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, SEPTEMBER 16, 2024 – 7:00 PM

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

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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.

2. **REQUEST, PETITIONS, AND PUBLIC COMMENTS** Individuals wishing to speak on matters on the agenda and on items pertinent to the Village may do so by speaking during this section of the agenda. The Mayor will recognize those persons who wish to speak. Each speaker must sign-in prior to speaking on the designated public commentary sign-in sheet. Items for public hearing provided for within the agenda shall not be a topic of discussion during this section of the agenda. Please limit your comments to three (3) minutes or less. Public comments made by members of the public are important to the Village Council. Speakers will address the Village Council with respect.

3. APPROVAL OF MINUTES

A. Zoning Hearing (July 15, 2024)

4. MAJOR PROJECTS UPDATE

5. PUBLIC HEARING ITEMS

A. **Applicant:** IGLASS PROPERTIES, LLC
Location: 9055 SW 158th STREET
Property Folio: 33-5028-000-0260
Application: SU-24-002
Request: THE ESTABLISHMENT OF PRIMARY SCHOOL PURSUANT TO SECTION 30-110 STYLED "RELIGIOUS FACILITIES, PRIVATE SCHOOLS, CHILD CARE FACILITIES, AND OTHER NON-GOVERNMENTAL PUBLIC ASSEMBLY USES." (***WITHDRAWN***)

B. **Applicant:** IGLASS PROPERTIES, LLC
Location: 9055 SW 158th STREET
Property Folio: 33-5028-000-0260
Application: V-24-003
Request: VARIANCE WAIVING THE TWO-HUNDRED AND FIFTY (250) FEET SETBACK REQUIREMENT FOR SCHOOL STRUCTURES AND CORRESPONDING BUILDINGS OR IMPROVEMENTS PURSUANT TO SECTION 30-50.2(a)(11) STYLED "AG, AGRICULTURAL DISTRICT." (***WITHDRAWN)***

C. **Applicant:** PALMETTO HIGHLANDS, LLC
Location: 8275 SW 172ND STREET
Property Folio: 33-5034-000-0211
Application: PL-24-004
Request: APPROVAL OF FINAL PLAT TO BE KNOWN AS "PALMETTO HIGHLANDS" TO ALLOW FOR THREE (3) RESIDENTIAL LOTS OF GREATER THAN 15,000 SQUARE FEET IN THE E-M MODIFIED SINGLE FAMILY DISTRICT, PURSUANT TO DIVISION 30-80 STYLED "PLATTING AND SUBDIVISION".

D. **Applicant:** MILK PLANNING & DEVELOPMENT, LLC
Location: 9730 SW 182ND STREET
Property Folio: 33-5023-007-0530
Application: V-24-004
Request: VARIANCES WAIVING THE REQUIRED MINIMUM BUILDING SEPARATION UNDER SECTION 30-50.23.3-02.4 - TABLE 14, TO PERMIT A BUILDING SEPARATION OF 10 FEET WHERE 20 FEET IS REQUIRED, LANDSCAPE BUFFER WIDTH UNDER SECTION 30-50.23.6-01 TO PERMIT A LANDSCAPE BUFFER OF 12 INCHES WHERE IS 30 INCHES REQUIRED, PARKING SPACE LENGTH UNDER SECTION 30-70.5 TO PERMIT TWO (2) PARKING SPACES TO HAVE A LENGTH OF 17 FEET 9 INCHES WHERE 18 FEET IS REQUIRED AND AISLE WIDTH DIMENSION OF 15 FEET WHERE 22 FEET IS REQUIRED FOR FOUR (4) DETACHED TOWNHOUSES IN THE DOWNTOWN DISTRICT, NEIGHBORHOOD SECTOR PURSUANT TO SECTION 30-30.6 STYLED "VARIANCES".

E. **Applicant:** MILK PLANNING & DEVELOPMENT, LLC
Location: 9730 SW 182ND STREET
Property Folio: 33-5023-007-0530
Application: SP-24-002
Request: APPROVAL OF SITE PLAN TO BE KNOWN AS "ALMOND COURT" TO ALLOW FOR FOUR (4) DETACHED TOWNHOUSES IN THE DOWNTOWN DISTRICT, NEIGHBORHOOD SECTOR PURSUANT TO SECTION 30-30.5 STYLED "SITE PLAN APPROVAL" AND SECTION 30-50.23.3.02.4 STYLED "NEIGHBORHOOD SECTOR".

6. RESOLUTIONS WITH PUBLIC COMMENT

A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ONGOING PROFESSIONAL SERVICES; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO WORK ORDER NUMBERS 9 AND 10 WITH CALVIN, GIORDANO & ASSOCIATES, INC. FOR PLANNING AND ZONING SERVICES UNDER THE EXISTING CONTRACT FOR PROFESSIONAL CONSULTING SERVICES ON CONTINUING CONTRACT BASIS; AUTHORIZING THE VILLAGE MANAGER TO CREATE A PURCHASE ORDER IN THE AMOUNT NOT TO EXCEED TWO-HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($275,000); AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration and Prepared by Village Manager, Nick Marano)*

7. ADJOURNMENT AND NEXT ZONING HEARING DATE: MONDAY, OCTOBER 21, 2024

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 DISABBILITIES 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:	September 16, 2024
SUBMITTED BY:	Missy Arocha, Village Clerk's Office
ITEM TYPE:	Minutes
AGENDA SECTION:	**APPROVAL OF MINUTES**
SUBJECT:	Zoning Hearing (July 15, 2024)
SUGGESTED ACTION:	

ATTACHMENTS:
2024-07-15 Zoning-Minutes
Exhibit A-Public Comments Submitted by Form

MINUTES
ZONING HEARING
MONDAY, JULY 15, 2024 – 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.

The Zoning Hearing was called to order at 7:02 PM by Mayor Karyn Cunningham.

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

Councilmember Patrick Fiore arrived at the meeting at 7:14 p.m.

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

Resident Eric Tullberg led the pledge of allegiance.

2. **REQUEST, PETITION, AND PUBLIC COMMENTS**

The following speaker spoke for a time allotment of three minutes during public comments:

- Christian Rato (17240 SW 89th Court) – questioned what the Village is doing about backyard parties at short-term rentals and reported that renters are causing neighborhood disruptions with the noise.

3. APPROVAL OF MINUTES

A. Zoning Hearing (June 17, 2024)

Moved by Councilmember Steve Cody. **Seconded** by Vice Mayor Leanne Tellam. **All voted in favor (4-0),** Councilmember Patrick Fiore absent. **The Minutes were approved unanimously.**

4. MAJOR PROJECTS UPDATE

Community and Economic Development Director Heidi Siegel illustrated a PowerPoint Presentation on the Village's major projects status report dated July 2024. The presentation demonstrated Village capital improvements projects (i.e., Veteran's Park and Coral Reef Park Multipurpose Room), projects under construction, approved projects pending building permit and construction, and approved projects with no change. Following the presentation, she answered questions raised by the Council regarding the presentation.

5. PUBLIC HEARING ITEMS

A.

Applicant: IGLASS PROPERTIES, LLC
Location: 9055 SW 158TH STREET
Property Folio: 33-5028-000-0260
Application: SU-24-002
Request: THE ESTABLISHMENT OF PRIMARY SCHOOL PURSUANT TO SECTION 30-110 STYLED "RELIGIOUS FACILITIES, PRIVATE SCHOOLS, CHILD CARE FACILITIES, AND OTHER NON-GOVERNMENTAL PUBLIC ASSEMBLY USES".

Item 5A was **moved** by Councilmember Steve Cody. **Seconded** by Vice Mayor Leanne Tellam.

Mayor Karyn Cunningham reported that the applicant requested a continuance on the item and asked the members of the public to speak on the public hearing item.

Attorney Dellagloria provided an explanation on the quasi-judicial proceeding procedures.

Village Clerk Missy Arocha swore-in the witnesses that wished to testify to the public hearing item.

The members of the Village Council provided disclosures of their ex-parte communications. Vice Mayor Leanne Tellam and Councilmember Steve Cody reported that they would fill out the Ex-Parte Communications Form to be part of the record.

STAFF'S PRESENTATION: Community & Economic Development Director Heidi Siegel reported that the applicant pursues the establishment of a school within the agricultural district, a special consideration and not a rezoning, and the request is

for a variance. She explained that the applicant held a community meeting with the surrounding neighbors and sought a continuance on the public hearing items for a redesign.

APPLICANT'S PRESENTATION: Maggie Eubanks, Head of School, Palmetto Bay Academy Schools ("PBAS"), explained the school's purpose and mission and reported that PBAS has served the community for over twenty-five years. She explained that a community meeting was held with the neighbors surrounding the property's proximity and that they would like to follow the same concept that was followed with their existing location for the new location. She reported that many families had approached PBAS for students who are not served in traditional school settings (i.e., ADHD, autism, Asperger, dyslexia, anxiety, etc.) that search for a home school environment with accelerated academics. She explained the proposed structure for the school, demonstrated a rendering of the proposal, and explained that the redesign is considered almost unchanged, except for the office and a tiki-hut that would be in the back. She also reported that up to twenty-two students would be part of the hybrid program. Following the applicant's presentation, Ms. Eubanks answered questions raised by the Council relating to the proposal, site plan, and student drop-off and pick-up times.

PUBLIC HEARING: The following speakers spoke **opposed** to item 5A: Jose Deleon (9025 SW 158th Street), Maria Suarez (8900 SW 158th Street), Eduardo Tamborrel (8221 SW 162nd Street), George Kasali (15700 SW 98th Avenue); Haydee McDermott (15844 SW 90th Court), Jerry Johnson (8950 SW 159th Terrace); Greg Alexander (9058 SW 157th Street);Donna Marakas (8940 SW 158th Street); and Jessica Alexander (9058 SW 157th Street).

The following speaker spoke **in-support** of item 5A: John Eubanks (18810 Franjo Road).

APPLICANT'S REBUTTAL: Mr. John Eubanks reported that the applicant would host another community meeting regarding the proposal before the subsequent Zoning Hearing with the neighbors.

Councilmember Steve Cody **motioned** to continue item 5A to the next Zoning Hearing. Councilmember Patrick Fiore **seconded** the motion.

Clerk Missy Arocha announced that the next Zoning Hearing is scheduled for Monday, September 16, 2024, at 7:00 p.m.

All voted in favor (5-0). The motion passed unanimously.

Item 5A was continued to the next Zoning Hearing.

B. **Applicant:** IGLASS PROPERTIES, LLC
Location: 9055 SW 158TH STREET
Property Folio: 33-5028-000-0260
Application: V-24-003
Request: VARIANCE WAIVING THE TWO-HUNDRED AND FIFTY (250) FEET

SETBACK REQUIREMENT FOR SCHOOL STRUCTURES AND CORRESPONDING BUILDINGS OR IMPROVEMENTS PURSUANT TO SECTION 30-50.2(A)(11) STYLED “AG, AGRICULTURAL DISTRICT”.

Item 5B was **moved** by Councilmember Steve Cody. **Seconded** by Vice Mayor Leanne Tellam.

Councilmember Steve Cody **motioned** to continue item 5B to the next Zoning Hearing, scheduled for September 16, 2024, at 7:00 p.m. Councilmember Patrick Fiore **seconded** the motion.

PUBLIC HEARING: The following speakers **opposed** item 5B in the virtual lobby: Jorge Pulido (16025 SW 89th Avenue).

All voted in favor (5-0). The motion passed unanimously.

Item 5B was continued to the next Zoning Hearing.

C.

Applicant: SW 152 ST, LLC
Location: SW 152ND STREET AND SW 71ST AVENUE
Property Folio: 33-5023-000-0582
Application: V-24-002
Request: VARIANCE WAIVING THE REQUIRED MINIMUM LOT DEPTH DIMENSION FOR FOUR (4) RESIDENTIAL LOTS IN THE E-1 ESTATE ONE ACRE ESTATE SINGLE FAMILY DISTRICT PURSUANT TO SECTION 30-30.6 “STYLED VARIANCES”.

Item 5C was **moved** by Councilmember Steve Cody. **Seconded** by Councilmember Marsha Matson.

The members of the Village Council provided disclosures of their ex-parte communications.

STAFF’S PRESENTATION: Alex David, Representative of Calvin Giordano and Associates, demonstrated a PowerPoint Presentation for public hearing items 5C and 5D. During the presentation, he explained an overview of the two applications from the application, variance criteria, and platting criteria, and illustrated a location map of Bravo Estates. He reported that staff recommended that the Council approve request no. 1 (variance of lot depth) and request no. 2 (tentative plat) for Bravo Estates, located North of SW 152nd Street at SW 71st Ave

APPLICANT’S PRESENTATION: Robert Curbelo, Representative for Bravo Estates, reported that the surrounding neighbors within the project's proximity have not provided objections to the project. He answered questions raised by the Council relating to the water feature on the piece of property.

PUBLIC HEARING:
There were no speakers in support of item 5C.

The following speaker spoke opposed to item 5C: Michael Chin (7211 SE 151st Street).

Following the public hearing, Mr. Curbelo answered questions raised by the Council relating to the permits required for the filling of the water component and the platting and subdivision process.

Vice Mayor Leanne Tellam **motioned** to add a condition to the plat, that the environmental permit for filling the water element be applied for prior to the final plat approval. Councilmember Steve Cody **seconded** the motion. **All voted in favor (5-0). The motion passed unanimously.**

The question was called in support of the amended public hearing item. **All voted in favor (5-0). The amended variance passed unanimously.**

D. **Applicant:** SW 152 ST, LLC
Location: SW 152ND STREET AND SW 71ST AVENUE
Property Folio: 33-5023-000-0582
Application: PL-24-003
Request: APPROVAL OF TENTATIVE PLAT TO BE KNOWN AS "BRAVO ESTATES" TO ALLOW FOR FIVE (5) RESIDENTIAL LOTS OF APPROXIMATELY ONE (1) ACRE EACH IN THE E-1 ESTATE ONE ACRE ESTATE SINGLE FAMILY DISTRICT, PURSUANT TO DIVISION 30-80 STYLED "PLATTING AND SUBDIVISION".

Item 5D was **moved** by Councilmember Steve Cody. **Seconded** by Councilmember Patrick Fiore.

STAFF'S PRESENTATION: Alex David, Representative of Calvin Giordano and Associates, explained that the platting is the formal recognition of these lines, and there is a process to get the property subdivided followed by the formal recording.

Councilmember Steve Cody **motioned** to add a condition to the plat, that the environmental permit for filling the water element be applied for prior to the final plat approval. Vice Mayor Leanne Tellam **seconded** the motion. **All voted in favor (5-0). The motion passed unanimously.**

The question was called in support of the amended public hearing item. **All voted in favor (5-0). The amended tentative plat passed unanimously.**

E. **Applicant:** VILLAGE OF PALMETTO BAY
Location: VILLAGE-WIDE
Application: RZ-24-002
Request: AMENDING CHAPTER 30, SECTION 30-50.1 OF THE CODE OF ORDINANCES STYLED: "DISTRICTS AND GENERAL PROVISIONS", REGARDING MIAMI-DADE COUNTY SMART PLAN CORRIDOR FLOOR AREA RATIO (FAR) REQUIREMENTS. *(Passed on First Reading on June 17, 2024, Zoning Hearing)*

Item 5E was **moved** by Councilmember Steve Cody. **Seconded** by Vice Mayor Leanne Tellam.

There were no public comments.

STAFF'S PRESENTATION: Community & Economic Development Director Heidi Siegel provided an overview on the Ordinance on Second Reading and explained that amending "Districts and General Provisions", requires municipalities that are located wholly or partly within one half-mile of each of the SMART Plan corridors to adopt by July 31, 2024 regulations that comply with the floor area ratio requirement. She explained the Floor Area Ratio (FAR) and the summary of amendments to the code. Staff recommends that the Council approve the Ordinance on Second Reading.

Following staff's presentation, Director Siegel answered questions raised by the Council relating to height and density.

The question was called in support of the Ordinance on Second Reading via a roll-call vote:

Mayor Karyn Cunningham	-	YES
Vice Mayor Leanne Tellam	-	YES
Councilmember Marsha Matson	-	NO
Councilmember Steve Cody	-	YES
Councilmember Patrick Fiore	-	YES

The **Ordinance on Second Reading passed (4-1)**; Councilmember Marsha Matson voted opposed.

