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RESOLUTION NO. 2014-30

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE REQUEST OF APPLICANT, SHORES AT PALMETTO BAY, LLC, TO ESTABLISH A CHARTER SCHOOL FACILITY FOR 1400 STUDENTS ON PROPERTY WITHIN THE FT&I, MM AND MN ZONING DISTRICT PURSUANT TO DIVISION 30-120, OF THE VILLAGE LAND DEVELOPMENT CODE; PROVIDING AN EFFECTIVE DATE

WHEREAS, the applicant, Shores at Palmetto Bay, LLC, made applications for a public hearing pursuant to Division 30-120 of the Village's Land Development Code (the "LDC") to establish a charter school at the third parcel from the NE corner of SW 97<sup>th</sup> Avenue and SW 180<sup>th</sup> Street, Palmetto Bay; and

WHEREAS, pursuant Division 30-120 of the Village's LDC and the agreed upon in the Settlement Agreement, 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 17, 2014; and,

WHEREAS, the Mayor and Village Council find, based on substantial competent evidence in the record, that the application for the charter school is consistent with the Village of Palmetto Bay's Comprehensive Plan and the applicable Land Development Regulations.

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

**Section 1. Public Hearing.** A public hearing on the present application was held on March 17, 2014, in accordance with the Village's "Quasi-judicial Hearing Procedures". Pursuant to the testimony and evidence presented during the hearing, the Village Council makes the following findings of fact, conclusions of law, and final order.

**Section 2. Findings of Fact.**

- a. The requested charter school is consistent with the Village's Comprehensive Plan, as further specified in the Analysis Section of the Village's Staff report.
- b. The rules that govern the conditions upon which a charter school is permitted to be configured and operated are found at Section 30-120 of the LDC "Public Charter School Facilities." After hearing the applicant and applicant's experts, the Village Council finds the charter school request consistent with those standards.
- c. The Applicant's traffic study indicates that the number of trips generated by the proposed use does not cause the adjacent roadway to exceed the maximum capacity thresholds established by Miami-Dade County. The Village's traffic engineering consultant and the Traffic Engineering Division of Miami-Dade County both accept this finding with conditions as noted in the staff report.

- 1  
2 d. The Village Council accepts the findings of staff as it relates to compliance with of the  
3 LDC, and the findings of the traffic study as confirmed by the Village's traffic  
4 engineering consultant and the Traffic Engineering Division of Miami-Dade County.  
5  
6 e. The Village adopts and incorporates by reference the Planning & Zoning Department  
7 staff report, which expert report is considered competent substantial evidence.  
8  
9 f. The Village Council did not have any substantive disclosures regarding ex-parte  
10 communications and the applicant did not raise any objections as to the form or content  
11 of any disclosures by the Council.  
12  
13 g. The applicant has agreed to all proposed modifications and conditions in the Section  
14 entitled, "Order."  
15

16 **Section 3. Conclusions of Law.**

17 The site plan for the proposed charter school use was reviewed pursuant to Section 30-120  
18 of the LDC and was found to be conditionally consistent with the Comprehensive Plan and LDC.  
19

20 **Section 4. Order.**

21 The Village Council, pursuant to Section 30-120 of the LDC, approves the plans entitled  
22 "Parkside at Palmetto Bay", as prepared by Civica Architecture and Urban Design, dated stamped  
23 received February 19, 2014, with the traffic study, prepared by Richard Garcia & Association, Inc.,  
24 dated stamped received December 13, 2013, with the following conditions:  
25

- 26 1. The Applicant shall comply with all codes and ordinances of the Village and shall comply with  
27 the requirements of all other applicable departments and agencies as part of the Village of  
28 Palmetto Bay's building permit submittal process in addition to all design requirements under  
29 the FT&I Zoning District.  
30  
31 2. The application must comply with the requirements of Chapter 24 of the Code of Miami-Dade  
32 County.  
33  
34 3. The project is consistent with LOS concurrency in so far as it is not subject thereto, however the  
35 site plan and operations of the facility shall conform to the site plan date stamped February 19,  
36 2014, the approved traffic engineering study; the submitted Traffic Operations Plan dated  
37 September 16, 2011, the preliminary recommendations in MDPW's February 3, 2012 E-mail,  
38 and any conditions recommended in MDPW's final report on said items.  
39  
40 4. The Applicant shall comply with the all comments provided by the Village's Traffic Engineer.  
41  
42 5. The Applicant shall work with the Art-in-Public-Places Advisory Board in addressing its Art in  
43 Public Places requirement as required by 30-160, of the LDC.  
44

