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RESOLUTION NO. 2015-115

ZONING APPLICATION VPB-15-007

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING AN APPLICATION FOR SITE PLAN MODIFICATION, TO INCLUDE AN ADDITIONAL FIVE ACRES OF LAND AT THE NORTHWEST CORNER OF SW 152 STREET AND SW 67 AVENUE, FOR WESTMINSTER CHRISTIAN PRIVATE SCHOOL, INC., LOCATED AT 6855 SW 152 STREET, 6755 SW 152 STREET, AND 15000 LUDLAM ROAD; AND PROVIDING FOR AND EFFECTIVE DATE

WHEREAS, the Applicant, Westminster Christian Private School, Inc. made an application for a site plan modification, which plan was previously approved pursuant to Zoning Resolution No. 07-96; as subsequently modify via Resolution No. 2011-71; as substantially modified per SUB-12-001; and Resolution 2013-14 for the property located at, 6855 SW 152nd Street; 6755 SW 152 Street, and 15000 Ludlam Road as described in the Village of Palmetto Bay Department of Planning and Zoning Recommendation, which is attached to this resolution; and

WHEREAS, 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 December 14, 2015; and

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the site plan modification is consistent with the Village of Palmetto Bay's Comprehensive Plan and the applicable Land Development Regulations; and

WHEREAS, based on the foregoing finding, the Mayor and Village Council determined to grant the application, as provided in this resolution.

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

Section 1. A public hearing on the present applications was held on December 14, 2015, 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.

1. The requested site plan modification is consistent with the Village's Comprehensive Plan as reflected in the staff report.

- 1 2. The rules that govern the conditions upon which such uses are permitted to be configured
2 and operated are principally at Division 30-110 of the Land Development Code. A review
3 of the Code, as evidenced in the analysis of staff, which is incorporated by reference into this
4 resolution, and after hearing the applicant and applicant's experts, the Village Council found
5 the site plan modification request consistent with those standards. Designation of the use is
6 not in question for this application as it was originally established in 1961 and has operated
7 without interruption.
8
- 9 3. No traffic changes are proposed from the previously approved site plan.
10
- 11 4. The Village Council accepted the findings of Village Staff as it relates to compliance with the
12 following provisions of the Village's Code: Sections 30-30.5(j)(1), and 30-110.3 through 30-
13 110.6.
14
- 15 5. The Village adopts and incorporates by reference the Planning & Zoning Department staff
16 report, which expert report is considered competent substantial evidence.
17
- 18 6. No one spoke in opposition to the applicants' requests.
19
- 20 7. The applicant and the Village agreed to maintain all prior conditions provided for at
21 Resolution 2013-014 accept as otherwise modified by this site plan approval and as reflected
22 in the section entitled Order.
23
- 24 9. The Village Council had not substantive disclosures regarding ex-parte communications and
25 the applicant raised no objections as to the form or content of any disclosures by the
26 Council.
27

28 Section 3. Conclusions of law.

29 The site plan modification for the specific use is reviewed pursuant to Sections 30-30.5(j)(1),
30 and 30-110.1 through 30-110.6 of the Village of Palmetto Bay's Code of Ordinances, and found to
31 be conditionally consistent as provided for in the Order.
32

33 Section 4. Order.

34 The Village Council grants the modification request as it would be in keeping with the applicable
35 Land Development Regulations. Approval of this application is in character with the existing use of
36 the property, and is consistent with the Village's Comprehensive Plan. The Village Council,
37 pursuant to Section 33-110 and 30-30.5, approves the plans entitled Westminster Christian Private
38 School, Inc., 6855 S.W. 152nd Street, Palmetto Bay, FL 33157 as prepared by Wayne E. Vensel
39 Architects, Inc. which include landscaping plans prepared by David O. Landscape Architect, Inc.;
40 consisting of 17 sheets, dated stamped received October 28, 2015, with the following conditions:
41

- 42 1. All previous conditions, approvals and resolutions shall remain in effect unless
43 otherwise altered by the granting of this request and any conditions assigned therein.
44

- 1 2. The proposed phasing plan shall replace the previous phasing plan adopted in 2013
2 (Resolution No. 2013-14).
3
4 3. The Applicant shall install and maintain all landscape buffers prior to obtaining any
5 future building permit for any development associated with any of the development
6 phases.
7
8 4. The Applicant enters into a covenant agreement with the appropriate
9 agency/department for the required improvements in the right-of-way such as but
10 not limited to sidewalks, street trees and driveways.
11
12 5. Prior to issuance of any building permits, a unity of title or covenant-in-lieu of title
13 must be recorded incorporating all three lots of the approved site plan (including the
14 addition of the 5 acres at the southwest corner of SW 152 Street and SW 67
15 Avenue).
16

17 This is a final order.

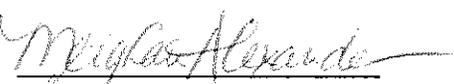
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19 Section 5. Record.

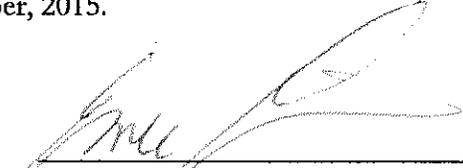
20 The record shall consist of the notice of hearing, the applications, documents submitted by
21 the applicant and the applicants' representatives to the Village of Palmetto Bay Department of
22 Planning and Zoning in connection with the applications, the county recommendation and attached
23 cover sheet and documents, the testimony of sworn witnesses and documents presented at the
24 quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by
25 the Village Clerk.
26

27 Section 6. This resolution shall take effect immediately upon approval.
28

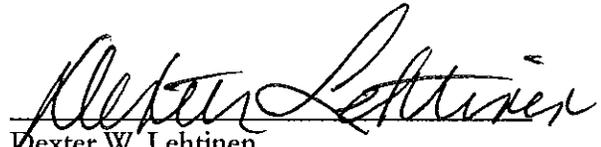
29 PASSED and ADOPTED this 14th day of December, 2015.
30
31

32
33 Attest:


34 Meighan Alexander
35 Village Clerk
36
37


38 Eugene Flinn
39 Mayor
40

41 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
42 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
43
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45 Dexter W. Lehtinen
Village Attorney

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FINAL VOTE AT ADOPTION:

- Council Member Karyn Cunningham YES
- Council Member Tim Schaffer YES
- Council Member Larissa Siegel Lara YES
- Vice-Mayor John DuBois YES
- Mayor Eugene Flinn YES

This Resolution was filed in the Office of the Village Clerk on this 21st day of December, 2015.


Meighan Alexander
Village Clerk