F. **Applicant:** VILLAGE OF PALMETTO BAY
Location: VILLAGE-WIDE
Application: RZ-23-008
Request: AMENDING CHAPTER 30, SECTION 30-60.32 OF THE CODE OF ORDINANCES STYLED: "LOW-THC CANNABIS AND MEDICAL CANNABIS DISPENSARIES, TREATMENT FACILITIES AND INDEPENDENT TESTING LABORATORIES", RENAMING SECTION 30-60.32 TO "MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AND PHARMACIES" AND AMENDING SECTION 30-60.32 TO COMPLY WITH FLORIDA STATUE 381.986. *(Continued from the December 18, 2023, Zoning Hearing)*.

Item 5F was **moved** by Councilmember Steve Cody. **Seconded** by Councilmember Patrick Fiore.

There were no public comments.

Community & Economic Development Director Heidi Siegel reported that the staff report and presentation on the item were demonstrated at the Zoning Hearing on December 18, 2023, and the Committee of the Whole Workshop held in June 2024.

A consensus was reached by the Council to forgo the presentation.

Director Heidi Siegel and Village Attorney John Dellagloria answered questions raised by the Council relating to the number of existing dispensaries in the Village and the application process, including an update on the existing lawsuit filed against the Village on the matter.

Councilmember Steve Cody **motioned** to amend the Ordinance to add a prohibition for any new standalone pharmacies. The motion was **seconded** by Councilmember Patrick Fiore. **The motion failed (2-3)**; Mayor Karyn Cunningham, Vice Mayor Leanne Tellam, and Councilmember Marsha Matson voted opposed.

The question was called in support of the Ordinance on First Reading via a roll-call vote:

Councilmember Patrick Fiore	-	YES
Councilmember Steve Cody	-	YES
Councilmember Marsha Matson	-	NO
Vice Mayor Leanne Tellam	-	NO
Mayor Karyn Cunningham	-	NO

The **Ordinance on First Reading failed (2-3)**; Councilmember Marsha Matson, Vice Mayor Leanne Tellam, and Mayor Karyn Cunningham voted opposed.

G. **Applicant:** VILLAGE OF PALMETTO BAY
Location: VILLAGE-WIDE
Application: RZ-24-003
Request: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CODE OF ORDINANCES SECTION 30-60-14, THE VILLAGE'S "HOME OFFICE" ORDINANCE; ADDING A REQUIREMENT THAT ALL HOME OFFICE USERS ACQUIRE AND MAINTAIN ANNUALLY A BUSINESS TAX RECEIPT ("BTR"); AMENDING THE CODE TO COMPLY WITH SECTION 559.995, FLORIDA STATUTES.

Item 5G was **moved** by Vice Mayor Leanne Tellam.

Failed for a lack of a second.

Village Attorney John Dellagloria reported that the Village must comply with state law even if the request does not pass.

H. **Applicant:** VILLAGE OF PALMETTO BAY
Location: VILLAGE-WIDE
Application: RZ-24-004
Request: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SHORT TERM/VACATION/TRANSIENT RENTALS; AMENDING SECTION 30-60.20 (B), SUBSECTION (F) OF THE CODE OF ORDINANCES TO ESTABLISH THAT NO

AMENITY ON A RENTAL PROPERTY CAN BE A SEPARATE AND DISTINCT RENTAL.

Item 5H was **moved** by Councilmember Patrick Fiore. **Seconded** by Vice Mayor Leanne Tellam.

There were no public comments.

Village Attorney John Dellagloria reported that the Council is voting that no amenity shall be a separate and distinct rental. He answered questions raised by the Council relating to the code of ordinances on short-term and long-term rentals in the Village.

The question was called in support of the Ordinance on First Reading via a roll-call vote:

Councilmember Marsha Matson	-	YES
Councilmember Steve Cody	-	YES
Councilmember Patrick Fiore	-	YES
Mayor Karyn Cunningham	-	YES
Vice Mayor Leanne Tellam	-	YES

All voted in favor (5-0). The **Ordinance on First Reading passed unanimously.**

7. ADJOURNMENT

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

The Zoning Hearing adjourned at 9:56 p.m.

The meeting minutes were approved this 16th day of September, 2024.

Attest:

_____ _____

Mayor Karyn Cunningham Village Clerk Missy Arocha

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	07/15/2024
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	Douglas Paul Rodriguez
Email Address	drodriguez4145@gmail.com
Address	16420 SW 77TH AVE
City	Hispanic or Latino
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
Agenda Item No.	C
Comments (type your comments in the box below)	Against the variance
Agenda Item No.	D

Comments (type your comments in the box below)	Against approval of the Platt

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	07/15/2024
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	Jarrod Gillen
Email Address	Jarrodgillen@gmail.com
Address	9020 SW 157th Street
City	Palmetto Bay
State	Florida
Zip Code	33157

New eComment for Zoning Hearing

Jessica Alexander submitted a new eComment.

Meeting: Zoning Hearing

Item: 5.A) Applicant: IGLASS PROPERTIES, LLC Location: 9055 SW 158th STREET Property Folio: 33-5028-000-0260 Application: SU-24-002 Request: THE ESTABLISHMENT OF PRIMARY SCHOOL PURSUANT TO SECTION 30-110 STYLED "RELIGIOUS FACILITIES, PRIVATE SCHOOLS, CHILD CARE FACILITIES, AND OTHER NON-GOVERNMENTAL PUBLIC ASSEMBLY USES".

eComment: Mayor, Vice Mayor and Councilmembers of Palmetto Bay. I respectfully request that you do not approve the establishment of a school in this residential area. I have lived in this neighborhood for the past 24 years and have experienced the many changes in Palmetto Bay. Establishing a school in this lot will change the quiet and safe atmosphere we currently have. The request submitted to you today by Palmetto Bay Academy states a maximum of 22 students, but we know that this is just the beginning. Once they have approval to establish the school, it will be easier to increase capacity. This is a for-profit educational facility, and they will enroll more students if they have the opportunity to profit. This business is not thinking about what is best for our neighborhood, but what is best for them. There are more appropriate locations in Palmetto Bay where this school could be established without changing or waving land development codes and requirements that are set for school structures. I also plead for you to consider the risks involved in establishing a school in this lot. Unfortunately, school violence has increased in our society, and it is something that must be considered when making this decision. I kindly request that you take all the factors into account and deny this petition. Don’t sacrifice the quality of living of the residents of Palmetto Bay to benefit a business that has other options to continue to operate and expand.

New eComment for Zoning Hearing

Maria Suarez submitted a new eComment.

Meeting: Zoning Hearing

Item: 5.A) Applicant: IGLASS PROPERTIES, LLC Location: 9055 SW 158th STREET Property Folio: 33-5028-000-0260 Application: SU-24-002 Request: THE ESTABLISHMENT OF PRIMARY SCHOOL PURSUANT TO SECTION 30-110 STYLED "RELIGIOUS FACILITIES, PRIVATE SCHOOLS, CHILD CARE FACILITIES, AND OTHER NON-GOVERNMENTAL PUBLIC ASSEMBLY USES".

eComment: As a resident of 158 st, I strongly oppose the approval of this variance. This street has already seen increased non-resident traffic with either dealership test drives or individuals looking to steal packages and mail. It is no longer safe for my kids to play in front of the house on their bikes without cones blocking the streets. The building of the school will most certainly increase traffic, either with drop off and pick, the staff or people interested in touring the school. This neighborhood is not built to withstand commercial units and completely changes the fabric of what drives people to Palmetto Bay. The quiet safe atmosphere is why it is such a great neighborhood for families. Approving this variance sets the president for more commercial businesses in these residential streets. This would be a sad day in Palmetto Bay history if this school is allowed in a residential neighborhood. Commercial units in Palmetto Bay within a commercially zoned area have been forced to close due to the impact to the surrounding area. Allowing this plot of land to be rezoned to allow a school unacceptable.

AGENDA ITEM NO. 5.A

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: September 16, 2024

SUBMITTED BY: Missy Arocha, Community and Economic Development

ITEM TYPE: Report

AGENDA SECTION: **PUBLIC HEARING ITEMS**

SUBJECT:

Applicant: IGLASS PROPERTIES, LLC
Location: 9055 SW 158th STREET
Property Folio: 33-5028-000-0260
Application: SU-24-002
Request: THE ESTABLISHMENT OF PRIMARY SCHOOL PURSUANT TO SECTION 30-110 STYLED "RELIGIOUS FACILITIES, PRIVATE SCHOOLS, CHILD CARE FACILITIES, AND OTHER NON-GOVERNMENTAL PUBLIC ASSEMBLY USES." (***WITHDRAWN***)

SUGGESTED ACTION:

ATTACHMENTS:
Withdrawal Letter-SU-24-002
Withdrawal Memo-SU-24-002_Palmetto Bay Academy

PALMETTO BAY ACADEMY
FROM POTENTIAL TO SUCCESS

SU-24-002

RECEIVED
Zoning Department
August 28, 2024
Village of Palmetto Bay
Building & Zoning Department
By: AB

August 28th, 2024

Planning and Zoning Division
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, FL 33157

RE: Establishment of Private School
APPLICATION NO.: SU-24-002
FOLIO: 33-5028-000-0260
LOCATION: 9055 SW 158TH ST

To Whom It May Concern:

Please accept this letter as our formal request to withdraw the application for the Establishment of a Private School for the above-referenced application at the associated location.

Pursuant to recent communications with various individuals and the categorization of said application in community meetings and other discussions, it has been determined that the current application has a low likelihood of approval. Therefore, the applicant iGlass Properties LLC (property owner) / John and Maggie Eubanks (Palmetto Bay Academy Education LLC/ Applicant) seek to withdraw the application in relation to the above-referenced application number of property location.

A corresponding letter for Application V-24-003 is also being submitted.

Should you have any questions or require additional information, please feel free to contact us.

Sincerely,

IGLASS PROPERTIES LLC(PROPERTY OWNER) / JOHN AND MAGGIE EUBANKS (PALMETTO BAY ACADEMY EDUCATION LLC/ APPLICANT)

John Eubanks and Maggie Eubanks
Co-Owners , Palmetto Bay Academy Education LLC

MEMORANDUM

To: Honorable Mayor and Village Council Date: September 9, 2024

From: Alex A. David, AICP, Interim Planning Director Re: Withdrawal of Special Use Application SU-24-002

Via: Nick Marano, Village Manager

OVERVIEW

FILE: SU-24-002
APPLICANT: IGLASS Properties LLC / Palmetto Bay Academy
PROPERTY OWNER: IGLASS Properties LLC
ADDRESS: 9055 SW 158 Street
FOLIOS: 33-5028-000-0260

On June 5, 2024, IGLASS Properties submitted a Special Use application in conjunction with a proposed private school in the Agricultural Zoning District.

On August 28, 2024, the **Village received a request to withdraw the application.**

Attachment:

- Special Use Application Withdrawal Letter

AGENDA ITEM NO. 5.B

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: September 16, 2024

SUBMITTED BY: Missy Arocha, Community and Economic Development

ITEM TYPE: Resolution

AGENDA SECTION: **PUBLIC HEARING ITEMS**

SUBJECT:

Applicant: IGLASS PROPERTIES, LLC
Location: 9055 SW 158th STREET
Property Folio: 33-5028-000-0260
Application: V-24-003
Request: VARIANCE WAIVING THE TWO-HUNDRED AND FIFTY (250) FEET SETBACK REQUIREMENT FOR SCHOOL STRUCTURES AND CORRESPONDING BUILDINGS OR IMPROVEMENTS PURSUANT TO SECTION 30-50.2(a)(11) STYLED "AG, AGRICULTURAL DISTRICT." (***WITHDRAWN)***

SUGGESTED ACTION:

ATTACHMENTS:
Withdrawal Letter-V-24-003
Variance Withdrawal Memo-V-24-003 Palmetto Bay Academy

PALMETTO BAY ACADEMY
FROM POTENTIAL TO SUCCESS

V-24-003

RECEIVED
Zoning Department
August 28, 2024
Village of Palmetto Bay
Building & Zoning Department
By: AG

August 28th, 2024

Planning and Zoning Division
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, FL 33157

RE: Request for Variance
APPLICATION NO.: V-24-003
FOLIO: 33-5028-000-0260
LOCATION: 9055 SW 158TH ST

To Whom It May Concern:

Please accept this letter as our formal request to withdraw the application for Variance requested for the above-referenced application at the associated location.

Pursuant to recent communications with various individuals and the categorization of said application in community meetings and other discussions, it has been determined that the current application has a low likelihood of approval. Therefore, the applicant iGlass Properties LLC (property owner) / John and Maggie Eubanks (Palmetto Bay Academy Education LLC/ Applicant) seek to withdraw the application in relation to the above-referenced application number of property location.

A corresponding letter for Application SU-24-002 is also being submitted.

Should you have any questions or require additional information, please feel free to contact us.

Sincerely,

IGLASS PROPERTIES LLC(PROPERTY OWNER) / JOHN AND MAGGIE EUBANKS (PALMETTO BAY ACADEMY EDUCATION LLC/ APPLICANT)

John Eubanks and Maggie Eubanks
Co-Owners , Palmetto Bay Academy Education LLC

MEMORANDUM

To: Honorable Mayor and Village Council Date: September 9, 2024

From: Alex A. David, AICP, Interim Planning Director Re: Withdrawal of Variance Application V-24-003

Via: Nick Marano, Village Manager

OVERVIEW

FILE: V-24-003
APPLICANT: IGLASS Properties LLC / Palmetto Bay Academy
PROPERTY OWNER: IGLASS Properties LLC
ADDRESS: 9055 SW 158 Street
FOLIOS: 33-5028-000-0260

On June 5, 2024, IGLASS Properties submitted a setback variance application in conjunction with a proposed private school in the Agricultural Zoning District.

On August 28, 2024, the Village received a request to withdraw the application.

Attachment:

- Variance Application Withdrawal Letter

AGENDA ITEM NO. 5.C

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: September 16, 2024

SUBMITTED BY: Alex David, Community and Economic Development

ITEM TYPE: Resolution

AGENDA SECTION: **PUBLIC HEARING ITEMS**

SUBJECT:

Applicant: PALMETTO HIGHLANDS, LLC
Location: 8275 SW 172ND STREET
Property Folio: 33-5034-000-0211
Application: PL-24-004
Request: APPROVAL OF FINAL PLAT TO BE KNOWN AS "PALMETTO HIGHLANDS" TO ALLOW FOR THREE (3) RESIDENTIAL LOTS OF GREATER THAN 15,000 SQUARE FEET IN THE E-M MODIFIED SINGLE FAMILY DISTRICT, PURSUANT TO DIVISION 30-80 STYLED "PLATTING AND SUBDIVISION".