- 1 6. The Applicant shall comply with the "Bike Route Plan and the requirements of "Street Type 9,  
2 Main Street Core."
- 3
- 4 7. At the beginning of each school year, the operator of the charter school must submit a list of  
5 other civic activities that may occur at the site beyond regular school day activities, and provide a  
6 list of anticipated events (civic group meetings, sporting events, etc.).  
7
- 8 8. The applicant is to comply with 30-120.6(c) of the LDC, relating to buffers and shall comply  
9 with all DERM permit approval requirements.  
10
- 11 9. The applicant shall comply with 30-120.6(h) of the LDC relating to adhering to the typical public  
12 school calendar. The proposed project will be consistent with other similar neighborhoods and  
13 communities that host public schools adjacent to public amenities, businesses, and civic centers.  
14 The applicant has not submitted information regarding school time starts. The applicant shall be  
15 required to continue the staggered start times.  
16
- 17 10. The Applicant shall comply with the street tree requirements and street improvement  
18 requirements of 30-50.18(e) of the LDC -- Minor Street Core/Center, Street Type 3, and the  
19 Village's adopted "Street Improvement Standards for FT&I District. Compliance will require  
20 either construction or a bond to ensure future construction and compliance.  
21
- 22 11. Operation of the school facility shall conform to the staggered start and dismissal times as  
23 provided for in the application, traffic study, and traffic operations plan, provided the site plan  
24 and operations of the facility conforms to the site plan date stamped February 19, 2014, the  
25 approved traffic engineering study; the submitted Traffic Operations Plan dated September 16,  
26 2011, the recommendations in MDPW's February 3, 2012 E-mail and, and any conditions  
27 suggested MDPW's final report on said items.  
28
- 29 12. The application shall comply with any recommendations provided by the Miami-Dade County's  
30 Department of Public Works.  
31
- 32 13. Upon the completion of the Franjo Road and Downtown Redevelopment Task Force studies,  
33 the applicant shall work with the Village and the County as it relates to ensuring that the  
34 signalization of Franjo Road is properly timed to decrease traffic congestion.  
35
- 36 14. The applicant agrees to be a member or a part of an ad-hoc Committee to examine issues  
37 relating to the integration of the Charter School with the surrounding community, including, but  
38 not limited to, traffic and safety issues.  
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40 This is a final order.

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42 **Section 5. Record.**

43 The record shall consist of the notice of hearing, the applications, documents submitted by  
44 the applicant and the applicants' representatives to the Village of Palmetto Bay Department of  
45 Planning and Zoning in connection with the applications, the County recommendation and attached

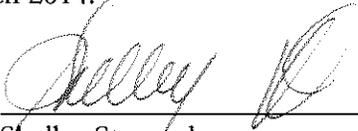
1 cover sheet and documents, the testimony of sworn witnesses and documents presented at the  
2 quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by  
3 the Village Clerk.  
4

5 Section 6. Effective Date. This resolution shall take effect immediately upon  
6 adoption.

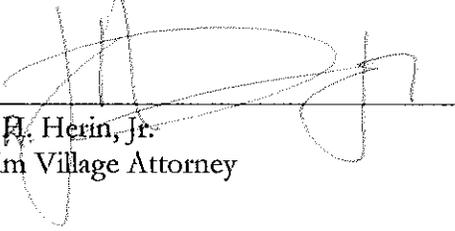
7 PASSED and ADOPTED this 17 day of March 2014.

8  
9 Attest:

10   
11 Meighan Alexander  
12 Village Clerk

13   
14 Shelley Stanczyk  
15 Mayor

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

18   
19 John H. Herin, Jr.  
20 Interim Village Attorney

21  
22 FINAL VOTE AT ADOPTION:

23 Council Member Patrick Fiore	<u>YES</u>
24 Council Member Tim Schaffer	<u>YES</u>
25 Council Member Joan Lindsay	<u>YES</u>
26 Vice-Mayor John DuBois	<u>YES</u>
27 Mayor Shelley Stanczyk	<u>YES</u>

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36 This Resolution was filed in the Office of the City Clerk on this 27 day of March, 2014.

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39 Meighan Alexander  
40 Village Clerk  
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