



VILLAGE OF PALMETTO BAY NOTICE OF ZONING PUBLIC HEARING

A hearing shall be held on Monday, September 19, 2016 at 7:00 Discussion and public input will be welcomed concerning the following hearing item which may be of interest to your immediate neighborhood.

The following item is being considered pursuant to Division 30-30.5 and Section 30-110 of the Village's Land Development Code:

Applicant: Alexander School Inc.

Application #: VPB-16-010

Locations: 14850 SW 67 Avenue Palmetto Bay, Florida 33157.

Folios: 33-5023-000-0881

Project Description: A modification of a previously approved site plan, increasing the number of students to from 270 to 329.

PLANS ARE ON FILE FOR THE ABOVE APPLICATION AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS MAY BE MODIFIED AT THE WORKSHOP AND SUBSEQUENT PUBLIC HEARINGS.

The hearing shall be held at the Council Chambers located within Village Hall, 9705 East Hibiscus Street, Palmetto Bay, FL 33157. Any meeting may be opened and/ or continued, under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall at (305) 259-1234 for additional information.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation (or hearing impaired) to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 259-1276 no later than seven (4) days prior to the proceedings.

A handwritten signature in blue ink, appearing to be a stylized name, possibly "A. School Inc.", written over a faint dotted line.

**VILLAGE OF PALMETTO BAY
NOTICE OF PUBLIC HEARING**

HEARING NUMBER: VPB-16-010
APPLICANT NAME: Alexander School Inc.
FOLIO: 33-5023-000-0881 ZONED: E-M & E-S
PROJECT LOCATION: 14850 SW 67th Avenue, Palmetto Bay, FL 33157

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A PUBLIC HEARING WILL BE HELD MONDAY, SEPTEMBER 19, 2016, AT 7:00 PM AT THE COUNCIL CHAMBERS LOCATED WITHIN VILLAGE HALL, 9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157.

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE. However, objections or waivers of objection may be made in person at the hearing or filed in writing prior to the hearing date with the Department of Planning and Zoning. Any meeting may be opened and continued, and under such circumstances, additional legal notice would be provided. Any person may contact Village Hall at (305) 259-1234 for additional information. Please call the Village Clerk for ADA needs (or hearing impaired) no later than four (4) days prior to the proceedings.

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NO TRESPASSING

NO TRESPASSING
UNAUTHORIZED PERSONNEL
ARE PROHIBITED FROM ENTERING
THIS AREA
VIOLATORS WILL BE PROSECUTED
BY THE U.S. ARMY
CORPORAL
10/20/00

Alexander Montessori School
1480 Old Culler Road
4050 SW 57 Avenue
1700 Old Culler Road

Preschool Locations:
1480 Old Culler Road
4050 SW 57 Avenue
1700 Old Culler Road

Visitors Welcome
New Enrollments for Fall Term

PUBLIC NOTICE



PURPOSE:

[The following text is illegible due to blurriness]

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

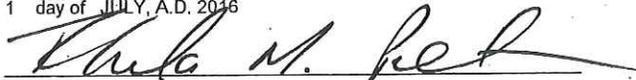
VILLAGE OF PALMETTO BAY - NOTICE OF ZONING
WORKSHOP - APPLICANT: ALEXANDER SCHOOL INC. -
AUGUST 2, 2016

in the XXXX Court,
was published in said newspaper in the issues of

07/01/2016

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this
1 day of JULY, A.D. 2016



(SEAL)

MARIA MESA personally known to me



VILLAGE OF PALMETTO BAY NOTICE OF ZONING WORKSHOP

Pursuant to Section 30-110.7(12), of the Village's Code of Ordinance, a Workshop shall be held on Tuesday, August 2, 2016 at 6:30 pm at Alexander School, 14850 SW 67 Avenue Palmetto Bay, Florida 33157. The Workshop will take place in the Maria Montessori Room.

Applicant: Alexander School Inc.

Application #: VPB-16-010

Locations: 14850 SW 67 Avenue Palmetto Bay, Florida 33157.

Folios: 33-5023-000-0881

Project Description: A modification of a previously approved site plan, increasing the number of students to from 270 to 329.

This Workshop is intended to provide a forum for the public to learn about the proposed development within the residential zoning district. During this workshop, members of the public may ask questions and provide feedback or input to the applicant. Although this is not a meeting of the Village Council, Council Members may attend at their option. No official action will be taken.