SUGGESTED ACTION:

ATTACHMENTS:
Memo-PL-24-004 Palmetto Highlands Final Plat
Reso-Palmetto Highlands PL-24-004
Exhibit A PL-24-004 App & Attachments
Exhibit B-PL-24-004 Mylar

MEMORANDUM

To: Honorable Mayor and Village Council Date: September 16, 2024

Vía: Nick Marano, Village Manager

From: Alex A. David, AICP, Interim Planning Director

Re: PL-24-004 / Palmetto Highlands
Approval of Final Plat for three (3) proposed lots

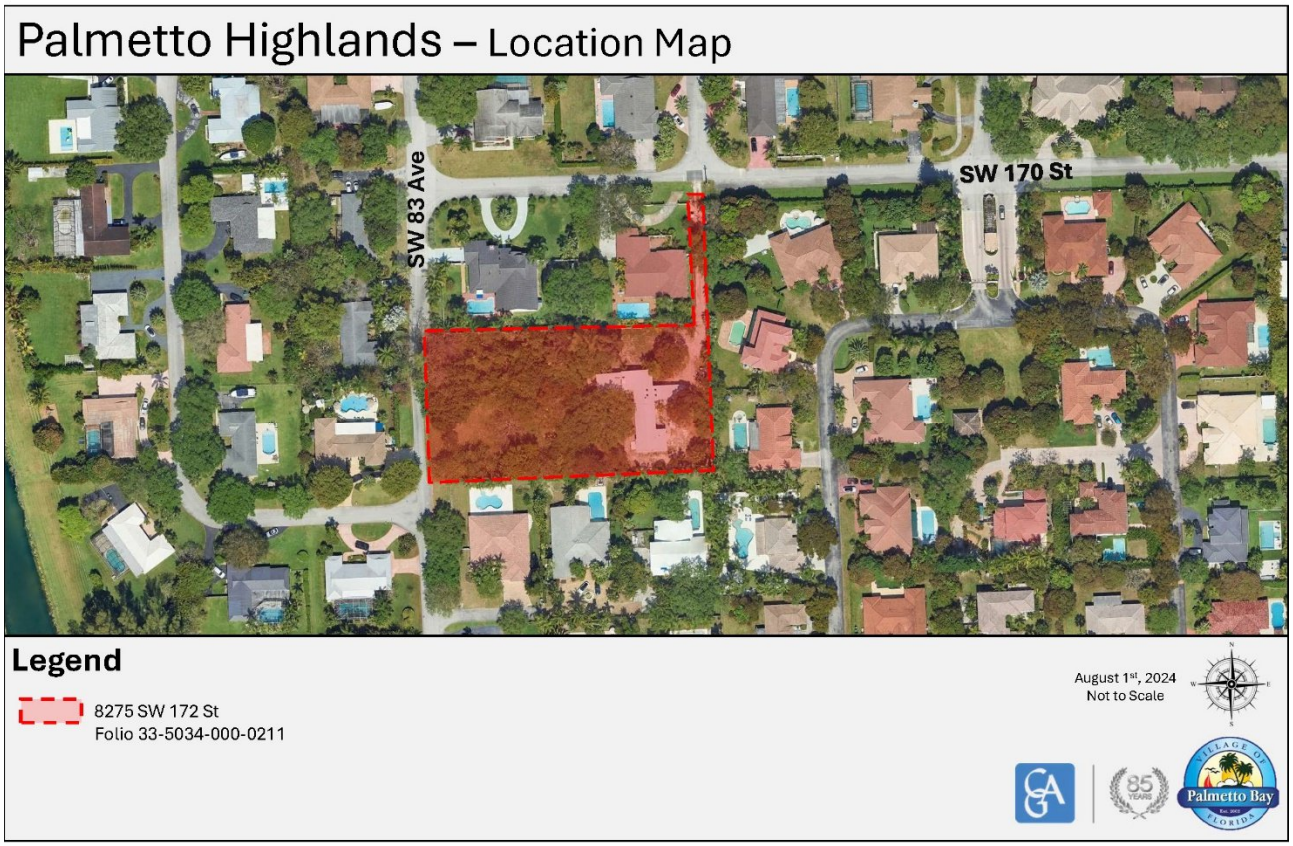
RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; PURSUANT TO SECTION 30-80, PLATTING AND SUBDIVISIONS; AUTHORIZING THE FINAL PLAT OF CERTAIN LANDS WITHIN THE VILLAGE LOCATED AT 8275 SW 172 STREET (PROPERTY FOLIO 33-5024-000-0211), AS MORE SPECIFICALLY DESCRIBED IN ATTACHMENT "B", BY CREATING THE FINAL PLAT WITH THREE (3) PARCELS TO BE KNOWN AS: "PALMETTO HIGHLANDS".

OVERVIEW

FILE:	PL-24-004
APPLICANT:	Palmetto Highlands, LLC
PROPERTY OWNER:	Palmetto Highlands, LLC
ADDRESS:	8275 SW 172 Street
FOLIO:	33-5034-000-0211
LOT SIZE:	56,628 gross square feet (1.3 acres)
UNIT SIZE:	N/A
FLUM:	Estate Density Residential (EDR)
ZONING:	Estate Modified Single Family District (E-M)
EXISTING USE:	Single-family

BACKGROUND

On January 25th, 2021, the Village of Palmetto Bay approved Ordinance No. 2021-02, amending the zoning map for the above-mentioned property (Folio 33-5034-000-0211) to change the zoning designation from Agricultural (AG) to Estate Modified Single-Family District (E-M).



On February 22, 2021, the Village approved Resolution No. 2021-19 (Zoning Application VPB-20-011), approving a lot split from one (1) lot into three (3) and a tentative plat to develop two additional single-family home sites in addition to the existing single-family home located at 8275 SW 172nd Street in the E-M District. This resolution also included the approval of a variance for minimum lot frontage to permit frontages of 84 and 84.61 feet where 120 feet is required, pursuant to Section 30-50.4. – Estate Modified Single Family District, Section 30-30.6. – Variances, Section 30-30.5. – Site plan approval, and Section 30-80.1. – Subdivision plat approval of the Village's Zoning Code.

The Applicant's tentative plat has been reviewed by Miami-Dade County Plat Committee. The Applicant is now requesting approval of the Final Plat, Application PL-24-004 (Attachment "A"), pursuant to Section 30-80.2 and Section 30-80.3 of the Zoning Code. These sections include procedures and requirements for obtaining approval of a plat subdivision as defined by Chapter 177, Florida Statutes. Plats are required whenever land is subdivided in the Village of Palmetto Bay.

All proposed plats must be in conformance with the Village's adopted Comprehensive Plan and Zoning Ordinances, as reviewed by staff. If approved, the Final Plat (Attachment "B") will be returned to Miami-Dade County for formal recordation in the public records.

ANALYSIS

Section 30-80.1 – Subdivision plat approval of the Village's Zoning Code establishes procedures and requirements for obtaining approval of a plat pursuant to this Division 30-80 and Chapter 177, Florida Statutes. The applicant has met the requirements of this Division and Florida Statutes.

APPLICATION:

The owner, Palmetto Highlands, LLC, requests approval of a final plat to allow for the creation of two (2) additional single family lots from a 1.3-acre parent tract at 8275 SW 172 Street, to be known as "Palmetto Highlands". The final plat was prepared by Suarez Surveying & Mapping, Inc, and certified on July 28, 2022. The final plat and proposed lots associated with the plat conform with the Estate Density Residential (EDR) land use designation and generally conform with the requirements of the Estate Modified Single Family District (E-M) as to lot size and lot depth.

As stated previously, Resolution No. 2021-19 (Zoning Application VPB-20-011) concurrently approved a variance for minimum lot frontage of 84 feet for Lot 2 and 84.61 feet for Lot 3, as shown in the attachments, where a 120-foot frontage was required, per Section 30-50.4(d).

STAFF RECOMMENDATION

The Village staff recommends that the Mayor and Village Council approve application PL-24-004 for a Final Plat known as "Palmetto Highlands" showing Lot 1 fronting SW 170 Street and Lots 2 and 3 fronting SW 83 Avenue with the following conditions:

1. The approval is based on the Final Plat entitled "Palmetto Highlands" prepared by Suarez Surveying & Mapping, Inc, and certified on July 28, 2022.
2. The Final Plat is submitted to Miami-Dade County for recordation in the public records.

ATTACHMENTS

Attachment "A": Application package
Attachment "B": Palmetto Highlands Final Plat

RESOLUTION NO. 2024-____
Application No. PL-24-004

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING, PURSUANT TO SECTION 30-80, PLATTING AND SUBDIVISIONS; AUTHORIZING THE FINAL PLAT OF LAND LOCATED AT 8275 SW 172 STREET (PROPERTY FOLIO 33-5024-000-0211), AS MORE SPECIFICALLY DESCRIBED IN ATTACHMENT "A", BY CREATING THE PLAT WITH FIVE (5) PARCELS TO BE KNOWN AS: "PALMETTO HIGHLANDS".

WHEREAS, the Applicant, Palmetto Highlands, LLC., has applied for a final plat; and

WHEREAS, the subject property is located at 8275 SW 172 Street and is designated as folio number 33-5024-000-0211; and

WHEREAS, the property is designated "Estate Modified Single Family Zoning District (E-M) on the Village of Palmetto Bay Zoning Map, as adopted on January 25, 2021 by Ordinance 2021-02; and

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay conducted a public hearing on the application at Village Hall, 9705 East Hibiscus Street on September 16, 2024; and

WHEREAS, the Village Council finds, based on substantial competent evidence in the record, that the application for final plat is consistent with the Village of Palmetto Bay's Comprehensive Plan and the applicable Land Development Regulations; and

WHEREAS, based on the foregoing finding, the Village Council determined to approve the application.

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

SECTION 1. The above recitals are incorporated as set forth in full.

Section 2. A public hearing on the present application was held on September 16, 2024 in accordance with the Village's "Quasi-judicial Hearing Procedures". Pursuant to the testimony and evidence presented during the hearing, the Village Council makes the following findings of fact, conclusions of law, and final order.

Section 3. Findings of fact.

1. That the subject property is located at 8275 SW 172 Street and is designated as folio number 33-5024-000-0211.

2. After hearing testimony from Village Staff, the applicant, the property owner and the public, the Village Council accepted the findings of Village Staff as it relates to the following provisions of the Village's Code of Ordinances: Section 30-80 "Platting and Subdivisions".

3. The application for the final plat is found consistent with the Village's Land Development Code, as specified in the Planning and Zoning Division Staff Report.

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

Section 4. Conclusions of Law.

The application for the final plat was reviewed pursuant to Section 30-80 "Platting and Subdivisions" of the Village's Code of Ordinances and was found to be consistent.

Section 5. Order.

The Village Council approves the application for a final plat request for Palmetto Highlands, LLC. at 8275 SW 172 Street and is designated as folio number 33-5024-000-0211, to allow for three (3) lots to be platted; based upon review of Section 30-80 "Platting and Subdivisions" of the Village Zoning Code, as more particularly described in the attached application and survey that is included in the public hearing package.

1. The approval is based on the Final Plat Sheets 1 and 2 of 2 entitled "Palmetto Highlands" prepared by Suarez Surveying &

Mapping, Inc, and certified on July 28, 2022.

2. That the final plat be submitted to Miami-Dade County for recordation.

This is the final order.

Section 6. 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 7. This Resolution shall take effect immediately upon approval.

Section 8. This Resolution shall be recorded in the public records of Miami-Dade County at the cost of the Applicant.

PASSED AND RESOLVED this 16th of September 2024.

Attest:

_____	_____
Missy Arocha	Karyn Cunningham
Village Clerk	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 ____

Council Member Marsha Matson ____

Vice-Mayor Leanne Tellam ____

Mayor Karyn Cunningham ____

PL	Village of Palmetto Bay APPLICATION FOR PLAT / SUBDIVISION

Date: 07/16/2024
Application No: PL-24-004
PURPOSE OF APPLICATION: ☐ Tentative Plat ■ Final Plat ☐ Other Plat

RECEIVED
Zoning Department
July 25, 2024
Village of Palmetto Bay
Planning & Zoning Department
By: NB

Petitioner / Applicant: Palmetto Highlands, LLC

Petitioner / Applicant Address: 3936 Main Highway, Miami, FL 33133

Phone: 305-431-2315 E-mail: Mitchell@HolderHomes.com

Petitioner's Relation to Subject Property: Owner

If Petitioner is not Owner, Name of Owner: _____

Address of Owner: _____

Signature of Petitioner: _____ for Palmetto Highlands, LLC

Proposed Plat / Subdivision Name: Palmetto Highlands

Address of Property: 8275 SW 172nd Street, Palemtto Bay, 33157

Folio: 33-5034-000-0211

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: _____

Sworn to and subscribed before me this 17 day of July 2024 by Mitchell Holder.

☑ He/She is personally known to me or

☐ He/She has presented _____ as identification.

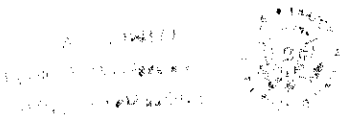
Signature of Notary Public _____
Type or Print Name Lenni R. Traad

NOTARY PUBLIC STATE OF FLORIDA

LENNI R. TRAAD
Commission # HH 336199
Expires March 27, 2027

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

Revision 11/2022



PL - 24-004
RECEIVED
Zoning Department
July 25, 2024
Village of Palmetto Bay
Building & Zoning Department
By

OPINION OF TITLE

To: Miami-Dade County, Florida

With the understanding that this Opinion of Title is furnished to Miami-Dade County, Florida as inducement to create a Special Taxing District on the subject property and/or for a Development Agreement and/or in compliance with Chapter 28 and/or as an inducement for acceptance of a proposed final subdivision plat covering the real property, hereinafter described, it is hereby certified that I have examined a computerized Title Search Report covering the period from the beginning to the *22th day of May, 2024*, at the hour of *11:00 p.m.* inclusive, of the following described property:

The South 1/2 of the North 1/2 of the West 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 34, Township 55 South, Range 40 East, lying and being in Miami-Dade County, Florida.

And

The East 15 feet of the North 1/2 of the North 1/2 of the West 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 34, Township 55 South, Range 40 East, lying and being in Miami-Dade County, Florida, less the North 25' thereof.

I am of the opinion that on the last-mentioned date, the fee simple title to the above-described real property was vested in:

PALMETTO HIGHLANDS LLC, a Florida Limited Liability Company

Note: The parties comprising the Limited Liability Company and/or the parties authorized to execute documents on behalf of the owner as identified by Limited Liability Company's filing with the Division of Corporations with the State of Florida are as follows:

Authorized Person(s) Detail -

Name & Address:

Title MGR

FERNANDES, MARCELO O
3936 MAIN HIGHWAY
MIAMI, FL 33133

Title MGR

HOLDER, MITCHELL T
3191 GRAND AVENUE, SUITE 604
MIAMI, FL 33133

Subject to the following encumbrances, liens and other exceptions (If "**none**" please indicate):

1. **RECORDED MORTGAGES:**

NONE.

OPINION OF TITLE
Page Two

2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:

NONE.

3. **GENERAL EXCEPTIONS:**

1. Taxes for the year 2024, and any taxes or special assessments, which are not shown as existing liens by the public records.

2. Rights or claims of parties in possession not shown by the public records.

3. Encroachments, overlaps, boundary line disputes, and any other matters not shown of record which would be disclosed by an accurate survey and inspection of the premises.

4. Easements or claims of easements not shown by the public records.

5. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

6. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.

4. **SPECIAL EXCEPTIONS:**

Ingress and Egress Easement contained in Warranty Deed recorded in O.R. Book 6619, Page 26, Public Records of Miami-Dade County, Florida.

Underground Easement recorded January 18, 2024, in O.R. Book 34057, Page 3321, Public Records of Miami-Dade County, Florida.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions.

The following is a description of the aforementioned computerized abstract continuation from the prior owner's title insurance policy with the effective date of April 16, 2021:

File Number	Company Certifying	No. of Entries	Period Covered
RE-24-030 Updated	Attorneys' Title Fund Services, LLC.	4	10/26/2023 - 05/22/2024

Therefore, it is my opinion that the following parties should join in any agreement affecting the subject property in order to make said agreement a valid and binding covenant on the lands described herein:

PL-24-004
RECEIVED
Zoning Department
July 25, 2024
Village of Palmetto Bay
Building & Zoning Department
By: AB

OPINION OF TITLE
Page Three

PALMETTO HIGHLANDS LLC, a Florida Limited Liability Company.

A prior owner's title insurance policy was provided in advance of the date of this Opinion of Title with an effective date of September 18, 2020.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the state of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 5th day of June, 2024.

LAW OFFICE OF
BARRY L. SIMONS, P.A.
The Tate Building
7300 N. Kendall Drive, Suite 680
Miami, Florida 33156
(305) 670-7020
FAX (305) 670-8570
FBN: 866032

COUNTY OF MIAMI-DADE)
SS:
STATE OF FLORIDA)

BARRY L. SIMONS, ESQUIRE

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 5th day of June, 2024, by Barry L. Simons, Esquire. He is personally known to me or has produced _____ as identification.

LISPPI AURORA MONTERREY
Notary Public - State of Florida
Commission # HH 172973
My Comm. Expires Sep 7, 2025
Bonded through National Notary Assn.

Notary Public, State of Florida
My Commission Expires: Sept. 7, 2025
Print Name of Notary: Lisppi Aurora Monterrey

PL-24-004
RECEIVED
Zoning Department
July 25, 2024
Village of Palmetto Bay
Building & Zoning Department
By:

Old Republic National Title Insurance Company

OWNER'S POLICY

Schedule A

Policy No.:
OF6-8825493

Date of Policy:
September 18, 2020 @ 08:56 AM

Agent's File Reference:
20-050

Amount of Insurance: $615,000.00

Premium: $3,150.00

Address Reference: 8275 SW 172nd Street, Palmetto Bay, FL 33157

1. Name of Insured: Palmetto Highlands, LLC, a Florida limited liability company

2. The estate or interest in the Land that is insured by this policy is: Fee Simple as shown by instrument recorded as Document No. 2020-0531356 in Official Records Book 32105, Page 4440, of the Public Records of Miami-Dade County, Florida.

