

STAFF REPORT

ALEXANDER SCHOOL INC

VPB-16-010



Village of Palmetto Bay
FLORIDA
ZONING ANALYSIS

FILE: VPB-16-010

HEARING DATE: December 19, 2016

APPLICANT: Alexander School, Inc.

COUNCIL DIST.: 1

A. GENERAL INFORMATION

REQUEST: Modification of an existing site plan, increasing the number of students from 270 to 329.
ADDRESS: 14850 SW 67th Avenue
LOT SIZE: 243,024 sq. ft. (5.5 Acres)
FOLIO #: 33-5023-000-0881 and 33-5023-000-0890

B. BACKGROUND

The applicant, Alexander School, Inc. (Alexander), is requesting to increase the maximum number of students permitted at their facility from 270 to 329. This item was originally scheduled to be heard at the September 19, 2016 Zoning Hearing, however staff requested, and Council granted a continuance of the item to allow time for Miami-Dade County Traffic Engineering Division to complete their review. At the applicant's request, the item was continued date certain to this December 19, 2016 zoning hearing.

Alexander's student population increase request was originally submitted as part of prior site plan modification application in 2013 that also involved the demolition of existing structures and provided for new construction resulting in an increase of 18,000 square feet of building space. That site plan was granted (Resolution 2013-85) sans the student population increase as that portion of the request was removed from the application.

Removal of the student population increase request came as a result of Alexander failing to meet the requirements of Village Charter Section 10.1. Specifically, they failed to achieve consent from 75% of the voting electorate within 2,000 feet of the property. Alexander made a second attempt in 2014 to reach the 75% threshold, but fell short once again. It is worth noting, in both referendums, Alexander achieved consent from over 62% of the voting electorate, a threshold high enough to modify the Village Charter.

Subsequent thereto, the 11th Judicial Circuit Court of the Miami-Dade County, issued on June 13, 2016, an order finding Section 10.1 of the Village Charter to be:

“...unconstitutional because it is arbitrary and unreasonable, and has no relation to public safety, health, morals comfort or general welfare of the surrounding community [and]... because it deprives... [Alexander]... of its constitutional right to be heard.”

That decision is now under appeal, however there is no stay on the order. As such, the Applicant is now eligible to request the increased student enrolment. Should the Council be inclined to grant the request and the 11th Judicial Circuit’s decision is then subsequently overturned by the 3rd District Court of Appeals, that decision becomes null and void and the Alexander School will once again be subject to the provision of Village Charter Section 10.1.

The use of the property was originally established in 1962 under Zoning Resolution No. 2-ZAB-370-62, which permitted the creation of a 50 child nursery school and a 100 child day camp. In 1968 under Zoning Resolution No. 3-ZAB-40-68, Miami-Dade County approved an applicant's request to increase the permitted number of children for the camp from 150 to 270. The 1968 action was subsequently modified in 1969 under Metropolitan Dade County Zoning Resolution No. 4-ZAB-609-69, which authorized the property to operate as a school for the following grades: pre-school through ninth grade, allowing the school to serve a maximum enrollment of 270 children.

Pursuant to Section 30.110-7(12) of the Village’s Land Development Code, the Alexander School conducted a public workshop on August 2, 2016. It was properly advertised, however no one from the community attended, hence there were no objections and no request for a second workshop.

C. ZONING HEARING HISTORY

The following is a review of the zoning history as it applies to property in question. The associated resolutions identified herein are provided at the attachment entitled “History.”

On June 16, 1960, the Board of County Commissioners, Dade County, Florida passed and adopted **Resolution No. 5322** approving a boundary district change from EU-1 (One Acre Estates) to EU-M (Estate Modified) to permit the single-family use on EU-M.

On June 20, 1962, the Metropolitan Dade County Zoning Appeals Board approved, with conditions, **Resolution No. 2-ZAB-370-62** for an Unusual Use to permit a Day School and Day Camp, and an Unusual Use to permit an outdoor recreational area.

On January 17, 1968, the Metropolitan Dade County Zoning Appeals Board passed and adopted **Resolution No. 3-ZAB-40-68** expanding the existing non-conforming day nursery school and day camp to allow up to 270 children, and a Special Exception as to Conditions No.’s 4, 5, 6, and 7 of Resolution No. 2-ZAB-370-62.

On November 12, 1969, the Metropolitan Dade County Zoning Appeals Board passed and adopted, with conditions, **Resolution No. 4-ZAB-609-69**, approving a Special Exception to operate a nursery and a grade school (pre-school through the ninth grade) serving 270 children.

On December 13th, 2000, the Miami-Dade County Community Zoning Appeals Board approved and adopted, with conditions, **Resolution No. CZAB13-8-00**, approving a Non-Use Variance of setback requirements to permit buildings of public assemblage to setback less than the required 75' from the interior side (north and south) property lines.

On June 19, 2001, the Miami-Dade County Community Zoning Appeals Board approved and adopted **Resolution No. CZAB13-9-01**, correcting an error in the legal description and reformed Resolution No. CZAB-13-8-00.

On November 18, 2013, the village of Palmetto Bay approved **Resolution No. 2013-85**, a site plan increasing the buildings on site by 18,000 square feet.

D. NEIGHBORHOOD CHARACTERISTICS

ZONING

Subject Property:

E-S: Estate Use Suburban Single-Family

E-M: Estate Modified Single-Family

Surrounding Properties

NORTH: E-1; Estate Single-Family

SOUTH: E-1; Estate Single-Family

EAST: E-1; Estate Single-Family

WEST: E-1; Estate Single-Family

FUTURE LAND USE DESIGNATION

Estate Density Residential

E. SITE AND BUILDINGS

Site Plan Review:	Acceptable
Scale/Utilization of Site:	Acceptable
Location of Building(s):	Acceptable
Compatibility:	Acceptable
Landscape Treatment:	Acceptable
Open Space:	Acceptable
Buffering:	Acceptable
Access:	Acceptable
Visibility/Visual Screening:	Acceptable
Circulations:	Acceptable

F. ANALYSIS

The following is a review of the request pursuant to the Comprehensive Plan and of the criteria at Section 30-30.5(j)(1) and Division 30-110 of the Village's Code of Ordinances. Under state law all zoning items must be consistent with the Village's Comprehensive Plan, and Section 30-30.5(j)(1) specifically incorporates that requirement. The Background and History sections of this report, and the traffic engineering reviews, are hereby incorporated into this analysis by reference.

Sec. 30-30.5(j)(1). – Site Plan Review Requiring Public Hearing: The project was reviewed for consistency with the relevant Sections of 30-30.5(j)(1) of the Village Code of Ordinances. The following is an analysis of that review.

