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RESOLUTION NO 2015-72

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING CERTAIN CONDITIONS OF RESOLUTION 2014-67, AND A SITE PLAN NOTE ON PAGE L1.00 OF THE APPROVED SITE PLAN FOR PALMER TRINITY PRIVATE SCHOOL, INC. THEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 22, 2014, the Mayor and Village approved Resolution No. 2014-58 granting Palmer Trinity Private School, Inc., a modification of site plan as originally approved pursuant to Resolution 2010-48 (Amended 07/19/2011 and 08/29/2012); and

WHEREAS, on September 22, 2014, the Mayor and Village Council approved Resolution No. 2014-66 to consolidate all of the conditions associated with Resolution No. 2014-58 and Resolution No. 2010-48 (Amended 07/19/2011 and 08/29/2012), into one resolution (Resolution No. 2014-67); and

WHEREAS, Palmer Trinity Private School, Inc., now desires to modify certain conditions associated with Resolution 2014-67 and a note on the site plan as approved pursuant to Resolution 2014-58; and

WHEREAS, the Village Council of the Village of Palmetto Bay, Florida conducted a quasi-judicial hearing on the application at Village Hall on September 9, 2015; and

WHEREAS, the Mayor and Village Council find, based upon substantial competent evidence in the record, that this application is consistent with the Village's Comprehensive Plan and the applicable land development regulations, as per previously reviewed site plans pursuant to sections 30-110, and 30-30.5, of the Village of Palmetto Bay's Land Development Code, and as relating to the above requests; and

WHEREAS, the Mayor and Village Council authorize the modification of certain conditions of Resolution No. 2014-67 and of a note to the approved site plan at page L1.00, entitled Overall Campus Planting Plan.

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

Section 1. A hearing on the present application was held on September 9, 2015, in accordance with the Village's "Quasi-judicial hearing procedures" Ordinance, found at 2-105, of the Village's Code of Ordinances. Pursuant to the hearing, the Mayor and Village Council make the following findings of fact, and conclusions of law.

Section 2. **Findings of fact.**

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

1
2 2. The above whereas clauses incorporated herein are true.

3
4 3. The requested modification is consistent with the Village's Comprehensive Plan, as
5 further specified in the Analysis Section of the Village's Staff report.

6
7 4. The rules that govern the conditions upon which a school is permitted to be
8 configured and operated are principally at Section 30-110. After hearing the Applicant, the Village
9 Council found the request consistent with those standards.

10
11 5. The Village Council accepts the findings of staff as so presented in the written
12 analysis and as presented at the hearing as it relates to compliance with the Village's Code.

13
14 6. The Village adopts and incorporates by reference the Planning & Zoning
15 Department staff report, which expert report is considered competent substantial evidence.

16
17 7. The Village Council did not have any substantive disclosures regarding ex-parte
18 communications and the applicant did not raise any objections as to the form or content of any
19 disclosures by the Council.

20
21 8. The Applicant has agreed to all proposed modifications and conditions in the
22 Section entitled, "Order."

23
24 **Section 3. Conclusions of law.**

25
26 1. The application is in compliance with the adopted 2014 Village of Palmetto Bay
27 Comprehensive Plan and Future Land Use Map.

28
29 2. The standard of review for an educational facility is found at 30-110 of the Village of
30 Palmetto Bay's Land Development Code. The Applicant's request is in compliance with the
31 applicable standards, as conditioned below.

32
33 **Section 4. Order.**

34
35 Resolution No. 2014-67 is hereby attached and incorporated into this Resolution and its
36 Order, and certain conditions and notes therein shall be modified to read as follows:

37
38 * * *

39
40 4.7 The Applicant shall keep the entrance to SW 176th Street closed to vehicular traffic
41 on weekends, holidays and all days when school is not in regular session.

42
43 * * *

44
45 4.9 The SW 176th Street entrance shall be closed at 7:00 p.m. everyday, however and
46 notwithstanding condition 4.7, the entrance may be used after 7:00 p.m. for no more than twenty-
47 four (24) events in any calendar year and no more than three (3) events in any 30 day period.