3. Title is vested in: Palmetto Highlands, LLC, a Florida limited liability company

4. The Land referred to in this policy is described as follows:

   The South 1/2 of the North 1/2 of the West 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 34, Township 55 South, Range 40 East, lying and being in Miami-Dade County, Florida.

   And

   The East 15 feet of the North 1/2 of the North 1/2 of the West 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 34, Township 55 South, Range 40 East, lying and being in Miami-Dade County, Florida, less the North 25' thereof.

Old Republic National Title Insurance Company

400 Second Avenue South, Minneapolis, Minnesota 55401, (612) 371-1111

Agent No.: **19801**

Issuing Agent:

Law Office of Barry L. Simons, P.A.
9100 South Dadeland Blvd.
Suite 400
Miami, FL 33156

Agent's Signature

Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Perla Tabares Hantman, Chair
Dr. Steve Gallon III, Vice Chair
Lucia Baez-Geller
Dr. Dorothy Bendross-Mindingall
Christi Fraga
Dr. Lubby Navarro
Dr. Marta Pérez
Mari Tere Rojas
Luisa Santos

October 19, 2021

PL-24-004
RECEIVED
Zoning Department
July 25, 2024
Village of Palmetto Bay
Building & Zoning Department
By: NB

VIA ELECTRONIC MAIL

Mr. Marcelo O. Fernandes
3936 Main Highway
Coconut Grove, Florida 33133
marcelo@groveproperties.com

RE: PUBLIC SCHOOL CONCURRENCY
PALMETTO HIGHLANDS - VPB-20-011 - T-24621
LOCATED AT 8275 SW 172 STREET, PALMETTO BAY, FL 33157
PT3321080400382 - FOLIO NO.: 3350340000211

Dear Applicant,

Pursuant to State Statutes and the Interlocal Agreement for Public School Facility Planning, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, the School District's Concurrency Determination revealed the applicable Level of Service (LOS) standards of 100% Florida Inventory of School Housing (FISH) have not been impacted by the proposed development, which contains 2 new units and one existing.

Therefore, the application has complied with the requirements of this public school concurrency determination for the next six (6) years. If in the future the number of units changes and if building permits have not been issued by August 5, 2027, a new Public School Concurrency Determination must be conducted prior to the Village of Palmetto Bay issuing a development order.

Should you have any questions, please feel free to contact me at 305-995-7285

Best regards,

Ivan M. Rodriguez, R.A.
Director

Enclosure

L-121

cc: Ms. Nathaly Simon
Village of Palmetto Bay
School Concurrency Master File

Planning, Design & Sustainability
Ms. Nathaly Simon, Eco-Sustainability Officer • 1450 N.E. 2nd Avenue • Suite 525 • Miami, FL 33132
305-995-7285 • 305-995-4760 (FAX) • nsimon1@dadeschools.net

Concurrency Management System (CMS)

Miami-Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System

School Concurrency Determination

MDCPS Application Number:	**PT3321080400382**	Local Government (LG):	**Palmetto Bay**
Date Application Received:	**8/4/2021 1:21:07 PM**	LG Application Number:	**VPB-20-011**
Type of Application:	**Plats**	Sub Type:	**New Plat**
Applicant's Name:	**Palmetto Highlands**		
Address/Location:	**8275 SW 172 Street, Palmetto Bay, FL 33157**		
Master Folio Number:	**3350340000211**		
Additional Folio Number(s):			
Name of Subdivision:	**Palmetto Highlands**	T-Plat number:	**24621**

PROPOSED # OF UNITS	**2**
SINGLE-FAMILY DETACHED UNITS:	**2**
SINGLE-FAMILY ATTACHED UNITS:	**0**
MULTIFAMILY UNITS:	**0**

CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
ADJACENT SERVICE AREA SCHOOLS						

*An Impact reduction of **30.55%** included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a public school concurrency review for this application and has determined that has **No Impact.**

1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7285 / concurrency@dadeschools.net

MIAMI-DADE COUNTY
miamidade.gov

Water and Sewer
PO Box 330316 • 3071 SW 38 Avenue
Miami, Florida 33233-0316
T 305-665-7471

PL-24-004
RECEIVED
Zoning Department
July 25, 2024
Village of Palmetto Bay
Building & Zoning Department
By: MC

Date: 5/19/2022
Water Supply Certification Issued Date: 05/19/2022
Water Supply Certification Number: 2355
Plat Number: T-24621
Plat Name: PALMETTO HIGHLANDS

Applicant: MITCHELL T. HOLDER

Owner/Agent: GROVE PROPERTIES
Organization: PALMETTO HIGHLANDS LLC
8275 SW 172 STREET
MIAMI, FL 33133

Re: Adequate Water Supply Certification

The Miami-Dade Water and Sewer Department (Department) has reviewed the following project with regards to the availability of water supply:

Project Name: PALMETTO HIGHLANDS
Project Location: SW 170 ST & SW 83 AVE Palmetto Bay
Previous Use: ONE SINGLE FAMILY RESIDENCE < 3,001 S.F
& VACANT LAND
Proposed Use: TWO SINGLE FAMILY RESIDENCES (3,001-5,000)S.F
Previous Flow: 210 (GPD)
Total Calculated Flow: 830 (GPD)
Reserved Flow: 620 (GPD)

The Department has evaluated your project pursuant to Policy CIE-5D and WS-2C in the County's Comprehensive Development Master Plan and Limiting Condition No. 5. of the South Florida Water Management District Water Use Permit Number 13-00017-W. Based on its review of all applicable information, the Department hereby certifies that adequate water supply is available to serve the above described project.

This Adequate Water Supply Certification will expire if a building permit is not obtained within the concurrency reservation period as specified in Chapter 33G of the Miami-Dade County Code. If a building permit is obtained for in accordance with the aforementioned condition, this certification will remain active with the building permit process.

Furthermore, be advised that this adequate water supply certification does not constitute Department approval for the proposed project. Additional reviews and approval may be required from sections having jurisdiction over specific aspects of this project. Also, be advised that the gallons per day (GPD) flow reserved herein is for water certification purposes only and may not be representative of GPD flows used in calculating connection fees by the utility providing the service.

Should you have any questions regarding this matter, please contact Maria A. Valdes, Chief, Planning and Water Certification Section, (786) 552-8198 or via email at mavald@miamidade.gov.

Sincerely,

Planning and Water Certification Section
435D8C3B-DB92-445B-8F9A-4353AAFCFC4A

Florida Power & Light Company

PL-24-004
RECEIVED
Zoning Department
July 25, 2024
Village of Palmetto Bay
Building & Zoning Department
By: AC

May 31, 2022

Jorge Ubieta, Jr., P.S.M., Supervisor, Platting Section
Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street, 11th Floor
Miami, Florida 33128-1970

Name: **Palmetto Highlands**
Location: **SW 171st St & 83rd Ave**
Reference: **Tentative Plat Number 24621**

Dear Mr. Ubieta:

Please consider this letter as your notification that satisfactory arrangement for installations of underground electric service have been made in accordance with Ordinance 68-69.

As per our agreement with you, we would appreciate your making these satisfactory arrangements contingent on easements requirements as follows:

( ) Easements necessary for electrical facilities are marked on the attached copy of the subject tentative plat and a duplicate was sent to: Tentative Plat File

( ) No additional easements are required at this time for electrical facilities. FPL has no objection to the vacating of the platted easement and no objection to the plat. We have also reviewed the Tentative Plat and have no objection to the vacation and closure of the easement or the approval (and recording) of the final Plat

( ) Easements have been assured verbally by the surveyor.

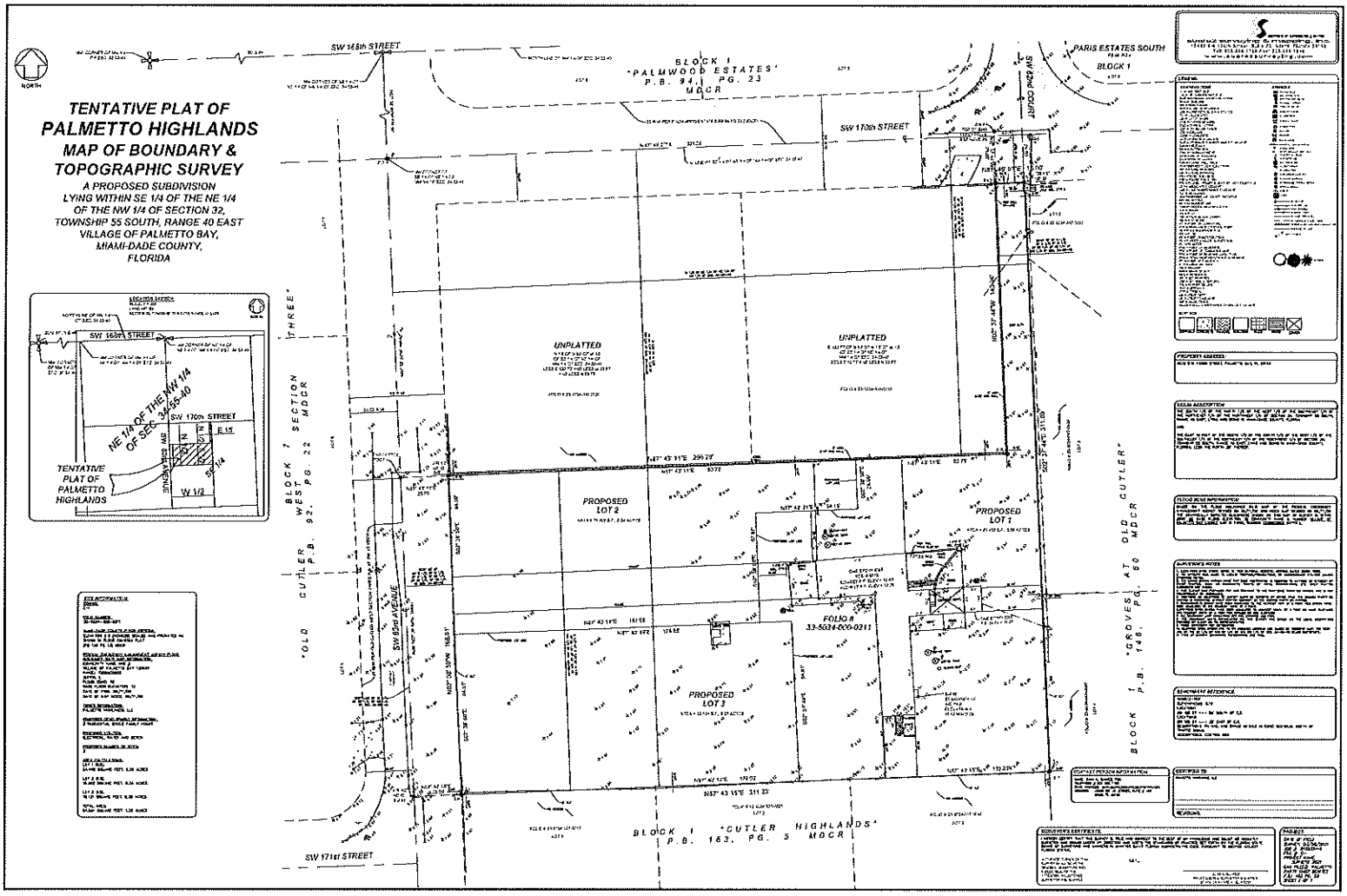
(X) Easements to be procured by instrument at a later time.

Additionally, contributions in aid of construction for installation of underground electrical facilities will be collected at a later date.

If there are any questions or you need any further information, please call Jean Diaz at 305-387-6636 for further assistance.

Sincerely,

Jean Diaz
Engineering Lead


TENTATIVE PLAT OF
PALMETTO HIGHLANDS
MAP OF BOUNDARY &
TOPOGRAPHIC SURVEY
A PROPOSED SUBDIVISION
LYING WITHIN SE 1/4 OF THE NE 1/4
OF THE NW 1/4 OF SECTION 32,
TOWNSHIP 55 SOUTH, RANGE 40 EAST
VILLAGE OF PALMETTO BAY,
MIAMI-DADE COUNTY,
FLORIDA
NORTH
SW 168th STREET
SW 170th STREET
SW 171st STREET
SW 92nd COURT
SW 80nd AVENUE
BLOCK 1
"PALMWOOD ESTATES"
P.B. 94, PG. 23
M.D.C.R.
PARIS ESTATES SOUTH
BLOCK 1
UNPLATTED
UNPLATTED
PROPOSED
LOT 2
PROPOSED
LOT 1
PROPOSED
LOT 3
FOLIO #
33-5034-000-0211
BLOCK 1
"CUTLER HIGHLANDS"
P.B. 163, PG. 5
M.D.C.R.
BLOCK 7 SECTION THREE"
WEST P.B. 92, PG. 22
"OLD CUTLER
BLOCK 1 P.B. 148, PG. 60 M.D.C.R.
"GROVES AT OLD CUTLER"
NE 1/4 OF THE NW 1/4
OF SEC. 32-55-40
TENTATIVE
PLAT OF
PALMETTO
HIGHLANDS
W 1/2
SW 1/4

RECEIVED
Zoning Department
July 25, 2024
Village of Palmetto Bay
Planning & Zoning Department
By: AB
PL-24-004

UNITED STATES POSTAL SERVICE™

SFL MODE OF DELIVERY AGREEMENT FOR NEW DEVELOPMENTS
Residential Homeowners

PLEASE COMPLETE HIGHLIGHTED AREAS

NAME OF PROJECT Palmetto Highlands DATE 10/24/2023
ADDRESS OF PROJECT 8275 SW 172 Street, Palmetto Bay, FL
POST OFFICE/ZIPCODE 33157
DEVELOPER Palmetto Highlands, LLC Contact 305-431-2315
Mitchell@HolderHomes.com

This project is: NEW CONSTRUCTION X **RENOVATION** ___
Estimated 1ST Occupancy Date: 11/01/2025 **10% Occupancy:** 11/01/2025 **Completion:** 11/01/2026
Information regarding centralized delivery equipment options is available on request.

Type of Project	Deliveries	Equipment-Type #
Apartment/condo/hi-rise complex	___	___
Assisted Living	___	___
Single Family/Townhouse	2	USPS-STD-7C (C)
Other ___	___	___

DEVELOPER / CONTRACTOR / OWNER RESPONSIBILITY IS AS FOLLOWS:

- Equipment type, location and installation of all receptacles must be approved by South Florida Growth Management
- In addition to USPS approval, developer must meet City/State/Federal ADA requirements for all concrete slab/structure access to delivery boxes. As these requirements may vary by city, the Postal service review and approval is for compliance to Postal requirements only.
- Centralized Delivery Equipment and Concrete Slabs are to be installed / maintained by the Developer or its designee. Purchase, installation and maintenance of delivery equipment are the responsibility of the customer. (POM 632.11)
- Keys issued to residents by Developer or its designee (After initial issue, resident/lost or stolen keys are to be requested from the business management office.) Locks changed by: Developer _x___ Management Office _x__ USPS (if available in your area)__x_
- All initial keys and interior of the CBU will be labeled by the Postal Service according to Address Management approved diagrams.
- Letter of introduction and instruction "how to use the CBU and Parcel Lockers". :
- One parcel locker is required for every 10 planned deliveries. "Parcel Concierge", "Parcel Pending", onsite concierge service or package rooms do not satisfy the 1:10 parcel locker requirement. Parcel lockers must be in the same location as the mail delivery.
- If there will be controlled access to the delivery area, a "Key Keeper" or "Lock Box" which accepts Postal Arrow Key must be installed at the entry point. For security reasons the key/fob/card must remain in a lock box on the customer property
- The approved mode of delivery cannot be changed arbitrarily. Mode of delivery must be retained absent an agreement otherwise.

