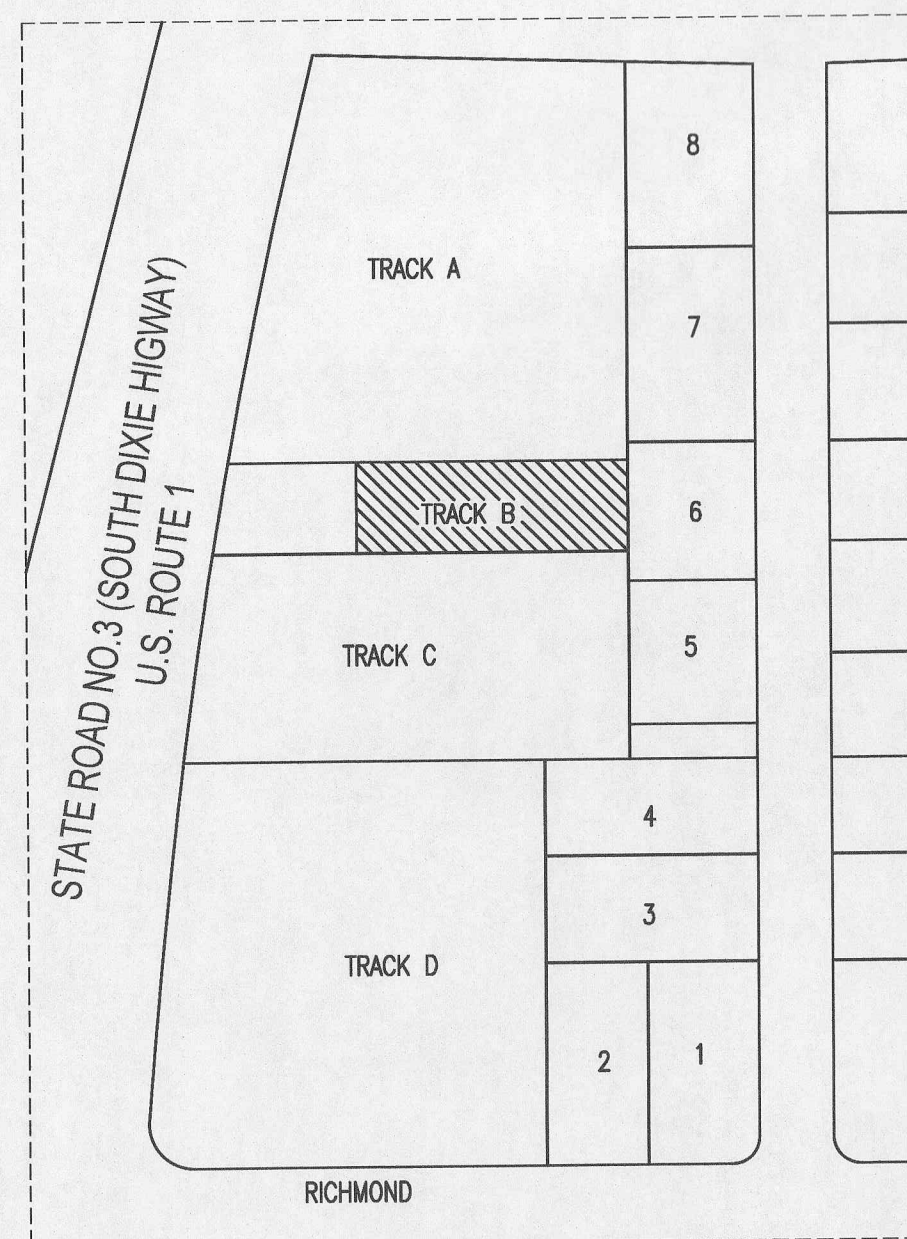
PUBLIC HEARING FOR USE OF SCHOOL FOR:
PALMETTO BAY ACADEMY
16637 S. DIXIE HWY
PALMETTO BAY, FL 33157

- LIST OF DRAWINGS
- C-0 COVER SHEET
 - A-0 SITE PLAN & ZONING INFORMATION
 - A-0.1 PHOTOMETRIC READING
 - L-1 EXISTING LANDSCAPE PLAN
 - A-1 FLOOR PLANS
 - A-2 ELEVATIONS