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7/1

16-107/0000129028M



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PUBLIC NOTICE



PURPOSE

Alexander M. School
14400 Old Cutler Road
8400 SW 57 Avenue
17200 Old Cutler Road
Visitors Welcome
Please Speed Up for Fall Term

RESOLUTION

ALEXANDER SCHOOL INC

VPB-16-010

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RESOLUTION NO. _____

ZONING APPLICATION VPB-16-010

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 A MODIFICATION TO THE EXISTING SITE PLAN, APPROVING THE EXPANSION OF THE SCHOOL'S ENROLLMENT FROM 270 TO 329; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Applicant, Alexander School, Inc., made an application for a site plan modification to expand student enrollment from 270 Students to 329 students; and

WHEREAS, plans were previously approved and subsequently modified pursuant Resolution Nos. 2-ZAB-370-62, 3-ZAB-40-68, 4-ZAB-609-69, CZAB13-8-00, CZAB13-9-01, and Resolution VPB-2013-005 which included a 270 student kindergarten through ninth grade educational facility and an expansion of the current buildings on site by 18,000 square feet; and

WHEREAS, the applicant is not proposing any physical changes to the approved site plan adopted in 2013 (Resolution 2013-85) and the requested increase in enrolment complies with the spacing and operational standards of that plan; and

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application on September 19, 2016, 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 to expand the maximum permitted enrollment from 270 to 329 students is conditionally 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 conditionally 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 September 19, 2016, 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 a. On June 16, 1960, the Board of County Commissioners, Dade County, Florida passed
2 and adopted Resolution No. 5322 approving a boundary district change from EU-1
3 (One Acre Estates) to EU-M (Estate Modified) to permit the single-family use on EU-
4 M.
- 5 b. On June 20, 1962, the Metropolitan Dade County Zoning Appeals Board approved, with
6 conditions, Resolution No. 2-ZAB-370-62 for an Unusual Use to permit a Day School
7 and Day Camp, and an Unusual Use to permit an outdoor recreational area.
- 8 c. On January 17, 1968, the Metropolitan Dade County Zoning Appeals Board passed and
9 adopted Resolution No. 3-ZAB-40-68 expanding the existing non-conforming day
10 nursery school and day camp to allow up to 270 children, and a Special Exception as to
11 Conditions No.'s 4, 5, 6, and 7 of Resolution No. 2-ZAB-370-62.
- 12 d. On November 12, 1969, the Metropolitan Dade County Zoning Appeals Board passed
13 and adopted, with conditions, Resolution No. 4-ZAB-609-69, approving a Special
14 Exception to operate a nursery and a grade school (pre-school through the ninth grade)
15 serving 270 children.
- 16 e. On December 13th, 2000, the Miami-Dade County Community Zoning Appeals Board
17 approved and adopted, with conditions, Resolution No. CZAB13-8-00, approving a
18 Non-Use Variance of setback requirements to permit buildings of public assemblage to
19 setback less than the required 75' from the interior side (north and south) property lines.
- 20 f. On June 19, 2001, the Miami-Dade County Community Zoning Appeals Board
21 approved and adopted Resolution No. CZAB13-9-01, correcting an error in the legal
22 description and reformed Resolution No. CZAB-13-8-00.
- 23 g. On November 18, 2013 the Village Council adopted Resolution 2013-85 granting a site
24 plan modification that involved the demolition of certain building and new construction
25 of others resulting in a net building increase of 18,000 square feet. The initial request
26 included a student increase from 270 to 329 but was subsequently removed when the
27 applicant failed to meet the threshold established by Village Charter Section 10.1.
- 28 h. Village Charter Section 10. Requires 75% of registered voters approve a student increase
29 request before the Village Council may consider such approval.
- 30 i. On June 13, 2016, the 11th Judicial Circuit of the Miami-Dade County issued on an order
31 finding Section 10.1 of the Village Charter to be:
32
33 "...unconstitutional because it is arbitrary and unreasonable, and has no relation to
34 public safety, health, morals comfort or general welfare of the surrounding community
35 [and]... because it deprives... [Alexander]... of its constitutional right to be heard."
36
37 That decision is now under appeal; however there is no stay on the order. As such, the
38 Applicant is now eligible to request the increased student enrolment. Should the Council
39 be inclined to grant such a request and the 11th Judicial Circuit's decision is then