Criteria a: In what respects the plan is or is not consistent with the Comprehensive Plan and the purpose and intent of the zoning district in which it is located.

Analysis: Goal 1: To guide the Village of Palmetto Bay from birth to early maturity as an outstanding and truly livable community in southeast Florida by building on, and improving, the existing land use blueprint through visionary planning and place-making, cost efficient provision of high quality facilities and services, quality neighborhood protection, and enhancement of its unique and beautiful coastal environmental resources.

Policy 1.1.5: Houses of Worship and other permitted non-residential uses continue to be allowed in all land use categories on the FLUM; however, if located in or near neighborhoods, adverse impacts to the tranquility of the residents around the allowed use and in the surrounding neighborhood must be minimized the maximum extent possible. Therefore, in residential land use areas, houses of worship and other non-permitted uses are allowed on a conditional base.

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.

The site has been operating as a school for over 40 years. The proposal will not change the previously approved site plan and only increases the number of students at the location. The proposed expansion meets all of the requirements by code. The Applicant's traffic study indicates that the trips generated by the proposed expansion will use not cause the adjacent roadway to exceed the maximum capacity thresholds established by the County. The Village's traffic engineering consultant accepts this finding. Miami-Dade County Traffic Engineering Division accepts the study with three (3) conditions:

1. Table 4.1.1 School Schedule Commitment should state 206 maximum number of students in a dismissal shift;
2. Table 6.0-2 Bicycle Route Description should state “none” if a physical dedicated bicycle route is not provided; and
3. Table 8.0-3 School Speed Zone Posted Times should have the Arrival Period from 7:45-9:00 AM and the Dismissal Period from 2:45 to 4:00 PM as per DTPW policy. Also indicate if the school times are paired with the adjacent school.

Finding: Conditionally consistent as provided by Miami-Dade County Traffic Engineering Division in their email dated September 13, 2016 (attached herein) and as described in this analysis; and as provided in the recommendation section of this report.

Criteria b: In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.

Analysis: See Criteria ‘a’ above. The property is zoned EM and ES which permits such facilities provided they meet the development standards prescribed at Division 30-110 of the Village’s Land Development Code. This application does not include any site specific changes beyond those previously approved and vested by 2013 site plan approval (Resolution 2013-85). This request only requires recalculation of certain spacing and operational standards relative to an increase in student population. Alexander’s request to increase the student population complies with the relevant required development standards as further detailed below in the portion of analysis which reviews Division 30-110.

Finding: Consistent.

Criteria c: In what respects the plan is or is not in conformance with the Village subdivision regulations and all other applicable Village requirements including the design and construction of streets, utility facilities and other essential services.

Analysis: See Criteria ‘a’ and ‘b’ this section’s analysis. This application is a modification request of an existing site plan only is so far as the currently approved plans must reflect certain spacing and operational standards related to an increase in student population. No physical siting changes are proposed beyond the previous 2013 approval (Resolution 2013-85). The applicant is only seeking to add students. The submitted and peer reviewed traffic study found the 2013 plan sufficiently accommodates the requested student increase. A traffic study was completed by the Applicant and

reviewed by the Village's traffic consultant and was found to be acceptable. Miami-Dade County offered approval with three (3) conditions as further detailed in the analysis of criteria "a" above.

The Background Section of this report is specifically incorporated into this portion of the analysis. Charter Provision 10.1 requires such a request to go to referendum of all properties owners within 1,000 of the school seeking expansion however that provision was deemed unconstitutional by the 11th Judicial Circuit Court of the Miami-Dade County. That decision is currently under appeal to the 3rd District Court of Appeals. Should the 11th Circuit's decision be overturned, any approval by the Village Council will become null and void.

Finding: Conditionally consistent as identified in criteria "a" above and provided the 3rd District Court of Appeals does not overturn the decision of the 11th Circuit Court.

Criteria d: In what respects the plan is or is not consistent with good design standards in respect to all external relationships including but not limited to:

- i. Relationship to adjoining properties.
- ii. Internal circulation, both vehicular and pedestrian.
- iii. Disposition of open space, use of screening, buffering and/or preservation of existing natural features, including trees.
- iv. Building arrangements between buildings in the proposed development and those adjoining the site.

Analysis: The application is not seeking to change any aspect of the site plan other than the total number of students. The approved site plan was previously reviewed and approved.

Finding: Consistent.

Criteria e: In what respects the plan is or is not in conformance with the Village policy in respect to sufficiency of ownership, guarantee for completion of all required improvements and the guarantee for continued maintenance.

Analysis: There is no change to the previously approved site plan or its phasing schedule.

Finding: N/A

Section 30-110.3 Required Information: The project was reviewed for consistency with the relevant Sections of 30-110.3 of the Village Code of Ordinances. The following is an analysis of that review.

Criteria: (1) *Written information – all applications:* a) Total size of the site; b) Number of parking spaces provided for staff, visitors, and operations vehicles and justification that those spaces are sufficient for the facility; c) number of pick-up and drop-off spaces provided for automobile and bus use and justification that those spaces are sufficient for the transportation needs of the facility; d). Days and hours of operation; weekly and annually; e) an explanation of any such activities anticipated to be conducted in association with the facility but typically conducted outside of the hours of; f) Means of compliance with requirements of the Florida Building Code, the National Uniform Building Code, and the departmental requirements of the Miami-Dade County Fire Department, Miami-Dade County Department of Public Health, the Florida Department of Health and Rehabilitative Services, and any federal or state regulations applicable to the specific application and occupancy; g) means of compliance with Section 30-30.2(d), unity of title or declaration of restriction in lieu of unity of title.

(2) *Written information – schools and child care facilities:* a) maximum number of students to be served; b) grades or age groups that will be served; c) maximum number of teachers, administrative and clerical personnel; d) maximum number of classrooms and total square footage of classroom space; e) total square footage of non-classroom, administrative office space; f) total square footage of non-classroom, student activity space; g). amount and location of exterior recreational/play area in square footage; and h) maximum number and type of vehicles that will be used in conjunction with the operation of the facility.

(3) *Graphic information.* The following graphic information shall be prepared by a Florida registered design professional: a) a plan indicating existing zoning on the site and adjacent areas; b) a site plan indicating the following: 1) location of all structures; 2) parking layout, automobile/bus stacking areas (parent pickup, school bus delivery/pickup, and special needs locations), drives and circulation; 3) walkways; 4) location of recreation areas and play equipment which shall include surrounding fences and/or walls, which shall comply with 30-60.2; 5) any other features which can appropriately be shown in plan form; c) floor plans and elevations of all proposed structures; d) landscape plan listing quantities, size, and names of all plants consistent with Section 30-100.1(d).