By signing below, I acknowledge I Understand the options and responsibilities for receiving mail delivery service

POSTAL SERVICE REPRESENTATIVE	PROPERTY DEVELOPER / MGR / OWNER
NAME Mayra Bossard	NAME Mitchell Holder
TITLE Manager CIS	TITLE Manager
TELEPHONE # 305-253-4510	TELEPHONE # 305-431-2315
EMAIL mayra.m.bossard	EMAIL Mitchell@HolderHomes.com
SIGNATURE	SIGNATURE Mitchell Holder
DATE 10/31/2023	DATE 10/24/2023

*Required documentation as applicable to your project: SITE PLAN (Indicating proposed delivery location(s) and carrier parking), MAIL ROOM ELEVATIONS, EQUIPMENT SPECS, INSTALLATION SPECS.

PL-24-004

RECEIVED
Zoning Department
July 25, 2024
Village of Palmetto Bay
Building & Zoning Department
By: AB

SITE IMPROVEMENT BOND

Bond No.: 100340377

KNOW ALL MEN BY THESE PRESENTS, that we Palmetto Highlands LLC of the County of Miami-Dade, State of Florida, as "Principal" and Merchants Bonding Company (Mutual) of the City of Des Moines and State of Iowa, as "Surety" are jointly and severally bound unto Village of Palmetto Bay as "Obligee", of the State of Florida in the sum of Thirty-Three Thousand, Two Hundred, Thirty-One and 00/100 Dollars ($33,231.00) for which payment well and truly to be made, we jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns, firmly by these presents.

WHEREAS, the Principal desires to engage in the site improvement activity in accordance with a site improvement plan filed with Obligee at 8275 SW 172 ST, PALMETTO BAY, FL 33157 (location) described as Paving and drainage improvement of the east half section of SW 83rd Ave South of SW 170 Street in conjunction with Miami-Dade County T-Plat #24621 and Village of Palmetto Bay Resolution #2021-19 and paving and drainage plans approved by the Village of Palmetto Bay on 6/12/2023.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall construct or have constructed, the improvements herein described and shall save the Obligee harmless from any loss, cost or damage by reason of its failure to complete said work, then this obligation shall be null and void; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the Principals and Surety have caused these presents to be signed and their seals hereunto this 31st day of January, 2024.

Palmetto Highlands LLC (Seal)

Witness

By: _____
Signature

Witness

Merchants Bonding Company (Mutual)

By: _____
John W. Charlton, Attorney-in-Fact

MERCHANTS BONDING COMPANY™

POWER OF ATTORNEY

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations of the State of Iowa, d/b/a Merchants National Indemnity Company (In California only) (herein collectively called the "Companies") do hereby make, constitute and appoint, individually,

D W Matson III; John W Charlton

their true and lawful Attorney(s)-In-Fact, to sign its name as surety(ies) and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power-of-Attorney is granted and is signed and sealed by facsimile under and by authority of the following By-Laws adopted by the Board of Directors of Merchants Bonding Company (Mutual) on April 23, 2011 and amended August 14, 2015 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 16, 2015.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof."

"The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner-Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 8th day of December , 2022 .

MERCHANTS NATIONAL BONDING, INC. INCORPORATED -o- 2003

MERCHANTS BONDING COMPANY (MUTUAL) INCORPORATED -o- 1933

MERCHANTS BONDING COMPANY (MUTUAL)
MERCHANTS NATIONAL BONDING, INC.
d/b/a MERCHANTS NATIONAL INDEMNITY COMPANY

By Larry Taylor
President

STATE OF IOWA
COUNTY OF DALLAS ss.

On this 8th day of December 2022 , before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument are the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.

NOTARIAL SEAL IOWA
Kim Lee
Commission Number 702737
My Commission Expires
April 14, 2024

Kim Lee
Notary Public

(Expiration of notary's commission does not invalidate this instrument)

I, William Warner, Jr., Secretary of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 31st day of January , 2024 .

MERCHANTS NATIONAL BONDING, INC. INCORPORATED -o- 2003

MERCHANTS BONDING COMPANY (MUTUAL) INCORPORATED -o- 1933

William Warner Jr.
Secretary

Department of Regulatory and Economic Resources
Environmental Resources Management
701 NW 1st Court 6th Floor
Miami, Florida 33136-3912
T 305-372-6567 F 305-372-6407
miamidade.gov

Tree Removal Permit

Permit Number: TREE-2400220
Issuance Date: 05/17/2024
Project Manager: ROBLES, MERLYN M.
Expiration Date: 05/17/2025
Permittee: PALMETTO HIGHLANDS LLC
Address: 9941 SW 195 STREET, CUTLER BAY, FL 33157
(Authorized permit agent:): MITCHELL T HOLDER
Contact phone#: 305-431-2315
E-mail address: MITCHELL@HOLDERHOMES.COM
Project Location: 8275 SW 172 ST, PALMETTO BAY, FL 33157-4766
Folio(s): 3350340000211
Process Number(s): M2024002774
Bond Required: N/A

PL-24-004
RECEIVED
Zoning Department
July 25, 2024
Village of Palmetto Bay
Building & Zoning Department
By: AB

Approved Work:

- **Removal of the following non-specimen trees: 4 *Bursera simaruba***

Total canopy approved for removal is 2,395 square feet.

Total canopy approved for relocation is 0 square feet.

The trees above have been depicted and identified in the Boundary Survey entitled "8275 SW 172nd Steet, Pametto Bay, Florida 33157", prepared by Suarez Surveying and Mapping Inc., as received by the Department of Regulatory and Economic Resources (RER), Division of Environmental Resources Management (DERM), Tree and Forest Resources Section on May 17, 2024. All work shall be performed in accordance with the Tree Disposition Plan referenced above, as stamped "Approved" by the Tree and Forest Resources Section on May 17, 2024.

Pursuant to Section 24-49.9 of the Code of Miami-Dade County, the scope of work shall include the removal of all existing prohibited plant species within the development area of the property.

Department of Regulatory and Economic Resources
Environmental Resources Management
701 NW 1st Court 6th Floor
Miami, Florida 33136-3912
T 305-372-6567 F 305-372-6407
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SPECIAL PERMIT CONDITIONS

TREE CANOPY MITIGATION REQUIREMENTS

1. To mitigate for the loss of tree canopy, the permittee shall replace 2,395 ft^2 of tree canopy pursuant to Section 24-49 of the Code of Miami-Dade County. The permittee has chosen to contribute $957.70 into the Miami-Dade County Tree Trust Fund to satisfy the mitigation requirements in accordance with the Canopy Replacement Plan dated as received by the Tree and Forest Resources Section on May 16, 2024. This contribution shall be used for the planting of trees on publicly owned property (Fund TF 112).

TREE PRESERVATION REQUIREMENTS

2. The following specimen and non-specimen trees are to remain: All trees labeled "Remain" in accordance with the Boundary Plan stamped reviewed by the Tree and Forest Resources Section.

Department of Regulatory and Economic Resources
Environmental Resources Management
701 NW 1st Court 6th Floor
Miami, Florida 33136-3912
T 305-372-6567 F 305-372-6407
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TREE PROTECTION REQUIREMENTS

3. Protective barriers shall be constructed around each tree or cluster of trees prior to the commencement of construction activities on-site. The protective barriers shall be constructed of wood, plastic or metal and shall be a minimum of four (4) feet above ground level. The protective barriers shall be placed extending from the tree trunk of any protected tree or cluster of trees no less than the critical root zone of the tree (approximately the distance between trunk and drip line of the tree or six (6) feet (radius distance), whichever is greater. Protective barriers shall be in place prior to the start of any construction, must remain in place until development is completed and DERM has authorized their removal.
4. During all site work and construction, no soil, vehicles, heavy equipment (such as bulldozers or backhoes), fill, building materials, construction debris, or dead vegetation shall be placed, stored, or deposited within the areas protected by barriers, nor shall there be disposal of any waste material such as paints, oils, solvents, asphalt, concrete, mortar or any other material harmful to trees or understory plants within the areas surrounded by protective barriers. Natural grade shall be maintained within protective barriers. If the natural grade of the site is changed because of site development such that the health or safety of the tree(s) may be endangered, tree wells or retaining walls will be required.
5. A barrier inspection shall be required prior to commencement of any work or construction on the property that is subject to this permit, including but not limited to any preconstruction clearing or grading of the parcel. A Barrier Inspection Request form (available for download) shall be submitted at least two (2) weeks before commencement of any work pursuant to this condition and work is prohibited until the barrier inspection has been conducted and the barriers approved by DERM.
6. All tree related work shall be performed in accordance with the most recent ANSI A-300 standard Practices for Tree Care Operations, Parts 1, 2, 5, 6, 8 and their companion Best Management Practices issued by the International Society of Arboriculture (ISA). Canopy and/or root pruning should be performed under the supervision of an ISA Certified Arborist.
7. Improper tree trimming that includes, but is not limited to, top pruning (sometimes referred as hat-racking or topping), may result in the effective destruction of trees. Effective destruction is defined in Chapter 24 of the Code of Miami-Dade County as "the girdling, or damaging of a tree trunk, branch or root system, or cutting, pruning or trimming not done in accordance with the most recent ANSI A-300 Standard Practices for Tree Care Operations. Effectively destroyed trees have an increased risk of failure and may become a hazard to persons or property. Effective destruction of regulated trees is prohibited unless prior written approval has been obtained from DERM.
8. Fences and walls shall be constructed to avoid disturbance to any protected tree(s). Post holes and trenches located close to the tree(s) shall be dug by hand and adjusted as necessary, using techniques such as discontinuous footings, to avoid damage to major roots.
9. Underground utility lines shall be placed outside the areas surrounded by protective barriers. If placement is not possible, disturbance shall be minimized by using techniques such as tunneling or overhead utility lines.
10. All work shall be conducted in a manner that avoids adverse impacts to the remaining and/or relocated trees (including their critical root zone) depicted in the landscape plan approved by DERM.

GENERAL PERMIT CONDITIONS

1. This permit does not convey to the permittee or create for the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee.

Department of Regulatory and Economic Resources
Environmental Resources Management
701 NW 1st Court 6th Floor
Miami, Florida 33136-3912
T 305-372-6567 F 305-372-6407
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2. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.

3. The Permittee authorizes DERM representatives to inspect the work site during normal business hours to ensure that all terms and conditions of this permit are being met.

4. This permit and plans shall be kept on-site during all phases of preconstruction activities such as demolition, clearing and grubbing of parcel, earthwork, regarding and throughout construction. The complete permit shall be available for review at the work site upon request by DERM staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

Department of Regulatory and Economic Resources
Environmental Resources Management
701 NW 1st Court 6th Floor
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5. Pursuant to Section 24-49 of the Code of Miami-Dade County and the minimum requirements of the Miami-Dade County Landscape Ordinance, prohibited plant species shall be removed or eradicated from each property upon development or redevelopment. This condition shall not apply to properties that are not being developed or redeveloped. A prohibited plant species list is included below. These prohibited species shall be removed upon development or redevelopment and within one year of permit issuance. Furthermore, prohibited plant species shall not be sold, propagated, planted, imported, or transported on property that is subject to this permit unless a variance has been granted by Miami-Dade County.

Abrus precatorius (Rosary pea)	*Acacia auriculiformis (Earleaf acacia)*	*Adenanthera pavonina (red sandalwood)*
Albizia lebbeck (Woman s tongue)	*Hymenachne amplexicaulis (W Indian marsh grass)*	*Antigonon leptopus (Coral vine)*
Ardisia crenata (coral ardisia)	*Ardisia elliptica (shoebutton ardisia)*	*Bischofia javanica (bishopwood)*
Casuarina spp. (Australian pine)	*Cestrum diurnum (Day jessamine)*	*Cinnamomum camphora (Camphortree)*
Colubrina asiatica (Asian nakedwood)	*Cupaniopsis anacardioides (Carrotwood)*	*Dalbergia sissoo (Indian rosewood)*
Dioscorea alata (White yam)Merremia	*Dioscorea bulbifera (Air potato)*	*Eichornia crassipes (Water-hyacinth)*
Ficus altissima (Council tree)	*Ficus benghalensis (Banyan tree)*	*Ficus microcarpa (Indian laurel)*
Flacourtia indica (Governor s plum)	*Hydrilla verticillata (hydrilla)*	*Hygrophila polysperma (Indian swampweed)*
Imperata cylindrica (Cogongrass)	*Ipomoea aquatica (Water-spinach)*	*Jasminum dichotomum (Gold Coast jasmine)*
Jasminum fluminense (Brazilian jasmine)	*Leucaena leucocephala (lead tree)*	*Ludwigia peruviana (Peruvian primrosewillow)*
Lygodium spp. except L. palmatum	*Macfadyena unguis-cati (Catclaw vine)*	*Melaleuca quinquenervia (Punk tree)*
Melia azedarach (Chinaberry)	*tuberosa (yellow morning-glory)*	*Mikania micrantha (Mile-a-minute, bittervine)*
Mimosa pigra (Black mimosa)	*Neyraudia reynaudiana (Burmareed)*	*Paederia spp. (Sewervine, skunkvine)*
Panicum repens (Torpedograss)	*Pennisetum purpureum (Elephantgrass)*	*Pistia stratiotes (Water lettuce)*
Pueraria montana var. lobata (Kudzu)	*Rhodomyrtus tomentosa (Rose myrtle)*	*Rhynchelytrum repens (Natal grass)*
Ricinus communis (castorbean)	*Sapium sebiferum (Chinese tallowtree)*	*Scaevola taccada (Beach naupaka)*
Schefflera actinophylla (Umbrella tree)	*Schinus terebinthifolius (Brazilian pepper)*	*Senna pendula var. glabrata (climbing cassia)*
Solanum tampicense (Aquatic soda apple)	*Solanum viarum (Tropical soda apple)*	*Taliparitti tiliaceum (Mahoe, sea hibiscus)*
Tectaria incisa (Incised halberd fern)	*Thespesia populnea (Seaside mahoe)*	*Tribulus cistoides (Puncture vine)*
Urochloa mutica (Paragrass)		

Department of Regulatory and Economic Resources
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6. Pursuant to Sections 24-49 of the Code of Miami-Dade County, each property subject to this permit shall be maintained to prevent the growth or accumulation of all prohibited species including non-native grasses, weeds, and undergrowth.

7. The survival of all trees counted towards canopy mitigation shall be ensured to live at least one (1) year from the date the final inspection was passed. If the tree(s) die, they must be replaced by the same Florida grade number one tree of equal or greater size. If the property owner of the mitigated tree(s) changes, the permittee will be held as the responsible party and will be required to replace any destroyed or non-living tree(s).

8. Replanting/relocation must be verified and approved by the Tree and Forest Resources Section of RER- DERM. The applicant shall notify DERM when the replanting is completed to schedule a final inspection (two weeks' notice is required).

9. Any contributions made to the Tree Trust Fund to satisfy canopy replacement requirements will be used for planting on publicly owned parcels unless otherwise specified.

10. Prior to performing any work that would have the potential to impact underground utilities, the permittee and contractor shall verify the location of all underground and overhead utility lines and verify that no utilities will be damaged by the work. Contact Sunshine 811 One-Call at 811 or on the web: http://www.sunshine811.com/ to locate underground utility lines. No clearing, excavation, earthwork, tree removal or planting shall commence until the permittee and contractor have verified that utilities will not be damaged by any work.

DISCLAIMER:

ALL WORK SHALL BE IN ACCORDANCE WITH THE CONDITIONS CONTAINED HEREIN. THE PERMITTEE IS RESPONSIBLE FOR COMPLIANCE OF ALL CONTRACTORS AND SUBCONTRACTORS WITH THE CONDITIONS AND LIMITATIONS OF THIS PERMIT AS APPLICABLE. EXCEPT AS AUTHORIZED BY THIS PERMIT, ANY PROTECTED TREE(S) THAT ARE REMOVED OR EFFECTIVELY DESTROYED SHALL CONSTITUTE A VIOLATION OF SECTION 24-49 OF THE CODE OF MIAMI-DADE COUNTY AND WILL BE PURSUED AS SUCH. IN ADDITION, ANY NON-COMPLIANCE WITH THE CONDITIONS OF THIS PERMIT WILL SUBJECT THE PERMITTEE AND RESPONSIBLE CONTRACTORS OR INDIVIDUALS TO THE PENALTY PROVISIONS OF SECTION 24-49, 24-30, 24-31 AND 8CC OF THE CODE OF MIAMI-DADE COUNTY.