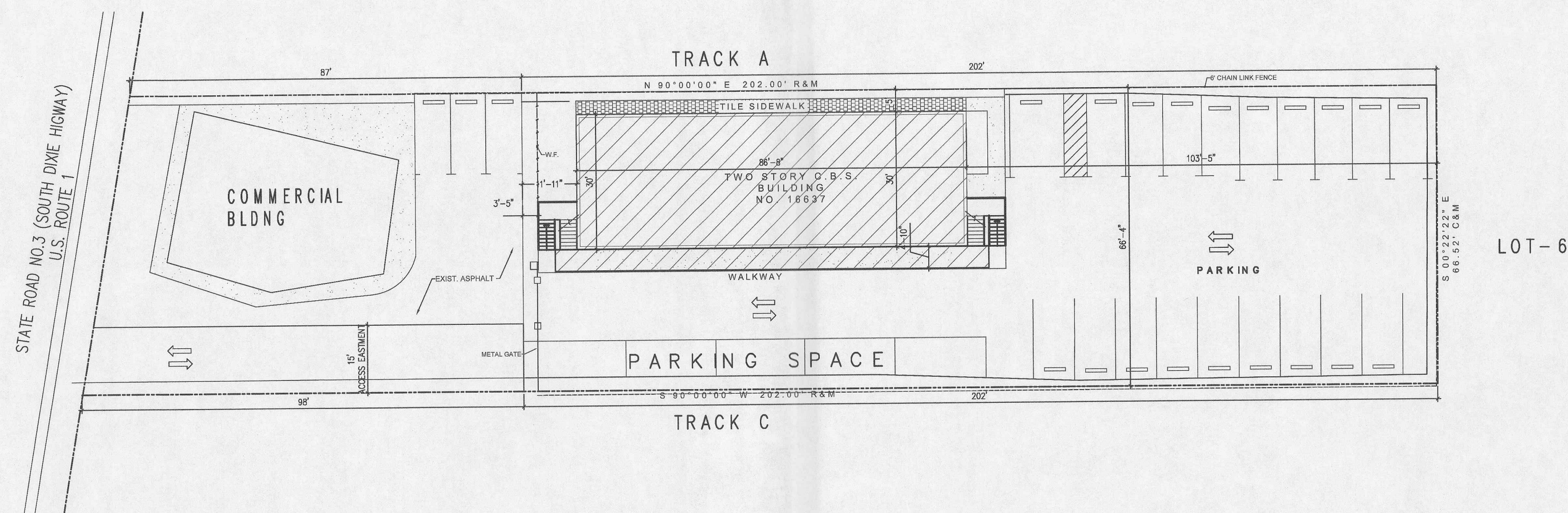
FOLIO # 33-5028-004-0101

PA PRIMARY ZONE: 6100 COMMERCIAL - NEIGHBORHOOD
PRIMARY LAND USE: 1813 OFFICE BUILDING - MULTI-STORY: OFFICE BUILDING
FLOORS: 2
LOT SIZE: 13,447 SF
ADJUSTED AREA: 5,660 SF