1 subsequently overturned by the 3rd District Court of Appeals, that decision becomes
2 void and the provision of Village Charter Section 10.1 go back into force.
3

- 4 j. Alexander School, Inc. now requests to increase student enrollment from 270 to 329,
5 and that the request does not require, nor are they requesting, any physical changes to
6 the 2013 site plan approval.
- 7 k. The requested site plan modification to increase enrollment is consistent with the
8 Village's Comprehensive Plan, specifically Goal 1, and Policy 1.1.5, of the Future Land
9 Use Element (FLUE); and Policy 2A.1.1 relating to the level of service of Village Roads.
- 10 l. The rules that govern site plan approval are found at Section 30-30.5, Site Plan
11 Approval, which incorporates therein all portions of the Villages Land Development
12 Code applicable to the review of the applicant's request, including but not limited to
13 Division 30-110, Religious Facilities, Private Schools, Child Care Facilities, and Other
14 Non-Governmental Public Assembly Uses of the Land Development Code. A review of
15 the Code, as evidenced in the analysis of staff, which is incorporated by reference into
16 this resolution, and after hearing the applicant and applicant's experts, the Village
17 Council found the site plan modification request consistent with those standards.
- 18 m. The Village adopts and incorporates by reference the Planning & Zoning Department
19 staff report, which expert report is considered competent substantial evidence.
- 20 n. At the public hearing conducted, no one spoke in opposition to the applicant's requests.
- 21 o. The applicant and the Village agreed upon all modifications to the proposed conditions,
22 which modifications are reflected in the below conditions under Section 4, entitled,
23 "Order."
- 24 p. The Village Council had not substantive disclosures regarding ex parte communications
25 and the applicant raised no objections as to the form or content of any disclosures by the
26 Council.

27 **Section 3. Conclusions of law.**

28 The site plan modification request to increase maximum permitted enrollment from 270 to
29 329 is not subject to Village Charter Section 10.1 unless otherwise overturned on appeal by the 3rd
30 District Court of Appeals; is reviewed pursuant to Section 30-30.5(j)(1) and Division 30-110 of the
31 Village's Land Development Code, and the Village's review of the applicant's traffic study, and is
32 found to be conditionally consistent as provided for in the Order below.
33

34 **Section 4. Order.**

35 The Village Council grants the site plan modification request to increase maximum
36 permitted student enrollment from 270 to 329 as it would be in keeping with the applicable Land
37 Development Regulations and with the Village's Comprehensive Plan as so conditioned below:
38

- 1 1. The attached site plan dated time stamped August 24th, as prepared by Jenifer Briley and
2 associates shall now supersede page SP1.00 of the site plan approved pursuant to
3 Resolution No. 2013-85.
4
5 2. All conditions provided by Resolution No. 2013-85 remain in full affect unless
6 specifically state otherwise in this final order.
7
8 3. Should the 11th Judicial Circuit's decision regarding Village Charter Section 10.1 be
9 overturned by the 3rd District Court of Appeals, then this final order shall be become
10 null and void. Any initiatives or costs incurred by the applicant in preparing for their
11 application and/or towards the implementation of this order is so done at their own risk.
12 The Village shall not be responsible for the applicant's actions towards that end.
13
14 4. Should Miami Dade County return a negative recommendation then this final
15 order shall be null and void.
16
17

18 **This is a final order.**

19
20 **Section 5. Record.**

21
22 The record shall consist of the notice of hearing, the applications, documents submitted by
23 the applicant and the applicants' representatives to the Village of Palmetto Bay Department of
24 Planning and Zoning in connection with the applications, the county recommendation and attached
25 cover sheet and documents, the testimony of sworn witnesses and documents presented at the
26 quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by
27 the Village Clerk.
28

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

30 PASSED and ADOPTED this ____ day of December, 2016.
31
32
33

34 Attest: _____

35 Missy Arocha
36 Village Clerk

Eugene Flinn
Mayor

37
38
39 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
40 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
41
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44 _____
Dexter W. Lehtinen