ISSUANCE OF THIS PERMIT DOES NOT RELIEVE THE PERMITTEE FROM THE REQUIREMENT TO OBTAIN AND COMPLY WITH ALL NECESSARY APPROVALS OR PERMITS FROM THE LOCAL MUNICIPALITY, OR ANY OTHER GOVERNMENT ENTITY HAVING JURISDICTION RELATING TO THE AUTHORIZATIONS CONTAINED HEREIN.

FAILURE TO COMPLY WITH ALL CONDITIONS OF THIS PERMIT MAY RESULT IN PERMIT REVOCATION, BOND FORFEITURE, WITHHOLDING OF MY CERTIFICATE OF OCCUPANCY, AND ENFORCEMENT ACTION AGAINST ME BY THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES. I ASSUME FULL RESPONSIBILITY FOR THE ACTIONS OF ALL MY EMPLOYEES, AGENTS, AND PERSONS UNDER DIRECT OR INDIRECT CONTRACTUAL OBLIGATION TO ME WITH RESPECT TO COMPLIANCE WITH THE CONDITIONS AND LIMITATIONS CONTAINED WITHIN THIS PERMIT.

DocuSign Envelope ID: 151AC752-A239-4043-9DD9-2D3DA5118CBA

ORDINANCE NO. 2021 -02

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AMENDING THE ZONING MAP, REFERRED TO IN SECTION 30-10.5 TO CHANGE THE ZONING DESIGNATION FROM "AGRICULTURAL" ("AG"), PERMITTING 1 SINGLE_FAMILY RESIDENTIAL UNIT PER 5 GROSS ACRES TO "ESTATE MODIFIED SINGLE-FAMILY" ("E-M"), PERMITTING ONE DWELLING UNIT PER 15,000 GROSS SQUARE FEET OF LAND; PROVIDING FOR CONFLICTING PROVISIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 9, 2020 the Village of Palmetto Bay received and application for a change of zoning from Agriculture District (AG) to Estate Modified Single-Family (E-M) for the 1.25-acre property at 8275 SW 172nd Street, folio # 33-5034-000-0211;

WHEREAS, the property is located along SW 83rd Avenue between SW 170th Street and SW 172nd Street, and includes a 15-foot driveway access to SW 170th Street;

WHEREAS, the property is zoned "Agricultural District" ("AG");

WHEREAS, the property consists of a legally non-conforming parcel that is not subdivided or platted;

WHEREAS, the property is entirely and consistently surrounded by residential properties that are zoned "E-M" within stable neighborhoods;

WHEREAS, the request would be consistent with the Village of Palmetto Bay adopted Comprehensive Plan and Future Land Use Map, in which the property is designated as Estate Density Residential;

WHEREAS, the applicant's request is to support the construction of single-family homes which is consistent with the intent of the Village of Palmetto Bay Comprehensive Plan and the applicable Land Development Regulations of the surrounding area;

WHEREAS, the Agricultural zoning of the property is a legacy zoning on a property that is legally non-conforming in terms of lot size, lot frontage, lot depth, and residential density;

WHEREAS, the Agricultural zoning of the property permits land use and building occupations that are no longer compatible with the character of the surrounding mature and stable estate-density single-family neighborhood;

WHEREAS, the Agricultural designation and plat extend to the centerline of SW 83rd Avenue, and rezoning to E-M and subsequent re-platting will require dedication of the half-section such that SW 83rd Avenue can be completed as a two-way section, improving access to the homes to the south of this roadway segment and improving safety;

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a hearing on first reading of the application at Village Hall, 9705 East Hibiscus Street on October 19, 2020, and approved the ordinance for consideration on second reading with a request that the applicant provide a wildlife habitat survey and analysis;

WHEREAS, the applicant has provided a wildlife habitat survey and analysis of the property, performed by RS Environmental Consulting and dated January 5, 2021, and that report has concluded, "no evidence of species use, particularly by threatened or endangered species is anticipated.";

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a hearing on second reading of the application at Village Hall, 9705 East Hibiscus Street on January 25, 2021;

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the change of zoning district designation is consistent with the Village of Palmetto Bay Comprehensive Plan and the applicable Land Development Regulations in Section 30-80.1, Subdivision Plat Approval;

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WHEREAS, based on the foregoing finding, the Mayor and Village Council determined to approve the ordinance on second reading;

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. Findings. The Village Council hereby incorporates the "Whereas" clauses recited above as findings.

Section 2. Amendment to the Village of Palmetto Bay Zoning Map §30-10.5. The adopted Zoning Map of the Village of Palmetto Bay, §30-50.5, is hereby approved for consideration to amended on second reading.

Section 3. Conflicting Provisions. The provisions of the Code of Ordinances of the Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the provisions of this zoning map amendment are hereby repealed.

Section 4. Effective Date. This Ordinance shall take effect upon approval.

PASSED AND APPROVED this 25th day of January 2021.

Attest:

DocuSigned by:
Missy Arocha
6EDC211E5E8C48C...
Missy Arocha
Village Clerk

DocuSigned by:
Karyn Cunningham
35B93CD2D0CB470...
Karyn Cunningham
Mayor

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

DocuSigned by:
John C. Dellagloria, Esq.
0D0A0D709243456...
John C. Dellagloria, Esq.
Village Attorney

DocuSign Envelope ID: 151AC752-A239-4043-9DD9-2D3DA5118CBA

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore	YES
Council Member Steve Cody	YES
Council Member Marsha Matson	YES
Vice Mayor Leanne Tellam	YES
Mayor Karyn Cunningham	YES

DocuSign Envelope ID: A3DA376B-9E3E-4076-A871-9121301B3F15

RESOLUTION NO. 2021-19

ZONING APPLICATION VPB-20-011

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REQUESTING SITE PLAN APPROVAL FOR A LOT SPLIT AND TEMPORARY PLAT TO DEVELOP TWO SINGLE-FAMILY HOMES IN ADDITION TO THE EXISTING SINGLE FAMILY HOME ON A SINGLE LOT LOCATED AT 8275 SW 172ND STREET, COMPRISING 1.25-ACRES IN THE ESTATE MODIFIED SINGLE-FAMILY (E-M) ZONING DISTRICT, WITH A VARIANCE FOR MINIMUM LOT FRONTAGE, PUSUANT TO: SECTION 30-50.4, "ESTATE MODIFIED SINGLE-FAMILY DISTRICT"; SECTION 30-30.6, "VARIANCES"; SECTION 30-30.5, "SITE PLAN APPROVAL" AND SECTION 30-80.1, "SUBDIVISION PLAT APPROVAL" OF THE VILLAGE ZONING CODE; PROVIDING FOR CONFLICT, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, on September 9, 2020 the Village of Palmetto Bay received an application by Palmetto Highlands, LLC for a lot split with plat and non-use variance for lot frontage dimensions, and approval of the site plan for two new single-family homes in addition to renovation of the existing single-family home on the site for the 1.25-acre property at 8275 SW 172nd Street, folio # 33-5034-000-0211; and

WHEREAS, the property is located along SW 83rd Avenue generally between SW 170th Street and SW 172nd Street, and includes a 15-foot driveway access to SW 170th Street; and

WHEREAS, the property is designated "Estate Modified Single-Family" ("E-M") on the Village of Palmetto Bay Zoning Map, as adopted on January 25, 2021; and

WHEREAS, the property consists of a legally conforming parcel in the "E-M" zoning district that is not subdivided or platted; and

WHEREAS, to develop the 1.25-acre property with (2) two additional homes, a lot split and plat is necessary for (3) three parcels where there is now (1) one parcel; and

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WHEREAS, the lot split and plat requires a non-use variance to allow for an 84-foot frontage for Lot 2 and an 84.61-foot frontage for Lot 3, and to continue to permit Lot 1 as a flag-lot with 15 feet of frontage where a minimum of 120' frontage is required in the "E-M" zoning district; and

WHEREAS, the request would be consistent with the Village of Palmetto Bay adopted Comprehensive Plan Future Land Use Map (FLUM), in which the property is designated as Estate Density Residential (EDR); and

WHEREAS, the applicant's request is to support the construction of two new single-family homes in addition to renovating the existing home in situ, which is consistent with the intent of the Village of Palmetto Bay Comprehensive Plan and the applicable Land Development Regulations of the surrounding area; and

WHEREAS, the non-use variance for lot frontages would not cause incompatibilities or any adverse impacts to the neighborhood, as other frontage variances from "E-M" zoning requirements already exist in the surrounding neighborhood and the request would not create a lot arrangement that is incompatible with the surrounding neighborhood; and

WHEREAS, all other proposed lot dimensions satisfy or exceed lot dimensional requirements of the "E-M" zoning district; and

WHEREAS, the applicant's site plan provides that no building setback variances will be required for constructing the homes; and

WHEREAS, the applicant's site plan provides boundaries to assure that buildable area is arranged to retain mature native canopy, so that these trees are in yard setback areas; and

WHEREAS, the plat will require dedication of the half-section of land from the centerline to the east right-of-way line of SW 83rd Avenue, and this new frontage line in addition to improving access and safety to the homes to the south of this roadway segment, it will also provide a new frontage line for two new homes that is compatible and consistent with the surrounding community; and

WHEREAS, the subject property and proposed site plan does not include the half-section of abutting land from the centerline to the south right-of-way line of SW 170th Street along the 15-foot driveway; and

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Village Hall, 9705 East Hibiscus Street on February 22, 2021; and

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the lot dimensional non-use variances are consistent with the Village of Palmetto Bay Comprehensive Plan and the applicable Land Development Regulations in Section 30-30.6, Variances subject to staff analysis conditions; and

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the lot split and temporary plat is consistent with the Village of Palmetto Bay Comprehensive Plan and the applicable Land Development Regulations in Section 30-80.1, Subdivision Plat Approval; and

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the site plan is consistent with the Village of Palmetto Bay Comprehensive Plan and the applicable Land Development Regulations in Section 30-30.5, Site Plan Approval subject to staff analysis conditions; and

WHEREAS, based on the foregoing finding, the Mayor and Village Council determined to grant the application, as provided in this resolution, and subject to conditions in the staff analysis.

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

Section 1. A public hearing on the present application was held on January 25, 2021, in accordance with the Village's "Quasi-judicial Hearing Procedures". Pursuant to the testimony and evidence

presented during the hearing, the Village Council makes the following findings of fact, conclusions of law and final order.

Section 2. Findings of fact.

1. The requested lot split and temporary plat, lot dimension non-use variances, and proposed site plan is consistent with the Village's Comprehensive Plan, as further specified in the analysis section of the Village's staff report.

2. The rules that govern the conditions upon which such uses are permitted to be configured built are principally at Section 30-50.4, Estate Modified Single-Family District; Section 30-80.1, Subdivision Plat Approval; Section 30-30.6, Variances; and Section 30-30.5, Site Plan Approval, of the Village's Land Development Code. After review of the Code, as evidenced in the analysis of Village planning and zoning staff, which is incorporated by reference into this resolution, and after hearing the applicant and applicant's experts, the Village Council found the requests consistent with those standards.

3. The Village Council accepted the findings of Village Staff as it relates to compliance with the following provisions of the Village's Code: Section 30-50.4, Section 30-80.1, Section 30-30.6, and Section 30-30.5.

5. The Village adopts and incorporates by reference the Planning & Zoning Division staff report, which expert report is considered competent substantial evidence.

6. The applicant has agreed to all proposed conditions in the section entitled Order.

Section 3. Conclusions of law.

The site plan for the specific use was reviewed pursuant to Section 30-50.4, Section 30-80.1, Section 30-30.6, and Section 30-30.5 of Palmetto Bay's Code of Ordinances and was found to be consistent with conditions.

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Section 4. Order.

The Village Council grants the requests for: 1) lot frontage dimensional variances; 2) lot split and temporary plat approval, and 3) the proposed site plan, as together the requests would be in keeping with the applicable Land Development Regulations and with the Village's adopted Comprehensive Plan. The Village Council, pursuant to Section 30-50.4, Section 30-80.1, Section 30-30.6, and Section 30-30.5(j)(1) approves the plans as prepared by Acebal Huembes Fontana Design Studio, LLC, signed and sealed by Javier F. Acebal, R.A. #17697, consisting of 1 sheet, and dated September 1, 2020, and as presented to Village Council on January 25, 2021 with the following conditions:

Section 5. Conditions.

1. The half-section of SW 83rd Avenue along the 168.81-foot-long western boundary of the subject property, consisting of approximately 4,220.5 square feet of area will be dedicated to the Village for public use.

2. The disposition of both new single-family residential buildings shall meet all setback dimensional standards, lot coverage standards and open space standards of the "E-M" zoning district.

3. The project shall comply with all Village Public Services Department comments and the Village's traffic engineer.

4. The plat and development will be in accordance with the site plan showing the lot boundaries, existing structures and building envelopes as shown in the plans prepared by Acebal Huembes Fontana Design Studio, LLC, signed and sealed by Javier F. Acebal, R.A. #17697, consisting of 1 sheet, and dated September 1, 2020, and as presented to Village Council on February 22, 2021;

5. Scrivener's errors or omissions in the site plan that have not been recommended for variances, must conform to applicable code sections for permitting review.

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Section 6. Record.

The record shall consist of the notice of hearing, the Village of Palmetto Bay Staff Report, the application, documents submitted by the applicant and the applicants' representations to the Village of Palmetto Bay 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 7. This resolution shall take effect immediately upon approval.

PASSED AND RESOLVED this 22nd day of February 2021.

Attest:

DocuSigned by:
Missy Arocha
35ED521E5B8048C...

Missy Arocha
Village Clerk

DocuSigned by:
Karyn Cunningham
35B936D2DDB8478...

Karyn Cunningham
Mayor

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

DocuSigned by:
John C. Dellagloria, Esq.
0D0A0D709243466...

John C. Dellagloria, Esq.
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore	YES
Council Member Steve Cody	YES
Council Member Marsha Matson	YES
Vice Mayor Leanne Tellam	YES
Mayor Karyn Cunningham	YES

PALMETTO HIGHLANDS

A SUBDIVISION OF A PORTION OF THE NW 1/4 OF SECTION 34, TOWNSHIP 55 SOUTH, RANGE 40 EAST, VILLAGE OF PALMETTO BAY, MIAMI-DADE COUNTY, FLORIDA.

P.B._____ PG._____

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:
THAT PALMETTO HIGHLANDS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, HAS CAUSED TO BE MADE THE ATTACHED PLAT ENTITLED "PALMETTO HIGHLANDS", THE SAME BEING A SUBDIVISION OF THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:
THE SOUTH 1/2 OF THE NORTH 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LESS THE WEST 25 FEET THEREOF, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

AND

THE EAST 15 FEET OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 55 SOUTH, RANGE 40 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA, LESS THE NORTH 25' THEREOF.

IN WITNESS WHEREOF:
THAT SAID PALMETTO HIGHLANDS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED FOR AND ON ITS BEHALF BY MARCELO O. FERNANDEZ, ITS MANAGER AND MITCHELL T. HOLDER, ITS MANAGER, IN THE PRESENCE OF THESE TWO WITNESSES THIS 3 DAY OF August A.D., 2022.

PALMETTO HIGHLANDS, LLC, A FLORIDA LIMITED LIABILITY COMPANY

WITNESSES:
WITNESS: _____ BY: _____
PRINT NAME: Eduardo Fernandes PRINT NAME: Marcelo Fernandes
TITLE: Manager

WITNESS: _____ BY: _____
PRINT NAME: Eduardo Fernandes PRINT NAME: Mitchell Holder
TITLE: Manager

ACKNOWLEDGEMENT:
STATE OF FLORIDA
S.S.
COUNTY OF MIAMI-DADE

I HEREBY CERTIFY: THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME, AN OFFICER DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGEMENTS, Marcelo Fernandes, Manager AND Mitchell Holder, Manager OF PALMETTO HIGHLANDS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, WHO ARE PERSONALLY KNOWN TO ME TO BE THE OFFICERS HEREIN DESCRIBED AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE THEIR FREE ACT AND DEED AS SUCH OFFICERS FOR THE PURPOSE THEREIN EXPRESSED AND WHO DID NOT TAKE AN OATH.