LEGAL DESCRIPTION:
REPLAT OF TALBOTT ESTS PB 60-49
E202FT OF TRACT B LESS N5/8 OF A
INCH M/L BLK 1

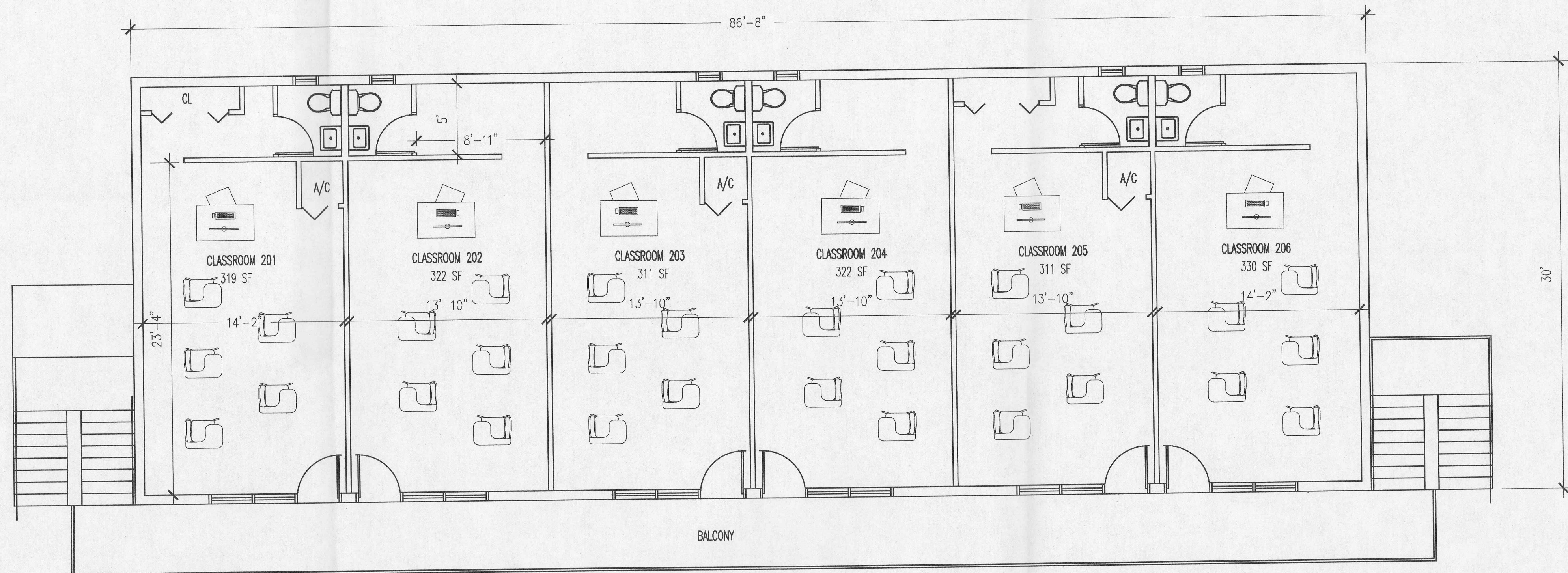


LOCATION MAP
SCALE: NTS

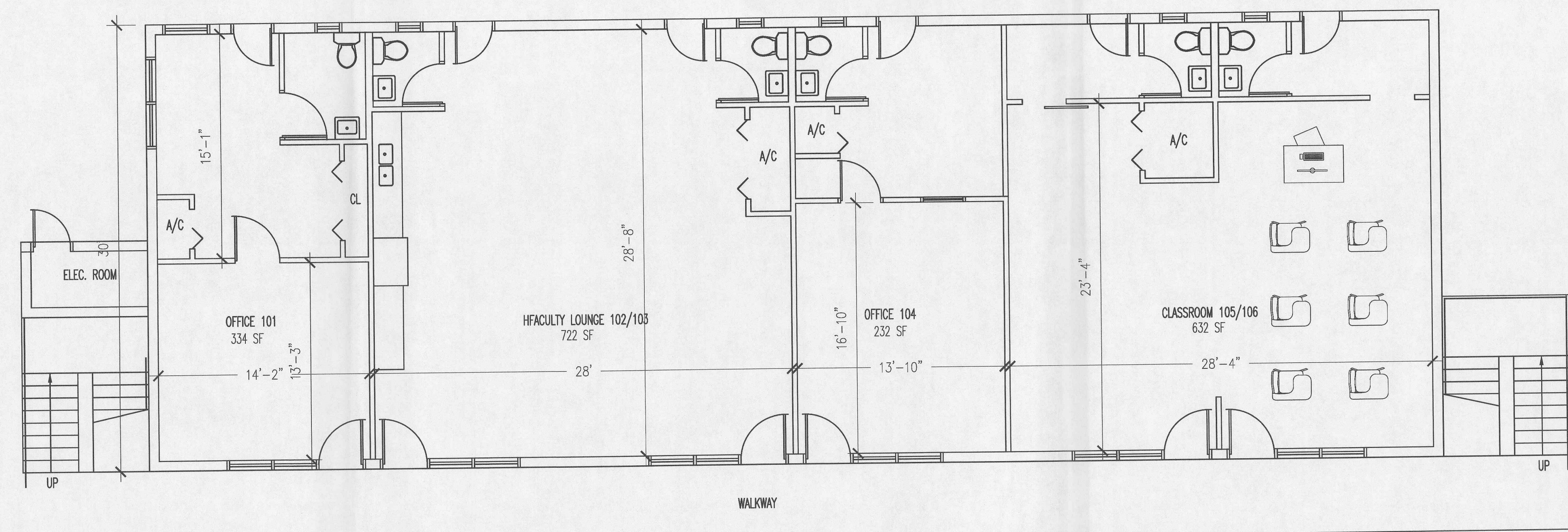


SITE PLAN
SCALE: NTS

REVISION
PROJECT NUMBER 2055
PROJECT PHASE PERMITTING
DRAWN BY LH
DATE 5-26-2023
DRAWING TYPE SITE PLAN
SCALE: AS NOTED
C-0



2ND FLOOR PLAN
SCALE: 3/16"=1'-0"

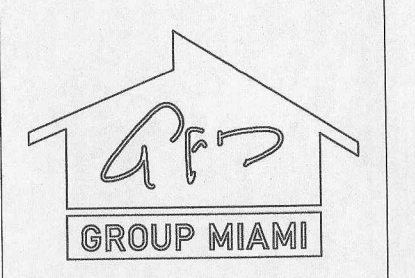


1ST FLOOR PLAN
SCALE: 3/16"=1'-0"

1st FLOOR CLASSROOMS
632 SF
25 S.F PER PUPIL (MIN. REQUIRED)
6 PUPIL X 25 = 150 SF. REQUIRED
632 SF. PROVIDED

2ND FLOOR CLASSROOMS
1,915 SF
25 S.F PER PUPIL (MIN. REQUIRED)
5 PUPIL X 25 = 125 SF. REQUIRED

CLASSROOM 201	319 SF. PROVIDED
CLASSROOM 202	322 SF. PROVIDED
CLASSROOM 203	311 SF. PROVIDED
CLASSROOM 204	322 SF. PROVIDED
CLASSROOM 205	311 SF. PROVIDED
CLASSROOM 206	330 SF. PROVIDED



