

RESOLUTION NO. 2017-80

ZONING APPLICATION VPB-16-012

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING JORGE L MORALES, PEDRO AND LINETTE GONZALEZ, AND THE RAGGEDY ANN AND ANDY’S PRESCHOOL, SITE PLAN REQUEST FOR THE PROPERTIES LOCATED AT 9420, 9450, AND 9500 SW 174TH STREET BEARING FOLIO NUMBERS 33-5033-000-0650, 33-5033-000-0680, AND 33-5033-000-0670; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Applicants, Jorge L Morales, Pedro and Linette Gonzalez, and the Raggedy Ann and Andy’s Preschool made an application for a site plan, which included design considerations and a bonus floor, for the property located at 9420, 9450, and 9500 SW 174th Street bearing folio numbers 33-5033-000-0650, 33-5033-000-0680, and 33-5033-000-0670; 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 March 20, 2017; 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; and

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

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

Section 1. A public hearing on the present application was held on March 20, 2017, in accordance with the Village's “Quasi-judicial Hearing

1 Procedures". Pursuant to the testimony and evidence presented during the
2 hearing, the Village Council makes the following findings of fact,
3 conclusions of law and final order.

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5 **Section 2. Findings of fact.**
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7 1. The requested site plan is consistent with the Village's
8 Comprehensive Plan, as further specified in the Analysis Section of the
9 Village's Staff report.

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11 2. The rules that govern the conditions upon which such uses are
12 permitted to be configured and operated are principally at Section 30-30.5
13 Site Plan Approval, Section 30-50.23, DUV Downtown Urban Village, and
14 Division 30-100, Environmental Regulations, of the Village's Land
15 Development Code. A review of the Code, as evidenced in the analysis of
16 staff, which is incorporated by reference into this resolution, and after
17 hearing the applicant and applicant's experts, the Village Council found the
18 site plan modification request consistent with those standards.

19
20 3. The Applicant's traffic study, dated January 29, 2017, indicates
21 that the number of trips generated by the proposed site plan does not
22 cause the adjacent roadway to exceed the maximum capacity thresholds
23 established by Miami-Dade County. The Village's traffic engineering
24 consultant accepts this finding.

25
26 4. The Village Council accepted the findings of Village Staff as it
27 relates to compliance with the following provisions of the Village's Code:
28 Section 30-30.5, 30-50.23, and 30-100, and the accepted the findings of
29 the traffic study as confirmed by the Village's traffic engineering consultant.

30
31 5. The Village adopts and incorporates by reference the Planning
32 & Zoning Division staff report, which expert report is considered competent
33 substantial evidence.

34
35 6. The applicant has agreed to all proposed modifications and
36 conditions in the section entitled Order.

37
38 7. The Village Council had no substantive disclosures regarding
39 ex-parte communications and the applicant raised no objections as to the
40 form or content of any disclosures by the Council.

1 **Section 3. Conclusions of law.**
2

3 The site plan for the specific use was reviewed pursuant to Sections
4 30-30.5, Section 30-50.23, and Division 30-100, of Palmetto Bay's Code of
5 Ordinances, and was found to be conditionally consistent.
6

7 **Section 4. Order.**
8

9 The Village Council grants the site plan request as it would be in keeping
10 with the applicable Land Development Regulations with the Village's
11 Comprehensive Plan. The Village Council, pursuant to Section 30-
12 30.5(j)(1), 30-50.23, and 30-100, approves the plans entitled "Park View"
13 as prepared by MSA Architects, consisting of 19 sheets, dated stamped
14 received February 10th, 2017, together with the traffic study prepared by
15 David Plumber & Associates, dated stamped January 29, 2017, with the
16 following conditions:
17

- 18 1. The project is allocated 235 residential reserve units, which
19 allocation shall expire within two years of the adoption of the site plan
20 resolution unless building permits are issued for their construction
21 prior to said expiration, and provided said building permits for the
22 construction thereto remain active and/or receive final certificate of
23 occupancy.
24
- 25 2. The bonus floor shall be granted, provided the development
26 continues to include the provided public open space and said project
27 is built thereto accordingly.
28
- 29 3. Design consideration from Section 4.03.H.3, is granted provided open
30 space and street improvements are completed as indicated on the
31 plans dated February 10th, 2017.
32
- 33 4. Design consideration from Section 3.02.C.2, is granted provided the
34 buildings are constructed in substantial compliance with the approved
35 plan.
36
- 37 5. Design consideration from Section 4.03.C.a, is granted provided the
38 buildings are constructed in substantial compliance with the approved
39 site plan.

- 1 6. Design consideration from Section 4.03.G.1.b is granted provided the
2 buildings are constructed in substantial compliance with the approved
3 site plan.
- 4
- 5 7. Design consideration from Section 4.03.G.3 is granted provided the
6 buildings are constructed in substantial compliance with the approved
7 site plan.
- 8
- 9 8. Design consideration from Section 4.03.H.1.a is granted provided the
10 buildings are constructed in substantial compliance with the approved
11 site plan.
- 12
- 13 9. Design consideration from Section 4.03.G.3.2 is granted provided the
14 buildings are constructed in substantial compliance with the approved
15 site plan.
- 16
- 17 10. The project shall comply with all Village Public Services Department
18 comments in the memo dated February 13, 2017, and the Villages
19 traffic engineer memo dated February 7, 2017.
- 20
- 21 11. The automobile exit from the parking facility shall permit only left
22 turns using physical barriers.

23
24 **This is a final order.**

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26 **Section 5. Record.**

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28 The record shall consist of the notice of hearing, the applications,
29 documents submitted by the applicant and the applicants' representatives
30 to the Village of Palmetto Bay Division of Planning and Zoning in
31 connection with the applications, the testimony of sworn witnesses and
32 documents presented at the quasi-judicial hearing, and the tape and
33 minutes of the hearing. The record shall be maintained by the Village
34 Clerk.

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

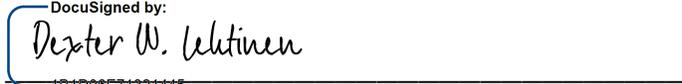
PASSED and ADOPTED this 19th day of June, 2017.

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Attest: 
Missy Arocha
Village Clerk


Eugene Flinn
Mayor

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


Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Karyn Cunningham YES
- Council Member David Singer YES
- Council Member Larissa Siegel Lara YES
- Vice-Mayor John DuBois YES
- Mayor Eugene Flinn NO