



**MINUTES (Revised)  
HYBRID ZONING HEARING  
MONDAY, FEBRUARY 28, 2022 – 7:00 PM  
VILLAGE HALL COUNCIL CHAMBERS  
9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157**

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Mayor Karyn Cunningham  
Village Manager Nick Marano  
Vice Mayor Leanne Tellam  
Village Attorney John C. Dellagloria  
Council Member Patrick Fiore (Seat 1)  
Village Clerk Missy Arocha  
Council Member Steve Cody (Seat 2)  
Council Member Marsha Matson (Seat 3)

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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 7:01 PM.

The following members of the Village Council were present during roll call:  
Mayor Karyn Cunningham  
Vice Mayor Leanne Tellam  
Councilmember Patrick Fiore  
Councilmember Steve Cody (*participated and attended virtually*)  
Councilmember Marsha Matson

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

A moment of silence was held for the victims of war in Ukraine.

The pledge of allegiance was led by Village Manager Nick Marano.

The Decorum Statement was disposed by Mayor Karyn Cunningham.

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3 **2. REQUESTS, PETITIONS, AND PUBLIC COMMENTS**

4  
5 Village Clerk Missy Arocha reported that there were no public comments  
6 submitted by form.

7  
8 No one wished to speak during public comments in-person or in the virtual  
9 lobby.

10  
11 **3. APPROVAL OF MINUTES:**

12  
13 **A. Zoning Hearing (November 15, 2021)**

14  
15 Vice Mayor Leanne Tellam **motioned** to approve the minutes.  
16 **Seconded** by Councilmember Patrick Fiore. **All voted in favor (5-0).**  
17 **The motion passed unanimously.**

18  
19 **4. PUBLIC HEARING ITEMS:**

20  
21 **\*Item 1:** The following Resolution is being considered pursuant to Section 30-80  
22 of the Village’s Land Development Code (*this item was continued from the Zoning*  
23 *Hearing of January 24, 2022*):

24  
25 **Location:** 17800 SW 97<sup>th</sup> Avenue (Franjo Road), Palmetto Bay, FL

26 **Property Folio:** 33-5033-000-0860

27 **Applicant:** Shores at Palmetto Bay, LLC

28 **Application:** VPB-21-008

29 **Request:** A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF  
30 THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND  
31 DEVELOPMENT AND ZONING; PURSUANT TO SECTION 30-80, “PLATTING AND  
32 SUBDIVISIONS”; AUTHORIZING THE PLAT OF LANDS LOCATED AT 17800 SW  
33 97<sup>TH</sup> AVENUE (FOLIO # 33-5033-000-0860) AS MORE SPECIFICALLY DESCRIBED  
34 IN ATTACHMENT “A”, CREATING THE PLAT OF ONE PARCEL OF PLAN,  
35 FURTHER PROVIDING UTILITY EASEMENTS, AND PROVIDING AN EFFECTIVE  
36 DATE.

37  
38 Public hearing item no. 1 was moved by Councilmember Patrick Fiore. Vice Mayor  
39 Leanne Tellam seconded.

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41 Village Clerk Missy Arocha reported that there were no public comments submitted by  
42 form. No one wished to speak in-person or in the virtual lobby.

43  
44 Village Clerk Missy Arocha swore-in those witnesses that wished to testify on public  
45 hearing item no. 1.

46  
47 The Village Council provided their Exparte communications.

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2 Mr. David Joel Moscoso, Esq., explained that his client, Shores at Palmetto Bay, LLC  
3 is the owner of the property and introduced a letter into the record for Council wherein  
4 the letter served as a formal request for more information regarding the decision to  
5 further continue the application for approval to the March 21, 2022, Zoning Hearing.

6  
7 Village Attorney John Dellagloria questioned the date of the March Zoning Hearing.

8  
9 Village Clerk Missy Arocha responded March 21, 2022.

10  
11 Councilmember Patrick Fiore **motioned** to continue public hearing item no. 1 to the  
12 Zoning Hearing of March 21, 2022. Councilmember Marsha Matson **seconded** the  
13 motion. **All voted in favor (5-0). The motion passed unanimously.**

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15 **Item 2:** The following Ordinance on Second Reading is being considered  
16 pursuant to Section 30-10.3 of the Village’s Land Development Code:

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18 **Location:** Village-wide

19 **Property Folio:** N/A

20 **Applicant:** Village of Palmetto Bay Municipality

21 **Application:** N/A

22 **Request:** AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF  
23 THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND  
24 DEVELOPMENT AND ZONING; AMENDING THE ZONING CODE AT SECTION 30-  
25 10.3 STYLED “APPLICABILITY AND VESTED RIGHTS” REGARDING  
26 DEVELOPMENT APPLICATIONS; ESTABLISHING TIME FRAMES FOR  
27 COMPLETED APPLICATIONS; PROVIDING FOR SEVERABILITY, CODIFICATION  
28 AND AN EFFECTIVE DATE. **(Sponsored by Administration) (Second Reading)**

29  
30 Public hearing item no. 2 was moved by Councilmember Patrick Fiore. Councilmember  
31 Marsha Matson seconded.