GFD GROUP MIAMI, LLC
15321 S. DIXIE HWY., STE. 201
PALMETTO BAY, FL 33157
INFO@GFDMIAMI.COM
TEL 305-255-2999

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NO. 6998918

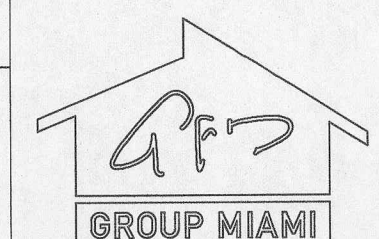
50-23-002
RECEIVED
Zoning Department
June 5, 2023
Village of Palmetto Bay
Building & Zoning Department
By: [Signature]

PUBLIC HEARING FOR USE OF SCHOOL FOR:
PALMETTO BAY ACADEMY
16637 S. DIXIE HWY
PALMETTO BAY, FL 33157

REVISION
PROJECT NUMBER 2055
PROJECT PHASE PERMITTING
DRAWN BY LH
DATE 5-26-2023
DRAWING TYPE SITE PLAN
SCALE: AS NOTED

A-1

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16



GFD GROUP MIAMI, LLC
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 PALMETTO BAY, FL 33157
 INFO@GFDmiami.com
 TEL. 305 - 255 - 2999

JACQUELINE P. JAMES,
 P.H.D., P.E.
 LICENSE NO. 66579

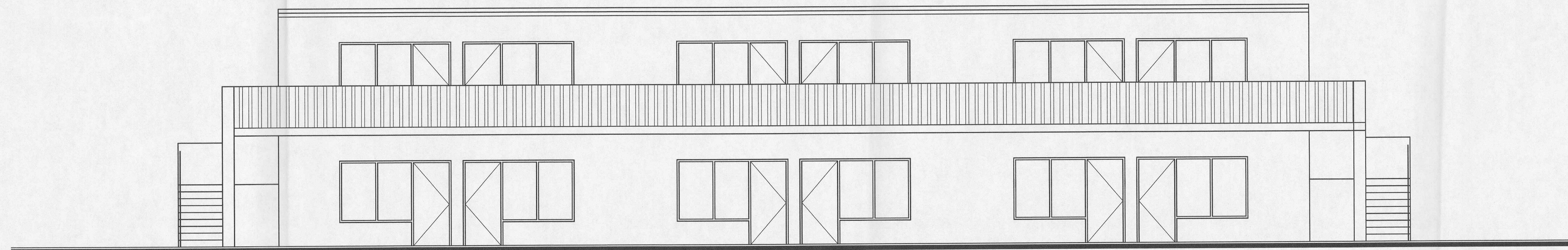
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 By: *AP*

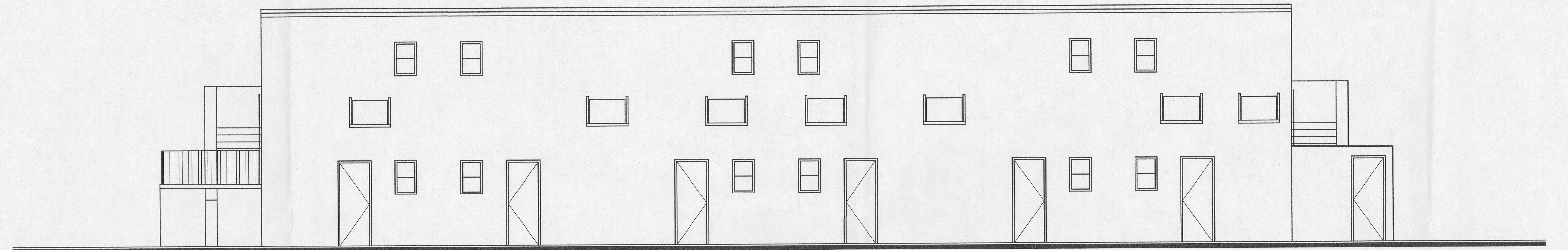
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PALMETTO BAY ACADEMY
 16637 S. DIXIE HWY
 PALMETTO BAY, FL 33157

REVISION
PROJECT NUMBER 2055
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DRAWN BY LH
DATE 5-26-2023
DRAWING TYPE SITE PLAN
SCALE: AS NOTED

A-2



SOUTH ELEVATION
 SCALE: 3/16"=1'-0"



NORTH ELEVATION
 SCALE: 3/16"=1'-0"



EAST ELEVATION
 SCALE: 3/16"=1'-0"

West
EAST ELEVATION
 SCALE: 3/16"=1'-0"