1 Village Attorney
2
3 FINAL VOTE AT ADOPTION:
4
5 Council Member Karyn Cunningham _____
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7 Council Member David Singer _____
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9 Council Member Larissa Siegel Lara _____
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11 Vice-Mayor John DuBois _____
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13 Mayor Eugene Flinn _____
14

15
16 This Resolution was filed in the Office of the Village Clerk on this ____ day of _____, 2016.
17

18
19 _____
20 Missy Arocha
21 Village Clerk
22

APPLICATION

ALEXANDER SCHOOL INC

VPB-16-010



ZONING HEARING (ZH) APPLICATION
Village of Palmetto Bay, Department of Planning and Zoning

LIST ALL FOLIO #S: 33-5023-000-0881 Date Received _____

1. NAME OF APPLICANT (Owner(s) of record of the property or lessee. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).
ALEXANDER SCHOOL, INC.

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 6050 SW 57 AVENUE
City: MIAMI State: FL Zip: 33143 Phone#: 305-665-6274

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): ALEXANDER SCHOOL, INC.
6050 SW 57 AVENUE
City: MIAMI State: FL Zip: 33143 Phone#: 305-665-6274

4. CONTACT PERSON'S INFORMATION:

Name: Company: JERRY B. PROCTOR, ESQ., BILZIN SUMBERG BAENA PRICE & AXELROD
1450 BRICKELL AVENUE, 23RD FLR.
City: MIAMI State: FL Zip: 33131 Cell Phone#: 305-586-9269
Phone#: 305-350-2361 Fax#: _____ E-mail: jproctor@bilzin.com

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, a legal description for each requested zone must be provided. Attach separate sheets as needed and clearly label (identify) each legal description attached. In addition to paper version it is requested that lengthy metes and bounds descriptions be provided on diskette or compact disc in Microsoft Word or compatible software.)

SEE ATTACHED SURVEY

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

14850 SW 67 AVENUE, PALMETTO BAY, MIAMI-DADE COUNTY, FL

7. SIZE OF PROPERTY (in acres): .56 (divide total sq. ft. by 43,560 to obtain acreage)

7. SIZE OF PROPERTY (in acres): 5.6 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property acquired leased: _____ 9. Lease term: _____ years
(month & year)

10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)? yes
no If yes, provide complete legal description of said contiguous property.

11. Is there an option to purchase or lease the subject property or property contiguous thereto? no yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: E-S and E-M

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

District Boundary(zone) Changes [Zone(s) requested]: _____
(Provide a separate legal description for each zone requested)

Unusual Use: _____

Use Variance: _____

Non-Use Variance: _____

Alternative Site Development: Option: _____

Special Exception: _____

Modification of previous resolution/plan increase enrollment

Modification of Declaration or Covenant: _____

14. Has a public hearing been held on this property within the eighteen (18) months? no yes.
If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application a result of a violation notice? no yes. If yes, give name to whom the violation notice was served: and describe the violation: _____

16. Describe structures on the property: CBS

17. Is there any existing use on the property? no yes. If yes, what use and when established?

Use: school Year: 1968

Planning Staff Use Only

Base Fee	Reviewed and Accepted by	Date
Receipt No.	Deemed Complete By	Date

OWNERSHIP AFFIDAVIT
FOR
CORPORATION

STATE OF Florida Public Hearing No. _____
COUNTY OF Miami-Dade

Before me, the undersigned authority, personally appeared Joyce McGhee
hereinafter the Affiant(s), who being first duly sworn by me, on
oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Corporation, with the following address:
6050 SW 57 Avenue, Miami, FL, 33143
2. The Corporation owns the property which is the subject of the proposed hearing.
3. The subject property is legally described as:
see attached survey
4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

[Signature]
Signature

Jerry Proctor
Print Name

[Signature]
Signature

Blene Rousens
Print Name

[Signature]
Affiant's signature

Joyce McGhee
Print Name

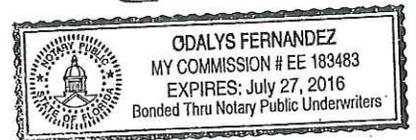
Sworn to and subscribed before me on the 12 day of May 2016.

Affiant is personally known to me or has produced _____ as identification.

Notary [Signature]

(Stamp/Seal)
Commission Expires:

July 27, 2016



APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am) (we are) owner tenant of the property described and which is the subject matter of the proposed hearing.