Analysis: All applicable required documentation was submitted and is provided for as the back-up to this report.

Finding: Complies.

Section 30-110.6 Physical Standards: The project was reviewed for consistency with the relevant Sections of 30-110.6 of the Village Code of Ordinances. The following is an analysis of that review.

Criteria (1)a: *Setbacks.* Buildings and other improvements for public assemblage shall comply with the applicable district regulations, located in Division 30-50, and the following additional requirements:

Analysis: The proposed plans are not being changed from the previous approval.

Finding: Complies.

Criteria (1)b: No building for public assemblage shall be located closer than 25 feet from any property line which abuts a public highway or alley, or closer than 50 feet from any property line abutting or adjacent to another lot or closer than 75 feet from an existing residential building, or within a required landscape buffer.

Analysis: See Criteria (1)a. The applicant applied and received a variance to permit the existing building setbacks.

Finding: Complies.

Criteria (1)c: In E-1, E-1C and E-2 Districts, where the setback from the front building line is greater than the minimum specified by this section, buildings for public assemblage shall set back at least the minimum distance of 50 feet from the front property line.

Analysis: Not applicable. The property is Zoned E-M and E-S.

Finding: Not applicable.

Criteria (1)d: No building for public assemblage in E-M, E-S, E-1, E-1C, and E-2 Districts shall be closer than 75 feet from any property line abutting a lot under ownership other than that on which the structure is to be placed.

Analysis: See Criteria (1)a. Plans are not being changed.

Finding: Complies.

Criteria (1)e: Landscaping and trees shall be identified and provided in accordance with Division 30-100 of this Code for the underlying zoning district.

Analysis: Proposed landscaping complies with Division 30-100. The approved landscape plan includes 30 shade trees, 34 palm trees, 4830 shrubs and groundcovers, and 87 hedge plants. The plans are not changing.

Finding: Complies.

Criteria (1)f: *Prohibited locations for child care facilities.* Child care facilities as described in this Division shall be prohibited from operating on property abutting or containing a water body such as a pond, lake, canal, irrigation well, river bay or ocean or other body of water unless a safety barrier is provided which totally encloses or affords complete separation from such water hazards and at a minimum comply with section 30-60.4. Swimming pools and permanent wading pools in excess of 18 inches in depth shall be totally enclosed and separated from the balance of the property so as to prevent unrestricted admittance. All such barriers shall be a minimum of 48 inches in height and shall comply with the following standards:

1. *Gates.* Gates shall be of the spring back type so that they shall automatically be in a closed and fastened position at all times. Gates shall also be equipped with a safety lock and shall be locked when the area is without adult supervision.
2. *Safety barriers.* All safety barriers shall be constructed in accordance with the standards established in this Code, except that screen enclosures shall not constitute a safety barrier for these purposes.

Analysis: The facility is not adjacent to a body of water and pool facilities are not being provided.

Finding: Complies.

Criteria (1)g: Compliance with Section 30-50.1(h), relating to odors, liquids, gases, dust, smoke, vibration or noise.

Analysis: The proposed facility will install a new dumpster enclosure. The enclosure meets the screening requirements per section 30-60-7f. The regular pick-up schedule for the location does not appear to conflict with the surrounding areas.

Finding: Complies.

Criteria (1)h: *Signs.* Signs shall comply with district regulations as contained in Division 30-90-17-b of this Code for the underlying zoning.

Analysis: All signage shall be required to comply with the Village's Land Development Code.

Finding: Complies

Criteria (1)j: A child day care facility within a business district shall comply with the setback requirements of the business district within which it is located.

Analysis: See Criteria (1)a. The school is located in a residential district.

Finding: Not applicable.

Criteria (2)a. *Minimum site sizes.* The following are the minimum site sizes that shall be required, based on the proposed maximum number of children who will use the facility at any one time. All calculations for the number of children/students shall be based on the total proposed maximum enrollment. When the number of children permitted results in a fractional number, any such fraction equal to or greater than one-half shall be rounded up to the next highest whole number. When grade levels overlap, the more restrictive standard shall be used.

1. *Minimum site size for grades kindergarten through the sixth grade.* The maximum number of children for kindergarten through the sixth grade shall not exceed 60 children per acre.
2. *Minimum site size for grades seven through 12.* The maximum number of students for seventh through twelfth grades shall not exceed the following:

Analysis: Based upon the area calculations the proposed increase of students from 270 to 329 equals the area (5.5acres) x the maximum 60 students per acre.

Finding: Complies.

Criteria (2)b: *Outdoor recreational areas.* Outdoor recreation/play areas shall meet the following minimum standards, calculated in terms of the proposed maximum number of children for attendance at the school at any one time, unless otherwise indicated. Where there are age category combinations, each age classification shall be calculated individually. All outdoor recreational areas shall be located in the rear yard area. Whenever possible, the outdoor recreational/play areas shall not be immediately adjacent to single-family residences, or section line roads, nor create incompatible impacts on other immediately adjacent properties. Adequate screening in the form of a wall and landscaping shall be provided wherever the outdoor/play area abuts a property under different ownership. Where the front or side street property line of a child care facility described as a day care or day nursery, kindergarten or Family day care home, abuts a section line or half section line right-of-way no outdoor recreation playground/play area shall be located between the right-of-way and the building line parallel to the right-of-way. Within two (2) years after the Director mails notice of the requirement of this ordinance all existing child care facilities shall either comply with the foregoing requirement or install a safety barrier from vehicular traffic designed by a professional engineer and approved by the Public Works Department. For any existing child care facility which is required to either relocate its outdoor recreation playground/play area or provide a safety barrier, any resulting reduction in outdoor recreation playground/play area shall be deemed in compliance with the minimum playground/play area requirements of this Division relating to Physical Standards relating to outdoor areas. Any such

reduction shall also be deemed to be in substantial compliance with any site plan previously approved at public hearing. In event that such a child care facility whose site plan was approved at public hearing seeks to relocate its playground/play area, such relocation shall be subject to approval after public hearing upon appropriate application. No fee shall be charged for such application. This subsection shall not be deemed to allow the future expansion of any child care facility to occur without complying with the requirements of the physical standards relating to outdoor areas.

Minimum Standards for Outdoor Recreation Areas

Type School	Required Square Footage
Day nursery, kindergarten, preschool and afterschool care	45 sq. ft. per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one time
Elementary school (grades 1—6)	500 sq. ft. per student for the first 30 students; thereafter, 300 sq. ft. per
Middle and senior high school (grades 7—12)	800 sq. ft. per student for the first 30 students; 300 sq. ft. per student for the next 300 students; thereafter, 150 sq. ft. per student

Where there are category combinations, each classification shall be calculated individually.