A

B

C

D

E

F

G

H

I

J

K

A

B

C

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F

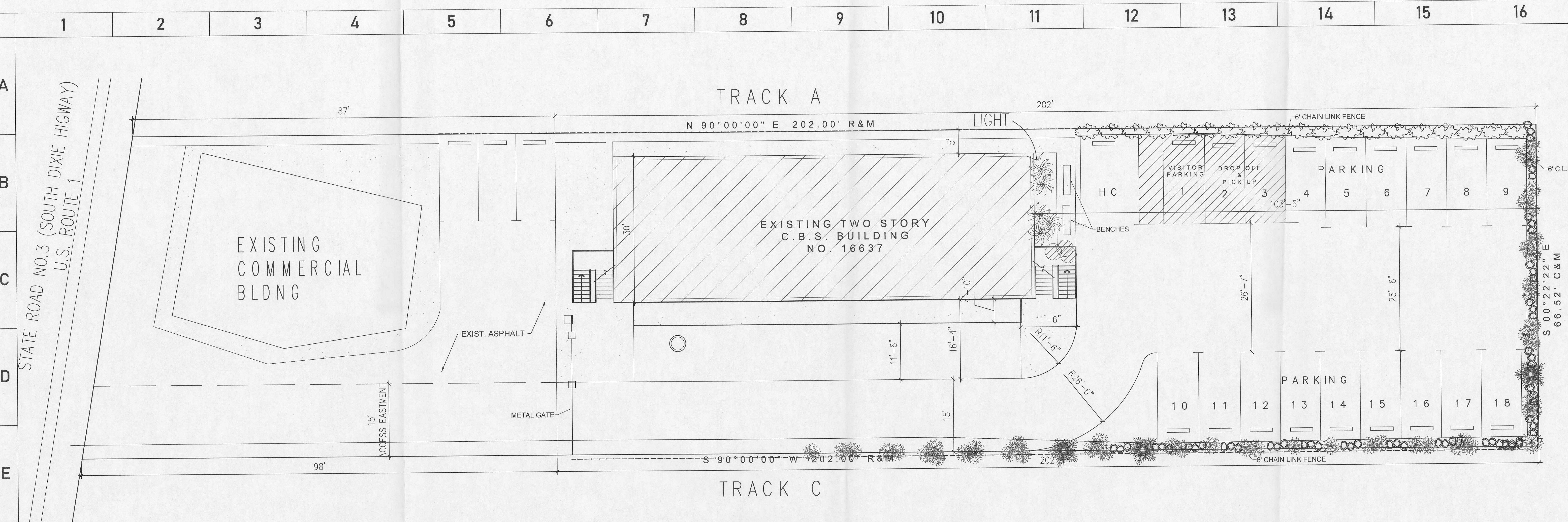
G

H

I

J

K



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 GFD GROUP MIAMI, LLC
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 PALMETTO BAY, FL 33157
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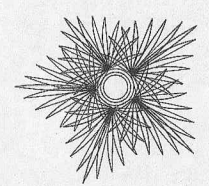
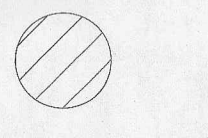
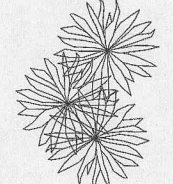

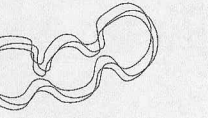
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SU-23-002
RECEIVED
 Zoning Department
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 Village of Palmetto Bay
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 By: **AO**

PUBLIC HEARING FOR USE OF SCHOOL FOR:
PALMETTO BAY ACADEMY
 16637 S. DIXIE HWY
 PALMETTO BAY, FL 33157

LANDSCAPE LEGEND

-  SABAL MEXICANA PALM
-  CORTON
-  CHRISTMAS PALM TREE
-  CLUSIA ROSEA
-  CHINESE SHRUBS

LANDSCAPE CALCULATIONS

NET LOT AREA = 13,447 S.F. = 0.3 ACRE

TREE CALCULATION:

A. 22 TREES REQUIRE PER 1 ACRE OF NET LOT AREA.
 0.3 ACRE X 22 = 6.6 = 7 TREES REQUIRED

B. 30% OF REQUIRED TREES TO BE NATIVE SPECIES; 0.3 X 7 = 2 TREES REQUIRED.
 --- TREES PROVIDED

C. 50% OF REQUIRED TREES TO BE DROUGHT TOLERANT 0.5 X 7 = 3.5 TREES REQUIRED.
 --- TREES PROVIDED

D. MAX. 30% OF REQUIRED TREES TO BE MET WITH PALM TREES 0.3 X 7 = 2 TREES

PALMS:
 1 TREE = 2 PALM (PALMS MUST HAVE 10 FOOT HEIGHT OR MINIMUM CALIPER OF 3 INCHES).
 EXISTING ON SITE : 27 PALM TREES

