RESOLUTION NO. 2013-14

ZONING APPLICATION VPB-12-006

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; GRANTING THE APPLICATION OF WESTMINSTER CHRISTIAN PRIVATE SCHOOL, INC. LOCATED AT 6855 SW 152 STREET; AND 15000 LUDLUM ROAD, APPROVING THE SITE PLAN MODIFICATION PREVIOUSLY APPROVED PURSUANT TO ZONING RESOLUTION NO. 07-96; AS SUBSEQUENTLY MODIFY VIA RESOLUTION NO. 2011-71; AND AS SUBSTANTIALLY MODIFIED PER SUB-12-001; TO ALLOW FOR THE REDISTRIBUTION OF PREVIOUSLY APPROVED BUILDING SQUARE FOOTAGE; PROVIDING AN 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; and as substantially modified per SUB-12-001; for the property located at, 6855 SW 152nd 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 February 25, 2013; 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 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 February 25, 2013, 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, specifically Goal 1, of the Future Land Use Element (FLUE); Policy 1.1.5, of the FLUE; and Policy 2A.1.1 relating to the level of service of Village Roads.

2. In November 2012, the Mayor and Village Council adopted a collection of Land Development Code amendments with the intent to fulfill the directive of the first stated goal of the Comprehensive Plan. This application was submitted prior to imposition of the moratorium and code amendment which culminated in the November 2012 action commonly known as the NPO (Neighborhood Protection Ordinance). As such, this application is not subject to those amendments and the Village Council review was conducted under the prior provision of Division 30-110, as the request is vested under the prior code.

3. The rules that govern the conditions upon which such uses are permitted to be configured and operated are principally at Division 30-110 of the Land Development Code. A review of the Code, as evidenced in the analysis of staff, which is incorporated by reference into this resolution, and after hearing the applicant and applicant's experts, the Village Council found the site plan modification request consistent with those standards. Designation of the use is not in question for this application as it was originally established in 1961 and has operated without interruption.

4. The 2007 site plan request approved by the Village Council did not include a traffic study. The proposed reconfiguration, as demonstrated in the traffic analysis and traffic operations plan submitted with this application, reflect an improvement in the traffic circulation since the 2007 approval. Based upon the evidence at the hearing, the Village Council found that the reconfiguration provides excess vehicular stacking, whereas the 2007 plan would have been inadequate had that approval been fully implemented. The property is located at the corner of SW 152 Street and SW 67 Avenue (Ludlam Road), which are county roads and served by mass transit within a half-mile of the facility. As per the traffic analysis, all but one intersection performed at a LOS of C or higher during both AM and PM peak times as defined therein. The intersection at Ludlam Road and Driveway 1 during the AM peak period is rated F, however this condition existed prior to this current application and the proposed plan lessons that burden over the previous 2007 approval. The Village Council adopts and incorporates the findings from the Village's and Miami Dade County's Traffic Engineering Division (TED) traffic analysis. Miami-Dade County's Traffic Engineering Division provides for a series of conditions which are incorporated into this analysis by reference and will be included in the final recommendation of this resolution. The Village Council modified one condition recommended by the Village and TED, as indicated below.

5. The Village Council accepted the findings of Village Staff as it relates to compliance with the following provisions of the Village's Code: Section 30-110.3 through 30-110.6.

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

7. No one spoke in opposition to the applicants' requests.

8. The applicant and the Village agreed upon all modifications to the proposed conditions, which modifications are reflected in the below conditions under the section entitled Order.

9. The Village Council had not substantive disclosures regarding ex parte communications and the applicant raised no objections as to the form or content of any disclosures by the Council.

Section 3. Conclusions of law.

The site plan modification for the specific use is reviewed pursuant to Section 30-110.1 through 30-100.6 of the Village of Palmetto Bay's Code of Ordinances, with conditions.

Section 4. Order.