Analysis: The Applicants' are proposing a total of 270 children. Kindergarten 20 students = 450 Sq. Ft. Grades 1-6 309 students = 98,700 Sq. The outdoor recreation area required is 99,150 sq. ft. where 111,000 sq. ft. is provided.

Finding: Complies.

Criteria (2)c: *Signs.* Signs shall comply with district regulations as contained in Division 30-90 of this Code for the underlying zoning district. The exterior facade within a residential area shall be compatible with the residential character of the adjoining properties and signs shall not exceed six square feet in size.

Analysis: As per submitted plans, signage will be submitted under a separate permit.

Finding: Complies.

Criteria (2)d: *Automobile stacking.* Stacking space, defined as that space in which pickup and delivery of children can take place, may be provided in the form of specified parking stalls and/or areas clear of vehicular drive aisles. Stacking space shall be provided for a minimum of two automobiles for private schools or child care facilities with 20 to 40 children; private schools providing elementary, middle or senior high curricula or child care facilities with 40 to 60 children shall provide four spaces; thereafter there shall be provided a space sufficient

to stack five vehicles. However, the department may require a traffic and/or circulation study to demonstrate adequate vehicular circulation.

Analysis: A traffic analysis was prepared by the Applicants' consultant and reviewed by the Village's traffic engineering consultant. The Village traffic engineering consultant found the study to be acceptable. County Traffic Engineering Division accepts the study with three (3) conditions:

1. Table 4.1.1 School Schedule Commitment should state 206 maximum number of students in a dismissal shift;
2. Table 6.0-2 Bicycle Route Description should state "none" if a physical dedicated bicycle route is not provided; and
3. Table 8.0-3 School Speed Zone Posted Times should have the Arrival Period from 7:45-9:00 AM and the Dismissal Period from 2:45 to 4:00 PM as per DTPW policy. Also indicate if the school times are paired with the adjacent school.

Finding: Conditionally consistent as provided by Miami-Dade County Traffic Engineering Division in their email dated September 13, 2016 (attached herein) and as described in this analysis; and as provided in the recommendation section of this report.

Criteria (2)e: *Bus stacking.* Stacking space shall be provided to accommodate the transportation needs of the children to the facility without causing backup on to adjacent public rights-of-way or substantial disruption to adjacent uses.

Analysis: Applicant uses vans no buses shall be used on site.

Finding: Not applicable.

Criteria (2)f: *Parking requirements.* Shall be as required by the Miami-Dade County Public School Board for the type and size of private school or child care facility proposed and shall comply with Division 30-70.

Analysis: Child care facilities require one (1) parking space per every staff member and transportation vehicle. Middle schools: Total parking spaces shall equal one and one-quarter times the combined total of personnel and transportation vehicles. Using the higher of the two requirements 1.25 as a multiplier the total number of required spaces is $42 \times 1.25 = 53$ + the vans 5 = 58 required spaces. The applicant is providing 72.

Finding: Complies.

Criteria (2)g: *Classroom size.* All spaces shall be calculated on the effective net area usable for instruction or general care of the group to be housed. This space shall not include kitchen areas, bathrooms, and hallways. The minimum classroom

space shall be determined by multiplying the maximum proposed number of pupils for attendance at any one time by the minimum square footage, as provided in table below. Where a private educational facility is non-graded, calculations shall be based on the age level that corresponds to the grade level in the public school system. Where a school includes more than one of the following categories, each category shall be individually computed.

Minimum Standards for Classroom Area

Type School	Required Square Feet
Day nursery, kindergarten, preschool and after school care	35 sq. ft. per pupil
Elementary grades (1—6)	30 sq. ft. per pupil
Middle and senior high grades (7—12)	25 sq. ft. per pupil
Babysitting service	22 sq. ft. of room area per child

Analysis: Using the highest required calculation area of 35 sq. ft. per pupil, the required classroom area is $329 \times 35 = 11,515$ square feet. The plans provide 25,330 square feet.

Finding: Complies.

Criteria (2)h: *Structure height.* The structure height shall not exceed the height permitted for the underlying zoning district as delineated in Division 30-50.

Analysis: The maximum permitted height in the district is 35 feet the proposed plans show a maximum finished floor elevation of 31 feet.

Finding: Complies.

Criteria (2)i: Exemption. Baby-sitting services are exempt from the requirements relating to outdoor areas, auto stacking, parking and trees.

Analysis: The school does not provide baby-sitting services.

Finding: Not applicable.

Criteria (3): *Physical standards – Athletic fields and Amenities.* If provided as part of the application, as ancillary uses, the applicant shall comply with the following conditions: a. Lighting of outdoor recreational areas shall not be permitted. b. A swimming pool may solely provide interior lighting below the surface of the water and comply with Section 30-60.4. c. High school or Olympic sized pools shall have a sound proof wall, or other mitigating structures separating the pool area from adjacent residential uses. The mitigating structure or sound proof wall shall be installed prior to the utilization of the pool. The design and construction method of the mitigating structure or sound proof

wall shall be determined by a certified acoustical engineer paid for by the applicant. The Village may hire its own acoustical engineer to review the findings of the applicant's expert. The pool may be completely enclosed in a building in lieu of the sound proof wall. An Olympic sized pool is a pool designed to be 50 meters in length (164 feet), and 25 meters (82 feet in length) with 10 lanes, with each lane width to be 2.5 meters (8 feet, two inches wide). The standard size of a high school pool is at least 25 yard in length. d. Any outdoor athletic field(s)/court(s)/pool(s) on non-residential properties shall be situated to minimize impacts to adjacent single family residential uses. Exemptions include a single-family size pool, a single tennis court, or a single basketball court. e. Fencing for a tennis court(s) shall be required as provided under Section 30-60.2(h).

Analysis: The play areas provided in the site plan show existing fields and uses. These are not being altered. Standard lighting features are provided within the existing area for life safety reasons and shall not be increased.

Finding: Complies.

Section 30-110.7. - Additional site plan review standards. The project was reviewed for consistency with the relevant Sections of 30-110.7 of the Village Code of Ordinances. The following is an analysis of that review.

Criteria (1): *Planning and neighborhood studies.* Planning and neighborhood studies accepted or approved by the Village Council that include recommendations relevant to the facility and site shall be used in the review process.

Analysis: Please see Section 1, Policy 2A.1.1 and Section 3, Criteria (2), for fuller discussion of the traffic analysis. A traffic study was completed by the Applicants and reviewed by the Village's traffic consultant. County Traffic Engineering Division accepts the study with three (3) conditions:

1. Table 4.1.1 School Schedule Commitment should state 206 maximum number of students in a dismissal shift;
2. Table 6.0-2 Bicycle Route Description should state "none" if a physical dedicated bicycle route is not provided; and
3. Table 8.0-3 School Speed Zone Posted Times should have the Arrival Period from 7:45-9:00 AM and the Dismissal Period from 2:45 to 4:00 PM as per DTPW policy. Also indicate if the school times are paired with the adjacent school.