32  
33 Community & Economic Development Director, Mark Alvarez provided a background  
34 synopsis on the Ordinance on Second Reading. He explained that approval and  
35 subsequent adoption of the proposed Ordinance would resolve the impacts toward the  
36 effectiveness of the land development regulations.

37  
38 Mr. Alvarez answered questions raised by the Council on the matter.

39  
40 Councilmember Marsha Matson **motioned** the Ordinance on Second Reading, i.e.,  
41 lines 27-34, page 3 of 5 to read as follows:

- 42  
43 • (g) Application Approval. Development applications requiring either a public  
44 hearing or administrative approval shall expire after One-Hundred and Eighty  
45 (180) days if the applicant has not been approved Administratively or by Council  
46 at a public hearing. An extension may be granted by the Village one time only  
47 for thirty (30) days.

1 Mayor Karyn Cunningham passed her gavel to Vice Mayor Leanne Tellam and  
2 **seconded** the motion made by Councilmember Marsha Matson.

3  
4 Village Attorney John Dellagloria reported that the amendment on Second Reading,  
5 would require a Third Reading to the Ordinance.

6  
7 The question was called in favor of the amendment. **All voted in favor of the  
8 amendment (5-0). The motion passed unanimously.**

9  
10 The question was called in favor of the *amended* Ordinance on Second Reading.

- 11
- 12 • Councilmember Marsha Matson - YES
- 13 • Councilmember Patrick Fiore - YES
- 14 • Mayor Karyn Cunningham - YES
- 15 • Vice Mayor Leanne Tellam - YES
- 16 • Councilmember Steve Cody - YES

17  
18 **The amended Ordinance on Second Reading passed (5-0).**

19  
20 The Ordinance was scheduled for Third Reading: March 21, 2022, Zoning Hearing.

21  
22 **Item 3:** The following Resolution is being considered pursuant to Section 30-  
23 50.23 and Section 30-30.5 of the Village’s Land Development Code:

24

25 **Location:** 9741 Wayne Avenue, Palmetto Bay, FL

26 **Property Folio:** 33-5032-007-0160

27 **Applicant:** Indigo at Palmetto Bay, LLC a/k/a Sandpiper

28 **Application:** VPB-16-008

29 **Request:** A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF  
30 THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND  
31 DEVELOPMENT AND ZONING; REQUESTING APPROVAL FOR A SITE PLAN  
32 MODIFICATION OF A MIXED-USE DEVELOPMENT, APPROVED BY RESOLUTION  
33 2017-79, ENTITLED “SANDPIPER VILLAGE OF PALMETTO BAY”, ZONED  
34 DOWNTOWN URBAN VILLAGE (“DUV”), “DOWNTOWN VILLAGE” (“DV”) SECTOR  
35 AT THE TIME OF APPROVAL, ON A 1.33-ACRE SITE WITH FOLIO NUMBER 33-  
36 5032-007-0160; WITH MODIFICATIONS CONSISTING OF: A CHANGE FROM 82  
37 APPROVED RESIDENTIAL UNITS TO 114 RESIDENTIAL UNITS, INCLUDING 19  
38 AGE-RESTRICTED UNITS, PURSUANT TO RESIDENTIAL DENSITY PER DUV  
39 REQUIREMENTS AND TO THE ALLOCATION OF RESERVE RESIDENTIAL UNITS  
40 APPROVED BY RESOLUTION 2017-79; A CHANGE IN COMMERCIAL FLOOR  
41 AREA FROM 10,000 SQUARE FEET TO 14,222 SQUARE FEET; A CHANGE IN  
42 PROVIDED PARKING SPACES FROM 159 SPACES TO 298 SPACES;  
43 ACCEPTANCE OF A VOLUNTARY CONTRIBUTION TO THE PALMETTO BAY I-  
44 BUS; AND ACCEPTANCE OF A PUBLIC PARK IMPROVEMENT WITH  
45 MAINTENANCE COVENANT, PURSUANT TO SECTION 30-50.23, “DUV” ZONING  
46 DISTRICT, SECTION 30-30.5, “SITE PLAN APPROVAL”; AND SECTION 30-30.3(C)  
47 “SUBSTANTIAL COMPLIANCE”; AND TO PROVIDE AN EFFECTIVE DATE.

