

VILLAGE OF PALMETTO BAY
MINUTES OF THE ZONING HEARING OF MONDAY, SEPTEMBER 21, 2015
9705 E. HIBISCUS STREET, PALMETTO BAY, FLORIDA

1. **CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE:** Mayor Flinn called the meeting to order at 9:30 pm. He asked Councilwoman Siegel Lara to lead the pledge of allegiance. The following members of the Village Council were present:

Mayor Eugene Flinn
Vice Mayor John DuBois
Councilwoman Karyn Cunningham
Councilman Tim Schaffer
Councilwoman Larissa Siegel Lara

The following staff members were present:
Village Manager Edward Silva
Village Attorney Dexter Lehtinen
Village Clerk Meighan Alexander
Zoning Administrator Travis Kendall

2. **Reading of decorum statement/Swearing in of witnesses:** Attorney Lehtinen swore in those witnesses that wished to be heard.
3. **Approval of Minutes:**
- a. May 18, 2015 Zoning Hearing: Vice Mayor DuBois moved to approve the Minutes. Seconded by Councilman Schaffer. All voted in favor. The Minutes were approved unanimously (5-0.)

4. **Public Hearing Items:**

Item 1:

The following item is being considered pursuant to Division 30-80 of the Village's Land Development Code:

Applicant: Roy A. Mines and Ana Schmelz
Folio numbers: 33-5035-004-0530
File #: PLT-15-002
Location: 7311 SW 173 Street Palmetto Bay, FL 33157
Zoned: E-1

Request: A request to re-plat a portion of the Del-Mar Estates plat, specifically Lot 14 of Block 3 (currently one parcel), creating Del Mar Edge Subdivision plat consisting of 1 Block, 2 Lots (two Parcels).

Councilwoman Siegel Lara moved this item forward. Seconded by Councilwoman Cunningham.

Director Delsalle provided staff report, including the history of the property. He noted that staff recommends approval.

Mayor Flinn asked if there were any covenants tied to the property with regard to size and limitations. Director Delsalle stated that the resolution did not require a covenant.

Mayor Flinn asked if the application is consistent with County guidelines. Director Delsalle stated that it was.

The applicant, Mr. Mines, came forward and stated that the application speaks for itself.

Mayor Flinn opened the public hearing. Mr. Eric Tullberg, 7884 SW 179 Terrace, addressed the Council. The public hearing was closed.

Vice Mayor DuBois moved to approve; and include the staff report as evidence.

Mayor Flinn stated that he is opposed to "lot splitting", but feels this applicant is consistent with surrounding lots. Attorney Lehtinen remarked that this application is also consistent with other plats in the neighborhood. Director Delsalle agreed, stating that the same application was approved in 1978.

Vice Mayor DuBois' motion to approve was seconded by Councilwoman Cunningham. All voted in favor. The Resolution was approved (5 to 0.).

Item 2:

The following item is being considered pursuant to Division 30-80 of the Village's Land Development Code:

Applicant: Isabianca Investments, LLC
Folio numbers: 33-5033-000-0410, 33-5033-000-0770
File #: PLT-14-002
Location: 9335 & 9395 SW 174 Street Palmetto Bay, FL 33157
Zoned: R-1

Request: A request to plat certain lands within the Village of Palmetto Bay as bounded by the Harriel Estates Plat to the north, SW 174 Street to the south, SW 93 Avenue to the east, and SW 94 Avenue to the west, creating Palmetto Bay Estates Plat consisting of 2 blocks and 19 lots.

Councilwoman Siegel Lara moved this item forward. Seconded by Councilwoman Cunningham.

Director Delsalle provided staff report, noting that staff recommends approval.

Mayor Flinn stated that the applicant is not present; however, accepting the plat is administrative. He opened the public hearing. Mr. Eric Tullberg addressed the Council. The public hearing was closed.

Mayor Flinn asked if the plan does guarantee sidewalk construction, not just holding the space open for sidewalks. Director Delsalle stated that the applicant must construct the sidewalks.

Following brief comment, the Council provided disclosures for the applications of this evening. Each member of the Council individually noted that they were familiar with the properties and did not receive any communications.

Vice Mayor DuBois moved to approve the application; and, move the staff report into evidence. Seconded by Councilwoman Cunningham. All voted in favor. The Resolution passed unanimously (5-0.)

Item 3:

Applicant: Isabianca Investments, LLC
Address: 9335 & 9395 SW 174 Street, Palmetto Bay, FL 33157
Folio numbers: 33-5033-000-0410, 33-5033-000-0770
Size of lot: 245,678 square feet
Request: To authorize Miami-Dade County to create a "Street Lighting Special Taxing District" for certain lands within the Village of Palmetto Bay as bounded by the Harriel Estates Plat to the north, SW 174 Street to the south, SW 93 Avenue to the East, and SW 94 Avenue to the west, AKA Palmetto Bay Estates Plat consisting of 2 blocks and 19 lots.

Councilwoman Siegel Lara moved this item forward. Seconded by Councilman Schaffer.

Director Delsalle provided staff report.

Mayor Flinn asked if the special taxing district will only apply to those within the division stated.

Director Delsalle stated that only those within the district would be included. He noted that this type of request is normally done within the platting process. He advised that staff recommends approval.

Vice Mayor DuBois asked how many homes were involved. Director Delsalle stated that 19 homes are included (19 lots.)

Mayor Flinn asked if the lights are subject to height limitation. Vice Mayor DuBois stated that the lighting is governed by Florida Power & Light.

Mayor Flinn opened the public hearing. Mr. Eric Tullberg addressed the Council. The public hearing closed.

Mayor Flinn remarked that the Village does not have a design standard and cannot dictate the type of lighting.

Vice Mayor DuBois asked like to staff to reach out to Florida Power & Light.

Attorney Lehtinen stated that the governing body of the special taxing district is the Miami-Dade County Commission and if the city has an ordinance guiding this process, the County would be obligated; however, the Village does not have such an ordinance.

Councilwoman Siegel Lara moved to approve the application and include staff report as evidence. Seconded by Vice Mayor DuBois. All voted in favor. The Resolution passed unanimously (5-0.)

The meeting was adjourned at 9:58 pm.

Prepared and submitted by:

Meighan J. Alexander, CMC
Village Clerk

Approved by the Village Council on this _____ day of October, 2015.

Mayor Eugene Flinn

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