Finding: Conditionally consistent as provided by Miami-Dade County Traffic Engineering Division in their email dated September 13, 2016 (attached herein) and as described in this analysis; and as provided in the recommendation section of this report.

Criteria (2): *Scale.* Scale of proposed private school and child care facilities shall be compatible with surrounding proposed or existing uses and shall be made compatible by the use of buffering elements.

Analysis: Proposed landscaping complies with Division 30-100, and is not changing from the previous approval.

Finding: Complies.

Criteria (3): *Compatibility.* The design of private school and child care facilities shall be compatible with the design, kind and intensity of uses and scale of the surrounding area.

Analysis: The property has an established school. The applicant is seeking to expand the number of students from 270 to 329. The expansion is consistent with the intensity and scale of the surrounding area.

Finding: Complies.

Criteria (4): *Landscaping and Buffers.* Buffering elements shall be utilized for visual screening and substantial reduction of noise levels at all property lines consistent with Section 30-60.29. For the purposes of this code, "buffer" and landscape strip shall be used interchangeably. Below shall be the minimum requirements as to the landscaping and buffering:

- a. A six (6) foot concrete wall built consistent with Section 30-60.2, and a landscaped buffer shall be constructed where the non-residential use abuts a single-family residential use regardless of zoning district.
- b. The wall shall be finished and maintained on both sides by the applicant consistent with Section 30-60.2(b)(3).
- c. Landscaping within the buffer areas shall be maintained perpetually consistent with the landscape plan consistent with 30-100.1(d).
- d. The wall and buffer shall be constructed prior to the issuance of any permits for structures or improvements.
- e. All minimum landscaping requirements of Section 30-100 of the Village's Code of Ordinances, Chapter 24 of the Miami-Dade County Code and conditions imposed by Miami-Dade County PERA shall be met. All development orders shall put the applicant on notice that despite any permits issued by PERA, applicant is to comply with all development orders and conditions contained in this Division relating to landscaping and maintenance.
- f. No improvements shall be permitted within the buffer area (i.e. no roads, parking, storage sheds, recreational areas, pedestrian access or any other use except landscaping and unpaved maintenance access). No motorized vehicles may be used within the buffer area. Landscape maintenance shall comply with Section 30-100.3.
- g. Existing trees shall be preserved whenever possible during the development. If trees must be removed, the applicant shall be

- required to mitigate the impact in accordance with Village and PERA requirements. If the relocated trees do not survive, the applicant shall be required to replace the trees in compliance with Village and PERA requirements and the requirements of Section 30-100.4.
- i. The plants required and selected for the buffer area shall provide both visual and acoustic buffering between the adjacent homes and the proposed structures and the expected noise sources. The buffer should consist of canopy trees, understory trees and shrubs. When possible, the shrubs should be of a type of planting material that would provide the required buffering within two years of planting. A berm may be included in the buffer to absorb sound and increase the vegetation height, as long as irrigation is provided and runoff retention requirements are met. A berm may not substitute for a required fence or wall.
 - j. Canopy trees must be a minimum of 25 feet on center for the entire buffer. Understory trees are to be dispersed through the buffer in a manner to accommodate their natural growth and standard planting distance accepted by landscape architects.
 - k. The design of the buffer is to be determined and approved by a certified acoustical engineer (licensed by the State of Florida) and landscape architect, paid for by the applicant, when deemed appropriate. The Village may also hire its own acoustical engineer to review the findings of applicant's experts. The experts are to evaluate the uses, the site, the proposed buffer, which is intended to be a visual and sound barrier. The experts shall evaluate the plantings and determine an efficient mechanism for minimizing the noise generating elements of the site from the adjacent properties.

Analysis: Please see Criteria (2) of this Section. The approved site plan complies with Section 30-100 and is not changing. Buffering elements shall be utilized for visual screening and substantial reduction of noise levels along the north, south and east property lines consistent with Section 30-60.29.

Finding: Complies.

Criteria (5): Traffic

- a. Where a traffic study is required by Village Code, applicant shall utilize a certified traffic engineer, licensed in the State of Florida, paid for by the applicant, and shall conduct a traffic study and traffic operations plan, and prepare a report of that study for the Village. The Village may hire its own Traffic engineer to review the findings of applicant's expert.
- b. The applicant shall be responsible for compliance with Comprehensive Plan, relating to traffic concurrency requirements.
- c. Local roads as prescribed by the Comprehensive Plan shall not be used for the delivery of goods or services by commercial vehicles, when possible.

- d. Applicant shall be responsible for all expenses relating to traffic control, police involvement, and police participation in traffic movements. The traffic plan for the roadways relating to the daily use of the property or any special events on the property shall be subject to approval of Village Police Department and Public Works of Miami-Dade County and the Village, as applicable. Police officers are to be hired by and paid for by Applicant to manage traffic at property entrance(s) and off-site locations affected by traffic conditions.
- e. The applicant shall be required to provide additional on-site stacking of automobiles to accommodate any spill-over onto neighborhood streets.
- f. No driveway or driveway access shall be within 10 feet of the buffers abutting residential properties, when feasible.
- g. No helicopter or fixed wing landing zones shall be permitted except for emergency medical services.
- h. Main access shall be provided directly from a collector road or main arterial road, whenever feasible.
- i. Applicant shall comply with the provisions of Section 30-70.4.
- j. Applicant shall comply with the provisions of Section 30-60.1 relating to public rights-of-way.
- t. Pedestrian and vehicular circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the facility and be compatible and functional with circulation systems outside the facility consistent with Division 30-70. Automobile and bus stacking spaces shall be provided to accommodate the drop-off and pick-up needs without causing substantial disruption to adjacent right-of-ways or the surrounding uses.

Analysis: Please see Section 1 Policy 2A.1.1 and Section 3 Criteria (2)d for fuller discussion of the traffic analysis. A traffic study was completed by the Applicants and reviewed by the Village's traffic consultant. County Traffic Engineering Division accepts the study with three (3) conditions:

1. Table 4.1.1 School Schedule Commitment should state 206 maximum number of students in a dismissal shift;
2. Table 6.0-2 Bicycle Route Description should state "none" if a physical dedicated bicycle route is not provided; and
3. Table 8.0-3 School Speed Zone Posted Times should have the Arrival Period from 7:45-9:00 AM and the Dismissal Period from 2:45 to 4:00 PM as per DTPW policy. Also indicate if the school times are paired with the adjacent school.