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Public hearing item no. 3 was moved by Councilmember Patrick Fiore. Seconded by Councilmember Marsha Matson.

The Village Council provided their ex-parte communications.

Village Attorney John Dellagloria questioned if the title that was read into the record, is the title that was advertised for the public hearing item.

Village Clerk Missy Arocha responded yes.

Village Clerk Missy Arocha reported that there were no public comments submitted by form. No one wished to speak in the virtual lobby.

In-person comment:

- Beverly Gerald (14271 SW 74<sup>th</sup> Court) – spoke in support of the development; likes the set aside for age-restricted units; history of continuing to manage their properties.

Director Mark Alvarez illustrated a PowerPoint Presentation on the approved site plan modification for Addison Landing (previously named Sandpiper). The presentation depicted the following data:

- Future land use and current zoning
- Site plan approval – Zoned DUV
- Modification request meets approval
- Site plan comparisons: General, first level, parking level, second level, third level, fourth level, fifth level, elevations
- Site plan illustrations
- Pocket park proffer
- Recommendation

Following the presentation, Mr. Alvarez answered questions raised by the Council on the public hearing item.

The following documents were introduced into the record by Javier Fernandez, Esq., from the firm of SMGQ Law, 1200 Brickell Avenue, Ste. 950, Miami, FL:

- Covenant Running with the Land between the Village of Palmetto Bay and Indigo at Palmetto Bay, LLC
- Parking and Traffic Info
- PowerPoint presentation on the project

Managing member and senior officer, Mr. Pablo L. Cejas (11000 Snapper Creek Road) introduced himself and provided an explanation on the history of prior project and applicant's request.

Mr. Javier Fernandez, Esq., applicant's representative, illustrated a PowerPoint Presentation. The presentation depicted the following data:

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- Project history and applicant’s request
- Project enhancements
- New residential standard and enhanced artchitecture
- Public benefits
- Enhancements

All members of the Village Council spoke in support of the site plan approval.

The question was called in favor of the Resolution.

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

**The Resolutioin passed unanimously (5-0).**

**Item 4:** The following Resolution is being considered pursuant to Section 30-50.4 and Section 30-30.6 of the Village’s Land Development Code:

**Location:** 15450 SW 67<sup>th</sup> Avenue, Palmetto Bay, FL  
**Property Folio:** 33-5026-005-0010  
**Applicant:** Timothy Wright  
**Application:** VPB-21-009  
**Request:** A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO LAND DEVELOPMENT AND ZONING; APPROVING AN ACCESSORY STRUCTURE FRONT YARD SETBACK VARIANCE FOR THE EXPANSION OF A GUEST HOUSE LOCATED 15450 SW 67<sup>TH</sup> COURT, ON A 0.48-ACRE LOT WITH FOLIO NUMBER 33-5026-005-0010, PURSUANT TO SECTION 30-50.4 “ESTATE MODIFIED SINGLE-FAMILY” AND SECTION 30-30.6 “VARIANCES”, AND TO PROVIDE AN EFFECTIVE DATE.

Public hearing item no. 4 was moved by Councilmember Patrick Fiore. Seconded by Vice Mayor Leanne Tellam.

Village Clerk Missy Arocha reported that there were no public comments submitted by form. No one wished to speak in-person or in the virtual lobby.

Village Clerk Missy Arocha swore-in those witnesses that wished to testify on public hearing item no. 1.

The Village Council provided their Exparte communications.

1 Planner, Craig Southern illustrated a PowerPoint Presentation on the variance. The  
2 presentation depicted the following data:

- 3
- 4 ● Applicant’s request and background
- 5 ● Neighborhood characteristics
- 6 ● Existing conditions and staff analysis for criterias A – H
- 7 ● Staff recommendation

8  
9 Following the presentation, Mr. Southern and applicant, Timothy Wright answered  
10 questions raised by the Council on the variance.

11  
12 No objections were made by the Village Council on the applicant’s request.

13  
14 The question was called in favor of the Resolution.

- 15
- 16 ● Vice Mayor Leanne Tellam - YES
- 17 ● Councilmember Steve Cody - YES
- 18 ● Councilmember Patrick Fiore - YES
- 19 ● Councilmember Marsha Matson - YES
- 20 ● Mayor Karyn Cunningham - YES

21  
22 **The Resolution passed unanimously (5-0).**

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25 The meeting minutes were approved this 18<sup>th</sup> day of April, 2022.

26  
27 Attest:

28  
29 DocuSigned by:  
30 *Karyn Cunningham*  
31 \_\_\_\_\_  
Mayor Karyn Cunningham

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