SHRUBS:
 No. REQ. TREES x 10 = No. REQ. SHRUBS
 7 TREES x 10 = 60 SHRUBS REQUIRED

EXISTING SHRUBS:

CLUSIA ROSEA	48
PODOCARPUS MACROPHYLLUS	40
CROTON	6
TOTAL SHRUBS:	94

REVISION
PROJECT NUMBER 2055
PROJECT PHASE PERMITTING
DRAWN BY LH
DATE 5-26-2023
DRAWING TYPE SITE PLAN
SCALE: AS NOTED

Attachment E
Site Photos

















Attachment F
Property Appraiser Report



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 7/10/2023

Property Information	
Folio:	33-5028-004-0101
Property Address:	16637 S DIXIE HWY Palmetto Bay, FL 33157-3467
Owner	IGLASS PROPERTIES LLC
Mailing Address	18810 FRANJO RD CUTLER BAY, FL 33157 USA
PA Primary Zone	6100 COMMERCIAL - NEIGHBORHOOD
Primary Land Use	1813 OFFICE BUILDING - MULTISTORY : OFFICE BUILDING
Beds / Baths / Half	0 / 0 / 0
Floors	2
Living Units	0
Actual Area	6,135 Sq.Ft
Living Area	6,135 Sq.Ft
Adjusted Area	5,678 Sq.Ft
Lot Size	13,447 Sq.Ft
Year Built	1972



Assessment Information			
Year	2023	2022	2021
Land Value	\$1,008,525	\$739,585	\$605,115
Building Value	\$10,000	\$10,000	\$10,000
XF Value	\$0	\$0	\$0
Market Value	\$1,018,525	\$749,585	\$615,115
Assessed Value	\$744,288	\$676,626	\$615,115

Benefits Information				
Benefit	Type	2023	2022	2021
Non-Homestead Cap	Assessment Reduction	\$274,237	\$72,959	
Educational	Exemption	\$744,288	\$676,626	\$615,115

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
REPLAT OF TALBOTT ESTS PB 60-49
E202FT OF TRACT B LESS N5/8 OF A
INCH M/L BLK 1
LOT SIZE 13447 SQ FT
F/A/U 30-5028-004-0101

Taxable Value Information			
	2023	2022	2021
County			
Exemption Value	\$744,288	\$676,626	\$615,115
Taxable Value	\$0	\$0	\$0
School Board			
Exemption Value	\$1,018,525	\$749,585	\$615,115
Taxable Value	\$0	\$0	\$0
City			
Exemption Value	\$744,288	\$676,626	\$615,115
Taxable Value	\$0	\$0	\$0
Regional			
Exemption Value	\$744,288	\$676,626	\$615,115
Taxable Value	\$0	\$0	\$0

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
01/11/2023	\$2,000,000	33551-1711	Qual by exam of deed
09/12/2018	\$100	31151-0561	Corrective, tax or QCD; min consideration
12/01/2006	\$0	25313-3512	Sales which are disqualified as a result of examination of the deed
01/01/2005	\$0	23035-3817	Sales which are disqualified as a result of examination of the deed

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

1 RESOLUTION NO. 2023 - _____

2
3 ZONING APPLICATION: SU-23-002

4
5 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL
6 OF THE VILLAGE OF PALMETTO BAY, FLORIDA;
7 RELATING TO ZONING; PURSUANT TO DIVISION 30-110
8 STYLED "RELIGIOUS FACILITIES, PRIVATE SCHOOLS,
9 CHILD CARE FACILITIES", AUTHORIZING THE
10 ESTABLISHMENT OF A PRIVATE SCHOOL, AND
11 PURSUANT TO DIVISION 30-50.16 STYLED "B1 LIMITED
12 BUSINESS ZONING DISTRICT", APPLYING FOR THE
13 MODIFICATION OF AN EXISTING SITE PLAN KNOWN AS
14 PALMETTO BAY ACADEMY LOCATED AT 16637 SOUTH
15 DIXIE HIGHWAY AND PROVIDING FOR AN EFFECTIVE
16 DATE.

17
18 **WHEREAS**, On June 28, 2023 the Village of Palmetto Bay received
19 an application by The Palmetto Bay Academy requesting the approval for
20 for a private school with onsite classrooms in the B-1 Zoning District; and

21
22 **WHEREAS**, the subject property is located at 16637 S Dixie Highway
23 and more specifically in a B-1, Limited Business District zoned property
24 identified with folio number: 33-5028-004-0101; and

25
26 **WHEREAS**, the Development Application Review Committee
27 comprised of professional Village Staff reviewed the proposed school site
28 plan; and

29
30 **WHEREAS**, the Mayor and Village Council found, based on
31 substantial competent evidence in the record, that the application for the
32 private school and modified site plan is (*consistent / inconsistent*) with the
33 Village of Palmetto Bay Comprehensive Plan and the applicable Land
34 Development Regulations; and