Finding: Conditionally consistent as provided by Miami-Dade County Traffic Engineering Division in their email dated September 13, 2016 (attached

herein) and as described in this analysis; and as provided in the recommendation section of this report.

Criteria (6): *Service areas.* Wherever service areas are provided they shall be screened and so located as not to interfere with adjacent properties.

Analysis: The dumpster is enclosed by a CBS wall and landscaping. It is setback approximately 20' from the rear property line.

Finding: Complies.

Criteria (7): *Parking areas.*

- a. Parking areas shall be screened/obscured and so located as not to interfere with the livability of the adjacent residential properties.
- b. Vehicle parking shall not be permitted in any on-site buffer areas.
- c. Ample parking shall be provided on-site for required parking and off all right-of-way areas. Surplus parking may be provided off-site, provided however, it is not located within the rights-of-way.
- d. Parking structures (for more than six vehicles) shall not be permitted on residentially zoned properties.
- e. Loading zones shall be situated towards the center of the property and if feasible away from any buffer abutting a residential zone.
- f. Loading zones may be located within building structures provided the buildings meet setback requirements.
- g. Ample parking facilities for buildings for public assemblage shall be provided off of rights-of-way. Parking facilities for a building of public assemblage in a residential district may be permitted in the same district with the religious facility, school or other buildings used for noncommercial purposes, provided no parking lot or special parking area is closer than 25 feet from any residential property and shall comply with the parking requirements found at Division 30-70, of this Code.
- h. Compliance with the requirements of 30-70.4.
- i. Reflect all off-street parking areas.
- j. Public assembly uses may enter into parking agreements with adjacent property owners within 500 feet of the public assembly use to accommodate surplus parking needs above and beyond parking code requirements of Division 30-70. The parking agreement shall demonstrate that the lease of such spaces will not create a parking deficiency for the off-site property and a copy of the agreement shall be provided to the Village Planning & Zoning Department.

Analysis: The property has a total of 72 parking spaces; of which four (2) are handicap spaces. Pursuant to Section 30-70.8, the school requires 58 parking spaces. The proposed plans provide 72.

Finding: Complies.

Criteria (8): *Commercial impacts.* Where schools are permitted in residential areas it shall be clearly demonstrated in graphic form how the impact of the area has been minimized by design techniques.

Analysis: The plans are not changing from the previous approval.

Finding: Complies

Criteria (9): *Lighting*

- a. All lighting shall require a detailed site lighting plan with location, height, type of lights, shades, deflectors, beam directions, and photometric data. All plans shall be consistent with the requirements of Section 30-60.6.
- b. Exterior lighting intensities shall be controlled to assure that light spillage and glare are not directed onto adjacent properties or streets and all direct illumination is kept within property boundaries, consistent with the requirements of 30-60.6(2). Exterior lighting shall be controlled so as not to adversely affect adjacent properties and motorists, consistent with 30-60.6.
- c. No building or structure shall have any up lighting, directional soffit lights or wall-pac lights, provided, however, wall-pac lighting may be placed within an interior courtyard without violating this provision. One way down lights on walls, columns, covered terraces or walkways shall be permitted.
- d. Lighting shall not be installed (or used) for outdoor recreational areas. (Underwater lighting used for the illumination of a swimming pool, fountain and other water features may be permitted) consistent with 30-60.6.
- e. Parking area, circulation, and security light fixtures shall be installed which project the light rays directly to the ground surface and shall include shields which restrict projection of light rays outward to adjacent properties and also restrict the upward projection of light rays into the night sky. Consistent with 30-60.6(4), it is not intended here to regulate permitted sign lights and it is not the intent to modify, amend or repeal any portion of the Florida Building Code, or the home rule powers of Miami-Dade County. Applicant shall comply with Division 30-90, relating to signage.
- f. The parking area, circulation and security lights shall not exceed a maximum overall height of fifteen (15) feet.
- g. Compliance with the Village's Sustainable Building Standards found at Section 5-51 through 5-63, relating to energy saving fixtures and LED lighting shall be required.
- h. The parking area and internal circulation lights shall be installed consistent with Miami-Dade County Code, the Florida Building Code, and comply with 30-60.6(4).

Analysis: The plans are not changing from the previous approval.

Finding: Complies.

Criteria (10): *Noise*

- a. The sound level of site operation shall not exceed the decibel levels in the Village Noise Ordinance, 30-60.29.
- b. Sound pressure levels shall be measured at the property line upon which the emission occurs consistent with 30-60.29.
- c. When determined necessary and applicable, applicant is to hire an acoustical engineer, to determine whether the wall, buffer, and landscaping, as well as proposed activities would limit the effects felt by the community due to the proposed use of the site and to confirm that the noise levels will comply with the Village's noise ordinance. The Village may also hire an acoustical engineer to review the findings of Applicant's expert.

Analysis: The school expansion will not significantly increase the outdoor activity associated with the use. As such, it does not appear at this time that noise levels would generally exceed Village standards.

Finding: Complies.

Criteria (11): *Trash Pickup Location:*

- a. Trash pickup location shall be situated so as to not interfere with the livability of the adjacent residential properties, and away from the buffer, when feasible.
- b. Any trash enclosure that has any food waste shall be enclosed and screened with landscaping.
- c. Comply with section 30-60.7(f).

Analysis: The plans are not changing from the previous approval.

Finding: Complies.

Criteria (12): *Required Zoning Workshop.*

- a. The Zoning Workshop shall not be considered part of the quasi-judicial hearing. Each application shall be evaluated based upon the record presented at the Village Council hearing(s) on the application.
- b. Upon submission of an application for any of the above described uses, the applicant shall present a planned development to the public during a zoning workshop, which is to be held within 90 days of submittal of the application. Notice of the workshop shall be provided to the public consistent with the requirements of this Division.

- c. The zoning workshop shall be held to provide a forum for the public to learn about the proposed development within the residential zoning district(s). During this workshop members of the public may ask questions and provide feedback or input to the applicant(s). Representatives of the applicant shall be available to answer questions. Color renderings of the proposed structures, along with a site plan and any other visual materials shall be provided in a form viewable by all in the meeting room at least 30 minutes prior to the scheduled start time. A public comment period shall be provided. Developments may be presented to the public simultaneously, in several locations within the meeting site. During this workshop members of the public are encouraged to ask questions and to provide feedback to the applicant about the proposed development.
- d. In addition, representatives of the applicant shall be available to answer questions that members of the public may have about the proposed development. A second workshop may be scheduled within 30 days of the first, provided, however the meeting date is established prior to the conclusion of the first workshop. Upon completion of the workshop procedure, the application shall be scheduled for the next available zoning hearing, provided the application and staff review is complete and consistent with notification requirements at Section 30-30.11.
- e. The members of the Village Council may be present during the workshop but may not participate in the discussion. The Village Council shall comply with the Village's quasi-judicial procedures found at Section 2-105, and disclosure requirements of Section 2-106, of the Village's Code of Ordinances.