* * *

9. Temporary modular buildings (AKA trailers) as per ongoing construction phasing.

(a) The existing portable ~~classroom~~-trailers shall be removed within 45 days of issuance of a final certificate of occupancy for the last first new replacement classroom building to be completed on the property, as reflected on the approved site plan. The applicant shall furnish appropriate documentation to the Village, verifying appropriate construction documentation and techniques to ensure safety of the structures and their installation. Applicant shall provide a quote as to the cost of removal and disposal of the trailers and provide a payment for same that shall be reimbursed back to applicant following Village inspections verifying their removal.

(b) Building permits may be obtained for up to four new temporary modular buildings to be used for administrative purposes; provided, however, that building permit(s) for the construction of one or more new buildings shown on the site plan have issued prior to October 1, 2017. On-site locations for these four structures shall be approved administratively by the Planning and Zoning Director without amendment of the site plan. The four temporary portable modular buildings for administrative purposes shall be allowed on the School property as long as any active building permit is outstanding, except up to 90 days shall be allowed between the closure of all active building permits and the issuance of a new building permit. The buildings or portions of buildings currently (as of the date of this Resolution modification) used for administrative purposes and housing the administrative offices which will be moved to the temporary portable modular buildings may be used thereafter for classroom purposes, and the site plan shall be deemed amended to reflect this change. The Planning and Zoning Director shall periodically recalculate and administratively amend space allocation charts on the site plan so as to maintain site plan accuracy and consistency with actions authorized herein.

(c) Temporary portable modular buildings and/or existing portable trailers allowed under sections (9)(a) and (b) herein may be replaced only if damaged by weather conditions or if the facilities become unacceptable for their uses due to physical deterioration not attributable to faulty maintenance.

* * *

15. Notwithstanding the note (4)(f) of page L1.00, Overall Campus Planting Plan, of the approved site plan as adopted by Resolution No. 2014-67, entitled "Palmer Trinity Private School, Inc.", as prepared by M.C. Harry Associates, dated stamped June 19, 2014, the School may have a stabilized soil or hard-surface pedestrian path within the landscape buffer, provided the pedestrian path is not within the required Village Code landscape buffer of five (5) feet and the trees and/or bushes (as identified in Pages L1.00-LM4.00) are planted between the path and the property line.

1
2 **Section 5.** This is a final order as provided under Section 4 herein. All other terms and
3 conditions, findings of fact, conclusions of law from Resolution 2014-67, and all other conditions of
4 that resolution remain in full force and effect.

5
6 This is a final order.

7
8 **Section 6. Record.**

9
10 The record shall consist of the notice of hearing, the application, documents submitted by
11 the Applicant and the Applicant's representatives to the Village of Palmetto Bay Planning and
12 Zoning Department in connection with the applications, the Village's recommendation and attached
13 cover sheet and documents, the testimony of sworn witnesses and documents presented at the
14 quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by
15 the Village Clerk.

16
17 **Section 7.** This resolution shall take effect immediately upon approval.

18
19 PASSED and ADOPTED this 9th day of September, 2015.

20
21
22 Attest:


23 Meighan Alexander
24 Village Clerk


25 Eugene Flinn
26 Mayor

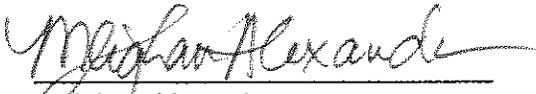
27
28 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
29 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

30
31 
32 Dexter W. Lehtinen
33 Village Attorney

34
35 FINAL VOTE AT ADOPTION:

36
37 Council Member Karyn Cunningham YES
38
39 Council Member Tim Schaffer YES
40
41 Council Member Larissa Siegel Lara YES
42
43 Vice-Mayor John DuBois YES
44
45 Mayor Eugene Flinn YES
46
47

1
2 This Resolution was filed in the Office of the Village Clerk on this 15th day of September, 2015.
3

4
5 
6 _____
7 Meighan Alexander
8 Village Clerk