Signature _____

Signature _____

Sworn to and subscribed to before me this ____ day of _____, ____.

Notary Public: _____ Commission Expires: _____

CORPORATION AFFIDAVIT

(I) (WE), JOYCE MCGUIRE, being first duly sworn, depose and say that (I am) (we are) the President Vice-President Secretary Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the owner tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Joyce McGuire
Authorized Signature
Vice-President
Office Held

(Corp. Seal)

Sworn to and subscribed to before me This 12 day of May, 2016.

Notary Public: [Signature]
Commission Expires: July 27, 2016

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am) (we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the owner tenant of the property described herein which is the subject matter of the proposed hearing.

By _____ %

By _____ %

By _____ %

By _____ %

Sworn to and subscribed to before me This ____ day of _____, ____.

Notary Public: _____ Commission Expires: _____

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature _____

Sworn to and subscribed to before me This ____ day of _____, ____.

Notary Public: _____ Commission Expires: _____



RESPONSIBILITIES OF THE APPLICANT AFFIDAVIT

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. The Florida Building code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Plan (CP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. Any covenant to be proffered must be submitted to the Village Attorney, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Village Attorney can advise as to additional requirements applicable to foreign corporations. Documents submitted to the Village Attorney must carry a cover letter indicating subject matter, application number and hearing date. Village Attorney may be reached at (305) 854-5353.

Joyce McGhee
(Applicant's Signature)

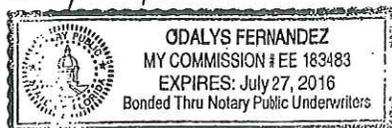
Joyce McGhee
(Print Name)

Sworn to and subscribed before me this 12 day of May, 2016. Affiant is personally known to me or has produced _____ as identification.

(Notary Public) [Signature]

My commission expires July 27, 2016

FORM ZH-0107-04



Jerry B. Proctor, Esq.

Tel 305.350.2361

Fax 305.351.2250

jproctor@bilzin.com

June 15, 2016

Hand Delivery

Mr. Darby T. Delsalle, AICP
Director, Planning and Zoning Department
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, FL 33157

Re: Zoning Application
Applicant: Alexander School, Inc.
Property: 14850 SW 67 Avenue, Palmetto Bay, FL
Application: Amendment to Resolution No. 2013-85

Dear Mr. Delsalle:

Our firm represents Alexander School, Inc. ("Applicant"), owner of approximately 5.5 acres of land located at 14850 SW 67 Avenue (the "Property"). The Property is zoned with a combination of EU-1 (One Acre Estates) and EU-M (Estate Modified). The Applicant has operated a private school on the Property for over 50 years.

On November 18, 2013, the Village of Palmetto Bay issued Resolution No. 2013-85 (the "Approved Resolution"). The Approved Resolution ratified plans for the modernization of the Property by the Applicant, including the replacement of two buildings. Plans were approved in the Approved Resolution for the maintenance of up to 270 students on the Property. Requirements in the Approved Resolution included the presentation of Photometric Plans, the presentation and recordation of a Unity of Title agreement, and that the Applicant would seek "LEED" designation for the new building on the Property.

The Applicant hereby requests a modified approval of the plans ratified by the Approved Resolution, to permit up to 329 students on the Property, in accordance with the formula for the maximum number of school children established in the Village of Palmetto Bay Land Development Code. Enclosed herewith please find plans for the Property, which are identical to plans ratified by the Approved Resolution. The attached Final Judgment of the 11th Judicial Circuit of the Miami-Dade County Circuit Court, issued on June 13, 2016, rescinded Section 10.1 of the Village Charter, thereby allowing the Applicant to proceed with a quasi-judicial application without the requisite public referendum of surrounding property owners. The Applicant has secured a "LEED-Schools" designation for the development approved in 2013.

MIAMI 5037536.2 73875/41010

June 15, 2016
Page 2

In the consideration of this application, the Applicant will comply with all necessary requirements of the Village's Traffic Consultant, with Chapter 24 of the Code of Miami-Dade County, and with all the relevant provisions of the Village's Land Development Code.

Thank you for your consideration of this application.

Sincerely,



Jerry B. Proctor

JBP: id

cc: James McGhee, II
Dr. Joyce McGhee
Brette Rothfield
Jenifer Briley

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.