Analysis: A Zoning workshop was held August 2, 2016. No additional workshop was requested.

Finding: Compliant.

Criteria (13): As a condition of approving the plot use or site plan, the Village shall require a recorded covenant establishing the calculations and conditions and restricting the area designated for child care to child care use only.

Analysis: The plans are not changing from the previous approval.

Finding: Compliant.

Criteria (14): As part of the site plan the applicant is to provide graphic information, prepared by a design professional(s), such as registered Florida architects and landscape architects, a plan indicating the existing zoning on the site and adjacent areas; location of all structures; parking layout and drives; walkways, location of recreation areas and play equipment which shall include surrounding fences and walls; floor plans and elevations of all proposed

structures; landscaping as further detailed herein; and any other features which can appropriately be shown in plan form.

Analysis: All applicable required documentation was submitted and was prepared by a registered Florida architect and is provided for as the back-up to this report.

Finding: Complies.

Criteria (15): *General conditions.*

- a. Applicant shall comply with the provisions of Section 30-60.3 relating to utility sheds, accessory buildings, and screened enclosures.
- b. Applicant shall comply with the provisions of Section 30-60.5 relating to generators.
- c. Applicant shall comply with the provisions of Section 30-60.7 relating to outdoor storage.
- d. Applicant shall comply with the provisions of Section 30-60.8 relating to residential boat storage; recreational and camping equipment; tents; awnings and canopies.
- e. Applicant shall comply with the provisions of Section 30-60.18 relating to Special events; temporary uses.
- f. Applicant shall comply with the provisions of Section 30-60.21 relating to maintenance of structures.
- g. Applicant shall comply with the provision of Section 30-60.24, relating to permits not to be issued for violations.
- h. Applicant shall comply with the provision of Section Sec. 30-60.25 relating to certificates of use. The certificate of use and occupancy shall be automatically renewable annually by the Department upon compliance with all the terms and conditions including maintenance of the facility in accordance with the approved plan.
- i. Applicant shall comply with the provision of Section 30-60.30 and 30-60.52 relating to telecommunications towers, antennas and satellite dishes.
- j. Applicant shall comply with the provisions of Section 30-100.6, relating to floodplain management regulations.
- k. Applicant shall comply with the provisions of Section 30-100.5, relating to multi-agency review of natural resource issues.
- l. Applicant shall comply with the provisions of Section 30-100.7, relating to conservation and emergency water restrictions.
- m. Applicant shall comply with the provisions of Division 30-150, relating to historic preservation.
- n. Applicant shall comply with the provisions of Division 30-160, relating to art in public places.
- o. Applicant shall comply with the provisions of Sections 14-19 through 14-30, relating to false alarms.
- p. Applicant shall comply with the provisions of Section 27-51 thorough 27-90, relating to lot maintenance.

- q. Applicant shall comply with the provisions of Section 29-51 through 29-56 relating to utility line clearing.

Analysis: The plans are not changing from the previous approval

Finding: Complies.

Section 30-110.8. Operational Standards. The project was reviewed for consistency with the relevant Sections of 30-110.8 of the Village Code of Ordinances. The following is an analysis of that review.

Criteria: 1. Service and delivery vehicles, including but not limited to solid waste pick-up, shall be restricted to Monday through Friday between the hours of 7:00 a.m. to 7:00 p.m. [consistent with 30-60.29(e)(7) of the Code]. Weekend deliveries shall be allowed between 8:00 a.m. and 5:00 p.m. 2. Service, delivery and storage areas and equipment shall be adequately screened and located away from view of adjacent single family residential properties. 3. Operational hours of the non-residential use shall be such that the impact upon the immediate residential neighborhood is minimized. 4. Where services areas are provided they shall be screened and so located as not to interfere with the livability of the adjacent residential properties.

Analysis: The plans are not changing from the previous approval.

Finding: Complies.

G. NEIGHBORHOOD SERVICES

Code Compliance	No Objection
DERM	Required
Building and Capital Projects	Required
Public Works	Required

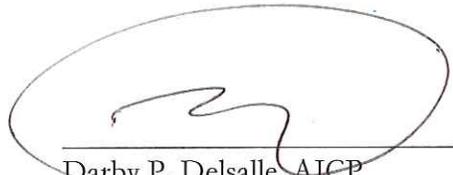
H. RECOMMENDATION

Staff recommends conditional approval, pursuant to Section 30-30.5(j)1, and Division 30-110 of the Village's Land Development Code, as supplemented by the updated traffic study and peer review with the following conditions:

1. The attached site plan dated time stamped August 24th, as prepared by Jenifer Briley and associates shall now supersede page SP1.00 of the site plan approved pursuant to Resolution No. 2013-85.
2. All conditions provided by Resolution No. 2013-85 remain in full affect unless specifically state otherwise in this final order.

3. That the applicant complies with the following conditions provided by Miami-Dade County's Traffic Engineering Division:
 1. Table 4.1.1 School Schedule Commitment should state 206 maximum number of students in a dismissal shift;
 2. Table 6.0-2 Bicycle Route Description should state "none" if a physical dedicated bicycle route is not provided; and
 3. Table 8.0-3 School Speed Zone Posted Times should have the Arrival Period from 7:45-9:00 AM and the Dismissal Period from 2:45 to 4:00 PM as per DTPW policy. Also indicate if the school times are paired with the adjacent school.

4. Should the 11th Judicial Circuit's decision regarding Village Charter Section 10.1 be overturned by the 3rd District Court of Appeals, then this final order shall be become null and void. Any initiatives or costs incurred by the applicant in preparing for their application and/or towards the implementation of this order is so done at their own risk. The Village shall not be responsible for the applicant's actions towards that end.



Darby P. Delsalle, AICP
Director of Planning & Zoning

ZONING HISTORY

ALEXANDER SCHOOL INC

VPB-16-010

RESOLUTION NO. 2013-85

ZONING APPLICATION VPB-2013-005

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; GRANTING THE APPLICATION OF ALEXANDER SCHOOL, INC., LOCATED AT 14850 SW 67 AVENUE; APPROVING THE MODIFICATION OF THE SITE PLAN PREVIOUSLY APPROVED VIA MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD RESOLUTION 4-ZAB-609-69; TO ALLOW FOR EXPANSION OF AN EXISTING AND APPROVED SCHOOL FACILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Applicant, Alexander School, Inc., made an application for a site plan modification, which plan was previously approved and subsequently modified pursuant Resolution Nos. 2-ZAB-370-62, 3-ZAB-40-68, 4-ZAB-609-69, CZAB13-8-00, and CZAB13-9-01, which included the establishment of a 270 student kindergarten through ninth grade educational facility and a non-use setback variance along the north and south property line, for the property located at 14850 SW 67 Avenue, 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 on November 18, 2013, at Village Hall, 9705 East Hibiscus Street; 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 November 18, 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.