WITNESS MY HAND AND OFFICIAL SEAL THIS 3 OF August A.D., 2022
MY COMMISSION EXPIRES: March-27-2023 3/27/2023
COMMISSION NUMBER: GG 279833
NOTARY PUBLIC STATE OF Florida
SIGNATURE OF ACKNOWLEDGER
Lenni R Traad
PRINTED NAME OF ACKNOWLEDGER

MORTGAGE:

KNOW ALL MEN BY THESE PRESENTS:
THAT PROFESSIONAL BANK, A FLORIDA BANKING CORPORATION, THE OWNER AND HOLDER OF THAT CERTAIN MORTGAGE, DATED AUGUST 24, 2020, AND RECORDED SEPTEMBER 18, 2020, IN OFFICIAL RECORDS BOOK 32105, PAGE 4442, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, ALONG WITH AN ASSIGNMENT OF LEASES AND RENTS AND UCC-1 IN FAVOR OF PROFESSIONAL BANK, A FLORIDA BANKING CORPORATION AS RECORDED IN OFFICIAL RECORDS BOOK 32105, PAGE 4458, AND OFFICIAL RECORDS BOOK 32105, PAGE 4463, ALL IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RESPECTIVELY, DOES HEREBY CONSENT TO THE PLAT AND JOINS IN THE FOREGOING ABOVE DEDICATIONS.

IN WITNESS WHEREOF:
THAT PROFESSIONAL BANK, A FLORIDA BANKING CORPORATION, HAS CAUSED THESE PRESENTS TO BE SIGNED FOR AND ON ITS BEHALF BY ITS Senior VP AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED IN THE PRESENCE OF THESE TWO WITNESSES THIS 4 DAY OF AUGUST A.D., 2022.

PROFESSIONAL BANK, A FLORIDA BANKING CORPORATION

WITNESS: Marina Hidalgo BY: _____
PRINT NAME: Marina Hidalgo PRINT NAME: Jaime Castano
Title: Senior Vice President

WITNESS: _____
PRINT NAME: Patricia Diez-Arguelles

ACKNOWLEDGEMENT:
STATE OF FLORIDA
S.S.
COUNTY OF MIAMI-DADE

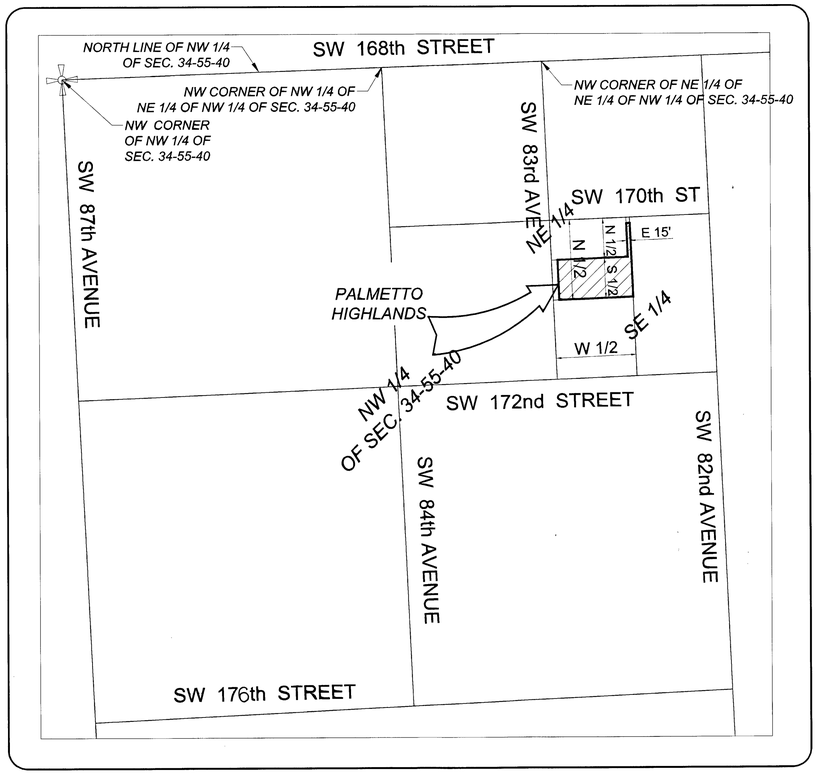
I HEREBY CERTIFY: THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME, AN OFFICER DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGEMENTS, JAIME CASTANO, WHO IS PERSONALLY KNOWN TO ME AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS FREE ACT AND DEED AS SUCH OFFICER FOR THE PURPOSE THEREIN EXPRESSED AND WHO DID NOT TAKE AN OATH.

WITNESS MY HAND AND OFFICIAL SEAL THIS 9 OF AUGUST A.D., 2022
MY COMMISSION EXPIRES: FEBRUARY 14, 2024
COMMISSION NUMBER: GG 929133
NOTARY PUBLIC STATE OF FLORIDA
SIGNATURE OF ACKNOWLEDGER
LOURDES M. PENTON
PRINTED NAME OF ACKNOWLEDGER

PREPARED BY:
CERTIFICATE OF AUTHORIZATION # LB-7104
suarez surveying & mapping, inc.
13350 SW 131st Street, Suite 103, Miami, Florida 33186
Tel: 305.596.1799 Fax: 305.596.1886
www.suarezsurveying.com
NOVEMBER, 2021

NORTH

LOCATION SKETCH:
NW 1/4 OF SECTION 34, TOWNSHIP 55 SOUTH, RANGE 40 EAST
SCALE: 1" = 300'



NOTICE:
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SATISFACTION OF MORTGAGE:

THIS MORTGAGE HAS BEEN SATISFIED BY "SATISFACTION OF MORTGAGE" DATED APRIL 24, 2023, AND RECORDED MAY 5, 2023, IN OFFICIAL RECORDS BOOK 33694 AT PAGE 1425 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

JUAN A. SUAREZ, PSM
SURVEYOR'S SEAL
SEAL

OWNER'S PLAT RESTRICTION:

THAT THE UTILITY EASEMENTS, AS SHOWN BY DASHED LINES ON THE ATTACHED PLAT, ARE HEREBY RESERVED FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES.

MIAMI-DADE COUNTY PLAT RESTRICTIONS:

THAT ALL NEW ELECTRIC AND COMMUNICATIONS LINES, EXCEPT TRANSMISSION LINES, WITHIN THIS SUBDIVISION, SHALL BE INSTALLED UNDERGROUND.

THAT THE USE OF SEPTIC TANKS WILL NOT BE PERMITTED ON ANY LOT WITHIN THIS SUBDIVISION, UNLESS APPROVED FOR TEMPORARY USE, IN ACCORDANCE WITH COUNTY AND STATE REGULATIONS.

THAT INDIVIDUAL WELLS SHALL NOT BE PERMITTED ON ANY LOT WITHIN THIS SUBDIVISION EXCEPT FOR SWIMMING POOLS, SPRINKLER SYSTEMS, AND / OR AIR CONDITIONERS.

VILLAGE OF PALMETTO BAY PLAT RESTRICTION:

THAT THE STREET AND AVENUE AS SHOWN ON THE ATTACHED PLAT, TOGETHER WITH ALL EXISTING AND FUTURE PLANTING, TREES, SHRUBBERY, AND FIRE HYDRANTS THEREON ARE HEREBY DEDICATED TO THE PERPETUAL USE OF THE PUBLIC FOR PROPER PURPOSES, RESERVING TO THE DEDICATORS, THEIR SUCCESSORS OR ASSIGNS THE REVERSION OR REVERSIONS THEREOF, WHENEVER DISCONTINUED BY LAW.

VILLAGE OF PALMETTO BAY APPROVALS:

THIS PLAT WILL NOT RESULT IN A REDUCTION IN THE LEVEL OF SERVICES FOR THE AFFECTED PUBLIC FACILITIES BELOW THE LEVEL OF SERVICES PROVIDED IN THE VILLAGE'S COMPREHENSIVE PLAN; THEREFORE, IT WAS APPROVED AND THE FOREGOING DEDICATIONS WERE ACCEPTED AND APPROVED BY RESOLUTION NO. _____ PASSED AND ADOPTED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, MIAMI-DADE COUNTY, FLORIDA, THIS ____ DAY OF _____, 20__.

SIGNED: _____ VILLAGE MAYOR

SIGNED: _____ DIRECTOR OF PUBLIC SERVICES

SIGNED: _____ COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR

ATTEST: _____ VILLAGE CLERK

MIAMI-DADE COUNTY APPROVAL:

THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES CERTIFIES THAT THIS PLAT APPEARS TO CONFORM TO ALL REQUIREMENTS OF CHAPTER 28 OF THE MIAMI-DADE COUNTY CODE. THIS PLAT HAS BEEN REVIEWED BY A PROFESSIONAL SURVEYOR AND MAPPER EMPLOYED BY MIAMI-DADE COUNTY IN ACCORDANCE WITH SECTION 177.081(1) OF THE FLORIDA STATUTES.

CERTIFIED THIS ____ DAY OF _____, A.D., 20__.

SIGNED _____ DIRECTOR

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: THAT THE ATTACHED PLAT ENTITLED "PALMETTO HIGHLANDS", IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS DEPICTED HEREON, AS RECENTLY SURVEYED AND PLATTED UNDER MY DIRECTION; ALSO THAT PERMANENT REFERENCE MONUMENTS INDICATED HEREON WERE SET. THE SURVEY DATA SHOWN HEREON COMPLIES WITH THE REQUIREMENTS OF CHAPTER 177, PART I, FLORIDA STATUTES.

_____ DATE: July 28th 2022
JUAN A. SUAREZ
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA LICENSE # 6220
SUAREZ SURVEYING AND MAPPING, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB#7104
13350 SW 131 STREET, SUITE 103,
MIAMI, FL 33186

RECORDING STATEMENT:

FILED FOR RECORD THIS _____ DAY OF _____ A.D., 20__, AT _____ __.M., IN BOOK _____ OF PLATS , AT PAGE _____ OF PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THIS PLAT COMPLIES WITH THE LAWS OF THE STATE OF FLORIDA AND MIAMI-DADE COUNTY, FLORIDA.

JUAN FERNANDEZ-BARQUIN
CLERK OF THE COURT AND COMPTROLLER
MIAMI-DADE COUNTY, FLORIDA

BY: _____
DEPUTY CLERK

P.B.____ PG.____

SHEET 2 OF 2

PALMETTO HIGHLANDS

A SUBDIVISION OF A PORTION OF THE NW 1/4 OF SECTION 34, TOWNSHIP 55 SOUTH, RANGE 40 EAST, VILLAGE OF PALMETTO BAY, MIAMI-DADE COUNTY, FLORIDA.

PREPARED BY:

CERTIFICATE OF AUTHORIZATION # LB-7104

suarez surveying & mapping, inc.

13350 SW 131st Street, Suite 103, Miami, Florida 33186

Tel: 305.596.1799 Fax: 305.596.1886

www.suarezsurveying.com

NOVEMBER, 2021

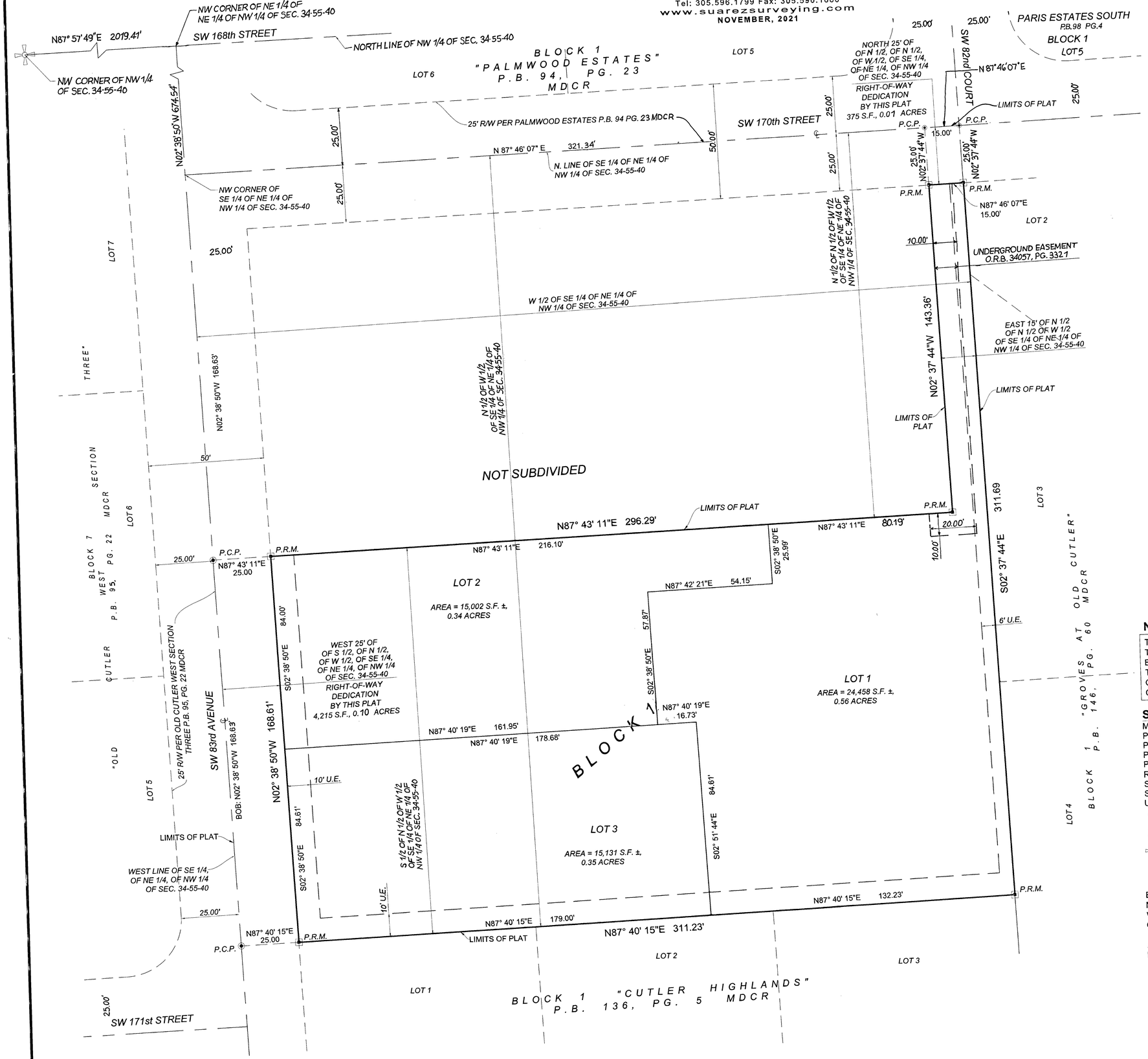
NORTH

GRAPHIC SCALE

20' 0' 10' 20' 40' 80'

(IN FEET)

1 INCH = 20 ft.



NOTICE:

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SURVEYOR'S NOTES:

MDCR = MIAMI-DADE COUNTY RECORDS
P.B. = PLAT BOOK
P.C.P. = PERMANENT CONTROL POINT
PG. = PAGE
P.R.M. = PERMANENT REFERENCE MONUMENT
R/W = RIGHT OF WAY
S.F. = SQUARE FEET
SEC. = SECTION
U.E. = UTILITY EASEMENT
℄ = CENTERLINE
▣ = P.R.M.
◉ = P.C.P.
✛ = SECTION CORNER

O.R.B. = OFFICIAL RECORDS BOOK
B.O.B. = BASIS OF BEARINGS
± = MORE OR LESS
LB = LICENSED BUSINESS

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED MERIDIAN BASED ON MIAMI-DADE COUNTY TOWNSHIP MAP FOR TOWNSHIP 55 SOUTH, RANGE 40 EAST, THE WEST LINE OF THE SE 1/4, OF THE NE 1/4, OF THE NW 1/4 OF SEC. 34-55-40 (BEING THE CENTERLINE OF SW 83RD AVENUE) BEARS N 02°38'50" W.

ALL PLATS AND DOCUMENTS REFERENCED HEREON ARE RECORDED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

RECORDING STATEMENT:

FILED FOR RECORD THIS ____ DAY OF _____ A.D., 2024, AT _____ .M., IN BOOK ____ OF PLATS , AT PAGE ____ OF PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THIS PLAT COMPLIES WITH THE LAWS OF THE STATE OF FLORIDA AND MIAMI-DADE COUNTY, FLORIDA.

