

**RESOLUTION NO. 2022-44**

**ZONING APPLICATION: VPB-21-008**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND DEVELOPMENT AND ZONING PURSUANT TO SECTION 30-80, “PLATTING AND SUBDIVISIONS”: AUTHORIZING THE TENTATIVE PLAT OF LAND LOCATED AT 17800 SW 97TH AVENUE (FOLIO # 33-5033-000-0860) AS MORE SPECIFICALLY DESCRIBED IN ATTACHMENT “B”; PROVIDING UTILITY EASEMENTS, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on October 20, 2021 the Village of Palmetto Bay received an application by Terri G. Sonn on the behalf of the owner, Shores at Palmetto Bay, LLC requesting the approval of application VPB-21-008 for a Tentative Plat, “Shores at Palmetto Bay”, prepared by Ricardo Rodriguez, P.S.M. of Ford, Armenteros & Fernandez, Inc. Professional Land Surveyors and Mappers, to Plat 2.75 acres (119,744.65 square feet) denoted as proposed Tract A, that will be consistent with the site development standards and the dimensional requirements of Section 30-50.23.3-02.1, “Main Street Sector of the Downtown Palmetto Bay Zoning District”, and to dedicate the required amount of public right-of-way for public access thoroughfare , and FPL and WASD utility easements; and

**WHEREAS**, the subject property is located at 17800 SW 97th Avenue located at the northeast corner of SW 179th Street and SW 97th Avenue (Franjo Road), identified with folio number: 33-5033-000-0860; and

**WHEREAS**, the application for the Tentative Plat is consistent with the Village of Palmetto Bay adopted Comprehensive Plan Future Land Use Map (FLUM), in which the subject property is designated as “Franjo Activity Center (FAC)”;

**WHEREAS**, the Mayor and Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Village Hall, 9705 East Hibiscus Street on April 18, 2022; and

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

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7           **WHEREAS**, based on the foregoing finding, the Mayor and  
8 Village Council determined to grant approval for the application, as  
9 provided in this Resolution.

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

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15           **Section 1.** A public hearing on the present application was held  
16 on April 18, 2022, in accordance with the Village's "Quasi-judicial  
17 Hearing Procedures". Pursuant to the testimony and evidence  
18 presented during the hearing, the Village Council makes the following  
19 findings of fact, conclusions of law and final order.

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21           **Section 2.** Findings of fact.

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23           1. That the subject property is located at 17800 SW 97<sup>th</sup> Avenue  
24 at the northeast corner of SW 179th Street and SW 97th Avenue  
25 (Franjo Road).

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27           2. After hearing testimony from Village Staff, the applicant, the  
28 owner and the public, the Village Council accepted the findings of  
29 Village Staff as it relates to compliance with the following provisions of  
30 the Village's Code of Ordinances: Section 30-80, "Platting and  
31 Subdivisions" and Section 30-50.23.3-02.1 Main Street Sector of the  
32 Downtown Palmetto Bay Zoning District.

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34           3. The application for the Tentative Plat is consistent with the  
35 Village's Comprehensive Plan, as further specified in the Planning and  
36 Zoning Division Staff Report.

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38           4. The Village Council adopts and incorporates by reference the  
39 Planning and Zoning Division Staff Report, which expert report is  
40 considered competent substantial evidence.

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**Section 3.** Conclusions of Law.

The application for the Tentative Plat was reviewed pursuant to Section 30-80, "Platting and Subdivisions" and Section 30-50.23.3-02.1 Main Street Sector of the Downtown Palmetto Bay Zoning District of the Village's Code of Ordinances and was found to be consistent.

**Section 4.** Order.

The Village Council approves the application for the tentative Plat, "Shores at Palmetto Bay", located at 17800 SW 97th Avenue located at the northeast corner of SW 179th Street and SW 97th Avenue (Franjo Road), identified with folio number: 33-5033-000-0860, to officially plat 2.75 acres (119,744.65 square feet); consistent with Section 30-50.23.3-02.1 Main Street Sector of the Downtown Palmetto Bay Zoning District of the Village Zoning Code, as more particularly described in attachment "A".

**Section 5.** Record.

The record shall consist of the notice of hearing, the Planning and Zoning Division Staff Report, the application, all documents submitted by the applicant and the owner in connection with the application, the testimony of sworn witnesses and documents presented at the quasi-judicial hearing, and the tape and minutes of the hearing.

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

**PASSED AND RESOLVED** this 18<sup>th</sup> day of April 2022.

Attest:

DocuSigned by:  
*Missy Arocha*  
\_\_\_\_\_  
**Missy Arocha**  
**Village Clerk**

DocuSigned by:  
*Karyn Cunningham*  
\_\_\_\_\_  
**Karyn Cunningham**  
**Mayor**

1 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

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DocuSigned by:  
*John C. Dellagloria, Esq.*  
John C. Dellagloria, Esq.  
Village Attorney

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11 **FINAL VOTE AT ADOPTION:**

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13 Council Member Patrick Fiore YES

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15 Council Member Steve Cody YES

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17 Council Member Marsha Matson YES

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19 Vice Mayor Leanne Tellam YES

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21 Mayor Karyn Cunningham YES