1 **WHEREAS**, based on the foregoing finding, the Mayor and Village
2 Council determined to grant (*approval / conditional approval / denial*) for the
3 application, as provided in this Resolution.
4

5 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**
6 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA,**
7 **AS FOLLOWS:**
8

9 **Section 1.** A public hearing on the present application was held on
10 July 17, 2023, in accordance with the Village's "Public Hearing
11 Procedures". Pursuant to the testimony and evidence presented during the
12 hearing, the Village Council makes the following findings of fact,
13 conclusions of law and final order.
14

15 **Section 2.** Findings of fact.
16

17 1. That the subject property is located at 16637 S Dixie Highway and
18 is designated as folio number 33-5028-004-0101.
19

20 2. After hearing testimony from Village Staff, the applicant, the owner
21 and the public, the Village Council accepted the findings of Village Staff as
22 it relates to compliance with the following provisions of the Village's Code
23 of Ordinances: Division 30-110 "Religious Facilities, Private Schools, Child
24 Care Facilities, and Other Non-Governmental Public Assembly Uses " and
25 Section 30-50.16 "B-1, Business District".
26

27 3. The application to establish a private school is found (*consistent /*
28 *inconsistent*) with the Village's Comprehensive Plan, as further specified in
29 the Planning and Zoning Division Staff Report.
30

31 4. The Village Council adopts and incorporates by reference the
32 Planning and Zoning Division Staff Report which is considered competent
33 substantial evidence.
34

35 **Section 3.** Conclusions of Law.
36
37

1 The application to establish a private school was reviewed pursuant
2 to Division 30-110 "Religious Facilities, Private Schools, Child Care
3 Facilities, and Other Non-Governmental Public Assembly Uses" and
4 Section 30-50.16 "B-1, Business District" of the Village's Code of
5 Ordinances and was found to be (consistent / inconsistent).

6
7 **Section 4.** Order.
8

9 The Village Council conditionally (*approves / conditionally approves /*
10 *denies*) the application to establish a private school, The Palmetto Bay
11 Academy, located at 16637 S Dixie Highway and more specifically
12 designated as folio number 33-5028-004-0101 is 0.30 +/- acres with the
13 following conditions:
14

- 15 1. The approval is for an approximately 5,600 square foot space
16 for The Palmetto Bay Academy private school with a maximum
17 onsite student population of thirty six (36) students and
18 operating hours shall be 8am to 4pm.
- 19 2. The applicant will receive all necessary permits, business
20 licenses, state education approval and business tax receipts to
21 operate legally and renew all approvals as necessary for the
22 duration of the business.
- 23 3. The site plan shall expand the entrance gate for 2-way traffic to
24 a minimum of twenty (20) feet width and implement a turning
25 circle/ round-a-bout at the beginning of the rear parking lot to
26 separate and efficiently facilitate drop off traffic from parked
27 cars.
- 28 4. Site lighting shall be added along the drop off lane that
29 adequately illuminates all drop off areas from traffic and
30 sidewalks.
- 31 5. A final landscape/open space plan that meets the Land
32 Development Code requirements to the greatest extent
33 possible shall be submitted to the Director of Community and
34 Economic Development for technical review and approval
35 within ninety (90) days of final approval by Village Council.
- 36 6. Bicycle racks need to be added to the site plan to provide the
37 required 4 bicycle spaces required by code.

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This is a final order.

Section 5. Record.

The record shall consist of the notice of hearing, the Planning and Zoning Division Staff Report, the application, all documents submitted by the applicant and the owner in connection with the application, 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 RESOLVED this 17th day of July 2023.

Attest:

Missy Arocha
Village Clerk

Karyn Cunningham
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

John C. Dellagloria
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member Steve Cody _____

- 1
- 2 Council Member Marsha Matson
- 3
- 4 Vice Mayor Leanne Tellam
- 5
- 6 Mayor Karyn Cunningham



AGENDA ITEM NO. 5.C

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: July 17, 2023

SUBMITTED BY: Heidi Siegel, Community and Economic Development

ITEM TYPE: Ordinance

AGENDA SECTION: **PUBLIC HEARING ITEMS**

SUBJECT: **Applicant:** VILLAGE OF PALMETTO BAY
Application: RZ-23-006
Request: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONSTRUCTION NOISE; AMENDING CHAPTER 30, ZONING SECTION 30-60.29 NOISES; UPDATING DEFINITIONS RELATED TO ZONING DISTRICTS AND THE VILLAGE RECOGNIZED HOLIDAYS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. ***(Sponsored by Administration) (Second Reading)***
(Passed on First Reading-Zoning Hearing-June 26, 2023)

SUGGESTED ACTION:

ATTACHMENTS:

[Staff Memo RZ-23-006 Amending Holidays in Noise Ordinance Second Reading.docx](#)