The Village Council grants the modification request as it would be in keeping with the applicable Land Development Regulations. Approval of this application is in character with the existing use of the property, and is consistent with the Village's Comprehensive Plan. The Village Council, pursuant to Section 33-110 and 30-30, approves the plans entitled Westminster Christian Private School, Inc., 6855 S.W. 152nd Street, Palmetto Bay, FL 33157 as prepared by Wayne E. Vensel Architect, Inc., consisting of 11 sheets, dated stamped received 11/26/12, as amended by plans dated stamped received 1/3/13, indicating project phasing, as amended by email dated January 17, 2013, with the following conditions:

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

2. The proposed phasing plan shall replace the previous phasing plan adopted in 2007 (Resolution No. 07-96).

3. The Applicant shall not construct any buildings exceeding two stories or a roof elevation of 35 feet in height measured from the crown of road.

4. The Applicant shall submit detailed lighting plans for parking area lights which demonstrate compliance with Section 30-60.6 of the Village Code.

5. Should any school structure be designated as historic, then, the property owner shall adhere to the Village's Historic Preservation Regulations.

6. The Applicant shall not install lighting for outdoor athletic fields, courts and/or swimming pools.

7. The Applicant shall maintain a sign prohibiting bus traffic and bus parking along the western parking lot driveway and property line and shall make good efforts to ensure compliance with this requirement.

8. The Applicant shall maintain a sign reading "No radios beyond this point" in the western driveway parking lot and shall make good efforts to ensure compliance with this requirement.

9. The applicant shall maintain and orient permanent public address speakers for outdoor recreation fields to the east, and will comply with the Village's Noise Ordinance 30-60.29.

10. The Applicant shall provide a minimum of one security guard at all non-school events which are held on the premises.

11. The Applicant shall maintain the existing six (6) foot high wall, fence and landscape buffer along the western property line.

12. The Applicant shall comply with the requirements of all other applicable departments/agencies as part of the building permit submittal process. In addition, the Applicant shall comply with the recommendations dated November 16, 2012 outlined in the Village Public Works Memorandum.

13. Bicycle facilities for the elementary, middle and high school students shall be added to the site plan.

14. Proposed new structures or improvements reflected in the master site plan for which construction permits have not been issued by the Village of Palmetto Bay no later than 15 years after the adoption of this resolution shall require new site plan approval.

15. The Applicant shall comply with Section 30-100 of the Village Code and Miami-Dade County PERA requirements and obtain the necessary permits for the relocation of existing trees within the site affected by the proposed modifications.

16. The Applicant shall meet the minimum requirements of Chapter 24 of the Code of Miami-Dade County and comply with all conditions imposed by Miami-Dade County PERA.

17. The Applicant shall install all landscape buffers prior to obtaining <u>any future</u> building permit for any development associated with any of the development phases.

18. The Applicant shall comply with the recommendations as per Miami-Dade County Public Works Traffic Engineering Division (TED) attached hereto as Exhibit A.

19. The above conditions shall run with the land from the date of the enacted development order (Resolution), and be applicable to all users of the school campus, but non-school users shall be liable for their own actions or omissions. The Council directs the Village Attorney to work with the Applicant and incorporate these

conditions into a covenant that will be recorded in the public records of Miami-Dade County and shall last for a term of fifteen (15) years.

20. If there is a quantifiable issue with queuing after the plan is implemented along the driveway and Ludlam Road, the Village will work with the Applicant and Miami-Dade County to find a resolution.

21. The Applicant shall have recorded, in a form approved by the Village Attorney, a unity of title or covenant in lieu of unity of title for the site.

22. This is a final order.

Section 5. Record.

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

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

PASSED and ADOPTED this 25th day of February, 2013.

Attest:

Meighan Alexander
Village Clerk

Shelley Stanczyk
Mayor

APPROVED AS TO FORM:

Eve A. Boutsis
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore	YES
Council Member Tim Schaeffer	YES
Council Member Joan Lindsay	YES
Vice-Mayor John Dubois	YES
Mayor Shelley Stanczyk	YES