

RESOLUTION NO. 2022-59

ZONING APPLICATION: VPB-21-004

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND DEVELOPMENT AND ZONING; AUTHORIZING, PURSUANT TO SECTION 30-80 STYLED “PLATTING AND SUBDIVISIONS” THE FINAL PLAT OF “CENTURY AT PALMETTO BAY” LOCATED AT 15925 SW 90TH AVENUE AND 15840 SW 89TH AVENUE, CONTAINING 138,521 SQ.FT (3.18 ACRES) (FOLIOS # 33-5028-000-0191 and 33-5028-000-0192), AS MORE SPECIFICALLY DESCRIBED IN ATTACHMENT “A” BY CREATING ELEVEN (11) NEW LOTS AND DEDICATING LAND FOR USE AS PUBLIC RIGHT-OF-WAY TO COMPLETE 159TH TERRACE, AND SW 89TH ROAD; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 11, 2021 the Village of Palmetto Bay received an application by Pedro Hernandez on the behalf of the owner, Century Homebuilders Group, LLC requesting the approval of application VPB-21-004 for a Plat, “Century at Palmetto Bay”, prepared by Ed Pino, P.S.M. with American Services of Miami, Corp. Professional Engineers, Planners and Surveyors, to subdivide 3.18 net acres (138,551ft²) into eleven (11) new single-family platted lots consistent with Section 30-80 “Platting and Subdivisions” and the site development standards and the dimensional requirements of the Section 30-50.3 Single Family Residential (R-1) Zoning District. Additionally, to dedicate the required amount of right-of-way for SW 158th Terrace, SW 89th Court and SW 159th Terrace for public access and thoroughfare, and to dedicate a 10’ utility easement; and

WHEREAS, the subject property is located at 15925 SW 90th Avenue and 15840 SW 89th Avenue, identified with folio numbers: 33-5028-000-0191 and 33-5028-000-0192; and

WHEREAS, the application for the Final Plat is consistent with the Village of Palmetto Bay adopted Comprehensive Plan Future Land Use Map (FLUM), in which the subject property has a Low Medium Density Residential (LMDR) designation; and

1 **WHEREAS**, the Mayor and Village Council of the Village of
2 Palmetto Bay conducted a quasi-judicial hearing on the application at
3 Village Hall, 9705 East Hibiscus Street on June 21, 2022; and
4

5 **WHEREAS**, the Mayor and Village Council found, based on
6 substantial competent evidence in the record, that the application for
7 the Final Plat is consistent with the Village of Palmetto Bay
8 Comprehensive Plan and the applicable Land Development
9 Regulations; and
10

11 **WHEREAS**, based on the foregoing finding, the Mayor and
12 Village Council determined to grant approval for the application, as
13 provided in this Resolution.
14

15 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**
16 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,**
17 **FLORIDA, AS FOLLOWS:**
18

19 **Section 1.** A public hearing on the present application was held
20 on June 21, 2022, in accordance with the Village's "Quasi-judicial
21 Hearing Procedures". Pursuant to the testimony and evidence
22 presented during the hearing, the Village Council makes the following
23 findings of fact, conclusions of law and final order.
24

25 **Section 2.** Findings of fact.
26

27 1. That the subject property is located at 15925 SW 90th Avenue
28 and 15840 SW 89th Avenue.
29

30 2. After hearing testimony from Village Staff, the applicant, the
31 owner and the public, the Village Council accepted the findings of
32 Village Staff as it relates to compliance with the following provisions of
33 the Village's Code of Ordinances: Section 30-80, "Platting and
34 Subdivisions" and Section 30-50.3 Single Family Residential (R-1)
35 Zoning District.
36

37 3. The application for the Final Plat is consistent with the Village's
38 Comprehensive Plan, as further specified in the Planning and Zoning
39 Division Staff Report.
40

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

5 **Section 3.** Conclusions of Law.
6

7 The application for the Final Plat was reviewed pursuant to
8 Section 30-80, "Platting and Subdivisions" and Section 30-50.3 Single
9 Family Residential (R-1) Zoning District of the Village's Code of
10 Ordinances and was found to be consistent.
11

12 **Section 4.** Order.
13

14 The Village Council approves the application for the Final Plat, "Century
15 at Palmetto Bay", located at 15925 SW 90th Avenue and 15840 SW
16 89th Avenue, identified with folio numbers: 33-5028-000-0191 and 33-
17 5028-000-0192, to officially plat 3.18 net acres (138,551sq.ft.);
18 consistent with Section 30-50.3 Single Family Residential (R-1) Zoning
19 District of the Village Zoning Code, as more particularly described in
20 attachment "C".
21

22 **Section 5.** Record.
23

24 The record shall consist of the notice of hearing, the Planning and
25 Zoning Division Staff Report, the application, all documents submitted
26 by the applicant and the owner in connection with the application, the
27 testimony of sworn witnesses and documents presented at the quasi-
28 judicial hearing, and the tape and minutes of the hearing.
29

30 **Section 6.** This Resolution shall be recorded on the public
31 records of Miami-Dade County and returned to the Village's Department
32 of Community and Economic Development.
33

34 **Section 7.** This Resolution shall take effect immediately upon
35 approval.
36

37 **PASSED AND RESOLVED** this 21st day of June 2022.
38
39
40

1 **Attest:**

2

3

4 DocuSigned by:

Missy Arocha

5 _____
6 **Missy Arocha**
7 **Village Clerk**

DocuSigned by:

Karyn Cunningham

8 _____
9 **Karyn Cunningham**
10 **Mayor**

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

12

13

14 DocuSigned by:

John C. Dellagloria, Esq.

15 _____
16 **John C. Dellagloria**
17 **Village Attorney**

18

19

20 **FINAL VOTE AT ADOPTION:**

21

Council Member Patrick Fiore YES

22

23 Council Member Steve Cody YES

24

25 Council Member Marsha Matson NO

26

27 Vice-Mayor Leanne Tellam YES

28

29 Mayor Karyn Cunningham NO