- a. On June 16, 1960, the Board of County Commissioners, Dade County, Florida passed and adopted Resolution No. 5322 approving a boundary district change from EU-1 (One Acre Estates) to EU-M (Estate Modified) to permit the single-family use on EU-M.

- b. On June 20, 1962, the Metropolitan Dade County Zoning Appeals Board approved, with conditions, Resolution No. 2-ZAB-370-62 for an Unusual Use to permit a Day School and Day Camp, and an Unusual Use to permit an outdoor recreational area.
- c. On January 17, 1968, the Metropolitan Dade County Zoning Appeals Board passed and adopted Resolution No. 3-ZAB-40-68 expanding the existing non-conforming day nursery school and day camp to allow up to 270 children, and a Special Exception as to Conditions No.'s 4, 5, 6, and 7 of Resolution No. 2-ZAB-370-62.
- d. On November 12, 1969, the Metropolitan Dade County Zoning Appeals Board passed and adopted, with conditions, Resolution No. 4-ZAB-609-69, approving a Special Exception to operate a nursery and a grade school (pre-school through the ninth grade) serving 270 children.
- e. On December 13th, 2000, the Miami-Dade County Community Zoning Appeals Board approved and adopted, with conditions, Resolution No. CZAB13-8-00, approving a Non-Use Variance of setback requirements to permit buildings of public assemblage to setback less than the required 75' from the interior side (north and south) property lines.
- f. On June 19, 2001, the Miami-Dade County Community Zoning Appeals Board approved and adopted Resolution No. CZAB13-9-01, correcting an error in the legal description and reformed Resolution No. CZAB-13-8-00.
- g. 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.
- h. The rules that govern site plan approval are found at Section 30-30.5, Site Plan Approval, which incorporates therein all portions of the Villages Land Development Code applicable to the review of the applicant's request, including but not limited to Division 30-110, Religious Facilities, Private Schools, Child Care Facilities, and Other Non-Governmental Public Assembly Uses 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 such as minimum setbacks buffers and screening, all applicable zoning regulations (taking into account the previously approved variance) of the underlying E-S and E-M Zoning districts, including but not limited to setbacks, height restrictions, landscaping and parking, conformance to the standards required of private educational facilities as prescribed in Division 30-110.
- i. Designation of the use as a kindergarten through ninth grade educational facility is not in question for this application as it was originally established in 1969 and has operated without interruption. Additionally, the Applicant is not requesting to change the previously approved number of students (270) and the grade levels (pre-school through ninth grade) currently authorized.

- j. The applicant desires to seek the construction of a LEED certified building, with the standards and criteria reflective of the higher quality consistent with that type of certification.
- k. The proposed site plan provides for significant improvements in the public right-of-way such as driveway, sidewalks and street trees.
- l. The Village adopts and incorporates by reference the Planning & Zoning Department staff report, which expert report is considered competent substantial evidence.
- m. At the public hearing conducted, no one spoke in opposition to the applicant's requests.
- n. The applicant and the Village agreed upon all modifications to the proposed conditions, which modifications are reflected in the below conditions under Section 4, entitled, "Order."
- o. The Village Council had no 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 is reviewed pursuant to Section 30-30.5(j)(1), as supplemented by the Village Staff Report, including Attachment "B", Division 30-110 of the Village's Land Development Code, and Attachment "C", which includes the Village's and Miami-Dade County's Transportation Engineering Division's review of the applicant's traffic study, is found to be conditionally consistent.

Section 4. Order.

The Village Council grants the modification request as it would be in keeping with the applicable Land Development Regulations and with the Village's Comprehensive Plan. The Village Council, pursuant to Section 30-30.5(j)(1) approves the plans entitled "Alexander Montessori School" as prepared by Jenifer Briley & Associates, consisting of 17 sheets, dated stamped received October 15, 2013, together with Applicant's Letter of Intent dated stamped received October 28, 2013, and the traffic study, prepared by Richard Garcia & Association, Inc., dated stamped received March 20, 2013 with subsequent revision dated stamped received September 9, 2013, with the following conditions:

- a. The Applicant shall comply with the requirements of all other applicable departments/agencies as part of the Village of Palmetto Bay building permit submittal process.
- b. The Applicants shall comply with the requirements of Chapter 24 of the Code of Miami-Dade County.
- c. The use shall not exceed a total enrollment of 270 students.

- d. The Applicant shall comply with the recommendations as per Miami-Dade County Public Works Traffic Engineering Division (TED) and the Village of Palmetto Bay's Traffic Consultant attached hereto at Attachment C.
- e. All signage shall be reviewed separately from this site plan for compliance with applicable code provisions at the time of building permitting review.
- f. Photometric plan shall be provided at time of building permit and shall comply with Village of Palmetto Bay and Miami-Dade County ordinances.
- g. The Applicant shall have recorded, in a form approved by the Village Attorney, a unity of title for the site.

This is a final order.

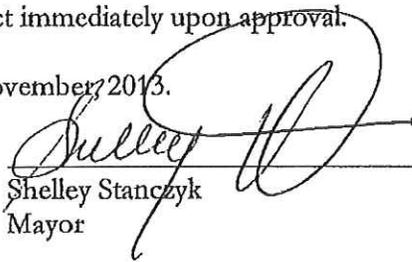
Section 5. Record.

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.

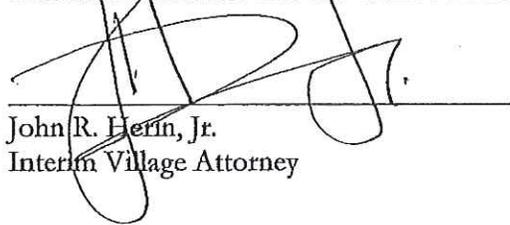
Section 6. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 18th day of November, 2013.

Attest: 
 Meghan Alexander
 Village Clerk


 Shelley Stanczyk
 Mayor

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


 John R. Herin, Jr.
 Interim Village Attorney

FINAL VOTE AT ADOPTION:

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

This Resolution was filed in the Office of the Village Clerk on this 3rd day of December, 2013.



Meghan Alexander
Village Clerk