[Ordinance - Amending Section 30-60.29 Noises.doc](#)



To: Honorable Mayor and Village Council

Date: July 17, 2023

From: Heidi Siegel, AICP, CED Director

Re: RZ-23-006 / Section 30-60.29
Updating Village Holidays in Noise
Ordinance

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONSTRUCTION NOISE; AMENDING CHAPTER 30 ZONING SECTION 30-60.29 NOISES; UPDATING DEFINITIONS RELATED TO ZONING DISTRICTS AND THE VILLAGE RECOGNIZED HOLIDAYS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Administration)

BACKGROUND

Village Council and Staff continuously seek opportunities to update and correct inconsistencies the Village's Land Development Code. The Village's noise ordinance (Section 30-60.29) specifies that certain activities, including but not limited to construction, may not take place on Village holidays.

Over the years, the Village Council has expanded the list of Village recognized holidays. The proposed amendment adds language to state that the restrictions also extend to "any other holiday recognized by Village Council through resolution or ordinance." Minor clean-up of zoning districts that do not exist in the Village was also included in this amendment.

The Village Council approved the ordinance on first reading on June 26, 2023.

RECOMMENDATION

The Village staff recommends that the Village Council approve and adopt the attached ordinance on second reading.

1 have the meaning ascribed to them in this section, except
2 where the context clearly indicates a different meaning. All
3 terminology used in this chapter not defined below shall be
4 in conformance with applicable publications and standards of
5 the American National Standards Institute (ANSI) or its
6 successor body, the state and other applicable industry
7 standards.

8 * * *

9
10 *Agricultural* shall mean an area classified by the zoning code as
11 in an AU AG, Agricultural Zoning District.

12 * * *

13
14
15 *Commercial* shall mean an area classified by the zoning code as
16 in B-1, B-2, R-5, Downtown (excluding Neighborhood Sector),
17 Old Cutler Neighborhood Commercial, FTGI or VMU Zoning
18 Districts.

19 * * *

20
21
22 *Residential* shall mean an area classified by the zoning code as in
23 R-1, R-2, R-1M, R-TH, R-3, R-3M, R-4L, R- 4H, ~~or,~~ E-M, E-S, E-1,
24 E-1C, E-2, or Neighborhood Sector ~~Section~~ of Downtown zoning
25 ~~district or AG zoning districts.~~

26 * * *

27
28
29 *Village recognized holidays* shall mean New Year's Day, Martin
30 Luther King Day, President's Day, Memorial Day, Independence
31 Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving
32 Day, Friday after Thanksgiving Day and Christmas Day, or any
33 other holiday recognized by Village Council through resolution
34 or ordinance.

35
36 **Section 3. Severability.** The provisions of this Ordinance are
37 declared to be severable, and if any sentence, section, clause, or
38 phrase of this Ordinance shall, for any reason, be held to be invalid or
39 unconstitutional, such decision shall not affect the validity of the

1 remaining sentences, sections, clauses, or phrases of the Ordinance,
2 but they shall remain in effect it being the legislative intent that this
3 Ordinance shall stand notwithstanding the invalidity of any part.

4
5 **Section 4. Codification.** It is the intent of the Village Council
6 and is hereby ordained that the provisions of this Ordinance shall
7 become and be made part of the Code of Ordinances of the Village of
8 Palmetto Bay, Florida, that sections of this Ordinance may be
9 numbered or re-lettered to accomplish such intentions, and that the
10 word "Ordinance" shall be changed to "Section" or other appropriate
11 word.

12
13 **Section 5. Conflicting Provisions.** The provisions of the Code
14 of Ordinances of the Village of Palmetto Bay, Florida and all
15 Ordinances or parts of Ordinances in conflict with the provisions of this
16 Ordinance are hereby repealed.

17
18 **Section 6. Effective Date.** This Ordinance shall take effect
19 immediately upon enactment.

20
21 **PASSED ON FIRST READING** this 26th day of June, 2023.

22
23 **PASSED AND ADOPTED ON SECOND READING** this _____
24 day of _____, 2023.

25
26
27
28
29 Attest: _____
30 **Missy Arocha**
31 **Village Clerk**

Karyn Cunningham
Mayor

32
33
34 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

35
36
37 _____
38 **John C. Dellagloria**
39 **Village Attorney**

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VOTE ON FIRST READING:

Mayor Karyn Cunningham	<u>YES</u>
Council Member Steven Cody	<u>YES</u>
Council Member Marsha Matson	<u>YES</u>
Vice-Mayor Leanne Tellam	<u>YES</u>
Council Member Patrick Fiore	<u>YES</u>

FINAL VOTE AT ADOPTION ON SECOND READING:

Mayor Karyn Cunningham	___
Council Member Steven Cody	___
Council Member Marsha Matson	___
Vice-Mayor Leanne Tellam	___
Council Member Patrick Fiore	___