

1 **WHEREAS**, since that time, the Village has adopted its own Land Development Code,
2 which contains Sections 30-30.5 and 30-110, which provides development standards and procedures
3 for site plan review and educational facilities; and
4

5 **WHEREAS**, on March 12, 2014, the Applicant requested and applied for a modified site
6 plan as previously approved by Resolution 2010-48 as modified by Resolution 2011-53 (July 19,
7 2011) and Resolution No. 2012-64 (August 29, 2102) hereinafter referred to as Resolution No. 2010-
8 48(Amended 07/19/2011 and 08/29/2012); and
9

10 **WHEREAS**, the Applicant has an active valid site plan, and this new application for
11 modification thereto is subject to Village Code and any amendments thereto that preceded their
12 application; and
13

14 **WHEREAS**, on June 11, 2014, pursuant to 30-110 the applicant held a public workshop
15 that was duly noticed, and upon which no request for an additional meeting was requested; and
16

17 **WHEREAS**, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial
18 hearing on the application at Village Hall on July 21, 2014; and
19

20 **WHEREAS**, the Mayor and Village Council find, based upon substantial competent
21 evidence in the record, that the application pursuant to section 30-110, and 30-30.5, of the Village of
22 Palmetto Bay's Land Development Code relating to the above requests, and as amended by Council
23 Action, is consistent with the Village's Comprehensive Plan and the applicable land development
24 regulations; and,
25

26 **WHEREAS**, the Mayor and Village Council authorize the release of the current covenant in
27 lieu of unity of title associated with the previous site plan approvals.
28

29 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
30 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
31

32 **Section 1.** A hearing on the present application was held on July 21, 2014, in
33 accordance with the Village's "Quasi-judicial hearing procedures" Ordinance, found at 2-105, of the
34 Village's Code of Ordinances. Pursuant to the hearing, the Mayor and Village Council make the
35 following findings of fact, and conclusions of law.
36

37 **Section 2.** **Findings of fact.**

38 1. The subject property is located at 7900 SW 176TH Street and 8001 SW 184th Street,
39 Palmetto Bay, Florida.
40

41 2. The above whereas clauses incorporated herein are true.
42

43 3. The requested site plan modification is consistent with the Village's Comprehensive
44 Plan, as further specified in the Analysis Section of the Village's Staff report.
45

1 4. The rules that govern the conditions upon which a charter school is permitted to be
2 configured and operated are principally at Section 30-110. After hearing the Applicant and
3 applicant's experts, the Village Council found the request consistent with those standards.
4

5 5. The traffic study submitted by the applicant is the same study already approved by
6 Resolution No. 2010-48 as modified by Resolutions Nos. 2011-53 and 2012-64. The applicant did
7 not change the student enrollment request nor alter the traffic circulation of those originally
8 approvals, thus no additional traffic study or modification thereto is required.
9

10 6. The Village Council accepts the findings of staff as so presented in the written
11 analysis and as presented at the hearing as it relates to compliance with the Village's Code, the
12 findings of the noise study peer review, and the findings of the Village's Public Works Department,
13 and the email from the Traffic Engineering Division of Miami-Dade County.
14

15 7. The Village adopts and incorporates by reference the Planning & Zoning
16 Department staff report, which expert report is considered competent substantial evidence.
17

18 8. The Village Council did not have any substantive disclosures regarding ex-parte
19 communications and the applicant did not raise any objections as to the form or content of any
20 disclosures by the Council.
21

22 9. The Applicant has agreed to all proposed modifications and conditions in the
23 Section entitled, "Order."
24

25 **Section 3. Conclusions of law.**
26

27 1. The Application is in compliance with the adopted 2009 Village of Palmetto Bay
28 Comprehensive Plan and Future Land Use Map.
29

30 2. The standard of review for an educational facility is found at 30-110 of the Village of
31 Palmetto Bay's Land Development Code. The Applicant's request to modify a previously approved
32 site plan for the property is in compliance with the applicable standards, as conditioned below.
33

34 3. The standard of review for a site plan modification is found at section 30-30.5, of the
35 Village of Palmetto Bay's Land Development Code. The Applicant's request for site plan
36 modification is in compliance with the applicable standards, as conditioned below.
37

38 **Section 4. Order.**
39

40 The Village Council, pursuant to Section 30-30.5, and 30-110, of the Land Development
41 Code, approves the plans entitled "Palmer Trinity Private School, Inc.", as prepared by M.C. Harry
42 Associates, dated stamped June 19, 2014, with the following conditions:
43

44 1. Any decision rendered on this request shall maintain in effect all provisions, terms
45 and conditions of Resolution No. 2010-48(Amended 07/19/2011 and 08/29/2012) as attached

1 herein, except and only in so far as those provisions are not directly and clearly in conflict with and
2 inconsistent with the decision regarding this request.
3

4 2. No portion of this approval and its conditions herein shall be interpreted to
5 contravene any Village of Palmetto Bay or Miami-Dade code provision not so specifically addressed
6 herewith.
7

8 3. The Applicant shall execute a unity of title document to be recorded in the public
9 records of Miami-Dade County, which unity of title shall covenant (or provide a covenant in lieu of
10 unity of title) the property holder(s) to join the parcels together [7900 SW 176th Street and 8001 SW
11 184th Street] as one parcel, in a form approved by the Village Attorney, consistent with the
12 requirements of the Village's Land Development Code¹. The covenant shall be in final form for
13 recording within 45 days of final approval. No permits shall be issued until the covenant/unity of
14 title is recorded.
15

16 4. Traffic: The recommendations of the traffic analysis dated April 22, 2010, by the
17 Miami-Dade County Transportation Engineering Division email dated June 5, 2014, and the Public
18 Works Department memorandum date June 25, 2014(as attached at Villages Traffic Analysis), shall
19 be met.
20

21 5. Photo metric plans shall be provided and comply with all light requirements at the
22 time of permitting.
23

24 6 The Applicant shall provide sound measures of the existing central chiller plant so
25 that it may be used as a reference in estimating potential noise levels of similar plant at a new
26 location.
27

28 This is a final order.
29

30 **Section 5. Record.**

31 The record shall consist of the notice of hearing, the application, documents submitted by
32 the Applicant and the Applicant's representatives to the Village of Palmetto Bay Planning and
33 Zoning Department in connection with the applications, the Village's recommendation and attached
34 cover sheet and documents, the testimony of sworn witnesses and documents presented at the
35 quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by
36 the Village Clerk.
37

¹ Although a unity of title, or covenant in lieu of, shall be required, in order to facilitate understanding the conditions contained in this application, the addresses of 7900 SW 176th Street and 8001 SW 184th Street shall be utilized in this order.

1
2 **Section 6.** This resolution shall take effect immediately upon approval.
3

4 PASSED and ADOPTED this 22nd day of July, 2014.

5
6 Attest:

7 Meighan Alexander
8 Meighan Alexander
9 Village Clerk

10 Shelley Stanczyk
11 Shelley Stanczyk
12 Mayor

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

15 Dexter W. Lehtinen
16 Dexter W. Lehtinen
17 Village Attorney

18
19 FINAL VOTE AT ADOPTION:

20
21 Council Member Patrick Fiore YES

22
23 Council Member Tim Schaffer YES

24
25 Council Member Joan Lindsay YES

26
27 Vice-Mayor John DuBois YES

28
29 Mayor Shelley Stanczyk YES

30
31
32 This Resolution was filed in the Office of the Village Clerk on this 28th day of July, 2014.
33

34 Meighan Alexander
35 Meighan Alexander
36 Village Clerk
37