JUAN FERNANDEZ-BARQUIN
CLERK OF THE COURT AND COMPTROLLER
MIAMI-DADE COUNTY, FLORIDA

BY:_____
DEPUTY CLERK

AGENDA ITEM NO. 5.D

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: September 16, 2024

SUBMITTED BY: Missy Arocha, Community and Economic Development

ITEM TYPE: Resolution

AGENDA SECTION: **PUBLIC HEARING ITEMS**

SUBJECT:

Applicant: MILK PLANNING & DEVELOPMENT, LLC
Location: 9730 SW 182ND STREET
Property Folio: 33-5023-007-0530
Application: V-24-004
Request: VARIANCES WAIVING THE REQUIRED MINIMUM BUILDING SEPARATION UNDER SECTION 30-50.23.3-02.4 - TABLE 14, TO PERMIT A BUILDING SEPARATION OF 10 FEET WHERE 20 FEET IS REQUIRED, LANDSCAPE BUFFER WIDTH UNDER SECTION 30-50.23.6-01 TO PERMIT A LANDSCAPE BUFFER OF 12 INCHES WHERE IS 30 INCHES REQUIRED, PARKING SPACE LENGTH UNDER SECTION 30-70.5 TO PERMIT TWO (2) PARKING SPACES TO HAVE A LENGTH OF 17 FEET 9 INCHES WHERE 18 FEET IS REQUIRED AND AISLE WIDTH DIMENSION OF 15 FEET WHERE 22 FEET IS REQUIRED FOR FOUR (4) DETACHED TOWNHOUSES IN THE DOWNTOWN DISTRICT, NEIGHBORHOOD SECTOR PURSUANT TO SECTION 30-30.6 STYLED "VARIANCES".

SUGGESTED ACTION:

ATTACHMENTS:

Variance Deferral Memo-V-24-004 Milk Development (Almond Court)

MEMORANDUM

To: Honorable Mayor and Village Council Date: September 10, 2024

From: Alex A. David, AICP, Interim Planning Director Re: Deferral of Variance Application V-24-004

Via: Nick Marano, Village Manager

OVERVIEW

FILE: V-24-004
APPLICANT: Milk Planning & Development LLC / Ana Luiza Leite
PROPERTY OWNER: Milk Planning & Development LLC
ADDRESS: 9055 SW 158 Street
FOLIOS: 33-5028-000-0260

On August 1, 2024, Milk Planning & Development LLC submitted a variance application with a total of four variances in conjunction with a proposed four unit detached townhouse development in the Downtown District.

After discussions between the Applicant and staff, it was determined that the Applicant wishes to reconsider and further discuss the application to potentially determine certain alternatives.

Staff is recommending deferral to a future date.

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AGENDA ITEM NO. 5.E

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: September 16, 2024

SUBMITTED BY: Missy Arocha, Community and Economic Development

ITEM TYPE: Resolution

AGENDA SECTION: **PUBLIC HEARING ITEMS**

SUBJECT:

Applicant: MILK PLANNING & DEVELOPMENT, LLC
Location: 9730 SW 182ND STREET
Property Folio: 33-5023-007-0530
Application: SP-24-002
Request: APPROVAL OF SITE PLAN TO BE KNOWN AS "ALMOND COURT" TO ALLOW FOR FOUR (4) DETACHED TOWNHOUSES IN THE DOWNTOWN DISTRICT, NEIGHBORHOOD SECTOR PURSUANT TO SECTION 30-30.5 STYLED "SITE PLAN APPROVAL" AND SECTION 30-50.23.3.02.4 STYLED "NEIGHBORHOOD SECTOR".

SUGGESTED ACTION:

ATTACHMENTS:
Site Plan Deferral Memo-SP-24-002 Milk Development (Almond Court)

MEMORANDUM

To: Honorable Mayor and Village Council Date: September 10, 2024

From: Alex A. David, AICP, Interim Planning Director Re: Deferral of Site Plan Application SP-24-002

Via: Nick Marano, Village Manager

OVERVIEW

FILE: SP-24-00
APPLICANT: Milk Planning & Development LLC / Ana Luiza Leite
PROPERTY OWNER: Milk Planning & Development LLC
ADDRESS: 9055 SW 158 Street
FOLIOS: 33-5028-000-0260

On July 25, 2024, Milk Planning & Development LLC submitted a site plan application in conjunction with a proposed four unit detached townhouse development in the Downtown District.

After discussions between the Applicant and staff, it was determined that the Applicant wishes to reconsider and further discuss the application to potentially determine certain alternatives.

Staff is recommending deferral to a future date.

AGENDA ITEM NO. 6.A

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: September 16, 2024

SUBMITTED BY: Nick Marano, Village Manager's Office

ITEM TYPE: Resolution

AGENDA SECTION: **RESOLUTIONS WITH PUBLIC COMMENT**

SUBJECT: A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ONGOING PROFESSIONAL SERVICES; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO WORK ORDER NUMBERS 9 AND 10 WITH CALVIN, GIORDANO & ASSOCIATES, INC. FOR PLANNING AND ZONING SERVICES UNDER THE EXISTING CONTRACT FOR PROFESSIONAL CONSULTING SERVICES ON CONTINUING CONTRACT BASIS; AUTHORIZING THE VILLAGE MANAGER TO CREATE A PURCHASE ORDER IN THE AMOUNT NOT TO EXCEED TWO-HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($275,000); AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration and Prepared by Village Manager, Nick Marano)*

SUGGESTED ACTION:

ATTACHMENTS:

Resolution_CGA_Work_Order__P&Z_Services_2024

PB TO 10 Interim Planning Director 8.29.24 FINAL_CGA Signature.pdf

PB TO 9 Planning Support Services FY24-25 8.29.24 FINAL_CGA Signature.pdf

RESOLUTION NO. 2024-

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ONGOING PROFESSIONAL SERVICES; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO WORK ORDER NUMBERS 9 AND 10 WITH CALVIN, GIORDANO & ASSOCIATES,INC. FOR PLANNING AND ZONING SERVICES UNDER THE EXISTING CONTRACT FOR PROFESSIONAL CONSULTING SERVICES ON CONTINUING CONTRACT BASIS; AUTHORIZING THE VILLAGE MANAGER TO CREATE A PURCHASE ORDER IN THE AMOUNT NOT TO EXCEED TWO-HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($275,000) AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Nick Marano, Village Manager)*

WHEREAS, the Village uses outsource services for building permit and inspection services; and

WHEREAS, the Village desires to continue to engage with Calvin, Giordano & Associates, Inc. for planning and zoning services; and

WHEREAS, the on December 3, 2021 the Village entered into a contract for Professional Consulting Services on Continuing Contract Basis with Calvin, Giordano & Associates, Inc.; and

WHEREAS, the Village Manager has proposed two-hundred and seventy-five thousand dollars ($275,000) for contractual planning and zoning services in the 2024-2025 fiscal budget; and

WHEREAS, Calvin, Giordano & Associates, Inc. has provided a scope of work for building and code plan review and inspection services.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. The Village Manager is authorized to enter into Work Order Numbers 9 and 10 with Calvin, Giordano & Associates, Inc. for Planning and Zoning Services under the existing contract for Professional Consulting Services on Continuing Contract Basis and authorizing the Village Manager to create a purchase order in the amount not to exceed two-hundred seventy-five thousand dollars ($275,000).

Section 2. This Resolution shall take effect October 1, 2024 and pending the appropriation of $275,000 in the 2024-2025 fiscal budget.

PASSED and **ADOPTED** this 16th day of September 2024.

Attest:

_____ _____

Missy Arocha **Karyn Cunningham**
Village Clerk **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 _____

Council Member Marsha Matson _____

Vice Mayor Leanne Tellam _____

Mayor Karyn Cunningham _____

Calvin, Giordano & Associates, Inc.
A SAFEbuilt® COMPANY

August 29, 2024

Nick Marano
Village Manager
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, FL 33157

RE: Project Agreement – Interim Planning Director FY 24/25
Task Work Order #10

Dear Mr. Marano,

Calvin, Giordano & Associates, Inc. (Consultant) is pleased to submit this proposal for Interim Planning Director Services for the 24/25 fiscal year for the Village of Palmetto Bay (Municipality).

I. General Interim Planning Director Services – As per the current agreement and as stated:

1. Scope of Service
   Alex A. David, AICP, CGA's Director of Miami-Dade Office, Planning will fill the role of Interim Planning Director. Mr. David will handle all related functions including the management and oversight of Municipality staff assigned to the Department. The position would require A minimum of 2 days per week in-person at the Municipality and remote availability the remainder of the week. On occasion, and as needed, Silvia Vargas FAICP, will serve as back-up when Alex is unavailable. Alex and Silvia work together in many municipalities in this way and the services to the Village will be fluid.

   Interim Planning Director responsibilities would include, but are not limited to, overseeing:

   1. Draft, Review, and Approve Staff Reports, as necessary.
   2. Management of Other Consultants
   3. Council and other Board/Committee meetings
   4. Meetings with residents, business owners and other Municipality stakeholders
   5. Special Projects assigned by the Village Manager

Building Code Services
Civil Engineering / Roadway & Highway Design
Coastal Engineering
Code Enforcement
Construction Engineering & Inspection (CEI)
Construction Services
Data Technologies & Development
Electrical Engineering
Engineering
Environmental Services
Facilities Management
Grant Management & Writing
Geographic Information Systems (GIS)
Governmental Services
Indoor Air Quality (IAQ)
Landscape Architecture
Planning
Project Management
Redevelopment & Urban Design
Surveying & Mapping
Transportation & Mobility
Transportation Planning
Water / Utilities Engineering
Website Development

Bayshore Executive Plaza
10800 Biscayne Boulevard
Suite 950
Miami, FL 33161
Tel: 786.485.5200
Fax: 786.1520

www.cgasolutions.com

REIMBURSABLE EXPENSES

Consultant will be reimbursed for the printing of drawings and specifications, deliveries, Federal Express services, and travel expenses, long-distance telephone calls, fax transmittals, postage, fees paid for securing approval of authorities having jurisdiction over the project, renderings, models and mock-ups required by Municipality, as required. Reimbursable expenses and sub-consultant invoices will be billed directly to the Municipality at a multiplier of 1.25.

MEETING ATTENDANCE

Preparation for and meeting attendance, as necessary, will be provided on a time and materials basis and will be billed at the standard hourly rates in accordance with the attached Hourly Rate Schedule.

SCHEDULE OF FEES

Consultant will perform the Scope of Services for an hourly fee as shown in the proposed Schedule of Fees:

Services to be billed hourly with a not to exceed $215,000 for Fiscal Year 24/25. If budget is exceeded, an amendment will be provided to the Municipality.

Service Fee Schedule	**Hourly Rate*+**
Director of Planning	$156.00

*Services requested beyond normal business hours Monday through Friday will be invoiced at one-and-a-half (1.5) times the standard hourly rate with a two (2) hour minimum.

Services requested on Saturday will be invoiced at one-and-a-half (1.5) times the standard hourly rate with a four (4) hour minimum.

Services requested on Sunday, or a US Federal Holiday will be invoiced at two (2) times the standard hourly rate with a four (4) hour minimum.

+Rates subject to change based on the continuing services contract rate table. No changes will be made without prior approval from Village Manager.

We appreciate the opportunity to submit this proposal. Consultant is prepared with the necessary manpower to proceed with the proposed scope of services upon receipt of the executed authorization. Our personnel are committed to completing the project in a timely manner. Please indicate your acceptance of this proposal by signing below and returning one executed copy of the contract to this office. We look forward to working with you in making this project a success.

Sincerely,

CALVIN, GIORDANO & ASSOCIATES, INC.

David E Stambaugh Digitally signed by David E Stambaugh
Date: 2024.08.29 13:33:18-04'00'

David Stambaugh
Vice President of Professional Services

ACCEPTANCE OF CONTRACT

CALVIN, GIORDANO & ASSOCIATES, INC.

By: David E Stambaugh Digitally signed by David E Stambaugh Date: 2024.08.29 13:33:07-04'00' Date: 08/29/2024

Name: David Stambaugh
Title: Vice President of Professional Services

By: _____ Date: _____

Name:Nick Marano
Title: Village Manager

Calvin, Giordano & Associates, Inc.
A SAFEbuilt® COMPANY

August 29, 2024

Nick Marano
Village Manager
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, FL 33157

RE: Project Agreement – As-needed Planning Support Services FY 24/25
Task Work Order #9

Dear Mr. Marano,

Calvin, Giordano & Associates, Inc. (Consultant) are pleased to submit this proposal for as-needed Planning Support Services for the 24/25 fiscal year for the Village of Palmetto Bay (Municipality).

I. General Urban Planning Services – As per the current agreement

1. Scope of Service
   a. Planning Services
      - Assist in drafting zoning verification letters
      - Code and Ordinance research
      - Misc. services and projects

2. Municipal Obligations
   - Municipality will provide the Consultant with assignments and supporting documents
   - Consultant will perform Services during normal business hours excluding Municipal holidays
   - Services will be performed on an as needed basis
   - Additional services available upon request

Building Code Services
Civil Engineering / Roadway & Highway Design
Coastal Engineering
Code Enforcement
Construction Engineering & Inspection (CEI)
Construction Services
Data Technologies & Development
Electrical Engineering
Engineering
Environmental Services
Facilities Management
Grant Management & Writing
Geographic Information Systems (GIS)
Governmental Services
Indoor Air Quality (IAQ)
Landscape Architecture
Planning
Project Management
Redevelopment & Urban Design
Surveying & Mapping
Transportation & Mobility
Transportation Planning
Water / Utilities Engineering
Website Development

Bayshore Executive Plaza
10800 Biscayne Boulevard
Suite 950
Miami, FL 33161
Tel: 786.485.5200
Fax: 786.1520

www.cgasolutions.com

REIMBURSABLE EXPENSES

Consultant will be reimbursed for the printing of drawings and specifications, deliveries, Federal Express services, and travel expenses, long-distance telephone calls, fax transmittals, postage, fees paid for securing approval of authorities having jurisdiction over the project, renderings, models and mock-ups required by Municipality as required. Reimbursable expenses and sub-consultant invoices will be billed directly to the Municipality a multiplier of 1.25.

MEETING ATTENDANCE

Preparation for and meeting attendance, as necessary, will be provided on a time and materials basis and will be billed at the standard hourly rates in accordance with the attached Hourly Rate Schedule.

SCHEDULE OF FEES

Consultant will perform the Scope of Services for an hourly fee as shown in the proposed Schedule of Fees:

Services to be billed hourly with a not to exceed $60,000.00. If budget is exceeded, an amendment will be provided to Municipality

Job Classification	**Rates*+**
Director of Planning	$156.00
Planner	$109.00

*Services requested beyond normal business hours Monday through Friday will be invoiced at one-and-a-half (1.5) times the standard hourly rate with a two (2) hour minimum.

Services requested on Saturday will be invoiced at one-and-a-half (1.5) times the standard hourly rate with a four (4) hour minimum.

Services requested on Sunday, or a US Federal Holiday will be invoiced at two (2) times the standard hourly rate with a four (4) hour minimum.

+Rates subject to change based on the continuing services contract rate table. No changes will be made without prior approval from Village Manager.

We appreciate the opportunity to submit this proposal. Consultant is prepared with the necessary manpower to proceed with the proposed scope of services upon receipt of the executed authorization. Our personnel are committed to completing the project in a timely manner. Please indicate your acceptance of this proposal by signing below and returning one executed copy of the contract to this office. We look forward to working with you in making this project a success.

Sincerely,

CALVIN, GIORDANO & ASSOCIATES, INC.

David E Stambaugh

Digitally signed by David E Stambaugh
Date: 2024.08.29 13:31:44-04'00'

David Stambaugh
Vice President of Professional Services

ACCEPTANCE OF CONTRACT

CALVIN, GIORDANO & ASSOCIATES, INC.

By: David E Stambaugh Digitally signed by David E Stambaugh Date: 2024.08.29 13:31:33-04'00' Date: 08/29/2024

Name: David Stambaugh

Title: Vice President of Professional Services

By: _____ Date: _____

Name: Nick Marano

Title: Village Manager